



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304758-19

#### Development

Chun athbreithnithe a dhéanamh ar an bhforbairt a bhí ceadaithe faoi uimhir thagartha pleanála 18/148 chun athrú úsáide óna aonaid cónaithe uimhrithe 2 go dtí 9 a ceadú roimhe seo, go dtí tithe saoire gear-thréimhseach, féinfhrestail, chomh maith le na hoibreacha agus na seirbhísí uileag a bhaineann leo.

#### Location

Rinn na Mara, Bearna, Co. Galway

#### Planning Authority

Galway County Council

#### Planning Authority Reg. Ref.

19527

#### Applicant(s)

Sean O'Conchobhair

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Sean O'Conchobhair

**Date of Site Inspection**

11<sup>th</sup> October 2019

**Inspector**

Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.2438 hectares, is located in the centre of Bearna Village to the west of Galway City. The appeal site is located on the southern side of the main street. The appeal site is occupied by an existing single-storey detached thatched roof dwelling and a stone shed. Adjoining uses include 2 no. detached dwellings to the west and a development site to the east and south on which a housing development is currently under construction. The existing thatched dwelling on site is on the record of protected structures.

## 2.0 Proposed Development

2.1. Permission is sought for revisions to previously permitted development granted under ref no. 18/148. The permission will consist of a change of use of the previously permitted residential units numbered 2 to 9 to provide for short stay self-catering holiday homes, together with all associated site works and services.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on one reason...

1. It is considered that the proposed development having regard to the village core siting of the proposed development in the context of Bearna plan would constitute an underutilisation of serviced lands and the nature of its seasonal use would undermine the fabric of the village core and consequently its vitality, viability and attractiveness in a strategic sense and would militate against the physical consolidation of the village core in an efficient manner. Hence to permit the proposal would contravene Objective ED2 of the Bearna Plan, be contrary to the objectives of the Bearna and county development plan and to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Planning report (29/05/19): The proposal was considered contrary to Objective ED2 of the Bearna Plan, lead to underutilisation of a strategic village centre site and detract from vibrancy and vitality of the village core. Refusal was recommended based on the reason outlined above.

## 3.3. Prescribed Bodies

### 3.3.1 Udaras Na Gaeltacta

- Sets out the role of Údarás na Gaeltachta and their overall objective to ensure that Irish remains the main communal language of the Gaeltacht for future generations.
- Outlines that statutory plans for the area also include policies aimed at saving the Irish language, as required by the Planning Act.
- The planning authority has a central role to play in developing and conserving the Irish language as part of the delivery of services and infrastructure in the Gaeltacht;
- The Irish language is under continued pressure with native families moving away and people from outside the area moving into the Gaeltacht areas and the planning authority has a role to play in addressing this;
- The Irish language is recognised as being of significance and strong in Bearna, and to ensure this continues practical measures to back the Irish community should be employed, protecting the importance of the language, while restricting growth in the use of the English language;
- The planning authority should ensure that signage as well as business names are in Irish, that Irish language is acknowledged and to the fore in the proposed development and that conditions are included to meet obligations under the Planning Act.

### 3.4. **Third Party Observations**

3.4.1 None.

## 4.0 **Planning History**

4.1 18/148: Permission was granted for the provision of 9 residential units.

Adjoining site

4.2 PL07.247446: Permission granted for construction of 1 no. infill 1 bedroomed terraced house between existing street front houses and demolition of partially built garage and construction of 15 houses.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1 Bearna Local Area Plan 2015-2021.

The appeal site is zoned Village Centre, VC.

Objective LU1-

Promote the development of the Village centre as an intensive, high quality, well-landscaped, appropriately scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses that also provides a range of retail services, facilities and amenities to the local community and visitors to the village. The village centre shall remain the primary focus for retail and service activity within Bearna.

Objective ED2 - Proliferation of Any Individual Uses

Protect and enhance the vitality and viability of the village centre by ensuring that it remains the primary retail, commercial and mixed use centre in Bearna an

prohibiting a proliferation of any individual use or other uses, which in the opinion of the Planning Authority does not contribute to the vitality and viability of village.

#### 5.1.2 Galway County Development Plan 2015-2021.

##### Objective EDT 18 – Holiday Accommodation in Serviced Settlements

Encourage the proportionate development of new stand-alone holiday homes/independent guest accommodation and short-stay accommodation within existing adequately serviced town and village settlements.

#### 5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

#### 5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Planning Consultancy Services on behalf of the applicant, Sean O'Conchobhair. The grounds of appeal are as follows...

- The appellant notes there are economic grounds for the proposed development with a clear year round demand for short term stay accommodation in Bearna with such information provided in the business plan

submitted with application. It is noted the Planning Authority's decision to refuse is unfair and lacking in justification.

- It is noted that the proposal is modest in scale with part of the development permitted used for holiday home development and the remainder remaining as private residences. It is noted that the provision of holiday homes is in keeping with the Local Area Plan policy (Objective LU) for the Village Centre zoning. It is also noted that the VC zoning is the only zoning within the Bearna Plan where short term holiday accommodation is allowable with such not normally permitted under the other zoning objectives. Such accommodation is also not permitted within the rural area or in rent pressure zones meaning that Bearna is one of the few locations such would be viable.
- It is noted that the proposal is a more intensive and efficient use with claims that it is underutilisation of serviced land refuted. The appellant refers to a number of referrals to the Board where short stay accommodation has been deemed to be a more intensive use than private owner occupied accommodation. It is also noted that the site is outside of a rent pressure zone.
- The proposal would not impact on vitality or vibrancy with it noted there is a year round demand for such accommodation.
- The provision of short stay accommodation will support existing businesses and services in the village.
- The proposal would not be contrary to Objective ED2 or contrary the objectives of the Bearna LAP or Galway County Development Plan.

## **6.2. Planning Authority Response**

### **6.2.1 No response.**

## 7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Change of use/Development Plan/LAP policy

Appropriate Assessment

7.2. Change of use/Development Plan/LAP policy:

7.2.1 Permission was granted under ref no. 18/148 for a housing development consisting of 9 no. units including a single-storey two bed detached unit (Unit 1) incorporating the existing stone shed on site, a two-storey block with 2 no. three bed units (Units 2 and 3, one at ground floor and one at first floor, a three-storey block with three bed units (Units 4-9). The existing dwelling on site was to remain as a private dwelling. The current proposal seeks to change the use of unit no.s 2-9 to for short stay self-catering holiday homes.

7.2.2 Permission was refused on the basis that the proposal would be contrary Objective ED2 and harm the vibrancy and vitality of the village due to seasonal vacancy. The first thing I would note is that there is no change to the nature, scale and configuration of the development granted under ref no. 18/148. The permission relates to use of 8 of the 9 units for short-stay holiday home use. The proposed use is open for consideration in the Village Centre zoning and is the only zoning within which this use is permitted. Objective EDT 18 of the County Development Plan relating to Holiday Accommodation in Serviced Settlements notes it is policy to “encourage the proportionate development of new stand-alone holiday homes/independent guest accommodation and short-stay accommodation within existing adequately serviced town and village settlements”. The proposed use would be acceptable in term of land use zoning and its location within an existing serviced centre is supported by Development Plan policy. There is no explicit policy precluding the development at this location.



7.2.3 The refusal reason relates to impact on the vitality and vibrancy of the village centre. As noted above there is no physical changes to the development permitted just to the manner in which most of the units are occupied. The appellant has included a business plan that indicates the demand that exists for such accommodation and notes that there is a year round demand for such. The business plan also indicates that there is a shortage of such accommodation in the County and in the case of Bearna there is no registered self-catering accommodation and only one hotel (The Twelve Hotel) which caters for a different type of market.

7.2.4 I would consider that the proposed development is in accordance with Development Plan policy and land use zoning. I do not consider that the proposal would impact adversely on the vitality and viability of the village core. This is on the basis that the development is the same physical development. In addition I would note that there is a significant tourism demand in the area with Bearna located on the Wild Atlantic Way and the provision of such accommodation does support the vitality and vibrancy of the village in that it will bring visitors and have a positive economic impact in relation to existing businesses and services in the village (restaurants, retail etc). I would accept that there is a year round demand for tourist facilities and I am satisfied that it has been demonstrated that there is a lack of such facilities within the village. I would also note that the change of use does not preclude the development from being reverted to private residential accommodation at a future point in time. I would consider that the impact of the proposal in regards to the village centre would be negligible and that the nature of the use is supported by Development Plan and Local Area Plan policy.

7.3 Appropriate Assessment:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the planning history of the site, and policy set down under the Galway County Development Plan 2015-2021 and the Bearna Local Area Plan 2015-2021, considered that, subject to compliance with the conditions set out below that the proposed development would be compliant with Development Plan/Local Area Plan policy and would not diminish the vitality or vibrancy of the village. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The 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. The proposed development shall comply with all conditions set down under permission ref no. 18/148 apart from condition no. 2.

**Reason:** In the interest of clarity.

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Colin McBride  
Planning Inspector

15<sup>th</sup> October 2019