



An
Bord
Pleanála

Inspector's Report ABP-303741-19

Development	Refurbishment, part demolition, conversion, extension and change use of stable blocks to create 6 no. guesthouse accommodation units, venue building, car parking (Clone House a Protected Structure)
Location	Clone House, Clone, Aughrim, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18139
Applicant(s)	Jeff Watson
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Jeff Watson
Observer(s)	Michael Healy
Date of Site Inspection	16 th May 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located on the grounds of Clone House c. 2.5km to the south east of the village of Aughrim, Co, Wicklow. Clone House is a detached 3 bay, 2 storey protected structure, built c. 1800 now in use as a 12 bedroom guesthouse and also available for private hire. It was burned down in the 1798 rebellion and rebuilt in 1805 in beautiful Victorian- Georgian style. Renovations have recently taken place within the house and it is well maintained with an attractive setting.
- 1.2. A number of rubblestone single-storey outbuildings are located in close proximity to the house and some of these are accessed through an archway from the parking area to the front of the house.
- 1.3. The house was formerly a busy farmyard and there is a right of way to farmlands surrounding the site through the main entrance to the site. The site is served by two accesses to the east and west of the site.

2.0 Proposed Development

- Permission sought for the refurbishment, conversion and extension of existing stables to create 6 No. self-catering accommodation units
- A 430m² venue for social functions to cater for 120 people
- An additional wastewater treatment plant
- A total of 49 No. car parking spaces
- A new single storey dwelling as the primary residence of the owner with a stated floor area of 181m²
- A new entrance in lieu of the existing main entrance. The existing entrance will be used as a right of way to the adjoining farm by the farmowner
- A conservation report was submitted with the application.

Further information submitted dated the 19th of December 2018 provided for the following:

- Details of water demand calculations

- Drainage Details
- Site suitability assessment which takes an increased demand (167 persons) into account
- Specifications for grease traps
- Details of water quality
- Conservation Report
- Revised sightlines
- Schedule for existing and proposed floor areas.
- Justification for separate dwelling.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission refused for one reason as follows:

Having regard to the restricted forward sightlines for traffic turning right into the proposed entrance and the likely increased traffic turning movements generated by the proposed development at the proposed entrance, it is considered that the proposed development would endanger public safety by reason of a serious traffic hazard. Therefore, the proposed development would be contrary to proper planning and sustainable development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner's report (28/03/18) considered that having regard to the scale of the overall development, the location and design of the proposed function room to the rear of the site and the separation distances from existing properties, the proposal would not significantly impact on the amenities of the area. It was considered that the renovation of the outbuildings had been carefully considered and would respect the character of the stonework buildings and Clone House. It was accepted that a separate dwelling was

required for the owner but that a limiting condition should be applied that the single dwelling is retained within the overall planning unit and used solely for the applicant's own use. It was also considered that having regard to the operation of Clone House as guesthouse for 20 years, the details received to justify the expansion, the proposal would add to the economic and tourism offer of Co. Wicklow. Further information was required in relation to a number of issues.

- The second planner's report dated the 17th of January 2019 noted that no occupancy condition was required as the applicant and his family had lived in Clone House since 2002. It considered that a limiting condition was required that this single dwelling should be retained within the overall planning unit. Permission was recommended by the planner subject to conditions. A further report is attached to this report dated the 18th of January 2019, generally agreeing with the assessment but recommending refusal having regard to inadequate sightlines.

3.2.2. Other Technical Reports

- Area Engineer (28/02/18): Further information required in relation to sightlines.
- Environmental Health Officer (27/02/18): Further information required.
- Water and Environmental Services (21/03/18): Further information required. The second report (17/01/19) noted that the proposed waste water system needed a pumped system to address shock loading and considered that the proposed grease traps were not adequately sized. Conditions were recommended which required these items to be addressed.
- Roads Report (18/1/19) states that the forward visibility for vehicles turning right into the development would be inadequate. It is stated that the proposal to close the existing access is acceptable.

3.3. **Prescribed Bodies**

No responses.

3.4. **Third Party Observations**

One submission was made to the Planning Authority which reflects the issues raised in the observation submitted to the appeal.

4.0 **Planning History**

PA 97/7216

Permission granted for the change of use of residential house to guest house incorporating 12 bedrooms and site modifications and upgraded/ replacement septic tank.

5.0 **Policy and Context**

5.1. **Development Plan**

Wicklow County Council Development Plan 2016-2022

Relevant objectives in relation to tourism include RUR1, RUR2, RUR3, T3, T4, T5, T6, T13, T14 and T15.

Relevant policies in relation to Architectural Heritage include BH9, BH10, BH11, BH12, BH13 and BH14.

Clone House is a protected structure, RPS No. 39-02.

5.2. **Natural Heritage Designations**

There are no Natura 2000 sites in the immediate vicinity of the site.

5.3 EIA Screening

- 5.2.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of the first party appeal can be summarised as follows:

- The only material issue relates to traffic safety.
- It is proposed to provide an operational one-way system using both vehicular entrances.
- A revised site layout is submitted with the appeal response demonstrating this proposal.

6.2. Planning Authority Response

- 6.2.1. A response from the Planning Authority considers that the proposed one way system would address the traffic safety matter at the eastern access. Where the Board is minded to grant permission, the one way system should be subject to a condition requiring the full details of how the one-way system is to be implemented to be agreed with the Planning Authority prior to commencement of development and for the one-way system to be implemented in full prior to occupation of the proposed development.

- The response also considers that the agent did not read the planning report in full where the reason for not issuing a Clarification of Further Information was noted and would not appear to be aware of the provisions of Article 33 of the Planning and Development Regulations which provides for a 6 month time limit.

6.3. Observations

6.3.1. One third party observation has been submitted which can be summarised as follows:

- The proposed development is contrary to development plan objectives in relation to the rural economy, tourism and rural housing policy.
- Concerns regarding the scale of the proposed development and the impacts on the adjacent working farm, together with the impact on privacy.
- The existing road network in the area is not suitable for the development proposed and development of the scale and nature proposed should be located on a regional or national primary road.
- The existing entrances are unsuitable to construction vans, private bus traffic, and other large vehicles.
- Concerns regarding the adequacy of car parking.

7.0 Assessment

7.1. Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of Development
- Traffic Safety
- Impact on Residential Amenity

- Other Matters
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located in the rural townland of Clone, Aughrim, Co. Wicklow. The subject development is located substantially in redundant and delapidated farm buildings/ yard adjacent to Clone House a protected structure with register reference No. 39-02. Clone House was granted permission under PA 97/7216 for use as a 12 bedroom guesthouse but had been in use as a guesthouse of lesser scale before this.
- 7.2.2. The key issues in relation to principle of development and development plan policy relate to architectural heritage protection, rural economic and tourism development and rural housing policy.
- 7.2.3. Architectural Heritage Protection
- 7.2.4. The proposed works are in the curtilage of Clone Houe and include the refurbishment, conversion and extension of existing stables to create 6 No. self catering units and a 430m² venue for social functions to cater for approximately 120 people. Extensions are proposed to existing stables but these will read visually as part of the existing building serving Clone House. The proposed works seek to keep the intervention to the historic fabric of these buildings to the minimum. In my view, the proposals provide for the minimum loss of the existing walls of the stable blocks and represent a sensitive and sympathetic approach to the restoration and sustainable re-use of existing buildings. This is in line with good conservation principles. Furthermore, the purpose of the development is to provide a wider range of accommodation on the site and to host larger events such as weddings. The overall aim of the proposed adaptive re-use of the stone stables is to prolong the life of the built heritage on the site through returning the ruined structures into living buildings. I am satisfied that the works proposed as in keeping with the Development Plan objectives set out in Section 10.2.3 of the Development Plan and the policy set out in the Architectural Heritage Protection Guidelines for Planning Authorities.

7.2.5. Rural Economic and Tourism Development

7.2.6. There are a number of policies and objectives contained in the Development Plan which are relevant to the proposed development including Objective RUR 1, RUR 2, Section 7.3 Strategy for Tourism and Recreation, Objectives T3 and T4.

7.2.7. The main thrust of these policies and objectives is that it is generally required for tourism, recreation or business proposals to locate within existing towns, but they may be acceptable on certain rural sites where the applicant submits a robust assessment setting out the sustainability of any proposal and where it can be demonstrated that the proposed development does not adversely impact on the character of the rural area and the scale and nature of the development is appropriate.

7.2.8. The applicant has submitted a planning assessment together with a business plan to justify the proposed development. The information submitted can be summarised as follows:

- The proposed development is a small-scale service business in a rural area operated entirely by the applicant and local staff. It is anticipated that the expanded business would employ an additional 8 local people permanently and up to 14 during events. The proposals would allow Clone House to market itself as a quality destination for tourists, visitors and for events. The tourism model of a country house Protected Structure is well established. The aim is to compete in this market to encourage, inter alia, local, county and regional events to take place at Clone House rather than travelling outside of the local area for a similar service elsewhere.
- The proposed development is located substantially in redundant farm buildings/ yards and would read visually as part of the existing buildings serving Clone House.
- The existing guesthouse has operated for approximately 20 years alongside adjoining farmland activities etc. The proposed development is similarly appropriate to and compatible with the character of the rural environment of

the site, as it seeks to expand, and make more sustainable, the already established business.

7.2.9. The planning authority report considers that having regard to the operation of Clone House as guesthouse for 20 years, the details received to justify the expansion, the proposal would add to the economic and tourism offer of Co. Wicklow. I concur with this view and consider that the applicant has submitted an adequate justification for the proposed development in this rural location.

7.2.10. Rural Housing Policy

7.2.11. One single storey dwelling is proposed in a corner of the site removed from Clone House which is proposed as the primary residence on the owner. I note from information submitted on the file that the applicant and his family have lived in Clone House for many years and have lived in guestrooms that are not occupied, move around different areas of the house as necessary to accommodate guests and need to move out at times to facilitate large parties. It is stated that 'this is far from ideal' and the family have not been able to use the house as a proper house at the same time as running it as a guesthouse.

7.2.12. Objective 23 refers to 'Rural Housing in the Countryside' and requires that the applicant demonstrates a social or economic need to live in the countryside. Having regard to the information submitted with the application, I am satisfied that the applicant has demonstrated a need for a separate family house in close proximity to his tourism business. The applicant states that it is not a speculative proposal and the dwelling would be tied to the applicant's wider ownership of the entire property in a single title. The Planning Authority accepted that a separate dwelling was required for the owner but that a limiting condition should be applied that the single dwelling is retained within the overall planning unit and used solely for the applicant's own use. I concur with this view and consider that the applicant has adequately demonstrated a need for a new dwelling adjacent to his business. Should the Board be minded to grant permission, I consider that a condition is necessary requiring the property to be tied to the business in single ownership.

7.3. Traffic Safety

- 7.3.1. I consider that the principle issue in this appeal relates to traffic safety. Permission was refused for one reason relating to restricted forward visibility sightlines for traffic turning right into the proposed entrance. The observer considers that the scale and nature of the proposed development is unsuited to the roads in the area and would be better located on a regional or national road.
- 7.3.2. The local road network is of a rural nature with significantly low traffic volumes and geometric characteristics which ensure low traffic speeds. I note that 49 car parking spaces are proposed which is satisfactory for the scale of the development proposed and in line with Development Plan requirements.
- 7.3.3. Clone House is presently served by 2 existing access junctions as demonstrated on Figure 1.1 of the appeal. The western access (A) is the main access and used daily by guests and others. The eastern access (B) is used by the owners of the site and others who require access to the site for a variety of reasons including staff, maintenance, deliveries and more.
- 7.3.4. It was initially proposed that Access B would be converted to the new primary access with an upgraded layout. There are restricted forward sightlines for traffic turning right into the proposed access and it was considered by the planning authority that this would lead to a traffic hazard. In order to address this issue, the appeal response proposes a 'one-way' system with entry via the western access and exit via the eastern access.
- 7.3.5. I consider that there is no issue with forward sightlines from the existing main access (Access A) as this is a long straight stretch of road and the appeal states that sightlines up to 160m are available. Internally the one-way system would also provide improved traffic management and control for both vehicles and pedestrians in terms of arrivals, parking and egress. I also note that the use of Access A is preferable in terms of maintaining the carefully designed relationship between the entrance and Clone House, and is preferable rather than entering the site from Access B where the main views would in the first instance be of the car park and stable buildings.
- 7.3.6. The response from the Planning Authority considers that the proposed one way system would address the traffic safety matter at the eastern access. It

recommended that where the Board is minded to grant permission, the one way system should be subject to a condition requiring the full details of how the one-way system is to be implemented to be agreed with the Planning Authority prior to commencement of development and for the one-way system to be implemented in full prior to occupation of the proposed development.

- 7.3.7. I am of the view that the reason for refusal has been overcome by the proposed one-way system and that it would make for a more attractive entrance to the site in keeping with the protection of the architectural heritage. As such, I am satisfied that the proposal will not create a traffic hazard.

7.4. Impact on Residential Amenity

- 7.4.1. The site is encircled by farmlands, farmbuildings and a farm dwelling and concerns have been raised in relation to the scale and nature of the development and the impacts on the farm including overlooking and impacts on privacy.
- 7.4.2. I consider that there is an established tourism and recreational use on this site as a 12 bedroom guesthouse and the proposal provides for the expansion and continued use of the site by re-using and rehabilitating old buildings to provide for six additional accommodation units and a 430m² venue to cater for events of up to 120 people. A business plan has been submitted with the appeal which outlines that the main business will continue but once a venue has been put in place, there will be 10-15 weddings per annum at the proposed venue.
- 7.4.3. Clone House is located c.160m from the public road and the existing stable buildings are located very close to the house and significantly removed from the farm house. I note that concerns were raised in relation to overlooking of the farmyard, however I consider this proposal to be self-contained and clustered with the protected structure and do not consider that the proposed development will impact to an undue degree on the existing farm at this location. I note that it is proposed that the business will be retained in single usage and managed by the owner of Clone House. Whilst there will be a change of views from the farm, I do not consider that the development is unacceptable or visually intrusive.

7.4.4. In conclusion, I consider that the nature and scale of the proposed development is appropriate and having regard to the layout and separation distances between the existing farmhouse and the proposed development, the development is acceptable.

7.5. Other Matters

The Water and Environmental Services report dated the 17th day of January 2019 noted that the proposed waste water system needed a pumped system to address shock loading and considered that the proposed grease traps were not adequately sized. The report considered that these matters could be conditioned. I am satisfied that these matters could be conditioned should the Board be minded to grant permission.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendations

8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the nature, scale and design of the proposed development, the pattern of development in the area, the provisions of the Wicklow County Council Development Plan 2016-2022 and the re-use and rehabilitation of existing structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate re-use of buildings which are in a poor state of repair and would not adversely affect the architectural character or

integrity of the historic buildings on site, would not be overdevelopment of the site, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars dated the 19th day of December, 2018, and as received by An Bord Pleanála on the 15th day of February, 2019, 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 proposed houses including the house proposed to be the primary residence of the owner shall be retained in single ownership with the existing , and in the case of the six accommodation units, shall only be available for short term tourist letting associated with the existing guesthouse on the site. No sale of individual units for use as holiday homes is hereby permitted.

Reason: In the interest clarity and the promotion and enhancement of the tourism use of the site.

3. Prior to commencement of development revised plans and particulars shall be submitted for the written agreement of the planning authority providing for the following:
 - (a) the incorporation of a revised design to include a pumped system in the wastewater treatment system to address shock loading.

(b) the provision of an adequately sized grease trap on the wastewater line from the kitchen areas.

Reason: In the interest of public health.

4. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and be supervised by a qualified conservation architect (or equivalent).

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The water supply to serve the proposed development shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed development, in the interest of public health.

7. A Service Management Plan shall be submitted to, and agreed in writing with, the Planning Authority prior to occupation of the development. This shall address the following:

(a) Deliveries to be carried out outside of peak hours;

(b) How deliveries will avoid unduly impacting upon surrounding road network and;

(c) Provide details of the types of delivery vehicles to be used

Reason: In the interests of residential amenity and traffic safety.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of all external finishes, materials, treatments and colours for the proposed development.

Reason: In the interest of visual amenity.

9. No signage, advertising structures/advertisements, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. The proposed 'one-way' access system shall be in accordance with the detailed requirements of the planning authority for such works and details of these shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

11. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

12. None of the proposed accommodation units shall be occupied until the planning authority have agreed in writing that the effluent treatment system (including provision of adequately sized grease traps) has been installed and completed to their satisfaction, together with details of future maintenance. A programme of periodic inspection and monitoring of the performance of the effluent treatment system together with records and conclusions of such inspections which shall be forwarded to the planning authority, shall be agreed with the planning authority with the results being made available to the public during normal office hours.

Reason: To regulate and control the use of the development.

13. Site development and building works shall be carried out only between 0800 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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.

Reason: In the interest of protecting the residential amenities of adjoining properties.

14. 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.

Emer Doyle

Inspector

31st day of May 2019