



An
Bord
Pleanála

Inspector's Report 311695-21.

Development	Retention permission for change of use from dwelling use to short-term letting and the erection of signage.
Location	Tranquility Townhouse, Donard Lodge, Dundalk Street, Carlingford, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	20/971.
Applicant	Rebecca Surman.
Type of Application	Retention Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	P&I Finegan.
Observer(s)	None.
Date of Site Inspection	19 th January 2022.
Inspector	Lucy Roche.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.056ha and is located within Carlingford Village a coastal settlement located approximately 28km from Dundalk, 6km from Omeath and 10 km from the border with Northern Ireland. The site is located to the west of Dundalk Street, an urban street with a mix of residential and commercial uses in buildings of varying architectural styles and ages. Directly adjacent to the site and to the north is Carlingford House, a Protected structure currently in use as a Guest House. A further protected structure, the Ruins of a Dominican Friary, occupies lands on the opposite side of the public road. elsewhere within the immediate vicinity of the site, development is predominantly residential in nature. On-street parking is permitted on Dundalk Street within the vicinity of the site.
- 1.2. The appeal site comprises Tranquility Townhouse, a two-storey detached gable fronted dwelling (stated GFA 273.1sqm) which, like Carlingford House to the north, is set back from the public road (by c24m). The front boundary comprises a high wall and electric gates. The exterior curtilage of the property comprises landscape gardens and hard surfaced driveway /parking area to front.

2.0 Proposed Development

- 2.1. Retention permission is sought for the change of use from dwelling use to short-term letting and the erection of signage,

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. In October 2021, the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to two conditions generally of a standard nature. Condition 2 related to the location of bins

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

Initial Report dated: 11/02/2020

- They consider that short term let accommodation is compatible with the Village Zoning and is acceptable at this location
- They note the location of the development within a rent pressure zone and the need for planning permission. They consider the issue is whether the short term let is appropriate within Carlingford and for this particular building and if so whether the council can adequately regulate the development by way of condition
- They note the contribution of tourism to the local economy and the likely increase in demand for short-term letting as a result of the Greenway project
- They refer to CDP Policy which supports sustainable tourism in Carlingford
- They note that there is a significant number of other dwelling house and residential area of Carlingford on lands which are zoned for residential purposes. The application site is located on lands zoned village centre, the zoning objective for which supports 50% of the village centre area for commercial activity which would include short term tourism accommodation.
- They note the applicant has not provided any supporting detail to support compliance with the management of the development
- They note the concerns raised by third parties in relation to the impact of the development on the amenities of adjoining residential properties etc. but also that the property is not located within an exclusively residential area or on lands zoned for residential purposes. Further information is however required to address the issues raised.
- In relation to appropriate assessment, they request clarity in relation to connections to public services
- EIA not required
- Further information requested on matters relating to the operation and management of the premises; the rate of occupancy; parking provision; service connection and waste disposal

Second Report Dated 28/09/2021

- They noted and assessed the applicant's response to the further information request and deemed it acceptable.
- They recommended that permission be granted subject to condition.

3.2.2. Other Technical Reports

Environment Section

Report dated 04/12/2020	Further information was request with respect to watermain and foul sewer connection and waste management
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Report Dated 15/09/2021	No objection subject to condition
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Infrastructure Section

Report Dated 18/12/2020	No objection subject to condition
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3.3. Prescribed Bodies

None

3.4. Third Party Observations

3no observations were received by the Planning Authority during consideration of the application. The issues raised in the submissions are similar to those raised in the grounds of appeal and are collectively summarised under the heading 'grounds of appeal' below.

4.0 Planning History

No relevant planning history

5.0 Policy Context

5.1. National Guidelines

The following national guidelines are relevant:

- Guidance Note for Local Authorities for Regulating Short-Term Letting (July 2019), Department of Housing, Planning and Local Government;
- Circular Letter PL4/2019 – New Regulations of Short-term Letting;
- Circular Letter PL10/2017 - Guidance on Planning Applications for Short Term Lettings.

5.2. Louth County Development Plan 2021-2027

5.2.1. Zoning

The site is located within the Level 3 Settlement (Self-sustaining Town, of Carlingford, and within the B1 Town or Village Centre Zone which seeks to support the development, improvement and expansion of town or village centre activities.

5.2.2. Policies and Objectives

Chapter 6 Tourism

6.5.1 Hotel, Guest House, and Bed & Breakfast Accommodation

TOU 26 To direct tourism-based development including Hotels, Guesthouses and B&B's to Level 1, 2 and 3 Settlements where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

Section 6.5.2 relates to Self-catering accommodation

TOU 27 To facilitate the provision of self-catering accommodation in locations within existing towns and villages, of a scale that the settlement can sustain.

Volume 2 Self Sustaining Towns – Carlingford

CAR 1 To support the role of Carlingford as a local service centre and tourist destination by facilitating development that will contribute to the character and structure of the town and complement and enhance the quality of the town's attractive built and natural environment.

CAR 4 To ensure that the amenities of existing residents are considered and protected, particularly in the design, configuration, and operation of any tourism related development

CAR 9 To seek to support and develop Carlingford as a sustainable tourism hub

5.2.3. Built Heritage:

There are a number of protected structures within the vicinity of the site including

- Carlingford House (Lhs005-011) - Detached three-bay two-storey house, built c. 1800, later used as dispensary, now in use as house.
Rectangular plan, extended by three-bays to north c. 1900, returns to west
- Dominican Friary (Lhs005-016) - Remains of Friars Church with rectangular belfry.

5.2.4. Car Parking Standards

Area 1 (lands located within towns and settlement centres)

Residential - 1 space per residential unit

Hotel / Guest House - 1 space per 2 bedrooms

5.3. Natural Heritage Designations

The appeal site is located within proximity to the following designated sites:

- Carlingford Lough SPA and pNHA
- Carlingford Shore SAC
- Carlingford Mountain SAC and pNHA

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal site is located within a Rent Pressure Zone (RPZ). Short term rentals in the area should be avoided in order to provide affordable rentals for permanent residence.
- Short-term rental use as proposed has a negative impact upon the amenities of adjoining properties by way of noise and nuisance (inappropriate behaviour and bad language etc), and negatively affects the local community
- Parking: Insufficient in-curtilage car parking spaces to cater for the demand generated by the development would result in surplus parking onto Dundalk Street and the wider village where over parking and congestion is already an issue. This leads to road safety concerns particularly for local primary school aged children trying to navigate the already busy street.
- Irresponsible letting / overcrowding: the existing three-bedroom dwelling is being advertised as being suitable for accommodating up to 16 persons which the appellant considers represents overcrowding and safety concern particularly in terms of fire safety.
- Concerns that Louth County Council did not make the 'additional information' provided by the applicant available for review to interested parties and that the information provided was not given due consideration.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- The submission refers to section 6.5.5 of the Louth County Development Plan 2021-2027 (now in effect) which specifies that applications for short-term letting will be assessed on a case-by-case basis and that the Planning Authority (PA) will have regard to department circulars and guidance.
- The lodging of a planning application by a property owner is an acknowledgement of the requirement to seek regularisation
- In the adjudication of the decision the PA considered the development based on legislation, zoning and whether the principle for short term / tourist letting was permitted

The scale of the dwelling (significantly larger than the average house), the ability to provide off street parking and bin storage and the availability of off-street parking within the village centre were considered.

- Having regard to the village centre zoning the Planning Authority considered that taken account the development was located within a mixed commercial zone and given the economic and tourism policies relative to the Carlingford area additional short stay accommodation is needed to support tourism in the area.
- Other short-stay development within the county have not been viewed favourably for reason of residential amenity. Reference is made to Planning Register Reference 20/1032 also location with Carlingford Village whereby the Planning Authority considered permission for short term let in a residential zone within a housing scheme as not suitable having regard to the zoning objective and a decision to refuse permission issued.
- The strategy for Louth for considering shorter lets on a case-by-case basis is meeting two tests:
 1. The zoning objective
 2. Can issues relative to car parking, bin storage and general disturbance be managed appropriately

6.4. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having 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
- Residential Amenity
- Parking
- Flooding
- Other
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. Permission has been sought for the retention of the change of use from a dwelling to use as short-term letting with associated signage.
- 7.2.2. The appeal site is located within a Rent Pressure Zone (RPZ). RPZ's are designated areas intended to moderate the rise in rents and create a stable and sustainable rental market. The Departmental Circular Letter PL4/2019 addresses 'New Regulations of Short-term Letting', which are aimed at bringing back houses and apartments currently used for short-term letting in designated rent-pressure zones, to the traditional long-term rental market. The Ministerial 'Guidance Note for Local Authorities for Regulating Short-Term Letting' (July 2019) includes a section addressing the determination of applications for short-term letting and the factors to be considered when deciding on these applications.
- 7.2.3. The appeal site is located on lands that are zoned B1, Town or Village Centre Zone, the objective of which seeks to support the development, improvement and expansion of town or village centre activities. This zoning supports a mix of uses

including residential (the established use on site), shops, restaurants, nightclubs Hotels, B&B, Hostels etc. I would consider the provision of short-term letting a compatible use that would be acceptable in principle within this zone.

- 7.2.4. It is a stated objective of the Development Plan to support sustainable tourism development in Carlingford, and the Planning Authority in their assessment refers to the importance of tourism to the local economy of Carlingford and the supporting role short-term letting plays in the tourism industry by providing options for accommodation in the local market. Whilst the role of tourism in the area is acknowledged and appreciated, I also consider it necessary to consider the potential impact of this development on the supply of long-term rental accommodation in the area.
- 7.2.5. Little information is available on file regarding the supply / availability of long-term rental properties in the Carlingford area however it is noted from the planning report on file that there are a number of short-term letting properties operating within the Carlingford area and from a cursory look through on-line property and holiday rental websites, the quantum of short term / holiday lets would appear to far outweigh the number of long-term rental properties available. This is a concern and is reflective of the areas inclusion within a rent pressure zone; however, it is noted that measures introduced to address the pressures in the private housing rental market, including legislative changes, now provide Planning Authority with greater regulatory control over the quantity, density, and location of short-term letting and I accept the point made by the Planning Authority that the applicant is acknowledging the requirements of the new legislation in applying for retention permission and by engaging in this process.
- 7.2.6. As previously stated, the site is located within the village centre zone which supports a mix of uses, including short-term letting. It would appear from the information on file that the property in question has been in use for some time as a short-term rental property and it is noted that there are a number of B&B's and guest house in the vicinity including an established guest house on the lands immediately adjoining the site to the north, I consider that this would support a degree of co-location. The site is within walking distance to supporting services and amenities. I would consider this a suitable location in principle for short-term letting. As noted by the Planning Authority

this is a substantial property, extending to c273sqm (as stated), considerably larger than the average family home and the standard rental property.

- 7.2.7. In light of the above I would consider that the retention of the change of use of this property for short-term letting would constitute an appropriate use in this location, and would not result in the substantive loss of long-term residential stock within the area.

7.3. Residential Amenity

- 7.3.1. The appellants contend that the use of the property for short-term letting would create unacceptable nuisance, disruption and anti-social behaviour within a residential behaviour.
- 7.3.2. Short term lettings, by their nature attract transient and one-off occupants resulting in a greater potential for noise and disturbance, the effects of which become more apparent in settled residential areas or multi occupancy buildings with shared service and amenity spaces. The proposed development is however located within an established urban area on lands zoned Town/Village centre. This zoning supports a mix of uses and as previously established it is considered that short-term letting would be a compatible use within this zoning
- 7.3.3. I note the property has been in use for short-term letting for some time and that it adjoins an established guest house. The site itself is relatively large (in comparison to many town/village centre sites), it is self-contained (in terms of parking and amenity spaces etc) and provides a suitable degree of privacy for occupants.
- 7.3.4. I consider that the proposed development is generally acceptable and that a certain level of noise is to be expected in such locations. I consider that anti-social behaviour and excessive noise/disturbance could arise at any self-catering accommodation and that the control and avoidance of such impacts is primarily a management issue.

7.4. Parking

- 7.4.1. The appellants have raised concerns regarding the parking demand generated by the proposed development and the ability of the site to accommodate same, in addition concerns have been raised regarding the impact of overflow parking from the development onto the adjoining public road(s).
- 7.4.2. The information submitted with the application, including site layout plan submitted in response to the further information request issued by the Planning Authority, indicates that the application site can accommodate 4no on-site parking spaces.
- 7.4.3. The County Development Plan does not provide a specific car parking standard for short-term lettings. I note that the Planning Authority in their assessment applied the standard applicable for hotels/guest houses, which I consider reasonable. As per the CDP the standard for hotels / guest houses is 1 space per 2no bedrooms, this would equate to a parking demand of 2no on-site parking spaces to serve the proposed development. The provision of 4no on-site parking spaces as proposed would therefore exceed the required standard however having regard to the nature of the development and the potential occupancy rate of 16 persons, I would consider this exceedance acceptable and appropriate in this instance.
- 7.4.4. Should the case arise that parking demand generated by the development exceed that available within site, I note that there is both off-street and on-street parking available within the vicinity of the site. On-street parking is available on Dundalk Street to the front of the site, this section of the public road is sufficiently wide to accommodate on-street parking without impeding the public footpath or causing an obstruction to traffic.

7.5. Flood Risk

- 7.5.1. The Carlingford Zoning and Flood Zone Map included in the Development Plan indicates that the appeal site is located within Flood Zone A and B and is therefore at risk of flooding.
- 7.5.2. Section 5.28 of the Flood Risk Management Guidelines for Planning Authorities 2009 advises that applications for minor development, including most changes of use of

existing buildings, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. The Guidelines also advise that since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply but recommends that a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.

- 7.5.3. No flood risk assessment was included with the planning application. However, having regard to the nature of the proposed development as a change of use application with no alterations or extensions proposed, I do not consider that the proposed development is likely to result in any obstruction to flow paths or have adverse impacts on watercourses or flood management facilities. I therefore do not recommend that planning permission be refused on the basis of flood risk

7.6. Other

- 7.6.1. The appellants state that the additional information submitted by the applicants at the Planning Authority was not made available online for review by interested parties. This however is a information and procedural issue that is matter for the Planning Authority and is not for the Board to adjudicate on

- 7.6.2. Issues raised in the appeal submission regarding overcrowding and associated concerns regarding health and safety and fire safety will be evaluated under separate legal codes and thus need not concern the Board for the purpose of the appeal.

7.7. Appropriate Assessment

The site is located c.300m from the nearest European sites to the Northeast at Carlingford Lough and there would be no direct connection between the proposed works and the designated sites. Having regard to the nature of the proposed

development which comprises the change of use of an existing structure, its location on a serviced site within an established village centre, 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 that permission be granted subject to the conditions outlined below

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development for retention, the existing development on site, the pattern of development in the area, the guidance contained in the 'Guidance Note for Local Authorities for Regulating Short Term Letting' prepared by the Department of Housing, Planning and Local Government in July 2019, and the provisions of the Louth County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate use in this location, would not adversely impact on the character or the mix of uses in the area, would not result in the substantive loss of long-term residential stock within the area, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 interests of Clarity

2. The proposed short-term residential unit shall be let as a single unit, and shall not be subdivided, without a separate grant of planning permission.

Reason: To limit the nature of the development to that sought, in the interest of clarity

3. A minimum of 4no car parking spaces shall be provided within the site of the proposed development

Reason In the interests of proper planning and development and traffic safety and

Lucy Roche
Planning Inspector

3rd February 2022