



An
Bord
Pleanála

Inspector's Report

ABP-321489-24

Development

Change of use of 4 proposed individual apartments granted under reference 24/4 together with 3 apartments in the adjoining building granted under reference PL99/576 into short term tourist self-catering accommodation units all ancillary works.

Location

St. Mary's Street, Drumlish, Co. Longford.

Planning Authority

Longford County Council

Planning Authority Reg. Ref.

2460231

Applicant(s)

Seamus Gallagher.

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Brian McNamara.

Observer(s)

None.

Date of Site Inspection

6th of February 2025.

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1. The site is located at St. Mary's Street, Drumlish, Co. Longford. A disused public house occupies the ground floor of part of the premises. There are also two commercial units at ground floor. The site is rectangular with a north-east to south-west orientation in line with the main street, with an additional portion at the north east corner, to the rear of the street. The site is occupied by a number of buildings in a continuous line: a two storey building with a credit union and barber shop together with a gateway and residential entrance at ground level, occupies the most northern portion. This has a new pitched roof and the appearance of having been updated, the second building is also a two storey building, of more dated appearance and an older pitched roof, with a large two storey, gable projection to the front, which includes a large porch / entrance to the public house, and a small porch adjoining, which appears to be domestic, the third building at the southern end is a smaller single storey, flat-roofed building, forward of the building line, which presents to the street as a doorway and vehicular entrance. Apart from the forward projections, which have feature stone, the buildings are finished in render. There was no access to the site on the date of inspection. The site is given as 0.045ha

2.0 Proposed Development

- 2.1. Permission for the proposed change of use of 4 no. proposed individual apartments which were recently received a change of use exemption under article 10(6) ref 24/4 together with 3 no. apartments at first floor level in the adjoining building which was previously granted full planning permission under planning reference number PL99/576 into short term tourist self-catering type accommodation units all ancillary works.

3.0 Planning Authority Decision

- 3.1. **The Planning authority issued a Decision to grant permission subject to conditions. The conditions of note include:**

C2 - The use of the proposed area shall be restricted to that of short term tourist accommodation only, and shall not be used as a place of permanent residence and the building to which this application relates or any part thereof shall not be converted to uses other than this, without the specific prior planning permission of Longford County Council having been first obtained.

C4 - A refuse storage area of adequate size shall be provided and maintained within the landholding in order to serve all of the existing and proposed developments on the landholding. Under no circumstances shall the adjoining public footpaths be used to store refuse receptacles. Notwithstanding the above, the collection and disposal of waste shall remain the responsibility of the owner(s) of the premises.

C8 - Any alterations to the proposed development required in order to increase energy efficiency, passive houses or solar heating, use of renewable energy resources and/or comply with national building codes of practice shall be submitted to the planning authority for its agreement prior to the commencement of development.

C9 – A contribution of €4884

3.2. Planning Authority Reports

- 3.2.1. There is a single Planning Authority Report on file. The report considered the following:

The site is located within the designated development envelope of Drumlish as outlined in the Longford County Development Plan 2021 – 2027 and is zoned “Town Core” which aims “To provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.”

It is considered that the proposed development is in keeping with this zoning. The proposed site is not located within any Natural Heritage Area, SAC, SPA or Broad Zone. The applicant has indicated as part of the application form that the site area is 0.024 hectares.

As noted in the development description the proposed site was granted a change of use exemption under article 10(6) ref 24/4. This relates to use as apartment accommodation and not short term letting which the applicant is now proposing.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

There is two third party submissions on file, the issues raised are also raised as part of the appeal. The issues can be summarised as follows:

- Concerns raised about land title,
- Car parking provision
- Private open space for apartments
- Levels of realistic tourism in Drumlish
- Boundary wall construction
- Windows will overlook private property
- There is no rear access available to the site.
- Several references are made to the previous refusal by ABP to the development

4.0 Planning History

- 4.1.1. PA reg ref 21-374 – ABP reference 314971 -22, Planning permission refused for the proposed change of use of existing public house & first floor level habitable accommodation into a mixed use building consisting of a remote working hub area and self-catering apartments for the following;

The Board noted that accurate drawings of the existing and proposed development were not available on file. On the basis of the details available on file, the Board considered the proposed development would not accord with apartment standards set out in the development plan and would seriously injure the amenity of future residents. The proposed development would, therefore, not be in keeping with the proper planning and sustainable development of the area.

- 4.1.2. PA reg ref 08-146 – Planning permission refused for the retention & completion of existing Fast Food Restaurant and all ancillary site works.
- 4.1.3. PA reg ref 04-532 -Planning permission granted for change of use of existing domestic garage to commercial unit, erection of new shop front, erection of extension above existing garage and above existing public house, modifications and alterations to all elevations and all ancillary site works.
- 4.1.4. PA reg ref 99-576 -Planning permission granted for an extension to and conversion of existing into living quarters.

5.0 Policy Context

5.1. Longford County Development Plan 2021 to 2027

CPO 6.15 - Support the consolidation of the town centres of Longford, Ballymahon, Granard, Edgeworthstown, Ballymahon, Lanesborough and Drumlish and the enhancement and linking of brownfield and outlying sites to the town centres, with a focus on the regeneration of underused buildings and strategic sites.

Promote the commensurate growth in development in the 'Towns and Villages' as designated in the Settlement Hierarchy, in a consolidated, sustainable and sequential manner, with targeted investment to improve local employment, services and sustainable transport options and to become more self-sustaining. Consider proposals for residential development in settlements defined as 'Towns and Villages' in the Settlement Hierarchy in accordance with the following criteria:

- a) Adherence to population allocations of the subject settlement as prescribed in the Core Strategy and the demand/need for the proposed level and type of residential development;

- b) The ability of the proposal to adequately address, and where possible enhance, the existing nature and character of the subject settlement;
- c) Compliance with relevant legislative, technical, environmental, design guidance prescribed under Section 28 of the Planning and Development Act 2000, as amended, and any such relevant policies and objectives contained within this Plan or any other relevant plan, the functional area of which may contain the subject settlement. Support housing and repopulation taking place within 'Towns and Villages' as designated in the Settlement Hierarchy, in a consolidated, sustainable and sequential manner, and to promote the provision of serviced sites supported by Irish Water in order to attract people to build their own homes and live in small towns, whilst also managing the levels of growth at an appropriate scale to ensure compliance with the Core Strategy Table.

5.2. Development Management Standards – Upper Floor Residential Use

The Council in assessing development proposals will consider the following criteria:

- DMS16.72 - Encourage residential uses in existing under-utilised or vacant building stock as a mechanism to combat vacancy in town centres
- DMS 16.74 - Allow a reduction in open space and car parking standards for 'living over the shop' accommodation proposals in town centre locations, subject to protecting residential amenity, where considered appropriate by the Planning Authority.

5.3. Natural Heritage Designations

- Lough Forbes Complex SAC, site code 001818, c8 km straight line distance to the south west, is the nearest Natura site
- Ballykenny-Fisherstown Bog SPA (004101) 7km to south-west of the subject site

6.0 EIA Screening

The current application before the Board does not constitute a class of development for which EIAR is required.

7.0 The Appeal

7.1. This is a third party appeal against the decision of Longford County Council to Grant Permission. The Grounds of Appeal can be summarised as follows:

- The appellant contests legal ownership of lands in the vicinity of the site. This has a bearing on the case as the “open space” indicated by the applicant is not in the legal ownership of the applicant.
- The reference to previous grant of Planning Permission 99/576 is irrelevant as the permission was not availed of during the lifetime of the permission.
- The plans submitted are near identical to the previous refusal by Longford County Council and An Bord Pleanála.
- There is no private outside space.
- There is no communal/ private space
- There is no car parking
- There is no access to the site from the north or the south. Both adjoining neighbours own the lands immediately abutting the site.
- There is no tourist potential in Drumlish for this type of activity.

7.2. Applicant Response

- Full planning permission was granted for the construction of 3 No apartments at first floor level in the building that adjoins the vacant public house that the applicant owns under Planning Reference PL99/576.
- A certificate of exemption was obtained for the 4 proposed individual apartments which occupy the vacant public house. This exempt cert was obtained under Article 10 (6) exemption.

7.3. Planning Authority Response

- None

7.4. Observations

- None

7.5. Further Responses

- None

8.0 Assessment

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. In broad terms, it is the principle of development, apartment standards and land ownership. The issues can be dealt with under the following headings:

- Principle of Development
- Private Open Space/ Car Parking
- Land Ownership
- Other Issues
- Appropriate Assessment

The proposal consists of change of use only. The apartment units at first floor level over existing retail premises already have the benefit of planning permission under Planning permission PA 99/576. The public house has obtained an exemption certificate from the local authority under an Article 10 6 (a) exemption. Therefore there are no external works associated with the development. All works are internal and the proposal does not consist of any works to a protected structure. Access to internal areas and rear of the site was not available on the day of the site inspection.

8.2. Principle of Development

- 8.2.1. The site is within the serviced settlement area of Drumlish as set out in the Longford County Development Plan 2021 to 2027. The site is zoned “town core”– to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses. The planning authority considered that the proposed short-term letting of apartments is consistent with zoning for Drumlish. The appellant sets out that there is no tourism potential for Drumlish and the proposal does not meet design standards for apartments in terms of open space, communal open space and car parking.
- 8.2.2. Having regard to site zoning, Volume 2 of the County Development Plan sets out zonings and zoning matrix for Drumlish. Having regard to the above, “Tourism activities” and “residential development” are permitted in principle. Having read the objectives for Drumlish, there are no restrictions identified in relation to the use of premises for short term lets. In this regard, I consider the principle of development to be acceptable.

8.3. Private Open Space/ Car Parking

- 8.3.1. The proposal involves the change of use of an existing structure into apartments for short-term letting, with no external works required to facilitate the development. The Planning Authority has issued an exemption certificate under Article 10(6)(a) for the change of use from commercial to residential, specifically for four apartments located on the ground and first floors of the public house. Additionally, the adjoining building has permission for three apartments under planning reference 99/576. The appellant contends that the proposed redevelopment fails to meet the relevant standards for private open space and car parking provision, also arguing that the 99/576 planning permission was not enacted and therefore these units require planning permission. Its further stated the previous reason for refusal was that the proposed development did not meet relevant standards.
- 8.3.2. It is important to note that the exemption certificate issued under Article 10(6)(a) is not a matter for consideration in this appeal. The assessment for this appeal is limited solely to the change of use. The applicant's adherence to apartment standards and compliance with relevant criteria for residential development, is the responsibility of both the applicant and the local authority. The restrictions on

exempted development are a matter for the Planning Authority when issuing an exemption certificate under Article 10 (6). For the purposes of assessment, based on the issuing of an exemption certificate, it is considered that the existing use on site is residential development and the proposal is for a change of use from residential to short term letting.

- 8.3.3. In addressing the concerns raised in relation to car parking and private amenity space, it is important to note the Longford County Development Plan and the Design Standards for New Apartments 2023, allow for some flexibility, particularly for urban infill schemes and developments involving the repurposing of vacant buildings on brownfield sites. The standards for such developments can be relaxed in appropriate circumstances, especially where the proposal involves the redevelopment of an existing building in a town centre location.
- 8.3.4. The Development Management Standards within the Longford County Development Plan do not specifically address tourism accommodation, but they do include policies for upper-floor or "living over the shop" developments. These policies generally encourage residential uses in vacant or under-utilised buildings and allow for reduced requirements regarding private amenity space and car parking standards for such schemes. In this case, the proposal can reasonably be considered as a "living over the shop" development. Furthermore, Policy CPO 6.16 of the County Development Plan mandates that residential development proposals align with the relevant Section 28 guidelines, specifically the Design Standards for New Apartments 2023 (Section 28 Ministerial Guidelines). These guidelines allow for flexibility, particularly for sites of up to 0.25 hectares with up to 10 residential units, where case-by-case assessment is appropriate due to the complexity of the site and the potential for the redevelopment of brownfield sites.
- 8.3.5. Given that the site is located within the town centre and involves the reuse of an existing vacant building, I do not believe the applicant is obligated to provide private amenity space or car parking in this instance. The constraints of the brownfield site, particularly in an urban location, preclude the provision of private amenity space. The flexibility inherent in the design standards allows for more favourable consideration of infill schemes, especially those that contribute to the revitalisation of vacant buildings within established urban areas.

8.3.6. In conclusion, considering the location, the site's characteristics, and the relevant policies and guidelines, I do not find the issues of private amenity space and car parking to be substantive grounds for refusing permission in this case.

8.4. Land Ownership

The appellant states that part of the site is not in the ownership of the applicant and there is dispute in relation to ownership. The appellant considers this relevant as it may impact upon the provision of private amenity. Its further stated that there is no access to the site from north or to the south. The appellant does not provide a land registry and folio for the portion of the site for which this is referenced. The applicant has not addressed ownership as part of their response to the appeal however states that they are the legal owner within the application. Owing to the lack of information provided by the appellant to substantiate this claim, I consider the issue of title goes beyond the remit of the Board in this instance. The Board is entitled to rely on the prima facie evidence before it. Section 34 (13) of the Planning and Development Act states 'a person shall not be entitled solely by reason of a permission under this section to carry out any development.'

8.5. Other Issues

The appellant states that the plans as submitted are sub -standard and identical to previous application which was refused by An Bord Pleanála under ABP 314971-22. The refusal reason as set out by the Board in that instance stated that due to the absence of accurate drawings and details on file, the proposal would not accord with apartment standards set out in the County Development Plan. I note that the information supplied by the applicant in this instance is very similar to previous application submitted to the Board under APB 314971-22. However, I note the proposal before the Board relates solely to a change of use and not specific development works. In this regard, I consider there is adequate information on file to make an assessment of the case. The planning authority validated the application in accordance with Article 23 of the Planning and Development regulations. In this instance, I am satisfied that there is sufficient information to make a recommendation in this instance.

8.6. Appropriate Assessment Screening

I have considered the proposal for change of use of 7 individual apartments to short term tourist accommodation in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 7km from the nearest European Site Lough Forbes Complex SAC, 001818 and Ballykenny-Fisherstown Bog SPA (004101).

Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- scale and nature of the development on a Brownfield site
- Lack of Hydrological pathways
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 **Recommendation**

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area, and I recommend that permission is GRANTED subject to the following conditions.

10.0 **Reasons and Considerations**

It is considered that, subject to compliance with the conditions set out below, the proposed change of use of apartment units to short term letting within existing vacant building accords with the “town core” zoning for Drumlish as set out in the Longford County Development Plan 2021 to 2027. It is considered that the reuse of the existing vacant building for short term letting on the main street of Drumlish

accords with Development Management Standard DMS16.72 in relation to “living over the shop development”. It is considered the proposed reuse of this vacant building would not adversely affect the amenity of properties in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the plans and particulars received by An Bord Pleanála, 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 use of the proposed area shall be restricted to that of short term tourist accommodation only, and shall not be used as a place of permanent residence and the building to which this application relates or any part thereof shall not be converted to uses other than this, without the specific prior planning permission of Longford County Council having been first obtained

Reason: In order to control unauthorised development and in the interests of the proper planning and sustainable development of the area.

3. A refuse storage area of adequate size shall be provided and maintained within the landholding in order to serve all of the existing and proposed developments on the landholding. Under no circumstances shall the adjoining public footpaths be used to store refuse receptacles. Notwithstanding the above, the collection and disposal of waste shall remain the responsibility of the owner(s) of the premises.

Reason: In the interests of orderly and sustainable development

4. Any alterations to the proposed development required in order to increase energy efficiency, passive houses or solar heating, use of renewable energy resources and/or comply with national building codes of practice shall be submitted to the planning authority for its agreement prior to the commencement of development.

Reason: In order to promote sustainable energy usage and comply with the requirements of national building codes of practice.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Darragh Ryan
Planning Inspector

25th of March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321489-24		
Proposed Development Summary	Change of use of 4 proposed individual apartments granted under reference 24/4 together with 3 apartments in the adjoining building granted under reference PL99/576 into short term tourist self-catering accommodation units all ancillary works.		
Development Address	St. Mary's Street, Drumlish, Co. Longford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No			X
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank		

5. Has Schedule 7A information been submitted?		
No	X	
Yes		

Inspector: _____ **Date:** _____