



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318506-23

<b>Development</b>	Retention of dual use of property as follows: (a) holiday home for family members and (b) short-term holiday letting.
<b>Location</b>	5 Viking Wharf, Dromderrig, Kinsale, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	23/5788
<b>Applicant(s)</b>	Denis Vaughan Buckley and Inge Vaughan Buckley
<b>Type of Application</b>	Permission for Retention
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Denis Vaughan Buckley and Inge Vaughan Buckley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 November 2024

**Inspector**

**Cáit Ryan**

## **1.0 Site Location and Description**

- 1.1. The subject site at 5 Viking Wharf is located within the existing Viking Wharf residential scheme in Kinsale, approx. 22km south of Cork city. The scheme is accessed from the R600 approach road to the town, which links Kinsale to Clonakilty via Timoleague. This road is shown as Pier Road and Wild Atlantic Way on Development Plan mapping, and the Viking Wharf scheme bounds Scenic Route S62. This Scenic Route is described as Road between Kinsale and Ballythomas (Coast Road). The site is within the 50kph speed limit.
- 1.2. Terraced houses in the Viking Wharf scheme are located at an elevated position above the adjoining public road, and have expansive views over the Lower Bandon Estuary. There are 3 separate terraces in the Viking Wharf scheme comprising 18 houses, and one detached building (Lobster Loft) which appears to be a dwelling house. 5 Viking Wharf is an end of terrace 2½ storey dwelling located at the most south westerly terrace (No.s 1-5). The site area is 0.00565ha. The GFA of the existing dwelling is 135sqm.
- 1.3. There is communal car parking within the scheme. No surface car parking spaces are delineated. Signage is in place stating that car parking is for residents only.
- 1.4. The overall scheme does not include individual front gardens. On site inspection I noted a narrow communal amenity space to rear of the terrace of which 5 Viking Wharf forms a part. The main entrance door to this dwelling is accessed from this communal amenity space, i.e., from the rear (north west) of the building. There is a steep cliff face on the north western side of the amenity/access space. Large glazed doors which access a den are located at the front (south eastern side) of this unit.
- 1.5. The separate terrace block (No.s 6-11) to the north east is accessed from its north west elevation. The internal access route, which continues to the cul-de-sac near No. 18, bounds the north west elevation of this terrace (No.s 6-11).

## **2.0 Proposed Development**

- 2.1. Permission is sought to retain the following change of use at 5 Viking Wharf:
  - Retention of the dual use of the property as follows:

- (a) Second home (holiday home) for family members, according to need throughout the year
- (b) short-term holiday letting of the property at other times of the year (in lieu of the property being left vacant, when family are not staying there)

Documentation lodged with the application includes an architect's cover letter, a letter from the applicants outlining the rationale for the subject application, and a number of guests' testimonials dating to 2009.

No works are proposed as part of the subject case to 5 Viking Wharf.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority refused permission for 1no. reason as follows:

A change of use to the proposed retention of the dual use is unacceptable, by virtue of the proposed retention of short-term letting (Part B) being within Kinsale and the Bandon Kinsale Electoral Area Rent Pressure Zone as it contravenes with the overarching Government National Housing Policy that seeks to regulate short-term letting and would also be inconsistent with the Government's Housing for All Policy and the Cork County Development Plan (CDP) 2022, which focuses on (a) providing for a diverse range of housing needs to suit varying income levels and social circumstances and (b) Plan Objective ZU 18-9 in the CDP 2022 which seeks to strike a balance between different uses, and preserve the integrity of the primary residential use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports (26 October 2023)**

The basis for the planning authority's decision includes:

Executive Planner's report included noting:

- The property is in a private apartment complex.
- Bandon-Kinsale Local Electoral Area was designated a Rent Pressure Zone (RPZ) in July 2020, recently extended to December 2024.
- 'Parent' planning application for overall scheme handled by Kinsale Town Council is unavailable. No way of verifying whether this permission included any restrictive occupancy or use of overall complex or any specific apartment.
- Circular Letter PL4/2019 Government Short Term Letting Policy (July 2019) intends to address pressures in private housing rental market.
- Guidance Note for Local Authorities in Regulating Short -Term Letting seeks to bring back houses and apartments in RPZs which are currently being used for short-term letting purposes to the traditional long-term rental market.
- Objective ZU 18-9 does not specifically identify short-term letting as an acceptable or unacceptable use within existing residential areas.
- Sole planning issue is acceptability of retention of short-term letting
- Rental property in Kinsale commands c.€2,500+ per calendar month for a 3-bed house significantly exceeding county and national average.
- Clear imbalance between long-term renting versus short-term lets in Kinsale. There are 15 properties in Kinsale town and its environs for rent (daft.ie) versus 15 properties advertised as entire homes and apartments in 'Kinsale' search on booking.com. CCC housing list has 50 approved households in need of 3 and 4 bed home.
- Planning authority is applying priority to long-term housing needs given RPZ designation, an approach endorsed in ABP-313052-22 (P.A. Ref. 21/7434).

Senior Executive Planner endorses Executive Planner's report. States use as short-term holiday let is not appropriate at this location. The other holiday home use for their personal use is outside the planning application and will be unaffected.

### 3.2.2. Other Technical Reports

Area Engineer's report (12 October 2023) states no engineering concerns.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

#### Subject Site:

**P.A. Ref. 08/53050:** Permission granted in 2009 for alterations to first and second floors comprising additional windows and replacement of 'velux' with dormer window.

#### Other Planning Applications in Vicinity:

**ABP-313052-22 and P.A. Ref. 21/7434:** Permission was refused in 2023 for change of use of duplex residential unit to short-term holiday let at 2 Market Place, Kinsale. The 1no. refusal reason was on grounds that the proposed change of use to short term letting would result in loss of a residential unit and exacerbate the existing shortage of long-term rented accommodation within Kinsale and the Kinsale Bandon Electoral Area RPZ, and would be inconsistent with the Government's Housing for All Policy and the Joint Housing Strategy in the Cork County Development Plan 2022-2028. This Market Place site is approx. 1.25km north of the subject site in Kinsale town centre.

**ABP-318212-23 and P.A. Ref. 23/5515:** A split decision was made in 2024 to grant retention permission for a rear extension and to refuse retention of change of use to short term accommodation at The Glen House, The Glen, Kinsale. The 1no. refusal reason was on grounds of having regard to the site's location in a RPZ, and strategic aim set out in County Development Plan Volume 5 Section 1.5.2 to provide for additional residential development which reinforces the town's compact form, the proposed retention of a change of use to short-term letting would contribute to the existing shortage of long-term rented accommodation within the town. The Glen

House is approx. 1.4km north of the subject site in Kinsale town centre.

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2022-2028

#### **Vol. 1: Main Policy Material**

##### **Chapter 18: Zoning and Land Use**

The site is zoned Existing Residential/Mixed Residential and Other Uses. Section 18.3.3 states the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities.

#### **Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses**

includes the scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Appropriate Uses include residential development, specialised housing, small scale commercial, bed and breakfast/guesthouses/hotels.

##### **Chapter 10: Tourism**

**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 regeneration of settlements, provision of services and general economic vitality of the settlement.

**Objective TO 10-11: Tourist Accommodation** includes generally to encourage holiday accommodation to locate within established settlement boundaries and that such development relates sympathetically to the scale and level of development and

facilities in the locality.

#### Appendix E Joint Housing Strategy and Housing Need Demand Assessment

Provides an evidence-based strategy for sustainable and affordable housing in Cork City and County over the plan period and sets out policies and objectives to enable both local authorities to deliver new housing. Policy Objective PO1 outlines that it is objective to aim for housing to be available to meet the needs of people of all needs and incomes in Cork, with an appropriate mix of housing sizes, types and tenures in suitable locations. Policy Objective PO7 provides for the delivery of new housing in the form of compact sustainable growth, including that at least 30% of new homes be provided within the built-up footprint of urban areas. Policy Objective PO9 seeks to maximise the efficient use of local authority housing stock and minimise local authority housing stock vacancy.

#### Vol. 5: West Cork; Section 1.5 Kinsale

Section 1.5.2 includes that the strategic aims for Kinsale include to provide for additional residential development which reinforces the town's compact form, and continues to support its special heritage, marine and tourism functions.

With regard to population and housing, it is stated (at Section 1.5.9) that there is a strong focus on the better utilisation of existing building stock and prioritisation of brownfield and under-utilised land.

It states (at Section 1.5.37) that the town's location along the Wild Atlantic Way aims to further expand its attractiveness to both the overseas and domestic market.

## **5.2. National Policy**

- 5.2.1. **Housing for All – A New Housing Plan for Ireland** seeks to achieve a more sustainable housing system with a planning system that is fit for purpose and that will create long-term vibrant communities with the necessary supporting infrastructure. It seeks to support home ownership and increase affordability, eradicate homelessness, increase new housing supply and address vacancy and efficient use of existing stock. It identifies for 'pathways' to achieve these aims. Pathway 4 is to Address Vacancy and Efficient Use of Existing Stock. One of the steps outlined in Pathway 4 is to establish new controls on short-term lettings.



Housing Policy Objective 20.4 is develop new regulatory controls requiring Short-Term and Holiday Lets to register with Fáilte Ireland with a view to ensuring that homes are used to best effect in areas of housing need.

- 5.2.2. **Residential Tenancies Legislation** – The Government introduced Rent Pressure Zones (RPZs) in 2016. This requires that planning permission is now required for short-term letting (less than 14 days of a non-principal residence) in such zones. A RPZ was introduced for the Bandon – Kinsale Local Electoral Area commencing on 16 July 2020 and ending on 31 December 2021. This was subsequently extended, most recently until end of 2025, as noted on the Housing Agency website ([www.housingagency.ie](http://www.housingagency.ie), accessed on 21 November 2024).
- 5.2.3. **Circular Letter PL 4/2019 – New Regulation of Short Term Letting** This circular provides advice on new legislative arrangements under the Residential Tenancies Acts and exempted development arrangements under the Planning and Development Act 2000, as amended. The arrangements are to help address pressures in the private housing rental market. It states that the new legislative changes will not affect homes, apartments or housing developments, which already have a specific grant of planning permission for use as holiday accommodation or for short-term letting.
- 5.2.4. **Guidance Note for Local Authorities in Regulating Short-Term Letting** outlines that the aim of the new reforms (under Residential Tenancies Acts and Exempted Development arrangements under the Planning and Development Act 2000 as amended) is to influence the bringing back of houses and apartments in areas designated as RPZs which are currently being used for short-term letting purposes to the traditional long-term rental market.

### 5.3. **Natural Heritage Designations**

The site is not located in or adjacent to a European site, the nearest of which are:

- Sovereign Islands SPA (Site Code 004124) approx. 5.3km to south east
- Courtmacsherry Estuary SAC (Site Code 001230) approx. 11km to south west

James Fort pNHA (Site Code 1060) is approx. 0.4km to north east.

#### **5.4. EIA Screening**

See completed Form 1. Having regard to the nature of the development proposed to be retained, which relates to the use of 5 Viking Wharf, Kinsale, and as no works are proposed or are proposed to be retained, I conclude that the subject development is not a project for which EIA is required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The grounds of this first party appeal may be summarised as follows:

- Four sources of evidence to prove that 5 Viking Wharf has been used as a short term let and as a family holiday home continuously since 2009 have been accepted by Council's planning officer.
- Under Section 157(4) of Planning & Development Act 2000, they are immune from enforcement action against property continuing as short term let.
- Reason for applying for retention permission was solely to re-register the property with Fáilte Ireland and to be on the incoming EU short term letting register which will require proof of planning permission.
- Property was bought in 2008, and planning obtained to extend and upgrade. It was registered for short term letting with Bord Fáilte, which awarded 4\* listing.
- The house is environmentally friendly and within easy walking and cycling distance of Kinsale town centre.
- Phrase 'dual use' is confusing. The applicants or their family and friends are never in the subject property at the same time as paying guests.
- Guests' stay has been generally of 1 or 2 weeks duration, and are primarily three generation families.
- Applicant never had complaints from neighbours nor contact from Council.

- Government national housing policy aims to address the efficient use of existing housing stock. Applicants use the house very regularly themselves. To put the house to use in Kinsale's tourist economy seems a far more efficient use of the property than leaving it vacant when not being used by applicants' family and friends.
- Cites content of Council planner's report in The Glen House (Kinsale) short term letting application regarding property values in Kinsale.
- No.s 1-6 Viking Wharf inclusive are all second (holiday) homes, although only No. 5 is rented out on short term let.
- The property was informally valued in 2021/2022 at €750,000 to €850,000. Long term rent is estimated at €3000+ per month.

Documentation lodged includes Fáilte Ireland invoices for 2016, 2017 and 2018.

## **6.2. Planning Authority Response**

The planning authority is of the opinion that all relevant issues have been covered in the technical reports already forwarded to the Board, and has no further comment.

## **6.3. Observations**

None

## **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issue in this appeal is considered to be as follows:

- Principle of Proposed Development

## 7.2. Principle of the Proposed Development

### Nature of the Development Proposed to be Retained

- 7.2.1. Having regard to the nature of the development proposed to be retained, and to all information on file including information lodged with the first party's appeal submission, I consider it relevant to outline the description of development in this instance. Permission is sought to retain dual use of the property as
- (a) Second home (holiday home) for family members, according to need through the year
  - (b) Short-term holiday letting of the property at other times of the year (in lieu of property being left vacant, when family are not staying there).
- 7.2.2. The first party's appeal submission outlines that the 'dual use' does not occur at the same time.
- 7.2.3. With regard to the use of the property being occupied as a second home/holiday home for family members, I do not consider that it has been demonstrated in the lodged application that planning permission would be required for this. With regard to retention of short-term letting as outlined at (b), this is further discussed below.

### Compliance with National Policy

- 7.2.4. The site is located within a Rent Pressure Zone (RPZ), Bandon Kinsale Local Electoral Area, which was designated on 16 July 2020. RPZs are located in parts of the country of highest housing demand and where the highest rent pressures apply, as outlined in government guidance (see Section 5.2 above). The Housing Agency website ([www.housingagency.ie](http://www.housingagency.ie), accessed on 21 November 2024) states that the RPZ has been extended to end 2025.
- 7.2.5. Government guidance is very clear with regard to short term lettings in RPZs. Circular Letter PL 4/2019 states *inter alia* that where a person owns a property in a RPZ which is not their principal private residence and intends to let it for short-term letting, s/he will be required to apply for a change of use planning permission unless the property already has a specific planning permission to be used for tourism or short-term letting purposes. It will be up to the local planning authority to make a

determination on such applications with the likelihood being that planning permission would not be granted for such short-term lettings in RPZs having regard to local demand for long-term rental accommodation, cumulative impacts etc. This Circular Letter further outlines that new legislative changes will not affect homes, apartments or housing developments which already have a specific grant of planning permission for use as a holiday home or for short-term letting.

- 7.2.6. I note in particular that the CL PL 4/2019 states that the primary objective of the new reforms is to influence the bringing back of houses and apartments in designated RPZs which are currently being used for short term letting purposes to the traditional long-term rental market, thereby helping to ease accommodation short pressures.
- 7.2.7. Given that the legislation regulating short term letting does not apply to homes/housing developments which already have a specific grant of planning permission for use as a holiday home, I consider that the principal issue in the subject appeal is whether the subject property at 5 Viking Wharf was permitted as part of a holiday home scheme or not.
- 7.2.8. The planner's report on file states that the 'parent' application for the overall scheme is unavailable and there is no way of verifying whether or not this permission included any restrictive occupancy or use of the overall complex or any specific apartment. I note that no planning reference number relating to the original planning application for this scheme has been provided, and as such no information relating to the description of development or any restrictive conditions, if relevant, are on file.
- 7.2.9. In the absence of the original planning permission to which 5 Viking Wharf forms a part being provided on file, I have had regard to the nature, scale and layout of the existing Viking Wharf development on site in the assessment of this case.
- 7.2.10. The overall scheme comprises 3no. terraces of 18 houses and 1no. detached building accessed from the internal access route, as noted on the plans and particular lodged with the application. On site inspection I noted that save for 'Viking Wharf' signage near the roadside entrance, there is no signage in place relating to a holiday home type development in this scheme. The only signage noted relates to parking being restricted to residents only.
- 7.2.11. Notwithstanding the absence of any such signage, I consider that the overall design of the scheme is dissimilar to a 'standard' housing estate, insofar as no private open

space to 'rear' or the side of individual houses was noted. Instead, private open space largely appears to be limited to south east facing balconies on the various houses. The narrow communal open space to north west of 5 Viking Wharf is also the location from which the dwelling is accessed. I note that large glazed doors on the 'front' (south east) elevation also provide direct access to a den at ground floor level in this dwelling. There is no demarcation of individual curtilages to the front or rear of houses in this terrace.

7.2.12. Similarly, the separate block to the north east of the subject property (No.s 6-11) does not have any 'rear' curtilage, given that the internal access road runs along the north west elevation of this block. The private amenity space of these dwellings would appear to be limited to south east facing balconies, which overlook from a height the main entrance to the scheme on Pier Road.

7.2.13. In terms of public open space, the main open space areas are the sloped landscaped areas between the terraces (blocks No. 1-5 and No.s 6-11) and the roadside frontage. Having regard to the sloped nature, the limited size and the substantial planting on these landscaped areas, these open spaces are not suited for active recreational use.

7.2.14. While signage relating to parking space allocation was noted at the north eastern cul-de-sac of the scheme, elsewhere communal car parking areas were not demarcated or designated for use by individual houses.

7.2.15. The floor area of the 2½ storey subject property is 135sqm, and drawings on file indicate that it is a 3-bedroom property. Most other houses in this scheme are of large 2-storey scale, with a 3-storey house also noted.

7.2.16. Having viewed the general layout of the overall scheme, and in noting in particular the absence of any delineated gardens to side or rear of houses, the very limited provision of private open space which is largely limited to south east facing balconies on the three terraces, the limited communal car parking areas, the very limited quantum of public open space, which acts largely as perimeter landscaping bounding the scheme's roadside frontage and part of the internal access route, I consider that the overall scheme would appear to be of a holiday home/second home character, as distinct from a residential scheme designed for permanent or long-term accommodation.

- 7.2.17. In this regard I have noted the relatively large floor area of the subject property at 135sqm, and the scale of other houses within the scheme. However, notwithstanding the relatively large size of these houses, I consider that it is the scheme's overall site configuration, the relationship of houses to the adjoining internal access route and the absence of demarcated individual house curtilages in particular as described above, which lend this scheme a holiday/second home character.
- 7.2.18. Having regard to this existing overall site layout, and in the absence of any information on file confirming that the Viking Wharf scheme was permitted as a 'standard' housing estate, I consider that it has not been demonstrated that the proposed development would not come within the meaning of 'properties not affected' in Circular Letter PL 4/2019. Based on all information on file, and having inspected the site and in noting the character of the overall residential development at Viking Wharf, I consider that the use of the property for short term letting would be acceptable in this particular case, and it is recommended that permission be granted to retain the short term letting use. This is without prejudice to the planning history relating to the Viking Wharf scheme.
- 7.2.19. For completeness, I have noted the internal reports on file, including commentary relating to high costs and limited availability of rental properties in Kinsale, and the need for a balance to be achieved between competing demands of residential and tourism accommodation. However, notwithstanding the location of the subject site within a RPZ, having regard to all information on file and in noting the nature of the overall Viking Wharf scheme, I consider that a grant of permission for the development proposed to be retained would not adversely impact on the availability of long-term rental accommodation in Kinsale, and would not therefore contribute to the existing shortage of long-term rented accommodation available in Kinsale.
- 7.2.20. In terms of detail, with regard to the differentiation between the two ('dual') uses outlined in the description of development, I consider that it has not been demonstrated in the lodged application that permission would be required to (a) retain use of the property as a holiday/second home by the applicants/family members. In the particular circumstances of this case and in the interests of clarity, given that it is recommended that permission be granted to retain (b) short term letting, I consider that the use outlined at (a) also be permitted. I consider that this matter can be adequately addressed in a standard condition requiring the

development to be retained in accordance with the lodged plans and particulars.

7.2.21. I note that while the applicants state they use the property very regularly themselves, there does not appear to be any quantitative overview as to which of the uses outlined at (a) or (b) would be the predominant use. However, notwithstanding this, as I consider the use of the property as a short term let to be acceptable, and in the event that the Board was minded to grant retention permission, I do not consider that a condition stipulating a proportionate use of the property, i.e., differentiating either the applicants' holiday/second home use or the short term letting use as the predominant use would be required.

7.2.22. As outlined above, I consider that the development proposed to be retained would not be inconsistent with national policy as outlined in Circular Letter PL 4/2019. However, for completeness, the development proposed to be retained is also assessed with reference to local policy, as outlined below.

#### Local Policy

7.2.23. With regard to the land use zoning set out in the Cork County Development Plan 2022-2028, I note that Appropriate Uses on lands zoned Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses include residential development, specialised housing, small scale commercial, bed and breakfast/guesthouses/hotels. Having regard to the residential nature of the development proposed to be retained, including as short term lets, I consider that the subject development would be acceptable under this land use zoning in this particular instance.

7.2.24. The current Development Plan includes a Joint Housing Strategy (at Appendix E) which is based on a Housing Need Demand Assessment (HNDA). Principles to guide the policy objectives of the Joint Housing Strategy include to deliver sustainable development through the provision of new homes in the right places, promoting compact growth and strong cities, towns and villages with good access to amenities, jobs and services.

7.2.25. Having regard to the location of the subject site within the existing Viking Wharf scheme, I consider that a grant of permission to retain the use of 5 Viking Wharf as a holiday/second home and as a short term let would not be inconsistent with the guiding principles of the Joint Housing Strategy such as promoting compact growth and strong towns with good access to amenities and services.



- 7.2.26. I note that Objectives TO 10-10: Tourism Facilities (a) and TO 10-11: Tourist Accommodation encourage tourist accommodation to be located within existing settlements. Having regard to the location of the subject site within the existing Viking Wharf scheme, the overall nature of which was noted on site inspection and which is described above, located within the Kinsale development boundary and within walking distance of the town centre, I consider that the development proposed to be retained would not be in conflict with these two Development Plan objectives with regard to the location of tourist accommodation.
- 7.2.27. With regard to the strong focus on better utilisation of existing building stock outlined (at Section 1.5.9; Vol. 5) for Kinsale, I consider that the use of the subject property as both a holiday/second home by the applicants and as a short term let would not conflict with this stated aim.
- 7.2.28. Accordingly, I consider that the proposed development would not be contrary to the provisions of the Development Plan outlined above, and would be in accordance with the proper planning and sustainable development of the area.

#### Comparison with Recent Planning History

- 7.2.29. I draw the Board's attention to the recent planning history relating to short term lets elsewhere in Kinsale, outlined at Section 4.0. However, the two cases ABP-313052-22 (P.A. Ref. 21/7434) and ABP-318212-23 (P.A. Ref. 23/5515) outlined, both of which were refused by the Board, have very different site contexts to the subject site. The differing contexts include that both of those properties are located in Kinsale town centre, are zoned ZU 18-17: Town Centre/Neighbourhood Centres, and front directly onto the street. In contrast to the subject site, which is located within the Viking Wharf scheme, I do not consider that the two recent Board decisions cited above are comparable to the subject case.

## **8.0 Appropriate Assessment Screening**

- 8.1. Having regard to the nature of the development proposed to be retained, which relates to the use of a residential property, and the location of the subject site within an existing residential development, it is concluded that no Appropriate Assessment issues arise as the development proposed to be retained would not be likely to have a significant impact individually or in combination with other plans or projects on a

European site.

## 9.0 Recommendation

Having regard to the nature of the uses proposed to be retained, the ZU 18-9: Existing Residential/Mixed Residential and Other Uses land use zoning objective which applies to the subject site, the specific characteristics of the Viking Wharf scheme in which the subject site is located, and the provisions of Circular Letter PL 4/2019, it is considered that the development proposed to be retained would not adversely impact on the residential amenities of the area, would not adversely impact on the availability of long-term rental accommodation in Kinsale, and would therefore not contribute to the existing shortage of long-term rented accommodation available within the town and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Reasons and Considerations

I recommend that permission be granted for the development proposed to be retained.

## 11.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application on 5 September 2023.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The residential unit shall be let as a 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>

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.

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Cáit Ryan  
Senior Planning Inspector

26 November 2024

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-318506-23		
<b>Proposed Development Summary</b>	Retention of dual use of the property as follows: (a) second home (holiday home) and (b) short term holiday letting at other times of the year (in lieu of the property being left vacant)		
<b>Development Address</b>	5 Viking Wharf, Dromderrig, Kinsale, Co. Cork.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>		
	<b>No</b>	<b>X</b> The development proposed to be retained relates to use of the property only. No works are proposed or are proposed to be retained.	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	N/A	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_