



An
Coimisiún
Pleanála

Inspector's Report PL-501320-KY-26

Development	Retention of garage and storage building. Construction of dwelling, mechanical aeration unit, vehicular entrance and associated site works.
Location	Knockafreaghaun , Brosna , Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	26/60138
Applicant(s)	Michael Curtin
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Michael Curtin
Observer(s)	None
Date of Site Inspection	29 th July 2026
Inspector	Suzanne White

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Appendix 1: Form 1 EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. This appeal relates to a site of 0.498 hectares located in a rural area c. 3km west of Brosna – a village close to the county boundary with Limerick. The site is c. 17km northeast of Castleisland. Levels on site rise gradually from the public road south across the site.
- 1.2. A local road bounds the site to the north and an existing agricultural entrance provides access to the site. The site comprises part of an agricultural field together with lands containing two existing shed structures which are set back from the road. Adjacent to the west is an existing dwelling, separated by boundary treatment comprising a mix of hedging and a concrete panel wall. To the west and south of the existing sheds the site is bounded by post and wire fence. The roadside boundary comprises hedging. The site is unbounded on the eastern and most of the southern sides.
- 1.3. The surrounding area is predominantly agricultural with extensive pockets of forestry. There is also a significant amount of one-off housing.

2.0 Proposed Development

- 2.1. The proposed development consists of:

(A) Planning Permission to construct a single storey dwelling house, installation of a mechanical aeration unit and polishing filter system and construction of a new vehicular entrance and entrance walls with all associated site works. The dwelling is proposed to be connected to the Uisce Eireann water supply network.

(B) Retention Permission to retain existing domestic garage and existing storage building to serve proposed dwelling house along with all associated site works. The front structure 'Shed A', has a floor area of 95.3sqm and a ridge height of 4.15m. The structure to the rear, 'Shed B', has a floor area of 79.8sqm and a ridge height of 4.865m.

Note: the labelling of the sheds differs between the floorplans/elevation/sections for each shed and the site layout plan. I have utilised the labelling shown on the plan/elevation/section drawings.

3.0 Planning Authority Decision

3.1. Decision

Kerry County Council, by order dated 16th April 2026, issued a split decision in respect of the application. The decision was as follows:

Refuse retention permission to retain the existing domestic garage and existing storage building to serve the proposed dwelling house along with all associated site works, for the following reasons:

1. It is considered that the proposed retention of 2 no. 'domestic garages' at over 175m² in area is excessive in both bulk and scale, which would contravene Policy Section 1.5.10.9 of the Kerry County Development plan 2022-28 and would result in overdevelopment of this confined rural site and set an unwanted precedent to similar such development in the rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered given the proximity of the subject structures to neighbouring residential development that the proposed development would negatively impact on the residential amenities of neighbouring properties, would result in substandard development and would set an unwanted precedent for similar such development in the rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Grant planning permission to construct a single storey dwelling house, installation of a mechanical aeration unit and polishing filter system and construction of a new vehicular entrance and entrance walls with all associated site works, subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key points made in the Planner's Report may be summarised as follows:

- The Planning Dept. can consider the principle of the proposed development.
- No negative visual impacts associated with the proposed development.

- The existing “domestic garages” are excessive in bulk and scale and at over 175m² in area go over and beyond the scale of any domestic garage. This is an issue as in the previous applications 24/60789 & 25/60725 and remains an issue in the current application.
- The Planning Dept is satisfied of the applicant’s compliance with the KCC Rural Settlement Policy.

3.2.2. Other Technical Reports

- Environment Section: no objection, subject to conditions.
- Environmental Assessment Unit (EAU): concludes that the proposed development for retention would not have required an Appropriate Assessment or EIA.

3.3. Prescribed Bodies

Uisce Eireann: the applicant has not included a proposal for a new water/wastewater connection in this application. No adverse impact on any UE assets or sources identified.

3.4. Third Party Observations

None on file.

4.0 Planning History

Application site:

25/60725: (A) planning permission granted to construct a single storey dwelling house, installation of a mechanical aeration unit and polishing filter system and construction of a new vehicular entrance and entrance walls with all associated site works, (B) retention permission refused to retain existing domestic garages and associated site works. The reasons for refusal were the same as for the present application.

24/60790: retention permission granted to retain existing dwelling house, domestic garage, wastewater treatment unit, percolation area and associated site works as constructed, all within revised site boundaries.

24/60789: retention permission refused to retain existing domestic garages and access. The refusal reasons were:

(1) It is considered that the proposed retention of 2 no. 'domestic garages' would result in substandard residential development as it would result in the subject units not being ancillary to any residential dwelling house and would set an unwanted precedent for similar such development in the rural countryside. The proposed development would materially contravene Condition No. 2 of Pl. Reg 08/2528 which granted retention permission to 'Garage 1' solely for purposes ancillary to the enjoyment of the existing dwelling unit (to northwest) only and not for any commercial or agricultural uses. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

(2) It is considered that the proposed retention of 2 no. 'domestic garages' at over 175m² in area is excessive in both bulk and scale and would result in overdevelopment of this confined rural site and set an unwanted precedent to similar such development in the rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

(3) It is considered given the proximity of the subject structures to neighbouring residential development that the proposed development would negatively impact on the residential amenities of neighbouring properties, would result in substandard development and would set an unwanted precedent for similar such development in the rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

08/2528: retention permission granted to retain all existing structures within revised site boundaries, planning permission granted to construct an extension to dwelling and to remove existing percolation area and install a wastewater treatment plant followed by a proposed soil polishing filter.

00/2875: retention permission granted to retain dormer style bungalow and separate garage as constructed and planning permission granted to build a storage shed.

Other nearby sites:

ABP-311966-21 (21/754): permission refused to construct a dwelling house with attic accommodation and a new site entrance served by an effluent treatment tank and polishing filter together with all associated site works. The refusal reasons related to rural housing policy and public health.

5.0 Policy Context

5.1 Development Plan

Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. Variation No.3 to the Development Plan, Castleisland-Corca Dhuibhne Municipal District Settlements' Plan, was made on the 15th June 2026. The relevant policies and objectives pertaining to the proposed development are set out below.

Volume 1 Written Statement

It is an objective of the Council to:

Chapter 5: Rural

KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.

KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines 2009 or any update of the guidelines.

Chapter 11: Environment

KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness, or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

11.6.3 Landscape Designations

There are two landscape designations for the county.

1. Visually Sensitive Areas
2. Rural General

It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Development in areas outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

The subject site is within the 'Rural General' area.

11.6.3.2 Rural General

Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

Volume 6 Development Management

Section 1.5.10 Standards for Residential Development in Rural and Non-Serviced Sites

Section 1.5.10.9 Sheds/garages/ancillary structures

Notwithstanding those developments listed under Class 3, Schedule 2 Part 1 (P & D Regs 2001 as amended), the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only.

Kerry County Council Rural Design Guidelines

Extensions/Sunrooms/Garages

A detached garage is often a necessity for domestic storage purposes. The garage should not detract from the design of the main dwelling house but rather should complement the existing dwelling house on site. The location of a garage should be considered carefully and not just sited in a line with the dwelling house. Locating the garage to the rear of the dwelling house in an informal cluster can ensure the garage is not adding excessively to the bulk and scale of the main dwelling house. The style of roof and materials used should reflect that of the main dwelling house. Metal sheds, log cabins and containers generally look out of place and are not appropriate in a rural setting.

5.2 Natural Heritage Designations

5.1. The site is not located within a designated site. The nearest such sites are:

- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) c. 0.89km to the south and c. 5.47km to the northeast
- Lower River Shannon SAC (002165) c. 1.04km to the west
- Mount Eagle Bogs NHA (002449) c. 7.57km to the south
- Knockatarriv/Knockariddera Bogs NHA c. 9.43km to the west
- Blackwater River (Cork/Waterford) SAC (002170) c. 12.7km to the southeast

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The first party grounds of appeal may be summarised as follows:

- The site forms part of an established rural development cluster containing existing dwelling houses and associated rural development. The existing structures are expressly linked and intended to serve the approved dwelling house and the adjoining rural lands and the wider agricultural holding associated with the site.
- The structures are required for domestic rural storage, agricultural storage, quad bikes, trailers, maintenance equipment, tools, agricultural materials and general rural land management purposes. These are entirely normal and reasonable requirements associated with rural living and agricultural land management in County Kerry.
- Retention permission was granted for one of the structures under PRR 08/2528. The Planning Authority has historically accepted the principle of ancillary storage development on site. The planning history materially distinguishes the proposed development from speculative or inappropriate standalone rural storage development.
- The Planning Authority accepted: the principle of development, the suitability of the site, the visual integration of development, the absence of environmental impacts, the absence of traffic concerns and the absence of serious impact on local amenities. The Planning Authority has not identified any actual adverse planning impacts arising from the structures themselves and the refusal is primarily based upon floor area rather than demonstrable planning harm.
- The second reason for refusal is unsupported by objective evidence.
- The structures are not visually intrusive, are screened within the site and form part of an established rural cluster.
- Without prejudice to the foregoing, the Appellant would be willing to accept a condition restricting use of the structures solely to purposes ancillary to the approved dwelling house, rural domestic and agricultural storage and management of adjoining lands and prohibiting commercial activity.

- Attached to the grounds of appeal are two letters in support from neighbours and details of an adjoining landholding which it is stated has been inherited by the applicant.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

7.4. Further Responses

None received.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Compliance with development plan standards
- Impact on adjoining residential amenity

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including access and wastewater treatment pertaining to the proposed dwelling, entrance and wastewater treatment system. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. The Kerry County Development Plan 2022-2028 is the relevant policy document pertaining to the subject site. The subject application relates to the

construction of a new rural dwelling, the retention of two structures for use as a domestic garage and storage building associated with that dwelling, installation of a mechanical aeration unit, new vehicular entrance and associated works. The first party appeal relates to the refusal by the Planning Authority of the proposed retention of the two garage/shed structures. I note that the proposed dwelling together with the new vehicular access and on-site wastewater treatment system was approved previously under PRR 25/60725. That application also sought retention of the garage structures but, as in the current application, that element of the application was refused by the Planning Authority.

- 8.1.2. Given that the proposed dwelling, vehicular entrance and mechanical aeration unit which forms part of this application has the benefit of an extant permission, I consider that the principle of development for those elements is established.
- 8.1.3. The two structures proposed for retention as domestic garages associated with the new dwelling are located to the side of the proposed dwelling and would be integrated into the curtilage of the new dwelling. They would be accessed from the new vehicular entrance which is proposed to serve the new dwelling. In terms of the principle of the development, I consider that domestic garage/storage buildings on site would be acceptable in land use terms, subject to consideration of other relevant Policy Objectives and Standards set out in the Development Plan.

8.2. Compliance with development plan standards

- 8.2.1. The Planning Authority's first reason for refusal states that the proposed retention of the two 'domestic garages' on site, with a combined floor area of over 175sqm, is excessive in bulk and scale and would contravene Policy Section 1.5.10.9 of the Kerry County Development plan 2022-28, resulting in overdevelopment of this site and setting an unwanted precedent in a rural area.
- 8.2.2. The Planner's Report states that the structures go beyond the scale of any domestic garage. The Planner's Report also states that there are no negative visual impacts associated with the proposed development.
- 8.2.3. The first party grounds of appeal state that the existing structures are expressly linked to, and intended to serve, the approved dwelling house and the adjoining rural lands and the wider agricultural holding associated with the site. They also note that

planning permission was granted for the retention of the front structure ('Shed A') under PRR 08/2528. They further note that the Planning Authority raised no concerns in relation to the principle of development, visual amenity, environmental or traffic impacts.

- 8.2.4. Section 1.5.10.9 of Volume 6 (Development Management Standards) of the County Development Plan 2022-2028 states, in relation to sheds/garages/ancillary structures associated with rural dwellings, that the cumulative area of all structures shall not exceed 70sqm for private domestic use and storage only.
- 8.2.5. 'Shed A' (labelled Shed B on the site layout plan) was granted retention permission under PRR 08/2528 as a storage shed associated with the existing dwelling adjacent to the west, permitted under PRR00/2875, and was in addition to the existing garage on that site. Condition 2 of PRR 08/2528 required that the storage shed and fuel store to be retained be used for purposes solely incidental to the enjoyment of the existing dwelling unit only and not for any commercial or agricultural uses. The issue that now arises is that the applicant seeks to incorporate this structure and 'Shed B', with a combined floor area of 175.1sqm, into the curtilage of the proposed new dwelling.
- 8.2.6. 'Shed B' is located behind Shed A, has a floor area of 79.18sqm and is slightly taller at 4.865m to ridge level. The floor area of this structure therefore exceeds the 70sqm limit set by Section 1.5.10.9 of the Development Standards of the Plan, however the extent of that exceedance is minor in my view. The proposed development does not include any other ancillary structure to serve the proposed dwelling, other than the two structures to be retained. 'Shed A' has the benefit of retention permission as an ancillary structure serving the existing adjoining dwelling. The combined area of the two structures proposed for retention significantly exceeds the 70sqm limit set by Section 1.5.10.9 of the Development Standards of the Plan. The retention of both structures to serve the proposed dwelling would therefore be contrary to Section 1.5.10.9. However, given the limited exceedance of the 70sqm limit by 'Shed B', I consider that it would be reasonable to consider permitting the retention of 'Shed B' in isolation to serve the proposed dwelling, subject to consideration of impacts on neighbouring amenity and visual amenity. Visual amenity is considered below, with neighbouring amenity considered further below in Section 8.3.

- 8.2.7. In relation to the design and siting of domestic garages, the Council's 'Building a House in Rural Kerry – Design Guidelines' advise that garages should not detract from the design of the main dwelling house and should be located carefully. Positioning a garage to the rear of the dwelling house in an informal cluster is mentioned favourably. It is also stated that the style of roof and materials should reflect those of the main dwelling house and metal sheds are discouraged.
- 8.2.8. Both structures are of an 'industrial' style, with metal cladding to their roofs and the upper parts of the wall. However, a material consideration in this case is that 'Shed A' has the benefit of planning permission, under PRR 08/2528, as an ancillary building to the existing adjoining dwelling. In views from the public road on the northern side, 'Shed B' is largely obscured by 'Shed A' while the visibility of both sheds from the east would be reduced by the construction of the proposed dwelling, which is subject to an extant permission PRR 25/60725. 'Shed B' in particular, which sits further back within the site, beyond the existing garage and boundary screening surrounding the existing dwelling, is visible in views from the local road to the west, though only from an existing agricultural gateway.
- 8.2.9. Both structures are located within an informal cluster and boundary planting could be required by condition to reduce their visual impact.
- 8.2.10. The site is not located within a visually sensitive landscape area and has instead the landscape designation 'Rural General' which, according to Section 11.6.3.2 of the Development Plan, are areas that generally have a higher capacity to absorb development. Policy Objective KCDP 11-78 of the Plan seeks to protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness, or scenic value of their area.
- 8.2.11. Having regard to the position of 'Shed B' to the rear of 'Shed A', to the planning history of the site, to the 'Rural General' landscape designation which applies, to the position of the shed within an informal cluster and, subject to a requirement for additional boundary planting by condition, I consider that 'Shed B' would be adequately integrated into its surroundings and would not impact detrimentally on the character, integrity, distinctiveness or scenic value of the area.

- 8.2.12. In Section 8.3 below, I conclude that the proposed structures for retention will not result in material impacts on adjoining residential amenity. In respect of 'Shed B' overall therefore, I conclude that its retention as an ancillary structure associated with the proposed dwelling would be acceptable in terms of neighbouring and visual amenity. The floor area of this structure (79.8sqm) would exceed the 70sqm limit set out in Section 1.5.10.9 Sheds/garages/ancillary structures of Volume 6: Development Management of the Development Plan. However, having regard to the limited extent of that exceedance (c. 13%), I do not consider that this would constitute a material contravention of the Plan. Having regard to the proposed layout plan submitted with the application, I consider that 'Shed B' could be accessed independently from 'Shed A' given that the minimum separation distance between the structures is c. 3m. The proposed access driveway would need to be realigned to the south and a new boundary treatment between the two structures would be necessary. These matters can be addressed by condition.
- 8.2.13. Turning to 'Shed A', due to its 95.3sqm floor area, retention of this structure singularly or in combination with 'Shed B' as ancillary structures associated with the proposed dwelling would significantly exceed the 70sqm size limit set by Section 1.5.10.9 of Volume 6 of the Development Plan. The applicant states that the structures are required for domestic rural storage, agricultural storage, quad bikes, trailers, maintenance equipment, tools, agricultural materials and general rural land management purposes. They add that the applicant is due to inherit agricultural lands adjacent. On these matters, I note that the sheds to be retained are shown to be accessed solely via the new entrance to serve the proposed dwelling, with no direct access indicated in the plans to the surrounding agricultural lands. From my site observations I note that there is no direct access in place to the agricultural lands and that those lands are at higher ground level. I further note that access to 'Shed B' is on the northern side and that the main/machinery access to 'Shed A' is also from the north, with only a pedestrian entrance to the fuel store from the rear of that shed. In addition, no evidence of the applicant's involvement in any agricultural enterprise has been submitted as part of the application. Consequently, I consider that it has not been demonstrated that the sheds are required for agricultural use or land management purposes.

8.2.14. Overall therefore, having regard to the foregoing assessment, I consider that the retention of 'Shed B' as an ancillary structure associated with the proposed dwelling would be acceptable in accordance with Section 1.5.10.9 Sheds/garages/ancillary structures of Volume 6 of the Development Plan 2022-2028 and with 'Building a House in Rural Kerry – Design Guidelines'. Having regard to the 95.3sqm floor area of 'Shed A', I consider that the retention of this structure singularly or in combination with 'Shed B' as ancillary structures associated with the proposed dwelling would significantly exceed the 70sqm size limit set by Section 1.5.10.9 and would therefore be contrary to the Development Management standards (Volume 6) of the Development Plan 2022-2028. I therefore recommend that permission for retention of 'Shed A' to serve the proposed dwelling is refused.

8.3. Impact on adjoining residential amenity

- 8.3.1. The Planning Authority's second reason for refusal states that the proposed structures for retention, due to their proximity to adjoining residential development, would impact negatively on the residential amenity of neighbouring properties, would result in substandard development and would set an unwanted precedent for similar development in the rural area.
- 8.3.2. The Planner's Report, in relation to residential amenity, states that the structures are excessive in bulk and scale at over 175sqm in area and go over and beyond the scale of any domestic garage.
- 8.3.3. The appellant, in their grounds of appeal, maintains that the structures are not visually intrusive, are screened within the site and form part of an established rural cluster
- 8.3.4. 'Shed A' is positioned c. 16.8m to the southeast of the existing dwelling, on a similar building line to the existing garage serving that dwelling. It is partially screened by the existing concrete panel wall. There are no windows in the structure above ground level. Having regard to the separation distance, screening and scale of the structure for retention, together with its siting relative to the existing dwelling, I do not consider that it results in any material harm to the residential amenity of adjoining occupiers. 'Shed B' is located behind 'Shed A', c. 31m to the southeast of the existing dwelling. Though slightly taller than Shed A, it is set at the same finished floor level and, given

that it is setback further, does not feature any windows and is partially screened by 'Shed A' and the rear boundary planting associated with the adjoining dwelling, I do not consider that it would result in any material negative impact on the residential amenity of those occupiers. The sheds are located c. 135m away from the existing dwelling to the east and therefore no residential amenity concerns arise for those occupiers.

- 8.3.5. Overall, I conclude that the proposed structures for retention, having regard to their scale, design and separation distance from the existing adjoining dwelling, would not result in any material negative impacts on the residential amenity of those occupiers.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161), Lower River Shannon SAC (002165) and Blackwater River (Cork/Waterford) SAC (002170) or any other European Site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

- 9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The separation distance to the nearest European Sites and lack of hydrological or other pathways.
- The qualifying interests of the above identified European Sites.
- Taking into account the screening determination of the planning authority.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend a SPLIT decision, to grant planning permission for the proposed dwelling, entrance and wastewater treatment system and retention permission for 'Shed B' and to refuse retention permission for 'Shed A'.

Recommendation A

I recommend that planning permission is REFUSED to 'retain existing domestic garage (Shed A of 95.3sqm) to serve proposed dwelling house', for the following reasons and considerations:

1. Section 1.5.10.9 of Volume 6 (Development Management Standards and Guidelines) of the Kerry County Development Plan 2022-2028, states that the cumulative floor area of all garages, sheds and other ancillary structures serving a rural dwelling house shall not exceed 70sqm for private domestic use and storage only. 'Shed A' proposed to be retained, due to its floor area of 95.3sqm, both singularly and in combination with the proposed 'Shed B' to be retained, would significantly exceed the maximum allowable floor area for such structures. The proposed development would, therefore, contravene the Development Management Standards of the Kerry County Development Plan 2022-2028, would set an undesirable precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.

Recommendation B

I recommend that planning permission is granted for 'construction of a single storey dwelling house, installation of a mechanical aeration unit and polishing filter system and construction of a new vehicular entrance and entrance walls with all associated site works' and that retention planning permission is granted to 'retain existing storage building ('Shed B' of 79.8sqm) to serve the proposed dwelling house', for the following reasons and considerations and subject to the conditions set out further below:

Reasons and considerations:

Having regard to the planning history of the site, to the location of the site within the landscape designation 'Rural General', to the nature, scale and design of the proposed development and to the provisions of the Kerry County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety, convenience and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission relates to the proposed dwelling, mechanical aeration unit and polishing filter system, new vehicular entrance and entrance walls, associated works and the retention of 'Shed B' only. Revised site layout and landscaping drawings shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development showing:

- a) the driveway realigned to provide access to the proposed dwelling and 'Shed B' only;
- b) the provision of a solid boundary wall of not less than 1.8m in height between 'Shed A' and 'Shed B'; and
- c) the provision of screen hedge and tree planting to the south and west sides of 'Shed B'.

Reason: In the interest of clarity and of visual amenity.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

4. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

Reason: In the interest of public health and to ensure adequate water facilities.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.
- (c) Stone work to the external walls shall be of natural stone which shall be sourced locally.

Reason: In the interest of visual amenity.

8. (a) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.
- (b) The entrance wing walls shall be constructed in sod and stone or native stone. Wing walls forming the entrance shall be erected to a height of not more than 1 metre over existing road level and shall be splayed at an angle of 45° to the line of the front fence.

Reason: In the interest of visual amenity and traffic safety.

9. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with the landscaping layout drawing (drawing no. 03) received by the Planning Authority on the 23rd February 2026, as revised in accordance with the requirements of Conditions 2 above.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of [0700] to [1900] Mondays to Friday inclusive, between [0800] to [1400] hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The existing storage building (Shed B) to be retained shall be used for private domestic use only and shall not be used for human habitation or for any commercial purpose.

Reason: To safeguard the residential amenities of adjoining properties.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Suzanne White
Planning Inspector

04th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501320-KY-26
Proposed Development Summary	(A) Planning Permission to construct a single storey dwelling house, installation of a mechanical aeration unit and polishing filter system and construction of a new vehicular entrance and entrance walls with all associated site works, (B) Retention Permission to retain existing domestic garage and existing storage building to serve proposed dwelling house along with all associated site works.
Development Address	Knockafreaghaun, Brosna, Co. Kerry
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 04/08/2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501320-KY-26
Proposed Development Summary	(A) Planning Permission to construct a single storey dwelling house, installation of a mechanical aeration unit and polishing filter system and construction of a new vehicular entrance and entrance walls with all associated site works, (B) Retention Permission to retain existing domestic garage and existing storage building to serve proposed dwelling house along with all associated site works.
Development Address	Knockafreaghaun, Brosna, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The c.0.498ha site is located in a rural area, adjacent to an existing dwelling and situated on a local road which serves other existing dwellings in proximity. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in a rural area on improved agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White

Date: 04/08/2026