



Inspector's Report

PL-500725-WX-26

Development	Permission for the change of use from commercial premises to 2 apartments for social residential permanent living.
Location	4 St. Michael's Place, Gorey, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20250964W
Applicant(s)	Society of St Vincent de Paul (Frederic Ozanam Trust, St. Michael's Conference)
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Damian Cullen
Observer(s)	None
Date of Site Inspection	27 th April 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site is located at No. 4 St. Michael's Place, Gorey, Co. Wexford. St. Michael's Place is located to the south of, and parallel to Main Street. McDermott Street lies to the west and Church Street to the east of the block.
- 1.2. The street accommodates a mix of commercial uses, together with residential properties. On-street parking is provided to both sides.
- 1.3. The appeal property comprises a two-storey pitched roof structure with a two-storey rear return, further extended by a single storey element. A narrow, gated laneway runs to the western boundary, which is itself bounded by a block wall separating it from a surface car park serving the adjoining commercial premises. A small yard is located to the immediate north of the building, beyond which lie a series of buildings to the rear of 85/86 Main Street. A two-storey, dormer style property in residential use is attached to the east, the ridge line of which is below that of No. 4.
- 1.4. The property appears to have been last used as a St. Vincent de Paul furniture store, as per the retained signage. The unit is currently vacant and shuttered with the use therein having transferred to a larger property directly across the road.
- 1.5. The internal floor area is given as 127.7sq.m. while the overall site has a stated area of 0.01Ha.

2.0 Proposed Development

- 2.1. The proposal concerns the change of use within the property from commercial floor space, to 2 no. apartments, each comprising one-bedroom units. Unit G1 has a stated floor area of 76sq.m with G2 extending to 63sq.m.
- 2.2. The proposal also provides for the demolition of the existing rear extensions and the construction of a new two-storey extension which will extend beyond the current footprint to the western elevation. A new stair core will be provided to facilitate first floor access to Unit G2. Both units provide for bedroom accommodation at ground floor level with open plan living/kitchen/dining space at first floor.

- 2.3. Access to Unit G1 is from St. Michael's Place, with a secondary access serving a side door and area of private open space off the laneway. Unit G2 is served solely from the adjacent laneway. No on-site car parking is provided. The rear yard will provide for bin and bicycle storage.
- 2.4. The application is supported by an Engineering Infrastructure/Civils Design Report prepared by Waterman Consulting Engineers. Existing utility services will be retained, while surface water will drain to a combined public sewer.
- 2.5. Elevational amendments provide for the replacement of windows and doors and for the insertion of additional window opes to the western elevation, together with a first-floor balcony overlooking the lane.
- 2.6. The application form indicates that the apartments will be available as social residential apartments for permanent living. The Society of St. Vincent de Paul is stated as a Tier 3 Approved Housing Body (AHB).

Response to Further Information

Revised plans and particulars submitted in response to the request for Further Information received by the planning authority on the 8th of December 2025, indicate *inter alia* bicycle storage to the rear yard for residents and visitors.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Wexford County Council by Order dated 9th January 2026, granted permission for the development subject to 6 no. conditions.

3.2.1. Conditions

The following are noted:

Condition No. 2

If as a consequence of a Disability Access Certificate the external elevations or site layout as hereby granted should be required to be amended, the revised plans shall be submitted within 3 months of the grant of the Disability Access Certificate, for the written agreement of the Planning Authority.

Condition No. 5

Noise emanating from the development, shall not cause to be measured at the facing elevation (outside) of any dwelling in the area, during the hours 0700 - 2100 a noise level of 55 dB(A) (Laeq 1 hour) and during the hours 2100 - 0700 and Sundays and Bank Holidays a noise level of 42 dB(A) (Laeq 1 hour). The noise is also not to be impulsive in nature or have any tonal element which is 5 dB(A) above the adjacent frequencies.

3.3. Planning Authority Reports

Planning Report

The initial planning report date stamped the 25th of September 2025 refers to P.A. Reg. Ref. 921397 which permitted a shop, workshop and living accommodation on site. The report also references pre-planning engagement and recommendations contained within inter-departmental reports. The development was assessed against national planning policy, the provisions of the Wexford County Development Plan 2022-2028 and the Gorey Town and Environs LAP 2017-2023 (as extended).

While the report references Objective RS01 of the Gorey LAP, requiring the retention of retail function at ground floor level on primary streets, the proposal was considered acceptable given the land use zoning objective and subject to all other relevant planning criteria. The apartments were determined to exceed minimum floor area requirements set out in Section 28 Guidelines and were not considered to negatively impact residential amenities. Extant residential development opposite the site was acknowledged. The report culminated in a request for Further Information to address the legal right of way over the lane to the west; bicycle parking provision to satisfy

Development Plan requirements and demonstration of obligations under Section 97 of the Planning and Development Act 2000, as amended.

Planning Report following Response to Further Information

A subsequent report, date stamped 7th January 2026, refers to correspondence from Lombard, Cullen and Fitzpatrick Solicitors regarding access to the laneway/right of way. The report found the response to be sufficient, noting that any further matters arising would require legal resolution. The responses in relation to bicycle parking and Part V arrangements were also considered acceptable, and a recommendation was made to grant permission subject to 6 no. conditions. This is broadly reflective of the Decision of the planning authority made on the 9th January 2026.

3.3.1. **Other Technical Reports**

Disability Access Officer

Report dated 25th August 2025 indicates that a Disability Access Certificate is required, or that exempted development is demonstrated.

Roads Inspection Report

Report dated 18th September 2025 states that if the Planning Department is satisfied in relation to the right of way, the Division would have no technical objection to the proposal.

3.4. **Prescribed Bodies**

The application was referred to Uisce Éireann, however no report was received.

3.5. **Third Party Observations**

3.5.1. A Third-Party Observation was received from Mr. Damian Cullen DAB Property Developments Ltd. The matters raised are set out below:

- The tarmac area to the west of the site is private property in the ownership of DAB Property Developments Ltd. The applicant has no legal right of way over it.
- The lane serves as an access to six apartments as well as catering for deliveries to Boots Pharmacy and to The Book Café located at 85/86 Main Street.
- Steel gates were fitted to increase security. Parked vehicles associated with the applicant have prevented access to the property for deliveries and refuse collection.
- Tenants are not permitted to park in the lane.
- Access to the apartments will lead to parking and security issues.
- Traffic safety arises from reversing vehicles and the location of an entrance.
- A screen wall shown on previous applications was not built. Loss of privacy arises for tenants, both residential and retail from windows, doors and balconies.
- Devaluation of property and prevention of future construction with windows to the north and south.

4.0 Planning History

4.1. Appeal Site

P.A. Reg. Ref. 921397

Permission GRANTED to erect a shop, workshop and living accommodation at No. 4 St. Michael's Place Gorey.

P.A. Reg. Ref. 982949

Decision under ABP PL26.111150 to GRANT permission for a shop/office and store at 4 St Michael's Place Gorey Co. Wexford. Decision Date: 27th August 1999.

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Section 97 Certificate GRANTED.

4.2. 85/86 Main Street (to north)

P.A. Reg. Ref. 20150281

Permission GRANTED for change of use from office to 2 no. apartments on the first floor and from office to 1 no. apartment on the second floor.

P.A. Reg. Ref. 20100230

Permission GRANTED for change of use from 3 no. second floor office units to apartments

P.A. Reg. Ref. 20064531

Permission GRANTED to demolish existing retail/residential premises, retaining front boundary wall with existing shop front and to construct a 3-storey commercial building comprising retail and offices.

P.A. Reg. Ref. 20022560

Application to renovate and erect an extension to retail and storage on ground floor; office use on first and second floor, on-site car parking to rear and raised signage. Further Information was requested in relation to access over private land and submission of letter/legal agreement from the landowner concerned.

5.0 Policy Context

5.1. Relevant National Policy

National Planning Framework – First Revision April 2025

- **NPO 7** At least 40% of all new homes nationally to be provided within the built-up footprint of existing settlements.
- **NPO 14** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity.

- **NPO 45** Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

- The Guidelines seek, *inter alia* to enable greater innovation and a graduated and flexible approach to the application of residential development standards across all housing types, including the separation between dwellings; private, semi-private and public open space provision; car parking and cycle parking. Section 5.0 relates to Development Standards for Housing and the application of Specific Planning Policy Requirements (SPPR)

Planning Design Standards for Apartments–Guidelines for Planning Authorities 2025

- **Chapter 3.0** Apartment Design Standards. Specific Planning Policy Requirement (SPPR) 2 sets out minimum apartment floor areas. Appendix 1 relates to Minimum Floor Area and Standards.
- **Chapter 4.0** Communal Facilities in Apartments.
- **Chapter 6.0:** Apartments and the Development Management Process
Section 6.1: Planning Authorities are requested to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions. Ultimately, Building Regulations must be complied with, and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors.

Town Centre First – A Policy Approach for Irish Towns

5.2. Wexford County Development Plan 2022-2028

The Wexford County Development Plan 2022-2028 is the operational Plan for the County and came into effect on the 25th of July 2022.

Volume 1

Chapter 3: Core Strategy

- **Gorey is a Level 1 Settlement** within the Settlement Hierarchy and is a Key Town.
- **Development Approach** for the town includes (1) allocate significant population growth to contribute to self-sustaining critical mass (4) prioritise brownfield and infill sites in the town centre and ensure efficient use of central sites, achieving compact growth and higher residential densities.
- **Objective CS05** to ensure that at least 30% of all new homes that are targeted in settlements are delivered within the existing built-up footprint of the settlement.

Chapter 4: Sustainable Housing

- **Objective SH02** All new residential development to provide a high-quality living environment with attractive and efficient buildings
- **Objective SH08** At least 30% of all new homes targeted to settlements are delivered within the existing built-up footprint of those settlements
- **Table 4-5 Indicative Density and Scale** for Level 1 Key Towns and Level 2 Large Towns.
- **Section 4.7.5 House Types:** All apartment developments whether private or public, to comply with the Apartments Guidelines.
- **Building Refurbishment Schemes:** On sites of any size, or urban infill schemes on sites of up to 0.25ha the following applies: where up to 9 no. residential units are proposed, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprise studio-type units.
Compliance with SPPR 2 of the Apartment Guidelines takes precedence over compliance with any other house mix standard in this Plan, save for the requirements to comply with SPPR 1 of the Guidelines.

Chapter 5 Design and Placemaking in Towns and Villages

- **Re-use of Vacant Buildings and Upper Stories:** The Council will encourage the reuse of vacant buildings and the use of the upper stories in towns and villages for either the same use or alternative uses including more intensive uses subject to the development meeting performance standards and protecting amenities of adjoining occupants.
- **Objective TV45:** Support the reuse of older/vacant buildings in towns and villages for residential use in accordance with Bringing Back Homes – Manual for Reuse of Existing Buildings

Volume 8 Retail Strategy

- Gorey is located within **Level 2** of the Retail Hierarchy.
- **Objective WXC03:** The Council shall resist applications for planning permission which would result in net loss of retail floor space at ground level on primary retail streets within the core retail area where this would affect the vitality and viability of these streets.
- **Objective WXC10:** In order to address vacancy levels recorded across the four main towns, it is the Council's objective to promote the reuse of vacant floorspace within the core retail areas.

5.3. Gorey Town and Environs Local Area Plan 2017-2023

The Gorey Local Area Plan (LAP) 2017-2023 was made on the 10th April 2017 and extended for a further period of three years by resolution of Wexford County Council on the 9th May 2022. Taking into account the provisions of Section 251 of the Planning and Development Act 2000, as amended and as confirmed by case law under *Browne v Kerry Co. Co. IEHC 552*, the Plan, as extended will expire on the 29th of June 2026.

Section 2 Housing and Social Infrastructure

- **Section 2.3.7 Housing Mix:** Sub-division of dwelling houses into apartment/flats will be considered in the town centre but generally not permitted within residential areas designed and developed for single family occupancy.

Section 7 Town Centre Development and Regeneration

- **Objective TC05:** To provide for the development of a mix of uses within the town centre, including residential, retail, services, commercial, complementary leisure, entertainment, cultural and community facilities.
- **Section 7.3** Urban Regeneration and Renewal.

Section 8 Retail

- **Map 6** 'Retail Core Area and Opportunity Sites' identifies **Primary and Secondary Retail Streets** and the Retail Core. Secondary Streets perform a secondary retail function but have a lower proportion of retail uses compared to primary frontages.
- **Objective RS01:** To promote and protect the vitality and viability of the retail core identified on Map 6 and to ensure that it remains the primary location for retail development.
- **Objective RS03:** To retain the retail function of ground floors on the Primary Retail Streets identified on Map 6. The Planning Authority will prohibit development which would individually or cumulatively undermine the primary use of the street for retail purposes (with the exception of temporary uses to address vacancy).

Land Use Zoning

- Appeal site is zoned Retail Core (RC) *'to provide for retail uses and to protect and strengthen the vitality and viability of the area'*
- A distinction is made between the Retail Core and the Central Business Area. The Retail Core is the preferred location for retail development. The CBA land use covers a wider area, and it is envisaged that the town centre will contain a more diverse range of uses including retail, business etc.
- Residential is Open for Consideration in the RC zoning subject to footnote O4 *'it is particularly important to consult Section 8 Retail with regard to the uses that are open for consideration and what it means in this case'*.

5.4. Natural Heritage Designations

Cahore Marshes SPA (Site Code 004143) c. 14.0km

Seas off Wexford SPA (Site Code 004237) c.16.0km

Slaney River Valley SAC (Site Code 000781) c. 3.2km

Cahore Polders and Dunes SAC (Site Code 000700) c. 14.6km

Kilmuckridge Tinnaberna Sandhills SAC (Site Code 001741) c. 19.16km

Blackwater Bank SAC (Site Code 002953) c. 18.15km

Courtown Dunes and Glen pNHA (Site Code 000757) c. 4.3km

Ballymoney Strand pNHA (Site Code 000745) c. 5.6km

6.0 EIA Screening

- 6.1. The proposed development, comprising the change of use from commercial floor space to 2 no. apartments, does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. The proposed demolition and construction of a two-storey extension to the rear of the property is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The decision of the Planning Authority made on the 9th of January 2026, is the subject of a Third-Party appeal by Mr. Damian Cullen, DAB Property Developments Ltd. The matters raised are set out below:

- The proposal contravenes the Gorey Development Plan. The development is in the retail core area. All shop/retail units on the street are occupied with no current availability.
- The two dwelling units to the east have always been in residential use with an application to divide one house into 2 no. units. The 6 no. apartments referred to in the planning report are located on the 1st floor above the retail premises on Main Street Gorey and do not utilise ground floor retail units.
- DAB Property Investments Ltd. are the owners of the lane to the side of the development and have carried out maintenance since taking ownership in 2006. Tarmacadam, gates and lighting have been fitted. The ownership of the lane has never been disputed.
- Reg. Ref. 92137 referred to in the planning application was not constructed as the property was sold.
- The development gives rise to a lack of privacy to tenants of the retail units and to the apartments, having 14 no. windows, 2 no. balconies and a doorway in the boundary wall. The proposal also prevents construction of development on the appellants property.
- The access is in everyday use with vehicles delivering to the ground floor retail accessed off Main Street and to the overhead apartments.
- An apartment entrance door opens outwards onto the lane giving rise to serious health and safety concern. No footpath is provided. Vehicles regularly reverse up the lane.
- Under Reg. Ref. 982949 the owners of the lane objected on grounds of ownership and disputed the right of way. This application is not referenced in the subject application.
- The lane and adjoining property No. 85/86 Main Street Gorey were sold to DAB Property Investments Ltd.
- Land Registry Folio 2981L No. 4 St Michael's Place does not refer to a right of way. The Land Registry map provided with the further information is misleading as it is not marked on the official land registry maps.

- In the event of a right of way being claimed by prescription, this does not give the applicant permission to provide foundations, sewage services or surface water drainage and there is no permission for eaves and gutters to overhang the appellants property. The application does not demonstrate how these matters will be provided within the curtilage of the site.
- A letter from Tarrant and Tarrant Solicitors dated 22nd April 1999 as part of an appeal to An Bord Pleanála and referencing P.A. Reg. Ref. 982929 refers to a decision to grant permission to construct a shop/office and store on site. The letter refers to the ownership concerns regarding the laneway, disputing the applicants right to access.

7.2. Response of the First Party

7.2.1. The First Party provided a response to the appeal on the 27th of February 2026. The matters raised are set out below:

- The response refers to a copy of Land Registry Map Folio WX60197F (Plan No. DB4XJ). A certified copy is awaited with the purchase receipt provided for information and record purposes.
- The response includes correspondence from the closed conveyancing file on No. 4 St. Michael Place, with a letter from Felton, McKnight Solicitors to Lombard and Cullen Solicitors dated 18th September 2012 pertaining to the subject right of way.
- The right of way was confirmed as being historically established for greater than 150 years and the title holder is the Esmonde estate.
- The right of way was formally made available consequent to court proceedings and finds taken in July 2001.
- The First Party refers to P.A. Reg. Ref. 20022560, where the appellant, (the previous owner) in order to access proposed car parking to the rear of the property, required access from private land (the lane) which was not in his ownership.
- Land Registry Folio WX60197F (Plan No. DB4XJ) relating to No. 85/86 Main Street Gorey does not incorporate the subject laneway adjacent No. 4 St Michael's Place and it does not appear that the appellants own the right of way.
- Letter from Felton McKnight Solicitors addressed to Lombard and Cullen Solicitors dated 20th September 2012 concerning the right of way.

- Extracts from Reg. Ref. 20022560 including a Further Information request; Site layout Plan and Site Location Map.
- Folio Reference WX60197F Tailte Éireann.

7.3. Planning Authority Response

None on file

7.4. Observations

None on file

8.0 Assessment

8.1. 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, having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Development
- Apartment Design and Layout
- Right of Way/Access
- Other Matters

8.2. Principle of Development

8.2.1. The appeal site, comprising a two-storey property, is zoned Retail Core (RC) under the Gorey Town and Environs Local Area Plan (LAP) 2017-2023 (as extended) and which remains in force. The objective seeks *'to provide for retail uses and to protect and strengthen the vitality and viability of the area'*. Residential use is Open for Consideration under the RC zoning, subject to Footnote 4 which states, *'it is particularly important to consult Section 8 Retail with regard to the uses that are open for consideration and what it means in this case'*.

- 8.2.2. I note the concerns raised by the appellant concerning the loss of retail floor space on St. Michael's Place where it is stated that no availability currently exists. From site inspection of the surrounding area, I note the residential use of the property immediately adjacent the appeal site, as well as within a terrace of properties to the south-west. In addition, and as referred to by the appellant, apartments are in situ to the north of the appeal site (to the rear the commercial premises at No. 85/86 Main Street). Notwithstanding such residential use, there is nonetheless a broad range of commercial uses and services in the area.
- 8.2.3. I refer to Objective WXC03 of the Wexford County Development Plan which requires that the Council resist applications for planning permission which would result in net loss of retail floor space at ground level on primary retail streets within the core retail area where this would affect the vitality and viability of these streets. I also refer to Section 8.0 Retail of the Gorey Town and Environs LAP and to Map 6 'Retail Core Area and Opportunity Sites' which defines the extent of the Retail Core, together with Primary Retail and Secondary Retail Streets. In addition, Objective RS03 of the LAP requires the retention of retail function on ground floors of Primary Retail Streets identified on Map 6. The appeal site, while located within the Retail Core, does not front onto a Primary or Secondary Retail Street as per Map 6. Accordingly, I am of the view that the provisions of Objective WXC03 of the Wexford County Development Plan and Objective RS03 of the Gorey Town and Environs LAP, do not apply in this instance. Equally, I do not contend that the proposal would individually or cumulatively undermine the function of the Retail Core of which it forms part, and I am of the view that consideration could be given to the change of use proposed, subject to other planning considerations further detailed below.
- 8.2.4. Furthermore, the loss of retail floor space would, given the limited floor area concerned, the pattern of development locally and the provisions of both the Wexford County Development Plan and the Gorey Town and Environs LAP, be acceptable in principle and would be unlikely to significantly detract from the vibrancy of the town centre. I am not of the view therefore, that the change from commercial to residential use would give rise to a contravention of the Local Area Plan and I am satisfied that the principle of development is broadly acceptable.

8.3. Apartment Design and Layout

- 8.3.1. I have examined the drawings and particulars submitted and can confirm that the floor areas generally comply with the requirements of the Planning Design Standards for Apartments – Guidelines for Planning Authorities 2025.
- 8.3.2. I refer to Specific Planning Policy Requirement (SPPR) 2 and Appendix 1 which set out minimum floor areas and standards. The application of both SPPR 2 and SPPR 3 provide for general flexibility and relaxation in terms of refurbishment schemes. Also, Section 6.1 stipulates a practical and flexible approach in relation to refurbishment, referencing in particular historic buildings, ‘over the shop’ type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions.
- 8.3.3. Appropriate levels of private open space for each unit are provided and while no communal open space is provided on site, the town centre location would dictate that this is not a requirement. Section 4.3 of the Guidelines allow for a relaxation of this standard for building refurbishment on sites of any size or urban infill schemes on sites of up to 0.25ha, on a case-by-case basis, subject to overall design quality. I am satisfied that the units are within walking distance of local amenities, including Gorey town park to the northwest. As such, the communal open space requirements can be relaxed in this case.
- 8.3.4. The property currently contains window opes (over both floors) and a large double door within its western gable elevation overlooking the laneway. The existing structure, including the pattern of fenestration, broadly align with the design permitted under ABP PL26.111150 (P.A. Reg Ref 982949) for a shop/office and store on this site. The existing two-storey extension extends to a height of c. 6.3m while the height of the new extension is given as 6.5m. I am not therefore of the view that the demolition and rebuild of the two-storey extension albeit, with additional opes to the western elevation, and marginally larger footprint would give rise to a significant loss of privacy to neighbouring units over that currently in place.
- 8.3.5. The Third Party raises concerns that the proposal would prevent the future development of his lands with windows to the south and north. I note in this regard window opes within the

existing three-storey apartment block to the rear of No. 85/86 Main St. which face directly south into the lane. Notwithstanding definitive plans regarding future proposals for the neighbouring site, I am not of the opinion that the proposed development- replacement of a permitted two-storey rear extension with a broadly similar structure and the change of use within the property to arguably a less intensive use, would be prejudicial to future development considerations on adjoining sites.

8.4. Right of Way/Access

- 8.4.1. A central concern of this Third-Party appeal concerns the ownership and right of access over the lane way to the west. The access in question is surfaced and fitted at its roadside boundary with a metal panel gate with inset pedestrian door. The lane way runs from the public road to the three-storey block to the rear of No. 85/86 Main Street. No footpaths are in situ, and no parking spaces were observed.
- 8.4.2. The appellant contends that DAB Property Developments Ltd. are owners of the lane and have undertaken works, including tarmacadam surfacing, security gates and lighting since taking ownership in 2006. The lane is used on a daily basis and facilitates vehicular deliveries to the retail unit and the overhead apartments at 85/86 Main Street and is within the ownership of the appellant.
- 8.4.3. I note that the planning authority sought under Further Information to establish the applicant's entitlement to utilise the lane, and to furnish written consent from the holder of such title where such right of way was not held by the applicant. I note the submission of correspondence from Lombard, Cullen, Fitzpatrick Solicitors by the applicant in response which refers to a map attached to the conveyancing of the property dated 29th May 2013 when the property was purchased by the Frederic Ozanam Trust. The map, entitled 'Land Registry Compliant Map' illustrates a right of way in yellow over the lane from points 'x' to 'y'. The letter continues by stating that the right of way is over unregistered land and will not therefore appear on the Tailte Éireann register. The right of way is stated to be historical, established over 150 years and exists by prescription in any event. The Third Party disputes the document provided, indicating it is misleading as it is not marked as an official Land Registry Map.

- 8.4.4. The First Party response contains further correspondence addressed to solicitors acting on behalf of the St. Vincent de Paul Society dated 2012 in the lead up to the purchase of the property, wherein reference is made to court proceedings and finds in July 2001 regarding the laneway and the resolution of restrictions placed over the access to the satisfaction of the party.
- 8.4.5. Finally, in relation to the planning history of the appeal site, I note P.A. Reg. Ref. 982949 referred to in the Third-Party appeal which relates to an application for a shop, workshop and offices at the site. The appellant refers to concerns raised at that time by the then owners of 85/86 Main Street against the development and the ownership of the lane in question.
- 8.4.6. I have reviewed the particulars of P.A. Reg. Ref. 982949 which are available on the planning authority's website. The application in question, which appears to have established the consent for the structure currently on site, provided for a retail unit with associated workshop and offices. Fenestration and door opens serving the building as currently presented were also permitted. I note during the course of the application, onsite parking to the rear yard was requested to be provided, with access via the laneway. I note also the Third-Party objection made in relation to the scheme on grounds of right of access, however permission for the development was ultimately granted by the planning authority and by An Bord Pleanála following appeal under PL PL26.111150.
- 8.4.7. An earlier application under P.A. Reg. Ref. 921397, also for a shop, workshop and living accommodation noted in response to a request for Further Information that *'the lane is not in any particular ownership. The applicant has spoken to the other users of the lane and it is his understanding that they have no objection to his use as shown on the drawings'*.
- 8.4.8. Both parties have set out within this appeal their understanding as to their legal title in the access lane in question. The determination of title is not a matter for the Commission, and I am of the view that there is limited merit in seeking further particulars to assist in confirming landownership/consent or lack thereof, in relation to ownership/right of access to the lane.
- 8.4.9. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their ability to access the property via the laneway in question and would refer the Commission to the decision of An Bord Pleanála under ABP PL26.111150 in this regard.

No particulars are presented within the appeal to confirm that such access arrangements have been altered. Any further legal dispute should be considered a Civil matter and outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of S.34(13) of the Planning and Development Act 2000, as amended.

8.5. Other Matters

8.5.1. Extent of application site

The Third Party contends that in the event of a right of way being claimed by prescription, this does not give the First Party the right to provide foundations, sewage services or surface water drainage on third party lands, and there is no permission for gutters and eaves to overhang such lands.

I refer the Commission to Drawing No. 2411-3-ST02(B)-AR13-201 Revision D- Site Layout Plans- As Proposed indicating the red line boundary of the site. The development as presented is shown entirely within the application site boundary, albeit the footprint of the build has increased over that existing.

I note also that under ABP PL26.111150 services, including connection to the mains sewer were shown in the laneway. I would again contend therefore, that further dispute in relation to this issue would be considered a Civil matter between the parties and outside the scope of this planning appeal having regard to the provisions of s.34(13) of the Planning and Development Act 2000, as amended.

8.5.2. Traffic Safety

The planning authority's Roads Inspection Report indicates no technical objection to the development provided the Planning Department is satisfied with the right of way arrangements shown. No conditions are attached to the report. In addition, no particular conditions in relation to the operation of the laneway in terms of pedestrian and vehicular movements were imposed by the planning authority in its decision.

Referring again to the original development approved under ABP PL26.111150, I note that the design included an entrance door onto the laneway from the western elevation. The current arrangement provides an entrance lobby for unit G2 as well as a secondary entrance serving G1 from the lane.

I note the door to the lobby serving Unit G2 opens outwards.

No detail is provided on file as to the traffic movements associated with the retail unit or apartments to the north via the laneway. The appellant indicates that the lane is in everyday use with vehicles associated with/delivering to the retail unit and the apartments. Such vehicular movement would require reversing manoeuvres given the narrow width of the laneway and the lack of turning facilities. I note that on-street parking is provided directly opposite the retail unit at 85/86 Main Street.

While I note the absence of a footpath and did not encounter vehicles using the lane at the time of the inspection, I am of the opinion that this would constitute a very low speed environment for traffic and would be unlikely to generate an excessively high volume. I do not conclude therefore that the development would give rise to risk of traffic or pedestrian safety.

If the Commission is minded to award planning permission, it may be appropriate to include a condition restricting all doors to the western elevation to open inwards only.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The appeal site is located within the urban area of Gorey Co. Wexford on zoned, serviced lands and relates to an existing two-storey commercial property. The separation distances between the appeal site and Natura 2000 sites situated in the wider area are set out below:

- Cahore Marshes SPA (Site Code 004143) c.14.0km
- Seas off Wexford cSPA (Site Code 004237) c.16.0km
- Slaney River Valley SAC (Site Code 000781) c.3.2km
- Cahore Polders and Dunes SAC (Site Code 000700) c.14.6km
- Kilmuckridge Tinnaberna Sandhills SAC (Site Code 001741) c.19.16km

- Blackwater Bank SAC (Site Code 002953) c.18.15km
- Courtown Dunes and Glen pNHA (Site Code 000757) c.4.3km
- Ballymoney Strand pNHA (Site Code 000745) c.5.6km

9.2. The proposed development comprises the change of use within this two-storey property from commercial to residential use, providing for 2 no. 1 bedroom units. The development also provides for the demolition of an existing two-storey and single storey rear extension and provision of a new two-storey extension.

9.3. The Planning Authority undertook Appropriate Assessment Screening, determining that there was no likelihood of significant effects on a European Site.

9.4. No nature conservation concerns were raised in the planning appeal.

9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. change of use from commercial to residential use and construction of a two-storey extension.
- Location and distance from the nearest European site and lack of connections.
- Taking into account the Determination of the Planning Authority.

9.6. I conclude 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 thereafter Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site concerns No. 4 St. Michael's Place, Gorey Co. Wexford and relates to a change of use from commercial to residential use therein. The appeal site is separated by a distance of approximately 390m from the River Banoge_020 to the east. The site is within the Owenavorrhagh Water Framework Directive Catchment ID11. The ground waterbody is the Gorey IE_SE_G_071.

10.2. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works concerned, providing for the change of use from commercial to residential within an existing property located in a town centre site and noting existing connections to public wastewater, water supply and surface water systems.
- Distance from nearest water bodies and/or lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend a grant of permission for the reasons and considerations set out below:

12.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, the provisions of the Gorey Town and Environs Local Area Plan 2017-2023 as extended, the Retail Core (RC) zoning objective '*to provide for retail uses and to protect and strengthen the vitality and viability of the area*' pertaining to the site and to the nature, scale and design of the development; it is considered that subject to compliance with the conditions set out below,

the proposal would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of design and layout and would constitute an acceptable form of development. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

COND 1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5th August 2025, as amended by the further plans and particulars received by the planning authority on the 8th December 2025, 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>
COND 2.	<p>All external doors within the western elevation of the property shall open inwards only.</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
COND 3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate standard of development.</p>

COND 4.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
COND 5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
COND 6.	<p>The disposal of surface water shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
COND 7.	<p>Prior to the commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
COND 8.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste</p>

	<p>facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
COND 9.	<p>Secure bin and bicycle storage shall be provided on site to serve the two apartment units in accordance with plans submitted to the planning authority on the 8th December 2025</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
COND 10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
COND 11.	<p>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. The contribution shall be paid prior to the 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p>

	Reason: It is a requirement of the Planning and Development Act 2000 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.
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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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Patricia Byrne

Planning Inspector

18th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500725-WX-25
Proposed Development Summary	Permission for change of use from commercial premises to 2 no. apartments for social residential permanent living and for demolition and construction of two-storey extension.
Development Address	No. 4 St. Michael's Place, Gorey Co. Wexford
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	State the Class here

<p>be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	

Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) .

Inspector: _____

Date: _____