



An
Bord
Pleanála

Inspector's Report ABP-318212-23

Development	<i>A rear extension and change of use of the Glen House to short-term accommodation and all ancillary works.</i>		
Location	<i>The Glen House, The Glen, Kinsale, Co. Cork.</i>		
Planning Authority Ref.	<i>23/5515.</i>		
Applicant(s)	<i>Noel O' Mahony.</i>		
Type of Application	<i>Retention Permission.</i>	PA Decision	<i>Split Decision.</i>
Type of Appeal	<i>First Party</i>	Appellant	<i>Noel O' Mahony</i>
Observer(s)	<i>Brian & Rachel O' Sullivan</i>		
Date of Site Inspection	<i>12-03-2024</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description

The subject property is located in *The Glen* circa 200m north of the Main Street in Kinsale Town. *The Glen* area can be characterised as a mixed-use town centre area with a diverse mix of businesses interspersed with a small number of dwellings with some advertised as B&B/Guesthouse accommodation. I noted cafes, solicitors, guesthouses, barber shop and grocery retail (Supervalu) within 100m. There is limited on street parking with Chairman's Lane running parallel at the rear the focus of much of the parking in the area.

The property (Glen House) is on the NIAH Register (Reg No 20851022) with the following description:

Three-bay, two-storey house, built c.1880. Lean-to extension to rear (north-west). Pitched slate roof with rendered chimneystacks, cast-iron rainwater goods and corbelled rendered eaves course. Lined-and-ruled rendered walls. Square-headed window openings having rendered sills and two-over-two pane timber sliding sash windows with cast-iron sill guards to ground floor. Square-headed door opening with timber panelled door having overlight, moulded render surround and canopy. Fronts directly onto street.

Appraisal:

This modestly scaled house with its fine decorative render details is much enlivened by the retention of key historic features including sliding sash windows, sill guards and render detail.

2. Description of development

The applicant is seeking retention of a single storey extension to the rear and retention of change of use for the entire for use as short term accommodation.

3. Planning History

Ref 17/6242

Permission Granted to carry out refurbishment works to existing two storey dwelling including repairs to roof and external wall finishes, alterations to existing

fenestration and demolition of derelict rear annex. Demolition of existing derelict out buildings and the construction of two new dwellinghouses (1 no. two storey type detached dwellinghouse and 1 no. two storey dwelling attached to existing dwelling). Reconstruction of existing stone wall to the north wall to the north roadside boundary (to include 3 no. new site entrances with integrated gates), new connections to public storm and foul drainage systems and all associated site works

4. National / Local Planning Policy

‘Housing For All’

A New Housing Plan for Ireland’ – seeks to address the issues arising from homelessness and to provide access to housing across all tenures as well as increased efficiency in the use of housing stock. Four ‘pathways’ to achieve these aims have been identified. Pathway 4 is to Address Vacancy and Efficient Use of the Housing Stock, which includes the establishment of new controls on short term lettings and a Town Centre First approach.

Circular PL 04/2019 Guidance Note for Local Authorities for Regulating Short-Term Letting July 2019

The Circular sets out the summary of the new legislative provisions which include Section 38 of the Residential Tenancies (Amendment) Act 2019 and inserts a new Section 3A into the Planning and Development Act 2000 to provide that short-term letting of a house in a Rent Pressure Zone is a material change of use of the property concerned thereby requiring planning permission, unless specifically exempt from this requirement. A short-term letting is defined as a letting of a house or apartment or part of a house or apartment for any period not exceeding 14 days.

Section 7.2

Other potential factors to be considered in exceptional circumstances Balancing the competing demands – residential & tourism accommodation - including where there is a shortage of traditional tourist accommodation.

Cork County Development Plan 2022 – 2028

- Site is zoned Town Centre/Neighbourhood Centre. The population target of 6,338 will require the delivery of 404 units for the plan period.

Objective ZU 18-17:

Town Centres/ Neighbourhood Centres

- (a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.
- (b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

Appropriate Uses in Town Centre/Neighbourhood Centres

Retail, cultural uses, recreation uses, hotel, bed and breakfast, public houses, financial services, professional services, medical and healthcare services, leisure facilities, places of worship, residential, mixed residential, childcare facilities, education facilities, community facilities, civic uses, offices, public transport facilities, car parks, funeral homes.

- **Section 2.14.6** (d) Protect and enhance the natural and built heritage assets of Kinsale to facilitate the development of the town as a Principal Tourist attraction.

- **County Development Plan Objective TO 10-10:**

Tourism Facilities

- (a) Encourage tourism related facilities, including accommodation and other developments within existing settlements subject to normal site suitability considerations where they can best support compact growth and the regeneration of settlements, the provision of services and the general economic vitality of the settlement.

Section 10.16.1 Tourism can generate great benefits to the local economy, and it is considered appropriate to maintain, improve and where proven necessary increase the provision of good quality accommodation for visitors and encourage longer stays while ensuring the delivery of a sustainable tourism strategy.

Section 10.16.2 The types of tourism accommodation differ and depends on many different variables from cost, experience, location etc. The Council recognises there is a need to provide varied types of visitor accommodation to allow for the tourism sector to continue to grow around the county. The types of accommodation seen in Cork are Hotels, Hostels, Bed and Breakfasts, Short Term Lettings, Glamping, Camping, and other various forms of accommodation.

PO18 The Councils will have regard to Government designations of Rent Pressure Zones in Cork City and Cork County when considering large commercial and residential planning applications, such that development proposals should support delivery of new homes and diversity of tenure.

Volume 5 West Cork

Section 1.5.2

The strategic aims for Kinsale are to provide for additional residential and employment development which reinforces the towns compact form, is responsive to its sensitive scenic, coastal setting and continues to support its special heritage, marine and tourism functions. It is also important that the infrastructure projects planned for the town are carried out in a timely manner.

Section 1.5.31

The Plan supports Kinsale's aim to fulfil its economic potential as a quality urban centre providing employment, shopping, services and public transport for its rural hinterland. Kinsale's local economy is largely tourism based. The town has an international tourism reputation built around its iconic townscape, heritage, natural harbour and associated water-based recreation, culinary offering and scenic characteristics.

Section 1.5.34

Kinsale's historic and attractive townscape and maritime offer is the foundation of the town's tourism market. The Plan seeks to continue to protect and enhance the natural and built heritage assets of the town to facilitate its development as a Principal Tourist Attraction. In 2019, Charles Fort was included in the top 50 fee charging visitor attractions in Ireland.

5. Natural Heritage Designations

- *Not Relevant*

Development, Decision and Grounds of Appeal

6. PA Decision

Split Decision

PA Granted permission for Retention of the rear extension and Refused Retention permission for the 'change of use' to short-term letting.

Refusal Reason for Retention of 'Change of Use'

The site is located in a designated Rent Pressure Zone which is characterised by a high demand for housing, high rent inflation and a limited supply of long-term accommodation available. Having regard to the location of the site, to the character and nature and of the mixed-use area within established town centre, and to the nature and extent of the accommodation within an existing dwelling, which is considered suitable for long-term letting, it is considered that the proposal for a change of use to short-term letting would result in the loss of a residential unit in an area of high demand for such units, which would exacerbate the existing shortage of availability' of long-term rented accommodation within Kinsale and the Bandon Kinsale Electoral Area Rent Pressure Zone. The proposed development would, therefore, contravene the overarching Government National Housing Policy to regulate short-term letting and to return properties to the long-term housing market and would be inconsistent with the Government's Housing for All Policy and the Joint Housing Strategy in the Cork County Development Plan 2022, which focuses on

(a) providing for a diverse range of housing needs to suit varying income levels and social circumstances and

(b) Plan Objectives on an appropriate mix of commercial, recreational, cultural, leisure and residential uses.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Grant Retention Permission for Extension to Rear

It is considered that the development to be retained, subject to compliance with the condition indicated above, would not adversely impact on the amenities of the area and the local environment, and would be in accordance with the proper planning and development of the area.

1. All surface water shall be piped to the storm sewer system and shall not enter the foul sewer.

Reason: To ensure all surface water and drainage is disposed to existing infrastructure.

7. First Party Appeal.

Grounds of Appeal:

- Proposed development does not result in the loss of a residential unit.
- The appellant states the house was vacant 10 years prior to its restoration and has not been in residential use since before this time.
- The level of restoration coupled with the absence of off-street parking would make it unattractive to those looking for long term accommodation due to the likely cost to rent out such a unit.
- Short-term letting only viable option.
- Property has proved very popular.
- As outlined in the guidance note for Local Authorities in regulating Short-Term Letting *‘a balance must be achieved between competing demands of residential and tourism accommodation, particularly in areas where there is a shortage of traditional tourist accommodation’*.
- Known shortage of short-term let accommodation in Kinsale.
- Difficult to ascertain the number of private homes being used as short-term lettings in Kinsale as many are not registered.
- Self-catering accommodation in use as short-term accommodation, similar to the proposed development, is very limited in Kinsale with over half located outside the town.
- From Bord Failte infographic only 9% of accommodation is self-catering
- This is unusual as this is the most appropriate accommodation type for larger groups who seek kitchen and living areas.
- Much of the shortage of short-term lettings in Cork and nationwide is as a result of Ukrainian refugees.
- Points to a 2023 Oireachtas Tourism Committee noted that tourists are choosing other countries due to the shortfall in tourist accommodation in Ireland.
- 32% of all registered tourism beds stock outside Dublin is now contracted to the state and is not available to tourists.

Observation:

An Observation was received from Brian and Rachel O Sullivan.

The content of this observation refers to flooding and surface water drainage issues. The submission it appears pertains to development included with Planning Reference 17/2642 which included the construction of two new dwellinghouses (1 no. two storey type detached dwellinghouse and 1 no. two storey dwelling attached to existing dwelling). I am satisfied that the content of this submission is not relevant to the appeal.

8. PA Response

The Planning Authority responded stating that it was of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Bord as part of the appeal documentation and has no further comment to make in the matter.

Environmental Screening**9. EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10. AA Screening - Use standard wording with site specific focus

Having regard to the modest nature and scale of development (retention of small extension and change of use of existing building), its location in an urban area, with connections to existing services and an absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 **Assessment**

2.1. Having visited the site and reviewed the application, the appeal, and observations I believe the primary planning issue that present are:

- Principle of change of Use to Short-Term Letting in a RPZ area
- Rear Extension

2.2. **Principle of Change of Use to Short-Term Letting in an RPZ area**

2.2.1. The appeal site is located on lands that are zoned Town Centre/Neighbourhood Centre, the objective of which seeks to;

‘Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public...’

This zoning as per Objective ZU 18-17 supports a mix of uses including retail, cultural uses, recreation uses, hotel, bed and breakfast, public houses, financial services, professional services, medical and healthcare services, leisure facilities, places of worship, residential, mixed residential, childcare facilities, education facilities, community facilities, civic uses, offices, public transport facilities, car parks, funeral homes.

The planning report contends that Objective ZU 18 -17 as interpreted by the appellant in support of the permission for retention does not explicitly allow for ‘short term lets’ within established Town Centres. I do not agree with this appraisal however and note the considered list of appropriate uses under this objective afforded to the Town Centre/Neighbourhood Centre designation which includes Hotels and B&B’s. I would therefore consider the provision of short-term letting a compatible use that would be acceptable in principle within this zone.

- 2.2.2. The property is located in a RPZ (Rent Pressure Zone), (Bandon Kinsale Electoral Area), which was designated on the 16th of July 2020. A RPZ is described in the Government Guidance as the areas of highest housing demand and where the most significant rent pressures apply. One of the main reasons stated for designating a RPZ is to reverse the trend of private rental properties exiting the long-term market, in favour of short-term letting, and thereby exacerbating the housing and homelessness crisis in the country. A circular (PL 04/2019) was issued by the department in 2019 to clarify the situation around short term lets having specific regard to Rent Pressure Zones.
- 2.2.3. I carried out an online search for tourist accommodation on the 11/3/2024 searching for 2 weekends in March for 2 no. adults and 10 -12 rooms were showing as available in the town centre. If one searches for family accommodation for larger groups, the availability is substantially less and with some of the listings 3.5km from the Town Centre. Subsequently I searched a prominent national property website on the 12/03/24 for long term rental listings and found 9 properties to let in the urban area.
- 2.2.4. This rudimentary analysis highlights a shortfall in both short term and long-term listings in the Kinsale area, which is a prominent tourist town with a population of circa 6,000. While I have no data in relation to the no. of hotel rooms afforded to Ukrainian people fleeing war and International Protection Applicants, I would assume based on national statistics that it represents a significant percentage of the bed stock serving the town.
- 2.2.5. The appellant emphasises that the renovated house was not a 'long term let' and so will not represent a loss to the long-term housing stock and so the property is not one that is exiting the long-term market, in favour of short-term letting as per the objective of the RPZ designation. Having reviewed the application documentation, I am in agreement with this assessment.
- 2.2.6. I also note that the property was renovated subsequent to a planning application submitted in 2017. This work would have been planned and/or commenced prior to the Kinsale area becoming a Rent Pressure Zone. From online imagery I note the internal level of finish is of a high quality as referenced in the appeal text and it is evident the property was intended as a 'short-term let' from the outset.

- 2.2.7. In this regard I have sympathy for the property owner as the level of finish and restoration of the NIAH listed structure would have gone beyond the level of finish that would have been implemented were it planned as a 'long-term let'. While I have no information on the financial cost of renovation and the return on investment for such works, I assume the property was brought back into use based on revenue projections as a short term let and I feel, based on the arguments put forward in the appeal that non viability of long-term letting may have led to the structure remaining in a derelict condition for a longer period.
- 2.2.8. I would not have expected that the property would have remained derelict infinitum however due to the desirability of the location and the recent introduction of regeneration incentive schemes for vacant and derelict buildings introduced in 2022/2023 under *Croi Conaithe*. These schemes would have afforded opportunities for the refurbishment of the dwelling as a primary residence or a property to be registered for long-term letting with the PRTB. This however, all comes after the fact and the appellant has to be credited with a tasteful refurbishment at a time when no supports were available or pending.
- 2.2.9. Having weighed up the retention proposal in regard to the Cork County Development Plan 2022 - 2028, the RPZ guidance (Circular PL 04/2019) and the context and type of property involved in the retention application, I am satisfied that the subject property was not a property which was removed from the long-term building stock. I am also satisfied that the restoration of the property was initiated and completed to a level where there was a genuine intention to target the short-term letting market. The regenerated property would appear to be of a high quality and is well-received by visitors (from online reviews). It is also an important consideration to appreciate that the property is accommodating tourists/visitors who are supporting the local tourist economy and ancillary employment.
- 2.2.10. While I appreciate the RPZ designation includes guidance to stymie an exodus of properties from Long-Term to Short-Term letting there is also provision allowed for locations where the supply of tourism accommodation is in short supply under subsection 7.2 '*Other potential factors to be considered in exceptional circumstance Balancing the competing demands – residential & tourism accommodation - including where there is a shortage of traditional tourist accommodation*'.

As stated heretofore, from a perusal of online booking sites I believe there is a shortage of short-term accommodation and believe that this shortage could serve to jeopardise the economically important tourism product that Kinsale has to offer. To this end the change of use of the property to 'short term let' accords with the policies and objectives of the development plan and can be considered an exception from the general thrust of the restrictions implemented by the RPZ.

2.3. Rear Extension

- 2.3.1. Part of the retention permission sought the retention of a single storey extension to the rear. The extension is modest and unobtrusive and accords with the development plan in terms of extensions to existing dwellings.

3.0 Recommendation

- 3.1. I recommend that Retention Permission is Granted for the development consisting of *'a rear extension and change of use of the Glen House to short-term accommodation and all ancillary works.*

4.0 Reasons & Considerations

Having regard to the nature and scale of the change of use to be retained involving the regeneration of a formerly derelict structure inclusive of an extension, the pattern of development in the area, the zoning objectives for the site and the provisions of the Cork County Development Plan 2022 - 2028, 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 sustainable mix of uses in the area, would not result in the loss of long-term residential stock, and would increase the provision of tourist accommodation in this town centre location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The short-term residential property shall be let as single unit, and shall not be subdivided, without a separate grant of planning permission.</p> <p>Reason: To limit the nature of the development to that sought, in the interest of clarity.</p>
3.	<p>All surface water from the property shall be piped to the storm sewer system and shall not enter the foul sewer.</p> <p>Reason: To ensure all surface water and drainage is disposed to existing infrastructure.</p>

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

Name: Adam Kearney

Planning Inspector

Date: 15/03/2024