



March 13th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 15th March 2017** at **10:00 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

Members:	Councillor C Casey	Councillor G Craig
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor K Loughran	Councillor D McAteer
	Councillor M Murnin	Councillor M Ruane

Agenda

1. Apologies.
2. Declarations of Interest.

Minutes for Adoption

3. **Minutes of Planning Committee Meeting held on Wednesday 1 March 2017. (Attached).**

📎 *Planning Minutes - 1 March 2017.pdf*

Page 1

For Discussion/Decision

4. **Addendum list - planning applications with no representations received and no requests for speaking rights. (Attached).**

📎 *Addendum list - 15-03-2017.pdf*

Page 11

Development Management - Planning Applications for determination

5. **LA07/2015/0084/F - Ryan Morgan - proposed dwelling and garage - 60m NE of 3 Kirk Lane, Tullyree Road, Kilcoo, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Martin Bailie, agent and Ryan Morgan, applicant, in support of the application. **(Submission attached).**
- Councillor T Andrews has advised of his support for this application on the basis that all relevant information has been supplied.

📎 *LA07-2015-0084-F - Ryan Morgan.pdf*

Page 12

📎 *Item 5 - letter of support (R Morgan).pdf*

Page 20

6. **LA07/2015/0714/F - Mr & Mrs Byrne - proposed farm dwelling and garage - 180m NW of existing farm buildings adjoining 28 Ballyclander Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Brigin Byrne,

Applicant/Agent, in support of the application. **(Submission attached)**.

- 📄 *LA07-2015-0714-F - Mr & Mrs Byrne.pdf* *Page 24*
- 📄 *Item 6 - submission of support (Mr & Mrs Byrne).pdf* *Page 40*
- 📄 *Item 6 - additional information (Byrne).pdf* *Page 41*

7. LA07/2015/1221/0 - Mrs W Allen - dwelling and garage (amended layout) - 35m to rear (north) of 8 Comber Road, Saintfield. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Bailie, in support of the application. **(Submission attached)**.

- 📄 *LA07-2015-1221-0 - Mrs W Allen.pdf* *Page 47*
- 📄 *Item 7 - submission of support (W Allen).pdf* *Page 55*

8. LA07/2016/0821/F - C Canning - change of house type to that previously approved under R/2012/0323/F (further amended plans received): clarification re: finishes and levels - 24 Ringhaddy Road, Killinchy. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Andrew Ryan on behalf of the Concerned Ringhaddy Area Residents' Group objecting to the application. **(Submission attached)**.

- 📄 *LA07-2016-0821-F - C Canning.pdf* *Page 60*
- 📄 *Item 8 - submission of objection (Ringhaddy Residents Group).pdf* *Page 66*

9. LA07/2016/1106/F - John Kelly - single storey detached farm dwelling and garage (amended plans) - land to the east of 58 Drumsnade Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- Addendum list.

- 📄 *LA07-2016-1106-F - John Kelly.pdf* *Page 83*

10. LA07/2016/1164/0 - Mr & Mrs Gerard Hanna - proposed site for farm dwelling and domestic garage - 75m NE of No. 2 Carnacavill Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- The agent, Glyn Mitchel, has advised that this planning application is being withdrawn from the planning process.

📄 *LA07-2016-1164-0 - Mr & Mrs Gerard Hanna.pdf*

Page 96

11. LA07/2015/0456/F - Richard Nummy - relocation of access to that approved under planning application P/2010/1452 - 35m south of 93 Belfast Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Martin Byrne, agent and the applicant, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor David Taylor, in support of the application, based on the issues outlined in the applicant's submission.

📄 *LA07-2015-0456-F - Richard Nummy.pdf*

Page 103

📄 *Item 11 - submission of support (Richard Nummy).pdf*

Page 109

12. LA07/2015/0485/0 - Felix O'Hare & Company Ltd - proposed housing development 42 sites - at junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae Housing Developments. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

📄 *LA07-2015-0485-0 (Felix O'Hare).pdf*

Page 110

13. LA07/2015/0700/0 - Derryogue Developments Ltd - site for housing development - Lands at the junction of Greencastle Road and Kittys Road Kilkeel (south of No.39 Greencastle Road (Joinery Works) opposite and south-east of No.s 18-21 Derryogue Park extending to opposite No.s 5-11 Kittys Road).

(Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Andrew Bingham, Agent, in support of the application. **(Submission attached).**

📄 *LA07-2015-0700-0 - Derryogue Developments Ltd.pdf* *Page 154*

📄 *Item 13 - submission of support (Derryogue Developments Ltd).pdf* *Page 161*

14. LA07/2016/0069/0 - John McKibben - farm building - 130m west of 40 Leestone Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from O'Callaghan Planning in support of the application. **(Submission attached).**

📄 *LA07-2016-0069-0 - John McKibben.pdf* *Page 162*

📄 *Item 14 - submission of support (John McKibben).pdf* *Page 175*

15. LA07/2016/0091/F - Peter Clarke - proposed dwelling with amendments to access for No. 14 & 14a Upper Dromore Road, Warrenpoint - To the front of no 14 Upper Dromore Road and between Nos. 12 and 16 Upper Dromore Road Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2016-0091-F - Peter Clarke.pdf* *Page 182*

16. LA07/2016/0473/F - Cathal Murdock - proposed change of house type for dwelling previously approved under P/2009/0421/RM - lands 70m SW of 35 Aughnagon Road, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin D'Alton, Gray Design Limited, in support of the application. **(Submission attached).**

📄 *LA07-2016-0473-F - Cathal Murdock.pdf* *Page 196*

- 17. LA07/2016/0790/F - Conor Toale - erect 2 agricultural sheds with 1 internal underground slurry tank. Provision of cattle loading and handling facility with underground water wash water tank. Application submitted in substitution to approval granted under P/2010/1219/F - approx. 90m north of 8 Ballyholland Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application. **(Submission attached).**

LA07-2016-0790-F - Conor Toale.pdf

Page 208

Item 17 - submission of support (Conor Toale).pdf

Page 218

- 18. LA07/2016/0853/0 - Mary Garvey - erection of dwelling in compliance with PPCTY10 - adj. and west of 38 Dernaroy Road, Killeavy, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Michael Toale, agent, and Mary Garvey, applicant, in support of the application. **(Submission attached).**

LA07-2016-0853-0 - Mary Garvey.pdf

Page 229

Item 18 - submission of support (Mary Garvey).pdf

Page 234

- 19. LA07/2016/0978/F - Kilbroney Timber Frame Ltd - proposed food retail and off-sales building including associated site works (site address amended) - site at 76 Canal Street, Newry. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

LA07-2016-0978-F - Kilbroney Timber Frame Ltd.pdf

Page 237

- 20. LA07/2016/1212/0 - Thomas Grant - replacement dwelling on farm (amended site address) - adjacent and immediately south**

of 20 Ryan Road, Mayobridge, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Collins & Collins, agents, in support of the application. **(Submission attached).**

📄 *LA07-2016-1212-0 - Thomas Grant.pdf* *Page 244*

📄 *Item 20 - submission of support (Thomas Grant).pdf* *Page 253*

21. LA07/2016/1486/0 - Mr & Mrs Jonathon Matthews - proposed corner infill site for a new dwelling & garage - lands immediately south of No. 24 Lower Carrogs Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Jonathon Matthews, applicant, in support of the application. **(Submission attached).**

📄 *LA07-2016-1486-0 - Mr & Mrs J Matthews.pdf* *Page 254*

📄 *Item 21 - submission of support.pdf* *Page 260*

📄 *Item 21 - Jonathon Matthews (overhead).pdf* *Page 261*

22. LA07/2016/1501/0 - Kirsty Mooney and Ciaran O'Leary - proposed one and a half storey dwelling with detached domestic garage (amended address) - 20m north of No. 6 Drumilly Road, Belleeks, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Joe Lynam, agent, in support of the application. **(Submission attached).**

📄 *LA07-2016-1501-0 - Kirsty Mooney & Ciaran O'Leary.pdf* *Page 262*

📄 *Item 22 - submission of support (Mooney & O'Leary).pdf* *Page 267*

For Discussion/Decision

23. To consider and agree schedule of Planning Meetings from April-June 2017. (Schedule attached).

For Noting

24. February 2017 Planning Committee Performance Report. (Attached).

📄 *FEBRUARY 2017 Planning Committee Performance Report.pdf*

Page 270

25. Record of meetings between Planning Officers and public representatives. (Attached).

📄 *15 March 2017 Committee report.pdf*

Page 277

26. February 2017 Appeals and Decisions. (Attached).

📄 *February 2017 Appeals and Decisions.pdf*

Page 280

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Ms Louise Dillon	louise.dillon@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
Cllr Kevin Mc Ateer	kevin.mcateer@nmandd.org
Colette McAteer	colette.mcateer@nmandd.org
Cllr Declan McAteer	declan.mcateer@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
Eileen McParland	eileen.mcparland@nmandd.org
Ms Carmel Morgan	carmel.morgan@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@nmandd.org
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org
Mr Canice O'Rourke	canice.orourke@downdc.gov.uk
Cllr Brian Quinn	brian.quinn@nmandd.org
Cllr Henry Reilly	henry.reilly@nmandd.org

Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 1 March 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor W Clarke

Deputy Chairperson: Councillor J Macauley

In attendance: **(Committee Members)**

Cllr G Craig	Cllr L Devlin
Cllr G Hanna	Cllr C Casey
Cllr M Larkin	Cllr K Loughran
Cllr D McAteer	Cllr M Ruane
Cllr M Murnin	

(Officials)

Mr A McKay	Area Planning Manager
Mr P Rooney	Principal Planning Officer
Mr A Donaldson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/033/2017: APOLOGIES / CHAIRMAN'S REMARKS

The Chairperson, Councillor W Clarke, expressed his sympathy on the sad news that former Councillor of Newry & Mourne District Council and MLA for South Down, Mr PJ Bradley had passed away and he asked that a letter of condolences be sent to Mr Bradley's family.

Apologies were received from:

Councillor V Harte

Mr C O Rourke Director Regulatory & Technical Services

P/034/2017: DECLARATIONS OF INTEREST

None

**P/035/2017: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 15 FEBRUARY 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 15 February 2017. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 15 February 2017 as a true and accurate record.

P/036/2017: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 15 February 2017.
(Copy circulated)

Removals from Addendum List

AGREED: It was unanimously agreed to remove the following Planning Applications from the Addendum List: -

- **Item 5 – LA07/2016/0821/F – C Canning – change of house type to that previously approved under R/2012/0323/F – lands at 24 Ringhaddy Road, Killinchy. **APPROVAL**
(Removed from the Addendum List at the request of Councillor Hanna for full presentation at a Planning Committee Meeting)**
- **Item 14 – LA07/2015/0456/F – Richard Nummy – relocation of access to that approved under planning approval P/2010/1452 – 35m south of 93 Belfast Road, Newry. **REFUSAL**
(Removed from the Addendum List at the request of Councillor Macauley for full presentation at a Planning Committee Meeting)**
- **Item 15 – LA07/2015/0700/0 – Derryogue Developments Ltd – site for housing development – lands at the junction of Greencastle Road and Kittys Road, Kilkeel (south of No. 39 Greencastle Road (Joinery Works) opposite and south-east of Nos. 18-21 Derryogue Park extending to opposite Nos 5-11 Kittys Road, Kilkeel. **REFUSAL**
(Removed from the Addendum List at the request of Councillor Hanna and Councillor Clarke for full presentation at a Planning Committee Meeting)**
- **Item 21 – LA07/2016/1212/0 – Thomas Grant – replacement dwelling on farm (amended site address) – adjacent and immediately south of 20 Ryan Road, Mayobridge. **REFUSAL**
(Remove from the Addendum List at the request of Councillor McAteer for full presentation at a Planning Committee Meeting)**

- **Item 24 – LA07/2016/1460/O** – Sheila and Brian Fearon – dwelling Kilnasaggart Road (approx. 150m south of 9 Kilnassagart Road, Jonesborough, Newry. **REFUSAL**
(Removed from Addendum List as Agent has advised this Application is being withdrawn from the Planning process)

Additions to Addendum List

NOTED: The Chief Planning Officer explained the Historic Environment Division had objected to Planning Applications LA07/2016/1189/F and LA07/2016/1422/DCA. The Planning Department did not support these objections. A request for speaking rights had been submitted in respect of these applications but had since been withdrawn. Due to there being objections from the Historic & Environment Division, the Planning Department were obliged to bring these applications before Committee.

AGREED: **On the advice of the Chief Planning Officer it was agreed on the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to add the following Planning Applications to the Addendum List and approve the Officer recommendation, as per the Development Management Officer Report for same:**

- **Item 8 – LA07/2016/1189/F - Ryan Lundy** –retrospective planning permission to retain shop front façade – 55 Main Street Castlewellan.
APPROVAL
- **Item 9 – LA07/2016/1422/DCA – Ryan Lundy** – retrospective planning permission for demolition of façade to include ground floor shop front and first floor windows in a conservation area – 55 Main Street Castlewellan.
CONSENT

Approval of Addendum List

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to approve the Officer Recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications listed on the Addendum List:**

- **Item 10 – LA07/2016/1578/F** – Newry Mourne & Down District Council – regarding of site levels creating new kick-about football pitch and associated site drainage, extension to car park and alterations to existing access, on lands off Green Road Ardglass.
APPROVAL
- **Item 11 – LA07/2016/1585/F** – Newry Mourne and Down District Council - improvement works to the existing football pitch including new land drainage regarding site levels, perimeter fence 1.2m high wind lockable gates to pitch boundary, 3 No. shelters on lands off Green Road Ardglass.
APPROVAL

- **Item 12 – Q/2014/0449/F** – Newry Mourne and Down District Council – repairs to an existing free-standing chimney and a new concrete access footpath to the existing Dechomet Cemetery – approx. 190m SW of 41 Moneyslane Road Ballyward Castlewellan.
APPROVAL
- **Item 23 - LA07/2016/1449/O** – Mary Slane – proposed dwelling and detached domestic garage (infill site) – 30m north of 34 Seafin Road Newry.
REFUSAL
- **Item 25 – P/2014/0966/F** – Thomas Davis GFC – Installation of temporary changing facilities (comprising 2 No. pre-fabricated buildings) and 2 No. storage containers for equipment (involving relocation from existing GFC ground, off Chancellors Road Newry - Lands approx. 180 metres south-west of No.15 Dorans Hill, Newry (within the grounds of Thomas Davis GFC/Community Sports Facility under construction)
APPROVAL

P/037/2017: APPLICATIONS FOR DETERMINATION

AGREED: It was unanimously agreed to withdraw the following Planning Application from the Schedule:

Item 7 – LA07/2016/1148/F – Edel Patterson – proposed balcony to rear of first floor apartment – flat 24 Edgewater 61 South Promenade Newcastle.
REFUSAL
(The Agent advised this application was being withdrawn from the planning process)

The following applications were then determined by the Committee:

(1) LA07/2016/0854/O – Richard Cleland

Location:

Replacement of former dwelling located 70m North East of 24 Ballybrannagh Road on land directly north of 85 Ardglass Road, Downpatrick, BT30 7EA

Proposal:

Replacement dwelling (Off-Site) (Amended Description and Site Address)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ewart Davis, Agent, presented in support of the application
Richard Cleland Applicant, presented in support of the application.

Noted:

Councillor Walker and Councillor Curran advised of their support for the application.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Craig it was agreed to issue an Approval in respect of Planning Application LA07/2016/0854/O, contrary to Officer recommendations, on the basis that there is sufficient evidence from professional organisations to confirm the nature of the applicants work in relation to dairy farming, and the site visually links with all other existing buildings.

It was also agreed Planning Officials be granted authority to include any relevant conditions as part of this planning approval.

(2) LA07/2015/0349/F – James Cunningham

Location:

Adjacent to and south of 78 Moor Road, Kilkeel

Proposal:

Proposed change of house type to previously approved under P/2009/0393/F

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Tony Mackle Agent presented in support of the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2015/0349/F for one month to allow for further discussions to take place between the Planning Department and the Applicant, subject to amended plans being submitted to the Planning Department in advance of any discussions. This application only to be presented to Committee at a later stage if necessary.

(11.10am – Councillor L Devlin withdrew from the meeting)

(3) LA07/2015/0971/0 – John McNally

Location:

100m North East of No. 37 Sheeptown Road, Saval, Newry, BT34 2LD

Proposal:

Site for dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Cathal Grant Agent and Mr Bernard McNally, father of the applicant, presented in support

of the application.

Noted:

A representative from the Environmental Health Department was in attendance at the Meeting.

Councillor Craig proposed and Councillor Hanna seconded to issue a refusal in respect of Planning Application LA07/2015/0971/O, for the reasons recommended as per the Development Management Officer Report.

The proposal was put to a vote by way of a show of hands, and voting was as follows:

For: 6
Against: 4
Abstentions 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2015/0971/O, for the reasons recommended as per the Development Management Officer Report.

(11.50am – Councillor L Devlin re-joined the meeting)

(4) LA07/2015/1114/F – Glen & Shauna Matthews

Location:

122m North-East of 47 Bernish Road, Ballymacdermot, Newry

Proposal:

Erection of Dwelling on a Farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Barney McKeivitt presented in support of the application.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Craig it was agreed to issue a refusal in respect of Planning Application LA07/2015/1114/F, for the reasons recommended as per the Development Management Officer Report.

(5) **LA07/2015/1219/F – Malachy Burns**

Location:

Lands adjacent and 40m South-East of No. 39 Kilmonaghan Road, Armagh

Proposal:

Erection of dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

A request for speaking rights has been received from Stephen Hughes, Agent, in support of the application

Noted:

A written submission of support was received from Councillor Liz Kimmins

AGREED: On the proposal of Councillor McAteer seconded by Councillor Casey it was agreed to defer Planning Application LA07/2015/1219/F for one month to obtain legal written confirmation on what constitutes a legitimate farm business ID, and if activity such as maintenance works meet the policy.

Abstentions 0

(6) **P/2014/0977/F – Mrs Belinda McArdle & Mr Ross McArdle**

Location:

Approximately 60 metres North of No. 53 Upper Fathom Road, Kileen, Newry

Proposal:

Erection of farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Barney McKeivitt Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Craig it was agreed to issue a refusal in respect of Planning Application P/2014/0977/F, for the reasons recommended, as per the Development Management Officer Report.

(7) LA07/2016/0150/O – Alan & Ronald Davidson**Location:**

Adjacent and immediately south of No.17 Ardaragh Road Newry.

Proposal:

Site for farm managers dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr John Young Agent, presented in support of the Application.

Councillor Larkin proposed and Councillor Ruane seconded to issue a refusal in respect of Planning Application LA07/2016/0150/O, for the reasons recommended as per the Development Management Officer Report.

The proposal was put to a vote by way of a show of hands, and voting was as follows:

For	7
Against	3
Abstentions	1

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal in respect of Planning Application LA07/2016/0150/O, for the reasons recommended as per the Development Management Officer Report.

(8) LA07/2016/0431/F – Riverway Precision Engineering**Location:**

29a Ballinran Road, Kilkeel

Proposal:

Proposed replacement Light Engineering shed for existing building and retain existing workshop as a garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Glyn Mitchell, Agent, presented in support of the Application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2016/0431/F for one month to

allow for further discussions between Planning Department, the applicant and Agent to take place, with powers being delegated to the Planning Department to proceed thereafter to issue the decision.

(9) P/2015/0056/F – Colin McManus

Location

360m North-East of No. 37 Shaughan Road, Belleeks, BT35 7PF

Proposal:

Change of house type to include increased ridge height, garage incorporated into main dwelling and associated works (amended description)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Keith Sommerville Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application P/2015/0056/F, contrary to Officer recommendation, on the basis that it is apparent that works have been carried out on this site which include works to access and sight splays and excavations of rock and is in compliance with conditions.

It was also agreed Planning Officials be granted authority to include any relevant conditions as part of this planning approval.

LOCAL DEVELOPMENT PLAN

**P/038/2017: PLANNING APPEALS COMMISSION
INDEPENDENT EXAMINATION OF LOCAL DEVELOPMENT PLANS
(DRAFT PROCEDURES)**

Read: Report dated 1 March 2017 from Mr A Hay Principal Planning Officer regarding Planning Appeals Commission – Independent Examination of Local Development Plans (Draft Procedures) (Copy circulated)

AGREED: It was agreed to note Planning Appeals Commission – Independent Examination of Local Development Plans (Draft Procedures).

**P/039/2017: LOCAL DEVELOPMENT PLAN
PREPARATORY STUDIES – PAPER 8 - COAST**

Read: Report dated 1 March 2017 from Mr A Hay Principal Planning Officer regarding Local Development Plan Preparatory Studies – Paper 8 re: Coast. (Copy circulated)

AGREED: It was agreed to note the Local Development Plan Preparatory Studies – Paper 8 regarding Coast.

**P/040/2017: LOCAL DEVELOPMENT PLAN
PREPARATORY STUDIES – PAPER 11 - MINERALS**

Read: Report dated 1 March 2017 from Mr A Hay Principal Planning Officer regarding Local Development Plan Preparatory Studies – Paper 11 re: Minerals. (Copy circulated)

AGREED: It was agreed to note the Local Development Plan Preparatory Studies – Paper 11 regarding Minerals.

**P/041/2017: LOCAL DEVELOPMENT PLAN
PREPARATORY STUDIES – PAPER 14 – EDUCATION, HEALTH & COMMUNITIES**

Read: Report dated 1 March 2017 from Mr A Hay Principal Planning Officer regarding Local Development Plan Preparatory Studies – Paper 14 re: Education, Health and Communities. (Copy circulated)

AGREED: It was agreed to note Local Development Plan Preparatory Studies – Paper 14 regarding Education, Health and Communities.

There being no further business the meeting concluded at 1.35pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 15 March 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 15 March 2017

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below they will be deferred to the next Committee Meeting for a full presentation:-

- **Item 9** - LA07/2016/1106/F - John Kelly - single storey detached farm dwelling and garage (amended plans) - land to the east of 58 Drumsnade Road, Ballynahinch **REFUSAL**
- **Item 12** - LA07/2015/0485/0 - Felix O'Hare & Company Ltd - proposed housing development 42 sites - at junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae Housing Developments. **APPROVAL**
- **Item 15** - LA07/2016/0091/F - Peter Clarke - proposed dwelling with amendments to access for No. 14 & 14a Upper Dromore Road, Warrenpoint - To the front of no 14 Upper Dromore Road and between Nos. 12 and 16 Upper Dromore Road Warrenpoint. **REFUSAL**
- **Item 19** - LA07/2016/0978/F - Kilbroney Timber Frame Ltd - proposed food retail and off-sales building including associated site works (site address amended) - site at 76 Canal Street, Newry. **REFUSAL**

-0-0-0-0-0-0-0-

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Council Newry, Mourne and Down

Date 15/03/2017

ITEM NO	1			
APPLIC NO	LA07/2015/0084/F	Full	DATE VALID	08/04/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Ryan Morgan 28 Cairn Grove Kilcoo Newry BT34 1UB		AGENT	Martin Bailie 44 Bavan Road Mayobridge Newry BT34 2HS 02830851910

LOCATION 60m North East of 3 Kirk Lane
Tullyree Road
Kilcoo
Newry

PROPOSAL Proposed dwelling and garage

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that farm business is currently active and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access is taken from an existing lane.
- 2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - a) the proposed building is a prominent feature in the landscape;
 - b) the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - c) the proposed building relies primarily on the use of new landscaping for integration;
 - d) the ancillary works do not integrate with their surroundings;
 - e) the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape; and
 - g) the dwelling is not sited to cluster or visually link with an established group of buildings on the farm.
- 3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that is
 - a) unduly prominent in the landscape
 - b) results in a suburban style build-up of development when viewed with existing and approved buildings, and
 - c) the impact of ancillary works would damage rural character.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

- 4 The proposal is contrary to the SPPS and the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 Areas of Outstanding Natural Beauty in that the proposal lies within the Mourne AONB and would, if permitted, adversely affect the character of the area by virtue of its inappropriate design, size and scale for the locality.
-



Comhairle Ceantair
**an Iúir, Mhúrn
 agus an Dúin**

**Newry, Mourne
 and Down**
 District Council

Application Review

Application Reference: LA07/2015/0084/F

Proposal: Proposed dwelling and garage

Location: 60m North East of 3 Kirk Lane Tullyree Road Kilcoo Newry

The application was presented to Briefing Panel of 23 February 2016 with a recommendation to refuse. The application was deferred for further consideration by the Planning office. A full review of the case has been undertaken.

The application is for a farm dwelling on a farm holding totalling 0.69ha , incorporating 2 no small parcels of land 0.619ha and 0.068 ha respectively at 3 Kirk Lane Kilcoo. The farm business is registered to a Mr Ryan Morgan of 28 Cairn Grove Kilcoo.



DAERA have been consulted on the application and returned with a response in terms of the farm business status being established and states that claims for farm payments have been made in the past 6 years in terms of farm activity. Date of DAERA response 11/2015. CTY10 (a) requires that the applicant demonstrate that the farm business has been active for at least 6 years. The response from DAREA is not in itself sufficient to demonstrate active farming over 6 years. The planning office therefore requested further supporting information to demonstrate active farming of the holding.

Additional information was submitted on the application on the 21 October 2016, namely DARD letters, letter from the applicant's accountant, HMRC letter, various invoices and a NIE letter.

These are explored in detail below:

Letter from the applicant's accountant stating that she prepares tax returns which include Farming Income and has done so since 2009.

Letter from HMRC referring to the applicants request to update his self-employment to show farming income. However letter states that until HMRC receive details of the income they cannot confirm an income from farming. Letter dated 2009.

DARD letter confirming 2014 entitlements on farm in relation to SFP. However no indication whether entitlements were claimed.

DARD veterinary Service letter to "All Flock Keepers" in relation to sheep tagging and movement documents. This is a non-specific document dated Nov 2012.

DARD Quality Assurance Branch letter dated May 2012 showing soil testing results for Potato Cyst Nematode (PCN) field test at land owned by Mr Morgan.

DARD letter referring to Flock registration for Mr Ryan Morgan Flock No 782419 dated 01/02/2011. No further details provided of flock numbers or movements into and out of flock for the 6 years. At the time of visit no livestock were witnessed on the farm holding, likewise the unauthorised building on the lands did not house livestock, nor did it appear to be fitted out for such purpose.

NIE request letter for connection for the unauthorised building at Kirk Lane.

Invoices referring to

1. Ryan Morgan headed invoice to O McClean referring to receipt of payment of £285 for silage bales dated 15/09/2016. Invoice address of 10 Ballymoney Road Kilcoo.
2. Ryan Morgan headed invoice to P Duggan referring to receipt of payment of £585 for potatoes dated 20/10/2012. Invoice address of 10 Ballymoney Road Kilcoo
3. Ryan Morgan headed invoice to J McClean referring to receipt of payment of £300 for silage bales dated 01/08/2008.
4. Invoice headed Liam Kirkwood and Sons Saw Millers to Morgan (no address stated) dated 25/03/2011 for fence posts and sheep wire £145.
5. Invoice headed Liam Kirkwood and Sons Saw Millers to R. Morgan (no address stated) dated 12/02/2009 for treated 16 inch length of timber. £192
6. Invoice headed Liam Kirkwood and Sons Saw Millers to R. Morgan (no address stated) dated 01/08/2008 for 16 inch aggregate. £165

Taken in its entirety, the evidence presented to the planning office, does not substantiate active farming of the holding by the applicant for a period of at least 6 years as required by policy. Whilst it is stated that returns are made to HMRC by the applicant's accountant, copies of these returns have

not been provided. There is therefore no evidence to demonstrate engagement in active farming over the required period as tax returns would normally detail specific agricultural transactions.

The remaining policy requirements of CTY10 in relation to (b), there is no evidence that any development opportunities sold off from the farm holding.

Criterion (c), the farm dwelling should be sited to visually link or cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The farm holding as previously stated is small at 0.69ha. On this parcel of land there exists a building, this is the only building on the farm holding, bar the applicants dwelling at Cairn Grove in kilcoo to where the farm business is registered. This shed does not benefit from planning permission nor does it benefit from approval of a CLUD, in these circumstances the building is unlawful. It cannot therefore count as a building on the farm, added to this, it is a singular building. A new access is being proposed, twinned with the existing unauthorised access which serves the unauthorised building on site. An existing access is therefore not being used.

There are no other buildings on this farm holding. The exceptional test has not been engaged as there are no other sites available on this holding to site a dwelling. The proposal therefore fails to comply with criterion c.

It must form part of the consideration of this application that if a farm dwelling were to be sited at the proposed location, then there would be no viable farm left in which to farm, as if approval were to be granted, the entirety of the farm would be utilised by the farm dwelling and its curtilage. There would therefore be no farm business in existence.

The proposal is contrary to the SPPS and the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 Areas of Outstanding Natural Beauty in that the proposal lies within the Mourne AONB and would, if permitted, adversely affect the character of the area by virtue of its inappropriate design, size and scale for the locality and its non-compliance with the following

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.. If the purpose of this policy is to facilitate dwellings on farms for active farm businesses then this proposal would clearly be at odds with its purpose.

The proposal must also be considered against CTY13 and 14

The introduction of the proposed dwelling at this location will appear incongruous in the landscape, given its massing and design. The roadside and east/west boundaries are well defined by mature hedging, the boundary to the rear is currently undefined. The proposed site layout shows the applicants intentions to remove the existing mature vegetation along the eastern boundary. The access to the unauthorised shed to the rear of the site runs in line with this boundary of the site.

The proposal dwelling is two storey in design. The dwelling is to have two large front and rear returns with a single storey sunroom to the side. The dwelling roof is quite dominant with varying lengths of roof planes. The proposal introduces overly formal appendages such as front bay windows and the chimney breasts positioned on the side slopes of the roof. The proposed side elevations particularly that viewed when travelling towards Kilcoo Village will appear quite dominant given its lack of solid to void ratio. The proposed form and massing of the dwelling is inappropriate

for the site and will appear dominant and incongruous in the landscape. The proposal does not have regard to principles of good design as set out in Building on Tradition guidance document.

PROPOSED DWELLING & GARAGE AT
TULLYREE RD, KILCOO.

FOR : MR RYAN MORGAN.

DATE : MAR. 2015.
SCALE : 1 / 100
JOB NO. 2229/P04

PROPOSED FRONT EVELATION...

PROPOSED SIDE EVELATION

FINISHES :

- ROOF : BLUE / BLACK FLAT CONC. TILES
- WALLS : SMOOTH CEMENT RENDER &
- RANDOM RUBBLE STONE WHERE SHOWN
- WINDOWS : WHITE U.P.V.C. WINDOWS
- DOORS : PAINTED HARDWOOD
- GUTTERS : BLACK P.V.C.
- DOWNPIPES : BLACK P.V.C.
- BANDS : DAISED PLASTER
- PLINTH : RAISED PLASTER

PROPOSED REAR EVELATION...

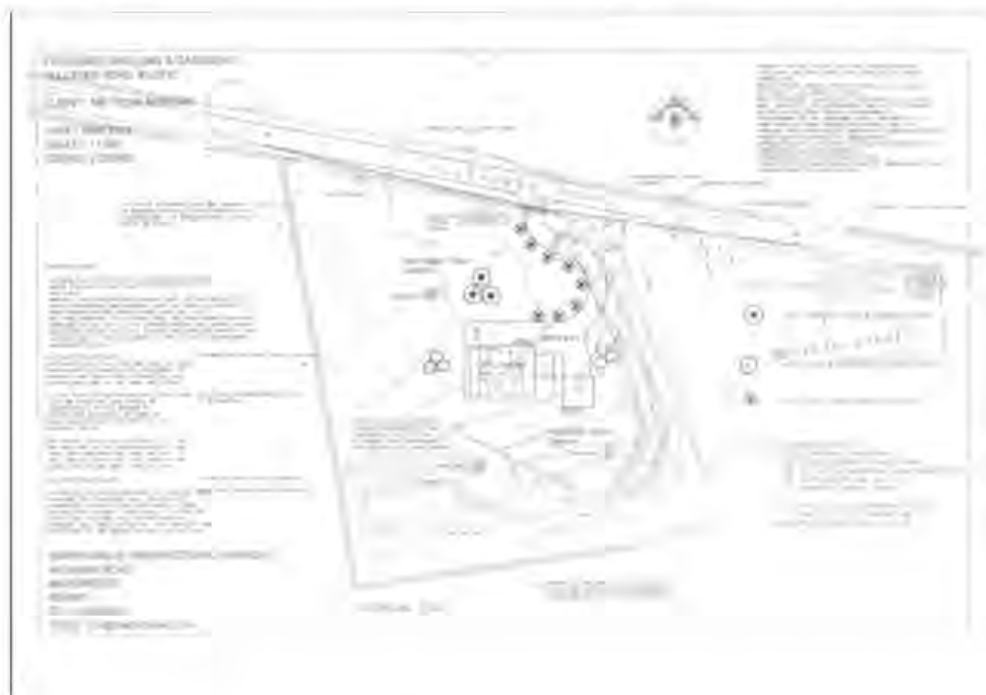
MARTIN BAILIE ARCHITECTURAL
SERVICES LTD
44 BAVAN ROAD, MAYOBRIDGE,
NEWRY.
TEL: 028 851910.
EMAIL: info@martinbailie.co.uk

The proposed block plan indicates the applicant's intentions to utilise the entire site as part of the residential curtilage. Such a large garden area along the road frontage will appear prominent. This type of layout is generally unacceptable in the countryside. The access is considered as ancillary

development and the proposed sweeping driveway would create a suburban emphasis which would not be considered acceptable. Proposal therefore offends policy CTY13 and CTY14.

The agent, in a letter of 17 February 2017, proposes to straighten the drive and attaches an amended site plan which proposes to reflect such. This site plan however does not alter the proposed new access as originally submitted. The agent also indicates the applicant's willingness to amend the design of the dwelling. Design changes would only be pursued on this application if the principle of a dwelling was accepted in the first instance.

The agent also refers to the longevity of the building on the holding, as previously stated this building is presently unauthorised, with no CLUD in place. The building is therefore unlawful.



The proposal is located in an AONB as such PPS2 NH6 applies, the proposal offends this policy in that it is not of an appropriate design, size and scale for the locality and does not meet all of the following criteria

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

Reasons for refusal

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that farm business is currently active and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access is taken from an existing lane.

2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - a) the proposed building is a prominent feature in the landscape;
 - b) the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - c) the proposed building relies primarily on the use of new landscaping for integration;
 - d) the ancillary works do not integrate with their surroundings;
 - e) the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape; and
 - g) the dwelling is not sited to cluster or visually link with an established group of buildings on the farm.

3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that is
 - a) unduly prominent in the landscape
 - b) results in a suburban style build-up of development when viewed with existing and approved buildings, and
 - c) the impact of ancillary works would damage rural character.

4. The proposal is contrary to the SPPS and the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 Areas of Outstanding Natural Beauty in that the proposal lies within the Mourne AONB and would, if permitted, adversely affect the character of the area by virtue of its inappropriate design, size and scale for the locality.

Recommendation:

Refusal

*Signed**Dated**Signed**Dated*

JOB NO 2229

STATEMENT FOR PLANNING COMMITTEE MEETING.

PROPOSED DWELLING AND GARAGE ON A FARM 60M NORTH WEST OF 3 KIRK LANE, TULLYREE ROAD, KILCOO FOR MR RYAN MORGAN YOUR REF LA07/2015/0084/F

The above application was originally presented to a Briefing Panel on 23 February 2016 with a recommendation to refuse for reasons regarding design and positioning but was deferred. The Case Officers Report clearly states that “the Council can ascertain that the farm business is currently active and will be established for more than 6 years on the 14/01/2016. **This lead my client to believe that he now had a genuine expectation of getting Planning Approval for a dwelling on his farm and had the application not been deferred and the design and positioning issues been resolved he would today be on site constructing his home.**

At a subsequent meeting held on site with the Divisional Planning Manager my client was informed that he was not satisfied solely with the DARD response and in his opinion the business was not active or established and additional proof was needed. This was done and a new Application Review was prepared with a recommendation to Refuse the application.

Here today over 1 year since the original presentation to the Briefing Panel the new Application Review has 4 reasons for refusal and I would comment on each as follows;

Reason 1. The first report clearly states that the “comments from the consultation with DARD the Council can ascertain that the Farm Business is currently active and will be established for more than 6 years on the 14/01/16”. Additional proof was subsequently provided as requested so in my opinion the principal of a dwelling on a farm has been established. The Review questions the information provided but we are at a loss as to what would actually get the proposal over the line. The Review also queries the viability of the farm should a house be constructed but for this type of application Planning Policy deals with the previous 6 years of activity and the present but not as far as I am aware with the future running of a farm. This is out of all our control but my client hopes to expand his farm and lease land in conacre as is the norm in this part of rural South Down.

Reason 2. The interpretation of CTY8 is that the proposal will create a ribbon of development when viewed from the Tullyree Road. There is no mention of the existing farm sheds and if this is taken into consideration as part of the built up road frontage then our proposal becomes an infill opportunity and as such is acceptable.

Reason 3. The interpretation of CTY13 & 14 refers to removal of a mature hedge to the east of the site. Only a small portion of this hedge will be removed so this is

misleading. There is also reference to a sweeping drive and large garden. We now propose to straighten the drive and have indicated the proposed boundary fence to the garden. An amended site plan was forwarded to Planning but this is not the plan shown on the Application Review but it is referred to in the commentary.

There is also reference to the design of the dwelling and my client is more than willing to amend the design of the dwelling to be in keeping with the houses in the locality, but we would point out that there are many different designs of dwellings on the Tullyree Road.

Reason 4. The proposal is in the foothills of the Mourne's but not in an acknowledged sensitive area. We are willing to amend the design to be appropriate to the area should this be necessary.

Finally, at a meeting on site the Divisional manager queried as to when the shed on site was constructed. The receipts provided appeared not to be adequate so additional information from the NIE was provided and satellite photographs would confirm this but I note none have been included in the Application Review. The Review refers to an unauthorized access and shed but we maintain it is now beyond enforcement and is established. If a CLUD is required for Planning to secure the approval then my client has stated that he is willing to address the issue.

Thank you for your time.

Martin J Bailie MCIAT

JOB NO 2229

06/03/2017

To Newry, Mourne & Down Planning Committee

PROPOSED DWELLING AND GARAGE ON A FARM 60M NORTH WEST OF 3 KIRK LANE, TULLYREE ROAD, KILCOO FOR MR RYAN MORGAN

Hello,

I am here today to ask the Committee to consider my application. I have owned and worked on my farm for the past 15 years. In January 2009 I registered with DARD as an active farm and since then I have received single farm payments which I have declared with HMRC. Power NI have also provided an electricity supply to my farm and the relevant documents have been provided.

However, My personal integrity and my farming validity have been questioned by a Senior Planner. This has been extremely stressful on myself and my family. Over the past 2 years I have jumped through every hoop put in front of me to work with the Planners but as soon as one item is crossed another is put up.

In relation to the second report I submitted a letter from my accountant stating that I had declared my farming income from 2009 to date and this was treated with doubt and more proof asked for.

The Report now refers to an unauthorised building and access. I honestly had no idea that I needed permission for my farm shed as I was a farmer but I will gladly submit the relevant paperwork to make this good but I was advised by Planning that my shed is beyond enforcement.

The report says there were no animals in my shed but fails to mention that there were bales and machinery in the shed. I provided access to the shed for the Senior Planner but here again it seems my integrity was in question.

When we had a meeting with the Senior Planner which I thought was about the house design when I read the first Planning Report on line I told him I was more than willing

to address any design issues and now I hope to have the opportunity to do so as this meeting is to confirm that I have an active and established Farm Business and to confidently secure additional land in conacre which I want to do to expand my farm.

Finally this means everything to me and my family.

Thank You.

Prepared by Mr Ryan Morgan.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	5			
APPLIC NO	LA07/2015/0714/F	Full	DATE VALID	30/07/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Byrne 28 Ballyclander Road Downpatrick BT30 7DZ		AGENT	Brigin Byrne 21 Guinness Road Ballynahinch BT24 8QN
				NA
LOCATION	180m north west of existing farm buildings adjoining 28 Ballyclander Road Downpatrick BT30 7DZ			
PROPOSAL	Proposed farm dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0714/F

Date Received: 30th July 2015

Proposal: Proposed farm dwelling and garage

Location: The site is located approximately 4km to the southeast of Downpatrick in the open countryside. The site address is 180m NW of existing farm buildings adjoining 28 Ballyclander Road, Downpatrick



Site Characteristics & Area Characteristics:

Characteristics of Site

The site is located approximately 4km to the southeast of Downpatrick. The site is cut out of an agricultural field located approximately 180m to the northwest from the

existing farm buildings at no 28 Ballyclander Road, Downpatrick. The site is currently in agricultural use and is undefined along the northern and eastern boundaries. The southern and western boundaries are defined by a 2m high thorn hedge. Ballyclander Road is located to the west of the site.

There is a large mature tree located along the southern boundary of the site. The site slopes steeply upward from south to north.

Characteristics of Area

The area is characterised by open undulating countryside with sparsely located dwellings and farms. There site is surrounded by agricultural land in every direction.

Site History:

There is no history specific to this site. A farm dwelling was granted in 1974 on the farm under R/1974/0151.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Development Plan – The Ards and Down Area Plan 2015

The site is located within the open countryside and outside any defined settlement area. There is an archaeological site located approximately 200m to the northeast of the site.

Consultations:

Consultation Type	Consultee	Response
Statutory	DARDNI	No objections
Statutory	Transport NI	No objections
Statutory	NI Water	No objections

Statutory	NIEA – WMU	No objections
Advice and Guidance	Environmental health	No objections

Objections & Representations

No neighbours were notified as there are no neighbouring properties.

The application was advertised on 30th July 2015

Consideration and Assessment:

NB. The gable window to bedroom 4 and ground floor utility room window is missing from the floor plans.

The proposal is an application for full planning permission for a dwelling on a farm. The key policy to be considered is PPS21.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.

The applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

It is considered that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. The assessor is satisfied that criteria (b) has been met.

Criteria (c) states that the proposed dwelling is to be visually linked or sited to cluster with an established group of buildings, and where practical access to the dwelling should be obtained from an existing lane.

The proposed dwelling would be located approximately 180m the northwest of the existing farm cluster. There are no existing farm buildings in close proximity to the site. It is not considered that the dwelling would cluster with an established group of buildings on the farm.

With regards to visual link, there are limited views of the main farm cluster due to the varied topography of the surrounding area and its position down a long lane accessed from Ballyclander Road. There are views of the proposed site when approaching along Ballyclander Road from the south; however it is not possible to view the site and the existing farm buildings together from this position due to the thick hedges lining Ballyclander Road. When approaching along Ballyclander Road from the north, it is not possible to view the main farm buildings due to the hill and high hedges. The proposal involves the replanting of hedges along the western boundary of the site to create visibility splays, however it is not considered that a visual link could be established between the proposed dwelling and the farm buildings due to the topography of the surrounding land and limited views of the farm from Ballyclander Road.

It is considered that a 2 storey farm dwelling would become visible when approaching the site from the north, however, without being able to view the main farm buildings in conjunction. The only way to view the site and the main farm together was to climb the verge and look over the hedge which defines the western boundary of the site. The proposed dwelling does not utilise the existing laneway to the farm but proposes a new access onto Ballyclander Road. This proposed access would be located in the southwest corner of the site, approximately 190m to the north of the existing access lane leading to the farm.



(View approaching from the south)



(View approaching from the north)

The existing farm can be viewed from the top of the existing access lane onto Ballyclander Road, however views of the proposed site would be screened by a hill from this position. Views of the site would only become available further north along Ballyclander Road, at which point, views of the existing farm would not be available.

The applicant has provided 2 examples of previous approvals for farm dwellings which are considered similar to the proposal. I will address these cases below:

R/2009/0355/F

In this case there were exceptional circumstances noted by the case officer. The main farm dwelling was a listed building and clustering with the buildings had the potential to impact its setting. The site and the farm buildings could be visually read together from the Milltown Road, and the site was accessed from an existing lane. The land to the north of the farm buildings was considered too prominent, whilst the proposed site allowed for better integration. The case officer noted that in approving the application that 'this was a unique case with circumstances that are distinguishable'.

LA07/2015/0405/RM

Again, this case was exceptional in that there were no farm buildings on the farm holding. The principle of the dwelling was found acceptable and the site complied with CTY13 (a-f), CTY14, and CTY16.

With regards to the application being assessed, there are no such circumstances. The application fails to meet criteria (c) as it fails to cluster or visually link with existing farm buildings.

CTY13

The site is located at bottom of two hills which slope down to the site from the north and south. The hill to the rear would provide a suitable back drop when approaching from the north, whilst the existing hedging would provide suitable screening from view when approaching from the south. There is a large mature tree along the southern boundary which would provide screening of the site along with the 2 existing natural boundaries. There are limited long views of the site due to the undulating topography of the surrounding area and I am content that the proposed dwelling would not appear prominent and would integrate suitably into the landscape. The proposed design is considered acceptable for the area, however the proposal is contrary to criteria (g) of CTY 13 as it fails to cluster or visually link with the farm building.

CTY14

It is not considered that the proposed dwelling would be unduly prominent due to its position on lower ground. The dwelling would not result in a sub-urban style build up or add to a ribbon of development. The proposal complies with CTY14.

CTY16

NIEA Water Management Unit has been consulted and is content with the proposal with informatives.

It is recommended to refuse this application.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new

building is visually linked or sited to cluster with an established group of buildings on the farm.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0714/F

Proposal: Proposed Farm Dwelling and Domestic Garage

Consideration of additional information

The application was submitted to the council on 30th July 2015. The application was recommended for refusal and was deferred by the planning committee on 25th May 2016 to allow the applicant to submit a Health and Safety Report for further consideration.

The following documentation was received by the Council on 6th May 2016:

- Amended site plan & photomontages (Drwg 33/A1/05)
- Covering letter from agent dated 27th April 2016

The following documentation was received by the Council on 24th June 2016:

- Covering letter by agent Brigin Byrne
- Health and Safety Report prepared by Terrance Chambers Agricultural Health and Safety Advisor
- Farm Expansion Report
- Farm Expansion and Topographical Survey (Drwg 33/A1/11)
- Section following completion of topographic survey (Drwg 33/A1/10)
- Copy of Appeal Decision – 2015/A0184

The following document was received on 4th August 2016:

- Structural Assessment of above ground slurry tank prepared by Denis Williams Design Services Ltd.

Following the submission of the Health and Safety Report a second site inspection was carried out on 6th July by the case officer accompanied by agent Brigin Byrne.

Farm Expansion and Topographical Survey

A farm expansion report and additional drawing (drwg no 33/A1/10) has been submitted. It is noted that the drawing shows an amended siting of the proposed farm dwelling with the rear of the dwelling abutting the eastern extent of the site.

The farm expansion report provides a quote for a new milking parlour sent by Francis Dunn to the applicant. It also contains an email to the applicant dated 14th September 2013 in relation to this quote.

The agent's covering letter dated 23rd June 2016 states that serious consideration was given to farm expansion in 2013 however due to the poor milk prices this was put on hold.

The farm expansion and topographical survey (drwg no 33/A1/10) shows the position of a future slurry tank and milking parlour located between the proposed site and the existing farm buildings.

PPS21 CTY10 paragraph 5.42 states that 'evidence relating to future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce.

Whilst it has been shown that the applicant has considered a new milking parlour in the past, the supporting evidence submitted is considered insufficient to constitute verifiable plans. There are no planning approvals or Certificated of Lawful Use approvals for these future developments.

Furthermore, there is no overriding reason why the future parlour and slurry tank would need to be located in these positions when there is equally suitable agricultural land to the northeast of the farm yard.

Health and Safety Report

The Health and Safety Report sets out the potential dangers associated with the farm operation and processes – the report is summarised below:

Introduction:

- *140 acres farm – grass based beef production & growing of cereals and other rotation break crops*
- *Only access shared with neighbouring active independent farm of 270 acres*

Beef production

- *Cattle herd for beef production*
- *Plan to establish a dairy herd to involve an extension of the existing farm yard complex by additional specialised buildings*
- *Risks of injury to people when moving cattle*

Slurry Storage

- *Cattle housed in shed with slatted floor*
- *Slurry tank walls located above ground level*
- *1970's construction – possible safety aspects of tank 'suspect'*
- *Structural Engineer to examine*

Tank mixing

- *Dangers during slurry processing*
- *Toxic gas can drift to accumulate in low lying areas*
- *Risk of drowning*

- A lot of farm traffic in the yard during this time (150 tanker loads each year) on route to field and shared lane

Arable Cropping

- Up to 70 acres cultivated each year for cereals or other arable crop
- Peak of activity during Spring
- On-going spraying programme
- Intense harvest time activity
- Up to 150 tonnes of grain transported from the site
- Drying process generated a lot of noise and dust
- Dangers to human health
- Grain treated with propionic acid Process should not be carried out near a domestic dwelling
- Pesticide store within the yard

Grass Harvesting

- Tipped into silo by bulk trailers
- Loaders transport into silo
- 450 tonnes of grass (50 trailer loads or more)
- Takes place twice a year
- Traffic issues on the shared lane

Other machinery Activity

- Machinery traffic most days for a range of jobs
- Farm machinery stored at the yard
- Part of the machinery shed in use as a workshop
- Heavy machinery and 1 tonne capacity potato boxes stored during autumn

Other hazards

- Children at risk from stacked items such as big bales in the yard

HGV traffic

- Delivering bulk bags, fuel, building repair materials.
- Collect cattle being sold
- HGV entrance /exit via shared lane serving 2 large farm businesses
- Presents dangers to domestic traffic
- HGV traffic would increase if dairy production implemented

Overall observations and recommendations

- Busy commercial farm with broad range of enterprises and activities
- Yard and approach routes have a lot of machinery movement
- Risk to children
- Also when cattle are being moved
- Some substances are hazardous to Human Health
- All activities & processes on this farm have been linked with deaths on NI Farms
- Children are particularly at risk

- *Farmers works and Management activities are subject to Management of Health and safety at work regulations (NI) 2000 which requires appropriate risk assessment*
- *Recommend distinct separation from farm work activities and associated traffic by both distance and fencing, for any family dwelling on this farm.*

Consideration:

PPS21 Policy CTY10 states that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons or verifiable plans to expand at the farm business at the existing building group.

The Health and Safety report sets out the workings of the farm and the potential dangers associated with the farm and associated farm yard. Along with the report the agent has submitted a recent appeal decision (2015/A0184) in which the Commissioner had taken account of the particular Health and Safety arguments relating to the farm business.

The farm at 28 Ballyclander Road consists of a single storey detached bungalow with several single storey stone barns and 2 large sheds with a large stack yard. There is an open silo adjoining the slurry house for the storage of silage. Upon site inspection, one of the large sheds was in use for storing machinery and the other was storing cattle at 1st floor level with slurry tanks below at ground level.

It is evident from the information provided that there would be seasonal variations in the intensity of the farm traffic and operations depending on the time of year and the operations being carried out. The proposed dwelling is proposed for a farmer who works on the family farm daily however currently lives in Downpatrick with his family. The occupant would be involved with the day-to-day running of the farm and would have a daily working knowledge and control over the timing of the farming activities and operations.

Whilst it is acknowledged that there are clear dangers associated with the operations and processes within the farm yard, it is not considered that any of these processes and operations are unique to this farm. The farm is considered typical of most working farms throughout the province in terms of its scale and operations. It has been shown that potentially dangerous chemicals are stored on the farm including Propionic acid for the treatment of grains – details are provided within the H&S report of substances kept at the farm. Whilst there are dangers associated with the farm it is considered that these dangers should be addressed through good farming practices and measures should be taken to ensure that chemical stores are kept locked at all times.

Kennel Road Appeal Decision

The agent has submitted appeal decision (2015/A0184) as supporting evidence. The Kennel Road application was for a dwelling and garage located approximately 42m from the existing farm buildings. A CLUD pending at the time of the appeal (subsequently approved) for a grain drying store would have brought the farm buildings to within 13.5m from the proposed garage and dwelling.

The farm at Kennel Road was a 300 acre farm producing 1000 tonnes of grain and 1500 tonnes of forage maize annually. The farm also housed 60,000 chicks. The commissioner found that the main farm yard in front of the previously approved dwelling, was now used for grain drying/preserving. The commissioner agreed that due to 'the very particular and intensive use of the main yard for the purposes outlined above' that the previously approved location of the dwelling was not practicable. The commissioner also found that the proposed dwelling did visually link with the existing farm buildings.

In the case of Ballyclander farm, the proposed dwelling is located approximately 140m (amended site plan) from the existing farm buildings and is not considered to visually link with the existing group of buildings on the farm. The farm business is significantly smaller than the example at Kennel Road. Grain processing and drying

including the use of propionic acid is conducted on the farm and a mobile grain drying unit is used within the farm yard to process up to 150 tonnes of grain. The grain store & chemical store is located toward the centre of the farm yard and is within 35m of the main farm dwelling.



The scale of the grain processing operation at Ballyclander farm is considered significantly smaller than Kennel Road. The report outlines the potential dangers to children on the farm however it is considered that there is scope for a clustered or visually linked site to be securely enclosed by a robust boundary fence and electronically operated gates whilst complying with CTY10. There are potential sites surrounding the farm which would maintain a safe distance from these processes and visually link with the farm buildings.

It is considered that a more suitable site could be found which is accessed from the existing lane and would visually link with the established group of farm buildings on the farm. The agent has advised that the applicant has had difficulties obtaining a mortgage for a farm dwelling using the existing access. No evidence has been submitted to demonstrate that this is the case and there is no wider evidence to suggest there is a moratorium on lending for farm dwellings accessed from the existing lane.

Structural Report

The structural report has been submitted to demonstrate potential dangers in regards to the construction of the existing above ground slurry tank located in the farm yard. The report states that 'the design and workmanship of the slurry tank

appear to be below acceptable British standards design codes of practice and there are visual defects present such as concrete spalling around reinforced areas and wall stress patterns on the existing walls'.

The report concludes that 'for Health and Safety reasons, that considerable distance is placed between the proposed new dwelling and the existing tank'. The applicant has submitted topographical evidence to demonstrate that land to the rear of the slurry tank slopes gradually downwards towards the proposed site.



On site it was observed that render was falling off the lower section of the tank and stress lines were observed. The report states that should any wall upgrade will involve major construction operation with possible craneage which will require ample area around the shed for construction works.

There are alternative sites around the farm which would maintain a safe distance from the slurry tank and visually link with the farm buildings.

Summary

The additional information submitted has been fully considered. A 2nd site inspection has been carried out of the farm and proposed site. The farm is considered to be typical of most farms across the province. There are similar dangers associated with every farm which should be overcome by good farming practices and controls. The farm expansion report does not constitute verifiable plans to expand. A dwelling could be sited on the farm a safe distance away from the slurry tank without being contrary to CTY10.

The scale of the farm business is not considered comparable to that considered under appeal 2015/A0184. Furthermore the dwelling approved under appeal 2015/A0184 was found to visually link. It is not considered that the proposed dwelling at Ballyclander Road would visually link.

It is considered that a suitable farm dwelling site could be accessed from the existing lane which would cluster of visually link with the established group of buildings on the farm.

Refusal is recommended.

Re: Fw: Planning application LA07/2015/0714/F - Mr and Mrs Byrne

To whom it may concern;

I note that you have acknowledged my wish to speak at next week's Planning Council Meeting (15th March 2017) in relation to the above application. The content of my speech shall include;

- Background to the case
- Visual linkage
- Integration of the new dwelling into the existing landscape
- Securing Mortgages for new build farm dwellings
- Demonstration of exceptional circumstances through our completed H&S Report, Structural Report & Farm Expansion Report.

I will also email through a power point presentation, no later than Monday morning (6th March 2017), which I intend to present to Council while delivering my speech.

Regards

Brigin

LA07/2015/0714/F - Farm Dwelling - Ballyclander Road Downpatrick

FAO - Newry, Mourne & Down Planning Committee,

A summary of the above application, recommended for refusal, has been attached ahead of the Planning Committee Meeting dated 15/3/17.

Planning are refusing the application for one reason only, they feel the dwelling fails to establish 'visually linkage' with the farm.

Photo-montage's however demonstrate that the dwelling located 120m from the farm yard does in fact establish visually link.

In addition exceptional circumstances have been provided to support our need to achieve suitable distance to comply with Planning Policy & Banking Legislation.

Should you have any queries please do not hesitate to get in touch.

Regards

Brigin Byrne - Applicant & Agent
07821155862

BRIGIN BYRNE
ARCHITECTS
 BSc (Hons.) Dip Arch ARB

21 Guinness Road, Ballynahinch, Co Down, BT24 8QN

Phone 07821155862

Email briginfegan@hotmail.co.uk

Your Ref: LA07/2015/0714/F

9th March 2017

Planning Committee
 Newry Mourne & Down Council
 Monaghan Row
 Newry
 BT35 8DJ

Dear Planning Committee,

**Re: Full Planning Application - Farm dwelling and domestic garage
 180m North West of Existing Farm Buildings adjoining 28 Ballyclander
 Road Downpatrick for Mr & Mrs Byrne**

The above application, recommended for refusal by planning authorities, is schedule to be heard by the Planning Committee on 15th March 2017.

The application has been refused on the grounds that it is contrary to policy CTY1, 10 & 13 of Planning Policy Statement 21 in that it has not been demonstrated that the building is Visually Linked or Clustered to Existing Farm Buildings or that Exceptional Circumstances in support of the application have been documented

I would contend that the proposed dwelling is 'Visually Linked' and that the 'Exceptional circumstances' presented merit the proposed site location and dwelling being approved, especially given that planning policy does not stipulate a specific distance on how far away a dwelling should be from a farm.

Site Particulars

The Byrne family farm is located 160m + from the adjoining Ballyclander & Ballygallum Road. It is hidden behind a sloping hill and dense 2m high hedgerows, so that both the farm and proposed site are unseen from public roads where planners assess visual impact.



Views of the 2m high hedge hiding the farm & site from the Ballyclander Road



Location map



Site Plan

Access

The proposed access to the new site, will improve an existing treacherous part of the Ballyclander Road. The new sight lines are supported by Transport NI.

Perspective

As the proposed dwelling is sited 50m off the Ballyclander Road, when read in perspective, the relatively narrow main body of the house, 11.2m wide, blends easily into the farm background which sprawls over 170m. When viewed from approach on the Ballyclander Road the proposal nestles into the farm background and has little or no impact on the surrounding countryside.



*Green Sheds & Farm
Visually linked with
proposed dwelling*

PROPOSED PHOTOMONTAGE
PHOTO 6 - View from Ballyclander Road

Proposed Photomontage – Visual Linkage with farm clearly established

Mortgage

To secure a mortgage banks commonly insist that clients own their site access outright and that appropriate distance between the farm buildings and new dwelling is achieved.

In our instance the present access onto the farm is shared by 2 occupants & 3 land owners who farm a combined 400 acres. Clearly the busy lane, for financial and H&S reasons, is not suitable to serve a new dwelling.

The client feels that given the farms distance from the road, 160m +, that it is unsustainable and uneconomical to create a new laneway of perhaps 100m so that the new dwelling becomes more 'visually linked' or clustered' to the existing farm. Such a new laneway would disrupt the rural character of the area and destroy workable farm land – country to planning policy

Health & Safety & Farm Expansion

Environmental Health recommends that all new farm dwellings should be sited 70m from farmyard activity.

Exceptional H&S circumstances & farm expansion plans unique to this particular case have been submitted in support of the client's need for further distance.

1. Existing above ground Slurry Tank

A structural report was conducted on the existing, 1960, slatted cattle house with above ground slurry tank. It was noted that the tank construction make up is below British Standards with stress marks and cracking recorded. Increased distance between the tank and the new dwelling was recommended especially given the fall of the land.



Images from Structural Report

2. Farm Expansion

The client, in 2013, seriously considered Dairy Farming however poor milk prices have put this venture on hold. Plan drawings, quotes and emails documenting this business plan were forwarded to planning however they were discredited because formal planning approval, which was not legally required, had not been sought.



Location Map from Farm Expansion Report

Planning also questioned the location of the new equipment, as it bridges the gap between the farm yard and the new dwelling. Logistically however the client was advised by professionals to locate the new tank beside the existing slatted house to cater for an overflow of slurry.

3. Existing laneway serves two farms comprising of 400 acres

Terence Chambers, Agriculture Health and Safety Adviser, completed the H&S Report. An aspect of his report noted that the existing laneway is used daily by cars, tractors, tankers, harvesters, livestock transporters etc to serve two farms amounting to 400 acres. The laneway was deemed unsuitable to serve a new dwelling.

Precedence

Direct comparisons should be made to the Chambers case where the Appeals Commissioner overturned planning's decision to refuse a new dwelling 180m South East of 16 Kennel Road. Planning. In relation to our application, planning dismissed the relevance of this case, as the Chambers were able to 'visually link' their new dwelling with outbuildings. I believe this to be discriminatory as the Byrne farm does not have any out buildings located off the main farm.

Conclusion

This case was lodged to Planning in July 2015 and over this past almost 2 years it has received constant review by planning which I feel demonstrates the 'hot potato case' that it is.

We have provided photomontages, exceptional circumstances documented by independent authors and precedence in support of our case. I would now urge that collectively the Planning Committee come together to support this application.

The above is a brief summary of the case to date. Should you require further information or detail ahead of Wednesdays meeting please do not hesitate to get in touch.

Yours sincerely

Brigin Byrne
Applicant & Agent

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	6			
APPLIC NO	LA07/2015/1221/O	Outline	DATE VALID	19/11/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Mrs W Allen 8 Comber Road Saintfield BT24 7BB		AGENT	Ewart Davis 14 Killynure Avenue Carrduff Belfast BT8 8ED
				NA
LOCATION	35m to rear (North) 8 comber Road Saintfield BT24 7BB			
PROPOSAL	Dwelling and garage (amended layout)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that a new dwelling would create conflict with adjacent residential properties of No 8 and No 10 Comber Road as a result of overlooking, loss of privacy, and the increased disturbance on No 10 as a result of the new access.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1221/O

Date Received: 19th November 2015

Proposal: Dwelling and garage

Location: 35m to rear (North) 8 comber Road, Saintfield
This site is within Saintfield Village.



Site Characteristics & Area Characteristics:

The site is set within the village of Saintfield. The rear, northern, boundary of the site is the settlement limit of Saintfield beyond which is Local Landscape Policy 8 as identified within the Ards and Down Area Plan 2015.

The site is to the rear of an existing single storey dwelling that appears to have a roofspace conversion. The proposed access is within the side garden of No 8 Comber Road and travels north within the site to the larger rear garden of No 8. The site and proposed access rises in level from the boundary shared with Comber Road along the south to the northern boundary shared with a large agricultural field. To the west of the site the boundary is shared with an agricultural field while the eastern boundary is shared with the rear garden of No 10 Comber Road and both the east and western boundaries are mature boundaries. The rear, northern boundary has some mature trees but the boundary itself is identified by a post and wire fence. No. 8 Comber Road is accessed by an existing vehicle access and the rear garden is very large with outbuildings and a small paved area. The topography of the site is

undulating with a steady increase in level as you move from the south to the north within the site.

View of site from South of 8 Comber Rd

View of site from east of 10 comber Rd



View of site from adjacent to proposed access. Change in topography visible.



View of the site from the northern boundary



Site History:

R/2003/1156/F Proposed new dwelling and garage to rear of 6 Comber Road
Granted 5.8.2004

R/2006/1130/F Proposed roofspace conversion at 6 Comber Road, Granted
3.12.2003.

Planning Policies & Material Considerations:

The proposal will be considered in relation to the Ards and Down Area Plan 2015 as well as the Regional Development Strategy, the Strategic Planning Policy for Northern Ireland, PPS7 Quality Residential Environments and the PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking, DECAN 15 Vehicular Access, Parking Standards, PPS12 Housing in Settlements, PPS2 Natural Heritage, as well as Creating Places and Living Spaces.

Consultations:

NIEA – both Archaeology and Built Heritage as well as Drainage and Water responded to advise they are content with the proposal.

Transport NI – No objection and detailing RS1 form with visibility splays of 2m by 45m. This can be conditioned as recommended by Transport NI.

NI Water – standard response with information for applicant detailed.

Environmental Health - responded with no objection subject to NI Water approval for connect to mains.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 2nd December 2015.

A total of 10 neighbouring dwellings were notified. No representations received prior to completion of report.

Amended plans received 14 JUN 2016.

Amended plans received 22 JUL 2016. Neighbours were notified 5th August 2016. No representations have been made to date.

Consideration and Assessment:

The site is a sloping site. It is the private rear garden of an existing dwelling situated within Saintfield settlement limits. The proposal will be considered in relation to current planning policy.

PPS7 Quality Residential Environments Policy QD1 requires proposal for residential development, such as this single dwelling within the settlement limits of Saintfield, to

demonstrate that that the proposal will create a quality and sustainable residential environment. That the design and layout would draw upon positive aspects of the character and appearance of the surrounding area. As the application is within an established residential area the proposal will not be permitted where it would result in unacceptable damage to the local character, environmental quality or residential amenity of the area. The proposal must comply with criteria (a)-(i) of Policy QD1.

The proposal is for an outline application for a single dwelling and garage. The site layout demonstrates how the proposal can be accommodated on site. The layout illustrates that a dwelling could only be accommodated with significant topographical alterations on site in order to provide a suitable and safe access to the site as well as significant cut to accommodate the proposed dwelling.

The Council requested the applicant's agent provide proposed levels and conceptual site sections to illustrate how the proposal could be accommodated within the topography of the site. This was requested in letter dated 22nd of April 2016 and was received on the 14th of June 2016. This information was considered insufficient and additional details were sought in letter dated 21st June 2016. Amended plans with additional details relating to the proposed development accommodating the sloping site were received 22 JUL 2016. Neighbours have been notified.

The proposal would require significant groundwork's to accommodate the proposed dwelling, the access and the internal lane. The layout indicates a retaining wall, use of graded banks and a bi-level dwelling. This would alter the topography of the site however due to the set back of the site from the Comber Road and to the rear of established dwellings I would not be of the opinion that this would disrupt the character of the area. The proposal is in keeping with Policy QD1(a).

The site abuts a designated Local Landscape Policy Area 8 as highlighted within the Ards and Down Area Plan 2015. The site is not within the LLPA. The site is within the settlement limits and would not detract from the LLPA or have adverse impact on the LLPA. There are no features of archaeological or built heritage that would be affected by the proposal. The proposal is in keeping with Policy QD1(b).

The site layout demonstrates the provision of private open space. There is no need for the proposal to provide any public open space. This is in keeping with Policy QD1(c). The layout also indicates existing hedges will be retained between the site and No 10 Comber Road with new hedge and fencing along the new boundary. While the details are vague this could be further supported through the use of planning conditions for new hedges to be heavy standard and planted within the 1st available planting season once development has commenced if the assessment considers the proposal acceptable and the condition necessary.

The proposal is for a single dwelling within an established garden. There is no need for the developer/applicant to provide neighbourhood facilities or a movement pattern to accommodate (d) and (e) of Policy QD1.

The layout demonstrates the proposed access and position of dwelling. This illustrates that the site can accommodate suitable car parking within the site and Transport NI has offered no objections to the proposal in terms of Creating Places or PPS3 Access, Movement and Parking. The proposal is in keeping with QD1 (f) and

there is suitable space to accommodate the parking for 2 spaces in keeping with the Departments Parking Standards. The introduction of a lane between No 8 and 10 Comber Road would have an impact on the existing dwellings and this will be considered.

Considering the proposal in relation to QD1(g) where the design of the development draws upon the best local traditions of form, materials and detailing. The layout details a dwelling that would be of a similar size to that of the existing dwellings on Comber Road. The design, materials and finishes would not be a consideration of the outline assessment however they could be accommodated through the use of planning conditions to ensure the proposal reflects that of neighbouring dwellings.

In order for the proposal to comply with Policy QD1 (h) the criteria states that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. This will be considered.

Due to the sloping nature of the site and its position to the rear of established residential properties, the Council requested the submission of additional details such as existing and proposed levels in a concept layout and cross-sections. The Council requested cross-section information for the proposal within letter dated 16th September 2016 and this was received 26th October 2016.

The cross-section, stamp received 26 OCT 2017, identifies a finished floor level of 81.100 which is over 10m higher than the level of the Comber Road when measured from the proposed access position (detailed as 70.400 in mid road point adjacent to access).

The concept layout demonstrates the proposed dwelling will be set back from the Comber road by 48m, with a separation distance from the rear gable wall of No 8 Comber Road of 32m and 28m separation from the rear gable wall of No 10 Comber Road.

Creating Places advises a separation distance of 20m when development abuts the private gardens of existing properties. It also states that an enhanced separation distance may be necessary on sloping sites.

The proposal would reduce the rear garden of No 8 Comber Road from approx. 59m to 24m depth measuring from the rear gable wall to the proposed shared boundary. The layout also indicates the dwelling positioned 28m NE from the rear of No 10 Comber Road (measuring from the rear gable wall of No 10). On a level site this would provide ample private rear amenity space for No 8 Comber Road while ensuring that No 10 would not be adversely affected due to loss of amenity. This is not the case with the proposal. The site has a significant slope with a steady increase in ground level from 70.400 taken from the proposed access with Comber Road to 84.820 as detailed at the north-eastern corner of the site.

The position of the existing dwellings of No 8 and No 10 Comber Road are located on a much lower ground level than that of the proposed dwelling. No 8 Comber Road has a finished floor level of 74.550 while No 10 Comber Road has a much

lower finished floor level of 72.760. The proposed dwelling would sit on a higher ground level and would have a finished floor level of 81.100. This would be over 8m higher than No 10 Comber Road and over 6.5m higher than no 8 Comber Road. The sloping nature of the site the separation distances as indicated within the proposed site layout plan would not protect the amenity enjoyed by the existing dwellings of No 8 and 10 Comber Road as the dwelling would significantly overlook the rear amenity space of the dwellings. This cannot be overcome through the use of conditions ie obscure glazing. Such a condition would not be realistic as it would be required along full front gable of the proposed dwelling ie the gable facing towards Comber Road. Planting could also not ensure the protection for the amenity of Nos 8 and 10 Comber Road from the dwelling that would sit with a finished floor level 8m higher than that of No 10 Comber Road.

The proposed access would require significant cut and manipulation of ground levels to enable a safe access. The access is proposed between Nos 8 and 10 Comber Road. It would not create any concerns relating to road safety. It requires removal of existing trees and some vegetation however this would not be detrimental to the character of the area and the trees are not protected through a Tree Preservation Order.

The internal access would run to the site from between detached dwellings at 8 and 10 Comber Road. Number 8 is detailed as within the applicant's ownership/control and identified within the site location map. The neighbouring 10 Comber Road has been notified and did not submit representation on the proposal.

The access will require a significant level of cut and groundworks to achieve a safe and useable vehicular access ie entry and laneway. This would create a new side boundary for No 8 Comber Road. The proposed boundary is detailed within the cross-section as a 1.2m high timber fence with a graded bank along both sides of the access lane to the shared boundaries. The new access would be 10m wide measuring from the existing side boundary of No 10 Comber Road (to remain) and the new side boundary of No 8 Comber Road.

No 10 Comber Road is situated close to the boundary shared with No 8 Comber Road. No 10 Comber Road is tilted in its orientation and has a separation from the boundary of No 8 of only 1m at its closest point. No 10 Comber Road would be significantly affected by the traffic movements generated by the new access.

New development must safeguard the amenity of existing residents. The protection of privacy of existing residents is a key consideration where new development is proposed adjacent to existing properties. This is supported by planning policy and within guidance of creating places.

Considering the sloping nature of the site, the amount of excavation required to facilitate the proposal and the adverse impact a dwelling and its access would have on the existing dwellings of No 8 and 10 Comber Road the proposal is contrary to Policy QD1 (h).

The proposal would not conflict with Policy QD1 (i) regarding crime and personal safety.

Ewart Davis BA MSc MRTPI
Town Planner
14, Killynure Avenue
Corryduff
BELFAST BT8 8ED

Tel:028 90813084
Mobile 07969 919145
Email ewart.davis@btinternet.com

Newry Mourne & Down Council
Planning Office
Downshire Civic Centre
Ardglass Road,
DOWNPATRICK,
BT30 6GQ

5th March 2017

Re: LA07/2015/1221/O – Dwelling and Garage 29.88m to rear (north) of 8, Comber Road, Saintfield for Mrs W Allen

This application is Item 6 on the 15th March 2017 Schedule and has been listed as a refusal on the grounds it would prejudice the existing amenities of Nos. 8 & 10. I enclose for your consideration the following additional information.

At the 2nd February Council Meeting Councillors discussed this case and suggested ways in which the proposal could be improved. The applicant has taken this advice on board and revised the scheme.

1. Application Details

10 neighbours were notified but no objections were raised.
When consulted Roads, NIEA & Water raised no objections.

2. Location

8, Comber Road is a detached bungalow located just within Saintfield's Development Limit. Its plot extends back some 90m from Comber Road to a wooded area which is part of the Price Estate. These woodlands will provide a backcloth to the proposal.

3. August 2004 Precedent (See Map 1)

Planning permission was granted (File Ref R/2003/1156/F) for an infill dwelling 23m to the rear of 6, Comber Road. 6A is set 16m to the rear of No.8 and looks directly into its kitchen and living room, and its access runs directly past No.8's living rooms.

This application was assessed against Creating Places (2000) & PPS 7 (2001) & PPS 3. The same Planning Policy documents are being used to assess the current application.

4. The Proposal

To construct a bungalow in the 60m deep rear garden of No.8, leaving No.8 with a 24m deep rear garden marked by a laurel hedge. Taking account of Councillors' advice the new dwelling will be moved further back. It will now be set 38.8m behind No.8 and enjoy a 15.9m deep front garden and a 13.7m deep rear garden. Access will be taken from Comber Road along the maturely hedged eastern boundary of No.8's garden.

5. Impact on No.8 (The Applicant's House)

As the Site Layout and photos 1, 2 & 3 indicate there will be mature trees and shrubs remaining within No.8's reduced rear garden and the new bungalow's front garden. "Creating Places" which sets the planning guidelines advises a separation distance of 20m, however the actual distance is well above this at 38.8m. As the photographs show, No.8 has only a toilet window in its rear elevation. Further within No.8's rear garden there are mature evergreen shrubs and trees which reduce overlooking. Indeed there are several mature conifers within the new bungalow's front garden.



Photo 1



Photo 2



Photo 3 – Rear Elevation of No.8

6. Impact on No.10 Comber Road

Taking account of Councillors' comments the new bungalow has been moved back and will now have a 30.6m separation distance from No.10. This is 50% more than "Creating Places" advisory 20m standard. The Councillors were concerned that the new bungalow looked directly into No.10's rear garden. To overcome this the dwelling has been swivelled round by 35% and the garage has been sited between it and the boundary hedge.

As the photographs 5 shows there are 4 tall trees within the proposal's front garden which will screen views to No.10. The boundary hedge will also be augmented by new tree planting. As Photo 6 shows, No.10 has a blank gable facing towards No.8 which is screened by a mature evergreen hedge. This hedge will be augmented by additional evergreen planting.



Photo 5 – Mature Trees



Photo 6 – No.10's Blank Gable

Conclusion

I trust Council will take full account of the above changes when reassessing this proposal.



DEVELOPMENT LIMIT MAP/PRECEDENT MAP ①
 SCALE 1:1250

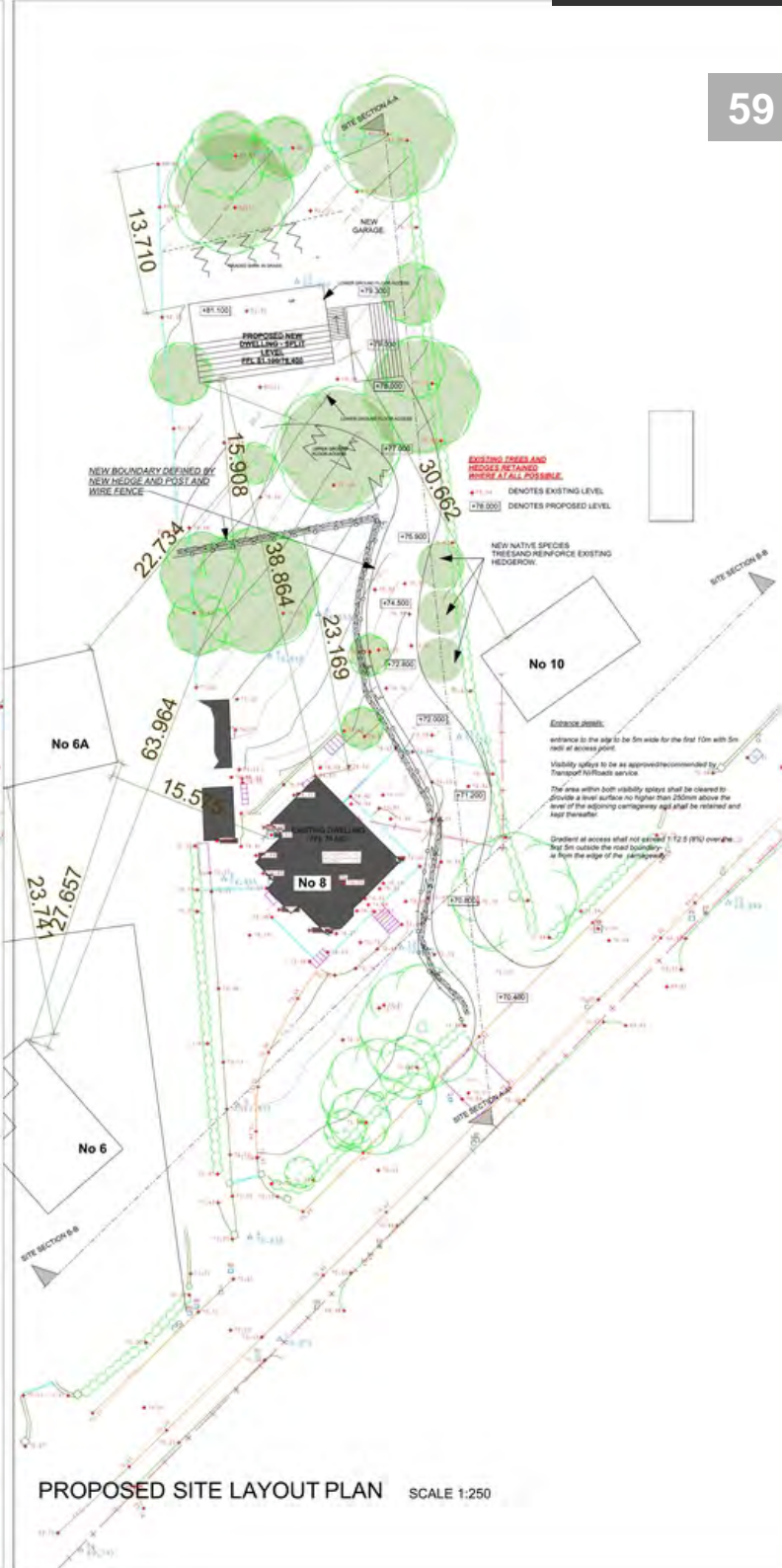


**MB ARCHITECTURAL
 DESIGN SERVICES**

PLANNING • BUILDING CONTROL • SURVEYS • CONSERVATION
 T. 077 3885 4520 • E. MICHAEL.BRAHUE@TISCALI.CO.UK
 28 CATHEDRAL PARK • DOWNPATRICK • BT30 6GF

**PROPOSED NEW DETACHED DWELLING
 AND GARAGE TO REAR
 OF No8 COMBER ROAD SAINTFIELD,
 FOR MRS W. ALLAN**

Drawing Name	
SITE LOCATION MAP	
Drawn by	Date
MB	NOVEMBER 2015
Drawing Scale	
1:1250	
Drawing no.	
Revision	




**MB ARCHITECTURAL
DESIGN SERVICES**

PLANNING - BUILDING CONTROL - SURVEYS - CONSERVATION
 1, 877 3885 4328 • E. MICHELLE@MBARCHIT.CO.UK
 23, ESTHERDALE PARK - DOWNPATRICE - BT33 5GF
 01208 716 116

PROPOSED NEW DETACHED DWELLING
 AND GARAGE TO REAR
 OF No8 COMBER ROAD SANTFIELD,
 FOR MRS W. ALLAN

Drawing Name
EXISTING AND PROPOSED SITE PLANS

Drawn by
MB

Checked by
MB

Designing Date
OCTOBER 2016

Drawing Scale
1:250

Drawing No.
1250

Revision
 REV A - PLANNING AMENDMENTS - 26-10-16
 REV B - SEPARATION DISTANCES INDICATED - 24-01-17
 REV C - HOUSE REPOSITIONED - 04-03-17

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	11			
APPLIC NO	LA07/2016/0821/F	Full	DATE VALID	20/06/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	C Canning 22 Ringhaddy Road Killinchy BT23 6TU		AGENT	HR Jess Architecture Planning & Management 1 Jordanstown Road Newtownabbey Co Antrim BT37 0QD 028 9036 4615
LOCATION	24 Ringhaddy Road Killinchy			
PROPOSAL	Change of House type to that previously approved under R/2012/0323/F. (Further amended plan received: clarification re: finishes and levels)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	54	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0821/F

Date Received: June 2016.

Proposal: Full planning permission is sought for a Change of House type to that previously approved under R/2012/0323/F, on lands at 24 Ringhaddy Road, Killinchy.

Applicant: Mr C Canning

Location:

The site is located in the countryside several mile north of Killyleagh in an AONB and Area of Constraint on Mineral Developments as identified in the Ards and Down Area Plan 2015. The site is also adjacent to Quarterland Bay and appears to be within/adjacent Strangford Lough Ramsar site, SPA, SAC, Marine Nature Reserve and ASSI. This Ringhaddy Road is a relatively narrow rural road which extends from the Ballymorrán Road and Killyleagh Road down to the shore and bay, whereby this area is largely characterised by agricultural lands although also comprises a number of roadside dwellings and holdings.

Site Characteristics & Area Characteristics:

The site is located towards the bottom end of Ringhaddy Road, adjacent to the shore (Quarterland Bay) and comprises a portion of land (field) adjacent to the dwelling of no.22 and its associated curtilage, buildings and lands, whereby development has commenced for the construction of a new dwelling, approved under application R/2012/0323/F.

The site for this dwelling is low lying, whereby the lands rise from the shore towards no.22. This site is accessed via the existing access serving no.24

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of applications within and adjacent to the site, however having account the nature of this proposal, the most relevant history observed

includes:

R/2012/0323- 70m north west of 22 Ringhaddy Road, Killinchy, New dwelling and double garage, Full, Approval, 12-02-14, Applicant: Mr Canning.

(This approved dwelling was located towards the lower lying portion of the field and comprised a single storey dwelling with detached double garage with store above. This dwelling shared the access point onto the Ringhaddy Road with no.22.

It is noted there was significant local opposition to this proposal while consultation was also undertaken with TNI, NIW, WMU, Rivers Agency, DAERA, PHB, PHM, and Natural Heritage)

Consultations:

Having account the nature of this proposal (change of house type) and constraints of the site and area, consultations have been carried out with Rivers Agency, NIEA and Shared Environmental Services, who offer no objections in principle. A HRA screening exercise was also undertaken as part of this application.

The comments from the respective consultees are noted, and having account the nature of this application, namely, a Change of house type, to an extant permission, in the same location, it is not considered necessary to seek further information or comments from any other body to determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with several properties along Ringhaddy Road initially in June 2016, however further neighbour notification letters were issued again in Sept, Oct and Dec 2016 and again in Jan 2017, following receipt of amended plans and additional information. The application was also advertised in the local press in July 2016.

In excess of 50 objections have been received to date (08-02-17) from properties along Ringhaddy Road, Ballymorrán Road, Ringdufferin Road, Lusky Road, Quarterland Road, Rathcunningham Road, Whitecherry Road (killinchy), The Spires Grove (Killinchy), Donaldson Planning on behalf of Concerned Ringhaddy Area residents, the Concerned Ringhaddy Area Residents themselves, and also RSPB, whereby the main issues raised include:

- the dwelling proposed is substantially bigger in height, width, depth and footprint (scale, height, mass and intrusiveness) along with a unnecessarily large and inappropriate garage,
- the design is ill-proportioned with an incongruous mix of elements and is wholly inappropriate, and will destroy the very special and unique landscape of this sensitive location,
- the fenestration is out of keeping with the area,
- the quality of the information submitted is inadequate,
- the proposal is contrary to PPS2,
- the proposal is contrary to policies CTY13 and CTY14 of PPS21,
- request that NIEA are consulted,

- queries were raised regarding the timing of the application and period afforded to comment on it,
- the history of the site, namely the previously approved dwelling and associated opposition and complaints are referred to,
- 3D images have been provided.

See file for full content of representations received, as the above s only a summary of the main issues raised.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS11, PPS15, PPS21 and supplementary guidance.

As stated above the site is located in the countryside, thus PPS21 applies.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans), whereby Policy CTY 1 sets out the range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

It is clear from the history outlined above there is a previous extant Full permission for a new dwelling on this site (R/2012/0323), the details of which are set out above. As such it is considered the principle of a dwelling has already been accepted and established for this site in accordance with the provisions of PPS21, subject to conditions.

The purpose of this report is to consider the change of house type proposed and not to re-visit the principle of development.

As outlined above neighbour notification has been carried out on a number of occasions since this application was first received in June 2016.

The original scheme and change of house type (June 2016) comprised a part 1 and part 2 storey dwelling with several returns and projections, whereby the Planning Dept queried where the agent had based the design of this dwelling having account the context of the guidance document Building on Design and also existing character of the area.

In response to this query amended plans were received in Sept whereby the tower/turret feature was removed while the elevations and finishes were also amended. As such a further round of neighbour notification was undertaken in Sept to advise neighbours and interested parties of these changes and affording an opportunity to comment.

However further amended plans were then received in Oct reverting back to the original scheme, which required a further round of neighbour notifications to be undertaken.

Following the expiry of the neighbour notification period these amended plans from Oct were considered and had been recommended for Refusal in Nov, with a view to being presented to the Planning Committee in Dec 2016.

However a further set of amended plans were then received from the agent in Dec, again removing the tower/turret feature and amending the house type/elevations. Receipt of these amended plans required a further round of neighbour notification. Further amended site layout plans were then received in Dec and again in Jan regarding the levels of both the site and dwelling. These again required further rounds of neighbour notifications to be undertaken.

It is clear from the above how this application for a change of house type has been amended on a number of occasions over the period of 7 months. These amendments have caused delays in the processing of the case, and have also been frustrating for all parties involved including neighbours/interested parties who have received a number of letters, whereby a number of interested parties have taken the time to make representations on each set of amendments, however the Planning Dept has a duty to consider amended plans received.

This situation is unfortunate for all parties involved, however this report is now based on the most recent plans received including the site layout plan date stamped 18th Jan 2017 and detailed plans date stamped 19th Dec 2016. (The site location plan and garage details have remained unaltered and are date stamped 20th June 2016).

The dwelling (change of house type) now proposed will be part single storey and part 2 storey, and will again include a number of projections.

This change of house type will be sited in the same place as that previously approved, whereby part of this previously approved dwelling has been constructed. It is noted the single storey portion of the dwelling comprising the sitting, dining, kitchen, bathroom and bedroom 3 are the same as that previously approved.

The dwelling previously approved was single storey with simple form, although it is noted there are a mix of house types, sizes and designs in this area.

While it is acknowledged the dwelling now proposed is larger than that previously approved, it is considered the size including height and scale, and also design and appearance are acceptable in this sensitive rural location, the zonings of which are outlined above.

The house type now proposed has been simplified from an earlier version whereby the central tower/turret feature and also end upper floor projection have been removed. The finishes proposed include a black natural slate roof, white upvc windows, painted cladding walls and black RWG's.

As stated above the dwelling will be sited in the same place, whereby the access, driveway, garage, levels, garden area, extent of curtilage and boundary planting will all largely remain as previously approved.

(As outlined above the levels will remain as previously approved. It is noted from the levels and drawings of the previous approval parts of the site were to be dug out and levelled with a retaining wall and bank being provided along the rear of the dwelling and garage. This will again be replicated whereby the height of which can be conditioned if considered necessary).

As such it is considered these change of house type proposal, will not result in any significant increased or unacceptable impact on the character of this area or any

adjoining property, on this low lying site, and complies with the applicable policy context including policy CTY13 and CTY14 of PPS21, and also NH6 of PPS2 and the SPPS.

It is noted there is considerable opposition to this application, and with regards to the representations received, it is considered that while there may be ongoing complaints, this is not a justifiable reason to hold the progressing of this application. The design of the dwelling now proposed has been outlined and considered above. This application was submitted in June, whereby there is no current restriction in place as to what day or month any application can be submitted. The history of this site is noted, however this application only deals with this current proposal for a change of house type to that previously approved, whereby the principle of a dwelling has already been considered acceptable at this location.

Taking into account the above, Approval is recommended, subject to conditions. (Conditions to include: substitution of previous approval, removal of permitted development rights, planting, height of retaining wall, NIEA comments, while also having account the conditions attached to the previous approval (R/12/0323)).

Recommendation: Approval.

Application R/2016/0821/F - Submission to Planning Committee on 15th March 2017

This application number R/2016/0821/F, **on its own merits**, should be **refused**, for the following reasons:

The application should not be described as a **change of house type** to that previously approved under R/2012/0323/F, because, as you will see from the attached images, that house has been largely completed and has been roofed. This application should therefore be for a **replacement dwelling**.

All of the points of objection which were raised by our Planning Consultant, Mr David Donaldson and by the Residents Group, in letters to Mr Mark Keane of July 2016 and subsequently, still apply to the latest and current plans. Please find attached. Namely:

This is a prominent waterfront site within an **AONB**. It is contrary to PPS 2, planning and nature conservation, Policy NH6 and it is contrary to PPS 21, sustainable development in the countryside, in relation to policy CTY 13 and CTY 14.

This application was recommended for **refusal** on 23rd of November 2016. Since that date, nothing of consequence has changed in regard to the principal objections of the Residents Group, Mr Donaldson or any of the many other objectors. We understand that a large number of changes to plans have been submitted, wasting a considerable amount of time for all parties and for which the reasons are unclear. However, we ask Councillors to consider the principles of all objectors who may not necessarily have written in again since the latest change. For example, we understand that the National Trust who objected strongly in September 2016, will be making Councillors aware of their updated position before the meeting.

No reasons or justification have ever been put forward for the changes or increase in size. In the absence of same, it would be reasonable for Councillors to assume that the enhancement in size and value would be for the purpose of 'development'. Such an assumption would be supported by the fact that the applicant styles himself as a 'self-employed Builder/Developer'. Further relevant information entered the public domain by virtue of a Special Council meeting held at Downpatrick Council offices on 25th October 2016. The meeting concerned the assertion of a public right-of-way along the shoreline of the planning applicant's property and which had been summarily blocked and closed in 2011. During an opening submission, which is on the public record and may be listened to on the Council website, Mr Frank O'Donoghue, legal counsel representing the planning applicant stated - 12 minutes and 33 seconds into the audio tape – as follows:

*"Mr and Mrs Canning **have sought to develop the lands**, at which point they have found that they have been objected to at every turn and they have now been confronted with this claim that, there, in fact, exists and has existed, going back many years, a public right of way running over their lands. And you will appreciate the significance of this claim and the impact that it has in terms of blighting their land and **blighting the development potential of their land** and you will have to ask yourselves as councillors, why that is so."*

We suggest that clarification should be sought from the applicant in this regard and, if confirmed, simply ask the question " If this is the declared intention, is it not contrary to the spirit and status of the AONB?"

Given that there are in excess of 50 objections on file from the general public, including the 123 members of the Residents Group, this is a highly controversial application. Yet the case officer's report and recommendation for approval, pays scant attention to all objections and is almost complete absent of analysis as to how the proposal now complies with planning policy.

The case officer also refers to the site being 'low level', but this completely misses the point that it is highly prominent in relation to the bay and the shore and in particular from the public road to Ringhaddy Quay and Cruising Club. It is a busy road, regularly used by tourists and visitors to the locale. The attached images refer.

We formally request and invite Councillors to visit the site and see this for yourselves.

In summary. Any further addition to what has already become an eyesore, detracting from previously virgin scenery is unacceptable. **The final revised plans are more than twice the floor area of the original approval and existing part completed dwelling.**

The scale, height, mass and intrusiveness of this building in a previously undeveloped area, remain completely at odds with, and inappropriate to, the specific scenic location. The Residents Group and other objectors consider it to be both shortsighted and irresponsible for planners to recommend it to the Planning Committee for approval.

These are the specific, clearly stated objections to the planning application as it stands, on its own merits.

We must now bring Councillors attention to the turbulent planning history of this site and advise that this latest recommendation for approval simply compounds a highly controversial series of developments on these lands going back to 2005. The fact of these circumstances cannot be ignored, as **no dwellings whatsoever** would be currently built on the site, had the former Department of the Environment planning department in Downpatrick not been guilty of two instances of **maladministration** concerning applications number R/2005/0664/F and R/2005/1506F.

This **maladministration** is clearly identified by the Northern Ireland Public Service Ombudsman in her initial report to the Resident's group, dated 10th October 2016. She also instructed the Department for Infrastructure to send an official apology to the Resident's Group for the injustices suffered as a consequence.

The Group are constrained by references in the report to matters of 'confidentiality' which the Ombudsman has been asked to clarify. It may be possible to make the report available to Councillors at the meeting on 15th March.

Finally, we ask Councillors, in light of the foregoing, to examine your consciences in regard to the moral as well as the statutory planning issues surrounding this application. This is a matter of 'Planning Judgement'. Two 'wrongs' do not make a 'right'. Can it be right to compound early planning mistakes and poor decisions, ignore the AONB status and consign this beautiful stretch of unspoilt coastline to ongoing development?

D104

4 July 2016

Mr Mark Keane
Newry, Mourne & Down District Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
Co Down
BT30 6GQ

Dear Mr Keane,

LA07/2016/0821/F – Proposed Dwelling at No 24 Ringhaddy Road, Killinchy, Co Down, BT23 6TU

I refer to the above. This Practice has been requested to make representations on behalf of the Concerned Ringhaddy Area Residents (CRAC).

Proposed Development

The proposal occupies a **prominent waterfront site** within an **AONB** which is isolated from the other buildings on this holding. The new application seeks a change of house type to permit a substantially increased dwelling, in height, width, depth and footprint, along with an unnecessarily large and inappropriate one and a half storey garage. In particular, the proposed dwelling will be ill – proportioned, with an incongruous mixture of single and two storey elements. The fenestration in particular is out of keeping with the area, with a mixture of vertical windows, panoramic windows, balcony features and round portholes. Cumulatively, the design lacks integrity and its 'Disney-like' appearance is wholly inappropriate for this sensitive location.

Submission Quality

The quality of the submission drawings and documentation is inadequate. In particular, the submitted Design and Access Statement (such as it is) fails to comply with the Article 6 requirements of the Planning (General Development Procedure) Order NI 2015. This is reproduced below:

- (3) A design and access statement shall—
- (a) explain the design principles and concepts that have been applied to the development;
 - (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
 - (c) explain the policy or approach adopted as to access, and in particular, how—
 - (i) policies relating to access to, from and within the development have been taken into account;
 - (ii) policies relating to access in the local development plan have been taken into account; and
 - (iii) any specific issues which might affect access to the development for disabled people have been addressed;
 - (d) describe how features which ensure access to the development for disabled people will be maintained;
 - (e) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation;
 - (f) explain how any specific issues which might affect access to the development have been addressed; and
 - (g) explain the design principles and concepts that have been applied to take into account environmental sustainability.

The DAS completely fails to explain any of the design principles or concepts which have been applied. Nor does it provide any rational consideration of site context or relevant policy. There is nothing whatsoever in relation to environmental sustainability. Plainly, this document is wholly inadequate, and demonstrates a lack of understanding of the legislation and the objectives behind it.

Other aspects of the proposal which are inadequate include the absence of floor levels or any details of retaining structures. Without this information, no competent assessment can be made of the impact of the proposed dwelling. Nevertheless, it is obvious that no effort has been made to minimise or avoid retaining structures through competent or appropriate design.

Policy PPS2 Planning and Nature Conservation

The proposal is located within the **Strangford and Lecale Area of Outstanding Natural Beauty ("AONB")**.

Policy NH6 of **PPS 2** 'Planning and Nature Conservation' sets out policies for development within AONBs. It states that;

- siting and scale should be sympathetic to the special character of the AONB;
- it should respect or conserve features of importance to the character, appearance or heritage of the landscape; and
- it should respect architectural styles and patterns, traditional boundary details (by retaining features such as hedges wall trees and gates); and local materials, design and colour.

The proposed dwelling completely fails to comply with the above. It will be an alien and intrusive feature in this sensitive lough shore location. The scale of both the proposed dwelling and the detached garage block are inappropriate. No regard is had to natural features, most of which have now been obliterated. The proposed dwelling now appears to encroach within the root protection zone of the trees along the north western site boundary. The materials and colour are certainly not

reflective of typical buildings in this area, and certainly not when applied to a building of the scale proposed.

PPS21 Sustainable Development in the Countryside

The development fails to comply with PPS21 requirements in respect of integration and character.

Policy CTY 13 states that permission will only be granted for a building in the countryside where it can be visually integrated, and it is of an appropriate design. This proposal will not be visually integrated, nor is it of appropriate design. It fails to meet a number of the relevant criteria, including:

a) it will be unduly **prominent** in the local landscape, particularly from public views across the bay;

b) it lacks long established boundaries;

c) it will encroach upon and threaten trees along the north western boundary. Furthermore, because of the rise in ground levels, retaining walls will be required along the rear of the building - these will be an insensitive and alien feature in the rural landscape;

d) ancillary works do not integrate - the proposed **one and a half storey detached garage** is much too large, and will extend the area of the built form excessively along the shore frontage. A two car garage could be half the size and **not** require a room above with six velux roof windows. The sheer size lends weight to the possibility that permission could be sought to convert a garage of this scale to residential accommodation in due course;

e) the design of the proposed dwelling is inappropriate - whilst there may be one or two examples of older timber dwellings around the Lough these are small in scale and simple in form. The use of painted timber for such a large and ill-proportioned dwelling is inappropriate on this prominent site;

f) the proposal will fail to blend with landform as it does not respect the sloping nature of the site; and

g) it fails to cluster with an established group of buildings on the farm.

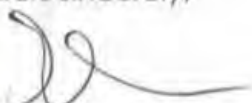
Policy CTY14 relates to rural character. The proposed development will erode rural character. The proposal will be prominent from views across the bay and will adopt a suburban style of development; it will result in 'build up' along the lough shore; it does not respect traditional settlement patterns; and the ancillary works will damage rural character. The traditional settlement pattern is not 'hacienda type' houses and garages sprawled along the shoreline, but clustered in tight groups, and usually sited back from the shore.

Conclusions

The proposed dwelling is located in an AONB which is highly sensitive to change. For such a sensitive location it is surprising that the submission is so poor in terms of its design, presentation and supporting documentation. However it is clear that a clapperboard house of this scale, and with such little uniformity or cohesion in its design, is wholly inappropriate.

Planning permission for this development must be refused.

Yours sincerely,



David Donaldson
BSc Hons MRTPI

Cc CRAC.

D104

26 September 2016

Mr Mark Keane
Newry, Mourne & Down District Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
Co Down
BT30 6GQ

Dear Mr Keane,

LA07/2016/0821/F – Proposed Dwelling at No 24 Ringhaddy Road, Killinchy, Co Down, BT23 6TU

I refer to the above and to previous correspondence.

I note that, in an attempt to render this proposed dwelling more acceptable, the Applicant has submitted revised plans.

It appears that the footprint of the proposed dwelling remains exactly the same as before. The only real changes are to the front elevation and the materials.

It is clear that these plans do little to render the proposal acceptable. The front elevation retains its two storey feature, but instead of being a 'tower' it presents a gabled elevation to the lough. However it retains an incongruous variety of roof pitches and proportions (with flat roof elements, projecting side dormers etc) which are not in keeping with this sensitive rural location.

In terms of finishes, I note that the green painted cladding has been replaced with untreated cedar and render. The use of this cedar cladding will still make the dwelling look like an incongruous temporary building. Whilst such a finish might be acceptable for a small cabin or garden shed, it is clearly inappropriate on a lough shore house of such substantial scale.

Other aspects of the proposal which still remain inadequate include the absence of floor levels or any details of retaining structures. Without this information, no competent assessment can be made of the impact of the proposed dwelling. It remains obvious – and unacceptable – that no effort has been made to minimise or avoid retaining structures through competent or appropriate design.

Conclusions

The proposed dwelling is located in an AONB which is highly sensitive to change. For such a sensitive location it is surprising that even this revised submission remains so poor in terms of its design, presentation and supporting documentation. A house of this scale, and with such little uniformity or clarity in the design concept, must fail to comply with rural planning policies.

Planning permission for this development must be refused.

Yours sincerely,

David Donaldson
BSc Hons MRTPI

cc CRAC.

Mr Mark Keane,
Newry, Mourne & Down District Council,
Planning Office, Downshire Civic Centre,
Ardglass Road, Downpatrick,
Co Down
BT30 6GQ

Concerned Ringhaddy Area Residents
50 Ringhaddy Road,
Killinchy,
Newtownards,
Co Down
BT23 6TU

8th July 2016

Reference: Planning Application: LA07/2016/0821/F
24 Ringhaddy Road, Killinchy, Newtownards, Co Down, BT23 6TU

Dear Mr Keane

We write on behalf of **one hundred and fifteen** very concerned members of the public, to object strongly to the proposals set out in the above noted planning application which would, in effect, be adding substantially to an already controversial construction and development programme in an environmentally sensitive location.

You are very much aware of the enormous weight of local opinion accompanied by strong political support which has been moved to object to the ongoing development activities on this ten acre site in an **AONB** since 2005. Objections which have been consistently ignored and overruled by Planners.

You are also aware that these activities are currently the subject of **six official complaints to the Northern Ireland Ombudsman**. Indeed, complaint number three is specifically concerned with the approval of application number R/2012/0323/F, where the PPS21 legislation was seemingly imbued with a 'presumption to approve' over the AONB status of the site. There is no other adequate explanation as to why planners should have granted this approval when they had it within their discretionary powers to refuse. The results of the investigation should be considered before any further planning decisions are taken.

This new application is for a substantially increased dwelling, in height, width, depth and footprint, along with an unnecessarily large and inappropriate one and a half storey garage. Many of the objections raised, are similar to those raised against the original application, only this time with greatly increased emphasis.

The consultation window for responses to this application, running, as it does, over the July holiday shutdown period, is completely inadequate, with a deadline given of the eleventh night! This should be extended for at least a further four weeks.

The proposal is located within the **Strangford and Lecale Area of Outstanding Natural Beauty ("AONB")** and will represent a prominent, expanded development within this supposedly protected area. During the course of its consideration of the original proposal, the Department received numerous objection letters relating to the impact on visual amenity presented by the proposal and its non-compliance with relevant planning policy.

Criteria (c) of CTY10 very clearly requires a new dwelling to 'cluster' with an existing group of buildings on the 'farm'. This criteria is not satisfied by either the original or current proposal. The proposed dwelling is sited some 45 metres from the existing farm barn, and at the opposite side of an open field. It is plainly not clustered or visually linked with the farm buildings, but represents an obvious attempt to site the dwelling as close to the lough shore as possible.

The applicant appears to be relying heavily upon the fact that a Lawful Development Certificate was issued in 2011 for an additional barn which has not yet been built and cannot therefore be considered as part of a cluster. Whilst we have concerns that this barn was not tested for being and is not 'reasonably necessary for agriculture' as required by the legislation, the simple fact is that the barn has not been and **may never be** constructed. It is clearly just an attempt to extend the 'paper footprint' in order to try and justify the site for the proposed dwelling.

On the basis of the original 'farming' evidence produced by the applicant (6 ewes, 2 goats and 6 chickens) there can hardly be any justifiable reason to construct this additional and substantial farm barn! It must therefore be excluded from any consideration in respect of visual linkage or clustering.

In essence, the proposal occupies a prominent waterfront site which is isolated from the other buildings on the holding. It therefore fails to comply with criteria (c) of CTY10.

In addition to CTY10, all buildings must comply with CTY 13 and 14 of PPS21.

CTY 13 states that permission will only be granted for a building in the countryside where it can be visually integrated, and it is of an appropriate design. The proposal will not be visually integrated, nor is it of appropriate design. It fails to meet a number of the relevant criteria, including:

- a) it will be **unduly prominent** in the local landscape, particularly from public views across the bay;
- b) it lacks long established boundaries;
- c) the proposal will require new landscaping along the entire western boundary. Furthermore, because of the rise in ground levels, a retaining wall will be required along the rear of the building - this will be an insensitive and alien feature in the rural landscape;
- d) ancillary works do not integrate - the proposed **one and a half storey detached garage** is much too large, and will extend the area of the built form excessively along the shore frontage. A two car garage could be half the size and **not** require a room above with six velux roof windows. **The sheer size lends weight to the possibility that permission could be sought to convert a garage of this scale to residential accommodation in due course;**
- e) the design of the proposed dwelling is inappropriate - whilst there may be one or two examples of older timber dwellings around the Lough this is clearly inappropriate for a new dwelling of such large proportions on this prominent site;
- f) the proposal will fail to blend with landform as it does not respect the sloping nature of the site; and
- g) it does not cluster with an established group of buildings on the farm.

Important Note: Since the original approval for R/2012/0323/F was granted, trees and hedging have been removed which provided some screening between the part constructed building and the shore. This is evidenced from before and after photographs taken from the Ringhaddy Road as it follows the shore line and therefore increases the prominence of the 'view' of the development site for locals, tourists, environmentalists and nature lovers. Illustrative images are attached.

CTY14 relates to rural character. The proposed development will erode rural character. The proposal will be prominent from views across the bay and will adopt a suburban style of development.; it will result in 'build up' along the lough shore; it does not respect traditional settlement patterns; and the ancillary works will damage rural character. The traditional settlement pattern is not 'hacienda type' houses and garages sprawled along the shoreline, but clustered in tight groups, and usually sited back from the shore. This could begin to create a ribbon of development, with potential for an 'infill' to be created in future.

PPS 2 Planning and Nature Conservation; the proposal is inconsistent with Policy NH6 - AONBs as the siting and scale is clearly not sympathetic to the character of the locality and does not respect local architectural styles or patterns, materials etc.

The Department acted unlawfully and in breach of the Habitats Regulations and Habitats Directive by failing to carry out a proper appropriate assessment of the implications for a project for Strangford Lough Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site:

a. Regulation 43 of the Habitat Regulations (and Article 6.3 of the Habitats Directive) required the Department to make an appropriate assessment (through a robust HRA) of the implications for the site in view of its conservation objectives and, in the light of the conclusions of the assessment, agree to the project only after having ascertained that it will not adversely affect the integrity of the site;

b. Regulation 49(3) of the Habitats Regulations provides that where Regulation 43 applies, permission shall not be granted unless the Department is satisfied that no development likely to adversely affect the integrity of a European site in Northern Ireland could be carried out under the permission;

As one example, it should be noted that Quarterland Bay and its environs are home to a number of pairs of **Curlew**. These rare birds, with their evocative cry, are red listed and designated as a Near Threatened Species under Schedule 1 of the RSPB lists. There are only 526 breeding pairs in Northern Ireland. It is time to call a halt to the further undermining of the wildfowl and wildlife environment in this AONB.

All of these points are supported by photographs and computer generated images highlighting the prominence of the proposed development. Unfortunately, due to the time constraints noted, these are unavailable at the time of writing but will be forwarded to you in due course.

This application should be refused!

Yours sincerely

The Steering Committee for

Concerned Ringhaddy Area Residents

115 Signatories on this date

(Protecting Strangford Lough)

Mr Mark Keane,
Newry, Mourne & Down District Council,
Planning Office, Downshire Civic Centre,
Ardglass Road, Downpatrick,
Co Down
BT30 6GQ

Concerned Ringhaddy Area Residents
50 Ringhaddy Road,
Killinchy,
Newtownards,
Co Down
BT23 6TU

78

22nd January 2017

Reference: Planning Application: LA07/2016/0821/F
24 Ringhaddy Road, Killinchy, Newtownards, Co Down, BT23 6TU
Revised Plans Submitted – Your Letter 18th January 2017 refers

Dear Mr Keane

We note the revised plans re your letter of 18th January 2017 and write to object.

We also refer to our letters of 8th July, 25th July, 30th September, 14th October, 28th November, 19th December, 2016 and 12th January 2017, objecting to the above application.

We and our consultants have examined the further revised plans and confirm that whilst FFLs may have been adjusted, they make no difference to the remainder of the many and substantial objections raised by ourselves and others. We confirm that:

1. We strongly object to **any increase in size** from the original approval which, in itself, should never have been granted.
The whole accumulation is **almost three times the size of the originally approved dwelling** with no case made in support of any increase. It is unnecessary, unwarranted and unwanted.
2. **The scale, height, mass and intrusiveness remain completely inappropriate** to the specific, scenic location (clearly visible from the public road) and the area in general. The unnecessarily large and tall garage, visually aggravates the situation.
3. The area remains one of designated **Outstanding Natural Beauty**. AONB status should, at the very least, provide protection against such further development within this unique environment.

All of these points of objection raised in our previous objection letters remain in place. Once again, we put on notice and urge planners to note that the Report from the Northern Ireland Ombudsman upon our six formal complaints going back over three years, will undoubtedly impact significantly upon all future decisions concerning this development site and urge that no 'Approval' decisions should be considered until this is made clear. This will not affect 'Refusal' decisions which are called for, appropriate and to be welcomed.

Permission should be refused.

Yours sincerely

The Steering Committee for
Concerned Ringhaddy Area Residents
120 Signatories on this date
(Protecting Strangford Lough)







The Development Site 22&24 Ringhaddy Road with proposed new designs in application 0821

Quarterland Bay, Western Shore

22 Ringhaddy Road, Approx 2005 – Note garden shed, top left. (Representation drawn from memories of local residents)

82



22 Ringhaddy Road, April 2014 — An “Area of Outstanding Natural Beauty” — now, not so natural and becoming less so.

Since 2005, Planning Service *mistakenly* affirmed the shed as a *dwelling* — all development followed with approximately six planning applications approved and more pending. Recently approved house and garage under construction in foreground. New design in application 0821 shown as 3D representation

Strangford Lough is supposedly the most heavily protected, environmentally sensitive area in Northern Ireland.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	14			
APPLIC NO	LA07/2016/1106/F	Full	DATE VALID	19/08/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr John Kelly 39 Drumsnade Road Ballynahinch BT24 8NG	AGENT		
LOCATION	Land to the East 58 Drumsnade Road Ballynahinch BT24 8NG	NA		
PROPOSAL	Single storey detached farm dwelling and garage (amended plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY13 (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1106/F

Date Received: 19.08.2016

Proposal: Single storey detached farm dwelling and garage (amended plans)

Location: Land to the East 58 Drumsnade Road, Ballynahinch, BT24 8NG. This site is 9.4miles west of Downpatrick and 5.3miles South of Ballynahinch. It is positioned within the Eastern portion of the district (Drumaness Council Ward)



Site Characteristics & Area Characteristics

The site is accessed from an established lane that serves as a shared access for farm lands and detached dwellings. The site is within the countryside situated south of Ballynahinch.

The site is the mid-section of a larger agricultural field. The larger field shares its boundaries with the Drumsnade Road, the lane and a neighbouring detached dwelling. The field has an undulating topography with rocky outcrop. Due to the cut-out nature of the site, it lacks boundary definition along the north and south

boundaries. The eastern boundary is defined with a post and wire fence with some hedge and a stone ditch, the western boundary is defined by vegetation and a ditch.



The access land for the site also serves detached dwelling and garage of No 58 Drumsnade Road, farm land and agricultural buildings

Site History:

There is no history associated with the site. The following is the history that includes the lane;

Reference	Location	Proposal/Complaint	Status	Date
LA07/2016/1106/F	Land to the East 58 Drumsnade Road.	Single storey detached farm dwelling and garage	VALID APPLICATION RECEIVED	
R/1996/0195	58 DRUMSNADE ROAD BALLYNAHILL	Dwelling	PERMISSION GRANTED	
R/2010/0042/O	Land approx 240 metres East of 62 Dr.	Proposed single replacement dwelling (single storey), in	PERMISSION REFUSED	03.12.2010
R/2009/0358/Q	Drumsnade, Ballynahinch	Enquiry regarding three replacement dwellings.	PRE APPLICATION ENQUIRY - NO	
R/2010/0344/O	Land approx 220 metres East of No 62	Refurbish and extend existing single dwelling B, includir	APPLICATION WITHDRAWN	01.11.2010
R/2010/0304/O	Land approx 250 metres East of No 62	Refurbish and extend existing single dwelling A, includir	PERMISSION REFUSED	30.09.2010
R/1991/0261	58 DRUMSNADE ROAD BALLYNAHILL	Bungalow and garage	PERMISSION REFUSED	
R/1999/0887/A41	58 Drumsnade Road, Ballynahinch	Roof space conversion and conservatory extension	PERMITTED DEVELOPMENT	
R/1994/0589	58 DRUMSNADE ROAD BALLYNAHILL	Bungalow & Garage	APPLICATION WITHDRAWN	
R/1986/0253	58 DRUMSNADE ROAD, BALLYNAHILL	BUNGALOW	PERMISSION GRANTED	
R/1981/0181	58 DRUMSNADE ROAD, BALLYNAHILL	REPLACEMENT BUNGALOW	PERMISSION GRANTED	
R/1980/0234	"WHINNEY HILL", 102 BRYANSFOR	CHANGE OF USE TO MULTIPLE SCLEROSIS CLINIC	APPLICATION WITHDRAWN	

Farm History

Page 8 and 9 of farm maps include the registered address of the farm business;

R/1999/0317

39 Drumsnade Road

2 Storey replacement farm dwelling

GRANTED 16.7.1999

Farm maps pages 4 and 6;

R/2012/0448/F Mr and Mrs Lurring

Farm dwelling in substitution of R/2010/0830 (Farm business id 645621) Granted

R/2010/0830 Mr James McCormick

Farm dwelling (farm business id 645621) Granted

R/2002/1362/O Mr and Mrs Smyth

Dwelling Refused 30.11.2004

(NOTE the above sites refers to land taken in conacre and the farm dwelling has been granted in relation to a different farm business id)

R/2001/1497/F Mr Finbar Kelly

New domestic dwelling at 57 Magheratimpany Road Granted 2.5.2002

R/1999/0823/O Mr John Kelly

Site for dwelling, Granted 18.1.2000

R/1992/0451

Replacement dwelling at 57 Magheratimpany Road, Granted 30.6.1992

R/1995/0470

Replacement dwelling at 57 Magheratimpany Road, Granted 1.8.1995

Farm map 7

R/2005/0139/O Patrick Kelly

Dwelling 200m W of 86 Drumsnade Road, Refused 22.5.2006

(NOTE this site refers to land taken in conacre)

Farm map 10

R/2014/0639/F Drumsnade Renewables

Wind Turbine 250KW 50m hub and 54m rotor diameter at 494m SW of 15 Newcastle Road, PENDING

R/2014/0467/f Drumsnade renewables

Wind Turbine 250KW 50m hub and 54m rotor diameter at 313m SE of Hackle Hill
WITHDRAWN 20.11.2016

R/2011/0272/F Aircore Drumaness Road

Wind Turbine 50m hub with 30m rotor diameter 505m SE of 62 Drumsnade Road,
GRANTED 7.12.2012

(The wind turbine applications relate to lands taken in conacre)

Farm map 12

R/2013/0161/F Mr John Kelly

Erection of a 30m hub Wind Turbine with 30m rotor, GRANTED 27.11.2013

(land owned by applicant at Drumnaquoile Road)

Planning Policies & Material Considerations:

The application will be considered in relation to the Regional Development Strategy, the current Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access, Movement and Parking and Building on Tradition (design guide associated with PPS21).

Consultations:*Transport NI*

Seeking revised plans to address need for visibility splays at 2.4m by 70m the laneway widened to 4.8m for first 10m and the telegraph pole to be re-sited. The information was forwarded to the applicant in letter dated 6th September 2016 with relevant notices to be served if applicable.

Revised plans received 15th of September 2016. Transport NI re-consulted. Comments received 12th October offering no objections and detailing conditions and information for the applicant. Conditions will be considered and attached should the application be approved.

DAERA Downpatrick

Responded to advise the farm business ID 613009 has been in existence for more than 6 years. The business has claimed Single Farm Payment (SFP), Areas of Natural Constraint (ANC) Payment or Agri Environment Scheme Payment in the past year.

Department for Communities - Historic Environment Division

Responded with no objections to the proposal

NIEA

Responded to advise Drainage and Water offer no objections and referring the applicant to standing advice.

NI Water Ltd

Standard response detailing information for the applicant

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 7th September 2016.

A total of 5 neighbouring dwellings were notified.

Letter of support from then Cllr Clarke received via email on 30.8.2016.

Neighbours re-notified on 29th November 2016 due to amended plans received.

Consideration and Assessment:

The proposal is a full application for a dwelling in relation to farm.

The Strategic Planning Policy Statement for Northern Ireland includes strategic policy for residential and non-residential development in the countryside. It must be considered along with PPS21 Sustainable Development in the Countryside which also identifies criteria for consideration of such proposals within the countryside. One such avenue for sustainable development is the consideration of dwelling granted in relation to farms. The SPSS and PPS21 Policy CTY10 do not differ. The proposal must meet the following criteria:

(a) The farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities (out-with settlement limits) have been sold off from the farm holding within 10 years from the date of the application applicable from the 25th of November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane

The proposal must also comply with policy criteria relating to integration, rural character and development relying on non-mains sewerage.

The farm business is registered to the applicant, Mr John Kelly at 15 and 39 Drumsnade Road, Ballynahinch. This is highlighted on the DARD maps. The farm business ID is 613009.

On receipt of the application, the case officer requested farm maps to be submitted detailing all land owned, land taken in conacre, identifying the main group of buildings and any other buildings on the farm. This information was received on the 9th of September 2016.

Further to Council letter dated 11th November 2016 the design of the proposed dwelling was amended and additional supporting information received on 28th November 2016. Neighbours were re-notified on 29th November 2016. The design of the farm dwelling will be considered after the principle of development has been discussed.

The farm business is active and established for at least 6 years, this is also confirmed by DAERA Response. The proposal is in keeping with CTY10 (a).

Considering the farm history, as with all farm dwelling applications, a thorough search of the farmland has been conducted. It is detailed within site history. There is no evidence to suggest development opportunities within the lands owned by the applicant that have been sold off or disposed from the holding. Recent approvals on the farm land relate to lands taken by the applicant in conacre and wind turbine applications. The proposal is in keeping with CTY10 (b).



Policy CTY10 (c) of PPS21 and the SPPS require a farm dwelling to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane.

The proposal is accessed via an established laneway which serves as access to agricultural lands, buildings and provides an additional access for No 58 Drumsnade Road

Further to request for clarification in relation to the location of farm buildings on the holding in letter dated 25th of August 2016, the applicant highlighted this information in farm maps received 9th September 2016.

The farm is registered to 2 separate addresses, 39 and 15 Drumsnade Road.

The main group of farm buildings appears to be at 39 Drumsnade Road. There are also farm buildings at 15 Drumsnade Road however the applicant did not identify these buildings as being part of the farm business.

The buildings at No 39 Drumsnade Road are access through a shared lane and the farm maps indicate the applicant owns farm land to the side and rear of these farm buildings. However the applicant does not own the land either side of the lane which provides access to Drumsnade Road. This lane also serves as access to No 39

Drumsnade Road and a neighbouring dwelling at No 37 Drumsnade Road. No 37 is not linked to the farm business. This lane is not owned by the applicant who makes use of this lane by way of a 'right of way' as detailed within supporting information supplied by the applicant.

There are agricultural buildings at No 15 Drumsnade Road. This buildings are not identified within the farm maps as part of the holding. The applicant also owns the farmland to the side and rear of this address.

The proposed farm dwelling would not be sited to cluster with or have a visual link with existing buildings on the farm.

Considering the site proposed by the applicant for the farm dwelling, the proposal will make use of an established access onto the Drumsnade Road. To the immediate south of the site is a singular structure of a temporary nature with an informal turning/passing bay. There is no formal yard area or boundary definition to separate this area, ie passing bay from the lane. During site inspection the building was used as a shelter for storing hay with silage bales also within the layby area, photography below. The building has a metal frame and is enclosed on 3 sides and the roof by a single layer of tin that is incomplete in places. The front elevation of the building, which faces south east, is completely open.

Front elevation of the building



Rear of the structure



The policy requires dwelling on farms to be sited to visually link with or cluster with an established group of buildings on the farm. The lane serves as access to an additional farm building to some distance to the south of the site which is also a singular building with an associated yard and silo. Considering the site in relation to the farm buildings served by the lane, the site does not have a visual link or is sited to cluster with an established group of buildings on the farm.

When measuring from the site layout, a scaled plan submitted by the applicant, this singular building has a separation of over 90m to the established farm building to the south.



A history search of the area reveals there is no current or previous approval for the singular farm shelter immediately south of the site, on the applicants holding. When you consider the criteria of agricultural permitted development as defined within The Planning (General Permitted Development) Order (Northern Ireland) 2015, Part 7 Agricultural Buildings and Operations, the proposal is located more than 75m from the farm building to the south.

The established building to the south of the site would measure approximately 195m to the south of the proposed dwelling. Having inspected the site and the surrounding area, there is no visual link between the established group of buildings to the south and the proposed farm dwelling. The applicant appears to rely on a singular building on the farm which does not benefit from planning permission and is unlawful. This is not in keeping with CTY10(c).

The applicant has provided supporting details, submitted with the application on 19th of August 2016 which supported the proposed site. This information identifies the proposed farm dwelling as having a visual link to both the singular building and the farm building further south. Having inspected the site and considered the view identified by the applicant as north of the site on Drumsnade Road I would not share the applicants opinion. The proposed site would have a visual link with the singular shelter that abuts the southern boundary of the site. There is no visual link with the applicants farm building and yard further south of the site. The view is detailed in the following photo:

View of the site from the Northern most corner of the field at Drumsnade Road.



The Council advised applicant of concerns relating to policy and the design of the proposal in letter dated 11th November 2016. Additional information received 28th of November 2016 has been considered. The applicant refers to the critical view previously identified on the Drumsnade Road to the north of the site (at the field gate) within the original submission. This view has been considered, and is identified in the photograph above. This view does not demonstrate a visual link between the site and an established group of buildings on the farm.



The applicants information refers to appeal decision 2014/A0255 (P/2014/0190/O) for a dwelling on a farm at lands adjacent and south and south west of no.36 Glenloughan Road, Kilkeel which allowed for a farm dwelling to be positioned beside 2 farm buildings. Considering the details of the appeal referenced it does not reflect the circumstances of farm buildings relating to the application at hand. Each application must be considered on its own merits.

The applicant also highlights there is no scope for improvements to visibility splays for access to facilitate development of a farm dwelling at 39 Drumsnade Road ie established group of buildings on the farm and internal access through the farm yard would not be ideal for the applicant. The applicant considers the site, as proposed, would provide an opportunity to improve the visibly splays and a safe access. The applicant acknowledges that issues concerning ownership of the laneway remain a civil matter.

There are options available on the applicants owned lands at 39 and perhaps 15 Drumsnade Road that would provide sites that could meet policy criteria relating to dwellings on farms.

Further to internal discussions the Council, in letter to applicant dated 23rd of January 2017, highlighted concerns related to the unauthorised building adjacent to the site and the requirement for dwellings to be visually linked or sited to cluster with an established group of buildings on the farm. Council received a response on the 26th of January 2017 which has been considered. However Council must assess the plans as submitted by the applicant which highlight a significant separation between the shelter, neighbouring the proposed site and the farm building and yard, owned by the applicant and positioned further south.

The applicant also highlights the topography and geology of the land results in difficult terrain to re-site the proposed farm dwelling within land to the south of the site. The applicant also highlights personal circumstances relating to the farm business and its future within the family.

Policy CTY10 provides an exception to criteria (c) provided there are no other sites available at another group of buildings on the farm and where there are verifiable plans to expand the farm business at the existing building groups or demonstrable health and safety reasons. Considering the supporting information supplied by the applicant during the processing of the application, the proposal would not satisfy the exceptions to the policy.

Considering all the proposal in relation to policy as well as supporting information submitted by the applicant, the proposal fails to satisfy policy CTY(c).

Policy CTY10 also requires that the proposed site must also meet requirements of CTY13 Integration, CTY14 Rural Character, and CTY16 Development relying on non-mains sewage disposal.

The proposal is a full application and is supported with plans of the proposed dwelling.

Policy CTY13 considers integration and design of buildings in the countryside and sets out criteria (a)-(g) for consideration.

The design of the proposal was originally for a hipped roof dwelling. Further to comments from the Council in letter dated 11th November 2016 regarding the design, form, and proportions the applicant amended the roof and submitted plans on 28th of November 2016 for consideration. The applicant also highlighted dwellings within the area with similar designs and proportions to that of the dwelling proposed.

The amended proposal provides a dwelling that is of a better form and proportion than the original and has a more simple form. There remains a concern that the garage proposed would have a greater ridge height than the proposed dwelling. If the principle of the farm dwelling was accepted amendments to the ridge height of the garage would be sought.

The proposal would require new landscaping which would augment the integration provided by the undulating topography. The proposal would not rely primarily on new landscaping for integration as the topography of the area and site would provide integration for the dwelling proposed. Due to the established hedge along the Drumsnade Road coupled with the set back within the agricultural field, the site would only be visible for a short distance when moving south from 54 Drumsnade Road.

Policy CTY also requires farm dwelling to be sited to cluster with or visually link with an established group of buildings on the farm. The proposal fails to satisfy CTY13 (g).

The proposed dwelling would not result in a detrimental change to the rural character of the area in keeping with CTY14.

The proposal would not be able to make use of mains sewerage disposal due to its location in the countryside. The applicant has demonstrated a septic tank within the site layout. This will be sited on the applicant's lands and is in keeping with Policy CTY16.

Recommendation:

Refusal, the proposal fails to satisfy criteria CTY10 (c), SPPS and CTY13 (g) and is therefore contrary to planning policy relating to dwellings on farms as site does not visually link or sited to cluster with an established group of buildings on the farm.

Refusal Reasons:

Recommended by planning officer and can be subject to change;

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to Policy CTY13 (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Case Officer DATE

Appointed Officer DATE

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	15			
APPLIC NO	LA07/2016/1164/O	Outline	DATE VALID	30/08/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs Gerard Hanna 2 Carnacavill Road Castlewellan BT31 9HB		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
				NA
LOCATION	At 75 m NE of No. 2 Carnacavill Road Castlewellan BT31 9HB			
PROPOSAL	Proposed site for farm dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that that the farm business is currently active.
- 2 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Carnacaville Road.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that (d) the building would, if permitted create a ribbon of development along the Carnacaville Road and would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1164/O

Date Received: 09.01.2016

Proposal: Proposed site for farm dwelling and domestic garage

Location: At 75 m NE of No. 2 Carnacavill Road, Castlewellan. The site is 2 miles from the town centre of Newcastle.



Site Characteristics & Area Characteristics

The site proposed has been cut out of a larger agricultural field with undulating topography. The larger field is a roadside site adjacent to 2 storey detached dwelling and several agricultural outbuildings of 2 Carnacaville Road. The field has a low hedge along the Carnacaville Road, a mature hedge of trees and shrubs along the NW boundary shared with agricultural lands to the rear which continues to the NE and E boundary lowering along the portion that is shared with the detached single storey dwelling of 6 Carnacaville Road. As the site is cut out of a larger agricultural field it lacks boundary definition along its eastern and southern boundaries. The topography of the site has a steady increase moving from the south to the north and east of the site and rising into the agricultural field beyond the confines of the site as identified within the application.

The site is within the countryside and adjacent to a junction shared between the Carnacaville Road and the protected route of the Castlewellan Road. The character of the area could be described as relatively open with low rise topographical changes which create a dispersed rural settlement pattern of detached dwellings, agricultural buildings and associated agricultural lands.

Site History:

No site specific history.

Planning Policies & Material Considerations:

The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 25015, the Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access, Movement and Parking, Building on Tradition Design Guide, Parking Standards, PPS2 Natural Heritage, and DCAN 15 Vehicular Access Standards.

Consultations:**DAERA**

Response received 16th September 2016 to advise that farm business id 653935 has not claimed Single Farm Payment (SFP), Areas of Natural Constraint (ANC) Payment or Agri Environment Scheme Payment in the past year.

NI Water Ltd

Standard response received 12th September 2016 detailing information for the applicant.

NIEA

Drainage and Water responded on the 12th of September 2016 to provide standing advice for the applicant.

Transport NI

Response received 22nd September 2016 with no objection subject to visibility splays of X 2.4m by Y 70m

Environmental Health Unit

Response received 20th of September 2016 advising that there would be no objection in principle provided that the dwelling proposed is associated with the farm.

Objections & Representations

The site was advertised in Mourne Observer on the 21st of September 2016.

A total of 2 neighbouring dwellings were notified.

Consideration and Assessment:

Design and Access Statement received with the application has been considered and while it quoted Banbridge/Newry and Mourne Area Plan 2015 the site lies within the Ards and Down Area Plan 2015.

The proposal is an outline application for a dwelling and garage on a farm. The site is within the countryside and designated Area of Outstanding Natural Beauty.

The Strategic Planning Policy Statement for Northern Ireland includes strategic policy for residential and non-residential development in the countryside. It must be considered along with PPS21 Sustainable Development in the Countryside which also identifies criteria for consideration of such proposals within the countryside. One such avenue for sustainable development is the consideration of dwelling granted in relation to farms. The SPPS and PPS21 Policy CTY10 do not differ. The proposal must meet the following criteria:

(a) The farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities (out-with settlement limits) have been sold off from the farm holding within 10 years from the date of the application applicable from the 25th of November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane

The proposal must also comply with policy criteria relating to integration, rural character and development relying on non-mains sewerage.

The application was submitted with farm details which include a P1C and Dard Map. The farm is registered to G W Hanna at 2 Carnacaville Road, Castlwellan and includes 6.6Ha of farmland. The DARD map is dated 19th of February 2011. However DAERA (Countryside Management Inspectorate Branch ie previously known as DARD) responded to consultation on the 16th of September 2016 to advise that while the farm business ID (653935) has been in existence for more than 6 years the business has not claimed Single Farm Payment (SFP), Areas of Natural Constraint (ANC) Payment or Agri Environment Scheme Payment in the past year.

The consultation response from DAERA, dated 16th September 2016 refers to the active element of the applicants farm. The existence of a farm business id alone does not demonstrate continuous farming activity over the 6 year period. The applicant has not made a return/claim to DAERA in the past year. The Council then requested the applicant supply additional information to demonstrate a 6 year continuous agricultural activity. The onus remains with the applicant to demonstrate the proposal is in keeping with policy.

The agent was advised of the DAERA response and additional information was received on the 7th of December 2016. This evidence for active farming includes the following:

- Copies of NI Water Ltd Bills which are addressed to Mr G Hanna at 1 Carnacaville Road and Bills refer to 4 different locations of metered water pipes and cover a period of time from 01 December 2014 to 30 November 2015.
- Headed Receipt for John Rodgers Builders Supplies sales invoice for Cash Sale, there is no other information relating to the customer, a delivery address or date of sale/delivery supplied.
- Headed Receipt from D McDowell Roofing and Joinery dated 15th December 2015 for repair work to hayshed for G Hanna 2 Carnacaville Road.
- Hand written receipt from Martin Bros for round baling silage (37 bales) dated 10th June 2015 to G Hanna.

- Headed Receipt from WF, JG, KF & TG Annett for cutting hedges dated 13th of November 2015 addressed to G Hanna 2 Carnacaville Road.
- Hand written receipt for sale of 37 round bales to K Annett dated 22nd September 2015

The information demonstrates that the lands have had access to water and there has been maintenance and silage cutting of the lands associated with the farm. However this is only from December 2014 to 30 November 2015. This does not demonstrate continuous active farming over a 6 year period.

The Council then provided the applicant with a further opportunity to demonstrate continuous farming over a 6 year period.

Additional information was then received 1st February 2017. This information includes:

- Details of Single Farm Payments from 2010 to 2013 in relation to farm business ID 653935
- Copy of hand written receipt from Martin Bros to G Hanna dated 3.6.2014 for bales of silage (29 Bales)
- Copy of hand written receipt dated 1.10.2016 for sale of silage bales (29) to K Annett (no details of address of seller or recipient)
- Copy of hand written receipt from Martin Bros to G Hanna dated 16.6.2016 for round bales of silage (33)
- Copy of hand written receipt dated 8.9.2016 detailing sale of round silage bales (33), signed by K Annett (to details of seller or buyer)

Considering the supporting information relating to farming activity on the applicants farm business it demonstrates a hay shed was repaired in 2015, hedges trimmed in 2015 and silage cut for sale in 2014, 2015 and 2016. While the applicant has provided some details about repairs to a hayshed and trimming hedges in 2015, I would not be persuaded that this detail coupled with the cutting of grass for silage bales once a year to demonstrate continuous active farming on the lands over the required 6 year period.

The proposal fails to meet criteria (a) of CTY10 PPS21.

Considering the farm lands a history search has been completed and has not returned any recent planning applications that would raise concerns relating to development opportunities having been disposed of from the holding therefore the proposal satisfies criteria (b).

The site, proposed within the application, would be immediately adjacent to the established group of buildings on the farm and the position and curtilage of the site could be restricted through condition to reflect the size of the plots within the area in keeping with criteria (c).

Policy CTY10 also requires that the proposed site must also meet requirements of CTY13 Integration, CTY14 Rural Character. and CTY16 Development relying on non-mains sewage disposal.

The views are between No 2 and 6 Carnacaville Road, as well as from the Castlewellan Road approaching the junction with Carnacaville Road when travelling in a northern direction. The site may lack boundary definition to the north however given the backdrop of buildings on the farm when viewed from this approach; a ridge height of 6m above finished floor level with existing and proposed topographical information would ensure the dwelling could integrate.

The red line of the site location illustrates that the access makes use of an existing access from the farm yard onto the Carnacaville Road. However, Transport NI has identified the need for visibility splays which measure at X 2.4m by Y 70m. When considering the details submitted within the site location the access could be accommodated but the visibility splays would include the Castlewellan Road. The removal of the established ditch along the Carnacaville Road can be mitigated through conditioning new native species hedgerow to the rear of the visibility splays as required by Transport NI. While this would take time to become established it would be unreasonable to consider the loss of this ditch to accommodate a safe access as primarily relying on new landscaping for integration purposes. While the site has an undulation, existing and proposed topographical information submitted with reserved matters, coupled with a height restriction of 6m above finished floor level would be acceptable in terms of integration.

The proposal would be in keeping with the criteria of Policy CTY13 (a)-(g). However there is a concern that the proposal would result in a ribbon of development. Justification of Policy CTY13 states that a group of existing buildings, such as a farm complex, may also provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character (paragraph 5.62). Therefore while the farm dwelling may be sited to cluster with the farm buildings at 2 Carnacaville Road impact on rural character must not be set aside.

Policy CTY14 will only permit planning permission for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. Considering the proposal in relation to policy criteria (a) - (e) the concern remains that the farm dwelling would create a ribbon of development along the Carnacaville Road.

The proposed dwelling would be intervisible with roadside buildings of No 2 Carnacaville Road, 2 (associated) farm outbuildings, and No 6 Carnacaville Road. The site would have a small set back from the road however this would not overcome the intervisibility of the proposed dwelling with the existing buildings adjacent and neighbouring the site. Conditioning a single storey ridge height would not mitigate against the creation of a ribbon or reduce the sense of build-up along the public road. The proposal would result in build-up that would be detrimental to the rural character of the area and is contrary to Policy CTY 14 (d) as it would create a ribbon of development along the Carnacaville Road.

Policy CTY8 also considers ribbon development. CTY8 states that permission will be refused for a building, in this case a dwelling, which creates or adds to a ribbon of development. Ribbon development would be detrimental to the character of the rural area. The building would have a set back from the Carnacaville Road however it will have a clear visual link with Nos 2 and No 6 Carnacaville Road as well as farm

buildings. The proposal is therefore also contrary to CTY8 as it would result in a ribbon of development along the Carnacaville Road.

The site is within the designated Area of Outstanding Natural Beauty. Policy NH 6 of PPS2 natural Heritage refers to development within the AONB and states that such development will not be granted where it is of appropriate design, size and scale for the locality with further details of criteria. However the principle for outline planning has not been accepted as the application fails under criteria (a) of CTY10 PPS21 and the SPPS. The design and details could be conditioned to ensure it would take account of its sensitive location.

Recommendation:

Refusal the applicant has failed to demonstrate that the farm business is currently active would result in the creation of ribbon development along the Carnacaville Road.

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that that the farm business is currently active.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Carnacaville Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that (d) the building would, if permitted create a ribbon of development along the Carnacaville Road and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer DATE

Appointed Officer DATE

ITEM NO	2			DATE VALID	12/06/2015
APPLIC NO	LA07/2015/0456/F	Full			
COUNCIL OPINION	REFUSAL				
APPLICANT	Richard Nummy	C/O 83 Belfast Road		AGENT	Martin Byrne 20 School Road Newry BT34 1SX
		Newry			NA
LOCATION	35m south of 93 Belfast Road Newry				
PROPOSAL	Relocation of access to that approved under planning approval P/2010/1452				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses Signatures
			0	0	0 0

- The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.



Cómhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Development Management Officer Report

Case Officer: Paul Smyth		
Application ID: LA07/2015/0456/F		Target Date:
Proposal: Relocation of access to that approved under planning approval P/2010/1452		Location: 35m south of 93 Belfast Road Newry
Applicant Name and Address: Richard Nummy C/O 83 Belfast Road Newry		Agent Name and Address: Martin Byrne 20 School Road Newry BT34 1SX
Date of last Neighbour Notification:		28 th August 2015
Date of Press Advertisement:		1 st July 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	No objections however Planning must be satisfied the application falls within the exceptions listed in the Policy for access onto a Protected Route. If it does not then it should be refused.
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues:

Full planning permission is sought for the relocation of an access that was approved under reference P/2010/1452/F on 20th December 2011.

The approved access to the dwelling and garage currently under construction is via the existing access that serves number 93 Belfast Road and the transport business to the rear of number 93. The approved access continues through the transport business yard and into the eastern side of the approved site.

There is an existing agricultural access located approximately 130m south-west of the existing access at 93 Belfast Road that is closed by two agricultural gates. It provides access to a large agricultural field. There are two tyre tracks that appear to have been formed by agricultural machinery along the boundary of the field. The tracks run from the access up towards the north of the agricultural field; across the front of the dwelling house currently under construction and around the outside perimeter of the existing transport business. The tyre tracks also lead from the agricultural access down to the southern portion of the large field. The proposal involves:

- Upgrading the agricultural access onto the A1 Belfast Road so that it meets the required standards for vehicular access to a dwelling house; &
- The formation of a new 5m wide stone laneway to provide access along the side boundary of the field, and up to the front of the new dwelling house.

Site Visit Report

Site Location Plan:



Date of Site Visit: 14th January 2016

Characteristics of the Site and Area

The site as defined in red incorporates the site of a new dwelling and garage currently under construction (P/2010/1452/F) and a portion of a large agricultural field. The agricultural field rises steeply from the southern side to the north, up towards the new dwelling under construction. There is an existing agricultural access from the large field out onto the Belfast Road, approximately 85m south-east of the new dwelling and garage. There are farm machinery tyre tracks on the eastern side of the agricultural field that travel up towards the north of the field and across the front of the dwelling under construction. The eastern boundary of the agricultural field is defined by a timber fence, native species hedge and a line of mature trees. There is an existing transport business to the north of the site.

The application site is located just off the A1 Belfast Road approximately one mile north of Newry. The A1 Belfast Road is a dual carriageway and a Protected Route as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site falls outside of any settlement development limits. The character of the area is defined by dispersed dwellings located in close proximity to the dual carriageway.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- Planning Policy Statement 3 – Access, Movement and Parking.
- Planning Policy Statement 21 – Sustainable Development in the Countryside

ZONING: The application site is located just off the Belfast Road, approximately one mile north of Newry. The A1 Belfast Road is a dual carriageway and a protected route as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site falls outside of any settlement development limits.

HISTORY: P/2010/1452/F - Proposed dwelling and domestic garage – Approved 20/12/2011

The Banbridge, Newry and Mourne Area Plan 2015.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS3.

Principle of Development

As there is no significant change to the policy requirements for the proposed development following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS 21 and PPS 3 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy AMP 2 of PPS 3 – Access to Public Roads – states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) The proposal does not conflict with policy AMP 3 Access to Protected Routes.

The proposal involves the intensification of the use of an existing agricultural access onto the Belfast Road, Newry. The Belfast Road is a Dual Carriageway and a Protected Route as defined in the Banbridge, Newry and Mourne Area Plan. Policy AMP 3 of Planning Policy Statement 3 states planning permission will only be granted for a development proposal that involves the intensification of the use of an existing access onto a Protected Route in exceptional circumstances.

Annex 1 of Planning Policy Statement 21 – Sustainable Development in the Countryside contains a consequential amendment to Policy AMP 3 of PPS 3. The amendment states planning permission will only be granted for a development proposal involving access onto a Protected Route in certain cases. One of the cases (d) allows for access for a dwelling serving an established commercial or industrial enterprise where the dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be achieved from an adjacent minor road. Where this cannot be achieved proposals are required to make use of an existing vehicular access onto the Protected Route.

The dwelling house subject of this application (P/2010/1452/F) was approved under Policy CTY 7 of PPS 21. The access to the dwelling was therefore required to use an existing vehicular access in order to comply with the policy requirements of the amendment to Policy AMP 3, as outlined above. The proposed dwelling was to utilise the existing vehicular access that serves the established commercial enterprise under which the dwelling was granted approval under Policy CTY 7. This application seeks to use an existing agricultural access onto a Protected Route that is just 130m from the approved access. The proposal is contrary to the policy requirements of Policy AMP 3 of PPS 3 and the consequential amendment to AMP 3 contained in PPS 21. It has not been demonstrated that the proposed intensification of an existing (agricultural) access falls within the exceptions listed in the policy that relate to access onto protected routes. Furthermore, the proposed access would, if permitted, prejudice the free flow of traffic and conditions of general safety along that stretch of the Belfast Road. No information has been provided to justify a relaxation in the strict policy controls in regards to vehicular access onto Protected Routes.

No objections or representation have been received.

Case Officer Recommendation: Refusal

Neighbour Notification Checked	Yes
Summary of Recommendation	
<p>The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing agricultural access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.</p>	
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety. 	
Case Officer Signature:	
Date:	
Appointed Officer Signature:	
Date:	

Item 11 – LA07/2015/0456/F – Richard Nummy (submission of support)

I refer to the above listed Planning Application which is due to be considered at the forthcoming planning meeting on Wednesday 15th March.

I wish to request speaking rights on behalf of the applicant Richard Nummy and his agent Martin Byrne.

I would outline the following points in respect of this application.

I can confirm Richard requires the proposed access to his property on the basis that the access sought under a previous planning approval is no longer available.

I can advise prior to this current application being submitted a site meeting took place with Transport NI on site and with Trudy Chapman, previously a planning official within the Newry & Mourne District Council area and positive briefings were offered to the applicant on his proposed access at these meetings.

I believe the proposed recommendation to refuse is deeply regrettable and extremely unfair on the basis of briefings offered to the applicant.

I therefore formally request speaking rights on their behalf.

Thank you for your assistance in this matter.

Regards

David

Councillor David Taylor
Ulster Unionist Party Representative
Newry, Mourne & Down District Council

Tel No: 077339 13021

Home Address: 25 Main Street, Bessbrook, BT35 7DJ

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	3				
APPLIC NO	LA07/2015/0485/O	Outline	DATE VALID	11/06/2015	
COUNCIL OPINION	APPROVAL				
APPLICANT	Felix O'Hare & Company Ltd 88 Chancellors Road Newry BT35 8NG		AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY 02841753679	
LOCATION	At Junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae Housing Developments				
PROPOSAL	Proposed Housing Development 42 sites				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	1	0	0	0	0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0485/O

Date Received: 11.06.15

Proposal: Proposed Housing Development 42 sites

Location: At Junction of Chancellors Road/Watsons Road, Newry and opposite Ashton Heights and Dunbrae Housing Developments

Site Characteristics & Area Characteristics:

The site comprises of 5 existing agricultural fields bounded by established natural hedgerow and trees. The site is within the development limits of Newry with the general area predominantly residential with a few commercial businesses found within the vicinity.

Site History:

P/2005/0486/O – Site for housing. Land at the junction of Chancellors Road/ Watsons Road opposite Ashton Heights and Dunbrae housing developments, Newry. Approved 09.01.13 (Application Site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Site is within the development limits of Newry and zoned for housing (NY32: Watsons Road/ Chancellors Road - Committed Housing)

Policy and Advice Considered:

Strategic Planning Policy Statement, PPS2, PPS3, PPS7, PPS8, PPS12, PSRNI (DES2), Creating Places, DCAN 8, DCAN 11 and DCAN 15

PPS2

NIEA (25.01.17) in their consultation response advise that the site is an area of sensitivity for NI priority habitat and species. To ensure protection a condition will be attached to any decision notice so that a biodiversity checklist and/ or any ecological

surveys/ reports are provided to the Planning Authority prior to commencement on site.

PPS3

Transport NI (21.09.15) have raised no objections

SPPS, DES 2, PPS7 and PPS12:

Surrounding Context

Within the immediate vicinity of the site there are two existing residential developments (Ashton Heights and Dunbrae) which are typified by detached/ semi-detached form of two/ one-and-a-half storeys with private gardens and incurtilage parking. External finishes is brick or render finish with concrete roof tiling.

Whilst the application is at outline planning stage to ensure that any new development at this location respects the surrounding context a planning condition should be attached to restrict development to detached/ semi-detached, dwelling heights should not exceed 9m with formal gardens to front and rear with incurtilage parking for two vehicles.

Topography/ Layout

The site is currently separated by an existing road between the proposed site and existing dwellings (Dunbrae and Ashton Heights). The separation distance between existing properties ranges between 10m and 28m with properties at Dunbrae above the existing road and levels of the proposed site. (No. 31 Dunbrae - 10m, No. 1 Ashton Heights - 28m and No. 2 – 20m). Transport NI in their consultation have requested a 2m footway along the frontage of the site which will increase the separation distance from existing properties. Whilst it is considered that development won't necessarily cause difficulties in relation to overlooking, a condition will nevertheless be attached to any notice to ensure adequate separation and to avoid potential impact to amenity.

Landscaping/ Hard Surface Areas/ Pedestrian Links

The proposed site benefits from existing and well established natural hedgerow throughout the site. The conceptual plan has taken no account of this vegetation nor has given any consideration to incorporating into a future scheme which would not only be of benefit to wildlife but would also assist in softening the visual appearance of development. From the conceptual plan the scheme also appears to be dominated by a road led scheme and should be reconsidered on submission of detailed drawings.

Transport NI have indicated that road widening along with a 2m wide footpath shall be provided along the Watsons and Chancellors Roads, which linking in with the proposed development allows ease of access to the existing school and surrounding areas. The conceptual plan show proposed dwellings fronting onto road/ pedestrian

links ensuring informal surveillance and assist the safety of users. Sufficient pedestrian links will be encouraged on submission of detailed drawings.

Overall the site concept plan is not entirely satisfactory and it is recommended that conditions are applied in relation to retention of existing vegetation unless removal is necessary on the grounds of public safety

Archaeological and Built Heritage

No features identified

Public and Private Open Space

The application has no detail with regard to private open space. In order to respect surrounding development it is recommended that formalised garden space be provide to both front and rear with an area no less than 70m²/10m depth.

Whilst 3 areas of public open space have been shown within the conceptual layout these areas are sited immediately adjacent to the public road raising concerns in relation to public safety, in some cases these areas are poorly surveilled by proposed dwellings and not readily accessible by all residents of the proposed development.

The existing natural and established boundaries of the site should be utilised and incorporated into the scheme to soften visual impact and assist with integration.

It is recommended that as a condition of outline planning that detailed drawings and information is provided in relation to landscape areas and that a landscape management plan is submitted this can be added as a condition on the decision notice.

Local Neighbourhood Facilities

Whilst there is no provision within the proposed development for local neighbourhood facilities there is a school, community, retail and ecclesiastical facilities within walking distance of the site.

Movement Patterns/ Disabled Access

The site is located on flat ground which will allow ease of access but as part of Transport NI requirements pedestrian footpaths will be required and this will link into the existing footpath network.

Parking/ Roads

Transport NI have raised no objections.

To encourage incurtilage car parking throughout the proposed development a condition should be applied for the provision of two incurtilage car parking spaces at each dwelling within the development. Otherwise TransportNI in their consultation response have raised no specific objections on road safety grounds.

Design/ Layout

Conditions should be attached and matters reserved with respect to layout, design etc.

Impact to Amenity

The conceptual plan shows a proposed separation distance of approximately of 30 - 60m, proposed dwellings will be set well back from existing properties to avoid any overlooking or loss of privacy to existing properties at Dunbrae or Ashton Heights, separation distances are well within the recommended range of Creating Places. A condition will also be attached to ensure this is provided.

Prevention of Crime and Promotion of Personal Safety

The conceptual layout indicates that proposed dwellings will be set back to back throughout the development which will deter entry with front elevations overlooking areas of public use allowing informal surveillance of the area with the aim of enhancing personal safety.

House Types

To be dealt with at detailed drawing stage

Social Housing

The site has not been identified within the area plan requiring social housing provision

Flooding/Drainage

Rivers Agency flood maps indicate current and future issues with regard to surface water flood risk but there is no historical record relating to the site. Rivers Agency (21.09.15) in their comments have raised no specific concerns although have requested a drainage assessment. A planning condition should be attached to ensure that required information is submitted at reserved matters stage.

Water/ Sewerage

There is a water supply, foul and surface water sewer within 20m of the site and available capacity within the WWTW/ sewer network

Density

Density levels are comparable with Ashton Heights which has 56 dwellings on 3.03ha and Dunbrae 32 dwellings on 2.63ha. The current site proposes 42 dwellings on 3.16ha which is in line with surrounding density levels.

PPS8

The conceptual layout shows 3 areas of open space within the development these have been poorly paced within the overall scheme which is not an integral or usable area of space within the development.

Consultations:

Shared Environmental Service (08.02.17) – No hydrological links to the Lough (European Site) via watercourses in the area. No links to European Sites of ASSI

NIEA (25.01.17):

Drainage and Water Management - Content subject to conditions

Land, Soil and Air - Former activities on the site may cause land to be affected by contamination

Natural Heritage and Conservation Areas - Site located within an area of sensitivity for NI priority habitat or protected species. Hedgerow and hedgehog habitat at the site

Transport NI (24.09.15) - No objections

Objections & Representations

9 Neighbours notified

Advertised 07/08/10th July 2015

1 Objection – No. 31 Dunbrae

Issues:

- Out of keeping with and detrimental to the character and appearance of the area (area typically single build with number of small no. of developments which are limited to one side of the road)
- Impact on amenities – overlooking, loss of privacy and visually overbearing impact
- Impact to road traffic
- Has adequate provision been made to demonstrate no adverse effect on the integrity of the Carlingford Lough Special protection Area and Murlough Special Area of Conservation as result of lack of sewerage treatment facilities

Consideration of Objection:

- The site is located within the development limits of Newry and is zoned for housing within the current area plan, housing at this location is compatible with surrounding land uses and will not appear out of keeping
- The development at Dunbrae sits above the ground levels of the proposed site and will look down onto the site, it is unlikely there will be any overlooking or issues relating to impact to amenity however to ensure adequate level of protection it is recommended that a separation distance of no less than 30m

from existing properties at Dunbrae and Ashton Heights is included on any decision notice.

- Transport NI have raised no objection with regard to road safety
- SES have been consulted with regard to impact to ASSIs and European Sites (including Carlingford Lough) but have no concerns.
- NIW have indicated there is available capacity for sewerage

Consideration and Assessment:

The site is zoned within the current area plan as committed housing within the development limits of Newry. The site also benefits from outline planning permission for housing under P/2005/0486/O approved 09.01.13 (expiring 09.01.16) which remained live at the time of the current application.

The objector issues have been fully considered, consultees have raised no major concerns and conditions will be attached with regard to layout taking into account surrounding context and separation distances to ensure protection of amenity.

Taking into account land zoning, planning history and requirements of planning policy it is recommended that the application is approved.

Recommendation:

Approval

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council.

Reason: To enable the Council to consider in detail the proposed development of the site.

5. The application cannot be considered at reserved matters stage unless a biodiversity checklist and/or a habitat/ecological survey of the site is submitted to the Planning Authority and agreed in writing prior to the submission of an application.

Reason: To ensure the protection of priority species and habitat

6. Only detached and semi-detached dwellings are permitted at the site, the ridge height of dwellings shall not exceed 9m. Each dwelling shall have private amenity space of no less than 70m² with a plot depth of no less than 10m from the rear elevation of each of the dwellings.

Reason: To ensure proposals respect the surrounding context and built form of the area

7. The separation distance of residential development from the defined property boundaries of Ashton Heights and Dunbrae shall be no less than 30m.

Reason: In the interests of visual amenity

8. The existing hedgerow as indicated in drawing No. 01 date stamped 11th June 2015 shall be retained unless necessary to prevent danger to the public or to facilitate access in which case a full explanation shall be given to the Planning Authority in writing within 28 days.

Reason: In the interests of visual amenity and to protect natural habitat

9. If any retained tree, hedge, shrub is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and shall of such size and species to be planted at such time as may be specified by the Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing vegetation

10. A landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped area including areas of communal open space and planting shall be submitted to and approved by the Planning Authority prior to the occupation of the development.

Reason: To ensure the sustainability of the approved landscape design

through its successful establishment and long term maintenance

11. No development shall take place until details of gates, fences, walls or any structures in addition to the proposed dwellings have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the development is in keeping with the locality.

12. No development shall take place until a plan of the site has been submitted to and approved by the Planning Authority indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s)

Reason: To ensure the development takes account of the sites natural features and to safeguard the amenities of the proposed dwellings.

13. A scale plan at 1:500 shall be submitted as part of the Reserved Matters application showing the access to be constructed in accordance with the attached Form RS1.

Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

14. Notwithstanding the provisions of the Planning (General Development) Order (NI) 1993 no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroachment onto the footway or service strip

15. The Private Streets (Northern Ireland) Order 1980

The development shall be in accordance with the requirements of the Department's Guide Document 'Creating Places' and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

16. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, (in verges/service strips) determined for adoption.

Reason: To ensure the adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services

17. A full and detailed Transport Assessment in line with the previous Report on Scoping Study by Transport NI's Development & Traffic Assessment Section dated 31 May 2008 will be required as part of the Reserved Matters application.

Reason: In the interests of road safety

18. Road improvement works are required to be carried out prior to the commencement of development on lands at the junction improvements at the Watsons Road/Liska Road junction and the provision of a footway link from the proposed site to the existing infrastructure on Liska Road.

Reason: In the interests of road safety

Case Officer

Authorised Officer

Photos



IMG_7556



IMG_7557



IMG_7558



IMG_7559



IMG_7560



IMG_7561



IMG_7562



IMG_7563



IMG_7564



IMG_7565



IMG_7566



IMG_7567



IMG_7568



IMG_7569



IMG_7609



IMG_7610



IMG_7611



IMG_7612



IMG_7613



IMG_7614



IMG_7615



IMG_7616



IMG_7617



IMG_7618



IMG_7619



IMG_7620



IMG_7621



IMG_7622



IMG_7623



IMG_7624



IMG_7625



IMG_7626



IMG_7627



IMG_7628



IMG_7629



IMG_7630



IMG_7631



IMG_7632



IMG_7633



IMG_7634



IMG_7635



IMG_7636



IMG_7637



IMG_7638



IMG_7639



IMG_7640



IMG_7641



IMG_7642



IMG_7643



IMG_7644



IMG_7645



IMG_7646



IMG_7647



IMG_7648



IMG_7649



IMG_7650



IMG_7651



IMG_7652



IMG_7653



IMG_7654



IMG_7655



IMG_7656



IMG_7657



IMG_7658



IMG_7659



IMG_7660



IMG_7661



IMG_7662



IMG_7663



IMG_7664



IMG_7665



IMG_7666



IMG_7667



IMG_7668



IMG_7669



IMG_7670



IMG_7671



IMG_7672



IMG_7673



IMG_7674



IMG_7675



IMG_7676



IMG_7677



IMG_7678



IMG_7679



IMG_7680



IMG_7681



IMG_7682



IMG_7683



IMG_7684



IMG_7685



IMG_7686



IMG_7687



IMG_7688



IMG_7689



IMG_7690



IMG_7691



IMG_7692



IMG_7693



IMG_7694



IMG_7695



IMG_7696



IMG_7697



IMG_7698



IMG_7699



IMG_7700



IMG_7701



IMG_7702



IMG_7703



IMG_7704



IMG_7705



IMG_7706



IMG_7707



IMG_7708



IMG_7709



IMG_7710



IMG_7711



IMG_7712



IMG_7713



IMG_7714



IMG_7715



IMG_7716



IMG_7717



IMG_7718



IMG_7719



IMG_7720



IMG_7721



IMG_7722



IMG_7723



IMG_7724

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	4			
APPLIC NO	LA07/2015/0700/O	Outline	DATE VALID	28/07/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Derryogue Developments Ltd Mr & Mrs Lindsay Wilson 47 Kittys Road Kilkeel Newry BT34 4EJ	AGENT	A J Bingham Architectural Design Services Mountpleasant Thomas's Lane 33 Anthony's Road Ballymartin Newry BT34 4PN 41769470 Mob:	

LOCATION Lands at the junction of Greencastle Road and Kittys Road
Kilkeel (south of No.39 Greencastle Road (Joinery Works) opposite and south-east of
No.s 18-21 Derryogue Park extending to opposite No.s 5-11 Kittys Road)

PROPOSAL Site for housing development

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
- 2 Having notified the applicant under Article 4 (2) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a Drainage Assessment in accordance with PPS15 is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0700/O

Date Received: 30th June 2015

Proposal: Site for housing development

Location: Lands at the junction of Greencastle Road and Kittys Road, Kilkeel (south of No. 39 Greencastle Road (Joinery Works) opposite and south-east of Nos. 18-21 Derryogue Park extending to opposite Nos. 5-11 Kittys Road)
The site is at the southern edge of Kilkeel.

Site Characteristics & Area Characteristics:

The site comprises two large agricultural fields totalling over 3 hectares in size. The land is relatively flat with a slight rise towards the southern corner. The site is located at the junction of Greencastle Road and Kittys Road which form the NW and SW sides of the site respectively. There are 1m high trimmed hedges to the boundaries of the site. The internal field boundary is a concrete wall built from the remains of World War 2 runways that were in the area. There are additional mature trees along the northern edge of the site, adjacent to Kilkeel Joinery Works. A small stream runs along the NE boundary of the site.



Site from junction of Greencastle Road and Kittys Road



Within site

The site is within the development limit of Kilkeel, as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is located towards the southern edge of the settlement and is zoned for housing (KL18). It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The main land uses in the area are residential and agriculture.

Site History:

An application (P/2004/0571/F) for three chalet bungalows and ten two-storey semi-detached houses along the Kittys Road side of the site was refused on 23.05.2007 and dismissed at appeal on 17.02.2010.

Outline planning permission for a residential development was granted on 19.08.2011 under application P/2006/0858/O. While no reserved matters application was made within the 3-year time limit, the approval remained live for five years from the date of the permission. As the present application was submitted within this period, weight can be given to the previous approval in the determination.

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements

- PPS15 – Planning and Flood Risk
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

TransportNI – Junction improvements and road widening at Kittys Road required, along with visibility splays of 4.5m x 60m. Details to be submitted at reserved matters stage.

NI Water – Public water supply and foul sewers available with capacity to serve the development. A storm sewer may be requisitioned.

Environmental Health – No objections provided public sewerage system is used.

NIEA – Standard advice on sewerage and drainage. Low risk of land contamination – conditions supplied.

Rivers Agency – A working strip is required adjacent to the Berry Stream and a more detailed Drainage Assessment is required including Schedule 6 Consent from Rivers Agency.

Shared Environmental Services – No likely significant effects on any European sites.

Objections & Representations

The application was advertised in the *Mourne Observer* on 12th August 2015. 10 neighbouring properties were notified of the original proposal on 25th August 2015 as required under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. One additional property was notified on 29th April 2016 following the site inspection. No objections or representations were received.

Consideration and Assessment:

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPSS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Kilkeel on the above Plan, and is zoned for housing. The plan contains seven Key Site Requirements for zoning KL18:

- A minimum of 20 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross site density of 20 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- Existing mature vegetation on the site boundaries shall be retained and reinforced to afford adequate residential amenity to neighbouring dwellings;
- Access shall be to Greencastle Road or Kittys Road;
- If access is onto Kittys Road, widening of Kittys Road to an appropriate standard shall be required;
- The junction of Kittys Road / Greencastle Road shall require upgrading;
- The design layout shall include dedicated provision for cyclists and pedestrians with links to Kittys Road.

The submitted concept plan indicates access points to both Greencastle Road and Kittys Road. It indicates junction improvements which can be agreed in detail with TransportNI at reserved matters stage. With regard to density, the yield on this site would be in the region of 63 – 79 units. The agent indicated that they wish to go for the higher density of 79 units. This and the other requirements regarding landscaping and provision of 20 units of social housing can be conditioned to be shown at reserved matters stage if the application is approved. The principle of the development is therefore considered acceptable having regard to the provisions of the development plan.

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposed housing density of 25 dwellings per hectare is in accordance with the provisions of the development plan and in keeping with the character of the area. While this is a greenfield development, it is zoned housing land and is therefore considered a sustainable form of development. The site is within walking distance of public transport and local services. Detailed design will be considered at reserved matters stage. The agent has submitted several concept drawings which do not fully correspond and may result in more than 79 dwellings on the site. Therefore these should not be stamped as part of any decision. As with the previous approval, the decision would include the red line map only with reference made to the agreed "Final Design Concept Statement" which sets out the design principles to be employed in any detailed plans, including the level of public and private open space. This will ensure the provision of a quality and sustainable residential environment in compliance with the requirements of policy QD1 of PPS7. A condition will be attached to ensure the provision of 20 social housing units, to help ensure a balanced community. Consultation can be carried out with the Housing Executive at reserved matters stage when there is more certainty about the delivery of the social housing and the relevant housing need in the area at that time.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The site is zoned for housing and contains no features of importance to the character, appearance or heritage of the landscape that ought to be preserved. The detailed design will be assessed against this policy at reserved matters stage. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The access proposals are in accordance with the requirements of PPS3 and DCAN15 and TransportNI have no objections at outline stage. They have identified matters to be shown on detailed drawings at reserved matters stage and this can be conditioned.

NI Water advised that public water supply and foul sewers were available with capacity to serve 79 units. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health. There is no storm sewer available. The agent indicated that he proposed to discharge storm water to the Berry Stream on the NE boundary of the site. Due to the size of the site, a Drainage Assessment is required under policy FLD3 of PPS15. This should demonstrate adequate measures to mitigate the flood risk to the proposed development and development elsewhere.

The Council wrote to the agent on 7th January 2016 to request a Drainage Assessment in accordance with policy FLD3 (to include agreement with NI Water or Rivers Agency for discharge of storm water). This information was requested by 4th February 2016. On 9th March 2016, the agent wrote to advise that he had applied to Rivers Agency for Schedule 6 Consent to discharge storm water from the site into the Berry Stream. After a series of further emails to chase this outstanding information, a Drainage Assessment was finally submitted on 16th November 2016. This document had been prepared by the agent rather than a drainage expert and contained no reference to PPS15 or correspondence with NI Water or Rivers Agency (supposedly the issue that delayed its submission so long). Unsurprisingly, Rivers Agency could not accept this as a valid Drainage Assessment as it has no confirmation of Schedule 6 Consent to discharge to the watercourse, no evidence that the surface water system would not flood any part of the site in a 1 in 30 year flood event whilst retaining a 300mm freeboard within the manholes network, no evidence that during exceedence, the properties will not flood internally, and no drawing of the exceedence flow path for a 1 in 100 year flood event.

On 15th December 2016, the agent was given a final opportunity to address the issues listed above in accordance with PPS15, but he failed to acknowledge this request or submit any additional information. The application was recommended for refusal to the meeting of the Planning Committee on 1st March 2017. The agent did not request speaking rights. However, Cllr, Hanna then asked for the application to be removed from the Schedule for a presentation at the next Planning Committee. This was agreed. On 27th February 2017, the agent submitted a further Drainage Assessment. This lists the requirements of a Drainage Assessment, but does not actually address them and still contains no correspondence from either NI Water or Rivers Agency. Rivers Agency has been re-consulted but the information is likely to remain insufficient. The Council cannot continue to hold the application since 14 months has passed from the initial request for information. The application remains contrary to PPS15 and should also be refused based on failure to submit necessary information.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
2. Having notified the applicant under Article 4 (2) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a Drainage Assessment in accordance with PPS15 is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer Signature:**Date:****Appointed Officer Signature:****Date:**

Re: LA07/2015/0700/O - Derryogue Developments Ltd - item 13

Basis of speaking rights

Reasons of refusal.

1. Mitigation of flooding, &
2. Insufficient information - lack of material for determination.

A report has been lodged by Dr Philip Hull as a drainage assessment which addresses these points.

Please reconsider this application.

Kind regards,

Andrew.

ITEM NO	7			
APPLIC NO	LA07/2016/0069/O	Outline	DATE VALID	15/01/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	John McKibbin 62 Leestone Road Kilkeel BT34 4NW		AGENT	James Cunningham 12 Leestone Road Kilkeel BT34 4NW 02841762730
LOCATION	130 metres west of 40 Leestone Road Kilkeel (Townland of Maghereagh)			
PROPOSAL	Farm building			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy CTY1 and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- it has not been demonstrated that it is necessary for the efficient use of the agricultural holding;
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - the development, if permitted would have an adverse impact on the natural heritage;
 - it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings;
 - that the alternative site away is essential for the efficient functioning of the business.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the design of the proposed building is inappropriate for the site and its locality.
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the building would, if permitted, be unduly prominent in the landscape;
 - the building would, if permitted create or add to a ribbon of development;
 - and would therefore further erode the rural character of the countryside.

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, 'Natural Heritage in that:

the siting and scale of the proposal are not sympathetic to the special character of the Area and Outstanding Natural Beauty

and would therefore impact upon the visual amenity of this area.
- 5 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Leestone Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0069/O

Date Received:

12/01/2016

Proposal:

Proposed farm building or cattle shed of steel frame construction with metal cladding to roof and upper portion of walls. Lower portion is to be block work plastered.

Location:

130 metres west of 40 Leestone Road, Kilkeel.

Site Characteristics & Area Characteristics:

The site is located 2 miles east of Kilkeel in a rural area along Leestone Road, which leads from the main Kilkeel Road to the coast. Surrounding land uses are predominantly agricultural and residential; however Leestone Road has come under development pressure from a few of industrial units in the vicinity, including an existing glazing business located 100 metres North West of the site. The surrounding landscape is almost completely flat and views of the Mournes and the coast are enjoyed from the site to the north and south respectively. The site itself comprises 0.15 hectares of a larger field currently used agricultural purposes. There is a gravelled area running from the access point along the southern boundary, towards the point of the proposed building. Boundaries are well defined to the east along Leestone Road by a natural dry stone wall and to the north, west and south by mesh wire and post fencing.



Existing site entrance

**Site History:**

There have been no prior planning applications on this site.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS 2 'Natural Heritage'
- PPS 3 'Access, Movement and Parking'
- PPS 21 'Sustainable Development in the Countryside'
- PAC Appeal Decision 2015/A0176

Consultations:Transport NI

No objections, provided the proposal is for agricultural use only.

DARD

Confirmed that business ID 652528 is established; however no claims for single farm payment or other subsidies have been made in the last 6 years.

NI Water

No objections, provided the stipulated conditions are met.

Environmental Health

No objections provided a 75m separation distance between the proposed agricultural building and neighbouring residential properties is provided.

Objections & Representations

- 2 Neighbour notifications issued 24th March 2016 (Neighbour consultation expiry date 07/04/2016)
- 0 responses / objections received (Statutory publication period expiry date 17/02/2016)

Consideration and Assessment:

The key considerations in this assessment are:

- The principle of developing of a farm building on the proposed site.
- The effect of the proposal on the Mourne Area of Outstanding Natural Beauty and on the visual amenity and rural character of the area.

In assessing this application, the farm holding will be considered in its entirety.

The primary policy against which to assess this is PPS21 'Sustainable Development in the Countryside,' with consideration for the requirements of the SPPS, as outlined below.

The site lies out with the settlement limits of Kilkeel, as identified by the Banbridge / Newry and Mourne Area Plan 2015, within a rural area which forms part of the Mourne AONB.

The SPPS recognises that there are occasions where new buildings in the countryside are acceptable. Where this is the case, the policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. In addition, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

PPS21 'Sustainable Development in the Countryside.'

This proposal seeks outline planning permission for a farm building.

Policy CTY1 outlines a number of development types which in principle are acceptable in the countryside. This includes agricultural development that is in accordance with the provisions of policy CTY12. Under policy CTY12, planning permission will be granted for development on an 'active and established' agricultural holding where criteria (a) to (e) (listed further below) have been demonstrated.

DARD has been consulted on the proposal and has confirmed that the farm business ID 652528 is 'established' however no Single Farm Payments or other farm subsidies have been claimed, the key test of farming 'activity'. Further evidence was requested from the agent to demonstrate that the farm has been active for the past 6 years. An email was provided from DARD Direct Newry confirming the business ID was created in June 2009 and was allocated for the purpose of setting up a herd No. 401726 which was created on 26/06/2009. This email also states the herd has 22 animals registered to it and there is evidence of trading activity from this herd. In addition, the applicant was able to provide their original herd book, which confirmed activity on the holding for the past 6 years, satisfying this initial test under CTY12.

Having demonstrated the holding is 'active' and 'established,' criteria (a) to (e) of policy CTY12 must also be met.

(a) It is necessary for the efficient use of the agricultural holding;

The building is intended to be used to provide winter shelter for cattle, for calving, animal inspections and the storage of feed. The applicant in a supporting statement provided by email (dated 12th May 2016) has also indicated that the building would also be used for storing farm machinery which is currently kept in the fields or at the caravan park which is unsuitable and unsafe.



The applicant's address and the address to which the farm business is registered to is No. 62 Leestone Road, as provided in both the P1C and P1 application forms. Both the farm animals and machinery are currently kept at this address, which lies within a surrounding caravan park, as shown below. The only facility currently available to use at present at this site is a lean-to (owned by the applicant's father) which has no slurry pit. For health and safety reasons, the current arrangement is deemed by the agent and applicant as being unsuitable, with the need for a purpose built shed. Upon checking with the Council's Environmental Health Department, there have been no noise / odour complaints received in respect of the existing arrangement within the caravan park. In addition to the above, a written submission was received by the applicant's father on 5th July 2016 which states *"I have given notice... to vacate the sheds he uses for his cattle at my house in the caravan park..."*



Above and below: the current lean to and yard used - located at No.62 Leestone Road



The P1C form states that the subject site is the only field the applicant owns which is suitable for a cow shed, with the remainder of the fields on the holding currently taken in conacre. The applicant also notes that it is impossible to rent a shed for the purposes required. As this is a new claim for Single Farm Payment, the farm maps provided do not show the scheme portfolio details. DARD NI has confirmed that a claimed map will be produced at the end of 2016. The agent was asked to provide Land Registry maps for all of the lands covered in the farm maps to confirm that the proposed site is the only field in the applicant's ownership. These have been provided for all the lands taken in conacre, but not the subject field.

Further checks with Land and Property Services have confirmed that the site is within the full ownership of the applicant as of 15/01/2014. The records however hold the applicant's home address as No. 60 Leestone Road, a discrepancy with the information provided on file.

A site inspection was carried out on 22nd April, where active farming activity was visible and the presence of machinery at the yard within the caravan park. Whilst the existing building located at No.62 Leestone Road cannot be used for reasons above, it could perhaps be replaced with a more appropriate structure to mitigate against noise / odour conditions which are currently experienced. With the information provided on file, it has not been demonstrated why replacing the existing building could not be achieved. Additionally, ownership is not a material consideration under the policy provisions of CTY12, a line which the Planning Department are consistent with. With this in mind therefore, I do not accept that the principle of this building is necessary for the efficient use of the holding, with alternative options that can be explored.

(b) In terms of character and scale it is appropriate to its location;

As this is an outline application, the primary consideration in this assessment is the principle of development. Proposed plans however have been helpfully provided, which include a building measuring 18 metres wide by 30 metres long and 6 metres in height. The scale proposed would be inappropriate in the proposed locality, but would be a matter to be assessed in detail through a Reserved Matters application.

(c) It visually integrates into the local landscape and additional landscaping is provided as necessary;

The site is almost completely level as earlier described, with no existing farm or forestry buildings present, and little screening to aid the integration of a new building. It is my opinion that a new building on this site as proposed would be obtrusive and has an adverse impact upon the character of the rural area which is already under threat from surrounding development (including an industrial workshop further north of the site.)

(d) It will not have an adverse impact on the natural or built heritage;

Given the nature of this site, together with the proposed scale of the development, I feel it would result in prominent skyline development, which is unacceptable in an area within the Mourne AONB.

(e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

Environmental Health has no objections provided a 75m separation distance between the proposed agricultural building and neighbouring residential properties is provided.

In addition to the above criteria, policy CTY12 also requires applicants to provide sufficient information to confirm all of the following:

There are no suitable existing buildings on the holding that can be used;

The information provided demonstrates that there are no existing suitable farm buildings on this holding that can be used in place of the proposed building. However the Planning Department cannot consider land ownership as a material consideration when this is the address of the registered farm business.

The design and materials to be used are sympathetic to the locality and adjacent buildings;

Whilst only provided as preliminary details at this point, the materials proposed which include green metal cladding to exterior walls and roof, in addition to plastered blockwork walls and clear sheeting and metal sliding doors, are considered to be sympathetic to the rural locality.

The proposal is sited beside existing farm buildings.

From the information provided on file, the principal buildings on the farm holding include No.62 Leestone Road (the applicant's father's and the farm business address), and the existing lean to building. The proposed building is to be sited approximately 428m away from this group of buildings. Under Policy CTY12, in exceptional cases, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at a group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons. Given the discrepancies with the information that has been provided on file, I cannot confirm

that there are no other suitable sites available at another group of buildings on the holding, or that the existing building could be replaced with a more suitable one.



CTY13 considers the integration and design of buildings in the countryside. The site is enclosed by wire and post fencing on two boundaries, with some sparse hedgerow. The roadside boundary comprises an existing dry stone wall. The existing boundaries would not provide a suitable degree of enclosure, with the reliance on new landscaping for integration. As previously considered the development would not naturally blend with the landform, given the nature of this site being almost completely flat and exposed, with no suitable natural backdrop to support development. Assessed from critical views, it is considered that new development on this site would read as skyline development which would be a prominent in the landscape.





CTY 14 seeks to ensure the rural character of the countryside is protected. In addition to the concerns regarding prominence, the proposed development would create a ribbon of development along this part of the road, which is detrimental to the character, appearance and amenity of the countryside and will be unacceptable.

PPS3 'Access, Movement and Parking'

A formal access with visibility splays is already in place which the agent has advised was created because the original access was taken over by a new dwelling site to the north and that an application was granted for this by the Roads Department. It is the intent that the proposed building would be accessed via this existing access. Policy AMP2 of PPS3 considers the suitability of development involving access onto a public road. Transport NI does not object to the use of this access provided the building is to be used for agricultural purposes only.

PPS2 'Natural Environment'

Under policy NH6 of PPS2, Planning permission will only be granted for new development within an Area of Outstanding Natural Beauty where it is of an appropriate design, size and scale for the locality and where the listed criteria are met. The proposal as mentioned above is not considered to be sympathetic to the special character of the AONB as it would result in a prominent building in the skyline and create a ribbon of development.

Office meeting

Following an initial recommendation on the above concerns to both the agent and applicant, a Councillor meeting was requested to discuss the issues against planning policy. The above reasons for refusal were fully explained. The agent provided photographs of other farm buildings previously approved in the area. It was explained that every application is assessed on its individual merits and the examples shown benefitted from a natural backdrop and landscaping to aid integration.

Additionally, the point was raised about a recent PAC decision in South Armagh which highlighted that farm holding was critical in the assessment, not land ownership and emphasised that land ownership is not a material consideration in planning.

The applicant and agent were advised that the application will be recommended for refusal in due course where it will be considered by the Planning Committee Councillors and where there is the opportunity to present a case in support of the proposal before the Committee at this time.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy CTY1 and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it has not been demonstrated that it is necessary for the efficient use of the agricultural holding;
 - It is not appropriate to this location due to the unacceptable character and scale of the development;
 - The development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - The development, if permitted would have an adverse impact on the natural heritage;
 - It has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings; that the alternative site away is essential for the efficient functioning of the business.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Leestone Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - The proposed building is a prominent feature in the landscape;

- The proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - The proposed building relies primarily on the use of new landscaping for integration;
 - The design of the proposed building is inappropriate for the site and its locality.
 - The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the building would, if permitted, be unduly prominent in the landscape;
 - the building would, if permitted create or add to a ribbon of development;
- and would therefore further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, 'Natural 'Heritage in that:
- the siting and scale of the proposal are not sympathetic to the special character of the Area and Outstanding Natural Beauty

<p>Case Officer Signature:</p> <p>Date:</p>
<p>Appointed Officer Signature:</p> <p>Date:</p>

Newry, Mourne and Down Council
Planing Committee
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

08th March 2017

Dear Sir / Madam,

Ref: LA07/2016/0069/O
Location: 130 metres west of 40 Leestone Road, Kilkeel
Proposal: Farm building

1. I refer to the above planning application, which has been recommended for refusal and is to be presented to your Committee on 15th March 2017.
2. O'Callaghan Planning has been instructed at short notice, and in these circumstances we would be grateful if the Committee could give consideration to a brief deferral to facilitate the submission of a comprehensive supporting statement. In the event that this request cannot be acceded to, the Committee is respectfully requested to take the contents of this submission into account in its assessment of the proposal.
3. The background to the case is that the applicant operates an active and established farm business. This has been established in excess of the requisite 6 years, for the purposes of PPS 21 and the relevant planning sub-policies.
4. The applicant's farm comprises lands that he owns outright, and other lands that are rented from third parties, in conacre. The applicant's farm is reliant upon third party lands for feedstuffs and for grazing. His farm business is constrained not just by the shortage of land, but also by the inadequacy of his existing livestock handling and general storage facilities.
5. In setting out the wider planning context to this proposal, it is important to recognise that the SPPS states that "planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development



RTPI
Chartered Town Planners



- plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance”.
6. The planning department’s starting point for its assessment of the proposal was to look at the farm holding, in its entirety, in attempting to ascertain the appropriate position for a new agricultural building. However, it is respectfully contended that this practice is administratively unfair insofar as an applicant cannot reasonably be expected to build a new shed on land that he does not own (and is merely rented from a third party on an annual basis). Such a course of action would infer that planning permission ought to be tied to a landowner, whereas in reality permissions granted under this policy are determined on the basis of the farm business owner’s activities. If there is no active and established farm business then permission will not be granted for a new agricultural building, so it is reasonable to expect that the benefits of the policy will extend to those operating active and established farm businesses rather than those who simply own land but let it out to a person who is actively involved in farming.
 7. The Council’s current position is irrational since it expected the applicant to erect a new building on third party lands that are merely rented in conacre. Conacre agreements typically last a maximum of five years, and in fact most are renewed annually. In such circumstances one would respectfully query the logic in expecting a tenant farmer to build a new shed on third party lands with no long term lease agreement in place.
 8. The applicant has limited facilities available to him, at this time. Worse still, his existing facilities are located within the confines of an established caravan park. There is no scope for expansion of the agricultural facilities within the caravan park, and to do so would clearly pose an unacceptable health and safety risk. In the event that the existing agricultural facilities were intensified, noise, nuisance, odour and other forms of disturbance would clearly have an adverse impact upon the continued operation of an important tourist facility.
 9. The applicant requires additional livestock holding accommodation, while space is needed for the storage of plant, machinery, equipment, foodstuffs and sundry items. He has no slurry holding facilities and there is no prospect of him being able to develop same within the confines of an established caravan park. Since the applicant cannot store slurry, he has to pay a contractor to spread slurry on the farm, two to three times per year. If the applicant had slurry storage facilities his business would be able to save on slurry and spreading costs. While spreading manure is a perfectly legitimate way of fertilizing the



land, the process is much more time consuming because of the need to continually change animals' bedding. The EU Nitrates Directive was issued to help promote better management of animal manures, and the provision of a robust slurry storage tank is clearly preferable to the relevant authorities than the storage of manure on open agricultural land.

10. It is noted that the Council has found it significant that no complaints were received from the occupiers of the caravan park, in relation to current agricultural activities within the caravan park. However, this is irrelevant, and it is certainly not a material consideration to be afforded significant weight in the assessment of this proposal. In the first instance, occupancy of caravans is not permanent. The caravans do not enjoy the same level of protection from nuisance / disturbance as would a permanent residential unit. Additionally, it is unlikely that occupants of the caravans would complain directly to the Environmental Health department. Rather, it is more likely that any users would complain directly to the owner of the caravan park, who would then be able to address any concerns, or alternatively the user would have the option of vacating the caravan park if they were not satisfied with general amenity, noise or other associated issues. Such concerns would not constitute (residential) amenity loss, since there is no automatic entitlement to a noise free environment at a caravan park. Furthermore, if the Council found it significant that no complaints have been received it ought to have recognised that there is no certainty that complaints would not arise in the event that the existing facilities were intensified / expanded.
11. It is apparent, from the background papers provided in conjunction with this application, that the applicant has been given notice to vacate his existing building (within the caravan park). Regardless of when he will be forced to leave, it is clear that new facilities are required and these should be located away from sensitive receptors (including third party residences). It is recognised that the policy's preference is that new agricultural buildings should be consolidated at existing groupings, however the policy cannot be interpreted as if it were an absolute bar to the construction of new facilities in other circumstances. Clearly, the policy does set out a number of exceptions, however even these cannot be interpreted as an absolute or exhaustive set of circumstances. Planning case law, and in particular the *Lamont* decision, acknowledges that no individual planning policy can anticipate the myriad situations that may arise in the countryside. Clearly the policy must set out a preferred approach, however the policy can lawfully be disapplied or departed from where the planning authority sees fit, and provide it understands the reasons for and implications of so doing. In these unique circumstances, there are clear and



- overriding reasons for not forcing the applicant to construct a new agricultural building within the confines of an established tourist amenity (caravan park).
12. It is apparent that the planning department has identified a purported discrepancy between the applicant's address (as registered with DARD for the purposes of his Single Farm Payment, which is different to that recorded with Land and Property Services in their data pertaining to ownership of this site). If indeed there is such a discrepancy, it is of little consequence because it is clear that if the applicant had other lands elsewhere, there is no reason why he would not include it on his farm map.
 13. While DAERA has confirmed that a farm map set cannot be provided until later this year, if the Council deems it necessary I can obtain a copy of the individual field numbers that the applicant has supplied to DAERA to include within his farm map, and I can also obtain individual maps from DAERA to show the position of these individual fields. This will be a comprehensive way of cross checking this data, if indeed the Committee deems it necessary or appropriate.
 14. The planning department appears to have accepted that the existing building located at No.62 Leestone Road cannot be used. It expressed the view that it "could perhaps be replaced with a more appropriate structure to mitigate against noise / odour conditions which are currently experienced". However, it concluded that "with the information provided on file, it has not been demonstrated why replacing the existing building could not be achieved". The Council's acceptance that the existing building cannot be used for the reasons outlined by the applicant, is at odds with its failure to recognise that the building could not be replaced in situ or indeed within the curtilage of an established caravan park.
 15. If the planning department deemed it expedient to assess the applicant's holding in its entirety, it ought to have acknowledged the fact that the agricultural building currently used by the applicant (within the curtilage of a caravan park) does not fall within the applicant's holding. In that case, the applicant's farm would have been treated as a farm with no buildings, and in light of the fact that the applicant actively keeps beef cattle it is clearly necessary for him to have reasonable facilities available to assist in his daily farming activities.
 16. The critical point is that the planning department opined that "ownership is not a material consideration under the policy provisions of CTY12, a line which the Planning Department



are consistent with". Material considerations are not always laid out within individual planning policies. In determining planning applications, planning authorities are required to exercise judgement, balancing material considerations and apportioning weight as appropriate. As has been referred to above, planning case law has clearly established the principle that policies can lawfully be disapplied or departed from, where circumstances dictate that it is appropriate to do so. Since the salient planning policy did not address the issue of farm businesses with no existing buildings, each case must be treated on the basis of its own individual merits.

17. While the SPPS is an overarching, strategic framework document that is not directly applied to the assessment of this application, it's core approach is that it does not seek to promote any one of the three pillars of sustainable development over the other. Therein, it is stated that "in practice, the relevance of, and weight to be given to social, economic and environmental considerations is a matter of planning judgement in any given case. Therefore, in summary, furthering sustainable development means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development", hence my contention that this proposal can be justified by apportioning greater weight to the individual circumstances of this farm (as have been detailed by the applicant, his agent and in this submission) than to a stringent application of policy CTY 12.
18. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. In this individual case, the other material considerations have been laid out before the Council, and their relevance or significance cannot be ignored solely on the basis that these are not identified as material considerations within policy CTY 12.
19. The planning department acknowledged that the information provided by the applicant and his agent demonstrates that there are no existing suitable farm buildings on this holding that can be used to in place of the proposed building. However the Planning Department felt that it "cannot consider land ownership as a material consideration when this is the address of the registered farm business". In this respect, the assessment of the



- proposal would appear to have been fatally flawed, particularly since the planning department failed to recognise that it is actually legislated to attach greater weight to the "other material considerations" and there is no reason why the single planning policy (which did not neatly address these specific circumstances) had to be given absolute weight.
20. The Council also failed to recognise that there was no possibility of building a new shed at the existing building (within the caravan park)
 21. The planning officer indicated that "given the discrepancies with the information that has been provided on file, I cannot confirm that there are no other suitable sites available at another group of buildings on the holding". However, the agent has indicated to me that he was unaware of any purported discrepancy regarding addresses, and I am advised that the applicant has now provided legal proof of title of the lands that he owns and the additional lands that are taken in conacre. This form of evidence was accepted by the Council in a number of recent cases, one of which was handled by O'Callaghan Planning (further details can be provided upon request) and it would appear unreasonable to depart from this practice at this applicant's expense.
 22. At a previous office meeting with the applicant and his agent, the Council raised an issue about a recent PAC decision in South Armagh which highlighted that a farm holding was critical in the assessment, not land ownership. This purportedly emphasised that land ownership is not a material consideration in planning.
 23. At the same meeting, it was recorded that "the agent provided photographs of other farm buildings previously approved in the area". However, "it was explained that every application is assessed on its individual merits". That being the case, there is no reason why a single PAC decision should automatically be deemed to establish a firm position on any given issue. Appeals are determined in their own evidential context, and it is not clear if the decision was a single Commissioner decision or a corporate decision. I consider it unlikely that the circumstances that pertained to that appeal are replicated in this case, given the unusual arrangement of an existing farm building being located within a caravan park, and the appeal would therefore not be directly comparable with this proposal, while the Committee is respectfully reminded that this application should be determined on the basis of its own individual merits.



24. While a number of site-specific concerns have been highlighted, this is an application for outline planning permission. Despite the fact that the area is relatively flat and low lying, it is not unusual to see features such as industrial buildings, farm complexes or other large structures (including a small number of wind turbines). In this context, a modest agricultural shed would not cause demonstrable harm, however a brief deferral would offer an opportunity to provide a comprehensive landscape assessment / visual analysis of this aspect of the development, viewed from the surrounding public road network.
25. I appreciate that the Committee has a large number of cases to deal with and it is with some reluctance that I am hereby requesting the deferral of this application in order to fully deal with the issues that have been raised in the Council's planning report. I would apologise for any inconvenience caused in this respect however I trust the Committee will recognise the late timing of my instruction.

Yours faithfully,



.....
Colin O'Callaghan
Chartered Town Planner
Bsc Hons Dip TP MRTPI



RTPI
Chartered Town Planner



**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	8			
APPLIC NO	LA07/2016/0091/F	Full	DATE VALID	21/01/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Peter Clarke 14 Upper Dromore Road Warrenpoint BT34 3PW		AGENT	Cole Partnership 12a Duke Street Warrenpoint BT34 3JY 028417 53679
LOCATION	To the front of no 14 Upper Dromore Road and between Nos. 12 and 16 Upper Dromore Road Warrenpoint BT34 3PW			
PROPOSAL	Proposed dwelling with amendments to access for 14 and 14a Upper Dromore Road, Warrenpoint			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 7 'Quality Residential Environments' Policy QD1 in that it has not been shown:

(a) That the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

(c) that adequate provision is made for public and private open space and landscaped areas as an integral part of the development;

(h) that the design and layout will not cause / create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPRS) and Planning Policy Statement 7 (Addendum) 'Safeguarding the Character of Established Residential Areas' policy LC1 in that:

(a) The proposed density is significantly higher than that found in the established residential area;

(b) The pattern of development would not be in keeping with the overall character and environmental quality of the established residential character area;
And if approved, the development would therefore erode the local character, environmental quality and residential amenity of the established residential area.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0091/F

Date Received:

21/01/2016

Proposal:

Proposed dwelling with amendments to access for No. 14 & 14A

Location:

The site is located 0.4 miles from Warrenpoint Town Centre, within an established residential area within the settlement limit of Warrenpoint. The site itself comprises the front garden area of No. 14 Upper Dromore Road and is located between No's 12 & 16 Upper Dromore Road.

Site Characteristics & Area Characteristics:

Surrounding dwellings vary in character, though are predominantly detached. The proposed site is the front garden of No.14, a split level detached dwelling. Set behind this is No.14A, a large two storey red brick property with its primary elevation to the south. The site also lies between No's 12; a modest detached single storey bungalow set back from the road in line with No.14A and No.16 a detached split level property which follows the settlement pattern of number 14. The site itself measuring 0.027 hectares slopes steeply to the south west. There are currently two access points off the Upper Dromore Road, one servicing number 14A to the south of the site and one servicing number 14 in the north east area of the curtilage. The rising topography of the land along Upper Dromore Road appears to have resulted in this variation of housing styles in terms of scale and character.



Site History:

LA07/2016/0063/F - To front of No.12 and between 10 and 14 Upper Dromore Road Warrenpoint, proposed dwelling – permission granted 20/05/2016

P/2012/0512/O

- P/2002/0123/F - Rear of no 14 Dromore Road, Warrenpoint, Permission granted
- P/2000/1751/O – To the rear of 14 Upper Dromore Road, site for dwelling, permission granted
- P/2000/0870/O - To the rear of 14 Upper Dromore Road, Site for dwelling, application withdrawn
- P/1983/0246 – 16 Upper Dromore Road, extension and improvements to dwelling , permission granted
- P/1981/0737 – Proposed erection of a wall, permission granted
- P/1977/0353 – Upper Dromore Road, Proposed bungalow, permission granted

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland 2015(SPPS): Planning for Sustainable Development
- Banbridge / Newry and Mourne Area Plan 2015
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments
- PPS 12 Housing in Settlements
- 'Creating Places: Achieving Quality in Residential Environments.'
- Development Control Advice Note (DCAN 8) 'Housing in Existing Urban Areas.'

Consultations:

- **Transport NI** – No objections, with conditions attached
- **NI Water** – No objections, with informatives
- **Environmental Health** – No objections , with informatives

Objections & Representations

8 Neighbour notified issued 16th May 2016

No responses received.

Consideration and Assessment:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The site is located within the development limits of Warrenpoint / Burren as identified by the Banbridge / Newry and Mourne Area Plan (BNMAP) 2015. The site is designated as whiteland within the BNMAP and is not specifically zoned.

Planning Policy Statement 7 'Quality Residential Environments'

PPS7 states that planning permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

Furthermore, PPS QD1 states: *"In established residential areas, proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas."*

All proposals for residential development will be expected to confirm to all of the following criteria listed under PPS 7 QD1:

(a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surface areas;

The proposed development would result in a loss of valued open garden space which is characteristic of the surrounding residential area. Currently, No. 14 has approximately 766.5 square metres of private open garden space to the front. No's 16, 18 and 20 follow this pattern and No's 12, 10 and 8 albeit with their front amenity space decreasing respectively, in line with the curve of the road. If this proposal were to be developed, the front amenity space of No. 14 would be reduced significantly, to approximately 130 square metres. This is not considered to be respectful of the surrounding context, nor appropriate to the character of the area.

The site slopes steeply to the north, rising by 3.2 metres from the roadside towards the rear curtilage of the site. The proposed plans include sections through the site, with at least 3 metres cut and fill required to integrate the dwelling into the site so as to not obstruct upon existing No.14. This is a significant amount of digging required against the natural contours of the site to support the proposed dwelling and is not considered appropriate to the topography of the site.



It is noted that a recent outline approval has been granted for a dwelling to the front of the adjacent No.12 on 9th March 2015 (Planning application reference P/2014/0512/O) and subsequent full approval granted on 20th May 2016 (application reference LA07/2016/0063/F.) The depth of plot size however on this site is

much greater than the subject site at 27metres, with only 16.5 metres depth of plot on the subject site. The Case Officer in their assessment of this outline application, felt that the proposal did not meet the policy requirements of PPS7 in that it would detract from the overall settlement pattern of the immediate area and would be 'garden grabbing.' Despite this, approval was granted based on the existence of No.14A (approved under application P/2002/0123/F), which the Case Officer felt had similar siting to the proposed development at No.12. I would argue however that this was a poor planning decision and No.14A was approved prior to the publication of the Addendum to PPS7 'Safeguarding the Character of Established Residential Areas,' published in March 2008 which provides additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas and help protect such areas from further erosion of their character. A previous poor planning decision in my opinion does not constitute grounds for approving a current proposal, a view which the Planning Appeals Commission has supported. With this in mind, it is considered that the proposal would not respect the surrounding context and is inappropriate in this established residential area. If approved, it would further erode the character of the area which should be protected.

(b) Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

There are no features of archaeological significance within or adjacent to the site.

(c) Adequate provision is made for public and private space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to

soften the visual impact of the development and assist in its integration with the surrounding area;

'Creating Places' gives guidance as to the level of private amenity space that should be provided for new dwellings. With the close proximity to No. 14, this proposal provides inadequate provision of useable private amenity space behind the building line, with an area of less 70 square metres. !

(d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

This is a small scale proposal and is within walking distance of Warrenpoint Town Centre.

(e) Movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The proposed dwelling is to use an existing private driveway off Upper Dromore Road which is currently used by No.14 As a result of this, an alteration to the existing access to No.14A is proposed to accommodate access to No. 14. There will be low level access to the dwelling from the existing hard surface driveway, forming part of the approach. This surface will facilitate wheelchair movement and manoeuvring. There is pedestrian access provided to both side and rear garden areas of the proposed dwelling

(f) Adequate and appropriate provision is made for parking;

2 car parking spaces are provided to the front of the dwelling, which is acceptable in terms of the guidance in section 20 of 'Creating Places: Achieving quality in residential environments.'

(g)The design of the development draws upon the best local traditions of form, materials and detailing; proposed schedule of finishes includes; smooth plaster with white painted finish, white double glazed PVC windows with grey straps, black PVC rainwater goods, and black concrete roof tiles.

(h)The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

A layout plan which displays the contours of the site shows 2.1metres from the ridge line of the proposed dwelling to eye level if standing on the ground floor of No.14, causing no issue of overlooking from the new dwelling to those existing. However, the proposed dwelling is to be sited below and in front of no. 14A, with 7.85metres separation distance between the two dwellings. This arrangement would give rise to issues of overlooking upon the private amenity space of No14.

Number 16 is presently screened by mature trees. The side elevation of the proposed dwelling will be positioned approximately 9 metres from the existing front garden of No. 16. The proposed floor plans on this side include only two windows, both at upper level to include a hallway window and en-suite window. Given the positioning of the dwelling, there would be no detrimental impact upon the property of No.16 in terms of loss of light or overshadowing internally, though the building block would have an impact upon the enjoyment of the private amenity space to the

front. The above applies also to existing number 12 to the south, which is set back from the proposed dwelling. Nonetheless, no objections have been received from the relevant neighbouring properties. Opposite and across from the site lies No.1 Meadowlands, a storey and a half detached property with the ground floor screened from the road by dense hedgerow. Beside this, No.25 Upper Dromore Road, a modest detached bungalow is sited at an angle with its gable fronting towards the road. It is considered that there is a reasonable space between the proposed development and these two properties to avoid any unacceptable adverse effect.

(i) The development is designed to deter crime and promote personal safety.

The applicant would be encouraged to incorporate sensible security measures during the development process.

Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas'

The second Addendum to PPS 7 provides additional provisions to help protect areas of established residential character, environmental quality and local amenity. In this assessment, Policy LC1 'Protecting Local Character, Environmental Quality and Residential Amenity' applies:

*"In established residential areas, planning permission will only be granted for the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7 **and** all the additional criteria below are met:"*

(a)The proposed density is not significantly higher than that found in the established residential area;

When considering an increase in housing density in an established residential area, great care must be taken to not unacceptably harm local character, environmental quality or amenity of the area. In assessing this, both the site specific and immediate surrounding area must be considered. At present, this comprises low density development, with two dwellings maximum per plot, with predominately detached dwellings which have generous front amenity space. To develop the proposed

dwelling, would increase the density found in the existing area, arguably not significantly but enough in this specific case to result in over-development of the plot.



(b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The rising topography of the land along Upper Dromore Road appears to have resulted in a variation of housing styles in terms of scale and character. Nonetheless, numbers 12 to 20 follow an established settlement pattern with relatively large plots and a semi-detached dwelling sited towards the middle of the plot, with a large front amenity space towards the road. The topography and

existing landscape together with this settlement pattern has resulted in a high quality residential area. As briefly mentioned, there have been some previous planning decisions which have compromised this existing settlement pattern, including the approval of No.14a and development to the front of No.12. Arguably, it is therefore even more important to protect the character from further erosion through development.

The proposal includes the development of a dwelling in what is currently the front garden of No. 14. Although an approval has been made on the adjacent site as discussed earlier in this assessment, the proposed site differs in terms of existing plot size and density, topography and character. The proposed development would significantly alter the existing settlement pattern and result in the intensification of this site. In terms of amenity space, the development would encroach upon the existing No.14, leaving only 3.2 metres distance between the rear boundary of the proposal and No.14 (the adjacent approval leaves 9.5metres between the rear boundary of the new development and the existing No.12, highlighting the differences in these two plots.) In addition, the proposal would leave only 6.5 metres to the front which does not fit in with the character of the surrounding front gardens. Furthermore, Para 4.7 of PPS7 reinforces that features that undermine the overall character of an area should not be replicated or used as a precedent. In this instance, the adjacent approvals are not comparable nor do they necessitate grounds to continue this pattern.

The supplementary guidance of DCAN 8 'Housing in Existing Urban Areas' makes clear that 'town cramming' or other inappropriate developments which would adversely affect established residential character and amenity will be resisted. It is my opinion that the proposal is inappropriate in the context of the site and surrounding area. If approved, it would detrimentally change the existing settlement pattern and would not be in keeping with the overall character and environmental quality of the established residential area.

(c) All dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposed dwelling exceeds the minimum design standards of 80/85square metres for a 4-person /3-bedroom house type.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 7 'Quality Residential Environments' Policy QD1 in that it has not been shown:
 - (a) That the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

(c) that adequate provision is made for public and private open space and landscaped areas as an integral part of the development;

(h) that the design and layout will not cause / create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 7 (Addendum) 'Safeguarding the Character of Established Residential Areas' policy LC1 in that:

(a) The proposed density is significantly higher than that found in the established residential area;

(b) The pattern of development would not be in keeping with the overall character and environmental quality of the established residential character area;

And if approved, the development would therefore erode the local character, environmental quality and residential amenity of the established residential area.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0091/F

Date Received:

21/01/2016

Proposal:

Proposed dwelling with amendments to access for 14 and 14A

Location:

To the front of No.14 Upper Dromore Road & between No's 12 & 16 Upper Dromore Road, Warrenpoint, BT34 3PW

Addendum to Case Officer's Report

Following recommendation for refusal and prior to this application being presented to the Planning Committee, the agent submitted some additional points to be considered prior to a decision being made on this application. This submission also requests a meeting to discuss the application.

Points 1 to 3 and 7 raise queries over the measurements provided in the Case Officers report in relation to site area and amenity space to the front and rear of the proposed dwelling. The site area was taken from the P1 form as per question 3 as provided by the agent. The areas given in relation to amenity space are approximate as stated and are included as part of the analysis around loss of valued garden space and inadequate provision of useable private amenity space. The overall opinion in this regard still remains.

Points 4 and 8 contest the point made on issues of overlooking. This Para in the Case Officers report should read *"this arrangement would give rise to issues of overlooking upon the private amenity space of the **proposed dwelling**"* rather than "No.14." This error has been acknowledged however the issue of overlooking remains;

Points 5 and 9 relate to the density of the proposed development. The increase in density as stated is considered enough to result in over-development of the plot;

Points 6 and 10 relate to the design and pattern of development. The Case Officer's Report notes comparisons to the development at No.12, pointing out that the depth of plot size on this site is much greater than the subject site and that this proposal was approved prior to the current Addendum to PPS7, which provides additional provisions to protect the local character, environmental quality and residential amenity of established residential areas.

Given the above and following consideration of the additional points raised in this submission, the original recommendation as outlined in the Case Officer's Report remains the same.

Recommendation

The proposal is contrary to the SPPS, PPS7 QD1 and the Addendum to PPS7 Policy LC1 and as such, should be refused.

The Planning Department however are happy to facilitate a meeting to discuss the above issues with the agent and or applicant further, should this be required.

<p>Case Officer Signature:</p> <p>Date:</p>
<p>Appointed Officer Signature:</p> <p>Date:</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0091/F.

Date Received:

21 January 2016

Proposal:

Dwelling House with amendments to access for 14 and 14A

Location:

To the front of No 14 Upper Dromore Road & between Nos 12 and 16 Upper Dromore Road, Warrenpoint.

Further Addendum to Case Officer Report

The main policy context for housing applications of this nature within settlement limits is provided by Policy QD1 of PPS 7 and the Addendum to PPS 7.

The Planning Department has already confirmed its view that the application is contrary to Policy QD 1 (a), (c) and (h) of PPS 7, 'Quality residential Environments' and Policy LC1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area', for the reasons stated in the case officers report.

The application went before the Planning Committee on 18 January. It was deferred for a site visit and a meeting between the agent and the Planning Department.

A meeting was held with the agent and the applicant on Friday 10 February.

The applicant outlined the reasons for choosing the site, namely: the original house on the site was immediately behind the application site. A house was then approved behind this by DoE Planning on the basis that it was for a member of his family. His family are now growing up and he intends to move out of the original family home into the house which is the subject of this planning application. Another member of his family will move into the original family home. This will ensure his family will be nearby to look after him. There would be no issues of overlooking considering the close family links between the occupiers. This was not a speculative application but one related to a genuine family need.

The agent stated he was surprised with the opinion to approve as 'Planning' did not have any issue with the house recently approved and under construction next door to the application site. The approval would be in keeping with the existing pattern of development on the Upper Dromore Road.

P Rooney stated that the Council, as the new planning authority, is particularly concerned with the proposed development for a number of reasons including overdevelopment, impact on existing dwellings and the potential for overlooking (notwithstanding the identity of existing and future occupants). The recent approval was acknowledged however this would have been a matter for the previous planning authority and the site is distinguishable in terms of size and configuration. The resultant pattern of development would not be in keeping with the wider pattern of development.

Amended plans were submitted by the agent at the meeting. The design and layout details remain the same. The layout drawing shows a new post and wire fence in front of the existing planting which is to remain. The drawings also include details of finished floor levels of the existing (29.06) and the proposed unit (23.75). Following further consideration of the application it is considered that the proposal remains contrary to PPS 7 for the reasons previously stated. It would have a negative impact due to potential dominance and overshadowing.

It is considered that the reasons stated at the site meeting are insufficient to set aside the requirements of prevailing planning policy.

Refusal.

Reasons as previously stated.

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	9			
APPLIC NO	LA07/2016/0473/F	Full	DATE VALID	13/04/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Cathal Murdock c/o Agent		AGENT	Gray Design Ltd 5 Edward Street Newry BT35 6AN 02830251885
LOCATION	Lands 70m South West of Nr 35 Aughnagon Road Warrenpoint BT34 2JH			
PROPOSAL	Proposed change of house type for dwelling previously approved under P/2009/0421/ RM			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that there are no overriding reasons why this development is essential in this rural location. as the previous planning approval has expired.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0473/F

Date Received:

13/04/2016

Proposal:

Proposed change of house type

Location: Lands 70m South West of No.35 Aughnagon Road,
Warrenpoint, BT34 2JH

Site Characteristics & Area Characteristics:

The site is located approximately 1.7 miles north of Burren in a rural area which has come under pressure from the development of single houses, largely two storey in design. There is also a dwelling currently under construction to the south of the site, to foundation level. To the north east of the site, sits No.35, an established farm dwelling with three large agricultural sheds to the south, which sit between the subject site and the Aughnagon Road. The site itself, 0.275 hectares, is set back approximately 25 metres from the Aughnagon Road and set down from the road level. It is largely screened along its northern and southern boundaries by existing mature trees which appear to be some 10metres high. There is currently a wire and post fence boundary along the rear and western boundary. The eastern boundary is undefined, with a natural retaining wall lending to the adjacent agricultural sheds. A new access point has been created to the site directly from Aughnagon Road, as pictured.



Access point to the site



View from the eastern point of the site



View from Aughagon road towards the site.

Site History:

This site was originally afforded planning approval for a dwelling and garage on 07/04/2006 under the former Newry and Mourne Rural Area Subject Plan 1986 – 1999 by virtue of application reference P/2005/1265/O. The subsequent reserved matters application (reference P/2009/0421/RM) was approved on 02/07/2009.

Relevant Surrounding Applications: A site for a dwelling and garage has been approved on the adjacent site (100m South of 29 Aughnagon Road, Mayobridge) under planning application reference P/2004/1750/O.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS 2 'Natural Heritage'
- PPS 3 'Access, Movement and Parking'
- PPS 21 'Sustainable Development in the Countryside'
- 'Building on Tradition, a sustainable design guide for the Northern Ireland Countryside.'
- Site Planning History
- Planning Case Law including: Hart Aggregates Ltd v Hartlepool BC (2005) and F.G Whitley and Sons V Secretary of State for Wales (1992)
- Planning Appeal Reference 2015/A0193

Consultations and Responses:

- NI Transport No objections, subject to conditions;
- NI Water No objections, generic response;
- Environmental Health No objections, subject to conditions;
- Historic Environment Division No objections to the proposal.

Objections & Representations

0 objections / responses received

Statutory publication expiry date 13/05/2016

Consideration and Assessment:

As per Para 3.8 of the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The site is located out with settlement limits as identified in the Banbridge / Newry and Mourne Area Plan 2015 in a rural area that falls within the Mourne AONB designation. Under PPS2 Policy NH6, planning permission will only be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all the policy criteria listed under policy NH6 are met. The principle of development in this case, has already been established under planning application reference P/2005/1265/O. The details proposed will be assessed against the merits of policies PPS2 NH6 and PPS21 CTY 13 and CTY14, provided the criteria against PPS21 CTY1 are met.

Planning History

The principle of development on this site was established initially under outline application reference P/2005/1265/O for a dwelling and garage, approved on 07/04/2006. The subsequent Reserved Matters application (reference P/2009/0421/RM) was approved thereafter on 02/07/2009. Conditions 1 and 2 on the Outline and Reserved Matters approval respectively required the development to be started by the later date of either five years from the grant of outline permission or two years from the reserved matters approval. Therefore in this scenario, the latest date on which development could be lawfully commenced was 02/07/2011.

Access

The current proposal includes the same access proposals as those previously approved under P/2009/0421/RM. A site inspection was carried out on 16/06/2016, during which it was evident that a different access to that on the proposed plans has already been created, which is not included on the proposed plans, which is taken directly off Aughnagon Road towards the south of the site.

In addition to the time limit condition attached to the Reserved Matters approval, a pre-commencement condition in relation to access (condition 2) was also attached (following on from condition 8 on the outline approval) which states: *"The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users."*

Whilst a new access had been created, the approved access works did not appear to be in place during site inspection. Confirmation was sought from TNI on this matter. A written response from TNI dated 17th November 2016 confirms that no work has commenced on site in relation to the access condition associated with the previous approval under P/2009/0421/RM. This is reiterated with the replication of TNI's pre-commencement condition in relation to the access on the current application. (TNI Consultation response dated 07/06/2016: *"The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No. 02 bearing the date stamp 13 April 2016, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users."*)

Site inspection

At the time of site inspection, foundations were in place, with concrete poured. Building Control records confirm that these foundations were inspected on 31/05/2011, prior to the expiry date of 02/07/2011. In comparing these to the approved plans, the foundations on site appear to be oriented incorrectly, and thus the footprint does not match the approved plans.

Lawfulness / Status of the site

Given that development has commenced without meeting the required conditions (i.e. pre commencement access conditions), the lawfulness of these works and therefore the status of this site is questionable. Some case law is of relevance to the consideration of this pre-commencement condition. It was decided in *F.G Whitley and Sons V Secretary of State for Wales (1992)* that where works have begun without a pre-commencement condition being fully discharged, those works would not constitute a lawful implementation of the permission to prevent it lapsing and would result in unauthorised development.

In the case of *R (on the application of Hart Aggregates Ltd) v Hartlepool BC (2005)* the court ruled that the Whitley principle does not apply to all pre-commencement conditions, but only to those which “go to the heart of the permission.” Condition 3 in this case relates to the issue of road safety.

A recent appeal case which was dismissed by the Planning Appeals Commission is relevant by comparison to this scenario (appeal reference 2015/A0193.) This appeal contested the implementation of previous planning permission as access to the site was not provided prior to the commencement to works on the site. In this case, the Council asked Transport NI for their expert advice on as to whether such a condition was necessary with regards to road safety. Their response in this case included the following statement: “*Following further consideration of this application, TNI would agree that the condition does go to the heart of the application and a disregard of this could compromise road safety.*”

Road safety is a material consideration not only after a building is occupied, but also during the construction stages, where there are a wide range and frequency of vehicles visiting the site. In the above case, the Council agreed with Transport NI that the poor visibility to the access would prejudice road safety if not remedied and that the condition requiring this to be done prior to any other development was fundamental, thus going to the heart of the overall permission.

In this scenario however, there is a different position whereby a different access has been created to the proposed access. Nonetheless, it would appear that the original planning permission on this site has lapsed due to the attached conditions not being met.

PPS21 'Sustainable Development in the Countryside'

The current application fails to meet the policy test of PPS21 CTY 1 in that there are no overriding reasons for this development in the countryside given the previous planning permission has now lapsed. This is also contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS.)

Despite the above, for the purpose of completeness, the proposal should be considered against the policy criteria of PPS21 in its entirety.

CTY13 considers the integration and design of the proposal and CTY14 the impact of a new building upon the rural character of the area. The dwelling proposed is an 8m high (from finished floor level) two storey design, which includes a single storey projection to the rear, two storey side projection to the north east and a porch 3.15m in height to the front and south east. The dwelling previously approved on the site measured 8m in height and comprised a two storey design with a two storey front projection and relatively large rear return. The dwelling is proposed to be sited close to the footprint of that approved, albeit slightly further south. Initially, the design included a formal hipped roof design which was not felt to be characteristic of the area nor suitable in this locality. Having met with the agent and applicant involved to discuss design, amended plans were received which included a pitched roof design. This, I feel would be more appropriate for the site and its locality.

The site as briefly mentioned currently benefits from the existence of established mature trees along the northern and southern boundaries which would provide a good degree of enclosure for the dwelling when travelling north along Aughnagon Road. This, together with the drop from road level would help to aid the integration of the dwelling. I do not feel the proposed dwelling would appear as prominent in the landscape with the addition of the proposed tree and hedgerow planting along the west and immediate northern boundaries.

As mentioned above, a separate access point has been created off Aughnagon Road, which is not included in the proposed plans for this application. The creation of this access and ancillary works in my opinion adds to a ribbon of development along this road frontage and further erodes the rural character. Enforcement will be notified separately of this development in the meantime, which does not have the benefit of planning permission nor is it currently part of an existing planning application.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that there are no overriding reasons why this development is essential in this rural location, as the previous planning approval has expired.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

**Divisional Planning Office
Newry & Mourne District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ**

**Proposed change of house type for dwelling previously
approved under P/2009/0421/
RM**

6th March 2017

Ref. GD2901
Your Ref. LA07/2016/0473/F

Dear Sir / Madam,

With reference to the above application we would like to request speaking rights at the coming meeting on Wednesday 15th March for the above application.

We note the application is due for refusal for the following reasons;

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that there are no overriding reasons why this development is essential in this rural location, as the previous planning approval has expired.

Planning permission P/2009/0421/RM was granted 2/07/2009 and was due to expire on 2/7/2011.

We can confirm that works commenced in the form of foundations and sub-floors prior to this permission expiring and I enclose an email from Darren Mullen Newry Building Control confirming that he inspected these works on 31/05/2011. (Photo below)

NEWRY

5 Edward Street, Newry, BT35 6AN
028 3025 1885
newry@graydesignltd.co.uk

BELFAST

20 Adelaide Street, Belfast, BT2 8GB
028 9051 7085
belfast@graydesignltd.co.uk

WARRENPOINT

18 Carrick Road, Warrenpoint: BT34 3QU
028 3025 1885
warrenpoint@graydesignltd.co.uk

www.graydesignltd.co.uk

Company Reg. #1059708 VAT No 898951151



We note that on permission P/2009/0421/RM there was the following condition;

The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted

We can confirm that a temporary access was put in place in order to construct the dwelling (photo below)



This access however is not exactly as per the planning permission P/2009/0421/RM. The applicant and applicant's family were unaware that this pre-commencement condition existed on P/2009/0421/RM, and proceeded at great expense to construct the foundations and sub-floor until their daughter was getting married.

This was a genuine oversight at the time and we ask that the council reconsider this decision.

We would also like to note that in the past few months the council have passed very similar applications such as LA07/2015/1264/F and LA007/2016/0075/F in January 2017

Yours Sincerely

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Colin Dalton
For and on Behalf of GRAY DESIGN LTD

Encl

Colin D'Alton

From: Hughes, Catherine <catherine.hughes@citi.com>
Sent: 12 December 2016 14:17
To: 'colin@graydesignltd.co.uk'
Cc: 'Cathal'; 'jonny@smythsurveying.com'
Subject: FW: 35A, Aughnagon Road, Mayobridge

Hi Colin,

Just a quick message

My brother Jonny reached out to Darren Mullen in building control this morning re the sign-off and he came back with the below.

He may be able then to provide us with what we need to go forward?

Darren's contact details are below if you need them.


Thanks,

Catherine

From: Jonny Hughes [<mailto:jonny@smythsurveying.com>]
Sent: 12 December 2016 14:09
To: 'catherine.hughes@citi.com'
Subject: FW: 35A, Aughnagon Road, Mayobridge

Fyi

Jonathan Hughes
Quantity Surveyor
Smyth Surveying
T: 07974265975
E: jonny@smythsurveying.com

Smyth Surveying Ltd 

From: darren.mullen@nmandd.org [<mailto:darren.mullen@nmandd.org>]
Sent: 12 December 2016 14:05
To: Jonny Hughes <jonny@smythsurveying.com>
Subject: 35A, Aughnagon Road, Mayobridge

Good morning Jonny, further to your query on the above mentioned property I can confirm that I carried out a site inspection to commence the works on 31/5/2011. The application was for a new dwelling and detached garage under the name of David Hughes. If you require any further information please do not hesitate to contact me.

Regards,

Darren Mullen
Senior Building Control Surveyor
Regulatory and Technical Services

Newry, Mourne & Down DC
Tel : 02830313000.

This e-mail, its contents and any attachments are intended only for the above named. As this e-mail may contain confidential or legally privileged information, if you are not, or suspect that you are not, the above named, or the person responsible for delivering the message to the above named, delete or destroy the email and any attachments immediately. The contents of this e-mail may not be disclosed to, nor used by, anyone other than the above named. We will not accept any liability (in negligence or otherwise) arising from any third party acting, or refraining from acting, on such information. Opinions, conclusions and other information expressed in such messages are not given or endorsed by the Council, unless otherwise indicated in writing by an authorised representative independent of such messages.

Please note that we cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.

The Council undertakes monitoring of both incoming and outgoing e-mails. You should therefore be aware that if you send an e-mail to a person within the Council it may be subject to any monitoring deemed necessary by the organisation.

As a public body, the Council may be required to disclose this e-mail (or any response to it) under UK Data Protection and Freedom of Information legislation, unless the information in it is covered by an exemption.

ITEM NO	10			
APPLIC NO	LA07/2016/0790/F	Full	DATE VALID	10/06/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Conor Toale 33 Finnegans Road Newry BT35 8JD		AGENT	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 41772377
LOCATION	Approximately 90 metres North of No. 8 Ballyholland Road Newry			
PROPOSAL	Erect 2 agricultural sheds with 1 internal underground slurry tank. Provision of cattle loading and handling facility with underground wash water tank. Application submitted in substitution to approval granted under P/2010/1219/F			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Addresses	Signatures	Addresses	Signatures
0	0	0	0

- 1 The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted would have an adverse impact on the natural heritage;

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that

 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm or forestry buildings;

Additionally in cases where a new building is proposed at an alternative site away from existing farm or forestry buildings:

 - The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings;
 - that the alternative site away is essential for the efficient functioning of the business.

- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the design of the proposed building is inappropriate for the site and its locality.

- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - and would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0790/F

Date Received:

10/06/2016

Proposal:

Erect 2 agricultural sheds with 1 internal underground slurry tank. Provision of cattle loading and handling facility with underground wash water tank. Application submitted in substitution to approval granted under P/2010/1219/F

Location:

Approximately 90metres north of No.8 Ballyholland Road, Newry

Site Characteristics & Area Characteristics:

The site comprises an elevated plot of land located approximately 1 mile east of Newry in a rural area between the settlement limits of Newry and Ballyholland. In addition to primarily agricultural uses surrounding, there are some single houses in the immediate vicinity, with No.7 an established bungalow opposite the access point to the site and no.8, a modest single storey dwelling which sits approximately 90metres south of the site. The site, which is currently accessed off an existing tarmacked laneway, is set back some 80 metres from the Ballyholland road and overlooks Newry to the North West. Part of the site has been cleared, with evidence of structural works in place, as shown below.



Site History:

P/2010/1219/F - Proposed erection of rural agricultural shed, approved 05/09/2011.

There is also currently a live enforcement case on the site, investigating the alleged unauthorised development under construction (application reference LA07/2016/0205/CA.)

Planning Policies & Material Considerations:

The planning policies and material considerations relevant to the proposal include:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015
- The site specific planning history
- PPS 3 'Access, Movement and Parking'
- PPS 6 'Planning, Archaeology and the Built Heritage.'
- PPS 21 'Sustainable Development in the Countryside'

Consultations:

- **Transport NI** – No objections to this proposal provided that the proposal is for agricultural use only and the conditions later attached to this report are met.
- **NI Water** – No objections, with informatives provided
- **NIEA Water Management Unit** – No objections to the proposal, subject to conditions
- **DAERA – Countryside Management Compliance Branch (formerly DARD)** – have confirmed that the associated farm business (ID 6512321) has been in existence for more than 6 years and is active, though the claim of SFP, LFACA or agri-schemes in the last 6 years.
- **Environmental Health** – no objection in principle to the application
- **Department for Communities Historic Environment Division (HED)** – No objections with this proposal

Objections & Representations

- 1 Neighbour notified 11/07/2016 (expired 25/07/2016)
- Statutory publication period ended 15/07/2016
- 1 objection has been received in relation to the works which have already commenced on site and the future intentions of this site. An enforcement case is currently open to investigate this and all material considerations will be considered in further detail below.

Consideration and Assessment:

This proposal is for the erection of 2 agricultural sheds with a single internal slurry tank and the provision of a cattle loading and handling facility with underground wash water tank. This application is made in substitution for the existing approval on this site (application reference P/2010/1219/F.) Additionally, this application is made under a different farm business ID than this previous approval and therefore the current farm holding in its entirety will be considered in this assessment, in addition to weight given to the existing approval on site.

SPPS

Under SPPS, provision should be made for agricultural development on an 'active and established' (for a minimum of 6 years) agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing buildings on the farm holding. A site located away from existing buildings will only being acceptable in exceptional circumstances.

BNMLAP 2015

The site is located out with settlement development limits as identified by the Banbridge / Newry and Mourne Local Plan 2015.

Site History

There is an existing approval on this site for the erection of a rural agricultural shed by virtue of planning application reference P/2010/1219/F, approved on 05/09/2011 under farm business ID 626735 (Mourne Country Park Limited.) Under this approval, development shall be begun before 05/09/2016. At the time of site inspection (18/08/16) it was evident that the approved site has been cleared, with the top soil and vegetation removed from the development area. Structural development has also begun, with 4 concrete bolt boxes in place with the respective uprights bolted in, and 4 steel stanchions located in the 4 corners which appear to be in the approved position. I am satisfied that the approved development has been implemented on time and therefore secured on the site.

This approval was granted on the basis that the development was necessary for the efficient use of that specific farm business, as an 'out-farm.' The remainder of this farm was located in Kilkeel and it was accepted that it would not be possible to use this part of the farm to its optimum without means of shelter and storage. The proposal was considered to meet the policy provisions PPS21 against the specific circumstances pertaining to that farm business.

PPS3 'Access, Movement and Parking'

The proposal involves the use an existing unaltered access to a public road. Transport NI who has been consulted on this proposal has no objections, provided the later attached conditions are met. In this regard, the intensification of an existing access is acceptable in this instance against the criteria of Policy AMP2.

PPS6 'Planning, Archaeology and the Built Heritage.'

Historic Monuments has assessed the application on the basis of the information provided and is content that the proposal is satisfactory to PPS6 archaeological policy requirements.

PPS21 'Sustainable Development in the Countryside.'

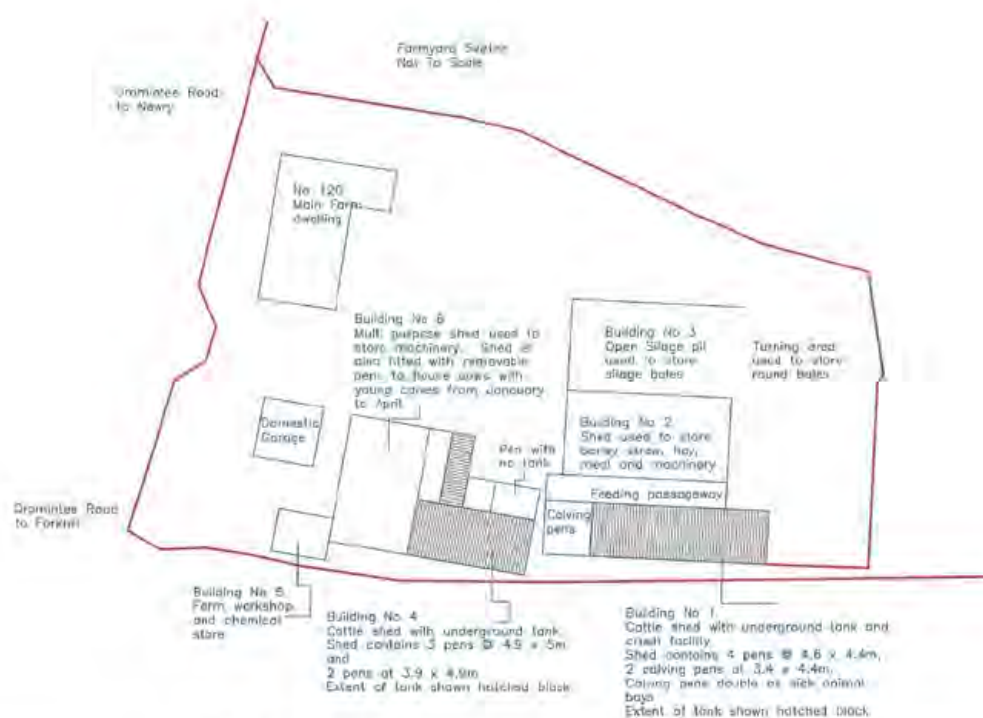
PPS21 CTY1 allows for the granting of planning permission for non-residential development which includes agricultural development that is in accordance with CTY12. DAERA (formerly DARD), has confirmed that farm business ID 612321 (which is registered to an address at 120 Dromintee Road, Newry) has been in

existence for more than 6 years and has claimed subsidies in the last 6 years, confirming that the business is both 'established and active.'

CTY12 Agricultural and Forestry Development allows for the granting of planning permission for development on an 'active and established' agricultural holding where it is demonstrated that:

It is necessary for the efficient use of the agricultural holding;

The farm holding associated with this application currently operates with 64 cattle (29 breeding cows, 4 replacement heifers, 30 store cattle and 1 bull.) Helpfully, the agent has provided the herd list details, which confirm this, together with a detailed layout of the existing farm facilities available to support the operations of the farm business (shown below.)



This demonstrates that there are currently only 2 sheds on the farm which benefit from underground slurry tanks. Further information has also been provided detailing the movements of the animals, demonstrating the need to house 33 heifers and an apparent shortfall in housing for cattle. This shortfall is heightened between the months of mid-January to mid-April, during the calving period. With this in mind, the intent is to use the proposed buildings for over-wintering expectant cows at Ballyholland Road. A need for two buildings has been put forward to allow for the storage of straw, machinery (and a tractor when not in use) in building 1 and building 2 for calving and storage of cattle, with a 'handling facility' between the 2 buildings for the loading / unloading of animals, testing / inspections etc. It is noted that the approved building is unsuitable as it does not contain a slurry tank. In addition, there is a shortfall of floor space to provide all of the above requirements.

Having considered all of the information submitted, I feel that the need for additional building floorspace on this farm is justified, however do not accept the reasoning behind the need for two buildings at Ballyholland Road. The requirements could be achieved through the addition of a slurry tank to the already approved building and a slightly increased floorspace. Alternatively, other options could be explored including an extension to the existing farm buildings at Dromintee Road or a new building on lands which would be sited beside existing farm buildings.

In terms of character and scale it is appropriate to its location;

The approved building measures 10.85m x 20m x 8.1m in height, resulting in a ridge level of 89.4m from ground level. The proposal involves the creation of two buildings; both of which measure 10.8m x 10m x 6.9m in height from FFL (81m) to the ridge, resulting in a ridge level of 87.9m from ground level. In terms of scale, the proposed buildings cover a floor space of 216square metres (excluding the slurry tank,) together with an area of 54 square metres providing for the dirty water tank and crush / loading pens area. The approved building measures 217 square metres in floor space and is 1.5m higher than the proposed two smaller buildings. The scale of the proposal in terms of height would not result in any detriment compared to the approved building. Nonetheless, the creation of two buildings together with the associated infrastructure would result in build-up of this rural area and is not in my opinion appropriate given the facilities and resources available at the main farm holding.

It visually integrates into the local landscape and additional landscaping is provided as necessary; for reasons outlined above and given the prominent and elevated positioning of the site, I have concerns in terms of integration when viewed from critical viewpoints. Weight however is afforded to the fact that a taller farm building has already been approved on this site and therefore an argument on this basis could not be sustained.

It will not have an adverse impact on the natural or built heritage; and

As briefly mentioned, the proposal would result in a build-up of this rural area which would be detrimental to the natural heritage.

It will not result in detrimental impact on the amenity of residential dwellings outside the holding;

Environmental Health has been consulted given the nature of the proposal with the inclusion of a slurry tank. Given the separation distance between the proposal and the nearest property, detrimental impacts on the amenity of third part residential dwellings are not envisaged as a result of this development.

In addition to the above criteria, where a new building is proposed, applicants are also required to provide sufficient information to confirm all of the following:

There are no suitable existing buildings on the holding or enterprise that can be used; As mentioned earlier, the requirements could be achieved through the addition of a slurry tank to the already approved building with perhaps a slightly increased floor space. Alternatively, other options could be explored including an extension to the existing farm buildings at Dromintee Road or a new building on lands which would be sited beside existing farm buildings.

The design and materials to be used are sympathetic to the locality and adjacent buildings; the proposed materials include dark green agricultural cladding, smooth rendered wall panels and galvanised roller shutter door

The proposal is sited beside existing farm or forestry buildings.

In the previous application on this site, it was accepted that the proposed building was required for an isolation unit to quarantine recently purchased animals before being introduced to the remainder of the herd. The Cattle health Certification Standards UK (CHCs) guidance 'Incorporating Rules for Cattle Health Schemes August 2010' notes that an isolation facility that prevents contact with other stock must be provided for added animals. This however can comprise a separate dedicated building from other cattle buildings and even a separate paddock that prevents contact with other stock where this is not possible. I do not accept that an isolation facility is required away from the existing farm yard and buildings, this would be completely unsustainable. Given the lands available on the existing holding, a new building could be explored closer to these or an extension of the existing buildings.

CTY13 considers the integration of new buildings in the countryside and CTY 14, the impact upon the rural character of the area. As briefly mentioned above, the design of the proposal in terms of there being two buildings is considered inappropriate for the locality. The combination of this build up, together with the prominent site in my view would further erode the rural character of the area.

CTY 16 considers the means of sewerage proposed for development in the Countryside. Given the proposal includes a slurry tank; Water Management Unit has no objections to the proposal subject to conditions to ensure that the development will not create or add to a pollution problem.

Recommendation: Refusal

Summary of recommendation: It is accepted that this farm business has a shortfall in useable floor space. The justification for requiring an isolation unit located away from the farm holding is not accepted however. The need for an isolation unit on this site was previously accepted on the basis of the specific circumstances relating to the previous farm business ID 626735. Given there is an approved building on this

site, options should be explored to meet the needs required either by amending this approved development or considering a new building which is located beside the existing buildings on the farm holding. It is not accepted that two buildings are required on this site to meet the requirements of farm business ID 612321.

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;
- it is not appropriate to this location due to the unacceptable character and scale of the development;
- the development, if permitted would have an adverse impact on the natural heritage;

In addition, sufficient information has not been provided to confirm that:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm or forestry buildings;
- there are no alternative sites available at another group of buildings on the holding;
- health and safety reasons exist to justify an alternative site away from the existing farm buildings;
- the alternative site away is essential for the efficient functioning of the business.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; and would therefore result in a detrimental change to the rural character of the countryside.

<p>Case Officer Signature:</p> <p>Date:</p>
<p>Appointed Officer Signature:</p> <p>Date:</p>

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Statement in support of planning application
LA07/2016/0790/F

Proposal: Erect 2 agricultural sheds with 1 internal
underground slurry tank. Provision of cattle loading and
handling facility with underground wash water tank.

Application submitted in substitution to approval granted
under P/2010/1219/F

Location: Ballyholland Road, Newry

Applicant: Conor Toale

Background

The applicant, Conor Toale, farms with his father Sean Toale from their main farmyard at Dromintee, to the south of Newry. DARD have confirmed that the Toales have an active farm, that they are in receipt of a Single Farm Payment and that the farm has been established for more than 6 years.

The applicant recently purchased 2.7ha of rough ground at Ballyholland Road, Newry. The land is not prime agricultural land; however its dry nature and vegetation cover would provide cattle with a very useful over wintering facility.

The Existing Planning Permission

At the time of purchase, the land benefited from FPP under planning ref P/2010/1219/F to build an agricultural shed measuring approx 20 x 10.85m with a height of 8.1m. This permission was one of the determining factors that persuaded the applicant to buy the land.

The existing approval imposes 2 conditions, one which requires work to commence inside 5 years and a condition which simply requires that the resulting building be used for the purposes of agriculture and not for any other purpose.

The officer in her report and in conversations with myself has implied that approval P/2010/1219/F was granted in response to the **specific requirements** of the previous land owner's farm business.

If this were the case one would expect to see a planning condition imposed on the decision notice which prevents the building from being used by any other farm business in the same way an occupancy condition prevents a dwelling being occupied by any one other than an applicant and his/her dependants/family.

As mentioned above, the existing approval imposes only 2 conditions. The applicant has complied with the first and can easily comply with the second as he would use the approved shed for the purposes of agriculture.

To preserve the existing approval the applicant has poured foundations and erected 4 steel stanchions at the 4 corners of the approved shed. The Case Officer (CO) has confirmed in her report that she is content that the existing approval has been correctly implemented, therefore, the existing approval remains valid and the approved building can be completed without the need for a further planning approval.

The officer's report mentions an enforcement file which is active on the land. The enforcement file was created by the Planning Department after they received a letter from a Ballyholland Road resident who implied that the works described above were carried out without the necessary planning permission and that the applicant didn't own the land.

As mentioned above, the CO is satisfied that permission P/2010/1219/F has been implemented correctly. Against this background the Planning Department have no grounds to issue any enforcement action against the applicant.

The Need For Additional Cattle Accommodation

In October past I was asked to justify the need for the proposed buildings. I measured the buildings at the farm yard and then wrote a very comprehensive letter explaining:-

- How the Toales' animals are housed over winter
- The need for additional accommodation &
- Why the applicants require 2 small sheds instead of 1 large shed etc etc.

I included a herd list from DARD which confirmed that at that specific time the farm had 64 cattle. The breakdown was as follows:-

- 29 breeding cows
- 4 replacement heifers (heifers that were expecting their first calf)
- 30 store cattle
- 1 bull.

I explained that the applicants did not have enough cattle accommodation on their farm which forces cattle to be sold off before they should be.

I further explained that the applicants planned to free up space in their sheds at the main farm yard by over wintering later calving cows on the rough ground at Ballyholland Road.

Increase In Cattle Numbers

Since October the Toales have decided to keep their heifers for breeding. This has increased the number of breeding cows/heifers on the farm by over 30% from 33 to 44. (This is confirmed by the herd print out from DARD) Calving is under way at present. 29 calves are expected to have been born by mid April. The 44 cows and heifers will hopefully produce 44 calves next year.

Using these figures and assuming that each cow/heifer will produce 1 calf, the min number of cows and calves on the farm next spring would be at least 88 + a bull + store cattle. In these circumstances cattle numbers on the farm will rise above 100 quite easily.

How Will The Applicants Use The Proposed Buildings?

If the proposed buildings are built, the applicants plan to over winter 12-13 expecting cows/heifers on the land at Ballyholland Road. The animals would have access to feed inside one of the proposed buildings which would also have an underground slurry tank. Round bales could be stored beside adjacent to the sheds with straw, hay, mineral supplements and meal etc stored in the second shed. The second shed would also securely house a small tractor and any other machinery which would be required to feed bales of silage/straw and or hay in the cattle shed. The small tractor could be left at Ballyholland Road over winter.

Approximately 2-5 weeks prior to calving, the expectant cows/heifers would be moved to the main farm yard where they could be closely monitored in the run up to calving. At the same time and to free up space in the buildings at the farm yard, cows and young calves would be moved to the land at Ballyholland Road.

Helpfully the CO has advised "*I feel that the need for additional building floors pace on this farm is justified*".

As mentioned above, the numbers of breeding animals have increased by over 30% since the need for additional floor space was justified in October, therefore, the need for additional accommodation is now greater than ever.

On 28th November past, the CO emailed me to confirm that the Council would be content to allow the applicant to build a single building, **slightly larger** than that already approved. The CO has re-iterated this offer in her report.

The Fallback Principle

The fallback principle is very important when assessing a planning application.

The "*fallback*" principle requires the Council to consider what the applicant can do **without** requiring planning approval.

In this case, the fall back principle allows the applicant to build 1 large shed measuring 20 x 10.85m and with a height 1.5m taller than the 2 sheds now proposed.

The CO has accepted a need for additional accommodation on the farm. The CO has even offered the applicant to opportunity to build a building slightly larger than 20 x 10.85m. This represents the applicant's "**Fallback Position**"

Refusal Reason 1. Policy CTY 12.

Bearing in mind the applicant's fall back position and the fact that the applicant has been offered a larger building than that already approved, we have to ask why the first refusal reason tell us that the proposal "**is not necessary for the efficient use of the active and established agricultural holding**"???

The second bullet point under refusal reason no 1 confirms the proposal "**is not appropriate to this location due to the unacceptable character and scale of the development**"

As re-iterated above, the 2 buildings now proposed will have the same total floor area as the approved building. They will be 1.5m lower and the Council is content to approve a building larger than the building already approved and commenced. This begs another question; if the 2 proposed smaller buildings would be in appropriate to this location how can 1 building, larger than 20 x 10.85 and 1.5m taller than the proposed buildings be appropriate for this location??

Bullet point 4 advises that the applicant hasn't provided "**sufficient information to confirm that here are no suitable existing buildings on the holding or enterprise that can be used**"

Again the CO has accepted a need for additional cattle accommodation on the farm and has (in writing) offered the applicant the opportunity to build a larger building than that already approved. This offer is duplicated in the officer's report.

The remaining bullet points in refusal reason 1 relate to the fact that the 2 proposed buildings will not be sited beside the existing buildings on the farm.

The remaining bullet points take absolutely no account of the fact that the applicant **already has an approval** for 1 large building.

In fact I would go as far as to say that in authoring refusal reason no 1 the Council has placed no weight in the fact that a large building has already commenced on site; or to put this another way, refusal reason no 1 has been written I would expect to it written in a circumstance where application simply proposed 2 sheds on land away from the applicant's farm buildings in circumstances where there is **NO** existing approval on the land.

Refusal reason no 2. Policy CTY 13.

The second refusal reason refers to Policy CTY 13, integration and design of buildings in the countryside. The only bullet point confirms that "**the design of the proposed building is inappropriate for the site and its locality**".

As mentioned on several occasions above, the 2 proposed buildings will have a total floor area the same as that which has already commenced on site. The council has offered the applicant the opportunity to build a larger building. Significantly, in terms of integration the proposed buildings will be 1.5m, just less than 5 feet lower than the approved building.

The boundary between the applicant's land and Ballyholland Road is very heavily covered with thick vegetation. Ground levels inside the land rise very steeply away from the road before they level off at a natural ridge. The existing shed has been commenced to the rear of the flat area. I can confirm that the steel stanchions that have been erected for the approved shed can not be seen from anywhere on Ballyholland Road or indeed any other public vantage point in the vicinity of the site.

If anything, erecting 2 buildings with ridge heights 5 feet lower than the approved building should be seen as a significant planning gain when compared to what has been approved and offered to the applicant in writing.

Refusal reason no 3. Policy CTY 14.

Refusal reason no 3 relates to Policy CTY 14, Rural Character.

The only bullet point advises that "**the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside**".

The CO confirmed by email that reference to **approved buildings** in the refusal reason is to ensure consistency and that the refusal reason relies **only** on existing buildings.

The closest existing building to the proposed siting is 90m from one of the proposed buildings. The next closest building is over 160m away from the proposed buildings. The next closest buildings are located over 200m from the proposed buildings. Many of these are located inside the settlement limits for Newry City where policy CTY 14 does not apply.

The CO doesn't advise that the surrounding area has been under development pressure as one would expect if an application was to attract a refusal reason relating to rural character.

If this application were to be approved the site will be occupied by 2 small buildings, 1 more than has already been approved.

Against that background, and considering the new building will be visible from close by vantage points, it is extremely difficult to understand how swapping 1 large building for 2 small buildings could lead to a change in rural character.

Summary of the refusal reasons.

From reading the published refusal reasons it is very clear that the planning department has given **no weight** to the fact that a building measuring 20 x 10.85 x 8.1m has already been approved and commenced on this site.

No weight has been given to the fact that the CO has accepted that there is a need for additional cattle accommodation on the farm.

In fact, the applicant after reading the officer's report and published refusal reasons couldn't believe the refusal reasons related to his application.

Why Is The Approved Building Un-Suitable?

The building which has been commenced does not contain an underground tank. If a feeding barrier were to be erected across the approved shed to form a pen which would accommodate/feed 13-14 cows, much of the area between the feeding barrier and the door would need to be left clear to allow a tractor to manoeuvre when feeding baled silage at the feeding barrier or removing manure from the pen.

This would greatly reduce the area which would be available for storage of feed.

The 2 buildings have been shown sitting opposite each other with a small loading pen and handling facility in between. Cattle accessing the slatted

area inside the livestock building will do so via a narrow door which will be secured in the open position.

The second building will have a similar door which will be secured from inside. The feed and machinery store will therefore only be accessible via the large vehicular access door which will remain locked outside feeding times. The building has been designed in this way to prevent vandals/thieves entering the feed store where they could easily steal/damage machinery or set bales of feed alight.

If the applicant was to continue to build the approved building with a tank inside, vandals could easily access the entire building via the livestock access door. Given that the building would be located within 200m of the settlement limits, I trust the committee will understand the applicant's need to prevent vandalism to or theft of machinery and damage to feed.

In short, whilst the 2 proposed buildings will only have a floor area equal to the floor area of the approved building, building 2 smaller separate buildings with separate uses will ensure more efficient use of the floor space available and provide the applicant with a much better return for his significant financial investment.

The Efficiency Of The Buildings

Policy CTY 12 requires new farm buildings to be "*necessary for the efficient use of the agricultural holding*"

The word "*efficient*" is important to the Council when assessing applications for new farm buildings. The word efficient is also very important to the farmer submitting the application.

Building the approved building would cost the applicant and his father in the region of £20,000. To make the approved building viable and efficient, an underground tank would be required under a portion of the new building at an additional cost of approximately £7000.

The 2 buildings proposed through this application, the 2 underground tanks and cattle handling facility could be built for approximately £30,000.

As you can hopefully see constructing the building(s) associated with either scenario will be very costly.

I believe it would be grossly unfair of the Council to refuse this application and force Mr Toale and his father to invest approximately £27,000 into a farm building which would be "*inefficient*" when it has been clearly demonstrated that a similar scheme would be much more "*efficient*" and

represent a much better return on the Toales' significant financial investment.

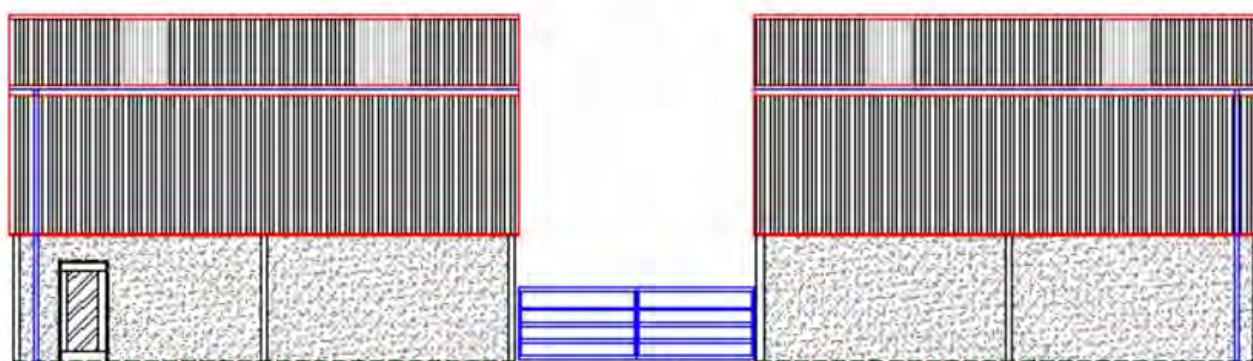
The Determining Factors

The applicant has already commenced a building on the site. The existing approval imposes only a simple condition with which the applicant can easily comply.

Although I felt it was un-necessary to do so, the applicant has proved a need for additional accommodation on his farm.

Against this background the consideration of this application should be confined to the **difference** between what is approved and what is now proposed.

The sketch below shows the side elevation of the 2 proposed sheds with the loading pen between compared to the side elevation of the approved building which will have a FFL to ridge level 1.5m higher than the proposed buildings.

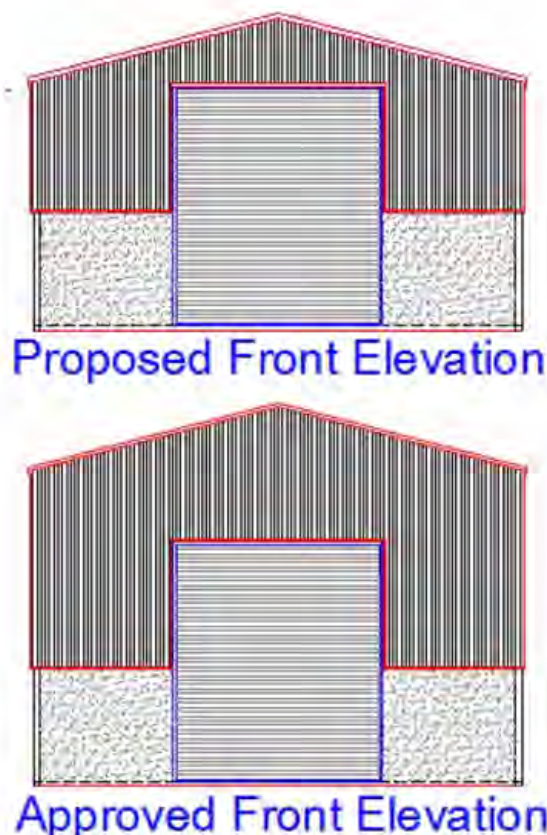


Side Elevation As Proposed



Side Elevation As Approved

The sketch below shows the proposed end elevation compared to the approved elevation.



As mentioned before, the boundary between the applicant's land and Ballyholland Road is very heavily covered with thick vegetation. Ground levels inside the land rise very steeply away from the road before they level off at a natural ridge. The existing shed has been commenced to the rear of the flat area. I can confirm that the steel stanchions that have been erected for the approved shed can not be seen from anywhere on Ballyholland Road or indeed any other public vantage point in the vicinity of the site.

Against this background and considering that the elevations as shown above WILL NOT BE VISIBLE FROM BALLYHOLLAND ROAD It is VERY difficult to understand the level of resistance the Planning Department has displayed towards this application.

How Can The Committee Approve This application?

It is very readily apparent that the Council's Senior Planning Officer and the Council's Legal Advisor require Committee members to provide substantial planning reasons as to **WHY** an application should be approved contrary to the Planning Department's recommendation to refuse. The new protocols for the operation of the Planning Committee require the planning reasons for

the approval of an application contrary to officer's recommendations to be recorded on the file for each application.

If minded to approve this application, the committee can record the following in the minutes of the meeting and on the file for this application:-

- In-sufficient weight has been afforded to the existing approval (applicant's fall back position) which has been implemented on site.
- The consideration of the application should be confined to the difference between the approved and proposed schemes.
- The applicant has justified a need for additional accommodation on his farm.
- The Planning Department is content to allow the applicant to build a larger building than that which has been lawfully commenced.

I would like to thank the Council for granting me the opportunity to speak in support of the application and I will be available to answer any questions the committee may have in relation to the above after I make my presentation.

Brendan Quinn
BSc Hons
ICIOB

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	12			
APPLIC NO	LA07/2016/0853/O	Outline	DATE VALID	24/06/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mary Garvey 8 Adavoyle Road Jonesborough Newry BT35 8JJ		AGENT	M P Toale and Associates 116 Dromintee Road Newry BT35 8SW
				NA
LOCATION	Adjacent and west of 38 Dernaroy Road Killeavy Newry			
PROPOSAL	Erect dwelling in compliance with policy CTY 10			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
2	The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been sold off from the farm holding within 10 years of the date of the application and access to the dwelling is not obtained from an existing lane.			
3	The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Dernaroy Road.			
4	The proposal is contrary to the Strategic Planning Policy Statement and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.			
5	The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.			
6	The proposal is contrary to the Strategic Planning Policy Statement and policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.			



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0853/O

Date Received: 24.06.2016

Proposal: The application seeks Outline Permission to erect a dwelling in compliance with planning policy CTY 10.

Location: Adjacent and West of 38 Dernaroy Road, Killeavy, Newry. The site is located approximately ½ mile East of the Settlement of Drumintee within the Ring of Gullion Area of Outstanding Natural Beauty in South Armagh.

Site Characteristics & Area Characteristics:

The site as defined in red takes in a rectangular portion of agricultural land that sits adjacent to No. 38, the laneway associated with No. 38 and the Dernaroy Road. East of the site is No.38, an old dwelling approved for replacement and a farm shed. South of the site is a recently build replacement dwelling with the remainder of the surrounding area taking in agricultural land. Development pressure in the area is increasing, particularly to the south of the site.

Site History:

P/1999/1764/F

Alterations & extension to dwelling
38 Dernaroy Road, Killeavy, Newry
Permission Granted: 24.01.2000

P/1995/1003

Erection of dwelling
38 Dernaroy Road
Permission Granted: 01.02.1996

P/2008/1464/F

Erection of rural style replacement dwelling with garage
38A Dernaroy Road, Drumintee
Permission Granted: 19.02.2009

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21
 Planning Policy Statement 3 / DCAN 15
 Planning Policy Statement 2
 Building on Tradition

Consultations:

NI Water – Generic Response
 Transport NI – No objections subject to the access being in accordance with RS1 form.
 DARDNI – DARD number has been in existence for at least 6 years and SFP has been claimed in this period.

Objections & Representations

2 neighbours notified on 7th July 2016 and 19th July 2016 and application advertised on 20.07.2016. No objections or representations received.

Consideration and Assessment:

The site lies within the AONB/Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections to the proposal with regard to the Area Plan.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

Transport NI has confirmed they have no objections to the proposal with regard to the above policy criteria.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10. DARD NI has confirmed the Business ID submitted with the application has been in existence for more than 6 years and has claimed subsidies during this period. This satisfies the requirements of CTY 10 (a).

The farmland has been checked for any potential development opportunities, with application P/2008/1465/F approved on 19.02.2009 for a replacement the only potential development opportunity that could have been disposed of from the holding. This was approved for Mr Patrick Garvey who was in ownership of the land that also overlaps the land as outlined in blue on this application. Clarity was sought regarding the position of this approval and the agent has suggested this approval was on a different farm (Kearney) however there is no evidence on that file pointing towards the name Kearney. From the information available this approval appears a development opportunity disposed/sold off from the holding which fails criteria (b) of policy CTY10.

No. 38 and a derelict dwelling is located immediately East of the site which for the purposes of this policy constitute buildings on the farm. The derelict dwelling is to be demolished on occupation of the new dwelling approved under P/2008/1465/F which

at the time of my site visit the dwelling did not appear occupied. However in any case an agricultural building is also located at the end of the laneway. The application site would therefore be sited to cluster and visually link with existing buildings on the farm. However, as the application fails to use the existing laneway adjacent to the site as a means of access the application fails to fully comply with this policy criteria. An alternative siting East of the site using the existing laneway was suggested to the agent however in his response to this he has stated that that site would be within '75m of the shed with a slurry tank and downwind of the farmyard'. This is not a policy position and any advice relating to the separation distance generally refers to farm buildings not associated with the new dwelling. This is considered to justify the current siting and as such the proposal fails to meet part (b) and (c) of CTY10 the application also fails to meet policy CTY1 of PPS21.

Policy CTY8 states planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 confirms that ribbon development can be represented by buildings that are visually linked or have a common frontage. For the purposes of this application, the site, No. 38a and the dwelling immediately south of 38a all have a common frontage and can be visually linked. The site would therefore add to ribbon development along this road and is therefore contrary to policy CTY8.

With regard to policy CTY13 there are concerns regarding integration for the site. Views from the site will be from the Old Road and on the approach from both directions on Dernaroy Road. The site is open and exposed and lacks established natural boundaries making it unable to provide a suitable degree of enclosure for the building to integrate into the landscape. It also relies primarily on the use of new landscape for integration and therefore for the reasons stated above, the proposal fails part (b) and (c) of policy CTY 13.

When the siting of the proposal is considered it will be viewed with a number of dwellings including Nos 33, 38a and the dwelling immediately south of 38a which would result in a suburban style of build-up and as stated above, the building would, if permitted add to ribbon development. For these reasons the proposal fails part (b) and (d) of CTY14. Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

Planning Policy Statement 2: Natural Heritage

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Ring of Gullion AONB. Due to the issues above relating to ribbon development and integration it is considered that the siting of the proposal is unsympathetic to the special character of the AONB in general and of the particular locality. The proposal is not considered to have a detrimental impact on any features of importance to the character, appearance or heritage of the landscape.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been sold off from the farm holding within 10 years of the date of the application and access to the dwelling is not obtained from an existing lane.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Dernaroy Road.
3. The proposal is contrary to the Strategic Planning Policy Statement and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement and policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer:**Authorised Officer:**

M. P. TOALE & ASSOCIATES

Architectural Consultants & Surveyors

Date 7th March 2017

Submission in respect of Proposed Dwelling on farm adjacent to and west of 38 Dernaroy Road, Killeavy, Newry for Mary Garvey. Ref; LA07/2016/0853/0 for consideration of Planning Committee on 15TH March 2017.

I refer to the Planning decision to refuse this application and make the following Comments.

1. There has been no development opportunities sold off as defined in par. 5.40 of Policy CTY 10. There has been two houses on this lane for over one hundred years and the only recent change is that no.38a has been replaced by no 40 quite clearly not a "development opportunity artificially created."
2. Access to the site was shown paired with the laneway but this can easily be changed to utilize the existing laneway . This could form a condition of approval.
3. The agricultural Dept is satisfied that the farm is active and meets the relevant criteria for a new house on the farm.
4. Other sites on the farm were considered but these were more prominent and access was through the farmyard , clearly a major Health and Safety Risk.
5. The site does not "result in the addition of ribbon development along the Dernaroy Road" as there will be no increase in the overall road frontage development, considering both existing and recently approvals.

The attached photos shows all the buildings neatly grouped together with the proposed site and there is only a snap shot view of the proposal from the passing roadway. This site is clearly within the parameters of Policy PPS 21, and should not be refused.

Signed Michael Toale

116 Dromintee Road, Newry Co. Down. BT358SW
Tel: 02830 888574 (mptoale@gmail.com)

PROPOSED SITE FOR DWELLING ADJACENT TO AND WEST OF 38 DERNAROY ROAD KILLEAVY NEWRY





Northerly Approach

SCREENED BY BOUNDARY TREES & HEDGE

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	13			
APPLIC NO	LA07/2016/0978/F	Full	DATE VALID	21/07/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Kilbroney Timber Frame Ltd Valley Business Park 48 Newtown Road Rostrevor BT34 3BZ		AGENT	Gray Design Ltd 5 Edward Street Newry BT35 6AN
				028 3025 1885
LOCATION	Site at 76 Canal Street Newry			
PROPOSAL	Proposed food retail and off-sales building including associated site works (site address amended)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	4	0	1	0
			Addresses	Signatures
			33	40
			0	0

- Under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that insufficient information has been submitted to allow the Council to determine the application



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0978/F

Date Received: 21.07.16

Proposal: Proposed food retail and off-sales building including associated site works

Location: Site at 76 Canal Street, Newry

Site Characteristics & Area Characteristics:

Site comprises of a former factory building located to the rear of existing dwellings at 60 -74 Canal Street accessed via a gated entrance from Canal Street and located immediately adjacent to a listed building (78 Canal Street).

Site History:

P/2008/0039/F- Erection of 1 No. ground floor retail unit (212 sqm floor-space) and 64 No. apartments with basement level parking and associated site works.
Withdrawn (Application Site)

P/2003/2327/F - Adjacent to 76 Canal Street, Newry. Erection of 6 No. Apartments
Withdrawn (Application Site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015. Site is within the development limits of Newry City, Area of Archaeological Potential and access onto protected route

Planning Policy and Guidance: SPPS, PSRNI (DES2), PPS2, PPS3, PPS4, PPS6, PPS6 (Addendum), DCAN 11, DCAN 15 and Parking Standards

SPPS - Town Centres and Retailing.

The policy emphasises that a town centre first approach is taken in relation to retailing and that such development is directed towards town centres. Applications for main town centre uses are considered in order of preference using a sequential test, with preference directing this type of development towards a primary retail core

(which in this case is some 850m away), town centre (500m away), edge of centre - proposals fail to meet the preferences. The site is located in an out of town centre location which is heavily reliant on the car as a mode of transport and is not accessible by a choice of good public transport modes. As the development is located on a lesser sequentially preferred site and runs contrary to the thrust of the policy it should therefore be refused.

SPPS – Amenity.

The site was previously in use as a factory with current proposals for food retail with off sales and car parking. This development will be located to the rear of existing residential properties at 60-74 Canal Street and apartments to the N. The development will intensify the use, create additional activity to the rear of properties causing adverse impact to the privacy and amenity of occupants due to noise, general nuisance and disturbance generated by vehicular and pedestrian activity to the rear of these properties. The addition of and intensification of vehicular traffic may also contribute to air pollution problems which is already problematic within this area.

PPS4, Policy PED7 - Retention of Zoned Land and Economic Development Uses.

The application site and buildings (factory) were formerly used for industrial purposes (Class B2 and B3) on un-zoned land. Policy PED 7 of PPS 4 states that development on un-zoned land that would result in the loss of existing industrial and business uses will only be permitted if it demonstrates it fulfils specified criteria. Current proposals will introduce a new use class (Use class A1 retailing) on land that was previously in use for industrial purposes resulting in the loss of an existing industrial use. It has not been demonstrated that proposals fulfil the requirements of criteria set out within PED7 and thus proposals do not adhere to policy provision. It is therefore recommended to refuse the application on this basis.

PPS3. Transport NI, in its consultation response dated 21.07.16, has requested additional information

SPPS and PPS2 (NH2) - Natural Heritage

NIEA, in its consultation response dated 29.09.16, advised that there are concerns with the proposals and in the absence of information proposals are contrary to the Habitats Regulation and PPS2.

SPPS and PPS6 – Archaeology.

Although zoned as an area of archaeological potential, NIEA has raised no concerns in relation to this.

- Impact on Setting of Listed Building.

NIEA in its consultation response advises that on the basis of information provided, it is unable to determine whether the proposal; would have adverse impact under Policy BH11 of PPS6 on the adjacent listed building at The Yews 76A Canal St (Grade B2) which is of special architectural and historic importance

DES2 – Design, Scale and Use of Materials.

Proposals will introduce retailing into an established and predominantly residential area. The design is unsympathetic to its surrounding character and will have the potential to adversely affect the setting of the listed building.

Statutory Consultations:

NIW (10.02.17) - Public, foul and surface water available with available capacity at waste water treatment works

Transport NI (21.07.16) - Applicant to submit a transport assessment

HED (12.08.16) - On the basis of information provided, advise it is unable to determine whether the proposal; would have adverse impact under Policy BH11 of PPS6. Adjacent to the Yews 76A Canal St (Grade B2) which is of special architectural and historic importance

NIEA:

Heritage (29.09.16) - Concerns with proposal and in absence of information, the proposal would be contrary to the Habitats Regulations and PPS2. The development would be likely to harm bats protected by law and insufficient information has been submitted to establish otherwise.

Drainage and Water (08.08.16) - Impact of proposal on surface water and are content subject to conditions

Land, Soil and Air (08.08.16) - Note previous uses of the application site and /or adjacent sites may have caused the land to be affected by contamination. Water Management Unit is unable to advise, based on limited environmental information provided, on whether this development would have significant impacts on the water environment. (Unspecified chemical/ engineering works, building works and factories).

Environmental Health (27.07.16) - Proposal is in a predominantly residential area. Require further information

Objections & Representations

Advertised 3/5.08.16 and re-advertised 09.09.16 amended address
81 Neighbour Notifications

5 Objections: 60, 72, 74 and 87 Canal St, 16 Catherine St.
Petition: Approximately 39 signatures

Issues:

- Impact on air quality by increased traffic
- Increased traffic
- Road safety
- Congestion
- Increase in anti-social behaviour due to presence of an off-sales
- Bats
- Negative impact on existing character
- Asbestos at site

Consideration of Issues:

Transport NI has requested additional information to assess impact of traffic and movement within the area, however they have been made aware of objections in relation to road safety and congestion

Environmental Health has been re-consulted in relation to objector concerns with regard to air quality, asbestos

Whilst the design and layout of proposals will allow for informal surveillance within the site to avoid antisocial behaviour, it is however outside the remit and control of the Council to deal with antisocial activity and this can be dealt with by law enforcement.

NIEA have acknowledged the potential for bats at this location and requested additional information.

The Planning Authority acknowledges the impact of such proposals will have on the character and predominant residential land use at this location and have recommended refusal on this basis.

Consideration and Assessment:

The thrust of planning policy is to direct retailing towards town centres and there is no justification or overriding reason why development is required at the site which would result in the loss of existing industrial land. The proposed development will have a detrimental impact to the amenity of existing residents within the area, it is out of keeping with the predominant land uses and character of the immediate locality. Redevelopment proposals also have the potential to have an adverse impact on protected species and the setting of the listed building. Objectors have raised a number of concerns which have been fully taken into account. Overall the proposal is

not in keeping with policy provision and therefore it is recommended to refuse the application.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement: Town Centres and Retailing in that this policy operates a town centre first approach for the location of future retailing and the need for retailing at this location has not been adequately demonstrated.
2. The proposal is contrary to the Local Development Plan as it falls outside the town centre boundary, retail area as designated in the Banbridge/ Newry and Mourne Area Plan 2015.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy and PED 7 of Planning Policy Statement 4: Planning and Economic Development in that the proposal would result in the loss of existing industrial and business uses contrary to policy provisions.
4. The proposal is contrary to paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement in that the proposed development would, if permitted, harm the living conditions of residents of Canal Street by reason of impact to privacy, noise, disturbance and general nuisance.
5. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its:
 - design, layout and materials which are out of character of the area.
6. The proposal is contrary to the Strategic Planning Policy Statement and Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage that on the basis of information received that it cannot be determined if the development, if permitted, will have an adverse impact on the setting of the listed building.
7. The proposal is contrary to the Strategic Planning Policy Statement and Policy and NH2 of PPS2 that on the basis of information received that it cannot be determined if the development if permitted will have an adverse impact on protected species. Under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that insufficient information has been submitted to allow the Council to determine the application.

8. Under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that insufficient information has been submitted to allow the Council to determine the application.

Authorised Officer:

Case Officer:

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	16			
APPLIC NO	LA07/2016/1212/O	Outline	DATE VALID	12/09/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Thomas Grant 44 Leode Road Hilltown Newry BT34 5TJ		AGENT	Collins & Collins 18 Margaret St Newry BT34 1DF 028 3026 6602

LOCATION Adjacent & immediately South of 20 Ryan Road
Mayobridge
Newry
Co. Down

PROPOSAL Replacement dwelling on farm (Amended site Address)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that all of the external structural walls are not substantially intact; the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 3 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation/ addition of ribbon development along the Ryan Road.
- 4 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries; is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the proposed building would rely primarily on the use of new landscaping for integration.
- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings; would not respect the traditional pattern of settlement exhibited in that area; would permitted create a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



Application Reference: LA07/2016/1212/O

Date Received: 8th September 2016

Proposal: Replacement dwelling on farm.

Location: Adjacent & immediately South of 20 Ryan Road, Mayobridge, Newry, Co. Down

Site Characteristics & Area Characteristics:

The application site in part comprises a dilapidated structure without a roof which is enclosed by trees and hedgerows, and is located approximately 0.5km west of number 20 Ryan Road, Mayobridge. The site is accessed via a long and narrow laneway off the Benagh Road. The remaining portion of the application site is a long rectangular shaped agricultural field which is located adjacent to and immediately south of number 20 Ryan Road. It is proposed to build an off-site replacement dwelling in this agricultural field. The field rises gently from the roadside boundary up towards the west before sloping down towards the rear boundary. There is an animal holding pen in the north-east corner of the agricultural field. The boundary of the field is defined by a 1.5m high post and wire fence.

The site is in a rural area that is classified as open countryside. The site is within two Archaeological Site and Monument zones (DOW047: 053 & DOW047:111) and an area of constraint on mineral developments as designated in the Banbridge, Newry and Mourne Area Plan 2015. There are two dwelling houses directly north of the application site and a house and agricultural type buildings to the east.



Image 1 - Application site

Site History:

P/2004/3009/O – Site for dwelling and detached garage adjacent to and south of 20 Ryan Road, Mayobridge. Application recommended for refusal on 22/09/2005 and subsequently withdrawn on 14/10/2005.

P/2005/2422/F – Erection of dwelling and detached garage adjacent to and south of 20 Ryan Road, Mayobridge. – Refused permission on 15/08/2006.

Refusal reasons:

1. The proposal is contrary to Policies SP6, SP19, HOU8 and DES5 of the Department's 'A Planning Strategy for Rural Northern Ireland' in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape by reason of its undue prominence.
2. The proposal is contrary to Policies SP6 and DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up.
3. The proposal is contrary to Policies DES7, SP6 and HOU8 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the creation of ribbon development along Ryan Road.

2006/A1883 – Appeal to the Planning Appeals Commission under Article 32 of The Planning (Northern Ireland) Order 1991 by Ms Tanya O'Hare against the refusal of full planning permission for a dwelling and garage on land adjacent to and south of 20 Ryan Road, Mayobridge.

Appeal Decision – The appeal was dismissed and full planning permission refused.

*It is noted the proposal description on the P1 form states "*Replacement dwelling on farm*" and the agent has submitted a P1C application form (but no farm maps). After carrying out a history search on ePIC, it appears an application for a dwelling on a farm was granted under Policy CTY10 of PPS 21 to the same applicant using the

same farm Business ID number as supplied with this application. The application reference number was P/2009/0288/F and it was granted approval for the erection of a dwelling on land 37m east of 44 Leode Road, Hilltown, on 23rd September 2009. Policy CTY10 states planning permission granted under this policy will only be forthcoming once every 10 years. This application will therefore be assessed as a replacement dwelling.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage; &
- Planning Policy Statement 21 – Sustainable Development in the Countryside.

Consultations:

Transport NI –	No objections in principal.
NI Water –	Generic response.
Historic Environment Division –	Content proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
DAERA –	The farm business ID has been established for more than 6 years and claimed payments in the last 6 years.

Objections & Representations

The application was initially advertised in the local press the week beginning 26th September 2016. However the address on the P1 application form was incorrect as it stated "*adjacent and immediately south of number 19 Ryan Road*" instead of number 20. The agent provided an amended section of the P1 form on 22nd September 2016. The application was subsequently re-advertised in the local press and two neighbour notification letters issued. To date no objections or representations have been received.

Consideration and Assessment:

Outline planning permission is sought for the proposed erection of a replacement dwelling on a farm. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located within the rural area that is classified as open countryside in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS 3, PPS 6 and PPS21.

Principle of Development

As there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes replacement dwellings if they are in accordance with Policy CTY3, CTY 8, CTY 13 and CTY14.

Policy CTY 3 – Replacement dwellings – states:

*“Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum **all** (my emphasis) structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ will include buildings previously used as dwellings.”*

The structure subject of replacement is dilapidated, does not have a roof and there are trees and vegetation growing within it. The structure is linear in form and of single storey construction. It has a low profile with narrow gable ends. Although there is no chimney, there is evidence of a chimney stack internally. In my opinion the structure exhibits the essential characteristics of a dwelling.

Policy CTY3 also requires, as a minimum, all external structural walls to be substantially intact. Although there is a small section of one of the gables missing, I consider the two gable ends to be substantially intact. However, as you can see from the images below, substantial sections of the front wall and a large section of the rear wall are missing. As a result I do not consider the front and rear structural walls to be substantially intact.



Image 2 & 3 - Front Elevation



Image 4 - Rear Elevation

Policy CTY3 goes on to state that proposals for a replacement dwelling will only be permitted where 5 criteria are met. I have concerns in regards to the first two criteria. The first criterion states that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The existing structure is located approximately 0.5km west of number 20 Ryan Road. The structure is well screened from view by existing mature trees and vegetation. The curtilage of the site is quite restricted; however the agent has indicated that a large portion of the surrounding land is owned by the applicant as he has outlined it in blue on the site location map. In my opinion the curtilage could be extended slightly in order to provide a modest scale dwelling on this site. No landscape, heritage or amenity reasons or information has been provided to demonstrate the benefits of an off-site replacement that is so far removed from the existing structure.

The second criterion of Policy CTY 3 requires the overall size of the new dwelling should allow it to visually integrate into the surrounding landscape and not have an impact significantly greater than the existing building. Although this is an outline application and no details have been provided in regards to the proposed design of the replacement dwelling, I am not satisfied that an off-site replacement dwelling on this site would integrate into the surrounding landscape. An off-site replacement would rely primarily on the use of new landscaping due to the fact the existing boundaries of the site are defined by a post and wire fence. As the existing structure is well screened from view and is located 0.5km away from the proposed replacement site, the visual impact of a new dwelling at this location would be significantly greater than the existing building.

In regards to the third criterion, this is an outline application and no details of the proposed design have been included. In regards to criteria four and five, I am satisfied that all necessary services can be provided without significant adverse impact on the environment or character of the locality; and that access to the public road would not prejudice road safety or significantly inconvenience the flow of traffic.

Ribbon Development

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. A dwelling on this road frontage plot would have common frontage with and visually link with the dwellings at numbers 20 and 22 Ryan Road, Mayobridge. In my opinion this would create a ribbon of development as it would extend the build-up of development along the road frontage, which would be detrimental to the countryside's character, appearance and amenity.

Create/add to a Ribbon of Development



Image 5 - Satellite View of Site

Integration and Design

Policy CTY 13 of PPS 21 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed site lacks established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. A new dwelling on this site would rely primarily on the use of new landscaping for integration. While planting could be used to define the curtilage of the site it would take time to establish and mature in order to provide a suitable degree of enclosure. The proposal is therefore considered contrary to criteria (b) and (c) of Policy CTY 13.



Image 6 - The replacement site

Rural Character

Policy CTY 14 of PPS 21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As detailed above, the proposal would create ribbon of development and would result in a suburban style build-up of development when viewed with numbers 20 and 22 Ryan Road and the buildings to the north-west of number 22. A dwelling on this site would not respect the traditional pattern of development exhibited in the area. The proposal is considered contrary to criteria (b), (c), and (d) of Policy CTY 14.

Development Relying on Non-Mains Sewage

Policy CTY 16 states planning permission will only be granted for development relying on non mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has indicated that fowl sewage will be disposed with by treatment plant. No details have been provided at outline stage however I am satisfied the site could accommodate a treatment plant and soak-away.

Access, Movement and parking

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. TransportNI were consulted and have no objections in principal subject to a scale plan and accurate site survey being submitted as part of any reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 form.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that all of the external structural walls are not substantially intact; the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation/addition of ribbon development along the Ryan Road.

- 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries; is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the proposed building would rely primarily on the use of new landscaping for integration.

- 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings; would not respect the traditional pattern of settlement exhibited in that area; would permitted create a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

Estate Agents
Surveyors & Assessors
Architectural Consultants

a: 18 margaret street, newry, co.down, bt34 1df
t: 028 3026 6602 / 0460 f: 028 30260467
e: info@collinscollins.biz w: www.collinscollins.biz

collins
& collins

253

Our Ref: JC. 11324
Date: 8th March 2017

REQUEST FOR SPEAKING RIGHTS

ITEM 16

APPLICATION – LA07/2016/1212/O

APPLICANT – MR THOMAS GRANT


Democratic Services
Newry & Mourne District Council
Planning Department

To Whom It May Concern:

We refer to the application overleaf and would like to request speaking rights at the forthcoming council meeting, we would ask that this can be deferred if possible to after a site meeting. We feel that a site visit would be very beneficial in this case to discuss the issues with regard to the off-site replacement on this the applicant's out farm.

In respect of the departments opinion that that all external walls or not substantially intact, we would contend that they are, when you take out door openings and windows we feel that the both the front and rear elevations are in excess of 50% intact and again a site meeting with the department would be beneficial in explaining this.

Yours faithfully



Collins & Collins

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	17			
APPLIC NO	LA07/2016/1486/O	Outline	DATE VALID	04/11/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Jonathon Matthews C/O 20 Lower Carrogs Road Newry BT34 2NQ	AGENT	P. O'Hagan & Associates Ltd 10 Trevor Hill Newry BT34 1DN 028 3026 6011	
LOCATION	Lands immediately South of No. 24 Lower Carrogs Road Newry			
PROPOSAL	Proposed corner infill site for a new dwelling & garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1. The proposal is contrary to Policy CTY 1 and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation to a of ribbon development along a private lane.
2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1486/O

Date Received: 04/11/2016

Proposal:

Proposed corner infill site for a new dwelling & garage.

The applicant seeks outline planning permission to erect a dwelling and garage on what they argue is a gap site.

Location:

Lands immediately South of No. 24 Lower Carrogs Road, Newry.

The site is located in a rural area approximately 2 miles north-west of Burren and approximately 3.5 miles south-east of Newry.

Site Characteristics & Area Characteristics:

This rectangular rural site is currently a field, laid in grass and used for grazing. The northern boundary of the site, with no.24 Lower Carrogs Road, is comprised partially of Leyland Cypress hedging and partially of a stone wall with bushes located along this section of the boundary. The Eastern boundary is comprised of a dry stone wall and the southern and western boundaries are defined by a fence constructed from wooden posts and barbed wire. The fence comprised of wooden posts and barbed wire travel around all boundaries. The gradient of the site decreases to the west. Two laneways travel past the site. One laneway comes from Lower Carrogs Road and runs in a northerly direction from the south. This lane is laid in concrete. The other laneway also runs from Lower Carrogs Road and travels from west to east and joins the other lane. This laneway is primarily laid in concrete but the section running adjacent to the site is laid in stone. The site is accessed from a farm gate at the end of this lane.

The site is located outside of settlement development limits, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site is unzoned and lies outside of the Mourne Area of Outstanding Natural Beauty. There are currently no historic sites or monuments in close proximity to the site. The landscape in the area is undulating and this site is visible from sections of the Lower Carrogs Road which are approximately 510m from the site. Two dwellings are located adjacent to the site: no.20 Lower Carrogs Road is located west of the site and no.24 Lower Carrogs Road is located north of the site. The gradient of land further west of the site dramatically decreases beyond no. 20 Lower Carrogs Road and the gradient of the land further east of the site also rapidly decreases.

Site History:

No previous planning applications have been submitted on the application site.

Planning Policies & Material Considerations:

This planning application has been considered using the following policies:

- Regional Development Strategy 2035.
- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS21 – Sustainable Development in the Countryside.
- The Building on Tradition Sustainable Design Guide.

Consultations:

The following consultation responses have been received regarding this planning application:

1. NI Water – 18/11/2016 – Generic response.
2. Water Management Unit – 21/11/2016 – No specific comment.
3. Transport NI – 05/12/2016 – No objections in principle.

Objections & Representations

This planning application was advertised in the local press on 14/11/2016 and three neighbours were notified of the planning application by letter. No letters of objection or any other representations have been received regarding this planning application.

Consideration and Assessment:Banbridge / Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits and is unzoned. There are no specific policies in the plans that are relevant to the determination of the application so the principle of application will be considered under the operational policies of the SPPS and PPS 21.

PPS 21 – Sustainable Development in the Countryside

As there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regards to PPS 21, a dwelling in the site would not meet the requirements of Policy CTY 8 for an infill dwelling, which therefore makes this application unacceptable in principle under policy CTY 1.

Policy CTY 8 states that *“Planning permission will be refused for a building which creates or adds to a ribbon of development.”* The exception to this rule is *“for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and*

provided this respects the existing pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements."

As stated above, a gap site is to be located on a substantial and continuously built up frontage. As will be discussed below, the application site is not part of a substantial and continuously built up frontage and two frontages are used in an attempt to justify that this is a gap site when the policy refers to a singular frontage. This application therefore fails to meet these two policy requirements.

This planning application relies on two frontages in an attempt to justify that this site is a gap site. The laneway running from west to east provides one frontage and the laneway running from south to north provides a separate frontage. In appeal 2013/A0210 (Tullygarden Road), the applicant relied on buildings within two frontages to achieve the policy requirement of three or more buildings. The Commissioner stated that *"This approach is not supported by Policy CTY 8."* This situation is directly comparable with this planning application; two frontages exist and are being used as one despite this approach not being supported by policy. The use of these two frontages is therefore not acceptable.

The application site is also not part of a substantial and continuously built up frontage. Policy CTY 8 defines a substantial and built up frontage as one containing a minimum of three buildings along a road frontage with no development to the rear. Even if the two frontages were to be accepted as one, there is not a substantial and built up frontage. West of the site is no.20 Lower Carrogs Road which has a frontage, further west is a gap of approximately 60.5m and beyond the gap is no.18 Lower Carrogs Road which has a frontage. (No.18 Lower Carrogs Road has had an application for a replacement dwelling – LA07/2015/0433/F – approved on 07/09/2016 and its curtilage will not extend into the field/gap to the east of this site.) There is no line of three buildings in which the application site falls on a single frontage. Even if no.18 Lower Carrogs Road and its outbuildings were to be accepted as separate buildings, the gap of 60.5m between their site and no.20 Lower Carrogs Road means that the buildings related to no.18 Lower Carrogs Road cannot be considered in the determination of this application due to the gap of 60.5m. Therefore the application site is not within a substantial and built up frontage. Rather the application site provides relief and a visual break which should be protected. This interpretation of policy is in keeping with the findings in the appeal decision 2011/A0235 (Cornascreebe Road) in which there was a gap of 20m in what otherwise would have been a continuous and built-up frontage, but the 20m gap meant that it was determined there was not a continuous and built up frontage and the site failed therefore to comply with Policy CTY 8.

Overall this planning application fails to comply with Policy CTY 8 in that the application site is not gap site as it is not part of a singular frontage which is substantial and built up with three or more dwellings. As this application fails to meet the policy requirements of Policy CTY 8, it also fails to comply with Policy CTY 1 of PPS 21. The proposed dwelling would create a ribbon of development along a private lane.

The development of a gap site must also satisfy the integration policies of CTY 13 and CTY 14. Policy CTY 13 identifies seven cases where a new building in the countryside will be unacceptable for integration and design reasons:

- (a) Even with a restricted ridge height a dwelling on this site would be unduly prominent in the landscape from critical views along the Lower Carrogs Road approximately 510m from the site.
- (b) The site lacks long established natural boundaries and would require further works to provide a suitable degree of enclosure for the dwelling to help it integrate into the landscape.
- (c) The dwelling would rely primarily on the use of new landscaping for integration.
- (d) Ancillary works should be able to integrate into the landscape.
- (e) The design of the dwelling is to be confirmed through a reserved matters application and will be assessed then.
- (f) The dwelling would not be able to blend with the landform. It will appear as a development on top of a hill from critical views and is therefore unacceptable with regards to integration.
- (g) This criterion is not applicable as this is not an application for a dwelling on a farm.

Overall the proposed development fails to satisfy four of the policy requirements in Policy CTY 13.

Policy CTY 14 seeks to ensure that new buildings in the countryside do not cause a detrimental change to, or further erode the rural character of an area. There are five cases identified by this policy where a new building will be unacceptable:

- (a) Even with a restricted ridge height, a dwelling on this site would be unduly prominent and would further erode the rural character of the area.
- (b) The proposed dwelling fails to meet the requirements of Policy CTY 8 and would result in a suburban style build-up of development when viewed with the existing buildings.
- (c) The proposed development respects the traditional pattern of settlement exhibited in the area.
- (d) The proposed dwelling is not on a gap site and does not comply with Policy CTY 8. The approval of this dwelling would create a ribbon of development.
- (e) Ancillary works are unlikely to damage the rural character.

The proposed development therefore meets the requirements of three of the criteria in Policy CTY 14.

Access

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. This planning application makes use of an existing access onto Lower Carrogs Road. Transport NI has been consulted and in its response dated 05/12/2016 stated that it has no objections in principle to the development.

Sewerage

The site can accommodate a waste treatment unit – subject to obtaining consent to discharge from NIEA. This requirement to satisfy other legislation will be included as an informative. A standard consultation response was received from NI Water on 20/07/2016. Their standard informatives will be added.

Amenity

The amenity of the adjacent dwelling, no.20 Lower Carrogs Road may be adversely impacted by the development. The full impact on amenity will be in the reserved matters application, however it is likely substantial landscaping will be required along the western boundary of the site.

Landscaping

The applicant would be required to submit details of the proposed landscaping of the site in the reserved matters planning application.

Recommendation:***Refusal***

This planning application fails to comply with Policies CTY 1, CTY 8, CTY 13 and CTY 14 of PPS 21.

Refusal Reasons:

1. The proposal is contrary to Policy CTY 1 and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation to a of ribbon development along a private lane.
2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore further erode the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

LA07/2016/1486/0 – Mr & Mrs Jonathon Matthews

I wish to talk about at the meeting regarding Planning Application - LA07/2016/1486/0

- * CTY 1 & 8 - after the site visit it should be clear where the road is
- * CTY 13 proposed dwelling will be smaller than neighbours and hidden behind neighbours
- * CTY14 same as CTY 13 regards prominent, not ribbon in fill

I will be speaking on my own behalf.

Thanks

Jonathon Matthews



Site Location Plan / Site Analysis
scale 1:2500
Plan No. 266 16NE



Site Location Plan
scale 1:5000
Plan No. 266 16NE



Viewpoint - E



Topographical Survey / Concept Site Analysis for Infill Gap Site
scale 1:500



Viewpoint - A



Viewpoint - B



Viewpoint - C



Viewpoint - D

POLICY CTY 13 - INTEGRATION AND DESIGN OF BUILDINGS IN THE COUNTRYSIDE

- Proposed new dwelling will be visually integrated into the surrounding landscape and is of an appropriate design
- New dwelling will not be a prominent feature in the landscape
- New dwelling will be integrated into site by positioning sensitively into long established natural boundaries providing a suitable degree of enclosure.
- New landscaping will be minimal, reinforcing existing site boundaries.
- Ancillary works will be minimal
- Building design appropriate to the site and locality.
- Existing trees, hedgerows, slopes and other natural features will provide a suitable enclosure.

POLICY CTY 14 - RURAL CHARACTER:

- Proposed new dwelling will not be unduly prominent as it will respect the traditional pattern of settlement in terms of size, scale, siting and plot size.

POLICY CTY 8 - RIBBON DEVELOPMENT

- Planning permission will be refused for a building which creates or adds to a ribbon of development.
- An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

ACCESS:

Proposed entrance to the site will be off existing private laneway.

LANDSCAPING:

The Southern boundary to be landscaped to reinforce traditional field patterns and also to achieve shelter from south westerly winds.

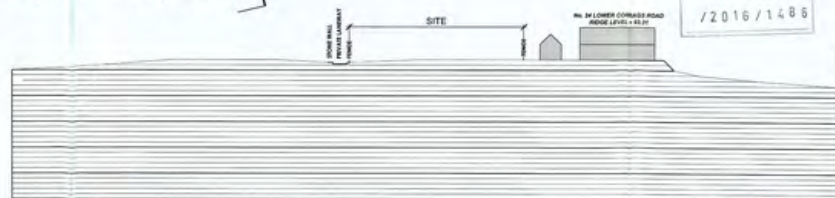
BUILDING DESIGN:

Dwelling to be positioned sensitively to blend sympathetically with the natural landform, taking advantage the natural topography, to provide protection, shelter and integration.

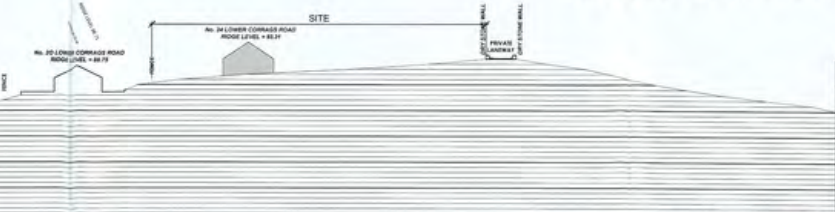
Locate dwelling so as to limit impact on site, minimize area of hard landscape.

Dwelling will ensure the natural site contours are respected, to reduce new dwellings' impact and lower ridge height.

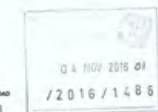
Siting, orientation and massing of new dwelling to exploit shelter, solar gain daylight and natural ventilation.



Site Section Y - Y Scale 1:500



Site Section X - X Scale 1:500



PLANNING ISSUE

REV	DATE



10 TREVOR HILL, NEWRY, BT34 1DN TEL No: (028) 3028 8011 FAX No: (028) 3028 0804
E-MAIL: pa@ohagan-arch.co.uk WEBSITE: www.ohagan-arch.co.uk

P. P. O'HAGAN B.Sc. B.Arch. R.I.B.A.

DATE	BY	AS SHOWN
01 Oct 2016	Mr & Mrs Jonathon Matthews	01 A1
01 Oct 2016		01 A1
01 Oct 2016		01 A1

Prepared Outline Application @ Lower Corragh Road, Newry
CONCEPT SITE ANALYSIS 1612 - 01

APPLICANT **REFUSAL**
COUNCIL OPINION **REFUSAL**
APPLICANT Kirsty Mooney and Ciaran O'Leary 6 Drumilly Road Belleeeks Newry BT35 7QF
AGENT J Lynam 11 Newry Road Mayobridge Newry BT34 2ET
 NA

LOCATION 20 metres North of the Dwelling at No.6 Drumilly Road Belleeeks Newry BT35 7QF

PROPOSAL Proposed one and a half storey dwelling with detached domestic garage (amended address)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	0	0	0	0	0	0
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 1. the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling;
 2. the cluster does not appear as a visual entity in the local landscape;
 3. the cluster is not associated with a focal point or located at a cross-roads;
 4. the proposed site is not bounded on at least two sides with other development in the cluster.
 5. the dwelling would if permitted visually intrude into the open countryside.
 6. the dwelling would if permitted adversely impact on residential amenity.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1501/O

Date Received: 14.11.2016

Proposal: The proposal seeks Outline permission for a proposed one and a half storey dwelling with detached domestic garage. The agent has confirmed this application is to be assessed against policy CTY 2a

Location: 20 metres north of the Dwelling at No.6 Drumilly Road, Belleeks, Newry BT35 7QF. The site is approximately a mile North of Lislea in the South Armagh / Ring of Gullion AONB part of the district.

Site Characteristics & Area Characteristics:

The site takes in a 1.5 storey dwelling, garage and garden area set back approx. 126m from the public road, situated gable ended to the road with an agricultural field located in between. A number of dwellings and agricultural fields surround the site in what is a predominately rural area.

Site History:

P/2014/0476/F

Erection of replacement dwelling and garage (revised scheme from that previously approved under File Ref. P/2008/0166/F involving amended siting and design of both dwelling and garage)

Drumilly Road, Belleek Newry (60 metres east of No. 10 Barr Road)

Permission Granted: 15.05.2015

P/2008/0166/F

Erection of replacement dwelling garage.

Drumilly Road, 60 metres east of No 10 Barr Road, Belleeks Newry.

Permission Granted: 23.09.2008

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2.

Consultations:

Transport NI – No objections
NI Water – Standing Advice
Environmental Health – Standing Advice.

Objections & Representations

2 dwellings notified on 07.02.2017 and 01.12.2016 and the application advertised on 15.02.2017. No objections or representations received.

Consideration and Assessment:

The site is located in the Rural Area / AONB as defined the Area Plan.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI has asked for the required sightlines to be shown on a 1/500 plan for consideration. However given the application fails the basic principle of development this information was not considered expedient to be sought.

Planning Policy Statement 21 is applicable as the site lies outside the development limit. The principle of a dwelling in an existing cluster as contained in CTY 1 of Planning Policy Statement 21 can be achieved where all the policy criteria for CTY 2a are met. 6 tests exist to establish the appropriateness of a proposed dwelling in existing clusters.

1. The existing site is associated with 3 buildings and not the required 4.
2. This group of buildings do not appear as a visual entity in the landscape.
3. The group of buildings are not associated with a focal point or cross roads.
4. Whilst there is a suitable degree of enclosure the proposal is not bounded on at least 2 sides with other development. Only the dwelling at No.6 bounds the site.
5. It is not considered the proposed dwelling would round off an existing cluster but instead add to build up of development in the immediate area.
6. The residential amenity of No.6 is likely to be compromised by the reduction in private amenity space the new dwelling would require and the access to the new site through the curtilage of No.6. This does not represent an acceptable siting arrangement.

Consequently the proposal fails all 6 of the above tests and the criteria for policy CTY 2a and with no overriding reasons for not locating in a settlement, also policy CTY1.

The proposal when read with existing development in the immediate area would result in a suburban style build-up of development which is contrary to (b) of policy CTY 14.

Any decision notice would be conditioned to ensure consent to discharge is approved in writing by the Council prior to commencement of development. The proposal is in compliance with policy CTY16.

Planning Policy Statement 2: Natural Heritage policy NH6 is applicable as the site lies within the AONB. With the proposed site adding to build up it is therefore contrary to NH6 in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 1. The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling;
 2. The cluster does not appear as a visual entity in the local landscape;
 3. The cluster is not associated with a focal point or located at cross-roads;
 4. The proposed site is not bounded on at least two sides with other development in the cluster.
 5. The dwelling would if permitted visually intrude into the open countryside.
 6. The dwelling would if permitted adversely impact on residential amenity.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.

Case Officer:

Authorised Officer:

J. Lynam**CHARTERED ARCHITECT**

'Carrick House', 11 Newry Road, Mayobridge, Co. Down, BT34 2ET

tel no: (028) 3085 1125 fax no: (028) 3085 1129

e-mail: joe@joelynamarchitects.com



267

Our Ref: J/L/BL/6479
 Your Ref: LA07/20161501/O
 Date: 7th March 2017

Newry, Mourne & Down District Council
 Planning Department
 O'Hagan House
 Monaghan Row
 Newry
 BT35 8DJ

Re: Proposed New Dwelling and Detached Garage adjacent to 6 Drumilly Road,
 Camlough, Newry BT35 7QF
 For Ciaran O'Leary & Kirsty Mooney.

Written Submission.

The Applicants consider that the Application does conform to Policy CTY of Planning Policy Statement 21 in that there exists a cluster of development at the Application location.

The Proposal in the opinion of the Applicants does have an existing cluster of 9 buildings 4 of which are dwelling houses which satisfies the particular parameter to Policy CTY2a.

The Applicants consider that the group of buildings themselves is a focal point.

The proposed site, shaded green on the attached map, is bounded to the south by No. 6 and to the east by No. 12 satisfying the condition.

The Applicants consider that the dwelling if permitted will not intrude into the open country side as it will be contained within the cluster.

The dwelling if permitted will be adjacent to the Applicants' relatives at No. 6 and it will be noted that No. 6 has extensive garden area to its front ie, to the south. Thus there will not be a loss of amenity to the occupants.

Any construction will be subject to the Rural Policy and accordingly the design will be controlled in the Reserved Matters Application and will not detract from the Rural character of the area.

Given the enclosed nature of the site the Proposal will not impact unduly in this area of Outstanding Natural Beauty.

Signed.

J. Lynam B.Sc. (Hons.) Arch., Dip. Advanced Arch. Studies. R.I.B.A.

ACEmap Multi-Copy

Printed: 06/10/2016 Customer Ref: 6479
Centre Point (Easting, Northing): 300182, 325945
O'Leary & Mooney

Scale: 1:1,250
Order no. ORD30640
Plan No. 26507SE

300321

326155

268

Job No. 6479

**C.O'Leary &
K.Mooney**
OPP Adjacent to 6
Drumilly Road
Camlough

J. Lynam
11 Newry Road, Mayobridge, Co. Down, BT34 2ET.

COPYRIGHT STATEMENT
Except as otherwise permitted under the Copyright Designs and Patents Act 1988 this map may only be reproduced, stored or transmitted in any form or by any means, with the permission of Land & Property Services.



325735

300041

Every care has been taken to ensure accuracy in the compilation of this map at the time of publication. Land & Property Services cannot, however, accept responsibility for errors or omissions and when such are brought to our attention, the amendment of any future publication as appropriate shall be entirely at our discretion. Ordnance Survey of Northern Ireland and ACEmap® are registered Trademarks of Department of Finance and Personnel.

Planning Committee (April to July 2017)
(every two weeks – extra meetings are in red)

Date of Meeting	Date agenda to be issued	Closing date for speaking rights/written submissions
Wednesday 29 March 2017	Thursday 16 March 2017	5.00 pm on Wednesday 22 March 2017
Wednesday 12 April 2017	Wednesday 29 March 2017	5.00 pm on Wednesday 5 April 2017
Wednesday 26 April 2017	Thursday 13 April 2017	5.00 pm on Friday 21 April 2017
Wednesday 10 May 2017	Wednesday 26 April 2017	5.00 pm on Wednesday 3 May 2017
Wednesday 24 May 2017	Thursday 11 May 2017	5.00 pm on Wednesday 17 May 2017
Wednesday 7 June 2017	Wednesday 24 May 2017	5.00 pm on Wednesday 31 May 2017
Wednesday 21 June 2017	Thursday 8 June 2017	5.00 pm on Wednesday 21 June 2017
Wednesday 5 July 2017	Wednesday 21 June 2017	5.00 pm on Wednesday 28 June 2017

Newry, Mourne & Down District Council – February 2017

270

1. Live Applications

MONTH 2016/17	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394
October	132	1,026	392
November	132	1,007	355
December	124	1,016	333
January 2017	118	1,029	326
February	160	1,060	304

Newry, Mourne & Down District Council – February 2017

271

2. Live Applications by length of time in system

Month 2016/17	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335
June	511	249	195	77	146	1,178
July	501	221	196	78	151	1,147
August	480	204	162	99	144	1,089
September	472	182	150	97	147	1,048
October	462	172	135	103	154	1,026
November	483	169	115	100	140	1,007
December	496	187	99	97	137	1,016
January 2017	523	180	90	97	139	1,029
February	577	179	86	82	136	1,060

3. Live applications per Case Officer

Month 2016/17	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40
October	41
November	46
December	51
January 2017	54
February	56

Newry, Mourne & Down District Council – February 2017

272

4. Decisions issued per month

Month 2016/17	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140
October	145	122
November	141	102
December	106	85
January 2017	102	79
February	123	87

Newry, Mourne & Down District Council – February 2017

273

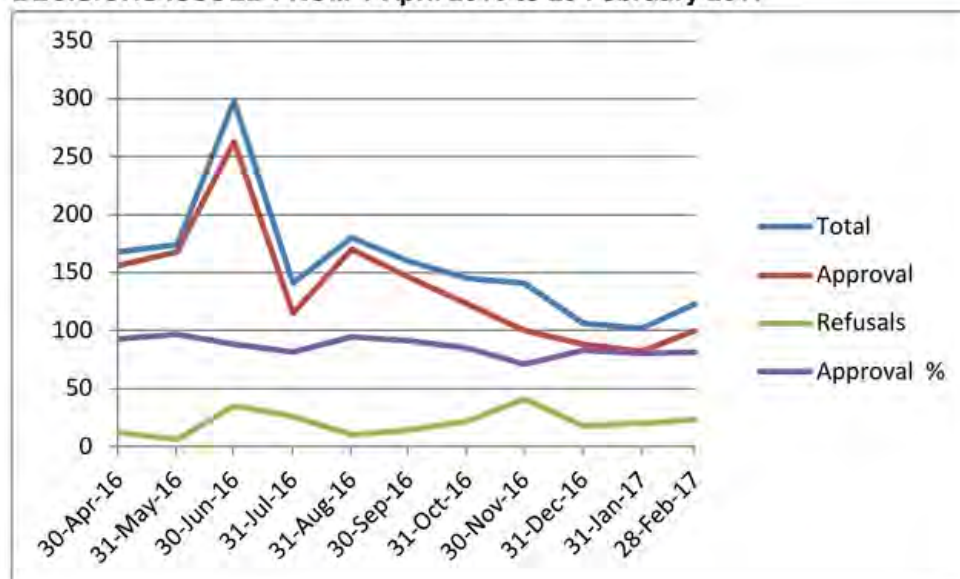
5. Decisions Issued YTD

Month 2016/17	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	168	Approvals (156)	93%
		Refusals (12)	7%
May	342	Approvals (324)	95%
		Refusals (18)	5%
June	640	Approvals (587)	92%
		Refusals (53)	8%
July	781	Approvals (702)	90%
		Refusals (79)	10%
August	961	Approvals (872)	91%
		Refusals (89)	9%
September	1,121	Approvals (1,018)	91%
		Refusals (103)	9%
October	1,266	Approvals (1,141)	90%
		Refusals (125)	10%
November	1,407	Approvals (1,241)	88%
		Refusals (166)	12%
December	1,513	Approvals (1,329)	88%
		Refusals (184)	12%
January 2017	1,615	Approvals (1,411)	87%
		Refusals (204)	13%
February	1,738	Approvals (1,511)	87%
		Refusals (227)	13%

Newry, Mourne & Down District Council – February 2017

274

DECISIONS ISSUED FROM 1 April 2016 to 28 February 2017



6. Enforcement Live cases

Month 2016/17	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600
August	231	125	87	72	32	75	622
September	240	129	86	83	35	77	650
October	248	129	90	84	34	80	665
November	285	126	90	83	35	77	696
December	283	133	82	85	37	83	703
January 2017	296	129	90	87	41	84	727
February	301	135	91	90	46	83	746

Newry, Mourne & Down District Council – February 2017

275

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
26 October 2016	30	21	9
10 November 2016	30	23	7
23 November 2016	31	22	9
7 December 2016	30	14	16
21 December 2016	22	14	8
18 January 2017	34	19	15
2 February 2017	36	22	14
15 February 2017	29	17	12
Totals	470	293	177

*2 Applications called in by DfI

8. Appeals

Planning Appeal Commission Decisions issued during February 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	27	5	0	5	0
Down	6	3	1	2	0
TOTAL	33	8	1	7	0

Newry, Mourne & Down District Council – February 2017

276

9. Statutory Targets Performance Data

Statutory targets monthly update to April to January 2017
(unvalidated management information)
Newry, Mourne and
Down

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
Aug									
ust	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	1	75.2	0.0%	129	16.4	47.3%	4	19.8	100.0%
Nov	2	121.6	0.0%	145	28.0	33.1%	23	58.4	39.1%
Dec	1	30.0	100.0%	108	22.8	39.8%	22	29.6	81.8%
Jan	1	80.2	0.0%	101	23.4	35.6%	7	30.8	85.7%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Year to date	24	87.5	8.3%	1,572	23.4	34.2%	134	54.0	58.2%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Record of meetings between Planning Officers and Public Representatives

277

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns
14/01/16	A McKay	Margaret Ritchie MLA
20/01/2016	P Rooney	Cllr Cadogan Enright
25/01/2016	D Watson	Margaret Ritchie MLA
27/01/16	M Keane	Seán Rogers MLA
17/02/16	Jacqui McParland	Declan McAteer
19/02/16	Jacqui McParland	Jarlath Tinnelly
22/02/16	Jacqui McParland	Michael Ruane
22/02/16	Jacqui McParland	Gillian Fitzpatrick
24/02/16	David Watson	Seán Rogers MLA
25/02/16	Andrew Hay, James King	Seán Rogers MLA
25/02/2016	Annette McAlarney	Seán Rogers MLA
25/02/16	Anthony McKay	Margaret Ritchie MLA
26/02/16	M Keane	Cllr McGrath
15/03/16	J McParland	Cllr M Ruane
16/03/2016	J McParland	Sean Rogers
25/03/16	A Davidson	Cllr Taylor
30/03/16	J McParland	Seán Rogers MLA
5/4/16	A McKay	Seán Rogers MLA
8/4/16	A McKay	Margaret Ritchie MLA
12/04/2016	Annette McAlarney	Cllr Curran
14/04/2016	J McParland	Cllr Declan McAteer
25/04/2016	J McParland	Cllr Tinnelly
27/04/2016	J McParland	Cllr Tinnelly
28/04/2016	Annette McAlarney	Cllr Burgess
29/04/2016	Annette McAlarney	Cllr McGrath
18/05/2016	Annette McAlarney	Cllr Curran
23/05/2016	A McKay	Cllr Ó Gribín
10/6/16	P Rooney & J McParland	Carla Lockhart MLA
14/06/2016	J McParland	Cllr Quinn
14/06/2016	J McParland A McKay P Rooney	Cllr Tinnelly
15/6/16	P Rooney	Cllr G Fitzpatrick
15/06/2016	P Rooney A McKay	Harold McKee MLA, J Tinnelly & G Fitzpatrick
16/06/2016	J McParland	Cllr Quinn
20/06/2016	Clare Miskelly	Cllr Dermot Curran
21/06/2016	J McParland	Cllr Taylor
21/06/2016	J McParland	Cllr Hanna
27/06/2016	J McParland	Cllr Tinnelly

Record of meetings between Planning Officers and Public Representatives

278

30/06/2016	A McKay	Margaret Ritchie MP
4/07/2016	Andrew Hay	Jim Shannon MP
08/07/2016	J McParland	Cllr Quinn Cllr Doran
14/07/2016	P Rooney	Cllr W Clarke
21/07/2016	Anthony McKay	Margaret Ritchie MP
26/7/2016	J McParland	Sean Doran
27/07/2016	J McParland	J Tinnelly
08/08/2016	J McParland	J Tinnelly
8/08/16	A Hay M Keane	Colin McGrath MLA
11/08/16	Andrew Hay	Cllr Walker Cllr Curran
25/08/16	Anthony McKay	Cllr O'Gribin
30/08/16	Pat Rooney	Cllr Ruane
1 /9/16	Anthony McKay	M Ritchie MP
02/09/2016	A McAlarney Mark Keane	Cllr Willie Clarke
02/09/2016	A McAlarney	Cllr Willie Clarke
06/09/2016	Pat Rooney/Andrew Davidson	Cllr Terry Hearty
08/09/2016	Annette McAlarney Catherine Moane	Colin McGrath MLA
08/09/2016	Pat Rooney	Cllr David Taylor MLA and Danny Kennedy MLA
14/9/16	Pat Rooney	Cllr Terry Hearty
14/9/16	Anthony McKay	Wm Erwin MLA
15/09/2016	Pat Rooney	Cllr Terry Hearty
23/09/2016	Pat Rooney/Andrew Davidson	Harold McKee MLA, David Taylor MLA
29/09/2016	Pat Rooney	Cllr Terry Hearty
11/10/16	Andrew Davidson	Cllr Tinnelly
13/10/16	Andrew Hay	Margaret Ritchie MP
14/10/16	Pat Rooney & Andrew Davidson	Justin McNulty MLA
14/10/2016	Jacqui McParland	Cllr B Quinn
17/10/2016	Annette McAlarney	Cllr Curran
18/10/2016	Jacqui McParland	Cllr Doran
01/11/2016	Annette McAlarney	Cllr Harvey & Cllr Walker
3/11/16	Anthony McKay	Margaret Ritchie MP
07/11/2016	Jacqui McParland Anthony McKay	Cllr Reilly
	Anthony McKay	Cllr Naomi Bailie
11/11/2016	Annette McAlarney	Cllr Walker
14/11/2016	Annette McAlarney	Cllr Andrews
18/11/2016	Annette McAlarney	Cllr Walker
18/11/2016	Annette McAlarney	Colin McGrath MLA
24/11/2016	David Watson	Colin McGrath MLA
24/11/2016	Anthony McKay	M Ritchie MP

Record of meetings between Planning Officers and Public Representatives

279

25/11/2016	Jacqui McParland	Cllr Taylor
02/12/2016	Annette McAlarney	Cllr Andrews and Walker
15/12/16	Anthony McKay	Margaret Ritchie MP
5/1/17	Anthony McKay	Margaret Ritchie MP
20/02/2017	Annette McAlarney	Jim Shannon MP
22/02/2017	Annette McAlarney	Cllr Curran
24/02/2017	Annette McAlarney	Cllr Sean Doran
06/02/2017	Annette McAlarney	Cllr William Walker

Current Appeals

280

AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0005
Planning Ref:	P/2014/0303/O	DEA	The Mournes
APPELLANT LOCATION	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	^{Newry} Erection of Infill Dwelling and Detached Garage		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	05/04/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2016/A0041
Planning Ref:	P/2014/0853/F	DEA	Crollieve
APPELLANT LOCATION	S Meade To The Immediate North And East Of 16 Rostrevor Road Hilltown.		
PROPOSAL	Retention of two light industrial units, erection of three light industrial units.		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	01/07/2016
Appeal Procedure	Informal Hearing		
Date of Hearing		16/09/2016	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

281

ITEM NO	3	PAC Ref:	2016/A0125
Planning Ref:	LA07/2015/1109/F	DEA	Crotlieve
APPELLANT	Noel Mckinely		
LOCATION	Adjacent To No.24 And Opposite Nos 19 And 20 Tudor Mews Upper Dromore Road Warrenpoint		
PROPOSAL	Proposed 2 No. Apartments		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	17/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2016/A0129
Planning Ref:	LA07/2015/0969/C	DEA	Crotlieve
APPELLANT	Liam McDonnell		
LOCATION	Approx 50m South East Of No 41a Aughnagun Road Derryleckagh Newry Co. Down		
PROPOSAL	Dwelling and Garage on infill site		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	28/09/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

282

ITEM NO	5	PAC Ref:	2016/A0135
Planning Ref:	P/2014/0649/O	DEA	The Mournes
APPELLANT	Mr Joseph Walls		
LOCATION	60 Metres East Of No.20 Sandbank Road Hilltown County Down BT34 5XU		
PROPOSAL	Site for Farm Dwelling (amended address)		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	13/10/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2016/A0139
Planning Ref:	P/2014/0678/F	DEA	Newry
APPELLANT	Mr Frank King		
LOCATION	33a Flagstaff Road Fathom Lower Newry		
PROPOSAL	Retention of existing fuel sales business to include existing hard standing area and portacabin		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	17/10/2016
Appeal Procedure	Written Reps with Site Visit		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

283

ITEM NO	7		
Planning Ref:	P/2014/0670/F	PAC Ref:	2016/A0140
APPELLANT	Mr Frank King	DEA	Newry
LOCATION	Lands To The Rear Of No. 33 Flagstaff Road And Associated Farm Complex (shed Approx. 45 Metres To The West Of Existing Dwelling With Hardstanding Extending Approx. 50 Metres Further West And Retention of existing shed and hard standing area for agricultural purposes (revised address and plans)		
PROPOSAL			
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	17/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2015/0308/C	PAC Ref:	2016/A0142
APPELLANT	David And Maura De Mello	DEA	Slieve Croob
LOCATION	In Front Of 113 Dunmore Road Ballynahinch.		
PROPOSAL	Replacement dwelling and refurb of outhouse		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	18/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

284

ITEM NO	9	PAC Ref:	2016/A0147
Planning Ref:	LA07/2015/0310/C	DEA	The Mournes
APPELLANT	Padraig And Adrian Walsh		
LOCATION	Land 175m North West Of 196 Lackan Road Kilcoo		
PROPOSAL	Newly Proposed single storey detached dwelling and garage on a farm		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	28/10/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2016/A0148
Planning Ref:	LA07/2015/0877/F	DEA	The Mournes
APPELLANT	Mr Diarmid Sloan		
LOCATION	10 Tullybrannigan Brae Newcastle		
PROPOSAL	BT33 0DG Roof space conversion, replacement roof and 2 storey extension		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	01/11/2016
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

285

ITEM NO	11		
Planning Ref:	LA07/2016/0240/F	PAC Ref:	2016-A0150
APPELLANT	Wayne Morton	DEA	Slieve Gullion
LOCATION	30m North Of 28 Tunnel Road Jerretspass		
PROPOSAL	Newly Replacement single storey 3 bed dwelling with single storey 4 bed dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	03/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2016/0240/F	PAC Ref:	2016/A0150
APPELLANT	Wayne Morton	DEA	Slieve Gullion
LOCATION	30m North Of 28 Tunnel Road Jerretspass		
PROPOSAL	Newly Replacement single storey 3 bed dwelling with single storey 4 bed dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	03/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

286

ITEM NO	13		
Planning Ref:	LA07/2015/0009/F	PAC Ref:	2016/A0151
APPELLANT	Mrs Kathleen McKeivitt	DEA	Newry
LOCATION	Approximately 75m North Of No 26 Jack's Road (access From Clontigora Road)		
PROPOSAL	Killeen Erection of farm dwelling and garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	04/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	P/2013/0938/F	PAC Ref:	2016/A0157
APPELLANT	John Morgan	DEA	Croilieve
LOCATION	220 Metres West Of 6 Tamary Road Mayobridge		
PROPOSAL	225 kw wind turbine with 30 metre mast and 29 metre rotor for electricity production		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	15/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

287

ITEM NO	15		
Planning Ref:	R/2015/0078/O	PAC Ref:	2016/A0163
APPELLANT	Mrs M Dodds	DEA	The Mournes
LOCATION	Lands 20m North East Of 65 Tollymore Road Newcastle		
PROPOSAL	Proposed infill site for 1no dwelling and garage within gap site along an existing continuously built up frontage. (Amended proposal)		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	23/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2015/1244/F	PAC Ref:	2016/A0166
APPELLANT	Barney Mackin	DEA	Crotlieve
LOCATION	19.3m North-East Of No27B Derrycraw Road Derrycraw <small>Newry</small>		
PROPOSAL	Erection of farm dwelling and garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

288

ITEM NO	17		
Planning Ref:	LA07/2016/1041/C	PAC Ref:	2016/A0172
APPELLANT	Joseph O'Hare	DEA	Crotlieve
LOCATION	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
PROPOSAL	^{Newly} Dwelling and domestic garage on gap/infill site (amended address)		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	LA07/2016/0812/C	PAC Ref:	2016/A0173
APPELLANT	George Kelly	DEA	Slieve Gullion
LOCATION	Between No. 54 & 54a Mill Road Mullaghbawn		
PROPOSAL	^{Newly} New dwelling with domestic garage. Gap/Infill site		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

289

ITEM NO	19		
Planning Ref:	LA07/2016/0731/C	PAC Ref:	2016/A0174
APPELLANT	Ms Sheena Gribben	DEA	Crotlieve
LOCATION	60 Metres South East Of 47 Castlewellan Road Hilltown		
PROPOSAL	Site for dwelling and garage on farm		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	07/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2015/1315/C	PAC Ref:	2016/A0184
APPELLANT	Clare Ferris	DEA	Rowallane
LOCATION	Between 16 And 20 Lough Road Crossgar		
PROPOSAL	BT30 9DT Proposed Dwelling on in-fill site under Policy CTY 8 Ribbon Development		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

290

ITEM NO	21		
Planning Ref:	LA07/2016/0381/C	PAC Ref:	2016/A0185
APPELLANT	Mr Matt Burns	DEA	Crotlieve
LOCATION	Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2015/1391/C	PAC Ref:	2016/A0186
APPELLANT	Mr Seamus McLoughlin	DEA	Crotlieve
LOCATION	70 Metres North West Of No.10 Mayo Road Mayobridge RT34 2HA		
PROPOSAL	Proposed dwelling on a farm		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

291

ITEM NO	23	PAC Ref:	2016/A0192
Planning Ref:	LA07/2016/0802/C	DEA	Crotlieve
APPELLANT	Darren O'Hagan		
LOCATION	60m NE Of 11a New Line Road Hilltown Newry		
PROPOSAL	Site for dwelling and detached garage		
APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	30/12/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2016/A0197
Planning Ref:	P/2014/0972/O	DEA	Crotlieve
APPELLANT	Edward Ryan		
LOCATION	15 Ryanstown Road Newry RT34 2NG		
PROPOSAL	Site for dwelling (additional information submitted)		
APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	11/01/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

292

ITEM NO	25	PAC Ref:	2016/A0204
Planning Ref:	LA07/2016/0510/C	DEA	The Mournes
APPELLANT	Robert Laurence Annett		
LOCATION	Adjacent And West Of 60 Corcreaghan Road Kilkeel		
PROPOSAL	RT34 ASI Dwelling on a farm		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	23/01/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2016/A0211
Planning Ref:	LA07/2016/0826/C	DEA	Slieve Gullion
APPELLANT	Kevin Donaghy		
LOCATION	Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road Maghernahely		
PROPOSAL	Reshrook Proposed erection of detached dwelling and garage		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	02/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

293

ITEM NO	27	PAC Ref:	2016/A0214
Planning Ref:	LA07/2015/0647/C	DEA	Rowallane
APPELLANT	PR Jennings		
LOCATION	15m North Of 39 Listooder Road Crossgar		
PROPOSAL	Erection of farm dwelling (additional information received)		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	10/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28	PAC Ref:	2016/A0217
Planning Ref:	LA07/2016/0732/C	DEA	Newry
APPELLANT	Mrs Mary Carr		
LOCATION	Lands To The Rear And South Of No. 6 Railway Road Meigh Killeavy		
PROPOSAL	Proposed erection of a farm dwelling		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	15/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

294

ITEM NO	29	PAC Ref:	2016/A0219
Planning Ref:	LA07/2016/0268/F	DEA	The Mournes
APPELLANT	J Graham And Sons		
LOCATION	Between 32 And 34 Eliza Close Newcastle		
PROPOSAL	Proposed storey and a half dwelling		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	17/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2016/AO125
Planning Ref:	P/2014/0769/O	DEA	The Mournes
APPELLANT	Mr Kevin Cunningham		
LOCATION	210 Metres South Of No 36 Belmont Road Kilkeel RT34 41 A		
PROPOSAL	Site for dwelling on a farm		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	10/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

295

ITEM NO	31	PAC Ref:	2016/E0032LDC
Planning Ref:	LA07/2016/0396/L	DEA	Crotlieve
APPELLANT	Michelle McGivern		
LOCATION	26A Greenan Lough Road (on Lands Associated With 26 Greenan Lough Road)		
PROPOSAL	Dwelling of temporary construction within the curtilage of an existing dwelling		
APPEAL TYPE	Plg Conditions		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2016-E0045
Planning Ref:	LA07/2015/0166/L	DEA	The Mournes
APPELLANT	Mr Ronald Sloan		
LOCATION	29 Leitrim Road Kilkeel		
PROPOSAL	A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	24/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	33	PAC Ref:	.A07/2015/1217/O
Planning Ref:	LA07/2015/1217/C	DEA	Crotlieve
APPELLANT	Mr & Mrs Quinn		
LOCATION	Land Adjacent To And North East Of 20 Crohill Road Cobane		
PROPOSAL	Newly Site for replacement dwelling and garage (Off-site Replacement due to current proximity to public road.		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	18/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2016/A0106
Appeal by:	Fergal O'Hanlon
Appeal against:	Refusal of full planning permission
Proposed Development:	Retention of part boundary walls, piers and railings
Location:	15 Kearney Crescent, Whitecross, Armagh
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0455/F
Procedure:	Informal Hearing on 5 January 2017
Decision by:	Commissioner Pauline Boomer dated 2 February 2017.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the retention of the existing walls and railings around the curtilage allows for adequate forward sight distance to be provided.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the settlement limit of Whitecross as indicated in the Banbridge, Newry and Mourne Area Plan 2015. The Area Plan contains no policies relating specifically to the appeal site or its access arrangements. The planning context is provided by Planning Policy Statement 3: Access Movement and Parking (PPS3) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (the Addendum) which were retained in the Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015. The guidance contained in Development Control Advice Note 15 (DCAN 15) and Creating Places is also material to consideration of this appeal.
4. The appeal site is one of 14 semi detached dwellings built within this housing development which lies inside the Settlement Development Limits of Whitecross. Under P/2001/1434/F, this housing development was approved in May 2002 with a shared surface layout where 12 of the 14 properties are accessed via the cul-de-sac. No. 15 is one of 4 properties occupying an elevated position above and fronting onto the Tullyah Road. A high retaining wall extends behind the footpath and encloses the front garden of No. 15 on two sides offering private amenity

space. A large area of hardstanding 6.3m wide is provided to the side of the property accessed off the cul-de-sac. The appellant erected a low wall with piers and railings either side of the area of hardstanding to enclose his rear and side garden in early 2014. He now seeks to retain these boundary features.

5. As the newly constructed walls and railings reflect the scale, proportions and materials of the original retaining wall which it abuts, the Local Planning Authority (LPA) consider that the design is acceptable and therefore it does not offend Policy EXT1 of the Addendum.
6. Kearney Crescent is an unclassified road with a carriageway width of 5.5m and is a shared surface type development with no footpaths beyond the rumble strip at the entrance. Shared surface developments are intended to be open plan in layout with underground services located in verges along the carriageways. The owner/occupiers should be advised by developers that these verges may form part of gardens and driveways but are part of the adopted road. Condition 06 of P/2001/1434/F states clearly that "Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges or formal rows of trees grown in these verges / service strips determined for adoption". The wall now the subject of this appeal has been erected entirely within the service strip and whilst the appellant indicated that he was unaware of this fact, I note that notice was served on Transport NI (TNI) when the planning application was submitted. Whilst the appellant argued that there are no services within this service strip with all provided on the opposite side of the cul-de-sac, there is a manhole evident in the rear garden of No. 14.
7. A new section of stepped wall with piers and railings has been erected either side of the large area of hardstanding, with the piers rising to a height of between 1.25 m to 1.9m. Whilst abutting the existing retaining wall which sits behind the footpath, it has been positioned much closer to the public road with those sections on the bend sitting 0.38-0.6m back from the road edge. TNI consider that as the appeal site lies on the inside of the bend with the vertical alignment gradually rising into the cul-de-sac, the wall as constructed obstructs the visibility of those road users, reducing the forward sight distance particularly for those entering the estate and therefore prejudices their safety and convenience in conflict with Policy AMP2 of PPS3.
8. Policy AMP2 of PPS3 states that planning permission will only be granted for a development involving direct access onto a public road where such an access will not prejudice road safety or significantly inconvenience the flow of traffic. The reason for refusal deals with the issue of prejudice to the safety and convenience of road users through failure to provide an adequate forward sight distance (fsd) of 33m. DCAN 15 requires that there is adequate visibility splays and forward sight distance provision for all private accesses as set out in Table B which states that a fsd of 33m represents the minimum standard considered acceptable in all circumstances. This is reinforced in Table 5 on Page 128 of Creating Places.
9. The appeal site lies on the inside of a bend where the vertical alignment gradually rises into the cul-de-sac. Forward visibility is required round bends within developments in order to give sight to oncoming traffic and TNI is concerned primarily about the impact of the appeal wall on the visibility of traffic coming up the hill from the main road. The appellant argues that the 33m fsd distance set out

in Table B relates to speeds of 20mph which are not achievable here due to the rumble strip and the gradient. Whilst TNI acknowledge that speed of cars travelling up the hill would be likely to be lower than 20mph, they consider this does not justify such a significant reduction in fsd from 33m to 10m which is what all parties recognise is what is currently achievable.

10. The appellant referred me to Paragraph 5.17 of PPS3 which states that it may not always be practicable to comply with the appropriate visibility standards which need to be assessed in light of the particular circumstances of the individual case. It goes on to say that, exceptionally, a relaxation in standards may be acceptable in order to secure other important planning objectives, but only where standards were not reduced to such a level that danger is likely to be caused. I am not persuaded that the extension of the existing wall and railings around the entire curtilage enhances the entrance to the estate as suggested by the appellant. He argued that given the low speeds, the incline and the small number of houses using this cul-de-sac, these factors collectively justified a relaxation in standards. I do not consider that the need for residents to reverse in and out of the communal parking bay opposite No. 15 or an awareness that there are children playing in the vicinity would result in reduced speeds which compensate for the limited visibility on approaching the bend. Nor am I persuaded that speeds are reduced entering the cul-de-sac as a direct result of peoples' awareness of the wall. In any case, regardless of the speed of vehicles entering the estate, a fsd of 33m represents the minimum standard set out in both DCAN 15 and Creating Places and the provision of a fsd of 10m as is now available falls so far short of that standard that I am satisfied that danger is likely to be caused. A relaxation in the minimum standard is not justified in these circumstances.
11. I note that no objections have been received from local residents. I acknowledge that there are other infringements within the development with 4 other properties having erected fences or hedgerows within the service strip. These are a matter for TNI to assess but none of these other properties lie as close to the bend as No. 15 where such an encroachment has the greatest impact and causes an obstruction. In the absence of any detailed drawings, I do not consider that the removal of part of the railings and piers as suggested by the appellant would significantly reduce the risk to safety. In conclusion, as the wall, piers and railings significantly obstruct the visibility of those road users travelling up the hill and provide a fsd so far short of the minimum standard specified, I find that its retention would prejudice the safety and convenience of road users. Policy AMP2 is offended and the reason for refusal is therefore sustained.

This decision relates to the following drawings received by the Council

1:2500 site location plan; and

1:500 block plan.

As well as the following drawings submitted at the Hearing:

PSO Drawing for P/2001/1434/F and Drawing 11649/4

COMMISSIONER PAULINE BOOMER

2016/A0106**List of Appearances**

Planning Authority:- Mr Gareth Murtagh (Planning)
Mr Ronan Loughran (TNI)

Appellant:- Mr John Collins

List of Documents

Planning Authority:- LPA1 Statement of Case
LPA2 Planning History for P/2001/1434/F

Appellant:- APP1 Statement of Case
APP2 Drawing No. 11649/4



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

301

Appeal Reference:	2016/A0118
Appeal by:	Ms J Magee
Appeal against:	The refusal of full planning permission
Proposed Development:	Retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F
Location:	Approximately 70m south east of No 71 Ardglass Road, Ballyhornan, Downpatrick
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2015/0546/F
Procedure:	Written representations and accompanied site visit on 26 January 2017
Decision by:	Commissioner Pamela O'Donnell dated 8 February 2017.

Decision

1. The appeal is dismissed.

Preliminary Points

2. Whilst the location of the site could have been described differently, its location as advertised is accurate and sufficient to direct anyone with an interest in the application or appeal to its whereabouts. It is not therefore misleading. Boundary disputes lie outside the scope of this appeal. In any event, the relevant party is aware of the appeal proposal and has had the opportunity to comment on it. As such, no prejudice arises.
3. The appeal structure is subject to an extant Enforcement Notice which was upheld by the Commission in November 2014 (2014/E005). The proposal now before the Commission is for the retention of the building with amendments and additions to its fabric for use as a farm shed and animal handling facility. It falls to me to consider whether or not the appeal proposal would be acceptable in its own right. The proposal includes the substitution of an agricultural building approved under R/2007/1021/F. It was argued by the Appellant that development had commenced on said agricultural building and that the application had therefore been implemented. However, in the absence of a Lawful Development Certificate to prove such a claim, it cannot be concluded thus and at the site visit the Council's representative did not accept that development had commenced. Accordingly, the proposed substitution cannot be considered in the context of this appeal. Nevertheless, the retention of the building, as proposed, is considered below.

Reasoning

4. The main issues in the appeal are whether the proposal is acceptable in principle in the countryside and the effect of the proposal on visual amenity and rural character.
5. The Planning Act 2011 requires that determination of proposals must be made in accordance with the plan, unless material considerations dictate otherwise. In this case, the relevant plan is the Ards and Down Area Plan 2015. The appeal site lies in the countryside and outside any settlement limit in the plan. The plan contains no policies relevant to the site or the appeal proposal.
6. The policy context for determining the appeal is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). Policy CTY1 thereof sets out the types of development considered to be acceptable in principle in the countryside. It states that other types of development will only be permitted where there are overriding reasons why that development is essential. The parties identified one of the types of development listed in Policy CTY1 as applicable, namely agricultural and forestry development in accordance with Policy CTY12.
7. Policy CTY12 states that planning permission will be granted for development on an active and established agricultural holding. Paragraph 5.56 of PPS21 states that the determining criteria for an active and established business will be that set out under Policy CTY10. This requires that the farm business is currently active and has been established for at least six years. Paragraph 5.38 of PPS21 indicates that the applicant is required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.
8. The farm maps relate to some eleven fields comprising around 7.87 Hectares and the DARD business ID number (654044) was issued in May 2010. The Council argue that the farm business has not been active over the required period. In response, the Appellant submitted supporting evidence. This is discussed below.
9. A letter from HM Revenue & Customs dated November 2009 states that the Appellant was set up for Self Assessment as a farmer. Self Assessment Tax Forms show that the Appellant has provided tax returns from April 2010 to 2015, some five years. However, this evidence does not demonstrate engagement in active farming over the required time period and the returns do not detail any specific agricultural transactions. The Appellant states that Single Farm Payments have been claimed from May 2015. Apart from one notification of and one Basic Scheme Payment from DARD dated 13 & 28 November 2015 respectively, no further evidence to substantiate this claim has been submitted. In contrast, the DARD consultation response indicates that the business has not claimed Single Farm Payments in the last six years. Even though one payment was made, this does not demonstrate active farming over the required period. The information regarding herd movements dates from 2010 to 2016. While this demonstrates the Appellant has a Herd Number and moves cattle, it does not tie the animals listed to this farm business. The Appellant's address, which is on some of the herd information, is not on this farm. There were no cattle on the fields surrounding the appeal site during the site visit. Furthermore, no corroborating documentary or

photographic evidence was provided to demonstrate the presence of cattle on the farm over the periods specified. The shed approved under R/2007/1021/F was in respect of a separate farm business not connected to the Appellant. Therefore, even if it could be weighed into the balance, it would not assist the Appellant's case. All in all, the fundamental requirement of Policy CTY12 has not been demonstrated.

10. Criterion (a) of Policy CTY12 requires that the development is necessary for the efficient use of the holding. The Appellant argues that the shed is to further develop the business. However, no information has been provided on the operational needs of the business or how the proposal would aid future development or why the appeal building is now necessary. Given the limited evidence on this issue and that the farm appears to have been operating without any agricultural buildings for storage purposes or to shelter injured or ill animals, the proposal fails to comply with this criterion.
11. Even if I were to accept that this was an active holding for the purposes of the policy, I do not consider that the proposal is necessary for the efficient use of the holding. The Planning Appeals Commission is not the Planning Authority and it is not its role to consult on applications. The onus is on the Appellant to provide sufficient information to demonstrate compliance with policy. No evidence was submitted to substantiate the claim that the Appellant has been treated differently to other farmers.
12. Criteria (b) and (c) of Policy CTY12 require that a development is of a character and scale appropriate to its location and that it would visually integrate into the local landscape. Even though it occupies a road frontage location, the proposal is of modest size and scale and its character would be akin to other agricultural buildings in the rural area given its design and its stonework finish. Having viewed the proposal from the viewpoints specified, I find that it would not be prominent and that it would visually integrate into the local landscape. For the reasons stated the proposal would comply with criteria (b) and (c) of the policy. This objection is not sustained.
13. Criterion (e) of Policy CTY12 relates to residential amenity. It must be demonstrated that a proposal will not result in detrimental impact on the amenity of residents living outside the holding in terms of noise, smell and pollution. This objection was submitted by the Council at appeal stage. As the Appellant had the opportunity to comment on it, no prejudice arises.
14. The consultation from the Environmental Health section of the Council recommends a separation distance of at least 75m between the farm shed (if used for animals) and any residential property to prevent odour and noise disturbance. In this case the building would be used as an animal handling facility and it is located less than the recommended minimum 75m from No 71 Ardglass Road, a property outwith the farm holding. Given that the building would be used to house animals and sick or injured ones at that, it is likely that noise and odour would emanate from same. There is therefore a strong possibility that the proposal would result in a detrimental impact on the amenity of the residents at No 71 Ardglass Road. Even if lawful, the historical approval R/2007/1021/F was in respect of a shed for the storage of grain and farm machinery, not farm animals. The Appellant made reference to an approval at Creevyargon Road (R/2014/0679) regarding this

issue, but no details were provided on that case. As such, inconsistency in the application of policy has not been demonstrated. The objection on this ground is therefore sustained.

15. The proposal is for the retention of the building with alterations and not for a new building. Accordingly the Council's policy based objections in respect of this matter are misplaced and are not sustained.
16. The appeal proposal does not comply with Policy CTY12 for the reasons stated. Furthermore, it has not been demonstrated that there are overriding reasons why this proposal is essential. The proposal therefore also fails to comply with Policy CTY1. The first reason for refusal is sustained insofar as stated.
17. Policy CTY13 of PPS21 indicates that development will be unacceptable where it is a prominent feature in the landscape or where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. For the reasons outlined above in paragraph 12, I conclude that the proposal complies with Policy CTY13. The second reason for refusal is not sustained.
18. Policy CTY14 of PPS21 relates to rural character. It states that a new building will be unacceptable where it is unduly prominent in the landscape. For the reasons given, the proposal would not be of such magnitude to render it unduly or overly prominent and therefore detrimental to the rural character of the area. Accordingly, the third reason for refusal is not sustained.
19. Even if the existing laneway was to be used to access the proposal, the small amount of additional traffic likely to be generated would not, in my opinion, compromise road safety. Furthermore, adequate visibility appears to be available at the entrance to the laneway and, if necessary, the splays could be improved by the imposition of a negative condition. This would not warrant the withholding of planning permission. The granting of planning permission does not confer land title and as alluded to above, any dispute over ownership is a private, legal matter. Notwithstanding the outcome of any meetings that took place during the determination of the planning application, the final position of the Council was to refuse the application. Concerns regarding the processing of the planning application are matters for the parties to pursue with the Council.
20. The first reason for refusal is sustained, as specified, and is determining. The appeal must therefore fail.

This decision relates to site location plan @ 1:1250 and existing and proposed floor plans and elevations @ 1:100 stamped refused by the Council 4 August 2016.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:-	Ms K Cunningham (Newry, Mourne & Down Council)
Appellant(s):-	Mr G Tumelty (Agent)
Third Parties:-	Mr M Heaney (Objector)

List of Documents

Planning Authority:-	"A" Statement of Case "A1" Rebuttal
Appellant(s):-	"C" Statement of Case "C1" Rebuttal
Third Parties:-	"B" Statement of Case "B1" Rebuttal



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2016/A0129
Appeal by:	Mr Liam McDonnell
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Approximately 50m south east of No41a Aughnagun Road, Derryleckagh, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0969/O
Procedure:	Hearing on 2 February 2017
Decision by:	Commissioner Pamela O'Donnell, dated 23 February 2017

Decision

1. The appeal is dismissed.

Reasoning

2. The main issue in the appeal is whether the proposal is acceptable in principle in the countryside.
3. The Planning Act (NI) 2015 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The site lies in the countryside, outside any settlement identified in the plan. The plan contains no policies relevant to the site or the appeal proposal. Planning Policy Statement 21 (PPS21) 'Sustainable Development in the Countryside' provides regional policy for development in the countryside and is a material consideration in the appeal. It provides the relevant planning policy context for the proposed development. Policy CTY1 of PPS21 indicates that there are types of development acceptable in principle in the countryside. The Appellant identified one of these as applicable, namely the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
4. Policy CTY8 of PPS21 is entitled Ribbon Development and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 indicates that ribbon development is detrimental to the character, appearance and amenity of the countryside. Even though this type of development has been consistently opposed, policy goes on to say that an exception will be permitted. This exception relates to the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an

otherwise substantial and continuously built up frontage, provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.

5. As outlined above, the Appellant argues that the site represents an infill opportunity. His position is that the site is a 'gap site' between the dwelling under construction to the north of the site and the agricultural building and adjacent dwelling and garage under construction to the south.
6. A baseline requirement of the policy is that at least three buildings are lined out along the frontage of the road. The recently constructed garage type structure to the south of the appeal site does not accord with the stamped approved plans. Accordingly, it does not have planning permission. Given this and in the absence of a Lawful Development Certificate to demonstrate it is lawful, it cannot be weighed into the consideration of the above policy requirement. While some construction work consisting of access features and a partially built wall has begun adjacent and to the north of the appeal site, there are no buildings on this site. Apart from the garage structure, there are no buildings to the south of the appeal site either. The possibility of future buildings cannot be taken into account given the wording of the policy. What falls to be assessed is what lawfully exists on the ground at the time of the decision. In this case, there is only one building along the frontage that can be taken into account, namely the old stone agricultural building. Thus, the appeal site is not within a substantial and continuously built up frontage and there is no existing built up frontage on either side in order for the site to be a gap site. Even if the garage structure was to be taken into account, there would remain an insufficient amount of buildings along the frontage to satisfy the policy. For the reasons stated, the appeal site does not represent an exception to the policy and the proposal therefore fails to satisfy Policy CTY8.
7. It was also argued that the proposal failed to meet criteria (b) and (d) of Policy CTY14 of PPS21. This policy says that a new building will be unacceptable where it results in a suburban style build up of development when viewed with existing and approved buildings or where it creates or adds to a ribbon of development. Policy CTY14 which relates to Rural Character permits the assessment of a proposal with approved buildings, i.e. those that have extant planning permission but are not, as yet, built. Although PPS21 does not provide a comprehensive definition of Ribbon Development, paragraph 5.33 indicates that it does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent Ribbon Development if they have a common frontage or they are visually linked.
8. Notwithstanding the existing and proposed landscaping, the proposal would read with the existing buildings opposite the site and with the dwelling and garage approved to the north of the site when observed from the critical views identified along the Aughnagun Road only. It would therefore result in suburban style build up detrimental to the rural character of the area and contrary to criterion (b) of Policy CTY14. It is accepted that buildings within the area of the appeal site have contributed to the erosion of its rural character. However, irrespective of its design, the appeal development would unacceptably add to this built up appearance and

further erode the rural character of the area. For this reason, it would not offer 'planning gain' as suggested by the Appellant. Without prejudice to my findings above, while no substantial and continuously built up frontage currently exists along this part of the Aughnagun Road for the purposes of the policy, the proposal would introduce two buildings along the frontage which would visually link with the committed development comprising the dwelling and garage to the north of the appeal site to extend development along the road, resulting in the creation of ribbon development. The objection under criterion (d) of Policy CTY14 is sustained as is the second reason for refusal.

9. Notwithstanding the deliberations of meetings that took place during the determination of the planning application, the final position of the Council was to refuse the application. Their rationale for so doing is set out in the Decision Notice and in the evidence submitted at appeal. In any event and as outlined above, even if the garage was lawful, this would not assist the Appellant's case.
10. The proposal, in not complying with Policy CTY8, does not represent one of the types of development considered acceptable in principle in the countryside. Policy CTY1 of PPS21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. The Appellant's desire to build accommodation locally for his family does not demonstrate that the proposal is essential. The proposal is therefore also at odds with Policy CTY1 of PPS21. The first reason for refusal is sustained.
11. As the reasons for refusal are sustained, the appeal must fail.

This decision is based on the Site Location Plan stamped refused by the Council on 7 July 2016.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:- Ms L Grant (Newry, Mourne and Down District Council)
Ms O Rooney (As above - Observing)

Appellant(s):- Mr J Collins (Agent)
Mr L McDonnell (Appellant)
Mr P Bradley (Neighbour)

List of Documents

Planning Authority:- "A" Statement of Case
"A1" Post Hearing Planning History

Appellant(s):- "B" Statement of Case

Appeal Decision

Park House
 87/91 Great Victoria Street
 BELFAST
 BT2 7AG
 T: 028 9024 4710
 F: 028 9031 2536
 E: info@pacni.gov.uk

310

Appeal Reference:	2016/A0112
Appeal by:	Mr Terence J O'Hare against the refusal of outline planning permission
Development:	Replacement dwelling and detached garage
Location:	Land 60m NW of No.25 Church Rock Road, Carrickbracken, Camlough
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2015/1246/O
Procedure:	Informal Hearing on 11 January 2017
Decision by:	Commissioner Brigid McGlinchey dated 6 February 2017

Decisions

1. The appeal is dismissed.

Reasoning

2. The main issue in this appeal is whether the building on the appeal site represents a replacement opportunity.
3. The appeal site is located in the countryside as defined in the Banbridge, Newry & Mourne Area Plan 2015. There are no particular policies or proposals in the plan relevant to the development. The main policy context for considering the proposal is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 of PPS21 states there are a range of types of development which in principle are considered to be acceptable in the countryside. One of these a replacement dwelling under Policy CTY3. Policy CTY3 allows for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.
4. The building is a stone built structure with a footprint of 12m by 5m and is located perpendicular to the road. Though it is sited in an open field that slopes away from the road, the base ordnance survey map accompanying the application clearly shows that the building had a defined curtilage in 1971. The building has no roof and is open to the elements. Though there is vegetation growing up both gables, they appear to be intact almost to the apex. The gable facing the road consists of a stone fireplace with the internal graded stonework indicating support for a chimney stack. There is a window opening evident on the other gable. In what

- appears to have been the building's principal elevation, there are three window openings with stone sills and an off centre porch indicating a door opening. A significant portion of the walls around each of these openings is however missing. All that remains of the external wall on the other elevation is rubble with no discernible openings. Whilst the appellant surmised that the building was once divided into three rooms this is difficult to ascertain given the amount of fallen stonework and overgrowth within the building. Nonetheless, I consider that the presence of the fireplace along with evident porch and window openings leads me to accept the appellant's assertion that the building was once a dwelling and that it exhibits the essential characteristics of a dwelling. Whilst the gables may be almost intact, I do not however consider that the other two external walls can be described as being substantially intact. The building therefore does not satisfy one of the essential requirements of CTY3 and does not represent a replacement opportunity.
5. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No information was presented in the appellant's statement of case as to why the development is essential. Accordingly, the proposal is contrary to Policy CTY1 and the planning authority's reason for refusal is sustained.

This decision relates to the 1:2500 scale site location plan submitted with the planning application.

COMMISSIONER BRIGID McGLINCHEY

APPEARANCES AT HEARING

Planning Authority: P Manelly
L O'Hare

Appellant: J Young (Agent)

DOCUMENTS

Planning Authority: C1 Statement of case

Appellant: A1 Statement of case
A2 Series of photographs taken of building in December 2016



Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

313

Appeal Reference:	2016/A0113.
Appeal by:	Morrisons Vivoxtra.
Appeal against:	Refusal to grant advertisement consent.
Proposed Development:	Illuminated digital display panel to replace existing signage board on external totem adjacent to car park entrance.
Location:	Morrisons Vivoxtra, 1 Ballynahinch Road, Saintfield.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2015/1287/A.
Procedure:	Written Representations and Accompanied Site Visit on 17 January 2017.
Decision by:	Commissioner Pauline Boomer dated 7 February 2017.

Decision

1. The appeal is allowed, and advertisement consent is granted, subject to the conditions set out below.

Application for Costs

2. The appellant submitted an application for costs against Newry, Mourne and Down district Council. This application is the subject of a separate decision.

Reasons

3. The main issue in this appeal is whether the illuminated digital display panel, if retained, would have an adverse impact on road safety, prejudicial to the safety and convenience of road users.
4. The Planning (Control of advertisements) Regulations (Northern Ireland) 2015 (the Regulations) is the relevant statutory rule for the control of advertisements made under Section 130 of the Planning Act (Northern Ireland) 2011. Section 3(1)(a) of the Regulations requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors. The appeal site lies in the Settlement Development Limits of Saintfield as shown in the Ards and Down Area Plan 2015 (ADAP). ADAP makes no reference to signage within the SDL and is therefore silent on the proposed development.

5. Planning Policy Statement 17 – Control of Outdoor Advertisements (PPS17) provides the policy context for the appeal sign and is one of policy documents retained by the Strategic Planning Policy Statement for Northern Ireland (SPPS). Policy AD1 of PPS17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and does not prejudice public safety. There is no issue in respect of visual amenity in regard to this sign and the sole issue in the reason for refusal is that of public safety.
6. The appeal site abuts the Ballynahinch Road which is a Protected Route. This Class A road (A21) has a carriageway width of 7m and carries a significant volume of traffic between Saintfield and Ballynahinch. The horizontal alignment of the road at this location is straight and the vertical alignment is rising out of town. All parties agreed that traffic is slow moving at approximately 30 mph.
7. The appeal site incorporates a large retail unit operating within a sizeable 1.5 storey building enclosed by the adjoining car park. It lies within a mixed use area enclosed by residential properties to the north, west and south with a church, church hall, health centre and library accessed off a communal car park immediately to the east. There is an existing advertising totem sign positioned to the left hand side of the main car park entrance. Sited approximately 1.5m lower than the adjacent road level, it is positioned 1.7m behind a 1.2m high vertical timber boarded fence. Extending to a maximum height of 3.65m, the sign sits 1.77m above ground level and with dimensions of 1.38m by 1.67m, is supported by three vertical supporting posts.
8. The appellant placed considerable weight on the planning history for advertisements on appeal site. The appellant is incorrect in his assessment that the totem sign was deemed acceptable in size, dimensions and location by virtue of its planning consent. Consent granted under R/2012/0090/A allowed only for the erection of a single dimensional sign rather than a triangular sign now in position. Although sited in same position, the multi-fronted sign has a greater visual impact than that which was originally approved.
9. The sign as originally erected had a 30mm thick metal framed signage board on all three sides. The appeal proposal has replaced the lower section with a LED digital display signage board extending 1m in height, supported by the original posts. The appellant seeks to retain this sign incorporating the two digital panels.
10. Paragraph 4.11 of PPS17 set out the main types of advertisements which are likely to pose a threat to public safety and the Local Planning Authority (LPA) in their Statement of Case state that criteria (e) and (f) are offended by the appeal sign. The LPA and Transport NI acknowledged at the site visit that the sign did not incorporate any moving elements which would distract road users and I therefore find no conflict with criterion (f). Their remaining concerns relate to the illuminated nature of the sign which Transport NI (TNI) consider would have an adverse impact on the public's safety by causing a distraction. The appellant has provided details of a considerable number of approvals where LED display signs were approved close to the road without any concerns being

raised by TNI on grounds of road safety. However the particular circumstances of each case are unique and each case has to be considered on its own merits.

11. Criterion (e) does indicate that illuminated signs in general can, because of their size and brightness, result in glare or dazzle which could distract road users. The reason for refusal specifically refers to the appeal sign being erected in close proximity to a road junction which by distracting attention motorists from road traffic signs would create a traffic hazard. Although the LPA failed to identify which road junction or road traffic signs were referred to in their Statement of Case, the Transport NI representatives at the site visit did clarify that the single road sign affected was a "Give Way" sign at the junction with Middle road. The high brick wall erected along the supermarket's northern boundary obscure any view of the appeal sign until within 20m of the junction of Middle Road and Ballynahinch Road. Though visible at the junction, no evidence was presented that the display sign would inhibit manoeuvring here. From this aspect, traffic turning right will see the LED display panel but given the 50m separation and its set back behind the footpath and screen fencing, I am not persuaded that it would cause such a distraction to justify the withholding of consent .
12. The LPA and TNI sought to expand the reasoning in the reason for refusal by referring other road junctions in their Statement of Case from where the appeal sign would be visible. Whilst not good practise, I am satisfied that the appellant had an opportunity to respond to these other aspects. I acknowledge that vehicles travelling along Ballynahinch Road in both directions and turning into or out off those junctions with Fairfield Terrace and the communal car park to the east will be aware of the LED display sign. The appellant has indicated that he would accept a condition to ensure that each such static image changes at a frequently greater than once every two minute period and that there are no moving components. The LPA and TNI failed to offer any assessment of whether or not this would help to reduce any potential glare or dazzle and reduce its overall impact when viewed by passing traffic. The LPA also failed to explain how and to what extent the LED display sign would be distracting to road users.
13. The appellant has also indicated that the sign would only operate during the opening hours of the adjoining business which would reduce the period of illumination overnight and can be controlled by condition. Whilst I acknowledge that this would still entail significant periods of use in winter months, it would ensure that it is not operational overnight and can be controlled by condition.
14. There is no doubt that a LED sign by its nature is more noticeable than the static signage it replaced. However the test in Paragraph. 4.12 is whether the advertisement is likely to be so distracting or confusing that it creates a hazard to or endangers people in the vicinity. I am satisfied that by attaching conditions restricting the frequency with which the display changes and limiting the hours of operation, it reduces the level of distraction caused to passing traffic. On the basis of the evidence presented, I am not persuaded that the LED display sign would be so distracting or confusing that it creates a

hazard or endangers road users. The reason for refusal is not therefore sustained.

Conditions

- (1) The electronic display in the advertisement hereby approved shall not change at a frequency greater than once in any two minute period and the electronic display shall not contain any moving components.
- (2) The level of illumination of the electronic display shall comply with the Institution of Lighting Professionals Technical Report No. 5 'Brightness of Illuminated Advertisements'.
- (3) The electronic display shall only operate during the opening hours of the existing convenience store and at no other time:
07.00 – 22.00 Monday – Saturday
13.00 – 18.00 Sunday.

This decision relates to the following drawings all dated stamped received by Newry Mourne and Down District Council on 4 December 2015:-

1:1250 site location plan;

1:20 Existing and proposed elevations; in addition to

Photographs of existing and proposed sign boards received on 23 November 2015.

COMMISSIONER PAULINE BOOMER

2016/A0113**LIST OF DOCUMENTS**

LPA1 Statement of Case from Newry Mourne and Down District Council

APP1 Statement of Case from Appellant

APP2 Rebuttal

APP3 Costs application

LIST OF APPEARANCES

Council – Planning Ms Catherine Moane

TNI Mr R Loughran

Mr Liam Treanor

Appellant Mr Andrew Stephens

Mr Jason Walker (agent)

Mr S Morrison (appellant)



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

318

Appeal Reference:	2016/A0074.
Appeal by:	Mr Francis McGuinness.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of vehicle maintenance shed and retention of existing yard for the storage of vehicles.
Location:	Adjacent and south of No. 41 Newtown Road, Killeen, Newry.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	P/2015/0221/F.
Procedure:	Written Representations with Accompanied Site Visit on 3 November 2016.
Decision by:	Commissioner Mark Watson, dated 31 January 2017.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A letter from the Council to the Commission dated 12 August 2016 stated that the second reason for refusal erroneously referred to Policy PED2 of Planning Policy Statement 4 – Planning and Economic Development (PPS4) rather than Policy PED3. It was stated that Policy PED3 had been referenced in the Council Delegated List in respect of the application. The Appellant's evidence was alive to this matter and dealt with Policy PED3 of PPS4. He has not been prejudiced.

Reasons

3. The main issues in this appeal are whether or not the proposed development would be:
 - acceptable in principle; and
 - detrimental to the visual amenity of the countryside.
4. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside and within the Ring of Gullion Area of Outstanding Natural Beauty. The BNMAP offers no specific policy or guidance in respect of the proposed development and is not material. In regard to the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of Planning Policy Statement 21 – Sustainable

Development in the Countryside (PPS21). PPS21 policy provisions remain applicable to the proposed development.

5. The site comprises a broadly rectangular area of land adjacent and south of a single storey dwelling, No. 41. The site is relatively level with the road and flat in nature. It is covered in stones and was in use for the storage of a variety of vehicles at the time of my site visit. The frontage is defined by a metal fence, whilst the northern boundary is defined by closeboard wooden fencing and a shorter stretch of mature coniferous vegetation belonging to No. 41 that lies between the site and that property. The southern boundary is comprised of similar fencing. There is mature planting within the curtilage of No. 43 beyond the site to the south. There is a large pole mounted floodlight sited approximately midway along the northern site boundary. The site lies adjacent and to the east of the A1 dual carriageway. There is a large shed adjacent and south-west of No. 43 which appeared to be in use for engineering works. That building takes its access through the south-eastern corner of the appeal site onto Newtown Road. I am told this does not have the benefit of planning permission and is subject to ongoing enforcement action, as well as an undetermined application for its use for drying timber biomass and crops. There is a shed and concrete hardstanding adjacent and north of No. 41. The building is presently used by Elite Fitness and has a car parking area to the front of the building.
6. There is a live enforcement notice which includes the appeal site that came into effect on 2 January 2012. The notice requires the removal of the hardstanding, along with the laying of topsoil and seeding the area in grass. The appeal before me effectively seeks the retention of the yard area referenced in the enforcement notice and the erection of a new shed. The use sought through the appeal falls within Part B of the Planning (Use Classes) Order (NI) 2015 - Industrial and Business Uses.
7. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. This includes industry and business uses in accordance with PPS4. It follows that if the development complies with the provisions of PPS4 it will comply with Policy CTY1 of PPS21.
8. The Council considered that Policy PED3 of PPS4 was the appropriate policy to consider the appeal development against. The Appellant considered that the appeal proposal would be run in conjunction with the building to the north of No. 41, thus the site represented an expansion of an existing economic development use. Policy PED3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The Council considered that PED3 was not met given the scale of the proposed development. It also pointed to the business use to the south being unauthorised and subject to enforcement proceedings.
9. A number of aerial photos taken over a period of years were provided and an argument put that the original vehicle maintenance yard and business to the north of No. 41 was immune from enforcement action. Notwithstanding the lack of a certificate of lawfulness of existing use or development for that shed, I noted at the

site visit that the building was accommodating a business called Elite Fitness. It appeared to be a gym or exercise business and I observed several customers arriving for a class therein. This casts some doubt on whether there is an established business under Part B of the Planning (Use Classes) Order against which to consider the appeal development under Policy PED3 in the first instance.

10. However, even if accepting that the Appellant's vehicle maintenance business is established at the existing shed north of No. 41, there remains an intervening parcel of land between it and the appeal site. This is comprised of No. 41 and a large yard area to the west of that dwelling. That parcel of land is subject of a live enforcement notice, as well as a current appeal which seeks the inclusion of that land as part of an enlarged domestic curtilage for No.41. The appeal site measures approximately 71m deep by 35m wide. This is a larger site area than the site to the north of No. 41 with the existing shed on it, with which the Appellant says the appeal site will be run in conjunction with. Notwithstanding that the two areas of land are not contiguous with one another, the appeal site would more than double the overall site area associated with the enterprise. It can be considered as a major increase in the site area of the enterprise. For reasons given later in this decision I find that the proposal would also harm the appearance of the local area. The tests contained in the first paragraph of the headnote of Policy PED3 are not fully met.
11. The second paragraph in the head note to Policy PED3 states that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building and will integrate as part of the overall development. There are no existing buildings on the site that could be reused and the appeal site is physically separated from the existing business site. The new building would actually be of a comparable size to the existing shed on the land to the north. There is no definition in the policy of what "proportionate" means but given the general thrust in the policy that expansions should not constitute a major increase in site area, one could posit that proportionate new buildings should be at least somewhat smaller in scale than the existing ones. However, even if accepting the appeal building is acceptable in size, the physical separation between the two parcels of land is such that, even if the Appellant might own both, the new building would not integrate as part of the overall development. The test in the second paragraph in the head note of PED3 is not fully met.
12. The third paragraph in the head note of Policy PED3 states that any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have. The appeal site has no buildings on it, whilst the modern style shed on the land north of No. 41 has no historic or architectural interest. This element of the policy is not engaged. The proposed building is a rectangular shed measuring approximately 20.7m long by 11.7m wide with a ridge height of approximately 6.8m. The lower part of the walls will be block built, with the upper walls and the roof finished in sheet metal. There is to be a roller shutter door on the southern elevation and another on the western gable. The proposed building is of a standard modern industrial design which is not in itself objectionable given its intended function. It could also be said to respect the building to the north of No. 41, which bears a similar design ethic.

13. PED3 goes on to state that a proposal for a major expansion of an existing industrial enterprise that would not meet the above policy provisions (as addressed in the paragraphs above) will only be permitted in exceptional circumstances where it is demonstrated that it meets 3 criteria. I have been given no evidence that relocation of the enterprise is not possible for particular operational or employment reasons. The Appellant stated that the proposal was needed to future proof the business and allow much needed employment in the area, but no evidence was provided to substantiate these claims. I note from question 22 on the P1 form that accompanied the planning application, that existing staff levels comprised 2 employees, with no intended increase arising from the appeal development. I am not persuaded that the proposal would make a significant contribution to the local economy. The appeal development does not meet the exceptional test within Policy PED3.
14. The final section of the head note for PED3 states that in all cases measures to aid integration into the landscape will be required for both the extension and existing site. No new landscaping is proposed through this appeal and this policy requirement is not met. For the reasons outlined above I find that the appeal development is contrary to Policy PED3 of PPS4.
15. The Appellant argued that the appeal development also met the exception for appropriate economic development within a small gap site within an otherwise substantially and continuously built up frontage in accordance with Policy CYTY8 of PPS21. Policy CYTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development, but exceptionally allows for the infilling of a small gap site in certain circumstances and subject to a number of requirements. CYTY8 goes on to state that in certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements. The policy states that for its purposes, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
16. Firstly it must be determined if the appeal site constitutes a small gap site within a substantial and built up frontage for the purposes of the policy exception. There is a line of 3 or more buildings along the frontage, comprised of the shed north of No. 41, No. 41 itself and No. 43 adjacent and south of the appeal site. The large shed to the rear and west of No. 43 does not have planning permission and in any event does not have a frontage to the Newtown Road.
17. Although actual widths of the four plots along the frontage of Newtown Road are not greatly dissimilar, Nos. 41 and 43 occupy modestly sized roadside sites. Their prominent roadside position helps define the overall existing development pattern along the frontage. The appeal site has a much greater site area than Nos. 41 and 43 Newtown Road. The proposed building is to be sited perpendicular to the road and in one corner of the site. These factors together conspire to render the appeal development discordant with the existing development pattern on this part of Newtown Road, even though the shed to the north of No. 41 occupies a sizeable plot in itself. The Appellant's plot analysis would not persuade me

otherwise. Irrespective of any intervisibility the existing and proposed buildings might have, the appeal proposal does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

18. Nevertheless, in the interests of completeness I will consider whether the appeal development constitutes an appropriate economic development proposal. Policy CTY8 does not provide a definition of what constitutes an appropriate economic development use. However, the reference within Policy CTY1 of PPS21 to industry and business uses in accordance with PPS4 being a form of non-residential development in the countryside that is acceptable in principle, suggests that was the appeal development to be compliant with the provisions of PPS4, it could be considered to be an appropriate economic development in the countryside. In this case I have already determined that the appeal development does not meet the relevant provisions of PPS4, though I accept that this may not be the sole means of demonstrating the appropriateness of an economic development in a small gap site under Policy CTY8. However, no substantive or persuasive evidence has been provided as to why the appeal development would be appropriate economic development in this location.
19. The scale of the appeal development would not be in keeping with the adjoining development, which comprises Nos. 41 and 43 Newtown Road. The unauthorised yard area to the rear and west of No. 41 cannot be counted in that respect, nor the unauthorised building to the west and rear of No. 43. The shed and hardstanding to the north of No. 41 does not adjoin the appeal site, so does not assist the Appellant's case in this regard. Given my consideration later in this decision in relation to integration, the appeal development does not meet other planning and environmental requirements. Despite no objections having been raised regarding potential impacts on the amenities of neighbouring properties and no issue pertaining to the design of the building, I find that the appeal development fails the test for appropriate economic development infill. The development does not meet Policy CTY8 of PPS21.
20. As the development does not comply with the provisions of CTY8 or PPS4, it does not comply with Policy CTY1 of PPS21. There are no overriding reasons why the development is essential and could not be located within a settlement. The Council's first and second (as amended) reasons for refusal are sustained.
21. Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As outlined earlier in this decision, the design of the proposed building itself is not objectionable. However, the site lacks long established natural boundaries and as referred to earlier, no new landscaping is shown on the plans. The appeal building and the expanse of the site itself are such that they would appear as a prominent feature in the landscape, irrespective of the topography. Whilst I disagree with the Council that critical views begin just beyond the overbridge for the A1 carriageway, views of the appeal development would still be available travelling south towards the site, beginning from along the frontage of the shed north of No. 41 and continuing to the site frontage itself. Despite the limited distance of these views on Newtown Road, the appeal development site would appear prominent, its visual presence reinforced by the lack of existing boundary vegetation to enclose the site. No. 41 and the vegetation along its southern boundary would not adequately screen the proposed

building given its size, scale its siting at a right angle to the line of the road. The appeal development would not visually integrate into the surrounding landscape and would harm the appearance of the local area.

22. Whilst I acknowledge that the shed on the land north of No. 41 is visually prominent and lacks visual integration, that building received no planning consent and irrespective of its planning status, it would not justify further development that would detrimentally impact on visual amenity. It was suggested that the site's location within a line of existing development should justify use of a "lesser test" for integration. Without prejudice to my earlier conclusions relating to CTY8, regardless of the site's location in relation to existing development, although amplification at paragraph 5.58 of PPS21 states that landscapes vary and this needs to be taken into account when assessing integration, no "lesser test" exists within the policy that would justify the appeal development. For the reasons given above, the appeal development does not comply with criteria (a) and (b) of CTY13 and given the critical nature of these deficiencies, the policy read as a whole. The Council's third reason for refusal is sustained to the extent specified.
23. For the reasons given above the Council's reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

This decision relates to drawing No. 01 (Rev 1) entitled Proposed Site Plan, Elevations and Site Location Map, dated 10-07-2015, submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mr G Murtagh (Newry, Mourne & Down District Council)

Appellant:- Mr S Hughes (ERES Limited)

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices

Appellant:- 'B' Statement of Case & Appendices (ERES Ltd)

'C' Rebuttal Statement (ERES Ltd)



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

326

Appeal Reference:	2016/A0073.
Appeal by:	Mr Francis McGuinness.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Extension to existing dwelling curtilage and erection of domestic garage.
Location:	Lands to the rear of No. 41 Newtown Road, Killeen, Newry.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	P/2015/0236/F.
Procedure:	Written Representations with Accompanied Site Visit on 3 November 2016.
Decision by:	Commissioner Mark Watson, dated 31 January 2017.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant submitted an amended proposal within his Statement of Case. It comprises a smaller, single vehicle garage, sited closer to the host dwelling with the remainder of site shown grassed rather than to be used for hardstanding. New planting along site boundaries was also proposed. These amendments were submitted to the Council in February 2016, but deemed unacceptable.
3. The changes reduce the size of the garage and move its position closer to the host dwelling. The site area is to be sown in grass with additional planting provided along the site boundaries. Without prejudice to my consideration regarding the merits of the case, I find that the changes do not go to the heart of, or substantially alter the proposal. I am not persuaded that any third party unaware of these changes would be prejudiced. I find the proposed amendments acceptable in the context of Section 59 of the Planning Act (NI) 2011 in that they are not new matters that have not been brought before the Council. I will therefore consider the amended scheme as requested.

Reasons

4. The main issues in this appeal are whether or not the proposed development would be:
 - acceptable in principle; and
 - detrimental to visual amenity and rural character within an Area of Outstanding Natural Beauty (AONB).

5. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside and within the Ring of Gullion AONB. The BNMAP offers no specific policy or guidance in respect of the proposed development and is not material. In regard to the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). PPS21 policy provisions remain applicable to the proposed development.
6. The site comprises the existing curtilage of a single storey dwelling, No. 41, and an area of land to the rear and west of the dwelling. The area within the existing curtilage comprises a relatively narrow strip of concrete that runs around the rear and both gables of the dwelling. There is also a small area of grass between the concrete strip and rear, western site boundary. A reasonably sized wooden garden shed occupies the north-western corner of the curtilage, next to the dwelling. No. 41 and its curtilage are divided from the remainder of the appeal site by a closeboard wooden fence. The remainder of the appeal site comprises a large yard area finished in a mix of concrete hardstanding and stones. The yard had two steel containers and numerous tyres stored on it at the time of my site visit. To the north lies a modern industrial style building with a sign saying Elite Fitness Centre on it. To the south lies a yard area which is subject of a separate appeal by the same Appellant. The site lies to the east of the A1 dual carriageway.
7. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. This includes an extension to a dwelling house where this is in accordance with the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (APPS7). It follows that if the development complies with the provisions of APPS7 it will comply with Policy CTY1 of PPS21.
8. Policy EXT1 of APPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of 4 criteria are met. EXT1 goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against the 4 criteria. The objections from the Council fell under criterion (a); that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.
9. Annex A para A11 states that buildings within residential curtilage such as garages can often require as much care in siting and design as works to the existing residential property. Para A13 of APPS7, Annex A states that in the countryside ancillary buildings should be designed as part of the overall layout to result in an integrated group of buildings. Para A24 states that the impact of an extension or alteration on the visual amenity of the countryside, and in particular, AONBs, needs to be considered. It warns that through poor design the individual and cumulative effect of extensions and alterations which are disproportionate in size to the existing property or which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character.

10. The Council's objections related to the location of the building outwith the curtilage and the visual impact and detrimental change to rural character that it considered would arise from the enlarged curtilage. The concrete yard to the rear of No. 41 does not have planning permission and a live enforcement notice requires its removal, with the laying down of topsoil and sowing out in grass.
11. The proposed building is a single garage design to be finished in grey roof slates and wall finishes that match the host dwelling. It measures approximately 7.5m x 6.1m with a ridge height of approximately 4.8m. It is to be sited approximately 4.5m to the rear and north-west of the No. 41. Access is to be derived from the existing gateway just north of the dwelling itself.
12. The proposed garage is to be sited outwith the existing curtilage of the host property, a scenario generally not envisaged by the policy and guidance in APPS7. The Council identified a single critical view from which it considered the development would be unacceptable, namely travelling southwards along Newtown Road towards the site. From this transient view although the garage itself would become evident, its design is not objectionable in itself and it would be sympathetic to the host dwelling given its size and siting. The existing, unauthorised yard to the rear of No. 41 measures approximately 85m deep by 25m wide. Its conversion to a garden area and inclusion within No. 41's curtilage would represent a large and disproportionate expansion of the host dwelling. It would read as an unacceptable suburban extension within the rural area, even with the limited views available due to partial screening by the shed to the north.
13. I accept that the Appellant's existing curtilage is restricted by its size and shape. However, I am not persuaded that it precludes the provision of a small garage within it, such as in the location the wooden shed is presently located. Another possibility would be to extend the dwelling itself to incorporate an integral garage at one end. Whilst the Appellant's representative stated that integral garages are not typical of the area, such a design solution would not appear alien or discordant if designed carefully. Alternative solutions such as those referred to would still allow for the retention of a reasonable portion of the existing rear amenity area, yet allow for bringing the dwelling up to modern standards as was stated by the Appellant's representative. I am not persuaded that the size of the existing curtilage would justify the appeal development.
14. Whilst an argument was made that a replacement dwelling application would allow for an extension to the curtilage, even in such a case any extension in site area would have to be justified against the relevant policy. Whilst manoeuvring space for vehicles would be limited within the existing curtilage and further restricted by a garage within that curtilage, this would not justify the level of expansion sought. The site area before me corresponds with an existing yard area which is subject to enforcement action. Whilst a more limited extension to the curtilage might be justifiable, that is not before me. The scale of the proposed curtilage extension would not be sympathetic with the built form and appearance of No. 41, a small rural dwelling on a compact rural plot and for reasons outlined elsewhere in this decision, would detract from the appearance and character of the surrounding area.
15. The Appellant pointed to the additional landscaping that would be provided by the granting of planning permission. The live enforcement notice requires the removal

of hardstanding from the site, the laying down of topsoil and sowing of grass. Compliance with the notice will return the land to a more undeveloped appearance. Whilst additional planting beyond the requirements of the enforcement notice could be derived from the granting of planning permission, it would also result in the sizeable extension of the curtilage of No. 41 to encompass the whole site, which would not meet the terms of the policy for reasons outlined in this decision. The overall suburbanising effect that would arise from such a sizeable extension is such that the new planting would not represent a significant environmental benefit or planning gain. Nor would it outweigh the objections to the development. The proposed development would fail to meet criterion (a) of EXT1 of APPS7 and given the critical nature of this deficiency, the policy read as a whole.

16. Policy NH6 of Planning Policy Statement 2 – Natural Heritage (PPS2) states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all of 3 criteria are met. The first bullet point within criterion (c) of NH6 is pertinent; that the proposal respects local architectural styles and patterns.
17. The Council considered that the siting of the building would not respect the pattern of settlement in the area. Notwithstanding the proposed location outwith the existing curtilage and without prejudice to my conclusions on rural character, the siting of the garage relative to the host dwelling is not in itself at odds with the established pattern of settlement. The plot size itself however is not of an appropriate size and scale for the locality. Both Nos. 41 and 43 occupy reasonably compact, roadside plots that encompass and are proportionate to their respective dwellings. The proposed extension to the curtilage would facilitate a large rear curtilage disproportionate to the existing plot size and host dwelling. This would be at odds with this established local pattern by, even if the dwelling further to the north on the opposite side of the road occupies a larger roadside plot.
18. The Appellant provided examples of plot sizes of other dwellings within the wider locality, which I inspected on the day of my site visit. Whilst some are fairly large, those dwellings and their curtilages relate more comfortably to one another as they were conceived that way from the outset rather than large subsequent additions. Many of the examples also have reasonable levels of existing natural boundaries. Two examples included portions of adjacent agricultural fields and discounting these, their plots are smaller in size and area than the appeal site. In any event, I am not persuaded that the examples given would justify the appeal development. The development fails to fully comply with Policy NH6 of PPS2. The third reason for refusal is sustained to the extent specified.
19. As the development does not comply with the provisions of APPS7, it does not comply with Policy CTY1 of PPS21. There are no overriding reasons why the development is essential. The proposed development would detract from the appearance and character to the surrounding area and there is no policy support in principle for the development, matters which are interests of acknowledged importance. The Council's reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

This decision relates to drawing No. PL-01 entitled Proposed Site Plan, Elevations and Site Location Map, dated 10-02-2016, submitted with the Appellant's Statement of Case.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mr G Murtagh (Newry, Mourne & Down District Council)

Appellant:- Mr S Hughes (ERES Limited)

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices

Appellant:- 'B' Statement of Case & Appendices (ERES Ltd)

'C' Rebuttal Statement & Appendix (ERES Ltd)



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2016/A0127
Appeal by:	Mr D Orr
Appeal against:	Refusal of full planning permission
Proposed Development:	Erection of wintering shed for livestock and retention of existing fodder storage shed on part foundation of original shed on site
Location:	West of 109 Barnamaghery Road, Crossgar, County Down
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	R/2014/0576/F
Procedure:	Written representations and Commissioner's site visit on 1 st February 2017
Decision by:	Commissioner T A Rue, dated 6 th February 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The Planning Act (Northern Ireland) 2015 requires the Commission, in dealing with the appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The site lies in the countryside, outside any settlement identified in the plan. The plan contains no policies relevant to the site or the appeal proposal. I therefore move on to other material considerations.
4. Planning permission was granted for an agricultural shed on the appeal site in 2002 in the policy context prevailing at that time. It is common case that a shed which had been placed at the same location was removed some years ago. In the absence of a lawful development certificate, there is no persuasive evidence that the 2002 permission is still extant. This appeal must be assessed in the current policy context, which is provided mainly by Planning Policy Statement 21, published in 2010 (PPS 21).
5. Policy CTY 1 of PPS 21 identifies types of development which are in principle acceptable in the countryside. It states that other types of development will be permitted only where there are overriding reasons why that development is essential. The appellant and the Council identified only one of the types of

development listed in Policy CTY 1 as potentially relevant in this appeal, namely agricultural and forestry development in accordance with Policy CTY 12.

6. Policy CTY 12 states in its first sentence that planning permission will be granted for development on an active and established agricultural holding where various matters are demonstrated. Paragraph 5.56 of PPS 21 says that for the purposes of Policy CTY 12 the determining criteria for an active and established business will be those set out under Policy CTY 10.
7. Criterion (a) of Policy CTY 10 is that the farm business is currently active and has been established for at least six years. Paragraph 5.43 of PPS 21, in the justification and amplification text of Policy CTY 10, states that an equine business is to be afforded the same benefits as an established and active farm. It says that such businesses include horse breeding and training and the operating of livery yards, trekking centres and riding schools. Applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of six years, including a statement of commercial rateable history for the business and copies of appropriate insurances and horse passports (if applicable). Paragraph 5.44 states that those keeping horses for hobby purposes will not satisfy the policy.
8. The appeal site at Barnamaghery lies within a holding comprising 3.86 hectares. The appellant's evidence is that the holding was purchased in 1999 and has been used since then to graze horses and take silage and hay. The evidence also refers to the land being used exclusively for an equine business. It is not claimed that the land is being farmed. A Department of Agriculture and Rural Development (DARD) farm business identification number was supplied but it dates back only to 2013 and DARD has no record of any stock kept or payments made.
9. The appellant and his wife have another holding with a separate farm business identification number comprising 4.63 hectares located about 8 kilometres away at Thornyhill Road, Killinchy. The Barnamaghery holding is described in the appellant's evidence as an out farm, an integral part of the Orr holding.
10. The appellant submitted various documents to support of his claim that he is running an equine business, including:-
 - passports relating to four horses born between 1992 and 2008;
 - a note confirming the sale of a mare in 2014 – no price was stated;
 - horse and rider insurances for the period 2012 to 2014 for two horses;
 - insurance for a horse box for 2013/14;
 - invoices for veterinary services to two horses 2014;
 - farrier's invoices for 2012 to 2014 for a maximum of four horse feet.
 - invoice for work to a horse lorry in 2010;
 - invoices for works to stable, fencing, jumping poles and gates at a sand paddock between 2011 and 2014;
 - invoice for land leveller and sand rake 2013; and
 - invoice for wood shavings and bedding 2014.
11. The appellant also submitted a letter from the vet stating that the appellant's wife had been a client of the practice prior to 2007 and he had attended her animals at Thornyhill Road and Barnamaghery Road from that time. A printout was attached

recording services to three horses between 2008 (when the accounts were computerised) and 2014. A visit to Barnamaghery in June 2013 is recorded.

12. It is not surprising that where the address of the appellant and his wife appears in submitted documents, it is given as Thornyhill Road, Killinchy. That is where they live. They have no postal address at Barnamaghery Road.
13. A statement detailing the commercial rateable history of the appellant's horse-related activities has not been submitted. There is no record that any more than four horses were involved and it is unclear whether they were kept for business or leisure purposes. While expenses have been recorded, it is unclear how much income, if any, was derived from the horses. The evidence presented does not demonstrate a level of involvement commensurate with an active and established equine business. The appeal proposal therefore fails to meet the fundamental requirement set out in the first sentence of PPS 21, Policy CTY 12.
14. Criterion (a) of Policy CTY 12 requires it to be demonstrated that the proposed development is necessary for the efficient use of the holding. It is also a requirement of the policy that any new buildings should be sited beside existing buildings; presumably this is a reference to structures currently on the ground with the planning permission. However, exceptionally, consideration may be given to an alternative site away from existing buildings where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
15. The appellant argued that the proposed siting at Barnamaghery is necessary for animal welfare reasons. He referred to the severe conditions experienced in two recent winters when numerous animals died due to lack of proper shelter. He said that in the winter of 2010/11 heavy snowfalls made the roads impassable. He placed reliance on the Code of Practice for the Welfare of Horses. The extract from the Code provided in his evidence does not rule out the provision of shelter at locations other than those where the horses are normally kept.
16. The appellant did not explain why he considers it necessary to keep horses at Barnamaghery in very cold weather. He did not explain why all his horses (which from his evidence seem to be few in number) cannot be stabled at Thornyhill Road in winter time or at least taken there in good time when freezing conditions are expected. The appeal site is not in a remote location. The journey between the site and Thornyhill Road is relatively short, only about 5 miles. There is no reason to believe that, provided a suitable vehicle is used, transporting horses over that distance would be likely to cause unreasonable stress. It has not been demonstrated, therefore, that the proposal meets the test of necessary in Criterion (a) or the siting requirements of Policy CTY 12.
17. Criterion (e) of Policy CTY 12 requires it to be demonstrated that the proposed development will not result in a detrimental impact on the amenity of residential dwellings outside the holding, including potential problems arising from noise, smell and pollution. The existing three-sided open fodder storage shed has a maximum height of about 4 metres. It is about 15 metres from 29 Barnamaghery Road, a dwelling not in the appellant's ownership which is separated from the appeal site by a mature hedge. The submitted drawing shows the shed only about 3 metres from the hedge. When I visited the site, I noticed that a side wall had fallen away from the structure and was resting against the hedge. The proposed

livestock wintering shed would be 2.7 metres high and about 29 metres from the neighbouring dwelling.

18. The corner of the field where it is proposed to place the sheds is closer to Number 29 than any other part of the appeal site. The 2002 permission for a shed at this location was granted by the previous planning authority and the Council is entitled to take a different view. The separating distance of 75 metres recommended by the Environmental Health Officer relates to cattle houses and slurry tanks. It is not a policy requirement and does not apply to this appeal proposal for a horse shelter and fodder store. However, although the neighbouring residents have not objected, the existing store is, and the proposed shelter would be, unreasonably close to their property. A grant of permission for sheds for the use of animals so close to residential property would create an undesirable precedent.
19. The appellant made the point that horses are already present in the field, although I saw none at the time of my site visit. There would be nothing to stop any horses that were in the field sheltering in the corner next to the hedge which separates it from Number 29. However, that is likely to happen only intermittently, whereas with both sheds in place the horses would be likely to stay in that location long enough to create potential problems of noise and smell. It is concluded therefore that the proposal does not comply with Criterion (e) of Policy CTY 12.
20. The proposed development does not comply with Policy CTY 12, read as a whole. It does not fall within any of the types of development that are acceptable in principle in the countryside. It has not been demonstrated that there are overriding reasons why this particular development is essential. The proposal is therefore not in accordance with Policy CTY 1. To the extent specified above, all the Council's reasons for refusal are sustained. The appeal must fail.

This decision is based on the following drawings:-

<u>Number</u>	<u>Content</u>	<u>Scale</u>	<u>Reference</u>	<u>Submitted</u>
Plot ID 215416	Site location map	1:2500	01	27/10/14
1454/02A	Proposed shed	1/50 & 1/500	02	25/9/15
1454/05	Original building on site	1/100	03	25/9/15
1454/04	Existing building on site	1/100	04	25/9/15

COMMISSIONER TREVOR RUE

Documents Submitted

Council:- "A" Statement of case with seven appendices

Appellant:- "B" Statement of case with copies of correspondence

"C" Comments on the Council's statement with letters from a veterinary clinic and a solicitor and a page from the Planning Portal