

**AN BORD PLEANÁLA**  
LDG- 073961-24  
ABP- \_\_\_\_\_  
**14 AUG 2024**  
Fee: € 220 Type: pmo  
Time: 10:03 By: post

Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry,  
13/08/2024

An Bord Pleanala,  
64 Marlborough Street,  
Dublin

Dear Officer,

I wish to appeal a decision made by Kerry Co. Council enforcement office dated 30<sup>th</sup> July 2024. I believe this decision is unjust. This pertains to a shed. I am enclosing copy of all communication to and from Kerry Co. Council Planning Department. I am also enclosing copies of photos which we took showing before and after of shed. Enclosed is a money order for 220 Euro.

I am endeavouring to make you aware [REDACTED] we live in by giving you a condensed version of what we must live within the following paragraph.

I am nearly eighty years of age [REDACTED]

[REDACTED]



5 Sheets of corrugated iron from  
front shed! in front garden





These photos show the before and after





concrete floor



Prop supporting roof





interior of old shed





Before



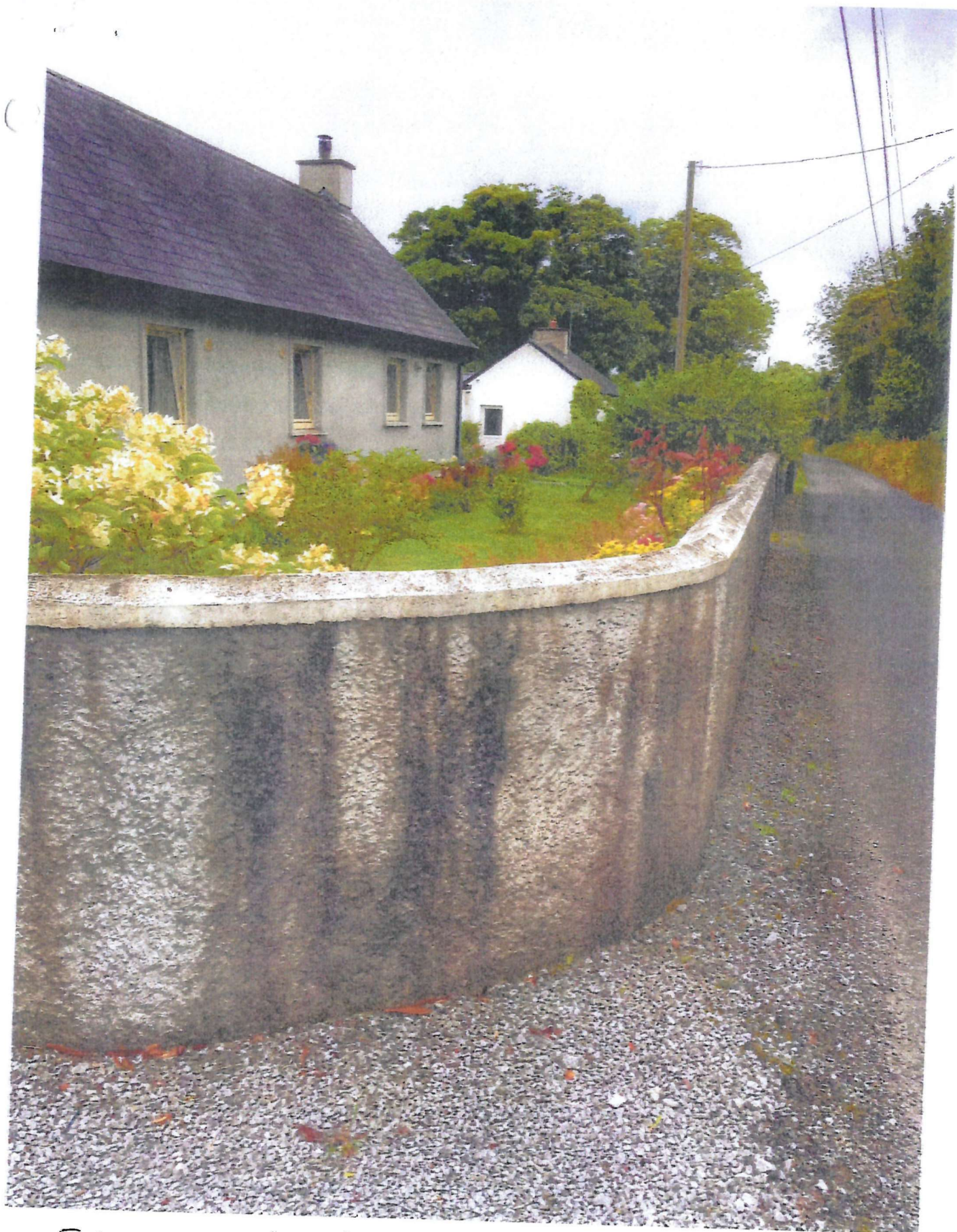
after





TAKEN 11/08/2024  
Looking East.



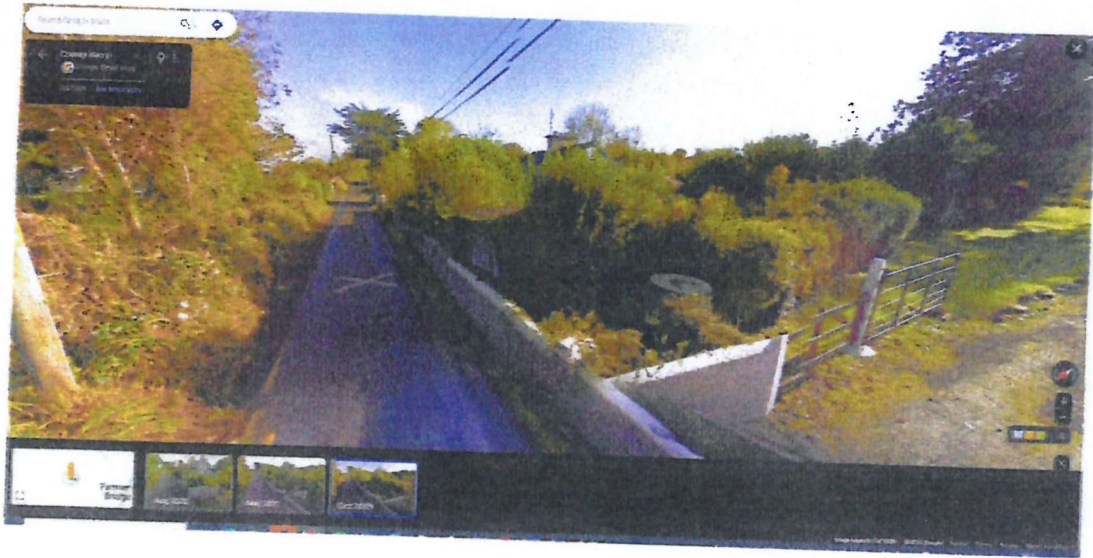


TAKEN 11/08/2024  
LOOKING WEST



9761 – Poulawaddra, Ballyseedy

Oct 2009 – looking east



Oct 2009 – looking west



*Refer to Google Maps Streetview – image capture Oct 2009*

9761 – Poulawaddra, Ballyseedy

May 2011 – looking east



May 2011 – looking west



*Refer to Google Maps Streetview – image capture May 2011*



9761 – Poulawaddra, Ballyseedy

Aug 2023 – looking east



Aug 2023 – looking west



Refer to Google Maps Streetview – image capture Aug 2023



Margaret Kelly  
[Quoted text hidden]

Margaret <magkelly76@gmail.com>  
To: Emmett Kelly <emmettkelly00@gmail.com>

2 July 2024 at 12:09

[Quoted text hidden]

Siun Riordan <siun.riordan@kerrycoco.ie>  
To: Margaret <magkelly76@gmail.com>

12 July 2024 at 16:42

A Chara,

I wish to acknowledge receipt of your email of 02/07/2024.

You can apply for a Section 5 if you believe the works are exempt.



Please provide your proposals by 19<sup>th</sup> July 2024 or otherwise we will need to take further enforcement action including the serving of an Enforcement Notice.

Mise le meas,

Siún Riordan

Planning Enforcement Unit,  
Planning & Sustainable Development,  
Kerry County Council,  
County Buildings,  
Co. Kerry

From: Margaret <magkelly76@gmail.com>  
Sent: Tuesday 2 July 2024 12:08  
To: Siun Riordan <siun.riordan@kerrycoco.ie>  
Subject: Re: 9761 - Poulawadda, Ballyseedy, Tralee

**[CAUTION FROM KERRY COUNTY COUNCIL I.T. DEPARTMENT: EXTERNAL SENDER]** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[Quoted text hidden]

Margaret <magkelly76@gmail.com>  
To: Siun Riordan <siun.riordan@kerrycoco.ie>

1 August 2024 at 16:05

CONTINUED overleaf. →



Ref: 9761

For the attention of Siun Riordan

Re: your email of the 12/07/2024 and your letter of 18/07/2024 when you quoted Google maps Streetview from May 2011 and October 2009. I requested a copy of both views on the 22/07/2024 when I submitted proposals as advised by your office and paid 80 Euros. You assured me that I would be provided with both. This was done in the presence of Dan Kearney. To date I have not received said maps or any notification from you. I am again requesting both.  
Margaret Kelly

[Quoted text hidden]





Margaret <magkelly76@gmail.com>

**13/554**

1 message

Siun Riordan <siun.riordan@kerrycoco.ie>  
To: Margaret <magkelly76@gmail.com>

2 August 2024 at 17:04

Dear Margaret,

I refer to your request of 22/07/2024 to view the planning file 13/554.

The file has been ordered in and is available for viewing at the public counter of the planning department at your convenience.

Mise le meas,

Siún Riordan

Planning Enforcement Unit,

Planning & Sustainable Development,

Kerry County Council,

County Buildings,

Co. Kerry

*Cé gur féidir liom ríomhphoist a léamh agus a sheoladh lasmuigh de ghnáthuaireanta oibre, nílín ag súil le freagra ná  
guíomh uaitse lasmuigh de d'uaireanta oibre féin. While I may read and send emails outside normal working hours I do not  
expect a response or action outside your own working hours.*



01/00/2024

I attended K.C.C. planning office as you instructed in your Email dated the 02/08/2024. The files I requested were not made available to me.

These were Google Map Streetview Oct 2009 and May 2011. I again request a copy of same

Margaret Kelly





Luaigh leas an iarratasóra sa suíomh le do thoil

Please state applicants intentions in this site

IT IS OUR HOME

Luaigh ainm agus seo iad an  
úinéara murar é/í an  
t-iarratasóir

If applicant is not the owner  
please provide owner's name  
and address

Tabhair faoi deara go n-éireofar cóip den Dearbhú ar  
Fhorbairt agus ar Díolúine Forbartha de réir Alt 5(2a)  
den Acht um Pleanáil agus Forbairt 2000 don úinéir/  
áititheoir.

Please note that in accordance with section 5(2a) of the  
Planning & Development Act 2000 the owner/ occupier  
of the site will be issued with a copy of the Declaration  
on Development and Exempted Development.

Liosta pleananna, línfochtaí srl  
curtha ar fáil leis an iarratas seo.

List of plans, drawings, etc  
submitted with this application

4 SITE LOCATION MAPS AS REQUESTED + COPY OF PAGE 3 SECTION 12  
OF PLANNING APPLICATION FORM SEPTEMBER 2013

Tabhair tuairisc ar na h-oidreacha (má  
bhaireann) nó aran bhforbairt beartaithe.

(Tabhair faoi deara: Is iad na h-oidreacha atá liostaithe  
agus sonraithe, agus sin amháin, a dheinfear measúnú  
orthu fé Alt 5. Úsáid leathanaigh breise más gá)

Please provide details of works (where  
applicable) or proposed development.

(Note: only works listed and described under this  
section will be assessed under this Section 5  
application. Use additional sheets if required)

DUE TO HEALTH & SAFETY ISSUES URGENT REPAIRS WERE  
CARRIED OUT TO SHED. WE BELIEVE THIS WAS DONE TO  
PREVENT INJURY OR DEATH. YOU WERE MADE AWARE  
OF THIS IN PREVIOUS CORRESPONDENCE.



An eol duit aon imeachtaí  
fo rfhéidhmithe ar an suíomh seo?  
Má tá, tabhair sonraí le do thoil

Are you aware of any enforcement  
proceedings connected to this site?  
If yes, please supply details

YES. SEPTEMBER 2013. NOTICE OF ENFORCEMENT.  
THIS WAS RESOLVED

Anraibh iarrata(i)s pleanála ar an suíomh seo  
cheana? Má bhí, tabhair sonraí le do thoil

Were there previous planning application(s)  
on this site? If yes, please supply details

WE BOUGHT THIS SITE IN 2013. WE HAVE NO  
KNOWLEDGE OF ANYTHING PRIOR TO THIS

Sí nithe.  
Signed

*Emmett Kelly Margaret Kelly*

Dáta:  
Date

22-07-2024

#### NÓTAÍ:

Ní mór 4 chóip de léarscáil den láthair shuímh  
leis an suíomh i mlíonithe go soiléir i ndearg a  
chur ar fáil agus táille €80 leis. Cuir 2 chóip de  
phleananna/tuairiscí breise sli. a theastaíonn  
uait bheith mar chuid den iarratais.

#### NOTES:

Application shall include 4 copies of the Site  
Location Map with the site clearly outlined in  
red and a fee of €80. Please submit 2 copies  
of any additional plans/reports etc you may  
wish to be included as part of the application.

Seol na h-iarratais líonta go 'n seo lath thíos

Send your completed applications to:

An Roinn Pleanála,  
Co mhairle Contae Chiarraí,  
Ráth Teas, Trá Lí, Co. Chiarraí.

T. (066) 7183582  
F. (066) 7120328  
[www.keirrycoco.ie](http://www.keirrycoco.ie)

Planning Department,  
Kerry County Council,  
Rathass, Tiralee, Co. Kerry.





**Kerry County Council,**  
County Buildings, Tralee, Co. Kerry.  
Tel: (066) 7183582 Fax: (066) 7120328  
E-mail: [plan@kerrycoco.ie](mailto:plan@kerrycoco.ie)

**Comhairle Chontae Chiarraí,**  
Aras an Chontae, Trá Lí, Co. Chiarraí.  
Gutháin: (066) 7183582 Faics: (066) 7120328  
Web: <http://www.kerrycoco.ie>

24<sup>th</sup> July 2024

Margaret & Emmet Kelly  
Poulawaddra  
Ballyseedy  
Tralee  
Co Kerry

**Re: Declaration and Referral on Development and Exempted  
Development under and in accordance with Section 5 of the  
Planning & Development Acts 2000 (as amended)**

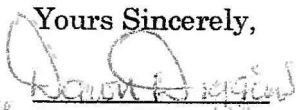
Dear Sir/Madam,

I wish to acknowledge receipt of your application for a Section 5 Declaration.

Register No. EX1245 refers and the Planning Authority will be in touch with you in due course.

I attach receipt no. 93205 in respect of same.

Yours Sincerely,

  
David O'Brien  
AO Planning



An Roinn Pleanála

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

Enforcement Unit,  
Planning Department

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

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Ref: 9761  
Date: 14/06/2024

Margaret Kelly,  
Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry

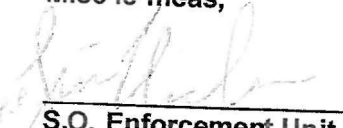
A Chara,

I refer to previous correspondence sent in relation to the construction of a shed to the front of the property at Poulawaddra, Ballyseedy, Tralee, Co. Kerry.

You are requested to submit firm proposals as to how you intend to regularise this unauthorised shed by **28/06/2024**.

Failure to respond by the requested date will result in further enforcement action and the issuing of an Enforcement Notice without further notification.

Mise le meas,

  
S.O. Enforcement Unit,  
Planning and Sustainable Development







Margaret <magkelly76@gmail.com>

## 9761 - Poulawaddra, Ballyseedy, Tralee

5 messages

Siún Riordan <siun.riordan@kerrycoco.ie>

2 July 2024 at 10:26

To: Margaret <magkelly76@gmail.com>

A Chara,

In reference to your correspondence dated 28/01/2024, we responded on 31/01/2024 to confirm that 'while there was previously a shed on this site, the current shed is newly constructed and requires planning permission'. We again wrote on 27/02/2024 confirming again that 'the shed would require Planning permission and in the absence of same, the shed is unauthorised'.

Section 4(1)(h) of the Planning and Development Act 2000, as amended, relates to 'carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures'. The works which have been carried out involve the demolition of the original shed and construction of a new larger shed at the site. Therefore, Section 4(1)(h) is not applicable to this development and the works are not considered exempt under the Act.

The exemptions for construction of a shed within the curtilage of a house, described under Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, do not apply in this case as the structure has been constructed forward of the front wall of the house.

As outlined above, the shed is not exempt from planning and requires. We request you provide your proposals as to how you intend to regularise the matter by **16<sup>th</sup> July 2024**

Mise le meas,

Siún Riordan

Planning Enforcement Unit,

Planning & Sustainable Development,

Kerry County Council,

County Buildings,

Co. Kerry

*Cé gur féidir liom ríomhphoist a léamh agus a sheoladh lasmuigh de ghnáthuaireanta oibre, nílím ag súil le freagra ná gníomh uaitse lasmuigh de d'uaireanta oibre féin. While I may read and send emails outside normal working hours I do not expect a response or action outside your own working hours.*

Margaret <magkelly76@gmail.com>

To: Siún Riordan <siun.riordan@kerrycoco.ie>

2 July 2024 at 12:08

I believe your facts are not correct.



Poulawaddra,

Ballyseedy,

Tralee,

Co. Kerry

15-07-2024

Siun Reardon,  
Enforcement Unit,  
Planning Department,  
Kerry County Council,  
County Buildings,  
Tralee

Ref: 9761

Re: your email of the 12<sup>th</sup> of July 2024, where you suggest I apply for a section 5.

I submit the following.

I believe that in line with E.U. Directives and Regulations the shed is exempt.

Due to damage caused I believe it was a Health and Safety issue which we addressed at considerable cost to our family. (Photographic evidence)

**Location** Where it has been for decades and as seen on Planning Application drawings 3003/11 which were submitted in 2013. I believe you have said documentation on file. See also K.C.C. maps of this area.

**Usage** To store garden furniture and delicate plants during winter.

**Footprint Area** 8 sq. metres.

**Height** 2 metres 23 centimetres.

It does not have electricity or water supply.

Yours Sincerely,



Margaret Kelly Emmett Kelly



**An Roinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

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**Our Ref: 9761**

**Date: 18/07/2024**

**Margaret & Emmett Kelly,  
Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry.**

A Chairde,

In response to your letter dated 15-07-2024, we would again outline that the shed constructed is not exempt and does need planning permission. As advised on 12 July 2024, if you believe the development to be exempt, you may apply for a Section 5 declaration to the Planning Authority to get their official response. We have attached the details of same.

As we have previously acknowledged, we do not dispute that there was a shed on the site previously, but the structure now constructed is a new larger shed. We also note the structure you reference as shown on the planning application drawings from 2013 (PRN 13/554).

To be considered for exemption under Section 4(1)(h) of the Planning and Development Act 2000 as amended, renovation of the original shed without changing the external appearance of the shed would be the scope of work. However, that is not the case in this situation as the original shed has been demolished and a new larger shed constructed in a similar location.

The works which have taken place is demolition of the original shed and construction of a new shed, which is considered development under the Planning and Development Act which would need permission.

In your correspondence of 15/07/2024, you describe the floor area of the newer shed as 8m<sup>2</sup>, but the shed on PRN 13/554 is 4.4m<sup>2</sup>, therefore the size of the shed has been nearly doubled. In your correspondence you also note the height of the shed as 2m 23cm, but the original shed is lower as can be seen on Google Maps Streetview image captures of May 2011 and October 2009.

As the development does not have planning permission or a Section 5 declaration, it is considered unauthorised and as such we request your proposals to regularise the situation. Your proposals may be to apply for a Section 5 declaration, or to apply for retention permission, or other, but we request you inform this office of your intention.

Mise le meas,

**S. O'Planning Enforcement**  
Planning and Sustainable Development





Comh aile Contae Chiarraí  
Kerry County Council

CC-P27  
09-2013\_BG

## FOIRM IARRATAIS ALT 5 SECTION 5 APPLICATION FORM

IARRATAS MAIDIR LE DEARBHÚ AR FHORBAIRT AGUS  
AR DÍOLÚINE FORBARTHA (Alt 5 den Acht um Pleanáil  
agus Forbairt leasaithe)

REQUEST FOR A DECLARATION ON DEVELOPMENT  
AND EXEMPTED DEVELOPMENT (Section 5 of the  
Planning & Development Act 2000 as amended)

TÁILLE €80 FEE

All personal data collected is in compliance with the requirements of the General Data  
Protection Regulation (GDPR) 2016, and Data Protection Acts 1988 to 2003.  
Individual privacy notices for each section/service are available at [www.kerrycoco.ie](http://www.kerrycoco.ie)

Ainm MARGARET & EMMETT KELLY Name

Seoladh POULAWADDRA Address

BALLYSEEDY  
TRALEE

Tel. 087 288 9778 Tel:

R-phost MAGKELLYTB@GMAIL.COM Email

Ainm/Seoladh Gníomhaíre \_\_\_\_\_ Name/Address of Agent

Tel. \_\_\_\_\_ Tel:

Láthair an Suímh Ábhartha POULAWADDRA BALLYSEEDY Location of Subject Site

An Struchtúr Cosanta é nó 'bhfuil sé laistigh  
de chúirtealáiste Struchtúir Chosanta? NO

Is this a Protected Structure or within the  
cartilage of a Protected Structure?

Más é, 'bhfuil Dearbhú faoi Alt 57 den Acht  
um Pleanáil agus Forbairt 2000 iarrtha nó  
eiseithe don fhorbairt ag an tÚdarás Pleanála? \_\_\_\_\_

If yes, has a Declaration under Section 57 of  
the Planning and Development 2000 been  
requested or issued for the property by the  
Planning Authority?



Poulawaddra,

Ballyseedy,

Tralee,

05-02-2024

Mr. Paul Neary,  
Director,  
Enforcement Unit,  
Planning Department,  
Kerry County Council,  
County Buildings,  
Tralee

Your Ref: 9761

Sir,

Regarding your letter of 31/01/2024. I beg to differ. I refer to the work carried out in respect of the flood relief in our area. The heavy machinery used by Kerry Co. Co. employees caused severe damage to our shed. In the interest of public safety, we made the shed safe. We have been advised to apply for compensation for our expenses.

X Following intensive investigations, it transpires that over forty new sheds of various sizes have been erected in this locality in recent years with no planning permission. It is my understanding that no action was taken by your office. I believe my son and I are being targeted.

You also state that you did not receive an email from me. I enclose copy of same which was sent ???

Sincerely,

Margaret Kelly

An Roinn Pleanála

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

Enforcement Unit,  
Planning Department

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email [enforcement@kerrycoco.ie](mailto:enforcement@kerrycoco.ie) Suíomh | Web [www.kerrycoco.ie](http://www.kerrycoco.ie) Ref: 9761  
Date: 27/02/2024

Margaret Kelly,  
Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry

Dear Margaret,

Your letter dated 05/02/2024 addressed to Mr Paul Neary has been referred to me for attention.

Claims outlined in the first paragraph of your letter regarding works by Kerry County Council are not a matter for the Planning Enforcement Unit.

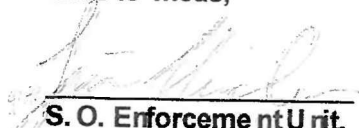
Under the Planning & Development Act 2000 (as amended), this Department is tasked with investigating all complaints of unauthorised development and it is in this respect that you have received a Warning letter (notwithstanding your claims of other unauthorised sheds erected in the locality).

Having carried out a search, it appears that we did not receive an email from your email address [magkelly76@gmail.com](mailto:magkelly76@gmail.com) on Thurs 25/01/2024 as shown on the copy email submitted. Our IT Department has confirmed this.

Our Enforcement Officer has reviewed the file and your letter. He has confirmed that the shed in question would require Planning permission and in the absence of same, the shed is unauthorised.

We are requesting firm proposals as to how you intend to regularise this unauthorised shed.

Mise le meas,

  
S. O. Enforcement Unit,  
Planning and Sustainable Development





**A n Róinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY CO. COUNTY COUNCIL**

**Enforcement Unit,  
Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

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**Ref: 9761  
Date: 05/04/2024**

**Margaret Kelly,  
Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry**

Dear Margaret,

I refer to previous correspondence sent on 27/02/2024 in relation to the construction of a shed to the front of the property at Poulawaddra, Ballyseedy, Tralee, Co. Kerry.

The Enforcement Officer has confirmed that the shed in question would require Planning permission and in the absence of same, the shed is unauthorised.

We are requesting firm proposals as to how you intend to regularise this unauthorised shed by 19/04/2024.

This file is being kept under review.

Mise le meas,

**S.O. Enforcement Unit,  
Planning and Sustainable Development**



**An Roinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**Enforcement Unit,  
Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

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**Ref: 9761  
Date: 02/05/2024**

**Margaret Kelly,  
Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry**

A Chara,

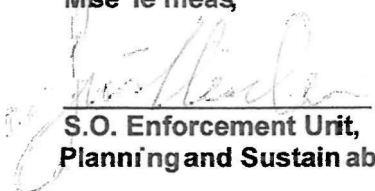
I refer to previous correspondence sent in relation to the construction of a shed to the front of the property at Poulawaddra, Ballyseedy, Tralee, Co. Kerry.

The Enforcement Officer has confirmed that the shed in question would require Planning permission and in the absence of same, the shed is unauthorised.

We are requesting firm proposals as to how you intend to regularise this unauthorised shed by 10/05/2024.

Failure to comply with this request will result further enforcement action being taken.

Mise le meas,

  
**S.O. Enforcement Unit,  
Planning and Sustainable Development**





**An Roinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**Enforcement Unit,  
Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

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**Our Ref: 9761**

**Date: 23/01/2024**

**Emmett Kelly  
Poulawaddra,  
Ballyseedy,  
Tralee,  
Co. Kerry,  
V92 TKP8**

**Planning and Development Acts 2000 (as amended)**

**A Chara,**

It has come to the attention of the Planning Authority that development has been carried out, namely the construction of a shed to the front of the property at Poulawaddra, Ballyseedy, Tralee, Co. Kerry, V92 TKP8

Development of this nature may require planning permission and in the absence of same is therefore unauthorised.

In this regard, I enclose herewith a Warning Letter under Section 152 of the Planning & Development Acts 2000 (as amended). You may make submissions or observations in writing to the Planning Authority regarding same not later than **20/02/2024**.

**The Planning Authority wishes to inform you that in the event of unauthorised development taking place, an Enforcement Notice may be served on you under Section 154 of the Planning & Development Acts 2000 (as amended). You should note that you are liable for all costs and expenses incurred by Kerry County Council in relation to this matter**

I trust your co-operation will be forthcoming in this matter.

Mise le meas,

  
\_\_\_\_\_  
**S.O. Enforcement Unit**

**Planning and Sustainable Development**



**An Róinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**Enforcement Unit,  
Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email [enforcement@kerrycoco.ie](mailto:enforcement@kerrycoco.ie) Suíomh | Web [www.kerrycoco.ie](http://www.kerrycoco.ie)

**WARNING LETTER**

*This Warning Letter is issued under Section 152 of the Planning and Development Acts 2000 (as amended), in relation to Unauthorised development*

**Name: Emmett Kelly**

**Address: Poulawaddra, Ballyseedy, Tralee, Co. Kerry, V92 TKP8**

**Ref: No. 9761**

Dear Sir,

It has come to the attention of Kerry County Council that an unauthorised development as described in the schedule hereunder may have been, is being or may be carried out on lands described in the schedule hereunder. You may make submissions or observations to Kerry County Council regarding the purported offence by the **20/02/2024**.

When Kerry County Council considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued under Section 154 of the Planning and Development Acts 2000 (as amended). Officials of Kerry County Council may at all reasonable times enter on the land for the purposes of carrying out an inspection in relation to the purported unauthorised development.

A person who is guilty of an offence in relation to an unauthorised development under the provisions of the Planning and Development Act 2000, as amended, shall be liable to the following:-

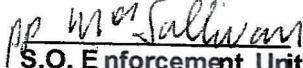
- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,380 or to imprisonment for a term not exceeding 2 years or both.
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding six months or both.

In addition, any costs reasonably incurred by Kerry County Council in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken. These costs can relate to remuneration and expenses of employees carrying out inspections and may be substantial.

**SCHEDULE**

Description of land and nature of works to which this Notice refers.

Lands at Poulawaddra, Ballyseedy, Tralee, Co. Kerry, V92 TKP 8 – namely the construction of a shed to the front of the property

Signature   
S.O. Enforcement Unit  
Planning and Sustainable Development

Date: **23/01/2024**





Poulawaddra,  
Ballyseedy,  
Tralee.  
Co. Kerry,  
26-01-2024

Mr. Paul Neary,  
Director,  
Enforcement Unit.  
Planning Dept.  
Kerry Co. Co.  
County Buildings,  
Tralee

Your Ref: 9761

Sir,

In respect of warning letter received on the 24-01-2024.

We request that you refer to Planning Registration number 13/554 submitted, and Permission granted in 2013. The drawings clearly show shed.

We would also draw your attention to Kerry Co. Co. own maps of this area where shed is clearly shown.

[REDACTED]

We trust this clarifies the situation.

We await your reply.

Sincerely,

Margaret and Emmett Kelly

From: Margaret magkelly76@gmail.com  
Subject: Fwd: Mr. Paul Neary Director  
Date: 1 Feb 2024 at 09:16:02  
To: Emmett Kelly emmettkelly00@gmail.com

----- Forwarded message -----

From: Margaret <magkelly76@gmail.com>  
Date: Thu, 25 Jan 2024, 14:06  
Subject: Mr. Paul Neary Director  
To: <enforcement@kerrycoco.ie>

Copy

Your Ref: 9761

Sir,

In response to warning letter received on 24/01/2024. We request that you refer to Planning Registration number 13/554 submitted, and permission granted in 2013. The drawings clearly show shed.

We would also draw your attention to Kerry Co. Councils own maps of this area where shed is clearly shown.

[REDACTED]

We trust this clarifies the situation.

We await your reply.

Sincerely,

Margaret and Emmett Kelly



**An Roinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Tra Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**Enforcement Unit,  
Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email [enforcement@kerrycoco.ie](mailto:enforcement@kerrycoco.ie) Suíomh | Web [www.kerrycoco.ie](http://www.kerrycoco.ie)

**Our Ref: 9761**

**Date 31/01/2024**

**Emmett Kelly,**

**Poulawaddra,**

**Ballyseedy,**

**Tralee,**

**Co. Kerry.**

**V92 TKP8**

**Planning and Development Acts 2000 ( as amended )**

A Chara,

I wish to acknowledge your correspondence of 28th January 2024 regarding the above enforcement file.

The contents of your letter have been noted.

The Enforcement Officer has reviewed the file and wishes you to note that while there was previously a shed on this site, the current shed is newly constructed and requires planning permission.

The Enforcement Officer requests you to submit proposals to regularise the matter before **16/02/2024**.



We have no record of receiving an email from you to this section. Please forward your future emails to [enforcement@kerrycoco.ie](mailto:enforcement@kerrycoco.ie)

Mise Le Meas,

*pp. Mr. Sullivan*

S.O Planning Enforcement

Planning & Sustainable Development

Kerry County Council.



**Michael Burke.**  
**Architectural Technician.**  
**Computer Aided Design Drawing Service**

Project: **RETAIN EXISTING DWELLING AS BUILT ON SITE  
AT POULAWADDRA, BALLYSEEDY, TRALEE.**

Client: **EMMET KELLY**

Title: **SITE LAYOUT PLAN.**

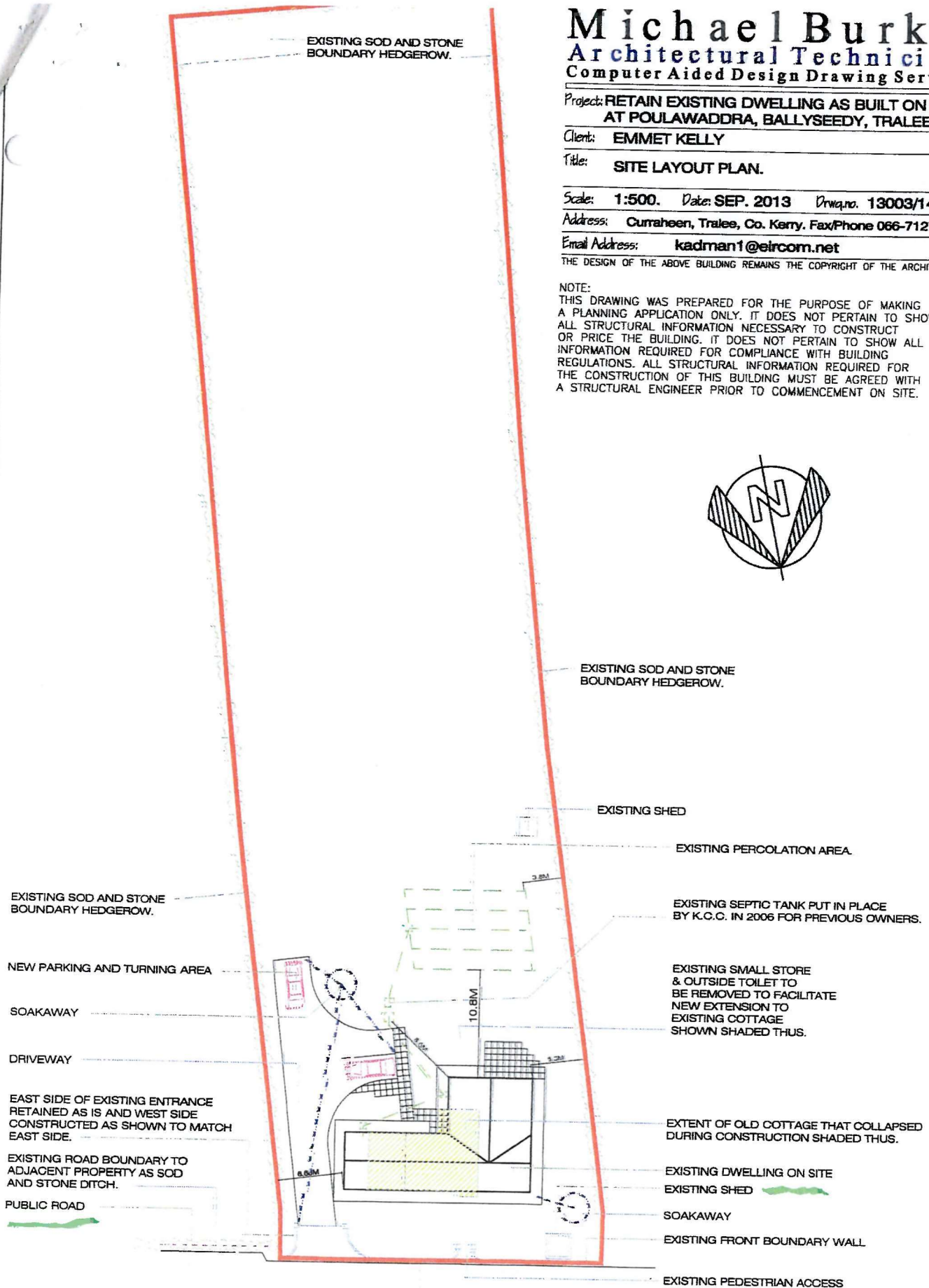
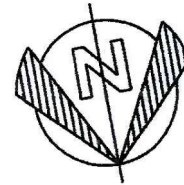
Scale: **1:500.** Date: **SEP. 2013** Drawn: **13003/14**

Address: **Curraheen, Tralee, Co. Kerry. Fax/Phone 066-7127578**

Email Address: **kadman1@eircom.net**

THE DESIGN OF THE ABOVE BUILDING REMAINS THE COPYRIGHT OF THE ARCHITECT

NOTE:  
THIS DRAWING WAS PREPARED FOR THE PURPOSE OF MAKING  
A PLANNING APPLICATION ONLY. IT DOES NOT PERTAIN TO SHOW  
ALL STRUCTURAL INFORMATION NECESSARY TO CONSTRUCT  
OR PRICE THE BUILDING. IT DOES NOT PERTAIN TO SHOW ALL  
INFORMATION REQUIRED FOR COMPLIANCE WITH BUILDING  
REGULATIONS. ALL STRUCTURAL INFORMATION REQUIRED FOR  
THE CONSTRUCTION OF THIS BUILDING MUST BE AGREED WITH  
A STRUCTURAL ENGINEER PRIOR TO COMMENCEMENT ON SITE.



**Site Layout Plan 1:500.**

AREA SHOWN OUTLINED IN RED = 0.96 ACRES (0.389 HECTARES)

SITE NOTICE



EXISTING SEPTIC TANK PUT IN PLACE BY K.C.C. IN 2006 FOR PREVIOUS OWNERS

EXISTING SMALL STORE & OUTSIDE TOILET REMOVED TO FACILITATE NEW EXTENSION SHOWN SHADDED THUS

NEW WALLS SHOWN SHADDED THUS

# PROPOSED GROUND FLOOR PLAN

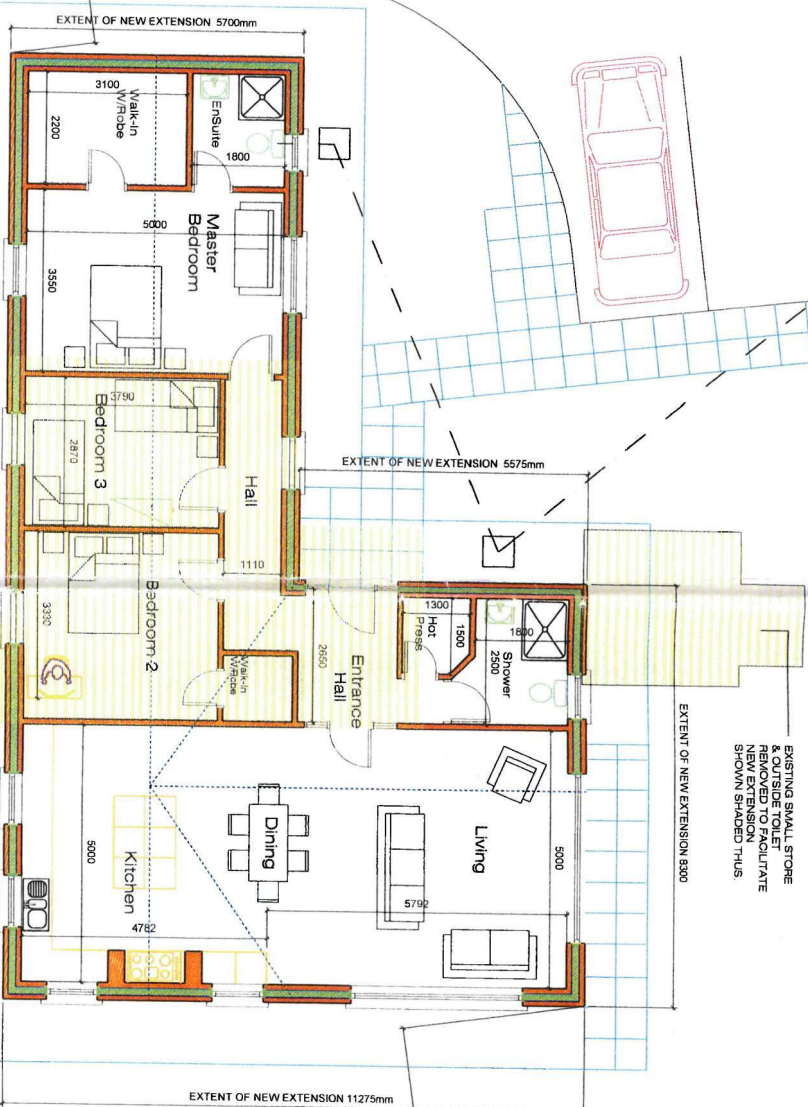
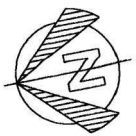
1:100 SEP. 2013 13003/11

Curraheen, Talle, Co. Kerry, FaxPhone 085-7127578

kadmant1@eircom.net

THE DESIGN OF THE ABOVE BUILDING REMAINS THE COPYRIGHT OF THE ARCHITECT

NOTE: THIS DRAWING WAS PREPARED FOR THE PURPOSE OF MAKING A BUILDING APPLICATION FOR A NEW BUILDING. IT DOES NOT SHOW ALL STRUCTURAL INFORMATION NECESSARY TO CONSTRUCT OR PRICE THE BUILDING. IT DOES NOT PERTAIN TO SHOW ALL INFORMATION REQUIRED FOR COMPLIANCE WITH BUILDING REGULATIONS. ALL STRUCTURAL INFORMATION REQUIRED FOR THE CONSTRUCTION OF THE BUILDING SHOULD BE OBTAINED FROM A STRUCTURAL ENGINEER PRIOR TO COMMENCEMENT ON SITE.



Existing Ground layout Plan  
F.F.L. Same as existing dwelling  
that was demolished.

TOTAL AREA OF NEW BUILDING TO BE RETAINED = 131.12 SQ.M. (1411 SQ.FT.)

An Roinn Pleanála

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

Planning Department

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry.

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email [plan@kerrycoco.ie](mailto:plan@kerrycoco.ie) Suíomh | Web [www.kerrycoco.ie](http://www.kerrycoco.ie)

Our Ref: **SOM U107-13**

9<sup>th</sup> December, 2013.

**Mr. Emmett Kelly,**  
**c/o Margaret Kelly,**  
**7 Suan Na Mara,**  
**Ballygarron, The Spa,**  
**Tralee, Co Kerry**

**Planning & Development Act 2000 to 2013**

Planning Reg. No 13/554

**Dear Mr Kelly,**


I refer to previous correspondence with you regarding unauthorised works on your site at Poulawaddra, Ballyseedy, Tralee, Co Kerry.

I wish to inform you that the Planning Enforcement Officer has now reviewed the case and considers that the grant of planning permission under 13/554 addresses the Enforcement issues on site.

Therefore, the Planning Authority will not be taking any further action in relation to this matter.

The Planning Authority wishes to thank you for your co-operation in this matter.

**Yours Faithfully,**

  
**S.O. Planning**



Poulawaddra,

Ballyseedy,

Tralee,

Co. Kerry,

27-08-2023

The Data Protection Commission,  
21 Fitzwilliam Square South,  
Dublin 2

Dear Commissioner,

I feel that I have no option but to write to you for assistance. I have lived at the above address for over ten years with my son. I am seventy-six years old [REDACTED]

[REDACTED]

I am now under severe stress and anxiety and my health is starting to deteriorate.

I would be grateful if you could help with this very stressful situation.

Yours Sincerely,

Margaret Kelly.

Ph. No. 0872889778 email magkelly76@gmail.com



**5. Applicant:**

<i>Name(s)</i>	Emmett Kelly
	Address to be supplied at the end of this form. (Question: 23)

**6. Where Applicant is a Company (registered under the Companies Acts 1963 to 1999):**

<i>Name(s) of company director(s)</i>	N/A
<i>Registered Address (of company)</i>	N/A

**7. Person/Agent acting on behalf of the Applicant (if any):**

<i>Name</i>	MICHAEL BURKE ARCHITECTURAL TECHNICIAN
	Address to be supplied at the end of this form. (Question 24)

**8. Person responsible for preparation of Drawings and Plans<sup>3</sup>:**

<i>Name</i>	MICHAEL BURKE ARCHITECTURAL TECHNICIAN
<i>Firm/Company</i>	CAD DESIGN DRAWING SERVICES

**9. Description of Proposed Development:**

<i>Brief description of nature and extent of development<sup>4</sup></i>	Permission to retain demolition of old dwelling and also for permission to retain and complete existing dwelling house as built on site complete with all ancillary site works associated with the development
--	--

**10. Legal Interest of Applicant in the Land or Structure:**

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	<i>A. Owner</i> <input checked="" type="checkbox"/>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	N/A	

*you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation*

**1. Site Area:**

Area of site to which the application relates in hectares

0.389ha

**12. Where the application relates to a building or buildings:**

Gross floor space of any existing building(s) in m <sup>2</sup>	House 37.25 Sq.M Sheds 18.0 Sq.M.
Gross floor space of proposed works in m <sup>2</sup>	
Gross floor space of work to be retained in m <sup>2</sup> (if appropriate)	13112 Sq.M.
Gross floor space of any demolition in m <sup>2</sup> (if appropriate)	37.25 Sq.M. old house + Shed 8 Sq.M

**13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:**

Class of Development	Gross floor area in m <sup>2</sup>
N/A	N/A
N/A	N/A
N/A	N/A

**14 In the case of residential development please provide breakdown of residential mix:**

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses							
Apartment							
Number of car-parking spaces to be provided	Existing:		Proposed:			Total:	

**15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:**

Existing use (or previous use where retention permission is sought)	N/A
Proposed use (or use it is proposed to retain)	N/A

# Michael Burke

**Architectural Technician**  
**COMPUTER AIDED DESIGN DRAWING SERVICE**

Services Include : Curraheen,  
Design & planning drawings Tralee,  
Working drawings Co. Kerry,  
Specifications Ph/Fax. (0667127578.  
Email: kadman1@eircom.net

6<sup>th</sup> September 2013

**Planning Department,  
Kerry Co. Council,  
County Buildings,  
Rathass,  
Tralee,  
Co. Kerry.**

In respect of an application by Emmett Kelly for Retention permission for demolished old cottage retention and completion of existing dwelling as built on site complete with all ancillary site works associated with the development at Poulawaddra, Ballyseedy, Tralee, County Kerry.

Dear Sir or Madam

Please find enclosed the following:

Planning Application Fee €407.80

2 copies of completed application form.

2 copies of newspaper and site notice.

6 Copies of floor plans, elevations, cross-sections of existing and new structures

6 Copies of site layout plan and site Location maps.

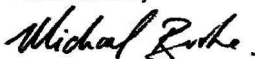
6 Copies of photographs of demolished dwelling.

My client Emmett Kelly is applying for permission to retain old demolished dwelling and existing dwelling as constructed on site following discussions with the enforcement section of the council to regularize the planning permission on his site following an enforcement notice to cease all works on site received on the 4<sup>th</sup> of September. Following the initial planning permission 13/160 work commenced on the site and on removing the roof of the old dwelling the front and western gable walls collapsed. An engineer was brought in and inspected the structure and found there was no foundations under the walls that collapsed and he then investigated the remainder of the structure still standing to find no foundations there either so he advised my client's that the remainder of the structure be demolished for health and safety reasons. However he did not advise them at the time that they would require a new planning permission to continue with the development.

Unfortunately I was away on holidays at the time this all happened and did not become aware of it until my clients showed me the enforcement letter on the 4<sup>th</sup> of September. I suggested to them that a retention application be made to regularize the situation as soon as possible.

We look forward to a positive decision to this application in the near future.

Yours Sincerely



Michael Burke, Arch. Tech



KERRY COUNTY COUNCIL



**Comhairle Contae Chiarraí, Áras an Chontae, Trá Lí, Co. Chiarraí**  
Guthán: (066) 7183582 E-mail: [plan@kerrycoco.ie](mailto:plan@kerrycoco.ie) Faics: (066) 7120328  
**Kerry County Council**, County Buildings, Tralee, Co. Kerry  
Tel: (066) 7183582 Web: <http://www.kerrycoco.ie> Fax: (066) 7120328

PLANNING APPLICATION FORM

**1. Name of Relevant Planning Authority:**

KERRY COUNTY COUNCIL

**2. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Poulawaddra, Ballyseedy, Tralee, County Kerry.
<i>Ordnance Survey Map Ref No. (and the Grid Reference where available)<sup>1</sup></i>	KERRY O.S. DIGITAL MAP 5658- B

**3. Type of planning permission (please tick appropriate box):**

- ☐ Permission  
☒ Permission for retention  
☐ Outline Permission  
☐ Permission consequent on Grant of Outline Permission

**4. Where planning permission is consequent on grant of outline permission:**

Outline Permission Register Reference Number: N/A

Date of Grant of Outline Permission: N/A

EXISTING SEPTIC TANK PUT IN PLACE  
BY K.C.C. IN 2006 FOR PREVIOUS OWNERS

- EXTENT OF EXISTING DWELLING CURRENTLY  
STANDING ON SITE SHADED THUS
- EXTENT OF LEAN-TO REMOVED SINCE SURVEY  
FOR HEALTH AND SAFETY REASONS SHADED THUS
- NEW WALLS SHOWN SHADED THUS

EXISTING SMALL STORE  
TO BE REMOVED TO FACILITATE  
NEW EXTENSION TO  
EXISTING COTTAGE  
SHOWN SHADED THUS

EXTENT OF NEW EXTENSION 800

EXTENT OF NEW EXTENSION 5575mm

EXTENT OF NEW EXTENSION 11275mm

EXTENT OF NEW EXTENSION 5700mm

EXTENT OF NEW EXTENSION 5900

Proposed Ground layout Plan

TOTAL FLOOR AREA OF EXTENDED DWELLING = 118.34 SQ.M. (1273 SQ.FT.)  
TOTAL AREA OF NEW EXTENSION (SHADED YELLOW) = 81.85 SQ.M. (881 SQ.FT.)



**Michael Burke.**  
Architectural Technician  
Computer Aided Design Drawing Service  
Project REFURBISH & EXTEND EXISTING DWELLING  
AT POUAWADDRA, BALLYSEEDY, TRALEE.

Client EMMET KELLY  
PROPOSED GROUND FLOOR PLAN

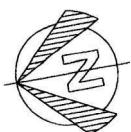
Scale 1:100. Date MARCH 13. Drawing 1300302

Prepared by Curraheen, Tralee, Co. Kerry. Fax/Phone 086-7127578

Email Address kadmam1@eircom.net

THE DESIGN OF THE ABOVE BUILDING REMAINS THE COPYRIGHT OF THE ARCHITECT

NOTE: THIS DRAWING WAS PREPARED FOR THE PURPOSE OF MAKING A PLANNING APPLICATION ONLY. IT DOES NOT PERTAIN TO SHOW OR STRUCTURAL INFORMATION NECESSARY TO CONSTRUCT OR SAFELY OCCUPY THE BUILDING. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO OBTAIN ALL NECESSARY INFORMATION FROM THE CLIENT AND TO PROVIDE ALL INFORMATION REQUIRED FOR CONFORMANCE WITH ALL RELEVANT REGULATIONS. ALL STRUCTURAL INFORMATION REQUIRED FOR THE CONSTRUCTION OF THIS BUILDING MUST BE AGREED WITH A STRUCTURAL ENGINEER PRIOR TO COMMENCEMENT ON SITE.



# QUALICON LTD.

Building & Civil Engineering Consultants

TRALEE, CO. KERRY.

Mobile: 00 353 87 263 5798 Tel: 00 353 66 719 8734  
Fax: 00 353 66 719 8735 E: qualicon@ireland.com

Planning Department  
Kerry County Council  
County Buildings  
Rathass  
Tralee  
Co. Kerry.  
11<sup>th</sup> July 2013.

Re: Extension to existing dwelling at Poulawaddra, Ballyseedy, Tralee, Co. Kerry.  
Mr. Emmet Kelly

Dear Sir/Madam,

I refer to the above and wish to confirm as follows. I was retained by Mr. Kelly to set out the proposed extension to his dwelling and to monitor the existing structure while the roof was being removed and while excavation works were ongoing around the existing structure.

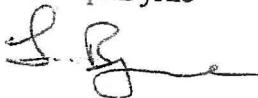
When the roof was removed, I inspected the existing stone wall structure. The walls were cracked and the lime mortar had perished, the entire wall structure was crumbling. It was obvious that the roof had been leaking on to the walls for some time.

As the walls were unstable and given the difficulty of forming a proper radon barrier, I advised that the walls and foundation be removed.

The new construction will be as the original building design.

Yours sincerely,

Joseph Byrne





[REDACTED]

We purchased our property in 2013. We submitted plans in March 2013 (enclosed)

The shed is clearly visible. The property was not occupied at the time as the owner had died. The cistern had been pulled out and water had been flooding the property for circa ten years. The electricity had been turned off. We commenced refurbishment and while removing the roof, which was leaking, the gables collapsed. My son was injured. Our engineer told us the whole place was a health and safety hazard as all the mortar had perished (report enclosed). We were also told by KCC radon officer that she would have advised us to demolish the house and to install radon protection as the levels were extremely high. We rebuilt the house to reflect the plans we had submitted. During this process we were closed down in spite of the fact that we made the planning authorities aware of the reasons. We had to rent the house we had leashed for a further six months at a cost of 6000 Euro. This expense added to the cost of rebuilding the house, paying a fine and paying for a second set of plans caused massive stress. It contributed to me having emergency surgery for cancer at the end of Oct. 2013. This led to sepsis. I was given the all clear in 2015 and was in good health until the constant stress of all the letters from KCC threatening me with huge fines and imprisonment. I was admitted to hospital in June of this year for two major surgeries. I believe this is due to the stress I was under.

We submitted plans in September 2013 for retention. (enclosed) Again the shed is clearly visible. See page 3 section 12 for measurements.

We received a letter from KCC on the 09/12/2013 informing us that permission was granted.

We had to have an ESB pole erected in the front garden at a cost of 1800 Euro and had to pay KCC a further 1650 Euro for Development Contribution.

We had to purchase a second set of windows at a cost of 3500 Euros as white windows were not allowed under the conditions of permission.

We did some restoration work on the shed in the front garden in 2015+2016 + 2017 as the mortar was crumbling and we wanted to make it safe.

In July 2022 KCC began work to alleviate the flooding on our road. This necessitated the use of heavy machinery. While the work was a success, the vibrations caused further damage to our shed.

[REDACTED]

[REDACTED]

[REDACTED]

On the 27/08/2023 I sent a letter to the Data Protection Commissioner making a formal

[REDACTED]

On the 28/08/2023 we commenced restoration of the shed in the front of our house. This shed is clearly visible on the plans submitted to KCC in March 2013 and again in September 2013. As you can see from photos submitted it was in a bad state with perished mortar and we had to prop up the roof as we did not want a repeat of what had happened to the house in 2013. This was all done to prevent an accident and in the interest of Health & Safety. The shed was single block and plastered. It had a corrugated iron roof and two windows and a door. We removed five sheets of old corrugated iron from the roof which measured 2 feet 3 inches x 9 feet. We retained these. Photos enclosed. To renovate we could not use any machinery and had to use a block hammer to remove all the perished mortar and plaster. We managed to save sections of wall and restored the remainder. We built a cavity wall inside the old wall and tied them together as we were advised that this would make the structure safe. We had ordered two extra windows in 2013 to match the house and we bought a second-hand door.

On the 23/01/2024 We received a warning letter from the Enforcement Unit KCC. (see enclosed)

[REDACTED]

We replied on the 26/01/2024. (see enclosed)

I sent an email to Mr. Paul Neary Director on 25/01/2024 (see enclosed)

We received a letter dated 31/01/2024 where they deny receiving my email. I did use the proper email address and forwarded same to my son's phone.

I replied on the 05/02/2024 (see enclosed)

I received a reply on the 27/02/2024 (see enclosed)

[REDACTED]

[REDACTED]

[REDACTED]

During a telephone conversation with Siun Reardon in the planning office she advised me to apply for a section 4 (1) (h) of the planning and development act (as amended) This I did as my knowledge of planning is zero, and I trusted her.

On the 18/07/2024 I received another letter from Siun Reardon. I was refused under section 4. She suggested I apply under section 5. She also states that the shed has doubled in size. This is a blatant lie as you will see from the plans we submitted in March and September 2013 on page three, section 12 the shed is 8 sq. meters. We kept the old corrugated iron from the roof and this will substantiate this. She also quotes Google Street Maps from May 2011 and Oct. 2009 (letter enclosed)

We applied for a copy of said maps.

On the 22/07/2024 we applied for a Section 5 as advised and paid 80 Euro.

On the 02/08/2024 we received an email telling us the file was available. When we went to the planning office the copies of maps were not available. I left a handwritten letter which I asked to be stamped. I also sent an email to Siun Reardon making her aware of this. I received a copy of street maps with an additional one from August 2023.

As you will see from the letter of the 30/07/ 2024 we were again refused. This follows a surprise visit from a member of the enforcement office on 25/07/2024. We showed him the shed and we offered him photos of our work. He refused. We showed him the original corrugated iron from the roof and asked him if he wanted to measure it. He refused.

He said we should apply for planning. When I asked him if he thought we would get planning he said he couldn't say, and that I could apply to An Bord Plenala.

On the 12/08/2024 we took photos looking east and west(enclosed)

After the wild goose chase we were sent on previously with section 4 and section 5 and the fact that my integrity was called into doubt more than once, is it any wonder that I have lost all faith. To think that my late Father and his brother were veterans of the War of Independence. What have we come to.

I am sorry that this letter is so long, but I had to let you know what we are suffering over a shed with no water or electricity. I am enclosing copies of all documentation I have referred to in this letter. Thank you.

Yours sincerely,

Margaret Kelly (Enright)  
Margaret Kelly





COMHARLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183582 Rphost | Email plan@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Application No: EX1245

Decision Date: 30<sup>th</sup> July 2024

Registration Date: 22<sup>nd</sup> July 2024

Applicant: Margaret & Emmet Kelly, Poulawaddra, Ballyseedy, Tralee, Co Kerry.

Agent: N/A

Development Location: Poulawaddra, Ballyseedy, Tralee, Co Kerry.

Development Description: Replacement of unstable shed to the front of the applicant's property with a shed of similar scale and size.

DECLARATION ISSUED UNDER AND IN ACCORDANCE WITH SECTION 5 OF THE  
PLANNING AND DEVELOPMENT ACTS, 2000 – (as amended)

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Kerry County Council, being the Planning Authority for the County Health District of the County of Kerry, has by order dated 30<sup>th</sup> July 2024 authorised the issue of a declaration under the provisions of Section 5 of the Planning & Development Acts, 2000 (as amended) in accordance with plans and particulars submitted on 22<sup>nd</sup> July 2024 I hereby certify that, the Planning Authority considers that the works, the subject of the referral under the said Section 5 namely replacement of unstable shed to the front of the applicant's property with a shed of similar scale and size at Poulawaddra, Ballyseedy, Tralee, Co Kerry **DOES NOT** constitute exempted development under the Planning & Development Acts 2000 (as amended) having regard to the considerations inserted hereunder:-

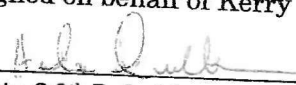
*Schedule 1*

- (i) The works would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended),
- (ii) The said works would constitute development that comes within the scope of Section 3(1) of the said Act,
- (iii) The nature and extent of the proposed works comprising the construction of a shed does not fall for consideration under exemption at Class 3, (Condition 1) Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended), as the development has occurred forward of the front wall of the house.

Therefore, the proposed works would constitute development which is not exempted development.

An Appeal against the decision of the Planning Authority under Section 5 of the Planning & Development Act 2000 may be made to An Bord Pleanála within four weeks beginning on the date of the issuing of the declaration by the Planning Authority. An Appeal should be addressed to: An Bord Pleanála, 64 Marlborough Street, Dublin and should be accompanied by the appropriate fee.

Signed on behalf of Kerry County Council

  
Date 30<sup>th</sup> July 2024



# Michael Burke

Architectural Technician  
COMPUTER AIDED DESIGN DRAWING SERVICE

Services Include :  
Design & planning drawings  
Working drawings  
Specifications

Curraheen,  
Tralee,  
Co. Kerry,  
Ph/Fax. (0667) 27578.  
Email kadmanl@eircom.net

20<sup>th</sup> March 2013

Planning Department,  
Kerry Co. Council,  
County Buildings,  
Rathass,  
Tralee,  
Co. Kerry.

In respect of an application by Emmett Kelly for permission to refurbish and extend existing cottage, consisting of elevational changes and erect a new extension to the east, west and south of same and complete with all ancillary site works associated with the development at Poulawaddra, Ballyseedy, Tralee, County Kerry.

Dear Sir or Madam

Please find enclosed the following:

- 2 copies of completed application form.
- 2 copies of newspaper and site notice.
- 6 Copies of floor plans, elevations, cross-sections of existing and new structures
- 6 Copies of site layout plan and site location maps.
- 6 Copies of photographs of existing dwelling.

My client Emmett Kelly is refurbishing and extending his old cottage. He has had to move out recently due to the deterioration of the house and has moved in with his mother until the refurbishment and extension is complete. Rising damp and the lack of a proper heating system has made it an unhealthy environment to live in. Part of the structure a lean-to to the east side has already been taken down for health and safety reasons. The existing cottage had 3 small bedrooms and a small kitchen/dining/living with an outside toilet for which a new septic tank was fitted by KCC back in 2006/2007 to serve the old council cottage. The refurbished dwelling will have 3 good sized bedrooms and kitchen/dining/living and an inside bathroom so that it can become a family home in the future. As soon as planning is granted work will commence on the development as Emmett is anxious to move back into his refurbished and extended cottage as soon as possible.

We look forward to a positive decision to this application in the near future.

Yours Sincerely

  
Michael Burke, Arch. Tech

# KERRY COUNTY COUNCIL



*Comhairle Contae Chiarraí, Áras an Chontae, Trá Lí, Co. Chiarraí*  
Guthán: (066) 7183582 E-mail: [plan@kerrycoco.ie](mailto:plan@kerrycoco.ie) Faics: (066) 7120328  
Kerry County Council, County Buildings, Tralee, Co. Kerry  
Tel: (066) 7183582 Web: <http://www.kerrycoco.ie> Fax: (066) 7120328

## PLANNING APPLICATION FORM

### 1. Name of Relevant Planning Authority:

KERRY COUNTY COUNCIL

### 2. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Poulawaddra, Ballyseedy, Tralee, County Kerry.
Ordnance Survey Map Ref No (and the Grid Reference where available) <sup>1</sup>	KERRY O.S. DIGITAL MAP 5658 – B

### 3. Type of planning permission (please tick appropriate box):

☒ [ X ] Permission

☐ [ ] Permission for retention

☐ [ ] Outline Permission

☐ [ ] Permission consequent on Grant of Outline Permission

### 4. Where planning permission is consequent on grant of outline permission:

Outline Permission Register Reference Number: N/A

Date of Grant of Outline Permission: N/A



**5. Applicant:**

<i>Name(s)</i>	Emmett Kelly
	Address to be supplied at the end of this form. (Question: 23)

**6. Where Applicant is a Company (registered under the Companies Acts 1963 to 1999):**

<i>Name(s) of company director(s)</i>	N/A
<i>Registered Address (of company)</i>	N/A

**7. Person/Agent acting on behalf of the Applicant (if any):**

<i>Name</i>	MICHAEL BURKE ARCHITECTURAL TECHNICIAN
	Address to be supplied at the end of this form. (Question 24)

**8. Person responsible for preparation of Drawings and Plans<sup>3</sup>:**

<i>Name</i>	MICHAEL BURKE ARCHITECTURAL TECHNICIAN
<i>Firm/Company</i>	CAD DESIGN DRAWING SERVICES

**9. Description of Proposed Development:**

<i>Brief description of nature and extent of development<sup>4</sup></i>	Permission to refurbish existing dwelling house with elevational changes complete with new extensions to the east, west and south of same and for all ancillary site works associated with the development on my site
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**10. Legal Interest of Applicant in the Land or Structure:**

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	<i>A. Owner</i> <input checked="" type="checkbox"/>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	N/A	

If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation

# 11. Site Area:

Area of site to which the application relates in hectares	0.389ha
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## 12. Where the application relates to a building or buildings:

Gross floor space of any existing building(s) in m <sup>2</sup>	House 37.25 Sq.M Sheds 80 Sq.M.
Gross floor space of proposed works in m <sup>2</sup>	House 81.85 Sq.M.
Gross floor space of work to be retained in m <sup>2</sup> (if appropriate)	Not Applicable
Gross floor space of any demolition in m <sup>2</sup> (if appropriate)	Rear annex of house 6.90 Sq.M.

## 13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

Class of Development	Gross floor area in m <sup>2</sup>
N/A	N/A
N/A	N/A
N/A	N/A

## 14. In the case of residential development please provide breakdown of residential mix:

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses	N/A						
Apartments							
Number of car-parking spaces to be provided	Existing:		Proposed:		Total:		

## 15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use <sup>o</sup> (or previous use where retention permission is sought)	N/A
Proposed use (or use it is proposed to retain)	N/A

**Michael Burke.**  
**Architectural Technician.**  
Computer Aided Design Drawing Service

Project: **REFURBISH & EXTEND EXISTING DWELLING  
AT POULAWADDRA, BALLYSEEDY, TRALEE.**

Client: **EMMET KELLY**

Title: **SITE LAYOUT PLAN.**

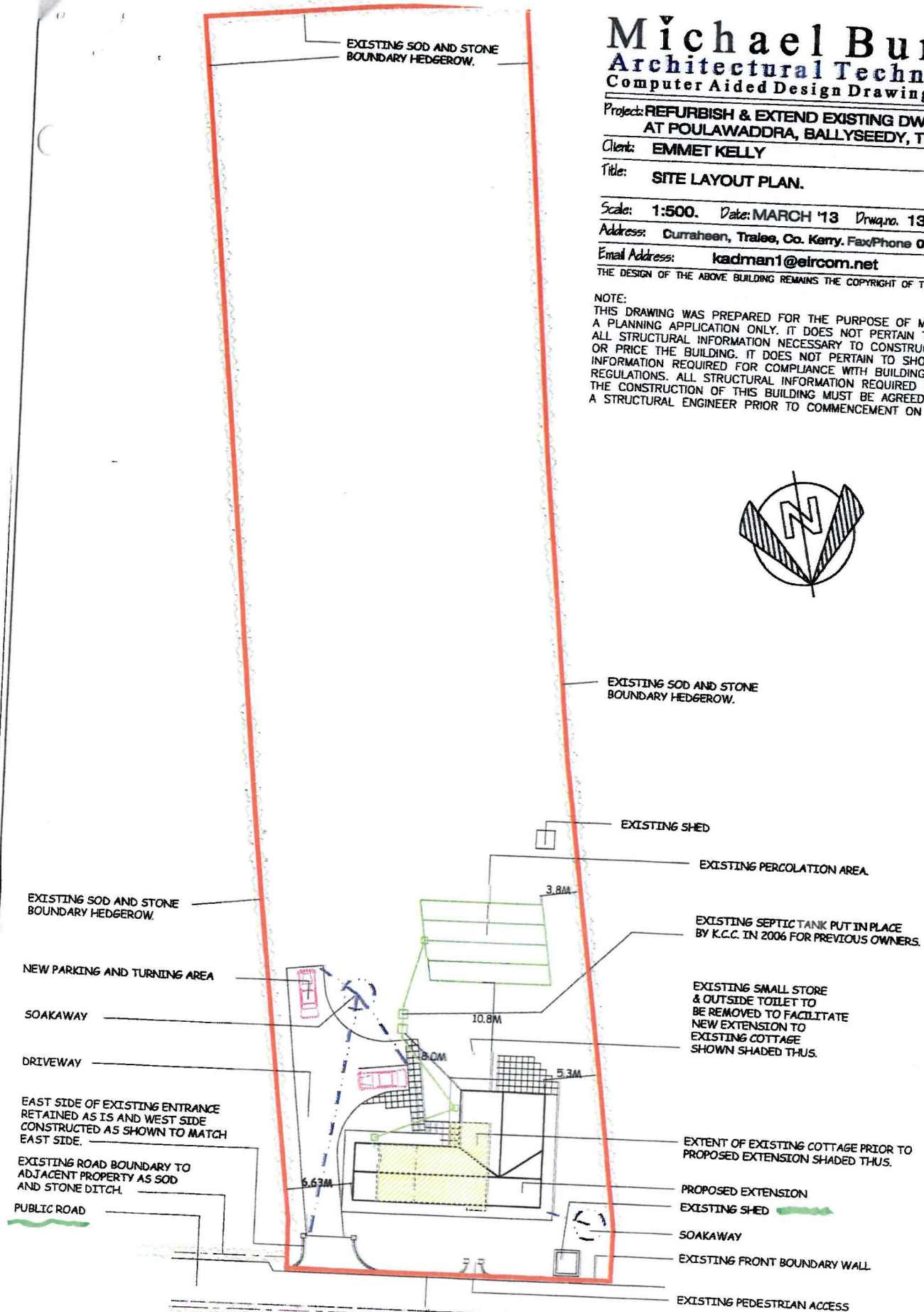
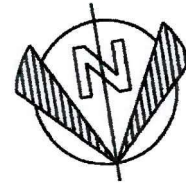
Scale: **1:500.** Date: **MARCH '13** Drawn: **13003/05**

Address: **Curraheen, Tralee, Co. Kerry. Fax/Phone 086-7127578**

Email Address: **kadman1@eircom.net**

THE DESIGN OF THE ABOVE BUILDING REMAINS THE COPYRIGHT OF THE ARCHITECT

NOTE:  
THIS DRAWING WAS PREPARED FOR THE PURPOSE OF MAKING  
A PLANNING APPLICATION ONLY. IT DOES NOT PERTAIN TO SHOW  
ALL STRUCTURAL INFORMATION NECESSARY TO CONSTRUCT  
OR PRICE THE BUILDING. IT DOES NOT PERTAIN TO SHOW ALL  
INFORMATION REQUIRED FOR COMPLIANCE WITH BUILDING  
REGULATIONS. ALL STRUCTURAL INFORMATION REQUIRED FOR  
THE CONSTRUCTION OF THIS BUILDING MUST BE AGREED WITH  
A STRUCTURAL ENGINEER PRIOR TO COMMENCEMENT ON SITE.



**Site Layout Plan 1:500.**

AREA SHOWN OUTLINED IN RED = 0.96 ACRES (0.389 HECTARES)

**SITE NOTICE**