

# FRANK CURRAN

CONSULTING ENGINEERS LTD

An Bord Pleanála  
64 Marlborough Street  
Rotunda  
Dublin 1

2<sup>nd</sup> July 2025

AN COIMISIÚN PLEANÁLA	
LDG-	08/134-25
ACP-	
03 JUL 2025	
Fee: €	220 type: CHQ
Time: 9:18	By: Reg

SC

**Re: John Dooly, Knocknaskeha, Killarney, Co. Kerry - Section 5 Application**

Dear Sir/Madam,

I wish to appeal the decision of Kerry County Council on refusing the Section 5 Application for the above property. I have attached the following;

1. Report for the appeal.
2. Copy of the decision from Kerry County Council.
3. Fee for €220.

Yours Faithfully,



Frank Curran

**16 Main Street, Cahersiveen, Co. Kerry.**

**Tel: 066 - 9473016 Int: 00353**

**email: [frankcurran@thepropertyshop.ie](mailto:frankcurran@thepropertyshop.ie)**

**Registration No: 9649805R**

**VAT Reg No: IE9649805R**



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# FRANK CURRAN

## CONSULTING ENGINEERS LTD

**Appeal on Section 5 Decision**  
**Application Number - EX1393 for House at Knocknaskeha, Killarney, Co. Kerry**

I wish to appeal the decision of Kerry County Council on behalf of John Dooley for his property at Knocknaskeha, Killarney, Co. Kerry on the following grounds.

The existing property was always a dwellinghouse and has been vacant for quite some time and has fallen into a poor state of repair. John Dooly decided to renovate the property and avail of the Vacant House Derelict Grant for same. A Section 5 Application was requested by the Housing Section of Kerry County Council to access the Vacant House Derelict Grant Application.

It is my opinion that the building is a house.

1. The house has an Eircode V93 TKP4.
2. The septic tank that serves the house is registered with Irish Water, see copy attached.
3. Attached photographs of the house in its present condition. In the photographs it is evident that there is an fuse board in the house which would support my opinion.

Internally the house has been cleared out and the old toilet removed. The proposed extension onto the rear of the house is less than 40 sqm and therefore would be an exempted development. The four walls and the metal roof are still intact. Therefore, the building should constitute a dwellinghouse.

In conclusion, in my opinion the points above confirm that the building in question was and is a dwellinghouse.

Yours Faithfully,



2-7-25  
Date



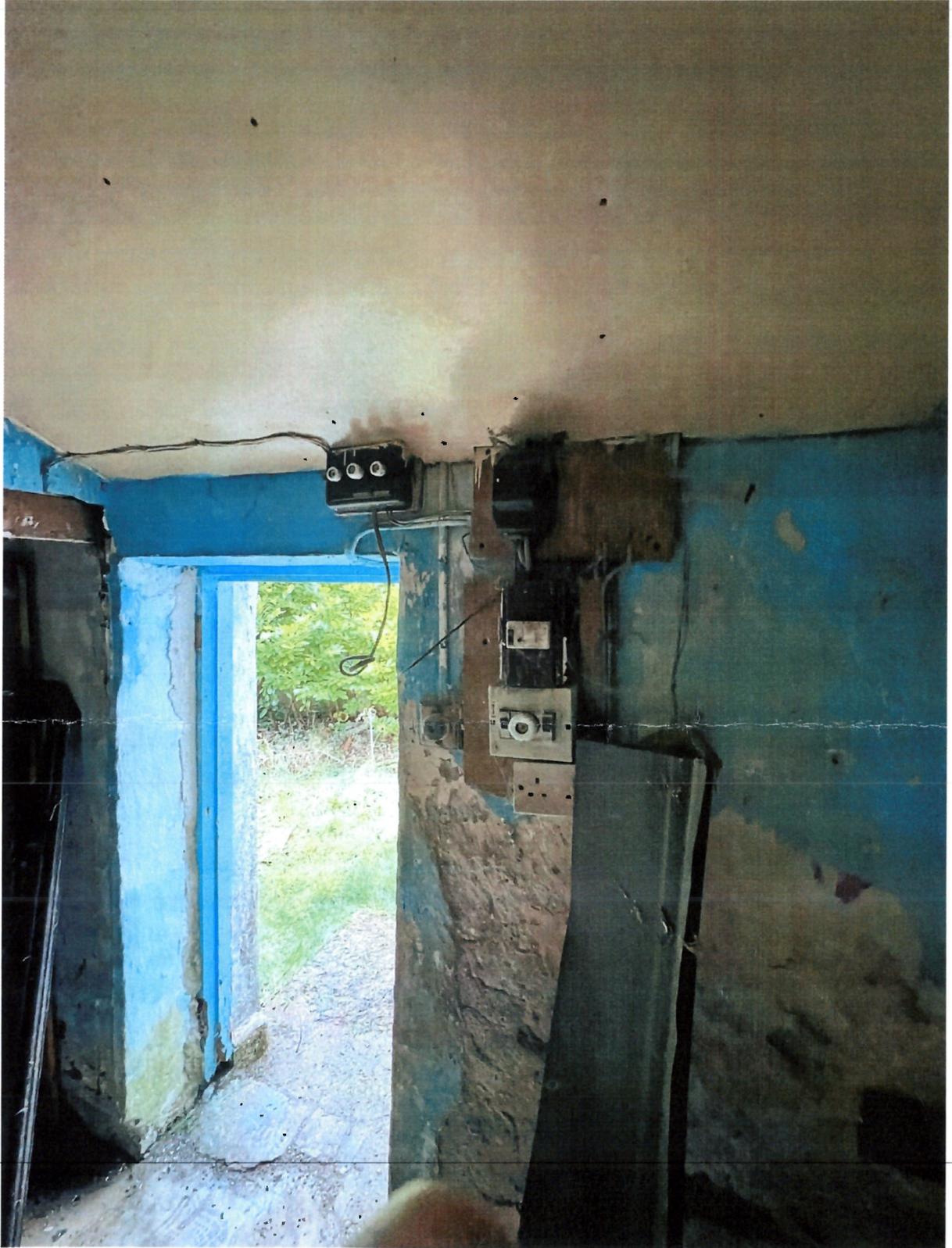
**Photographs**















John Dooley  
37 Doirin Allainn  
Tralee Road  
Killarney  
Co. Kerry  
V93 HP3X

## CERTIFICATE OF REGISTRATION

Reference ID: 505-H6EMW5

Registration number: <b>SSYYHEUE9M</b>
Date of registration: <b>10/01/2024</b>
Registered to: <b>John Dooley</b>
Registered address: <b>KNOCKNASKEHA, KILLARNEY, Co. Kerry, V93 TKP4</b>
Water services authority: <b>Kerry County Council</b>

### Issued under the Water Services Act 2017.

This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

### Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit [www.protectourwater.ie](http://www.protectourwater.ie).





COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email plan@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Application No: EX1393

Decision Date: 16<sup>th</sup> June 2025 Registration Date: 23<sup>rd</sup> May 2025

Applicant: John Dooly, 37 Doirin Allainn, Tralee Road, Killarney, Co Kerry.

Agent: Frank Curran, 16 Main Street, Cahersiveen, Co Kerry.

Development Location: Knocknaskeha, Killarney, Co Kerry.

Development Description: Renovation works to a detached ruin cottage and the construction of a single-storey extension (floor area 39sqm approx) to the rear.

**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 16<sup>th</sup> June 2025 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 23<sup>rd</sup> May, 2025 I hereby certify that, the Planning Authority considers that the works, the subject of the referral under the said Section 5 namely **renovation works to a detached ruin cottage and the construction of a single-storey extension (floor area 39sqm approx) to the rear at Knocknaskeha, Killarney, Co Kerry DOES NOT** constitute exempted development under the Planning & Development Acts 2000 (as amended) having regard to the considerations inserted hereunder:-

*Schedule 1*

- (a) The proposed development would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended),
- (b) The said works would constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) The nature and extent of the proposed refurbishment works to the ruin cottage would not come within the scope of exemption provided at Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).
- (d) The proposed works comprising the construction of a rear extension would not fall for consideration under exemption at Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as the structure on site proposed to be extended is not a 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 16<sup>th</sup> June 2025



