



Development

Permission for retention of (1) change of use of part of dwelling to wedding venue together with guest bedrooms (2) extensions and alterations to the wedding venue including marquee, kitchen and storage facilities, bar/barbeque area, toilet block, offices, guest accommodation, civil ceremony room, toilet/shower block, polytunnels, parking, bin storage and all ancillary works. The works are within the curtilage of, and are part of a protected structure, RPS reference S456 at Cloughjordan House.

Location

Cloughjordan House, Cloughjordan
County Tipperary

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

20/125

Applicant(s)

Peter & Sarah Baker

Type of Application

Permission

Planning Authority Decision

Grant.

Type of Appeal	(1) First Party v Condition (2) Third party v decision
Appellant(s)	(1) Peter & Sarah Baker (first party) (2) Andrew Lummis & Deirdre O'Leary (third party)
Observer(s)	None
Date of Site Inspection	23 rd October 2020
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

- 1.1.** The appeal site has a stated area of 3.33 hectares, is located approximately three hundred metres north of Main Street, within the identified settlement boundary of the Cloughjordan Village, as set out within the North Tipperary Development Plan, 2010-2016 (as varied). The site has two access points off the R491 to the east of the site. The southerly access serves the main house, marquee and front lawn area. The northerly access point serves the car park, various outbuildings, shepherds huts accommodation, offices and ceremony room. Both access points are within the 60kph speed control zone. To the north of the site, is an access road to the Cloughjordan eco-village, to the west of the site is the eco-village itself, which comprises residential units and a number of industrial/business units. To the south of the site are individual residential properties.
- 1.2.** The subject site presently comprises a two-storey period dwelling, Cloughjordan House, a protected structure (reference number S456) and three recorded monuments in the form of a Tower House, 17th century house and an enclosure. There are a number of additional elements on site in the form of a marquee structure on the western side of the main house and ancillary kitchen/bar/barbeque facilities to the north of the house. There are converted farm outbuildings within the yard area to the rear (north) of the house which provide guest accommodation for a cookery school and the wedding venue, a reception office and ancillary toilet and shower facilities.

2.0 Proposed Development

- 2.1.** Retention planning permission is sought for the following (1) change of use of part of existing dwelling to wedding venue together with four wedding guest bedrooms at first and second floor level, (2) temporary wedding marquee, (3) temporary kitchen and ancillary temporary storage portacabins, (4) bar/barbeque area, (5) toilet block ancillary to marquee/bar areas, (6) change of use of existing outbuilding to 2. offices, utility and three guest bedrooms to the first floor together with alterations to existing elevations, (7) change of use of barn building to civil ceremony room together with ancillary workshop, (8) change of use of portion of land to use as a camp site for portable one room shepherds huts, (9) toilet/shower block ancillary to shepherds

huts (10) 2 commercial polytunnels ancillary to a wedding venue (11) 1 polytunnel ancillary to dwelling, (12), parking, bin storage and all ancillary works. The works occur within the curtilage of and are part of a protected structure, (RPS reference number S456), at Cloughjordan House.

- 2.2.** The planning application was accompanied by a number of supporting reports in the form of: A Conservation Report including an Architectural Heritage Impact Statement; A Traffic Impact Assessment; An Archaeological and Visual Impact Assessment Report; An Entertainment Noise Assessment; A Construction and Demolition Waste Management Plan and a Business Plan.
- 2.3.** Further information was submitted in relation to: Addressing concerns over the use of the marquee structure on a permanent basis, having regard to the potential impact upon noise sensitive locations, archaeology and the protected structure. A Noise Impact Assessment, assessing impact from the various uses within the site. Details of, and justification for camping activities on site, and services associated with same.

3.0 Planning Authority Decision

- 3.1.** A grant of planning permission was issued subject to seven conditions. The following conditions are considered to be the pertinent ones and are summarised as follows:

Condition number 1 (a): Development shall be carried out in accordance with the documentation and particulars received by the Planning Authority on the 13th day of February 2020 and as amended on the 7th day of July 2020.

Condition number 1 (b): This grant of permission is for the following works only:

- (i) Retain change of use of portion of existing dwelling to wedding venue together with 4 guest bedrooms to first and second floor.
- (ii) Retain change of use of existing outbuilding to 2 no. offices and utility and 3 no. guest bedrooms to the first floor together with alterations to existing elevations.
- (iii) Retain change of use of existing barn building to civil ceremony room together with ancillary workshop.
- (iv) Retain 2 commercial polytunnels ancillary to wedding venue.
- (v) Retain 1 polytunnel ancillary to dwelling.
- (vi) retain parking, bin storage and all ancillary works.

Condition number 1(c) Permission is not granted for the following elements which shall be removed from site within one month of the date of this order with evidence of same provided to the Planning Authority.

- (i) Retain wedding marquee.
- (ii) Retain temporary kitchen and ancillary temporary storage portacabins.
- (iii) Retain bar/barbeque area.
- (iv) Retain toilet block ancillary to marquee/bar area
- (v) Retain change of use of portion of land to use as a campsite for tents and portable one room shepherds' huts.
- (vi) Retain toilet block ancillary to shepherds' huts.

Condition number 2: All works to the protected structure and its curtilage and setting be supervised by a Grade 1, Conservation Architect.

Condition number 4: Method statements for reinstatement works.

Condition number 5: Archaeological monitoring.

Condition number 6: Minimise noise nuisance created by events taking place on site.

Condition number 7: Development contribution of €7,358.

3.2. Local Authority Reports

3.2.1. Planning Reports

The Planning Report was supportive of a number of the wedding venue elements including the bedroom accommodation within the main house, reception office and accommodation within the old cow house, civil ceremony room, polytunnels and car parking of the development. However, planning permission was refused for a number of the temporary structures associated with the wedding venue including the marquee, the bar/barbeque area, kitchen and storage portacabins, sanitary blocks and shepherds' huts accommodation due to the protected structure status of the site

and disregard for the Planning and Development Act 2000 (as amended) as they relate to the requirement to obtain planning permission. An Appropriate Assessment (AA) screening exercise was conducted by the Planning Authority and concluded that there was no potential for significant effects and therefore that that AA was not required, given the separation distance from the nearest Natura 2000 sites. In terms of Environmental Impact Assessment, within the Planners Report, it is stated that the development is for retention of a commercial use and is not a type of development provided for under Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The Planning Officer recommended that planning permission be granted subject to conditions as set out within Section 3.1 above.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht: Further information recommended, seeking that an Archaeological Impact Assessment specific to the current proposals be submitted by the applicants.

Health Service Executive: Further information requested regarding the nature and extent of camping facilities and that consideration be given to the erection of permanent kitchen facilities and ancillary storage. Recommended that connections to the public water mains and foul sewer are used for the commercial operations on site. Subsequently, no objections were set out following receipt of the further information response

4.0 Planning History

4.1. Relevant Site Planning History:

Planning Authority reference number, 18/601141, In 2018, planning permission was sought for (1) Retention of change of use of portion of existing dwelling to wedding venue together with four number wedding guest bedrooms to first and second floor (2) Retain wedding marquee for permanent use, (3) Retain kitchen and ancillary

storage (4) Retain barbeque area (5) Retain toilet block ancillary to marquee/bar areas (6) Retain change of use of existing outbuilding to 2 no. offices, utility and three number guest bedrooms to the first floor together with alterations to existing elevations (7) Retain change of use of existing barn building to civil ceremony room together with ancillary workshop (8) Retain change of use of portion of land to use as a camp site for tents and portable one room shepherds huts (9) Retain toilet/shower block ancillary to campsite (10) Retain 2 no. commercial polytunnels ancillary to wedding venue (11) Retain 1 no. polytunnel ancillary to dwelling (12), Retain parking, bin storage and all ancillary works. This application was withdrawn following a request for further information.

Planning Authority reference number, 14/600348, In 2014, planning permission was granted for a change of use of an existing agricultural building to the north-east of the farmyard area, to overflow bedroom accommodation for Cloughjordan House, refurbishment of same to provide seventeen bedrooms, ancillary accommodation and temporary on-site sewage treatment plant and polishing filter within the curtilage of a Protected Structure. These works have been completed.

Planning Authority reference number, 11/510275: In 2012, planning permission was granted for planning permission was granted for (a) change of use of a storey and a half outbuilding from two bedroomed apartment to an educational cooking facility (b) alterations to the external shell of the building to facilitate cooking and ventilation services for the proposed use (c) new proprietary wastewater treatment unit and percolation area (d) connection to public sewerage system (e) car parking, landscaping and all associated site works. These works have been completed.

Planning Authority reference number, 04/510429 In 2004 planning permission was granted for the demolition of disused slatted shed and change of use of agricultural outbuildings to 2 no. self-contained two bedroomed apartments, an office unit and a home office storage space and associated site works

The Planning authority issued a Section 57 declaration , dated May 2011 and outlined a detailed description of the protected structure and detailed works which would affect the character of the structure and would require planning permission

and works which would not affect the character of the structure. A photographic record of the structure at that time was also recorded. A copy of this documentation is also included within the planning documentation submitted.

5.0 Policy and Context

5.1. Development Plan

The relevant Development Plan is the North Tipperary County Development Plan 2010 (as varied) where Cloughjordan is designated as a Service Centre. Service Centres are: Robust settlements that have a capacity to accommodate new residential growth, employment and enterprise and other appropriate uses. The service centres are being targeted for growth at an appropriate scale to service their local hinterlands and to consolidate housing, local employment, public transport and a range of services. These towns and villages perform important roles as retail and service providers in their local economy and are targeted for continued growth.

The southern part of the site comprising the main house, its front lawn and the courtyard area is zoned residential where the objective is: To preserve and enhance existing residential development and residential amenity and provide for additional facilities where gaps are identified. The northern part of the site comprising the former farm buildings, shepherds huts accommodation and polytunnels, is zoned Enterprise and Employment where the objective is: To provide, improve and encourage enterprise and employment activity, including start up enterprises.

There are a number of specific objectives included within the Cloughjordan Settlement Plan which are pertinent to the current proposals as follows:

SO 4: To facilitate the expansion of existing local services and businesses where appropriate and to facilitate the provision of further local employment opportunities in accordance with the proper planning and sustainable development of the area.

SO 6: To facilitate the expansion of existing local services and businesses where appropriate and to facilitate the provision of further local employment.

Cloughjordan House is also identified as a protected Structure within the Tipperary County Development Plan, reference number S456.

There are three recorded monuments within the grounds, referenced as follows:

- TN016-001-Tower House
- TN016-002-17th Century House
- TN016-003-Enclosure

Within Chapter 7 of the Development Plan, there are a number of policy objectives in relation to build and archaeological heritage including:

Policy LH13: Protected Structures: It is the policy of the Council to encourage the sympathetic restoration, re-use and maintenance of protected structures thereby ensuring their conservation and protection. In considering proposals for development, the Council will have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (DAHG 2011) or any amendment thereof, and proposals that will have an unacceptable impact on the character and integrity of a protected structure or adjoining protected structures will not be permitted.

Policy TI7: It is the policy of the Council to require development proposals in settlement centres to be served by Municipal Treatment Plants.

Policy TI8: It is the policy of the Council to require development proposals to connect to the public water supply, where such facilities are available

Chapter 10 Development Management standards.

5.2. The Architectural Heritage Guidelines 2011

The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, offers guidance to planning authorities on determining planning applications in relation to protected structures.

Chapter 2 of the Guidelines deals with Protected Structures.

Chapter 7: Principles of Conservation. A number of the key principles are particularly relevant to these particular proposals as follows:

Section 7.3: Keeping a building in use.

Section 7.5: Using expert conservation advice.

Section 7.7: Promoting Minimum Intervention

Section 7.12: Ensuring reversibility of alterations.

Chapter 13: Curtilage and Attendant Grounds:

Section 13.5: Development within the Curtilage of a Protected Structure'

Section 13.7: Development within the Attendant Grounds' are relevant.

5.3. Natural Heritage Designations

None relevant.

5.4. Environmental Impact Assessment- Preliminary Screening

In terms of An Environmental Impact Assessment, it is considered that as the development pertains to the retention of a commercial use and some temporary structures pertaining to that use, there is no real likelihood of significant effects on the environment arising from the development on site. Neither is the specific use a type of development provided for under Schedule 5 of the Planning and Development Regulations, 2001 (as amended).and therefore, the submission of an Environmental Impact Assessment Report (EIAR) is not required.

6.0 The Appeal

6.1. Grounds of First Party Appeal

A first party appeal has been submitted by Peter Thomson, Planning Consultant on behalf of the first party appellants, Peter and Sarah Baker, in relation to condition 1(c) specifically. The grounds of appeal are as follows:

Planning Condition(s):

- With the inclusion of condition 1(c), the overall aim of the application to permit wedding ceremonies to be conducted on site is removed.
- Section 139 of the Planning and Development Act, 2000 (as amended), gives the Board the discretion to restrict consideration of an appeal to a particular condition.
- Condition 1 (c) is ultra vires and contrary to the provisions of Section 34 of the Planning and Development Act 2000, as amended.
- The appellants would be happy to accept a condition as provided for under Section 34 (4) (n) of the Act. This would provide for a temporary permission for the various elements that were refused retention permission by the Local Authority:

Evolution/Planning history of Site

- Up until the early 2000's, Cloughjordan House served as the dwelling house of a larger estate.
- An educational cookery school was permitted on site in 2012 within some of the protected outbuildings with some on-site guest accommodation.
- The cookery school has been used for education and training events including residential corporate training and team-building events. The success of the cookery school lead to the requirement for a seventeen-guest bedroom

development, permitted within the car park area, by the Local Authority in 2014.

- Occasional wedding events were held around the time the additional guest bedroom accommodation came on stream.
- The ballroom within the main house is used in conjunction with the temporary marquee for the wedding events.
- The cookery school training events tended to take place during the week and the wedding events at weekends.
- To accommodate the guests at weddings a temporary marquee and kitchen and storage facilities were erected to cater for the events. Part of the main house is used as a reception area for guests.
- The current owners inherited the property in 1994. At that time, the property was in a near state of dereliction.
- The applicants have developed the venue into a thriving business and have significantly enhanced the property from the revenue stream generated
- In 2016, six guest accommodation pods were sited within the walled garden area, and three more were added in 2018 along with shared sanitary facilities in proximity to the pods.

Principle of Development:

- It is evident from the planning decision, that the Planning Authority has no objection to the use of the property as a wedding venue. However, the Planning Authority have expressed concerns over the temporary nature of some of the facilities and accommodation sought to be retained on site, pending planning approval being sought by the applicants for permanent wedding venue facilities and accommodation.

Architectural Heritage:

- The applicants have undertaken significant works in the interim to preserve and enhance the protected structure, completing any works will full respect to best conservation principles.
- Works completed at the house since the applicants have taken over the running of the house include the full re-roofing of the house in 1996 with aid from the Heritage Council, replacement of the sliding sash windows with assistance from the Local Authority in 1998, a derelict coach house has been converted to a cookery school and two accommodation units in 2012, again following planning approval from the Planning Authority.
- An Architectural Conservation Report prepared by a Conservation architect was submitted as part of the planning documentation. The main findings of the report are as follows:
 - The introduction of the wedding occasions has brought a new lease of life to the house and generated funds to facilitate the necessary restoration works completed to a high standard of conservation workmanship.
 - Best practice conservation principles including minimal intervention and reversibility have been to the fore when undertaking the restoration works.
 - The impact upon the setting and character of the main house has been minimised as many of the interventions are to the rear of the house and out of public view where they have no significant impact upon the setting and character of the protected structure.
 - The marquee structure, to the west of the main house is so different to the protected structure in terms of its scale, height and finish that it gives a clear impression that it is a temporary structure erected for a special occasion, which would frequently have occurred at historic houses.
 - The works completed and the wedding venue use are such that when they would be no longer required, the buildings and use on site can be returned to their previous state. The exception to this

being, the repair and restoration works to the protected structure, these will remain as a lasting benefit into the future.

- The ballroom was restored with grant aid from the Irish Georgian Society protecting cornice and frieze not damaged by rain ingress.

Other Issues:

- All of the elements being appealed are temporary in nature.

6.2. Grounds of third-party appeal

A third-party appeal was submitted to the Board by David Mooney, Planning Consultant on behalf of Andrew Lummis and Deirdre O'Leary, who reside in the Cloughjordan eco-village immediately west of the appeal site. The issues raised within their submission can be summarised as follows:

Planning Decision and Conditions:

- The decision of the Planning Authority does not attempt to control the duration of events held at the venue.
- Condition number six provides for daytime and night-time noise limits at the wedding venue.
- No limit to the hours of operation have been included within the decision, which if included would make it easier to demonstrate to the Local Authority or the Courts Service, whether the applicants are operating within their permitted hours of operation.
- Reference is made to an amphi-theatre facility within the adjacent Cloughjordan eco-village, which has a planning condition included restricting its hours of operation.
- The appellants are of the opinion that a similar type of condition, restricting the hours of operation of the wedding venue should be included.

- The decision of the Planning Authority does not attempt to control the intensity of use at the venue nor the number of wedding events to be held on a weekly basis.
- A Planning condition stipulating the number of weddings events to be held within the venue should be included in order to protect the residential amenity of neighbouring residents.

Residential Amenity:

- Patrons at wedding events often congregate in the areas outside of the main house, and on occasion amplified music/noise emanates from the ballroom space late into the night.
- A breach of the noise limits would be difficult to prove.
- The intensity of use and late-night operations at the wedding venue is negatively impacting upon the residential amenities of neighbouring residents.
- During peak wedding season, up to three weddings per week are held at the wedding venue.
- Outdoor crowd noise is generated at wedding events, particularly noise from patrons gathering outdoors late at night.

Other Issues:

- The applicants have made no meaningful effort to address and suppress these issues in their nine years of operation.

6.3. Response by first party to third party appeal submission

Principle of Development:

- The wedding business commenced in 2013 and generates significant revenue in terms of wages back into the local economy.
- The local businesses that benefit from the wedding venue include the local hostel, supermarket, local hostelrys, contractors and suppliers.

- One cannot equate the arts and cultural activities conducted within the amphitheatre facility with the events that are conducted at Cloughjordan House.
- In 2019, a total of 52 weddings were held at Cloughjordan House.
- The applicants are working towards the removal of the marquee structure and constructing a permanent event structure on site, further removed from the appellants home, and they are engaging with the Planning Authority to progress these proposals.

Architectural Heritage:

- As owners of the property for the last thirty years, they have sought to protect and conserve the protected structure, for example the ballroom was derelict and without a roof in 1990 and is now an integral part of the wedding venue offering.
- All works carried out have respected the architectural conservation principles of minimal intervention, reversibility of alterations and keeping a building in use.

Planning Conditions:

- The commercial viability of the wedding and event business would not be served by unreasonable conditions regarding hours of operation, intensity of use at the venue.
- The conditions pertaining to the amphitheatre have not always been adhered to.

Residential Amenity:

- No amplified music will be played outdoors at any time.
- Lighting at the walls of the property and to the front of the main house has been removed to discourage guests from gathering in these areas.
- The smoking area has been relocated to the rear of the main house,
- A night-time security guard has been hired to encourage patrons to use the rear of the property during events. A decibel reader has been purchased and

is used by the security person where noise measurements will be made available to the Local Authority on request.

- Air conditioning has been introduced to the ballroom area and the front door of the ballroom remains closed during events, thereby eliminating amplified sound escaping from that source.
- Acoustic curtaining has been installed in the ballroom and shutters are closed on the sash windows, assisting in reducing amplified sound escaping from the ballroom area.
- A noise limiter has been installed on the inhouse public address system.
- A silent disco system has been purchased for further noise cancellation for late night events.
- An acoustic lobby, as recommended in the noise assessment report will be put in place which would assist in reducing amplified noise emanating from the ballroom area.

6.4. Planning Authority Response

The Planning Authority have issued a response stating that they have nothing further to add to the planning appeal.

7.0 Assessment

7.1. I consider that the key issues for consideration by the Board relate to the following:

- Principle of Development.
- Architectural Heritage.
- Residential Amenity.
- Planning Condition(s)
- Appropriate Assessment.

7.2. Principle of Development

- 7.2.1. The development comprises the retention of alterations and extensions and a partial change of use from residential to a wedding venue within Cloughjordan House, a protected structure, its courtyard buildings and out-buildings within its curtilage.
- 7.2.2. The southern portion of the site containing the main house, courtyard buildings and front lawn area are zoned residential. There is no wedding venue use included within the zoning matrix of the Development Plan. However, a hotel use is one that is open for consideration under this zoning objective, and therefore the merits of the proposals can be considered having regard to the proper planning and sustainable development of the area and how the development measures up against the policies and objectives of the North Tipperary County Development Plan, 2010 (as varied).
- 7.2.3. In terms of the enterprise and employment zoning within the northern section of the site, it is noted that the zoning matrix provides that camping and office uses are open for consideration and agricultural buildings as being not acceptable. However, in this instance, I am satisfied that the agricultural use within the northern section of the site is very much ancillary to the residential use further south on the site. The agricultural use on site is also long established and would pre-date the Planning Acts. I also note that the Planning Authority, first or third parties have not raised the issue of the proposals contravening the Plan. Therefore, the proposals will be considered on their merits, having regard to National and local planning policy.
- 7.2.4. Any extensions/alterations to the established and permitted commercial use on the appeal site, i.e., as a cookery school with residential accommodation, would generally be acceptable.
- 7.2.4 In conclusion, I would consider that the development is acceptable in principle subject to the issues in relation to Architectural Heritage and residential amenity being appropriately and adequately addressed hereunder. Appropriate assessment Issues will also be considered.

7.3. Architectural Heritage

- 7.3.1. Cloughjordan House is included within the Record of Protected Structures (RPS) within the Development Plan and is also included within the National Inventory of Architectural Heritage (NIAH). The house is also located on the site of a late-medieval Tower House, part of which is incorporated within the current House. The current house was first detailed on the 1840 Ordnance Survey map. It is identified as

a Protected Structure, S456 within the North Tipperary County Development Plan 2010-2016 (as varied), where it is described as a: Dwelling comprising a 17th century gable fronted building, 18th century 5 bay, two-storey centre wing with return, and gable fronted ballroom. Within the NIAH, the house is rated as being of National significance for its architectural, artistic, archaeological, historical and social interest. The appraisal of the house within the NIAH survey reads as follows: Cloughjordan House reads as a substantial farmhouse that contains significant fabric from the medieval period to the 19th century. Its form, detailing and original fabric provide important information about rural architectural development in Ireland. The house also contains fine joinery and plaster work, and the barley twist staircase is a rare survival. It has one of the few surviving nursery gardens for which there is substantial documentation that is now preserved in the National Botanical Gardens.

- 7.3.2. The various components of the development will be considered and assessed as to how they align with the key conservation principles as set out within Section 7 of the Architectural Heritage Protection Guidelines (AHPG), 2011. The first of the key conservation principles to be considered is that of reversibility. The applicants have set out within the Architectural Heritage Impact Assessment (AHIA), submitted as part of their planning documentation, that some of the works within or attached to the main house are considered to fall within the scope of the reversibility principle. It is stated that the noise attenuation lobby proposed within the ballroom area (as recommended by the acoustician) would be attached to the internal face of the ballroom, clear of its doors and architraves. The existing doors, frames and architraves would not be affected by these. Neither the floor nor the plaster on the wall within the ballroom is the original at this location and in any event, it is stated that the fixings would not involve invasive works being carried out and the lobby could be easily removed. I am satisfied that the conservation principle adopted in this instance within the main house is that of reversibility, whereby the acoustic lobby would be easily removable, and the plaster could be reinstated with no lasting impact upon the walls or the character of the room.
- 7.3.3. The marquee is attached to the main house using uPVC flashing at the junction of the main house and the marquee. The removal of the flashing is easily remedied with the use of a lime-based harling which would leave no trace of the on the western gable wall of the main dwelling. The wedding venue use includes the use of

four bedrooms within the main house as guest accommodation. I am satisfied that the reversal of the four bedrooms to provide for domestic bedroom accommodation could be completed with the principle of reversibility being respected. The use of the ballroom as a dance area and some of the reception rooms as areas for wedding guests to enjoy and as part of the wedding venue experience would also respect the reversibility principle. The bedrooms are ensuite, it is stated within the AHIA that these works were completed before the house was ever used for weddings. It is intended that the present use as a wedding venue would continue into the future. It is considered that the works and use are such that when the wedding venue use is no longer required, the protected structure and its ancillary buildings could be returned to their previous state and use with ease. The exception to this, are the repair and restoration works that have been carried out to the protected structures and ancillary buildings, facilitated and funded by the wedding venue use would remain as a lasting sustainable benefit to the building remains in use, thus supporting a key conservation principle.

7.3.4. The second of the conservation principles that is stated to apply within the development is that of keeping a building in use. It is set out within the applicants appeal submission that the use of the protected structure and the coachyard buildings for commercial purposes, as a residential cookery school and as a wedding venue, have enabled them to generate a revenue stream which has facilitated the conservation of the protected structure in accordance with best practice conservation guidance. This is evident in terms of the works carried out to the roof of the main house, the sliding sash fenestration detail within the main house and the conservation of the ballroom area on the western side of the ground floor of the main house. Therefore, I consider that the continuation of commercial uses on site, albeit the wedding venue use is an unauthorized one, have assisted and facilitated the implementation of best practice conservation measures in accordance with the conservation principles of the AHPG's.

7.3.5. The third key conservation principle that is stated to apply in this instance is that of minimal intervention. The detailing set out within the AHIA sets out some of the works that have taken place on site in order to facilitate the wedding venue use. These works include the use of uPVC flashing where the marquee is joined onto the western gable of the main house, the lead flashing used where the toilet block

adjoins the rear elevation of the main house. I am satisfied that these temporary structures could be removed and that with the use of lime harling plaster, that their removal would have minimal impact upon the architectural integrity of the main house. I am satisfied that the key conservation principle of minimal intervention can be used to describe the erection/removal of these temporary structures and that the long-term character and setting of the protected structure would not be adversely impacted upon, once the appropriate conservation mitigation works (upon the removal of the temporary structures) are conducted and monitored by a Conservation architect (a matter that could be conditioned, if deemed appropriate by the Board).

- 7.3.6. I noted from my site inspection that much of the original architectural integrity of the main house was in place. I noted some of the original architectural features in place externally and these include the six over six pane timber sliding sash windows back behind reveals, centrally located front door with glazed upper panels, steeply pitched natural slate roof, harling on the facades, limestone quoin stones on the eastern wing. I am satisfied that the high standard of the original architectural integrity remains in place, this includes fine joinery and decorative plaster work and barley twist staircase, and the architectural quality and integrity of these features is verified within the AHIA.
- 7.3.7. Overall, I consider that many of the elements, in terms of the marquee, bar/barbeque have impacted, have not adversely impacted upon the character and integrity of the protected structure. On balance, I consider that they have impacted positively in terms of allowing the buildings to remain in use. I also note that many of the works completed are reversible and therefore considered acceptable, on a short-term basis. However, a three-year period is considered sufficient (as set out by the first party within their appeal submission) to give them adequate time to provide a long term sustainable.
- 7.3.8. I conclude that the development provides an appropriate use for the future protection of a protected structure, and the development respects the architectural heritage, integrity and the special interest of the protected structure.

7.4. Residential Amenity

- 7.4.1. The third-party appellants reside within the neighbouring Cloughjordan eco-village which is located immediately west of the appeal site. The nearest residential property is located nearest approximately 106 metres west of the marquee structure. There is a large stone boundary wall and some mature trees located between the appeal site and the eco-village. The first party appellants have raised issues in relation to the noise emanating from the wedding venue and more specifically from the ballroom and marquee area and from people congregating externally to the front of the main house. The first party have issued a response where they state they have introduced measures in the interim whereby on-site security personnel ensure that patrons do not congregate in the front garden area, and that a smoking area is reserved to the rear of the property. The first party acknowledge, that the marquee, by virtue of its nylon type composition, is not ideal in terms of containing noise.
- 7.4.2. The applicants commissioned a report from an acoustics expert who has recommended the installation of noise mitigation in the form of an acoustic lobby between the ballroom and the marquee which would reduce the amount of amplification that would transfer from the ballroom area to the marquee. Other noise mitigation measures already completed include the installation of an air-conditioning system within the ballroom area, which necessitates the closure of the doors between the ballroom and marquee areas, acoustic curtains within the ballroom area and the closure of the shutters on the windows within the ballroom. I consider, that the noise mitigation measures proposed/introduced by the applicants, as recommended by the Acoustician, would be/are adequate to address the concerns expressed by the appellants. I am satisfied, that given the separation distances between the wedding venue structures and the nearest residence within the eco-village (at 106 metres) that the noise mitigation measures would reduce the level of amplification that would be experienced by neighbouring residents to the west of the appeal site (as demonstrated by the findings of the acoustic study carried out by the acoustician and included as part of the planning documentation submitted) would be sufficient and appropriate having regard to the separation distance to the nearest dwelling within the eco-village. This is a matter that could be conditioned by the Board, if deemed appropriate.
- 7.4.3. With regard to the hours of operation of the wedding venue, where events can continue to the early hours of the morning (as per the information included within the

third-party appeal submission). I do not consider that this matter can be assessed in isolation. With the introduction of the appropriate sound mitigation measures (as referenced in Section 7.4.1), the impact of noise upon the adjacent residents should be lessened considerably from what they presently experience (as per the assessment conducted by the acoustician). I do not consider it appropriate to restrict the hours of operation within a wedding venue on its own attendant grounds. There are other codes, such as the alcohol licensing laws, which would assist in determining hours of operation.

- 7.4.4. It is stated within the planning documentation by the first party that in 2019, on average one wedding per week was held and this figure has been much lower in 2020, due to the COVID-19 pandemic and this is a factor that is to be considered in terms of impacting upon neighbouring residential amenities.
- 7.4.5. The first party have removed the lighting from the front garden area of the main house and from the walled area next to the eco-village in an effort to address neighbouring residents' concerns.
- 7.4.6. In conclusion, I acknowledge that the wedding venue, especially the amplified noise from music and speeches would adversely impact upon the residential amenities of the neighbouring residents within the eco-village to the west, if not managed appropriately. However, I consider that the noise mitigation measures included to date and the one recommended within the acoustician's report, would, when fully implemented, reduce the noise impact emanating from the venue. The first party have stated within their appeal submission that plans are at an advanced stage of preparation for seeking planning permission for a permanent wedding venue building further removed from the neighbouring residents. I, therefore, consider it reasonable to include a condition for the removal of the marquee, kitchen, storage, bar and barbeque areas and the completion of the permanent wedding banquets building solution within three years of a grant of planning permission. The noise mitigation measures should also be conditioned to be completed in a timely manner, in order to respect the amenities of neighbouring residents.

7.5. Planning Condition(s)

- 7.5.1. Planning condition 1 c) as set out by the Planning Authority within its planning decision refuses planning permission for certain elements for which retention

planning permission is being sought. These specific items include the marquee structure to the west of the main house, kitchen and storage facilities, the bar/barbeque area, associated toilet facilities, the cow shed and barn conversions, shepherds' huts and ancillary toilet and shower facilities. From the planning documentation submitted and following my site inspection, I am satisfied that these elements set out within this condition and stated by the applicants to be integral elements of the wedding venue within the applicants appeal submission, and that without them, the wedding venue would not be in a position to operate in an effective manner. It is acknowledged that seeking retrospective planning permission does not represent best planning nor conservation practice. However, it is also acknowledged that much of the works carried out, have been completed with the conservation principles of minimal intervention, reversibility and keeping a building in use to the fore and that the architectural integrity of the protected structure has not been adversely impacted upon.

- 7.5.2. It is apparent from the appeal submission received from the first party, that the applicants do not envisage these structures as remaining in situ on a permanent basis and have expressed a wish that they be permitted only on a temporary basis, as they state that they have plans at an advanced stage of preparation with regard to providing permanent structures on site and removing the temporary structures.
- 7.5.3. On balance, I consider it reasonable that the temporary structural elements be permitted for a period of three years, in order to allow the applicants time to prepare more permanent solutions to replace the temporary wedding venue facilities.

8.0 Recommendation

- 8.1. It is recommended that planning permission be granted.

9.0 Reasons and Considerations

Having regard to:

- a. The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, which were issued by the Department of the Arts, Heritage and the Gaeltacht ,

- b. The policy of the planning authority, as set out in the North Tipperary County Development Plan 2010-2016 (as varied), to support the conservation of protected structures,
- c. The established and permitted commercial uses on the site.
- d. The conservation and acoustic expert reports submitted as part of the planning documentation,

it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area, would respect the character and integrity of the Protected Structure and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of July 2020, 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. (a) Planning permission for the marquee, bar and barbeque area, ancillary toilet block, kitchen and storage portacabins, shepherds' huts accommodation and ancillary sanitary block shall apply for a period of three years from the date of this order. These temporary structures and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
(b) The site shall be reinstated on removal of the temporary wedding venue structures and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3 (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.

(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.

(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either

(i) during a temporary shutdown of the specific noise source, or

(ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

4 At the end of the three year period, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage and monitor the removal of the temporary structures from the site and ensure adequate protection of the historic fabric during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, etc.

All repair/restoration works following the removal of the temporary structures shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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 Any works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 6 All recommendations of the Noise Acoustic Report shall be fully implemented within six months of this grant of planning permission. Written confirmation of the implementation of the full range of noise mitigation measures shall be submitted to the Planning Authority within this time period. These mitigation measures shall be maintained permanently, or as long as the wedding venue use continues on site.

Reason: In the interest of residential amenity.

- 7 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

Fergal O'Bric

Planning Inspectorate