



October 6th, 2017

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 11th October 2017** at **10:00 am** in **Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

**Chair: Councillor G Craig**

**Vice Chair: Councillor K Loughran**

<b>Members:</b>	<b>Councillor C Casey</b>	<b>Councillor W Clarke</b>
	<b>Councillor L Devlin</b>	<b>Councillor G Hanna</b>
	<b>Councillor V Harte</b>	<b>Councillor M Larkin</b>
	<b>Councillor J Macauley</b>	<b>Councillor D McAteer</b>
	<b>Councillor M Murnin</b>	<b>Councillor M Ruane</b>

# Agenda

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## *Committee Business*

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**1.0 Apologies.**


**2.0 Declarations of Interest.**

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## *Minutes for Consideration and Adoption*

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**3.0 Minutes of the Planning Committee Meeting held on Wednesday 13 September 2017. (Attached).**

 *Planning Minutes - 13 September 2017.pdf*

*Page 1*

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## *For Discussion/Decision*

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**4.0 Addendum list - planning applications with no requests for speaking rights or written submissions. (Attached).**

 *Addendum list - 11-10-2017.pdf*

*Page 12*

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## *Development Management - Planning Applications for determination*

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**5.0 LA07/2015/1088/F - United Renewables Ltd - proposed anaerobic digestion plant that includes a CHP unit, gas flare stack, three silos, 3 digestion tanks and associated site works including NIE sub-station - 100m west of No. 133 Carrigagh Road, Finnis, Dromara. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Sarah McDowell, agent; Simon Warke, traffic consultant and Jim Wells, MLA, in support of the application. **(Submission attached).**

 *LA07-2015-1088-F United Renewables.pdf*

*Page 13*

 *Item 5 - submission of support (United Renewables).pdf*

*Page 29*

**6.0 LA07/2016/0836/F - Kings Castle Nursing Home - single storey extension to accommodate 5 no. single bedrooms, at Kings Castle Nursing Home. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Gerry Tumelty, on behalf of objectors. **(Submission attached).**

📄 *LA07-2016-0836-F Kings Castle Nursing Home.pdf*

*Page 54*

📄 *Items 6 and 7 - submission of objection (Kings Castle).pdf*

*Page 62*

## **7.0 LA07/2016/0837/LBC - Kings Castle Nursing Home - single storey extension to accommodate 5 no. single bedrooms, at Kings Castle Nursing Home. (Case Officer report attached).**

Rec: CONSENT

- A request for speaking rights has been received from Gerry Tumelty, on behalf of objectors. **(Submission attached at No. 6 above).**

📄 *LA07-2016-0837-LBC Kings Castle Nursing Home.pdf*

*Page 64*

## **8.0 LA07/2017/0289/F - Gerard McGrath - new dwelling and improved vehicular access - adjacent to 4 Saul Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from David Burgess, agent, Gerard McGrath, applicant and Jim Wells MLA in support of the application. **(Submission attached).**

📄 *LA07-2017-0289-F Gerard McGrath.pdf*

*Page 70*

📄 *Item 8 - submission of support (Gerard McGrath).pdf*

*Page 81*

📄 *Item 8 - additional drawings.pdf*

*Page 89*

## **9.0 LA07/2017/0427/0 - Oliver Murnion - proposed site for farm dwelling and domestic garage - 80m west of No. 53 Yellow Road, Hilltown. (Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2017-0427-O Oliver Murnin.pdf*

*Page 90*

📄 *Item 9 - submission of support (Oliver Murnion).pdf*

*Page 95*

**10.0 LA07/2017/0875/F - Mr and Mrs McGouran - erection of a new dwelling on lands adjacent to No. 2 The Slip, Strangford. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2017-0875-F Mr and Mrs Robert McGouran.pdf](#) Page 99

[Item 10 - submission of support \(Mr & Mrs McGouran\).pdf](#) Page 106

**11.0 LA07/2017/1027/O - Mr & Mrs Douglas - dwelling - land adjacent to 91 Dunmore Road, Spa, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

[LA07-2017-1027-O Mr and Mrs Douglas.pdf](#) Page 115

**12.0 LA07/2017/0705/F - Mr and Mrs P McGreevy - removal of existing commercial premises and offices and construction of proposed dwelling and garage for residential purposes - 103a Manse Road, Raffrey, Co. Down. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2017-0705-F Mr and Mrs McGreevy.pdf](#) Page 122

[Item 12 - submission of support \(Mr & Mrs McGreevy\).pdf](#) Page 127

**13.0 LA07/2016/0401/F - Margaret Kane - proposed farm building without underground tanks - 135m ESE of No. 42 Levallyreagh Road, Rostrevor. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-0401-F Margaret Kane.pdf](#) Page 147



**14.0 LA07/2016/0580/F - Brian and Joseph Murphy - cattle house with slurry tanks below - 100 m NW of 17 Glenmore Road, Mullaghbawn. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Seamus Murphy, agent, and Brian Murphy, applicant in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor T Hearty, supporting the submission made by the agent.

LA07-2016-0580-F Brian and Joseph Murphy.pdf

Page 159

Item 14 - submission of support (B & J Murphy).pdf

Page 166

**15.0 LA07/2016/0733/F - Robert Hollywood - erection of agricultural sheds and slurry tank - approx 80m west of No. 34 Church Road, Forkhill. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2016-0733-F Robert Hollywood.pdf

Page 182

Item 15 - submission of support (Robert Hollywood).pdf

Page 191

**16.0 LA07/2016/0952/F - D & M Downey - Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area to facilitate additional parking and improved servicing provision for all units on this site. Access arrangements to be as already approved under application P/2011/0556/F (Additional Information**

Rec: REFUSAL

- A request for speaking rights has been received from David Donaldson, agent, in support of the application. **(Submission attached).**
- A written submission of support for the application has been received from Mickey

Brady, MP. **(Letter attached).**

- A written submission of support for the application has been received from Councillor L Kimmins and Councillor S Doran. **(Submission attached).**

📄 *LA07-2016-0952-F D and M Downey.pdf* *Page 198*

📄 *Item 16 - submission of support (D & M Downey).pdf* *Page 206*

📄 *Item 16 - letter of support from M Brady MP (Downeys).pdf* *Page 210*

📄 *Item 16 - submission of spt from Cllrs Doran & Kimmins (Doweys).pdf* *Page 211*

### **17.0 LA07/2016/1036/F - Thomas McLoughlin - erection of dwelling and detached garage on a farm - approx 100m SW of 24 Ryan Road, Mayo bridge. (Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2016-1036-F Thomas McLoughlin.pdf* *Page 212*

📄 *Item 17 - submission of support (Thomas McLoughlin).pdf* *Page 220*

### **18.0 LA07/2016/1130/F - Glenmarshal Sires Ltd - retention of ancillary staff resting areas and staff facilities at pig farm - approx 80 m NE of 112 Carrigenagh Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2016-1130-F Glenmarshal Sires Ltd.pdf* *Page 227*

📄 *Item 18 - submission of support (Glenmarshal Sires Ltd).pdf* *Page 231*

### **19.0 LA07/2016/1264/F - Mr & Mrs Richard Forsythe - erection of dwelling and domestic garage - between No. 119 and 123 Harbour Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Glyn Mitchell, Architect, and Helen Forsythe, applicant, in support of the application. **(Submission attached).**

**20.0 LA07/2016/1632/0 - Jason Fegan - proposed farm dwelling - lands 45m NW of No. 12 Upper Knockbarragh Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Colin Dalton, agent, and Jason Fegan, applicant, in support of the application. **(Submission attached).**

**21.0 LA07/2017/0099/F - Jerry Lucey - erection of dwelling and garage in substitution for development approved under planning application P/2008/0341/RM - 75m SW of 8 Clontigora Road, Killeen, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

**22.0 LA07/2017/0145/0 - Cathal Sloan - site for dwelling and detached garage at existing cluster of development in the countryside - lands approximately 55m south of 14 Sandy Brae, Attical. (Case Officer report attached).**

Rec: REFUSAL

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

**23.0 LA07/2017/0808/F - EDB Construction - Removal of condition 2**

**on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing - Lands between The Sacred Heart Grammar School and Newry High School Ashgrove Avenue Newry. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-0808-F EDB Construction.pdf*

*Page 340*

**24.0 LA07/2017/1042/F - Kieran Shanley & Sonya McPolin - change of house type in substitution of approved planning permission ref P/2009/0682/RM (amended description) - lands 10M south of 22 Seafin Road, Meigh, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from John Lavery, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor P Byrne, in support of the application.

📄 *LA07-2017-1042-F Kieran Shanley and Sonya McPolin.pdf*

*Page 344*

📄 *Item 24 - submission of support (K Shanley).pdf*

*Page 348*

**25.0 LA07/2017/1138/F - Bernard Morgan - erection of agriculture buildings - adjacent to and immediately SE of No. 1 Newtown Court, Newtown Road, Cloghogue, 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 forwarded under separate cover - the agent has requested that some of the information provided be kept private and this item is therefore deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business).**


📄 *LA07-2017-1138-F Bernard Morgan.pdf*

*Page 350*

**26.0 P/2013/0569/F - Joseph Donnelly - change of use of former dwelling to granny flat, with alterations and extension - adjacent to 21 Mountain Road, Cloghogue, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

 *P-2013-0569-F Jason Donnelly.pdf*

*Page 357*

 *Item 26 - submission of support (Joseph Donnelly).pdf*

*Page 363*

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*For Discussion/Decision*

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**27.0 To approve submission of response to the Department for Infrastructure as agreed at Special Council meeting on 26 September 2017, confirming Council's opposition to planning application P/2015/0218/F on the basis that, having had regard to the Development Plan, the relevant planning policy context and all other material considerations, the proposal for a 10 turbine wind farm at Gruggandoo was considered to be unacceptable in planning terms.**

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*For Noting*

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**28.0 September 2017 Planning Committee Performance Report. (Attached).**

 *SEPTEMBER Planning Committee Performance Report.pdf*

*Page 369*

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

 *Record of meetings.pdf*

*Page 374*

**30.0 September 2017 Appeals and Decisions. (Attached).**

 *Appeals and Decisions September 2017.pdf*

*Page 375*

**31.0 Register of contacts QJuly 2017 to September 2017. (Attached).**

 *REGISTER OF CONTACTS - Q2 July Sept 2017.pdf*

*Page 414*

# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@nmandd.org">terry.andrews@nmandd.org</a>
Cllr Naomi Bailie	<a href="mailto:naomi.bailie@nmandd.org">naomi.bailie@nmandd.org</a>
Cllr Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr Robert Burgess	<a href="mailto:robert.burgess@nmandd.org">robert.burgess@nmandd.org</a>
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Cllr Harry Harvey	<a href="mailto:harry.harvey@nmandd.org">harry.harvey@nmandd.org</a>
Cllr Terry Hearty	<a href="mailto:terry.hearty@nmandd.org">terry.hearty@nmandd.org</a>
Cllr David Hyland	<a href="mailto:david.hyland@nmandd.org">david.hyland@nmandd.org</a>
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Caroline Taylor	<a href="mailto:Caroline.Taylor@downdc.gov.uk">Caroline.Taylor@downdc.gov.uk</a>
Cllr Jarlath Tinnelly	<a href="mailto:jarlath.tinnelly@nmandd.org">jarlath.tinnelly@nmandd.org</a>
Cllr John Trainor	<a href="mailto:john.trainor@nmandd.org">john.trainor@nmandd.org</a>
Cllr William Walker	<a href="mailto:william.walker@nmandd.org">william.walker@nmandd.org</a>
Adam Wilkinson	<a href="mailto:adam.wilkinson@nmandd.org">adam.wilkinson@nmandd.org</a>

## NEWRY, MOURNE & DOWN DISTRICT COUNCIL

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### Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 13 September 2017 at 2.00 pm in the Boardroom, District Council Offices, Monaghan Row, Newry

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**Chairperson:** Councillor G Craig

**Deputy Chairperson:** Councillor K Loughran

**In attendance:** **(Committee Members)**

Cllr C Casey	Councillor W Clarke
Councillor L Devlin	Councillor G Hanna
Councillor V Harte	Councillor M Larkin
Councillor J Macauley	Councillor D McAteer
Councillor M Murnin	Councillor M Ruane

**(Officials)**

Mr L Hannaway	Chief Executive
Mr A McKay	Area Planning Manager
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms P McKeever	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

#### **P/115/2017: APOLOGIES AND CHAIRPERSON'S REMARKS**

No apologies were received.

Councillor Craig advised the Chief Executive wanted to update Members on the current position regarding the issue of recording of Planning Committee Meetings.

Mr Hannaway said a report would be included on the agenda for the Strategic, Policy and Resources Committee Meeting to be held on 14 September 2017 setting out options in relation to proposals for the recording of Planning Committee Meetings.

A general discussion followed and it was noted that the Planning Committee Members would be invited to attend the SPR Meeting for discussion on this item.

(2.10pm – Mr Hannaway left the meeting)

#### **P/116/2017: DECLARATIONS OF INTEREST**

**Councillors Devlin, Ruane and Harte** advised they would not be taking part in the discussion/decision on planning Application No. LA07/2017/0049/F – Mr and



Mrs McGivern as they had not been present at the Planning Meeting on Wednesday 23 August 2017 when the initial presentation had been made on this application.

**Councillors Ruane and Harte** advised they would not be taking part in the discussion/ decision on planning Application No. LA07/2016/1483/F – Mr M McConville as they had not been present at the Planning Meeting on Wednesday 23 August 2017 when the initial presentation had been made on this application.

**Councillor Casey** advised he would not be taking part in the discussion/ decision on planning Application No. LA07/2016/1331/80 – Ms J McGee and Application No. LA07/2017/0287/0 – Mr and Mrs D McMullan as he had not been present at the Planning Committee Meeting on Wednesday 16 August 2017 when the initial presentation had been made on this application.

**P/117/2017: MINUTES OF PLANNING COMMITTEE MEETING  
WEDNESDAY 16 AUGUST 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 16 August 2017. **(Copy circulated)**

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 16 August 2017 as a true and accurate record.**

**P/118/2017: MINUTES OF PLANNING COMMITTEE MEETING  
WEDNESDAY 23 AUGUST 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 23 August 2017. **(Copy circulated)**

**AGREED: On the proposal of Councillor Macauley seconded by Councillor Murnin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 23 August 2017 as a true and accurate record.**

**P/119/2017: ADDENDUM LIST**

Read: Addendum List of planning applications with no representations received or requests for speaking rights – Wednesday 23 September 2017. **(Copy circulated).**

**AGREED: It was unanimously agreed to remove the following Planning Application from the Addendum List**

**Item 24 – LA07/2017/0887/0 – Mr Richard Henning – site for infill dwelling and domestic garage – opposite 7 Jockey's Brae, Newry.  
REFUSAL**

(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor Macauley)

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Hanna 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 for Wednesday 13 September 2017:

- **Item 20 – LA07/2016/1490/O** – Mr Brian McDowell – construction of replacement dwelling and garage – Tamary Road, Mayobridge, Newry.  
**REFUSAL**
- **Item 23 – LA07/2017/0856/F** – Mr Brian Hollywood – proposed change of use from spa centre business to dwelling with some minor renovations – 20 Lough Road, Mullaghbawn.  
**REFUSAL**

**P/120/2017: APPLICATIONS FOR DETERMINATION**

**AGREED:** On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:-

- **Item 14 – LA07/2015/0054/F** – Murlough Farm Eggs – proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin – 355m SE of 23 Keel Point, Dundrum – **withdrawn from the schedule at the request of Councillor Clarke to consider new information**
- **Item 18 – LA07/2016/1264/F** – Mr and Mrs Richard Forsythe – erection of dwelling and domestic garage – located between No. 119 and 123 Harbour Road, Kilkeel – **deferred to the October Planning Committee Meeting at the request of Councillor Macauley**
- **Item 19 – LA07/2017/0427/O** – Mr Oliver Murnin – proposed site for farm dwelling and domestic garage – 80m west of 53 Yellow Road, Hilltown – **deferred to the October Planning Committee Meeting at the request of Councillor Macauley**

The following applications were then determined by the Committee:

**(1) LA07/2017/0490/F – Mr Sean Matthews**

**Location:**

Lands to rear and 25m east of No. 20 Leitrim Road, Hilltown

**Proposal:**

Erection of dwelling and garage (special circumstances)

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Devlin it was agreed to exclude the public and press from the Meeting during discussion on the following which related to exempt information by virtue of paragraph 1 of part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual.

**Speaking rights:**

Martin Byrne, agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Ruane it was agreed to come out of closed session.

When the Committee came out of closed session the Chairperson reported the following decision had been taken:-

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Murnin it was agreed to issue a refusal in respect of Planning Application LA07/2017/0490/F for the reasons recommended as per the Development Management Officer Report.

Abstentions: 0

(2.35 pm - Councillor Casey left the meeting)

**(2) LA07/2016/1331/0 – Joanna Magee**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick

**Proposal:**

Two detached dwellings and garages

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Joanna Magee, applicant, presented in support of the application.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to issue a refusal in respect of Planning Application LA07/2016/1331/0 for the reasons recommended as per the Development Management Officer Report.

Abstentions: 0

**(3) LA07/2017/287/0 – Mr & Mrs D McMullan**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Lands contained between 4 and 6 Sawmills Road, Drumee, Bryansford, Newcastle

**Proposal:**

Single dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Paul Hamilton, agent, presented in support of the application

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Clarke it was agreed to issue an approval in respect of planning application LA07/2017/0287/0 contrary to officer recommendation with Planning Officers, as Committee were of the view the proposal would respect the existing development, plot size and frontage, and that authority be delegated to impose any relevant conditions including the relocation of the proposed dwelling within the approved curtilage and a satisfactory report being provided which addressed the concerns of NIEA.

Planning officers be delegated authority to issue the decision thereafter.

Abstentions: 0

(3.00 pm – Councillors Harte and Ruane left the meeting)

(3.00 pm – Councillor Casey returned to the Meeting)

**(4) LA07/2016/1483/F – Michael McConville**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Land approx. 100m NW of 16 Carrickrovaddy Road, Jerrettspass, Newry

**Proposal:**

Proposed free range poultry shed with 2 no. feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Philip Marshall, agent, and Michael McConville, applicant, presented in support of the Application

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2016/1483/F contrary to officer recommendation, on the basis that there was a natural hallow which would allow for integration; additional landscaping could be added to the conditions; the proposed building could not be sited close to farm buildings and that the site visit showed that this development would not cause any more blight than any other farm business and would sustain work and families in the countryside. Any approval to be subject to the following additional conditions:

1. Finished floor level being lowered by 1 metre
2. Additional landscaping undertaken to provide screening
3. Planning officials be delegated authority to impose any other necessary conditions.
4. Planning Officers be delegated authority to issue the decision thereafter.

Abstentions: 0

(3.15 pm – Councillor Devlin left the meeting)

**(5) LA07/2017/0049/F – Mr & Mrs McGivern**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Ingleside, 5 Windsor Avenue, Newry

**Proposal:**

Proposed garage with home office and gym

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mark McGivern, applicant, and Colin D'Alton, agent, presented in support of the application

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Casey it was agreed to issue an approval in respect of Planning Application LA07/2017/0049/F contrary to Officer recommendation on the basis that following the site meeting it was shown that all that was being lost was an overgrown area; the proposed building would not impose any higher than other buildings in the neighbourhood with planning officers



being granted authority to impose any relevant conditions including additional planting and landscaping to mitigate against any loss to the townscape character.

**Planning Officials be delegated authority to issue the decision thereafter.**

Abstentions: 0

(3.30 pm – Councillor Ruane, Councillor Harte and Councillor Devlin rejoined the meeting)

**(6) LA07/2017/0546/F – Golf Centre**

**Location:**

39 Castlewellan Road, Newcastle

**Proposal:**

Proposed indoor amenity area, café, event rooms and associated car parking for use in conjunction with existing tourist facility (Golf Centre) conjunction with existing tourist facility (Golf Centre)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Bailie, agent, and Michael McPolin, applicant, presented in support of the application

**Noted:** The applicant advised he had applied to LEADER for funding for this project and it was suggested that an official from the Council's Enterprise, Regeneration and Tourism Directorate (ERT) could assist in this process as there were employment opportunities if this application was successful.

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2015/0546/F for one month to allow the following:

- **The Applicant / Agent time to produce documentary evidence as to why this development should be located outside the town settlement.**
- **Planning Officials to clarify the objections from Transport NI.**
- **A site visit being held before the application was taken back to Committee with the additional information requested.**
- **The Council's ERT Department to be asked if they could help facilitate the applicant's funding application to LEADER.**

Abstentions: 0

(7) **LA07/2017/0794/0 – Ms Mariam Burney**

**Location:**

40M SW of 78 Crabtree Road, Ballynahinch

**Proposal:**

Dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, agent, presented in support of the Application

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2017/0794/0 contrary to Officer recommendation.

**Planning Officers be delegated authority to impose any necessary conditions.**

(8) **LA07/2015/1363/F – Henderson Group**

**Location:**

8 The Commons, Tullyvallen, Newtownhamilton

**Proposal:**

Proposed new petrol station with associated supermarket and car parking and development

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Graham Park and Colm Devlin presented in objection to the application.

David Mountstephen, agent, presented in support of the application.

DEA Councillor B O'Muirí presented in objection to the application.

(5.10 pm – Councillor Devlin left the meeting)

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2015/1363/F as per the Development Management Officer report.

Abstentions: 0

(5.15 pm – Councillor Macauley left the meeting).

(9) **LA07/2017/0375/0 – Declan Kearney**

**Location:**

30m west of 34 Station Road, Adavoyle, Killeavy, Newry

**Proposal:**

Farm dwelling and garage

**Conclusion and Recommendation by Planning Official:**

Refusal

**Speaking rights:**

Michael Toale, agent, and Mr Declan Kearney, applicant presented in support of the Application

Councillor Larkin proposed overturning the officer recommendation with conditions, stating that the location was ideal as it formed a cluster with the existing farm yard, was located in a hollow and did not constitute ribbon development. This proposal was not seconded.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0375/0 for the reasons outlined as per the Development Management Officer report.

(10) **LA07/2017/0782/0 – Mr E Magee**

**Location:**

Site east-south of 3 Drummond Road, Gosford, Newry

**Proposal:**

Replacement dwelling

**Conclusion and Recommendation by Planning Official:**

Refusal

**Speaking rights:**

Mr John Harkness, agent, and Mr E Magee, applicant, presented in support of the Application

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0782/0 for the reasons outlined as per the Development Management Officers report.

Abstentions: 0

**FOR DISCUSSION/DECISION**



**P/121/2017: PLANNING COMMITTEE MEETING  
PERFORMANCE REPORT AUGUST 2017**

**Read:** Planning Committee Performance Report, August 2017. **(Copy circulated)**

**AGREED:** **It was agreed to note the Planning Committee Performance Report August 2017.**

**Noted:** In response to concerns expressed by Councillor Hanna about the increase in live enforcement cases, Mr McKay said additional staff had been added to the enforcement compliment, and there was now a team of six in place and this would have a positive impact on reducing the number of live cases.

**P/122/2017: MEETINGS BETWEEN PLANNING OFFICERS  
AND PUBLIC REPRESENTATIVES**

**Read:** Record of Meetings between Planning Officers and Public Representatives from April 2017 – August 2017. **(Copy circulated)**

**AGREED:** **It was agreed to note the record of Meetings between Planning Officers and Public Representatives from April 2017 – August 2017.**

**P/123/2017: APPEALS & DECISIONS**

**Read:** Report re: Appeals and Decisions – August 2017. **(Copy circulated)**

**AGREED:** **It was agreed to note the Appeals and Decisions August 2017.**

**P/124/2017: RTPI - NI PLANNING CONFERENCE – 26 SEPTEMBER  
2017**

**AGREED:** **On the proposal of Councillor Ruane, seconded by Councillor McAteer it was agreed to appoint Councillor Craig, Chairperson of the Planning Committee Meeting to attend the above Conference to be held on Tuesday 26 September 2017 in the Europa Hotel, Belfast. It was noted NILGA had offered each Council one free place at the Conference and Councillor Craig was the Council representative who would avail of this free place.**

**Noted:** **It was noted that a workshop would be held on Tuesday 3 October 2017 on the District Development Plan and that all Councillors would be invited to attend this workshop.**

The Meeting concluded at 6.00 pm

For adoption at the Planning Committee Meeting to be held on Wednesday 11 October 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 11 October 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 11 - LA07/2017/1027/0** - Mr & Mrs Douglas - dwelling - land adjacent to 91 Dunmore Road, Spa, Ballynahinch. **REFUSAL**
- **Item 23 - LA07/2017/0808/F** - EDB Construction - Removal of condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing - Lands between The Sacred Heart Grammar School and Newry High School Ashgrove Avenue Newry. **REFUSAL**

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

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

**Council Newry, Mourne and Down    Date 10/11/17**

<b>ITEM NO</b>	<b>1</b>			
<b>APPLIC NO</b>	LA07/2015/1088/F	Full	<b>DATE VALID</b>	10/22/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	United Renewables Ltd		<b>AGENT</b>	Brendan Monaghan T/a Lissan Design 45 Letteran Road Moneymore Co Derry BT45 7UB 028 867 48153

**LOCATION**            100 mts west of No 133 Carrigagh Road  
Finnis  
Dromara  
Co Down  
BT25 2HR

**PROPOSAL**            Proposed anaerobic digestion plant that includes a CHP unit, gas flare stack, three silos, 3 digestion tanks and associated site works including NIE sub-station

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>				
	42	0	0	0	0			
			<b>Addresses Signatures</b>		<b>Addresses Signatures</b>			
			0	0	0	0		

- 1    The proposal is contrary to Policy WM 1 of Planning Policy Statement 11, Planning and Waste Management in that it has not been demonstrated that the proposal would not prejudice the safety and convenience of road users as it would cause an unacceptable increase in traffic movements on Carrigagh Road, and that the public road network cannot satisfactorily accommodate the traffic generated.
  
- 2    The proposal is contrary to Policy AMP2 'Access to Public Road' of Planning Policy Statement 3, Access, Movement and parking in that it would, if permitted, prejudice the safety and convenience of road users since the roads infrastructure to sustain this type of development is not available and cannot be provided within the scope of this application.



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

**Newry, Mourne  
 and Down**  
 District Council

**Application Reference:** LA07/2015/1088/F

**Date Received:** 22.10.2015

**Proposal:** The application is for full planning permission for Proposed anaerobic digestion plant that includes a CHP unit, gas flare stack, three silos, 3 digestion tanks and associated site works including NIE sub-station

**Location:** The application site is located outside the settlements in the open countryside within the Mourne AONB as designated in the Banbridge/Newry and Mourne Area Plan 2015. It is approx. 2 miles from the settlement of Finnis and approx. 3.5miles south of the village of Dromara.





site location plan







### Site Characteristics & Area Characteristics:

The site is located off the Carrigagh Road, Finnis. The site itself is approx. less than 1 hectare and is accessed via an existing laneway which serves an existing farm holding. The existing farmyard where the site is located is set back 220m from the Carrigagh Road. The farm holding consists of a number of large agricultural buildings, a large slurry tank, a two storey currently vacant dwelling within the farm complex at No 133 and just to the south of the farm buildings is a single storey bungalow at No 135, the owner of the farm holding but not the applicant.

The site itself is bounded to the north by existing planted trees, however, these are at a lower level than the site. The agricultural sheds and existing farm buildings and a cluster of mature trees which are all outside the boundary of the site are located to the east of the site. The Eastern boundary itself consists only of a post and wire fence with no vegetation, as does the western boundary. The surrounding land is predominantly agricultural and is characterised by undulating land.

### Site History:

Q/1984/0001 135 Carrigagh Road, Finnis, Dromara Extension To Dwelling  
Permission Granted

**Planning Policies & Material Considerations:**

The application site is located outside the settlements in the open countryside within the Mourne AONB as designated in the Banbridge/Newry and Mourne Area Plan 2015 and as such the following policies are relevant

Regional Development Strategy,

Strategic Planning Policy Statement (SPPS) which are read in conjunction with:-

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 11 – Planning and Waste Management

Planning Policy Statement 18 – Renewable Energy

Planning Policy Statement 21 – Sustainable Development in the Countryside

Best Practice Guidance to PPS 18 – Renewable Energy.

**Consultations:**

NI water – Statutory response

DARD Veterinary Service Animal By-Products – no objections subject to adherence to all relevant guidelines

DARD vet – No objections subject to conditions

NIEA – Water management Unit – no objections

NIEA - Waste Management advises should the proposal receive planning approval, a waste authorisation Licence from NIEA, however, they have no objection to the scheme in general.

Transport NI – insufficient information submitted to determine the application and the impact on the existing road network.

Rivers Agency – No objections

Environmental Health – No objections subject to conditions

**Objections & Representations**

In line with statutory requirements six neighbours were consulted have been notified on 25.11.2015 and again with amended plans on 09.03.2016 and 22.07.2016. To date 46 letters of objection have been received in relation to the proposal. The application was advertised in the Mourne Observer and the Down Recorder on 11.11.2015. Update requested by Margaret Richie MP and how the application would be assessed against policy.

The objections raised in the letters of objection vary from each objection but the following is a general analysis of the issues involved and the concerns highlighted by the objectors.

-Road safety – local infrastructure not sufficient to deal with the traffic associated with this proposal.



- Health issues – hazardous to human health. Consideration should be given to adequate management of waste products, poultry litter being brought in site, causing infection etc
- Odour – impact on air quality and odour and pollutants, risk of explosions.
- Commercial size of AD plant, not agricultural
- Noise – including traffic generated, HGV's, deliveries of feed stuff
- Residential Amenity – proposal would have significant adverse effects on the residential amenity of neighbouring properties in terms of dust, odour, noise and vermin/pest disturbances
- Visual Impact – large scale proposal which is out of keeping with the local rural landscape. Proposal in AONB, Mourne Scenic Loop, and overall scale, mass and design fails to respect the area. Unduly prominent, does not respect traditional pattern of settlement in the area, impact of ancillary works would damage rural character.
- Environmental Concerns - impact on loss of habitat, red kites in area impacted, close to watercourse.
- No overriding reasons why this development is essential at this rural location.
- Lack of Community input and engagement
- Impact on Tourism
- Viability of proposal – there is insufficient acreage needed to power the AD.
- Devaluation of residents properties
- land ownership issues

Please see file for all individual letters of objection.

## **Background**

AD is the process by which plant and animal material (biomass) is converted into useful products (biogas and digestive) by micro-organisms in the absence of air. Biomass is placed inside sealed tanks and naturally occurring microorganisms digest it, releasing biogas (a mixture of methane and CO<sub>2</sub>) that can be used to provide renewable energy and produce gig estate that can be used as fertiliser and soil conditioner.

An objective of the RDS 2035 is to emphasize the importance of cutting environmental costs generally, by reducing the consumption of natural resources and energy from non renewable sources.

SPG-ENV5 of the RDS promotes a number of actions to respond to the implications of climate change and promote more prudent and efficient use of energy and resources, and effective waste management.

Within this Strategic Planning Guideline, ENV 5.3 specifically promotes the use of cleaner and more efficient fossil fuels and exploitation of renewable energy resources as well as the promotion of energy saving and energy efficiency measures in households, businesses, construction/industry and the public sector.

Policy RE1 of PPS 18 is supportive of projects for generating renewable energy providing they will not result in A-E

### **Technology**

1. This CAD plant comprises two digester (primary and secondary) tanks, digestate storage tank and a CHP plant power generator
2. The digester tank is 26 metres in diameter and 6 metres in total height.
3. The secondary digester tank is 26 metres in height and 6 metres in diameter (excluding biogas storage membrane of a further 4metres).
4. The digestate storage tank is 32m in height and 6m in diameter. Digesters and storage tanks are to be finished in green corrugated metal cladding with dark grey rubber membrane cover
5. The CHP unit, which houses the plant room, control room, kitchen, WC & Changing and an office) is to be finished in green metal cladding with the back up flare to have a galvanised steel finish.

### **Feedstock / Throughput**

The agent has advised that the throughput for the 500kW AD plant will be approximately 16000 tonnes of feedstock. This breaks down to: 7000 tonnes of grass silage (land owned); and 5000 tonnes of slurry/manure (contracted 3<sup>rd</sup> party) and 4000 tonnes of poultry litter (contracted from nearby poultry unit). The proposed plant will only accept plant tissue waste (EWC Code 02 01 03) and animal faeces and manure (grass silage, cattle slurry).

### **Consideration and Assessment:**

Since the application falls within Category 11 (B) of Schedule 2 of the Planning (Environmental Impact) Regulations (Northern Ireland) 2015, the proposal involves the installation for the disposal of waste where the area of the development exceeds 0.5 hectare. A nil determination was made that the application could be determined using the normal consultation process.

### **Planning Policy Statement 18 - Renewable Energy**

Policy RE1 seeks to ensure that the proposed development will not result in an unacceptable adverse impact on:

- public safety,
- human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality or water quality; and public access to the countryside

The application is assessed against the five PPS18 RE1 headline criteria (a to e) is as follows:

- a. public safety, human health, or residential amenity;

A significant amount of letters of objection have been received in relation to the effects of the AD on human health as outlined. The agent in the Design and Access statement clarifies that in relation to odour the plant comprises sealed tanks and since the digesters are airtight the smell stays within these vessels.

Having considered the content of the objection letters and having consulted Environmental health as part of the process, Environmental Health have listed a number of conditions which they feel would adequately address concerns in respect of unacceptable impacts on residential amenity. The biogas produced as a result of the AD process is odorous if allowed to vent directly to the atmosphere, however, under normal operating conditions this is prevented by the gas holder which acts to regulate the flow of biogas to the CHP engine. Therefore flue gases from the normal operation of a CHP engine are unlikely to give rise to significant odour emissions provided the equipment meets relevant design specifications and is properly serviced. Hence the conditions advised by Environmental Health should ensure that this is controlled. Similarly, emissions from the gas flare stack (operative during the plant commissioning, testing or under abnormal operating conditions) will also not normally give rise to significant environmental problems or unacceptable odour

emissions. In this case a waste management authorisation for the site will be required. The waste authorisation for the site will place conditions on the site to ensure there are no unacceptable environmental impacts. Should they occur the design of the authorisation will be that it removes the impact; this may include cessation of the waste activity generating the impacts. In this case there will be a specific condition in relation to the flare, which is specifically mentioned in the supporting information.

Given the distance of the tanks and reception building to the nearest residential property (which is outside the control of the farmer) which is more than 400m away, along with the responses from both NIEA and Environmental Health who offer no objections, I am therefore content that if the anaerobic digester is run correctly under the appropriate regulations, there should be no adverse impacts on the human health and safety of neighbouring residential properties.

Therefore in relation to point (a) I am content that the setback of the AD from the public road and the distance from sensitive receptors will ensure that 'public safety, human health, or residential amenity will not be prejudiced;

#### b. Visual amenity and landscape character

There is a fairly sizeable farm complex at the site at present which includes agricultural sheds, a large slurry tank and two dwellings, all accessed off an existing laneway. The proposed silos, digestors & CHP unit would all be clustered with the existing farm complex. The nature of the farm at present is that due to the topography of the land, the farm complex does already have a visual impact on the landscape and there would be long distance views of the farm particularly from the Slievenaboley Road to the west and SW and NW. The site would be described as having a visual linkage to the existing farm complex and these buildings would form a backdrop to a certain extent for the proposed buildings. The 3 digester units are large in size and measure approx. 6m in height. However, because of the topography of the land, the proposed digestors are to be partially buried below finish ground level and will have a green sheet metal cladding finish this will help to aid the integration on the site. There is a belt of existing trees to the north of the proposed site, but these are at a lower level than the site at present. The main western boundary is currently undefined, however, it is proposed to plant along this boundary. There are a significant copse of trees along the existing laneway. The silo tanks are to be positioned to the SW of these trees and will act as a good backdrop for the silos which are long in length but are not of high profile in terms of height. The materials of the silos are shuttered concrete. While the AD plant is sizeable in nature and given the output which would be 500kw, it would be more akin to a commercial AD plant, given that the applicant is not the farmer himself. This however, does not preclude its development in the countryside, it does however,



need to be considered carefully given the scale of the operation thus each application is based on its own individual merits. On balance, given the site setting which is adjacent to an existing large farm complex, the context and nature of the adjacent land topography, the long distance critical views from the existing road network, the set back of the current farm, the planting scheme proposed by the agent (helps aid integration) and the lowering of the digestors on land that is lower than the existing farm complex (will ensure that it is not visually prominent).

It is my opinion that the proposal will visually integrate to a satisfactory extent. The AD plant would not have an impact on visual amenity and landscape character that would be so detrimental that it would warrant refusal of the application.

c. The NIEA Built Heritage Map does not identify the site as having any special 'biodiversity or nature conservation interests'; and

d. The plant and building design (sealed tanks, impermeable ground/covered tanks) would be compliant with the requests from consultees and should ensure that there will be no impact on local natural resources, such as air quality or water quality'.

e. While the site is located in a sensitive landscape (Mourne AONB) at an existing farm holding, in terms of providing 'public access to the countryside', here will be no impact on the ability of the public to access the countryside.

### **Access – PPS 3 Policy AMP 2**

Access to public Roads states that planning permission will only be granted for a development proposal involving the direct access, or the intensification of the use of an existing access, onto the 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 the Policy AMP3 Access to Protected Routes. Transport NI were consulted as part of the consultation process.

As part of the P1 form completed by the agent Q25 indicated that this proposal would generate 2 staff vehicles per day with no visitors or goods vehicles. However, within the design and access statement submitted section 2.10 refers to 5000t of slurry being contracted local 3<sup>rd</sup> party slurry along with 4000t of poultry litter being delivered from a local poultry unit. Thus there appeared to be conflicting information and in order for TNI to determine the impact of this proposal on the existing road network it is essential that accurate details of vehicle frequency, type, size and weight were required, thus further clarification was sought from the agent.

Transport NI responded on the 9 December 2015 requesting the completion of a Transport Assessment. This was received on the 9 February 2016 by TNI. This form indicated on Part B Section 1 that 3 journeys will be made to the site each day by agricultural vehicles over the summer peak periods. The agent has also indicated within the supplementary sheet that there will not be any additional traffic impact on the surrounding road network if this application is approved, this statement required

further clarification as they had indicated previously that 9000t will come from outside the farm holding.

Following further clarification from the agent, it was indicated that the proposal will attract 1 daily movement per day for slurry and 1 movement per every other day for poultry litter. However, it was stated that until the project receives planning approval the project promoters are not in a position to enter into the commercial contracting of poultry litter and slurry. This statement raises concerns for TNI as it appears that there will be a commercial element to the proposal that in itself could attract a level of traffic that would be considered unsuitable for the existing road network.

The main issue at this stage from a TNI perspective is to determine a level of traffic movements that the commercial element would generate as this will be required in order to ensure that the existing road infrastructure can sustain such a proposal. Following clarification on this matter the applicant will then needed to address the following points:

- Drawings detailing the proposed access arrangements onto the public road including visibility splays and width of access.
- Detailed drawings indicating the internal arrangement of the site to include service, employee and visitor parking areas; turning and manoeuvring areas.
- Details of the proposed haul routes from other land or farms to the proposed site.

The agent has had difficulty providing this information given that land required for the access arrangements is not under the control of the applicant. In addition details of the haul routes has not been provided to date. Given then the type of vehicles and frequency required to bring silage/manure/slurry/poultry litter to the site in conjunction with the operation of the AD plant, the critical issue which needs to be considered is whether the infrastructure and road network can accommodate trips generated to this plant.

A meeting was thus held with the agent, Declan Brady and Thomas Cromie on 19<sup>th</sup> May where the agent was asked to provide the Council with details on where plant input material would be sourced from and which network routes would be used to run the AD plant. The agent has quoted PAC examples where various Councils have conditioned similar AD approvals to restrict source materials from the associated farm holding only, and further land taken on a lease agreement. However, the main purpose of asking where the haulage routes and which network routes are to be used is to establish whether the road infrastructure can accommodate additional trips which will be generated by this 500KW AD plant. The Council are aware of advice from DAERA that a 500kw facility would require some 600 acres of land to service it (on a ratio of 1.2acres to produce 1 kw of power) whereas the agent has stated in the design and access statement that the total area of all farm lands is 280acres which would indicate that more crop would have to be brought onto the lands to

service the AD plant. The agent insists that provision of the haulage routes to this proposal is not possible at this time, and maintain the position that the majority of the energy crop (83%) is coming from the lands Mr McIlroy currently farms. The remaining crop and poultry litter (17%) will be sourced locally from as yet, unconfirmed lands and poultry farms. They have stated that the source and network routes of this remaining input material can only be identified and confirmed after the applicant has secured planning permission, completed negotiations and entered agreements with other landowners. Transport NI still maintain the opinion that the roads infrastructure is not available to support this type of development.

### **Planning Policy Statement 11 - Planning and Waste management**

As AD proposals are regarded as waste treatment facilities, where the feedstock is classified as a waste under the relevant legislation, the provisions of PPS 11 'Planning and Waste Management' will therefore be a material consideration. Particular regard will be given to policy WM1 'Environmental Impact of a Waste Management Facility' and WM 2 'Waste Collection and Treatment Facilities'.

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects will only be permitted where it can be demonstrated that all of the following criteria are met:

- the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment; *this has been discussed previously in the report*
- the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses; *AD plants are becoming more prevalent in the countryside Policy RE1 of PPS 18 is supportive of projects for generating renewable energy providing they will not result in A-E.* In terms of the promotion of a more sustainable energy para 3.1.3 of Best Practice Guidance to PPS 18 states that the process of anaerobic digestion has the benefit of using waste substances that are otherwise difficult to dispose of in an environmentally acceptable manner while producing energy which is effectively carbon neutral.
- the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality; *the visual impact is also discussed under point B of PPS 18 consideration*
- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- Transport NI are of the opinion that the roads infrastructure is not available to support this type of development.



- Detailed drawings indicating the internal arrangement of the site to include service, employee and visitor parking areas; turning and manoeuvring areas have not been provided.

*These points that relate to access, movement and transport have all been discussed above and it is concluded that there is insufficient information presented and it has not been demonstrated that the existing road infrastructure could sustain the proposal.*

- the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests. The NIEA Built Heritage Map does not identify the site as having any special 'biodiversity or nature conservation interests

- the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;

*The plant and building design (sealed tanks, impermeable ground/covered tanks) would be compliant with the requests from consultees and should ensure that there will be no impact on local natural resources, such as air quality or water quality*

- the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere; Rivers Agency who are competent authority on these issues were consulted as part of the process and have no objections to the proposal.

- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land; *the site is less than a hectare in size so the loss would be negligible.*

- in the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site. N/A

### **Policy WM 2 Waste Collection and Treatment facilities.**

Proposals for the development of a waste collection or treatment facility will be permitted

where:

(a) there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction; and

(b) the proposed facility is the BPEO; and

(c) the proposed facility complies with one or more of the following locational criteria:-



- it is located within an industrial or port area of a character appropriate to the development;

or

- it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or

- it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or

- in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the

local area; or

- where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact; and

(d) the following criteria are also met:

- in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;

- proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;

- the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;

- proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and

- it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures

(see Policy WM 1).

## PPS 21 – Sustainable Development in the Countryside

CTY 1 – Development in the Countryside – There are a 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.

### Policy CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building where it can be visually integrated into the surrounding landscape and is of an appropriate design. *Integration has been discussed as part of the response within Visual amenity and landscape character section of PPS 18.* The design of the buildings is in keeping with the existing agricultural buildings adjacent to the site. The digester, storage and reception tanks will have a concrete finish while the CHP building will have green corrugated cladding. It is deemed that on balance the site has the potential visually integrate to a satisfactory extent. The AD plant would not have an impact so detrimental that it would warrant refusal of the application.

### Policy CTY 14 – Rural Character

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 an area. The application proposes to introduce new structures including tanks and CHP building onto a site adjacent to an existing farm unit. The proposed new structures are to be located adjacent to the existing farm buildings. Given the previous discussions it is deemed that on balance the site has the capacity to absorb the new building and structures due to the topography of the lands, set back from the road, screening and the location adjacent to existing agricultural buildings. Thus the rural character would not be further eroded to such an extent that it would deem refusal of the application.

**Recommendation:**

Refusal

**Brief summary for Recommendation**

Following consultation with the relevant statutory consultees concerns have been raised with Transport NI. Therefore it is considered that the road network and infrastructure is not available to support this type of development.

**Refusal Reasons:**

1. The proposal is contrary to Policy WM 1 of Planning Policy Statement 11, Planning and Waste Management in that it has not been demonstrated that the proposal would not prejudice the safety and convenience of road users as it would cause an unacceptable increase in traffic movements on Carrigagh Road, and that the public road network cannot satisfactorily accommodate the traffic generated.
2. The proposal is contrary to Policy AMP2 'Access to Public Road' of Planning Policy Statement 3, Access, Movement and parking in that it would, if permitted, prejudice the safety and convenience of road users since the roads infrastructure to sustain this type of development is not available and cannot be provided within the scope of this application.

Case Officer Signature

Date

Appointed Officer Signature

Date

## Reasons for Refusal:

1. The proposal is contrary to Policy WM 1 of Planning Policy Statement 13, Planning and Waste Management in that it has not been demonstrated that the proposal would not prejudice the safety and convenience of road users or it would cause an unacceptable increase in traffic movements on Carrigagh Road, and that the public road network cannot satisfactorily accommodate the traffic generated.
2. The proposal is contrary to Policy AMPD Access to Public Road of Planning Policy Statement 3, Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since the traffic infrastructure to sustain this type of development is not available and cannot be provided within the scope of the application.

## Attachments

- Appendix 1**     **Extract of case officers report**
- Appendix 2**     **Simon Warke Consulting letter**
- Appendix 3**     **Transport NI consultation comments**

### SARAH MCDOWELL (AGENT) NOTES

Good morning,

My name is Sarah McDowell and I am the agent of this application. With me are Mr Jim Wells MLA and Simon Warke, traffic consultant. The two reasons for refusal facing this application are roads related.

If I could draw your attention to **Appendix 1** which is a highlighted extract of page 10 of the case officers report. In the first instance, the main issue from a TNI perspective is to determine a level of traffic movements that the proposal would generate, to ensure that the existing roads infrastructure can sustain it. Following clarification on this, the applicant will then need to submit 3 specified drawings.

This information was submitted two weeks ago. Simon Warke Consulting has over 15 years experience in his field. He has assessed the haulage routes, passing bay locations, the assess arrangements and has concluded that the proposal will not generate the threshold (5%) of additional traffic that requires amendments to the existing visibility splays. He also finds that the proposal will not unduly impact other road users in the vicinity of the site. In a moment, he will explain how his findings address both refusal reasons. We would like to make it very clear that given this is a sensitive application with a high level of objection we have been careful to submit only specific information which unequivocally addresses specific issues. We had been trying to get feedback from the planners since submitting the

requested potential haulage routes in June this year, and dismayed to have been sent the two refusal reasons by e-mail last month despite our attempts to engage with the case officer to discuss.

Twice on page 11 of the case officer's report it states that "Transport NI still maintain the opinion that the roads infrastructure is not available to support this type of development". Since TNI have not been consulted since the 14<sup>th</sup> July 2016, they have had no input on this proposal since then, we fail to understand how refusal reasons have been reasonably concluded.

This remains a live application and as such the planners must have regard to any material consideration. This letter is clearly material and we are asking committee members today that this application is deferred so that TNI can be consulted to properly assess this information, specifically requested by them. Simon will now explain why the submitted letter shows that the proposal rebuts the two reasons for refusal, and then Mr Wells would like to make some comments. There have been a number of fundamental reasons why there had been a delay on submitting this information and I would welcome any questions on this matter.

### **SIMON WARKE (TRAFFIC CONSULTANT) NOTES**

The Carrigagh Road is similar to many rural roads in that traffic flow is low. Road conditions are reflected in reduced vehicle speeds. There are natural passing bays at gates and laybys on the road.

The site was visited 3 times on a Sunday, Monday and Wednesday. Low traffic flows were observed.

The priority site access is of an adequate width and visibility is sufficient for the road speed. Tractor/trailer, animal feed, milk tanker and residential trips use the access.

The TAF indicated THERE WILL NOT be an intensification of trips onto the road network.

The main approach routes on Carriagagh Rd are from Sleiveaboley Rd to the south west, and Legananny Road to the north east, a distance of 1800m. There is a passing opportunity every 130m and effective forward visibility to see oncoming traffic.

My report addresses the two issues for refusal and TNI didn't see my report prior to their recommendation.

We would ask that TNI are consulted on this proposal as part of this application and would contend that the two reasons for refusal have been addressed.

LA07/2015/1088

Newry Mourne and Down Planning Committee

Wednesday 11<sup>th</sup> October 10am

31

### **JIM WELLS (MLA) NOTES**

Mr Wells will be making some comments at this point.

**APPENDIX 1**

**Extract of Case Officers Report**



further clarification as they had indicated previously that 9000t will come from outside the farm holding.

Following further clarification from the agent, it was indicated that the proposal will attract 1 daily movement per day for slurry and 1 movement per every other day for poultry litter. However, it was stated that until the project receives planning approval the project promoters are not in a position to enter into the commercial contracting of poultry litter and slurry. This statement raises concerns for TNI as it appears that there will be a commercial element to the proposal that in itself could attract a level of traffic that would be considered unsuitable for the existing road network.

The main issue at this stage from a TNI perspective is to determine a level of traffic movements that the commercial element would generate as this will be required in order to ensure that the existing road infrastructure can sustain such a proposal. Following clarification on this matter the applicant will then needed to address the following points:

- Drawings detailing the proposed access arrangements onto the public road including visibility splays and width of access.
- Detailed drawings indicating the internal arrangement of the site to include service, employee and visitor parking areas; turning and manoeuvring areas.
- Details of the proposed haul routes from other land or farms to the proposed site.

The agent has had difficulty providing this information given that land required for the access arrangements is not under the control of the applicant. In addition details of the haul routes has not been provided to date. Given then the type of vehicles and frequency required to bring silage/manure/slurry/poultry litter to the site in conjunction with the operation of the AD plant, the critical issue which needs to be considered is whether the infrastructure and road network can accommodate trips generated to this plant.

A meeting was thus held with the agent, Declan Brady and Thomas Cromie on 19<sup>th</sup> May where the agent was asked to provide the Council with details on where plant input material would be sourced from and which network routes would be used to run the AD plant. The agent has quoted PAC examples where various Councils have conditioned similar AD approvals to restrict source materials from the associated farm holding only, and further land taken on a lease agreement. However, the main purpose of asking where the haulage routes and which network routes are to be used is to establish whether the road infrastructure can accommodate additional trips which will be generated by this 500KW AD plant. The Council are aware of advice from DAERA that a 500kw facility would require some 600 acres of land to service it (on a ratio of 1.2acres to produce 1 kw of power) whereas the agent has stated in the design and access statement that the total area of all farm lands is 280acres which would indicate that more crop would have to be brought onto the lands to



service the AD plant. The agent insists that provision of the haulage routes to this proposal is not possible at this time, and maintain the position that the majority of the energy crop (83%) is coming from the lands Mr McIlroy currently farms. The remaining crop and poultry litter (17%) will be sourced locally from as yet, unconfirmed lands and poultry farms. They have stated that the source and network routes of this remaining input material can only be identified and confirmed after the applicant has secured planning permission, completed negotiations and entered agreements with other landowners. **Transport NI still maintain the opinion that the roads infrastructure is not available to support this type of development.**

### **Planning Policy Statement 11 - Planning and Waste management**

As AD proposals are regarded as waste treatment facilities, where the feedstock is classified as a waste under the relevant legislation, the provisions of PPS 11 'Planning and Waste Management' will therefore be a material consideration. Particular regard will be given to policy WM1 'Environmental Impact of a Waste Management Facility' and WM 2 'Waste Collection and Treatment Facilities'.

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects will only be permitted where it can be demonstrated that all of the following criteria are met:

- the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment; *this has been discussed previously in the report*
- the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses; *AD plants are becoming more prevalent in the countryside Policy RE1 of PPS 18 is supportive of projects for generating renewable energy providing they will not result in A-E.* In terms of the promotion of a more sustainable energy para 3.1.3 of Best Practice Guidance to PPS 18 states that the process of anaerobic digestion has the benefit of using waste substances that are otherwise difficult to dispose of in an environmentally acceptable manner while producing energy which is effectively carbon neutral.
- the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality; *the visual impact is also discussed under point B of PPS 18 consideration*
- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- **Transport NI are of the opinion that the roads infrastructure is not available to support this type of development.**

**APPENDIX 3**

**Transport NI Consultation Comments**

26 September 2017

Mr Sean Millican  
TransportNI  
Rathkeltair House  
Market Street  
Downpatrick  
BT30 6AJ

Dear Sean



11a Commons Hall Road  
Newry  
BT34 2PL

T: +44 (0) 2830 833 454  
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E: [simon@swconsultancy.net](mailto:simon@swconsultancy.net)

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**Re: LA07/2015/1088/F Proposed Anaerobic Digester Plant, Carrigagh Rd, Dromara**

We have been asked to address the traffic and transport issues pertaining to an anaerobic digester (AD) proposal located at McIlroy Farm, Carrigagh Road, Dromara. The issues raised at this time by Newry, Mourne and Down District Council are;

- 1. The proposal is contrary to Policy WM 1 of Planning Policy Statement 11, Planning and Waste Management in that it has not been demonstrated that the proposal would not prejudice the safety and convenience of road users as it would cause an unacceptable increase in traffic movements on Carrigagh Road, and that the public road network cannot satisfactorily accommodate the traffic generated.*
- 2. The proposal is contrary to Policy AMP2 'Access to Public Road' of Planning Policy Statement 3, Access, Movement and parking in that it would, if permitted, prejudice the safety and convenience of road users since the roads infrastructure to sustain this type of development is not available and cannot be provided within the scope of this application.*

We have set-out our response in the following sections:-

- Overview & Review
- Development Proposal
- Haulage Routes
- Passing Bay Locations
- Access Arrangement
- Clarification of impact of off-site and intensification



## Overview & Review

To ascertain the existing conditions the site has been visited on 3 occasions.

Sunday 17<sup>th</sup> September 2017

Monday 18<sup>th</sup> September 2017

Wednesday 20<sup>th</sup> September 2017

The purpose of the site visits was to understand the existing situation on Carrigagh Road and to examine the connecting haulage route links from Carrigagh Road-

Slievenaboley Road , 1.25km to the south west

Legananny Road, 570m to the north east

Finnis Road, 1,600m to the north

To inform the study video cameras were placed on Carrigagh Road on Monday 18<sup>th</sup> September to assist with observations made on site regarding traffic volumes and passing locations in the vicinity of the site access. Unfortunately having returning to site on Wednesday 20<sup>th</sup> September to collect the video cameras both had been removed from the right of way sign shown in Photo 1 and Photo 2.



Photo 1 Carrigagh Road  
(to Slievenaboley Road south west)



Photo 2 Carrigagh Road (to Legananny Road &  
Finnis Road to north east)

The removal of the cameras by a third party was beyond our control. We have reported on the issues based on site observations and Departmental guidance.

## Development Proposal

A Transport Assessment Form (TAF) was previously submitted by Sarah McDowell in January 2016. The purpose of the TAF was to set-out the traffic impact of the proposal including level of trips and the impact on the surrounding road network.

The existing trips using the priority Access at Carrigagh Road for all farm related trips. This includes grass silage delivered by tractor/trailer, animal feeds, and milk tankers collecting milk. The majority of existing silage trips are delivered across fields and not via the road network. Once the AD Plant is operational there will be no increase in the number of trips to the site, as identified in the TAF.

In terms of the proposal, the slurry will be piped to the AD plant generating no new vehicle trips and there may be slightly fewer milk collection trips as the number of cows in the herd will reduce. The output from the AD plant is electricity and liquid fertiliser. This liquid fertiliser will be distributed across the fields and will not generate an increase of vehicle trips on the road network.

The TAF clearly states a total of 5 trips per day. This is consistent with the existing trip patterns. There will therefore be *no traffic increase and no intensification of use*. A copy of the submitted TAF is included as **Appendix 1**.

### Haulage Routes

It is our understanding that the haulage routes will be located within the vicinity of the AD plant. These are yet to be fully identified at this stage of the planning process. This is sensitive information and the farms are as yet unidentified until planning approval is secured. Notwithstanding **Appendix 2** identifies the haulage route within a 5.7km radius on the approaches to the Mcilroy farm.

The main approach routes to Carrigagh Road are via Slievenaboley Road, 1.25km to the south west, Legananny Road, 570m to the north east and Finnis Road, 1,600m to the north. All 3 routes are accessible from Carrigagh Road. There are passing opportunities on the site access road that allow existing/proposed vehicles to safely approach/leave the site without impacting on through traffic movement. Trips from the site are already on the road network e.g. residential trips, milk tanker trips and tractor/trailer trips associated with the business. These will not increase.

### Passing Bay Locations

The Carrigagh Road is narrow in places and all vehicles use the natural passing places available to safely pass other vehicles on the Carrigagh Road and adjoining road network. On the road there is effective forward visibility with low speeds due to the road topography. Passing bay locations in the vicinity of the site have been identified to demonstrate that for trips on the Carrigagh Road there are natural passing areas. These areas are used by existing vehicles and provide the requisite road width of 5.5m as per the Design Manual for Roads and Bridges (DMRB) guidelines. Intervisibility passing distances of less than 200m are also available. All passing areas identified provide a road width of 5.5m or more. **Appendix 3** shows adjacent passing areas in the vicinity of the site on Carrigagh Road.



## Access Arrangement

The existing access provides access for a variety of existing trips including tractor/trailer and milk tanker vehicles. There is adequate visibility to meet the requirements of the access based on the volume and speeds on the Carrigagh Road and the forward visibility in the vicinity of the access.

## Clarification of impact of off-site and intensification

As identified the development proposal will not increase the number of trips either on the road network or at the access.

Having reviewed the issues raised points 1 and 2 above have been addressed. The proposal **will not** generate 5% additional traffic, it will not prejudice safety and it **will not** unduly impact other road users in the vicinity of the site.

If you require any further information please do not hesitate to contact me.

Yours faithfully



Simon Warke

MSc, Ceng, MCIHT

## Appendix 1

Transport Assessment Form (January 2016)



**PART B: TRAVEL CHARACTERISTICS**

**1. How many journeys will be made to the site each day?**

*Please provide an estimate of the number of journeys to the site by each transport mode, walk, cycle, public transport, car, taxi and freight vehicles.*

Mode Of Travel	Estimated Number Of Journeys
Walk	0
Cycle	0
Car Driver	1
Car Passenger	1
Public Transport - bus/train (please specify)	0
HGV's - please indicate the type/size of vehicles	3 No. Agricultural Tractor / Trailer (taken over summer peak period)

**2. Will there be any peak times for traffic accessing the site?**

*Please provide details*

Traffic attracted to this site will be intermittent and spread over the entire day. There will NOT be any daily peak times.

Energy crops will be delivered to the clamp area using tractor and trailer. These vehicles are currently used for the farm's daily operations. Silage is harvested at least twice during the year, typically during June to September period. A significant proportion of the energy crops required for this facility will be brought in directly from the fields surrounding AD. This proportion will therefore NOT be required to use the public road network.

The remaining crops that require public road haulage are within 5 miles of the application site using major and minor roads with no weight restrictions. At present the farm utilises these roads for their current crop production and due to the fact that diversification of activities, this project will yield an overall reduction of traffic over current practices.

Transportation movements beyond this are limited to staff movements for operation and maintenance of the AD Plant. The plant will be managed by a single person who would be responsible for the day to day management and monitoring of the plant. This will be undertaken by a current member of the farm staff - therefore there will not be any increase in traffic movements for this part of the operation. In fact, again due to the diversification of farming activities, the overall traffic associated with operatives and administration staff will significantly decrease.

Regular servicing of the CHP and pumps/mixing systems will be required by a service engineer travelling to the site periodically in a small van.

There will NOT be any intensification of traffic volumes attracted to this proposal; consequently there will NOT be any additional traffic impact on the surrounding road network if this application is approved.

#### PART C: TRANSPORT IMPACTS

*Describe below the transport impacts of the development. For example, consideration should be given to the effect on transport infrastructure, possible increased risks of accidents, busier junctions; increased parking in the surrounding area, noise generation, air quality and the effect transport may have on the surrounding townscape, landscape and natural and historic environment etc.*

##### Existing Situation

The site is located West of no. 133 Carrigagh Road, Dromara, Co. Down. The main vehicular access for the farm is via the existing access onto the Carrigagh Road.

##### Development Proposals

The proposal is for an Anaerobic Digestion facility designed to generate 500 kW of electrical power. This is entirely an agricultural based proposal using tractors and trailers/tankers. For the purpose of this Transport Assessment Form an agricultural tractor has been taken as a Heavy Goods Vehicle. Energy crops will be delivered to the site by tractor and trailer and digestate will be removed from the site and spread as fertilizer on the surrounding fields by umbilical pipe or tractor and tanker. Traffic associated with the proposed Anaerobic Digester Facility will NOT intensify the use of the existing access; in fact a reduction in traffic volumes will result. There will therefore NOT be any impact on the surrounding infrastructure. It is acknowledged that activities such as crop harvesting and digestate spreading will be concentrated but these will only be over a very short timescale. These timescales are in line with current farming activities on the farm.

#### PART D: MEASURES TO MITIGATE IMPACTS/INFLUENCE TRAVEL TO THE SITE

*Describe below what measures will be taken to influence travel to and from the site and within it. For example, consideration should be given to promoting walking and cycling (e.g. by providing pedestrian and cycle routes and crossings), encouraging the use of public transport (e.g. improved services, new stops, better information), minimising car-parking provision, ensuring good access through design, providing facilities for people with mobility impairments, supporting travel initiatives such as car-sharing, ensuring minimal and efficient freight movement etc.*

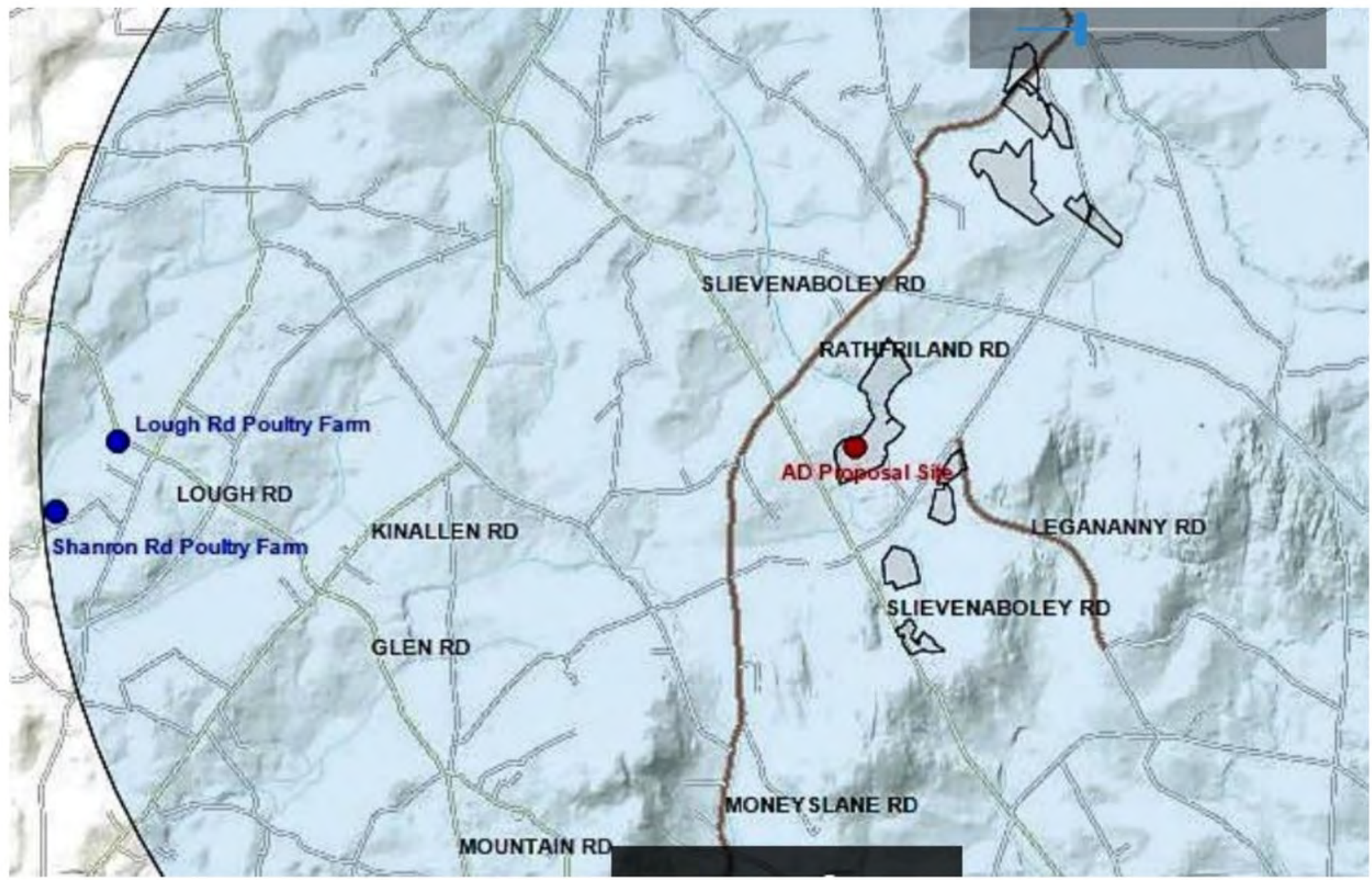
Given the nature and location of the development, measures to promote walking, cycling and public transport would NOT be considered applicable.

The car parking requirement (1 car) for this proposal is minimal and will be easily accommodated within the site

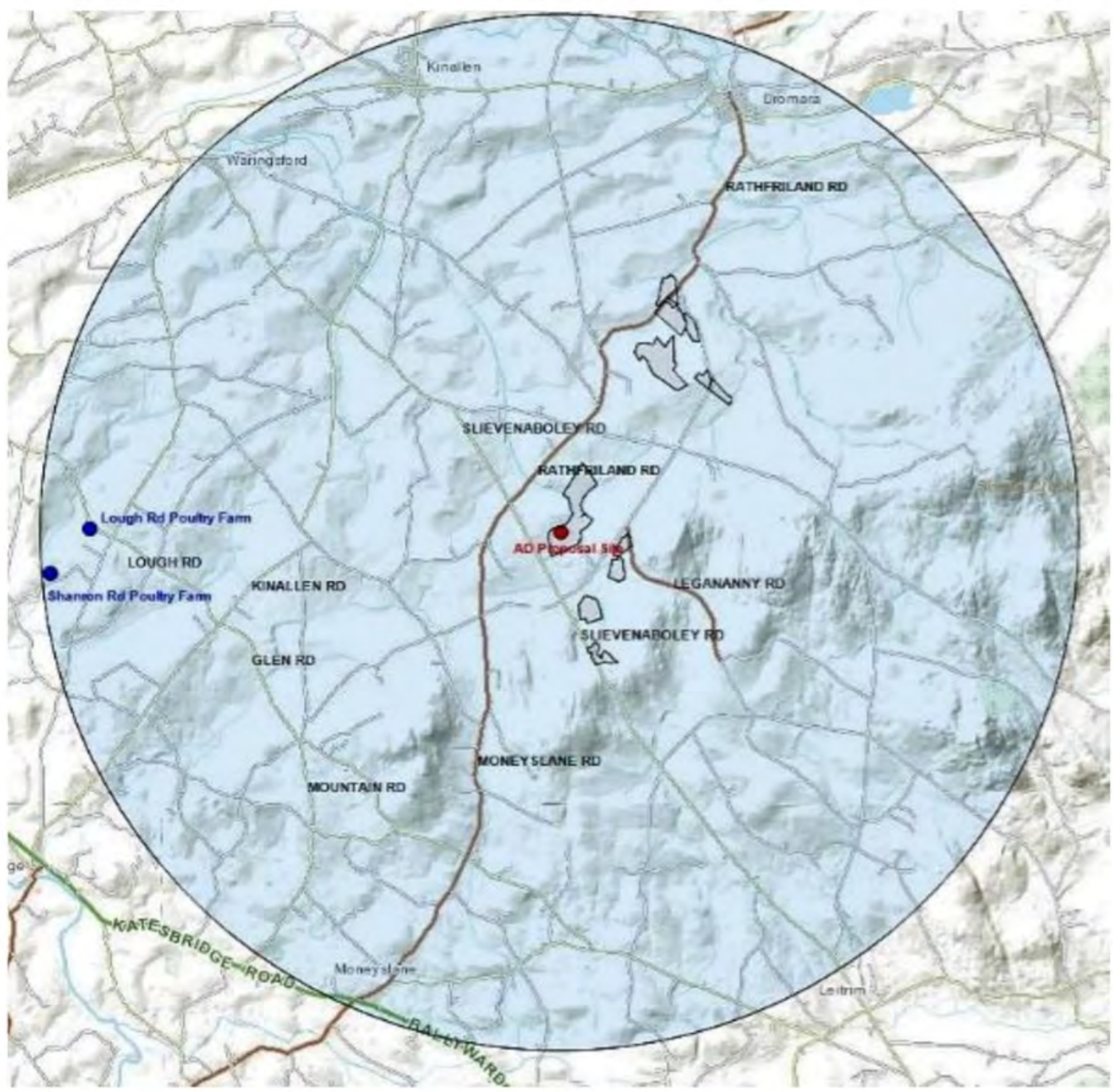
Access to this proposal is via the existing access to the main farm buildings. It is onto a protected route but it has been demonstrated that there is NOT any intensification of use of this existing access.

## Appendix 2

5.7m Radius of Site



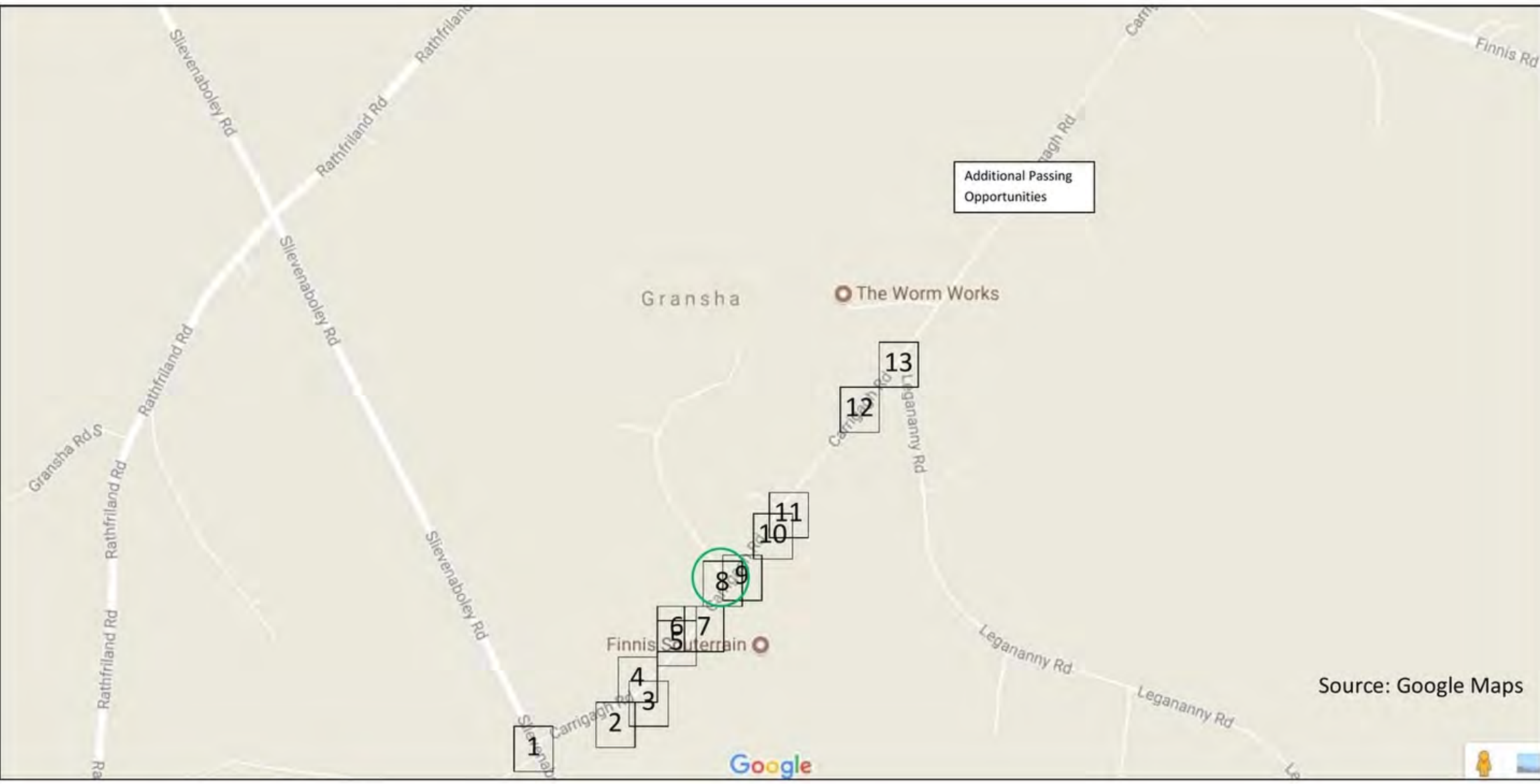






## Appendix 3

Identified Passing Bay Locations on Carrigagh Road



○ Site access

□ Passing opportunities



Photo 1 Carnigagh Road Slievenabley Road priority junction



Photo 2 Farm gate passing area right



Photo 3 Passing area right



Photo 4 Carnigagh Road farm gate left



Photo 5 Carnigagh Road verge both sides and gate to right



Photo 6 Farm gate left



Photo 7 Paved passing area to right at signage



Photo 8 Paved access with adequate width to facilitate vehicle movements. Adequate visibility to the SW and NE



Photo 9 Passing area just to the NE of the site access



Photo 10 Passing area to the NE of the site on both sides



Photo 11 Passing on both sides



Photo 12 Passing on both sides



Photo 13 Passing area approaching Legananny Road



Photo 14 Carrigagh Rad/ Legananny Road Priority Junction

**APPENDIX 4**

**Transport NI Comments on SW Consulting Letter**



**transportni**Southern Division  
Rathkeltair House  
Market Street  
DOWNPATRICK  
BT30 6AJ

51

**Planning Application Reference Number:** LA07/2015/1088/F**Date Plans/Documents received by Planning:** 22 October 2015**Date Plans/Documents received by Transportni:** 18 November 2015**Drawing/Document Reference: 01**

Before Transportni can fully assess this application, can you please ask the applicant to complete a Transport Assessment Form including the type of vehicle and frequency which would be attracted to the proposal.

**S Milligan  
Development Control**

9 December 2015

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**Regional  
Development**  
[www.drda.gov.uk](http://www.drda.gov.uk)

INVESTOR IN PEOPLE

**transportni**

Southern Division  
Rathkeltair House  
Market Street  
DOWNPATRICK  
BT30 6AJ

52

**Planning Application Reference Numbers:** LA07/2015/1088/F

**Date Plans/Documents received by Planning:** 28 January 2016

**Date Plans/Documents received by Transport NI:** 9 February 2016

**Drawing/Document Reference:** Additional information

Transport NI would welcome the opportunity to discuss this proposal with local planning prior to a detailed response being issued. Therefore in order to progress this application an office meeting would be the best way forward.

Issued on behalf of Transport NI.

10 March 2016

**transportni**Southern Division  
Rathkeltair House  
Market Street  
DOWNPATRICK  
BT30 6AJ

53

**Planning Application Reference Number:** LA07/201/1088/F  
**Date Plans/Documents received by Planning:** 14 July 2016  
**Date Plans/Documents received by Transportni:** 14 July 2016  
**Drawing/Document Reference:** reconsultation

Our previous comments would still be applicable.

**S Milligan**  
**Development Control**

15 July 2016



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Development**  
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INVESTOR IN PEOPLE

<b>ITEM NO</b>	<b>5</b>			
<b>APPLIC NO</b>	LA07/2016/0836/F	Full	<b>DATE VALID</b>	6/22/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Kings Castle Nursing Home Kildare Street Ardglass BT30 7TR	<b>AGENT</b>	MB Architectural Design Services 42 Crew Road Ardglass BT30 7TF NA	
<b>LOCATION</b>	Kings Castle Nursing Home Kildare Street Ardglass			
<b>PROPOSAL</b>	Proposed single storey extension to accommodate 5no single bedrooms			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	16	2	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0836/F**

**Date Received: July 2016**

**Proposal:**

Full permission is sought for a single storey extension to accommodate 5no single bedrooms, at Kings Castle Nursing Home.

Applicant: Kings Castle Nursing Home.

**Location:**

The site is centrally located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA as identified in the Ards and Down Area Plan 2015. It is also noted the existing building is Listed.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises the established grounds of Kings Castle Nursing Home which fronts and accesses onto Kildare Street, although also extends to adjoin Hill Street.

The grounds of this Nursing Home are irregular in shape whereby Kildare Street slopes downhill towards the sea. A stone wall and footpath run along the site frontage whereby it is noted there is an area of parking within the site. The site extends to adjoin a number of properties whereby the boundary varies. It is noted a number of the adjoining properties are residential in use and include 2 storey properties with returns to the rear. The existing building on site includes several floors with numerous returns and recent single storey extensions.

**Site history**

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals on this site for extensions with applications being lodged in 2010, 2005, and 2001, while the original permission for the change of use of this castle to a home dates back to 1984. There is also a relatively new housing development to the rear of the site (Castle Heights).



There is also an associated Listed Building Consent under consideration (LA07/16/0837/LBC), while there was also a recent PAD (Pre Application Discussion) regarding potential development on this site (REF LA07/16/0020).

LA07/16/0020/PAD- Kings Castle Nursing Home, Pre-application Discussion (PAD), Single Storey Extension, Completed.

During the processing of this PAD an office meeting was facilitated whereby representatives from Historic Environment Division (HED) were also in attendance, at which time the agent/applicants were advised of HED concerns and position that the extension is unacceptable.

It is noted the layout indicated during this PAD is very similar to that now proposed.

### **Representations**

Letters of objection have been received from 5 Hill Street, Tumelty Planning Services who acts on behalf of 1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the main issues raised include:

- further loss of privacy,
- overshadowing, loss of light and loss of privacy of adjoining residents,
- the extension will dominate adjoining properties which already gives the impression of imprisonment,
- will lead to noise and general disturbance,
- the development on this site is already at saturation point whereby the extension does not take account the privacy needs of adjoining properties,

See file for full content of representations received. The issues raised will be dealt with below.

It is noted the epic system has registered 11 objections, although 2 letters have been received from Tumelty Planning Services, who acts on behalf of 5 properties, thus has registered 10 objections. (This is the total number received to date 19-10-16)

As part of the processing of this application, neighbour notification and advertising was undertaken in July 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Kildare Street, Hill Street and also Castle Heights).

### **Consultees**

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, Environmental Health, N.I Water, Shared Environmental Services and Rivers Agency

The comments from the respective consultees are noted and it is considered no additional consultations or information is required to determine this application.

**Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6.**

As stated above the site is located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA, whereby the existing building is Listed.

This site is centrally located within the village of Ardglass and has historic value whereby it is clear from the above this is a sensitive area.

As outlined above this site is irregular in shape which extends to adjoin a number of properties, whereby the existing building includes several floors with a number of returns and recent additions.

It is proposed to construct a single storey extension to the front side of this existing building adjacent to the entrance along Kildare Street.

This extension will be sited in the front corner of the site, adjacent to no.45-49 Kildare Street and 1-7 Hill Street.

It is noted from a site inspection this portion of the site where the proposed extension will be sited, includes oil tanks, sheds, several small outbuildings and a raised grassed area with several mature trees at present.

As stated above this extension will be single storey, providing 5 additional bedrooms with en-suites with corridor link.

This extension will include a hipped roof being approx 3m high to the eaves and 5.5m high to the eaves, whereby the finishes will include natural slate roof, clipped eaves, cast iron RWG's natural stone walls to match existing castle and timber window frames.

It is acknowledged this extension will be sited immediately adjacent to the boundary adjoining several properties along Kildare Street and Hill Street, however having account the current situation on the ground including existing outbuildings and sheds and existing boundary stone wall, and raised garden area and side gable of no.45, it is considered the proposed extension will not result in any significant increased or unacceptable impact on the amenity of adjoining residents in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

As stated above the extension will be single storey whereby the roof will slope away from the boundary thus reducing the potential impact, whereby the existing boundary wall will also partially screen views. It is also noted the rear return, although single storey is also blank.

While it is noted there have been several objections to this proposal it is considered it will not result in any unacceptable impact on the amenity or enjoyment of any adjoining property, while the finishes are also considered to respect the existing character.

The site plan submitted indicates the existing mature trees will be retained where possible although it is noted the extension will be sited very close to the crown spread of these trees.

As stated above the existing building is Listed, whereby Historic Environment Division (HED) were consulted as part of the associated application who have advised the proposal is unacceptable being contrary to policy BH8 and BH11 of

PPS6 (Extension or Alteration of a Listed Building and Development Affecting the setting of a Listed Building).

The agent was made aware of the comments from HED in August via a letter issued on 3rd August and was afforded an opportunity to submit further supporting information. Reference was also made to the recent Pre Application Discussion as referred to above.

Further supporting information was submitted by the applicant/agents consultant (D Piggot), however HED remain of the opinion the proposal will have an adverse impact on the Listed Building.

In light of the comments from HED, it is considered Refusal must also be recommended for this Full application.

### **Recommendation: Refusal**

#### **Refusal Reasons:**

- **The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.**
  
- **The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.**

**NOTE FOR FILE: SEPTEMBER 2017****LA07/2016/0836 AND 0837- KINGS CASTLE, ARDGLASS**

Following reconsideration of the case in June 2017 (see reconsideration noted dated 27<sup>th</sup> June 2017 attached to file), both the Full and LBC application were returned to the Planning Committee in Julys meeting (17<sup>th</sup> July), with a recommendation of Refusal.

At this meeting both applications were withdrawn from the Committee as further amended plans had been received (received on 14<sup>th</sup> July).

These latest amended plans now show a substantial reduction in the footprint of the proposed extension (single storey), although which still retains 5 additional bedrooms, as per the original scheme.

This reduction now allows for the existing grassed area and trees in the front corner of the site adjacent to no.45, to be retained, whereby the footprint has now been kept clear of the crown spread of the trees.

It is noted the width of the extension has increased by approx. 1m, which has also resulted in part of the extension increasing in height approx. 0.5m. The extension again proposes a hipped roof.

A further round of neighbor notification was undertaken following receipt of these amended plans while a further consultation was also undertaken with Historic Environment Division (HED).

HED (Buildings Unit) in its most recent response dated 1<sup>st</sup> Sept 2017, remain of the opinion the proposal is unacceptable and will have an adverse impact, being contrary to both Policy BH8 (Extension or Alteration of a Listed Building) and BH11 (Development affecting the setting of a Listed Building), of PPS6.

However HED have acknowledged the reductions made, including massing and retention of green space and trees which help to preserve the setting at the frontage and wider conservation area.

As such HED consider it would be difficult to sustain an argument against the proposal, thus leave the application for the Council to determine.

A further representation in opposition to the proposal has also been received from Tumelty Planning Services, on behalf of no.1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the residents re-iterate their previous concerns, and remain of the opinion the extension will:

- Lead to a sense of imprisonment from neighbouring properties,
- Result in the loss of privacy, overshadowing and loss of natural light,

The proposed extension will again be sited immediately adjacent to the boundary adjoining no.1-7 Hill Street and 45-40 Kildare Street, however having account the existing boundary treatment, and single storey nature of the proposal which includes a hipped roof, it is considered the proposed extension and associated layout will not result in any unacceptable impact on the amenity of any adjoining property.

In light of the above, including amendments and reductions made and also previous comments and requests from the Planning Committee, the amendments/reductions are



welcomed, which on balance are considered acceptable, whereby a refusal can no longer be sustained regarding compliance with PPS6. As advised above it is also considered the extension will not result in any unacceptable impact on the amenity of any adjoining residential property.

Accordingly Approval is now recommended.

**Recommendation: Approval**

**NOTE FOR FILE:****LA07/2016/0836 AND 0837- KINGS CASTLE, ARDGLASS**

These applications were presented to the Planning Committee in Dec 2016 with a recommendation of Refusal, at which time they were Deferred for a site visit.

Following a site visit, an office meeting was facilitated with the agent and applicant in May 2017, whereby the concerns of the Planning Authority/Historic Environment Division were discussed, and alternatives explored.

The Planning Authority advised it would be necessary to reduce the footprint, thus removing a room from the scheme and pulling the development away from the protected trees. A minor increase in the width (approx. 1m) of the scheme in to the existing tarmacked area to the front was also discussed as an option.

The agent/applicant agreed to discuss the proposals further following the meeting and submit amended proposals.

Amended plans were received on 19<sup>th</sup> June showing an amendment to the footprint.

5 additional bedrooms remain the basis of this proposal.

The amended plans received do not reflect what was discussed at the office meeting.

The proposed amendments have been discussed whereby it is considered they do not resolve the areas of concern/refusal reason, and remain contrary to PPS6.

The amended plans continue to impact on the protected trees, while it is noted the height has also now increased approx 1m, as well as the width further increasing beyond that what was discussed.

As such an opinion to Refuse remains, based on the original scheme.

(As the amended scheme does not address the concerns expressed and refusal reason these drawings have not been accepted).

**Recommendation: Refusal****Reasons:**

- The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.
- The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, result in the loss of a protected tree which contributes to the character and appearance of this area, which is identified as a Conservation Area.

## **Planning Committee Schedule of 11<sup>th</sup> October 2017**

Planning reference: **LA07/2016/0836/F & LA07/2016/0837/LBC**

Proposal: **Single storey extension to accommodate 5No single bedrooms.**

Applicant: **Kings Castle Nursing Home**

Location: **Kildare Street Ardglass.**

Recommendation: **Approval**

### **Comments in relation to the impact of the Development on adjacent homes**

It is the understanding of the local residents that this proposal and existing development adjacent to their boundary will have an adverse impact on their property by virtue of noise, proximity & general disturbance and this will devalue their homes and leave them unsellable.

This proposal is for financial gain by the owners of the Nursing Home and little consideration of impact on adjoining residential family homes have been considered.

The construction of such a development adjacent to the existing boundary wall which is already in a poor state of repair due to its age will cause the resident concerns. It is suggested that this proposal could be sited away from the boundary wall and thus lessen the concerns of the objectors.

The current proposal differs from the original submission as it is 1m wider with an increased in height and with a very steep pitched roof which has been hipped. It is accepted that the proposal has reduced the overall footprint of the proposal and protected the position of trees that exist on the site but has not considered the impact on the local residents.

It is noted that the current proposal remains unacceptable to HED (Building Unit) in terms of Policy BH8 &BH11 of PPS6 and leave the decision on this proposal to Planning Committee.

### **Overview**



This proposal to extend an existing nursing home is unacceptable at this location and while attempts have been made by the developers to address some of the concerns of the statutory consultees no attempt to address the concerns of the local residents have been undertaken rather the development has altered to accommodate the crown spread of trees. It has already been noted that if this development is not granted permission the Residential Home will be unable to survive financially which appears as a treat as it is accepted that further such residential care is needed in the electoral area.

The residents are not opposed to the expansion of the home but would suggest that there are other locations with the complex which would not impact on their investment / homes. It may be of assistance to Committee if the site was visited prior to the issue of any decision to allow the elected representatives the opportunity to see the situation on the ground and the impact on the residents

### **Conclusion**

We would respectfully ask the Planning Committee to overturn this recommendation and Refuse Planning Permission for the development as applied for.



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**ITEM NO** 6

**APPLIC NO** LA07/2016/0837/LBC      Listed Buildi **DATE VALID** 6/20/16

**COUNCIL OPINION** **CONSENT**

**APPLICANT** Kings Castle Nursing Home      **AGENT** MB Architectural  
 Kildare Street Desing Services  
 Ardglass 42 Crew Road  
 BT30 7TR Ardglass  
 BT30 7TF  
 NA

**LOCATION** Kings Castle Private Nursing Home  
 Kildare Street  
 Ardglass

**PROPOSAL** Proposed single storey extension to provide 5no single bedrooms

**REPRESENTATIONS** **OBJ Letters** **SUP Letters** **OBJ Petitions** **SUP Petitions**

16 0 0 0

**Addresses Signatures Addresses Signatures**

0 0 0 0

**NOTE FOR FILE:****LA07/2016/0836 AND 0837- KINGS CASTLE, ARDGLASS**

These applications were presented to the Planning Committee in Dec 2016 with a recommendation of Refusal, at which time they were Deferred for a site visit.

Following a site visit, an office meeting was facilitated with the agent and applicant in May 2017, whereby the concerns of the Planning Authority/Historic Environment Division were discussed, and alternatives explored.

The Planning Authority advised it would be necessary to reduce the footprint, thus removing a room from the scheme and pulling the development away from the protected trees. A minor increase in the width (approx. 1m) of the scheme in to the existing tarmacked area to the front was also discussed as an option.

The agent/applicant agreed to discuss the proposals further following the meeting and submit amended proposals.

Amended plans were received on 19<sup>th</sup> June showing an amendment to the footprint.

5 additional bedrooms remain the basis of this proposal.

The amended plans received do not reflect what was discussed at the office meeting.

The proposed amendments have been discussed whereby it is considered they do not resolve the areas of concern/refusal reason, and remain contrary to PPS6.

The amended plans continue to impact on the protected trees, while it is noted the height has also now increased approx 1m, as well as the width further increasing beyond that what was discussed.

As such an opinion to Refuse remains, based on the original scheme.

(As the amended scheme does not address the concerns expressed and refusal reason these drawings have not been accepted).

**Recommendation: Refusal****Reasons:**

- The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.
- The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, result in the loss of a protected tree which contributes to the character and appearance of this area, which is identified as a Conservation Area.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0837/LBC**

**Date Received: July 2016**

**Proposal:**

Listed Building Consent (LBC) is sought for a single storey extension to accommodate 5no single bedrooms, at Kings Castle Nursing Home.

Applicant: Kings Castle Nursing Home.

**Location:**

The site is centrally located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA as identified in the Ards and Down Area Plan 2015. It is also noted the existing building is Listed.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises the established grounds of Kings Castle Nursing Home which fronts and accesses onto Kildare Street, although also extends to adjoin Hill Street.

The grounds of this Nursing Home are irregular in shape whereby Kildare Street slopes downhill towards the sea. A stone wall and footpath run along the site frontage whereby it is noted there is an area of parking within the site. The site extends to adjoin a number of properties whereby the boundary varies. It is noted a number of the adjoining properties are residential in use and include 2 storey properties with returns to the rear. The existing building on site includes several floors with numerous returns and recent single storey extensions.

**Site history**

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals on this site for extensions with applications being lodged in 2010, 2005, and 2001, while the original permission for the change of use of this castle to a home dates back to 1984. There is also a relatively new housing development to the rear of the site (Castle Heights).

There is also an associated Full application under consideration (LA07/16/0836/F), while there was also a recent PAD (Pre Application Discussion) regarding potential development on this site (REF LA07/16/0020).

LA07/16/0020/PAD- Kings Castle Nursing Home, Pre-application Discussion (PAD), Single Storey Extension, Completed.

During the processing of this PAD an office meeting was facilitated whereby representatives from Historic Environment Division (HED) were also in attendance, at which time the agent/applicants were advised of HED concerns and position that the extension is unacceptable.

It is noted the layout indicated during this PAD is very similar to that now proposed.

### **Representations**

Letters of objection have been received from 5 Hill Street, Tumelty Planning Services who acts on behalf of 1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the main issues raised include:

- further loss of privacy,
- overshadowing, loss of light and loss of privacy of adjoining residents,
- the extension will dominate adjoining properties which already gives the impression of imprisonment,
- will lead to noise and general disturbance,
- the development on this site is already at saturation point whereby the extension does not take account the privacy needs of adjoining properties,

See file for full content of representations received. The issues raised will be dealt with below.

It is noted the epic system has registered 11 objections, although 2 letters have been received from Tumelty Planning Services, who acts on behalf of 5 properties, thus has registered 10 objections. (This is the total number received to date 19-10-16)

As part of the processing of this application, neighbour notification and advertising was undertaken in July 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Kildare Street, Hill Street and also Castle Heights).

### **Consultees**

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, Environmental Health, N.I Water, Shared Environmental Services and Rivers Agency

The comments from the respective consultees are noted and it is considered no additional consultations or information is required to determine this application.



**Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6 and supplementary guidance.**

As stated above the site is located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA, whereby the existing building is Listed.

This site is centrally located within the village of Ardglass and has historic value whereby it is clear from the above this is a sensitive area.

As outlined above this site is irregular in shape which extends to adjoin a number of properties, whereby the existing building includes several floors with a number of returns and recent additions.

It is proposed to construct a single storey extension to the front side of this existing building adjacent to the entrance along Kildare Street.

This extension will be sited in the front corner of the site, adjacent to no.45-49 Kildare Street and 1-7 Hill Street.

It is noted from a site inspection this portion of the site where the proposed extension will be sited, includes oil tanks, sheds, several small outbuildings and a raised grassed area with several mature trees at present.

As stated above this extension will be single storey, providing 5 additional bedrooms with en-suites with corridor link.

This extension will include a hipped roof being approx 3m high to the eaves and 5.5m high to the eaves, whereby the finishes will include natural slate roof, clipped eaves, cast iron RWG's natural stone walls to match existing castle and timber window frames.

It is acknowledged this extension will be sited immediately adjacent to the boundary adjoining several properties along Kildare Street and Hill Street, however having account the current situation on the ground including existing outbuildings and sheds and existing boundary stone wall, and raised garden area and side gable of no.45, it is considered the proposed extension will not result in any significant increased or unacceptable impact on the amenity of adjoining residents in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

As stated above the extension will be single storey whereby the roof will slope away from the boundary thus reducing the potential impact, whereby the existing boundary wall will also partially screen views. It is also noted the rear return, although single storey is also blank.

While it is noted there have been several objections to this proposal it is considered it will not result in any unacceptable impact on the amenity or enjoyment of any adjoining property, while the finishes are also considered to respect the existing character.

The site plan submitted indicates the existing mature trees will be retained where possible although it is noted the extension will be sited very close to the crown spread of these trees.

As stated above the existing building is Listed, whereby Historic Environment Division (HED) were consulted who have advised the proposal is unacceptable being

contrary to policy BH8 and BH11 of PPS6 (Extension or Alteration of a Listed Building and Development Affecting the setting of a Listed Building).

Policy's BH8 and BH11 of PPS6 outline a number of criteria that are required to be met if planning permission will be granted, whereby HED are of the opinion the proposal is contrary to these policies.

The agent was made aware of the comments from HED in August via a letter issued on 3rd August and was afforded an opportunity to submit further supporting information. Reference was also made to the recent Pre Application Discussion as referred to above.

Further supporting information was submitted by the applicant/agents consultant (D Piggot), however HED remain of the opinion the proposal will have an adverse impact on the Listed Building. It should be noted the proposals did not change.

In light of the comments from HED, Refusal is recommended.

#### **Recommendation: Refusal**

##### **Refusal Reasons:**

- **The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.**
- **The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.**

**ITEM NO** 14

**APPLIC NO** LA07/2017/0289/F

Full **DATE VALID** 2/24/17

**COUNCIL OPINION REFUSAL**

**APPLICANT** Mr Gerard McGrath 4 Saul

**AGENT** David Burgess 24

Downpatrick  
BT30 6NN

Crossgar  
BT30 9NG  
07720145893

**LOCATION** Adjacent to 4 Saul Road  
Downpatrick  
BT30 6NN

**PROPOSAL**

New Dwelling and improved vehicular access

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>				
	0	1		0	0	0	0	0
			<b>Addresses Signatures</b>		<b>Addresses Signatures</b>			
			0	0	0	0	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 in that the proposed development would result in unacceptable damage to the local character, environmental quality and residential amenity of this established residential area.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions massing and appearance of buildings, structures and landscaped areas.
- 3 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 the proposed development will result in an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominant effect, in particular No.8 Donard View Crescent and approved development LA07/2016/1378/O.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas , policy LC1(b) in that the proposed dwelling is not in keeping with the overall character and environmental quality of this established residential area





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0289/F

**Date Received:** 21.02.2017

**Proposal:** New Dwelling and improved vehicular access

**Location:** Adjacent to 4 Saul Road, Downpatrick, BT30 6NN.



### **Site Characteristics**

The site is a roadside garden site within the settlement limits of Downpatrick. It is the side garden of a detached single storey dwelling known as 4 Saul Road. The site has a mature hedge boundary along the southern boundary with the public road. To the west of the site is a detached single storey dwelling and large garden, No 8 Donard View Crescent (DVC). No.8 DVC shares its rear boundary with the proposed site. This boundary is defined by an open wood fence some mature vegetation and trees. The northern boundary abuts the turning area for DVC as well as the front boundary of No 7 DVC. The eastern boundary is defined by a retaining wall structure serving 4 Saul Road.



The site is a sloping site, from a high point at Saul Road to a low Point with DVC.



Site from 8 Donard Crescent



View of Site boundary with Saul Road



View of the site adj to 4 Saul Road



Site and Boundary with No.4 Saul Road

**Site History**

R/2009/1099/O 28.05.2010 (APPEAL)

Site for dwelling (amended scheme) Adjacent to 7 Donardview Cres and 4 Saul Road, Downpatrick Co Down.

Adjacent approval

LA07/2016/1378/O M Starkey

Proposed new dwelling adjacent to 8 Donard View Crescent, Saul Road, Downpatrick

GRANTED 01.06.2017

**Planning Policies & Material Considerations**

The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking as well as Department Guides

**Consultations***Transport NI*

Response dated 28.3.2017 requested amended plans illustrating a minimum of 2 car parking spaces plus a satisfactory turning area.

Response dated 15.5.2017 no objections and conditions proposed relating to the access and access gradient.

*NI Water*

Standard generic response detailing information for the benefit of the applicant.

*DAERA Water Management Unit*

No objections with advice for the applicant detailed.

**Objections & Representations**

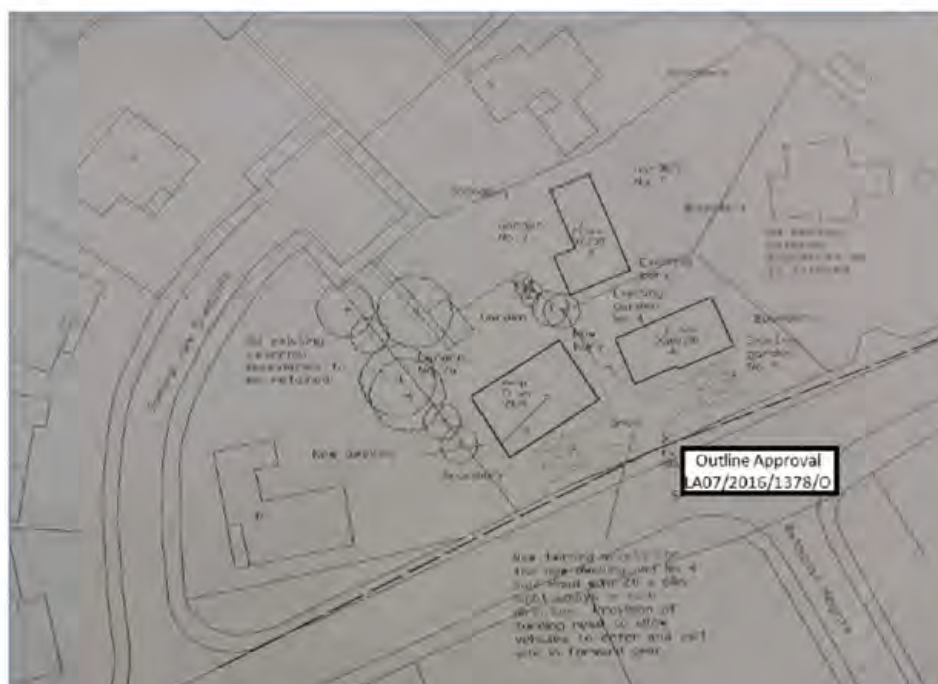
The site was advertised in Mourne Observer and Down Recorder on 15.03.2017. A total of 13 neighbouring dwellings were notified. No representations have been received to date.

**Consideration and Assessment**

The proposal is a full application for a 4 bedroom detached dwelling on the Saul Road. The dwelling proposed has the appearance of a bungalow to the front elevation with Saul Road and full two storeys (9.2m) to the rear elevation with DVC. The result is a split level dwelling on this sloping site. The dwelling has a hipped roof with a front and rear roof dormer which facilitates bedroom windows in the roofspace bedroom. The dwelling incorporates an attached garage and a small front porch. The rear elevation includes 2 rear 2-storey projections. The dwelling is to be finished with flat grey/black roof tiles, rendered walls and uPVC windows and guttering.

The outline application on this site (R/2009/1099/O) was allowed on appeal (2010/A0063) in 2011 subject to the following conditions:

1. Development largely in accordance with the indicative site layout
2. Ridge height not greater than 5m above FFL
3. Site sections
4. Access to be 5m wide in keeping with site layout which illustrates a shared
5. No windows or openings on either gable wall of proposed dwelling
6. Access between proposed dwelling and 4 Saul Road with parking to the front
7. Retention of hedgerow, wall and fencing along Saul Road frontage at a minimum height of 3m
8. Retention of hedgerow along boundary shared with 7 Donard View Crescent at minimum 2m above ground level
9. Details location numbers species of trees to be planted along boundary shared with 7 & 8 Donard View Crescent and 4 Saul Road at a minimum height of 1.8m



**Approved at Appeal**





### Current proposal

An extract from the Commissioners assessment of the appeal proposal is relevant to the consideration of the current proposal in terms of what was deemed acceptable on the site

*"The submitted 1:500 site plan indicates the erection of a small single storey dwelling with a footprint of 126 sq m, aligning with the front building line of the adjoining bungalow at No. 4. A shared access is proposed with an area of parking to be provided across part of the frontages of both properties. The land falls away steeply from the Saul Road frontage, levelling off in the northern half of the plot close to the existing garage. The block plan indicates that the ridge of the proposed bungalow would be 1.4m below the level of No. 4. Set back a minimum of 6m from the footpath, it would align with the front building line of No. 4, offering a greater setback from the road than Nos 1 and 8 Donard View Crescent and No. 2 Saul Road and so would therefore respect the existing localized building line."*

In allowing the appeal the Commissioners assessment was based on a dwelling which mirrored the size, scale and proportions of adjacent bungalows in the immediate vicinity and respect for the established building line. The commissioner concluded that the introduction of a small single storey dwelling at this location would not have in adverse impact on the environmental quality of this established residential area subject to the retention of all frontage vegetation, it would be barely discernible in the street scene and in this context would not appear out of character with the surrounding development.

The proposal as submitted on the 14<sup>th</sup> of February 2017, the height, scale and massing of the dwelling, access details and landscaping proposed are not reflective of what was considered by the PAC. Proposing as it does a split level dwelling, bungalow in form, to the front with Saul Road and two storey to the rear elevation with DVC.





Since the determination of the previous application on site the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) has been published and is material to all decisions on individual planning applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. There is no conflict between the SPPS and the current policy context of PPS7 and its Addendum.

PPS 7 QD1 which states that 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.

PPS7 Addendum Safeguarding the Character of Established Residential Areas LC1 states that 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 QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

Both Policies are key policy considerations in assessing the acceptability of the current proposal in this established residential area.

As per the PAC assessment, Saul Road has no dominant character, displaying a wide range of dwelling types and plot sizes. The character relevant to the consideration of this proposal is however the bungalows of DVC and the mix of dwelling types on the Saul Road.

The proposed dwelling whilst sympathetic in visual terms with the Saul road with its bungalow frontage form, the rear of the dwelling is not in keeping with the bungalows of DVC, by virtue of its 2 storey nature, which appears overly dominant, overbearing and grossly oversized in this small site in this enclosed setting.

The proposed dwelling sits further forward of the established building line along the Saul road. The hedging along the frontage to the Saul Road is to be removed to allow for the access and associated splays, this has the effect of opening up the site to public view from the Saul road drawing attention to the gable depth of the dwelling and the 2 storey rear extent. Accentuating its incongruous form when compared to the existing surrounding dwellings.

The shared access arrangement was previously agreed to serve the site and No 4 Saul Road and Transport NI offers no objections to the proposal.

The drawings submitted show the retention of the boundary vegetation with No.8 DVC, the remainder of the boundaries are provided with no details of landscaping or boundary treatments proposed. It is considered however that the introduction of landscaping would not screen or make acceptable the current proposed development.

The rear elevation of the dwelling will be highly visible from DVC. As the dwelling is a bi-level dwelling within this sloping site, the proposal would read as a 2 storey dwelling at a height of 9.2m when viewed from DVC.

It is apparent from the site location map as submitted that the proposed site was at one time part of the curtilage of No.7 DVC. As a result the curtilage of No.7 is now much reduced, the front to No.7 cannot be considered to offer a truly private area of amenity space, therefore it cannot be argued that the proposal would adversely affect the amenity of this dwelling.

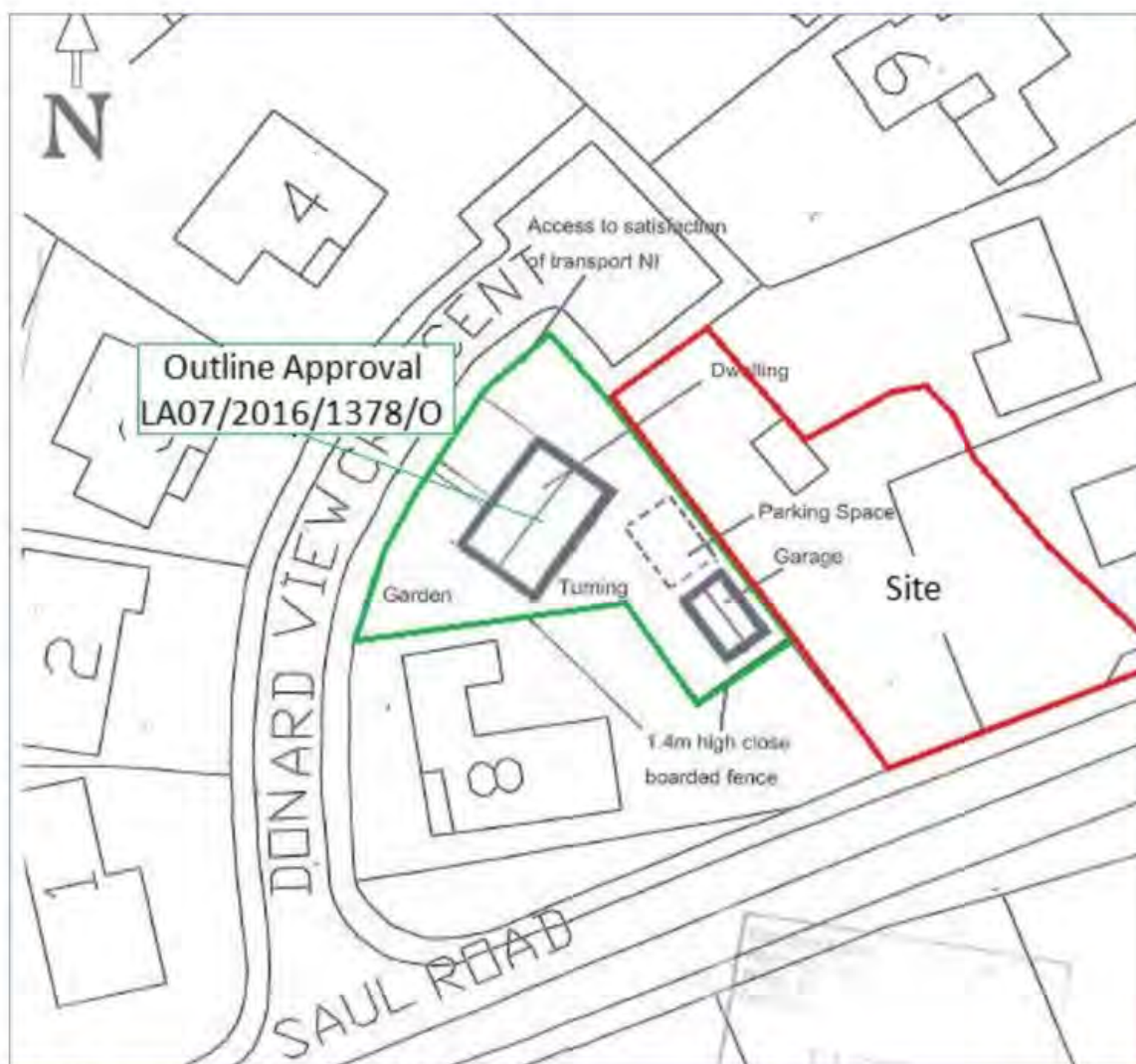
The site has no features of archaeological or built heritage. Landscaping and boundary treatments are not sufficiently detailed and therefore contrary to policy. However it must be noted that the proposal can accommodate in-curtilage car parking and a provides a suitable level of amenity space to the rear.





The proposal will share a boundary with the established dwelling at No.8 DVC as well as recent outline approval for a dwelling adjacent to 8 DVC (LA07/2016/1378/O). The proposed development has the potential to dominate the living environment of the recently approved dwelling at No.8 DVC by virtue of its scale and mass and its expanse of windows would result in a very dominant presence with the potential for overlooking of the rear amenity space for that approval. The perception of being overlooked also needs to be highlighted as a concern for No.8 DVC, given the gable window. It is acknowledged that this is an ensuite window.

Due to the detrimental impact the height, scale, position of the dwelling within the site, the proposal would have a detrimental impact on the character and appearance of the area. Therefore contrary to PPS7 Policy QD1 (a) (h) PPS7 Addendum LC1 (b)



Recent approval LA07/2016/1378/O

### Recommendation:

*Refusal*

### Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 in that the proposed development would result in unacceptable damage to the local character, environmental quality and residential amenity of this established residential area.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions massing and appearance of buildings, structures and landscaped areas.



- 3. 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 the proposed development will result in an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominant effect, in particular No.8 Donard View Crescent and approved development LA07/2016/1378/O.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas , policy LC1(b) in that the proposed dwelling is not in keeping with the overall character and environmental quality of this established residential area

\_\_\_\_\_  
Case Officer DATE

\_\_\_\_\_  
Appointed Officer DATE

ITEM NO 8 - APPLIC NO LA07/2017/0289/F Full DATE VALID 2/24/17 COUNCIL OPINION REFUSAL

### ADDITIONAL INFORMATION

APPLICANT Mr Gerard McGrath 4 Saul Road Downpatrick BT30 6NN

AGENT David Burgess 24 Templeburn Road Crossgar BT30 9NG

Refusal Reason 1 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 in that the proposed development would result in unacceptable damage to the local character, environmental quality and residential amenity of this established residential area.

#### Additional information

The site received planning permission previously through the PAC, as stated in the Case Officers report and is within the development limit of Downpatrick so there should be presumption in favour of approval. The Saul Road area has a wide variety of types of designs and dwelling styles; single storey, storey and a half and 2 storeys. All types of design styles representative of trends throughout the past 50 years are in existence. The single storey design towards the Saul Road is acceptable. This single dwelling which sits on an adequately sized site, within the density of the surrounding area will not cause damage to the local character; it will use a previously approved plot for one dwelling, having adequate boundaries, plot size, amenity gardens, separation distances and design style to suit the urban setting. The design takes into account the sloping nature of the site, producing a single storey aspect to the front with an additional basement storey to the rear, facing the long garden and hammerhead of Donard View Crescent. The basement storey does not present any overlooking issue as it is at a substantially lower level, just slightly above the level of the hammerhead. The basement storey is created by reducing the levels on the site. The basement storey makes no difference to the level of the Saul Road floor level; if the basement were not in place the first, or Saul Road floor level would still be in exactly the same position at the same level. The first floor, or Saul Road floor level is level with the neighbouring dwelling at 4 Saul Road and acceptable from the Saul Road. Having established that the basement does not over-look we must also confirm that the first floor, level with the Saul Road is at the correct level for a single storey dwelling in this case. If the basement was not part of the design, the dwelling would be single storey but would be at the same level on the site; the level agreed by the PAC. The sloping nature of the site from the Saul Road to Donard View Cres allows for either of these options; single storey with sloped garden to the rear or with a first floor which has a cutting made into site then basement storey, all with the same ridge level; no effect on height of dwelling or overlooking potential. The design which has been presented takes into account the site, its surroundings and the neighbouring properties.



Refusal Reason 2 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions massing and appearance of buildings, structures and landscaped areas.

#### Additional information

The site is well defined by existing mature boundaries and has elevations to the Saul Road and Donard View Crescent. The proposal is a single dwelling on an adequately sized plot in urban Downpatrick. The scale is one dwelling to an approved site, the layout ensures there is no overlooking directly towards any other dwelling and the appearance is typical of many of the dwellings in the surrounding area; we feel the proposal is acceptable. Mention is made of the rear elevation which includes the basement storey but as we have stated the basement storey goes down from the agreed floor level and as it goes down it does not overlook. The windows in the rear elevation are a necessary part of the room design and do not over-look. The windows in the first floor would be in the current location whether this was a single storey dwelling or the current proposal with a basement floor. With the wide variety of differing designs in the area it is difficult to understand how this design does not respect the surrounding context or character.

Refusal reason 3 - 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 the proposed development will result in an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominant effect, in particular No.8 Donard View Crescent and approved development LA07/2016/1378/O.

#### Additional information

We have discussed overlooking with regards to the first reason for refusal but to reiterate the basement storey does not over look and does not even directly face the recently approved site or No 8 Donard View Cres. The same can be said of the main floor level which faces the hammerhead, not the No 8 or the approved site. The boundary between the proposal and the new site/No 8 is mature and will be maintained, see photographs. This boundary and the existing trees and hedges will provide adequate screening and privacy from the proposal. No trees will be removed as part of this proposal, including the large chestnut tree. The closest part of No 8 to the shared boundary is 14m which is more than enough for amenity and separation distances of 9m. From No 8 or the approved site there will be normal filtered views of a dwelling which will look the same from their viewpoint as the basement floor will not be seen. Regardless of design there will be a dwelling next door in this location. Keeping the ridge height from the Saul Road as single storey will protect the amenity of No 8 and the new site; that is what we have done. The single storey aspect of our proposal will not overlook or be dominant towards these other plots.

Refusal Reason 4 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas , policy LC1(b) in that the proposed dwelling is not in keeping with the overall character and environmental quality of this established residential area

#### Additional information

We repeat our statement for refusal reason 2 in that the well-defined site and the existing mature boundaries ensure that the proposal can be absorbed into the surrounding area. Its will be in keeping with the wide variety of designs in the area and fits well on to the site. The recently approved site just next door on a much smaller plot is evidence that the area is suitable for additional development. There were many objections to the other site yet none to this application despite that the other was approved and this one refused. In the other approval the existing shared boundary was acceptable but strangely not now acceptable in this application. The boundary has not changed and we feel provides more than enough screening and privacy protection. No trees will be removed for this application yet it is accepted that trees, including 100 year tree, must be removed to accomodate the other approved site despite the tree issue being raised by neighbours.

All-in-all we feel the application as presented complies with policy and should be approved.



Photographic Survey of site and surroundings



Boundary towards No 8, between proposal and No 8



Boundary and mature trees between proposal and recently approved site (see also 8 at left hand side).



Boundary between proposal, towards hammerhead



View of site towards site, Chestnut tree to right of silver car to be retained





View of site from Donard View Cres over the approved site, the proposal is beyond the double Beech trunk, well screened



Photo from end of Donard View Cres at junction with Saul Road, proposal is behind large Beech trees in the centre of the photo





Sample of dwelling on Saul Road, opposite site, chalet type with 2 storey front extension



Sample of dwelling on Saul Road, within a few metres towards town centre, 2 storey, dwelling behind at lower level yet this arrangement is acceptable

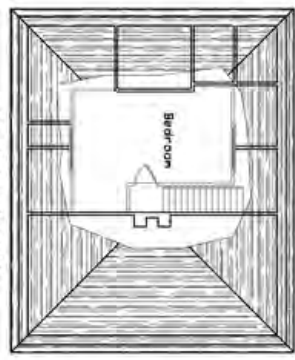
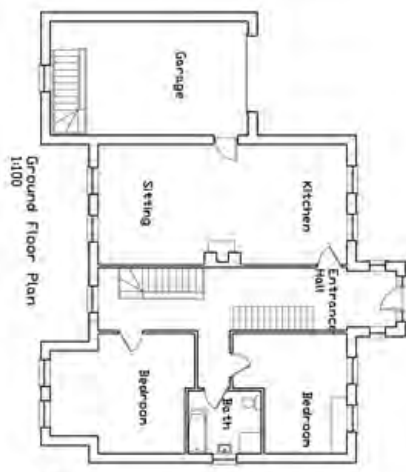
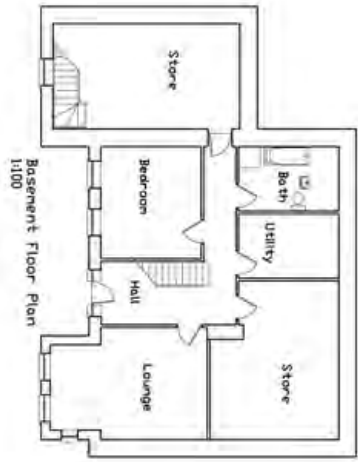
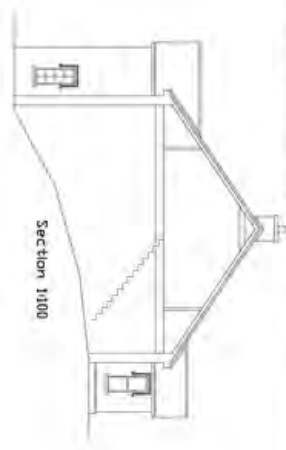
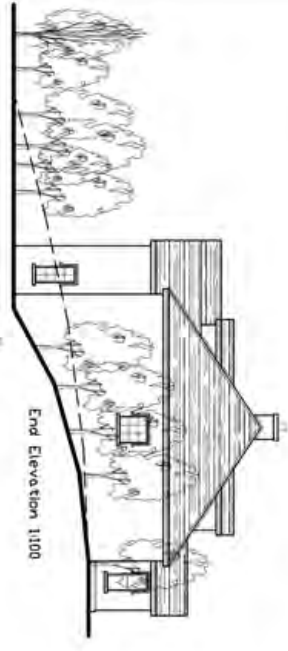
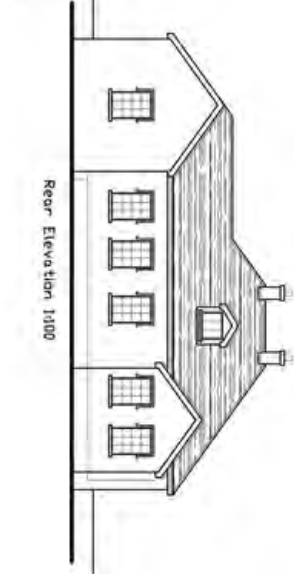
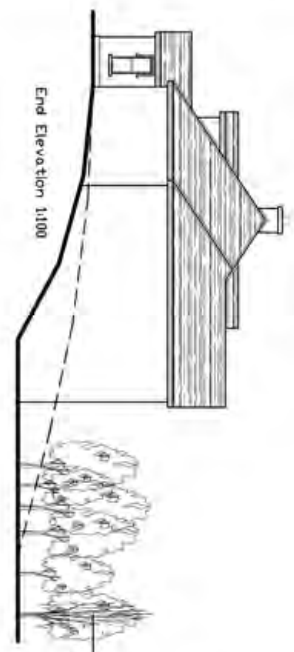




Sample of dwelling on Saul Road, 100m towards town centre, 2 storey



Sample of dwelling on Saul Road, 150m towards town centre, 2 storey with basement storey, dwellings behind can be seen at lower level yet this arrangement is acceptable



NO.	DESCRIPTION	DATE	BY
1	Issue for comment	12/10/10	Author
2	Issue for comment	12/10/10	Author
3	Issue for comment	12/10/10	Author
4	Issue for comment	12/10/10	Author
5	Issue for comment	12/10/10	Author
6	Issue for comment	12/10/10	Author
7	Issue for comment	12/10/10	Author
8	Issue for comment	12/10/10	Author
9	Issue for comment	12/10/10	Author
10	Issue for comment	12/10/10	Author

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<b>ITEM NO</b>	<b>15</b>				
<b>APPLIC NO</b>	LA07/2017/0427/O	Outline	<b>DATE VALID</b>	3/16/17	
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>				
<b>APPLICANT</b>	Mr Oliver Murnion 65 Yellow Road Hilltown	<b>AGENT</b>	Glyn Mitchell Architectural Design 139 Ballinran Road Killeel BT34 4JB NA		
<b>LOCATION</b>	80m West of No. 53 Yellow Road Hilltown Co. Down BT34 5UD				
<b>PROPOSAL</b>	Proposed site for farm dwelling and domestic garage				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0		0	0
				<b>Addresses</b>	<b>Signatures</b>
				0	0 0 0

- 1 The proposal is contrary to 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 Yellow Road, Hilltown.
- 2 The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

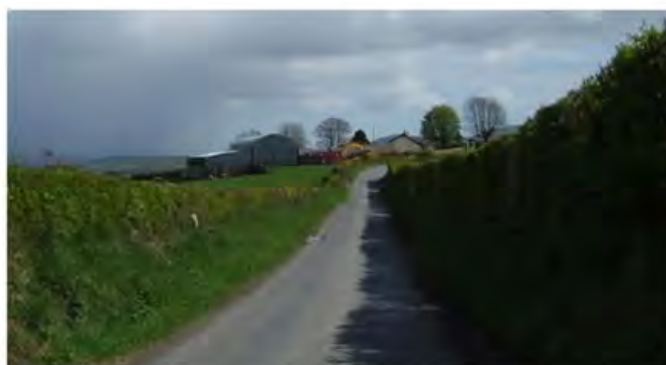
**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/0427/O**

**Date Received: 16<sup>th</sup> March 2017**

**Proposal: Proposed site for farm dwelling and domestic garage.**

**Location: 80m west of no 53 Yellow Road, Hilltown.**



**Site Characteristics & Area Characteristics:**

The site in question is located on lands to the lower side of Yellow Road, Hilltown. The site slopes away from the road and is adjacent to farm sheds and outbuildings. The site fronts onto Yellow road with the boundary facing the road defined by a post



and wire fence with some whin planting included. The north and west of the site is not defined.

The site is not within any settlement development limits as defined in the Ards and Down Area Plan 2015 and the site is also within the Mourne Area of Outstanding Natural Beauty. The area would be of a high scenic nature.

#### **Site History:**

P/2010/0246/O – 80m W of 53 Yellow Road, Hilltown – site for farm dwelling and garage – granted – 01-04-2011

P/2003/2544/O – approx. 100m W of no 53 Yellow Road, Hilltown – site for dwelling and garage – refused – 19-01-2006.

#### **Planning Policies & Material Considerations:**

The application is considered against Ards and Down Area Plan 2015, PPS 3 Access, Movement and Parking and PPS 21 Sustainable Development in the Countryside and SPPS.

#### **Consultations:**

NI Water was consulted and responded with no objections to the proposal.

Transport NI was consulted and responded with no objections.

DAERA responded to say that the farm business has been in existence for more than 6 years and that a farm payment had been claimed in the last year.

#### **Objections & Representations**

The application was advertised 7<sup>th</sup> April 2017 which expired 21<sup>st</sup> April 2017; neighbour notification was issued 10<sup>th</sup> April which expired 24<sup>th</sup> April 2017. To date there have been no objections lodged in relation to the application.

#### **Consideration and Assessment:**

As this application is for a dwelling and garage on a farm the initial policy context considered is CTY 10 Dwellings on Farms.

The farm business in question appears to be currently active and established and has been for a period of at least 6 years as confirmed by DAERA. Farm payments have been made in the last year. The P1C states that the farm business was established in 2009 with allocation of the farm business identification number in 2010. Evidence of farming activity including herd and flock records have also been submitted. Point A of CTY 10 has been met.

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any development opportunities sold off from the farm holding.

The proposed site is located adjacent to the existing farm buildings and fronts out onto the road. A new access is proposed however given the road side location and positioning of existing sheds and access it would not be feasible to use an existing

access. CTY10 has been met on the above three points however policy also states that CTY 13, 14 and 16 must be adhered to.

It is considered that a suitably designed dwelling would be acceptable on the land in question.

In line with CTY 13 the dwelling would not be a prominent feature in the landscape. The site has an existing hedge boundary to the front of the site that will likely need altered to allow for access and splays, the eastern boundary is defined with agricultural buildings, the remaining two boundaries are not defined. The site could accommodate a dwelling with some additional planting required however the site will not rely on new planting for integration.

There is nothing to suggest that ancillary works would not integrate with the surroundings.

As this is an outline application the design of the building has not been submitted however it is considered that a building can be accommodated on the site.

The land slopes away from the road however it is considered that a dwelling, suitably designed could be accommodated on the site and the application is also considered against CTY 14 Rural Character.

A suitably designed dwelling could be accommodated on the site in question without being a prominent feature in the landscape.

The site is not likely to lead to a suburban style build-up of development when viewed with existing buildings and the traditional pattern of development would be respected with suitable design.

The provision of the visibility splays will not damage rural character.

There is already a ribbon of development along the stretch of road including the residential dwelling no 53 Yellow Road and also the collection of farm buildings which have a common frontage to the road, this site in question would lead to the addition of the existing ribbon of development and therefore is contrary to CTY 14 and also CTY 8 Ribbon development.

CTY 8 states that permission will be refused for a building which creates or adds to a ribbon of development, for the purposes of this development a definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage. The proposed siting, while in keeping with CTY 10 would offend CTY 8 and CTY 14 and therefore is not acceptable.

It is noted that there is a previous approval on the site approved under P/2010/0246/O for the same site. The case officer report associated with this previous approval makes no reference to consideration of the application in terms of CTY 14 as CTY 10 clearly identifies is necessary. The Planning Appeals Commission has also stated that the Authorities are not necessarily held to decisions made by the then Department. There would be no justification for allowing this siting which is contrary to policy.

As the application is found to be contrary to CTY 8 and CTY 14 of PPS 21 the application is considered as a refusal.

**Recommendation:**

Refusal

**Refusal Reasons**

- The proposal is contrary to 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 Yellow Road, Hilltown.
- The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

**Case officer:**

**Authorised by:**

**Date:**

Our Ref: 17/06

Your Ref: LA07/2017/0427/O

F.A.O. Mr. Gareth Kerr

Newry, Mourne and Down District Council  
Planning Office  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DL



21<sup>st</sup> September 2017

Dear Mr. Kerr

Further to the above-referenced application and the Planning Authority's recommendation of refusal on two grounds, I am writing in full support of Mr. Oliver Murnion's proposal and rebutting both of the Department's reasons for refusal.

Given that the two recommended reasons for refusal are identical, in terms of the perceived adding to a ribbon of development that it's alleged the approval of this application would cause, I will deal with both recommended reasons simultaneously; the first recommended reason for refusal states:

*The proposal is contrary to 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 Yellow Road, Hilltown.*

The second recommended reason for refusal states:

*The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.*

Please note that a previous Outline planning application was approved on the subject application site on 1<sup>st</sup> April 2011, under planning ref: P/2010/0246/O. There have been no changes whatsoever in terms of pertinent planning policy nor in terms of the site's characteristics in the intervening time since said approval was issued.



The Case Officer of the current application has stated that, "The case officer report associated with this previous approval makes no reference to consideration of the application in terms of CTY 14 as CTY 10 clearly identifies is necessary." Contrarily however, CTY 14 is contained within said Case Officer's report, and the previous application was necessarily considered against the full contents of Planning Policy Statement (PPS) 21 (published in June 2010), including Policy CTY 8 and Policy CTY 14, not only by the allocated Case Officer but also by the members of the subsequent Development Control group meeting, and then by the Senior Planning Officer who provided a final thorough check before signing the decision notice.

Each and every planning officer who scrupulously considered this application, including its site location plan and the photographs taken by the Case Officer, who also provided a full description of the site and its surrounding area, provided no objection to a site being approved in this location. To now state that the exact same proposal, being considered against the exact same planning policies is not acceptable is wholly inconsistent and unfair. I must emphasise that the previous application passed before a number of planning officers, who all deemed that the proposal met each and every criterion contained within PPS 21, and subsequently issued an approval.

In conclusion, for the reasons stated above, Mr. Murnion's application meets the criteria of the relevant planning policy as previously, and we therefore request that the Department looks favourably upon this policy-compliant proposal and recommends for approval.

Yours sincerely,

John Law BSc (Hons) Dip TP

- There was a previous Outline planning application for a farm dwelling approved on this site, on 1<sup>st</sup> April 2011 (planning ref: P/2010/0246/O).
- The previous Outline application was considered against PPS 21 and was deemed to meet each and every policy contained within PPS 21.
- The current Case Officer has stated in their report that the case report of the approved Outline application made no mention of CTY 14. Just because no mention was made of one policy does not mean it wasn't considered! All of PPS 21 had to have been considered by all the planners who agreed the application should be approved.
- There have been no changes in planning policy since the previous Outline planning application was approved (PPS 21 was issued in June 2010, so it was the main material consideration during the course of the previous application).
- There have been no changes in the site's characteristics (no new dwellings or buildings along this stretch of road).
- The previous Outline application was considered by:
  - the Case Officer;
  - at least 3 members of a Development Control group meeting, including a Senior Planner;
  - the Senior Planning Officer who looked through the application before signing the approved decision notice.
- Each of these qualified individuals, both individually and collectively, agreed that the previous Outline application for a farm dwelling was acceptable when considered against all of the policies contained within PPS 21. To now state that the proposal doesn't meet PPS 21 is unacceptable, inconsistent and unfair.
- The proposal is the exact same (farm dwelling) as previously.
- The site is in the exact same location as previously.
- The area surrounding the site has not changed in the intervening time.

- Most importantly, the planning policy has not changed at all.
- This application should therefore be approved just as it was approved previously!

<b>ITEM NO</b>	<b>18</b>			
<b>APPLIC NO</b>	LA07/2017/0875/F	Full	<b>DATE VALID</b>	6/7/17
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr & Mrs Robert McGouran 2 The Slip Strangford BT30 7NE		<b>AGENT</b>	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT  07768057822
<b>LOCATION</b>	Adjacent to 2 The Slip Strangford BT30 7NE			
<b>PROPOSAL</b>	Proposed new dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within Strangford Conservation Area and the development would, if permitted, detract from its character, appearance, and setting as it is not in sympathy with the characteristic built form of the area, whereby the scale/form/ massing/proportions/height/alignment/materials/detailing do not respect the characteristics of adjoining buildings and do not conform with the guidance set out in the Strangford Conservation Area document.
- 2 The proposal is contrary to Policy QD1(a) of Planning Policy Statement 7: Quality Residential Environments, in that the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of its layout, scale, proportions, massing and appearance.
- 3 The proposal is contrary to Policy QD1(h) of Planning Policy Statement 7: Quality Residential Environments, in that the development will result in an unacceptable adverse effect on both no.1 and 2 The Slip by reason of overlooking, loss of light and overshadowing.
- 4 The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland, as the siting, scale, layout, design and materials are not appropriate for this sensitive setting, and would, if approved, detract from the character and design of the area.
- 5 Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (photomontage and site sections/ elevations showing the water frontage of Strangford Village with the proposal and Listed Buildings in juxtaposition, and also and design and materials specifications for all boundaries and landscaping proposals), was required to allow Historic Environment Division (Buildings Unit) to determine whether the proposal complies with policy BH11 (Development affecting the Setting of a Listed Building) of PPS6, 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

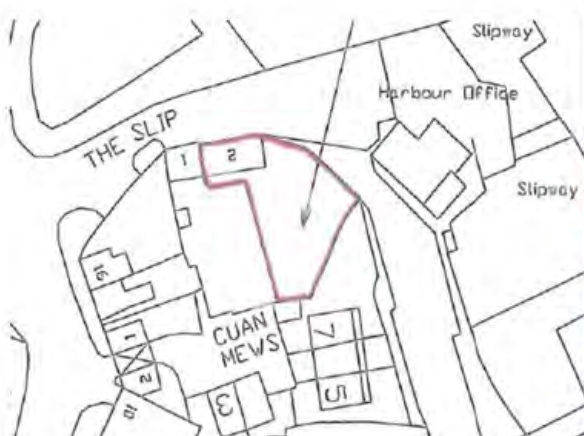
**Application ref: LA07/2017/0875/F**

**Date Received: June 2017**

**Proposal:**

Full permission is sought for the erection of a new dwelling on lands adjacent to no.2 The Slip, Strangford.

Applicant: Mr and Mrs McGouran



**Location**

The site is located within the settlement development limits of Strangford, within an AONB, the Conservation Area and Area of Archaeological Potential as identified in the Ards and Down Area Plan 2015. It is also noted there are several listed structures/buildings in the vicinity of the site, whereby this area includes a mix of uses. This site is adjacent to the harbour office and slipway.

Listed Buildings include Stella Maris Church, 1 The Square, 1 Quay Road, 6 The Quay, as indicated by Historic Environment Division (Buildings).

### **Site Characteristics and area characteristics**

The site outlined in red comprises the dwelling and curtilage of no.2 The Slip, which includes a 1 1/2 storey semi-detached dwelling, including integral garage, and enclosed yard and garden area. The yard and garden area are enclosed by a wall along the roadside, whereby the rear garden is elevated from the dwelling and continues to slope up to the rear boundary

### **Site history**

A history search has been carried out for the site and surrounds whereby it is noted there have been 2 previous permissions on this site including:

R/2005/1239/O- Adjacent to no.2 The Slip, Dwelling, Outline, Approval, 05-07-07, Applicant: Mr L Burnett

As part of this Outline permission some 14 conditions were included whereby 4 drawings were stamped granted (site location, block plan, site plan, and detailed plans), which showed a 1 1/2 storey dwelling (although single storey in form to the rear with roof lights) located to the rear side of the existing dwelling at no.2, with widened and improved access point providing 2 spaces for each the existing and proposed dwelling. The approved plans also show this dwelling raised above road level, with the plot sub-divided to provide garden areas for both existing and proposed. This dwelling was sited to front the road in traditional form.

As part of this application consultation was undertaken with Transport NI (formerly Roads Service), NIW, WMU, PHB, PHM, Natural Heritage, and the Conservation Officer.

The consultee comments are noted particularly those from the Conservation Architect who observed the site is highly visible being close to the ferry disembarkment area, however were largely content with the proposals (as revised) subject to design (the original submission proposed a 2 storey dwelling). PHB also noted this is a sensitive site with the CA, whereby the recommended guidelines for new development should be adhered to.

1 representation was received for this Outline application with concerns regarding the levels, however a later representation was received advised they were content with the revised proposals

R/2007/1303/F- Adjacent to no.2 The Slip, Dwelling, Full, Approval, 05-06-08, Applicant: Mr L Burnett

Following the granting of the above Outline permission in July 2007, this Full application was then received in Dec 2007, and was subsequently approved in June 2008.

This Full permission included 10 conditions, whereby 5 drawings were stamped granted (site location, site plan, and detailed plans including sections), showing a detached dwelling again to the rear side of the existing dwelling which was 1 1/2 storey to the front and single storey in form to the rear with roof lights. This dwelling was again raised above the existing dwelling (FFL of existing dwelling 2.7m, FFL of proposed dwelling 4.2m). The existing access point was again to be widened to provide a paired/shared access with 2 parking spaces for each the existing and proposed dwelling. Only a strip of lands immediately to the rear of the existing dwelling was allocated as amenity space for the existing dwelling.

As part of this application consultation was undertaken with Transport NI (formerly Roads Service), NIW, PHB, PHM, and the Conservation Officer.

The consultee comments are again noted in particular those from the Conservation Officer and PHB (due to sensitive location of the site).

The Conservation Architects requested several amendments as the proposals changed from the Outline to the detriment of the design. This was challenged and rebutted by the agent which was accepted. PHB again noted this is a sensitive site with the CA, whereby the recommended guidelines for new development should be adhered to.

No 3rd party objections were received for this Outline application.

### **Consultees**

Having account the location, zonings and constraints of the site and nature of this proposal consultations have been carried out with Transport NI, NI Water, NIEA, Rivers Agency, Shared Environmental Services, Historic Environment Division (HED) and Environmental Health.

It is not considered necessary to seek any further comments from any other body to assess or determine this application.

It is noted TNI, Shared Environmental Services, NIW, Rivers Agency and NIEA offer no objections in principle, however HED (Buildings have made a number of comments, expressed concern and requested further information.

### **Representations**

None received to date (13-09-17)

As part of the processing of this application, having account the extent of the red line, neighbour notification was initially carried out with a number of properties within The Slip, Cuan Mews, and Harbour Office in June 2017, while the application was also advertised in the local press in June 2017.

### **Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS7 and Addendum, PPS11, PPS12, PPS15 and supplementary guidance including Strangford Conservation Area guidance document and DCAN's.**

As outlined above the site is located within the settlement development limits of the village of Strangford, within the Conservation Area and Area of Archaeological Potential as identified in the Ards and Down Area Plan 2015. It is also noted there are several listed structures/buildings in the vicinity of the site, whereby this area includes a mix of uses. This site is adjacent to the Lifeboat station and slipway. Listed Buildings in the vicinity of the site include Stella Maris Church, 1 The Square, 1 Quay Road, 6 The Quay, as indicated by Historic Environment Division (Buildings)

The site outlined red comprises the dwelling and curtilage of no.2 The Slip, whereby it is clear from the history outlined above there is a previous permission for a new dwelling on this site.



It is noted this permission was never enacted and has since expired, whereby the Addendum to PPS7, a revised PPS2 and SPPS have been issued since the issuing of the previous application in 2008.

The dwelling now proposed will again be located in the rear garden of no.2, with the existing dwelling again retained. The existing entrance is to be used to serve both the existing and proposed dwelling.

This proposed dwelling will be elevated above road level, whereby the FFL will be 1.8m above road level, whereby the dwelling will sit gable end to the road, and will be 7.7m high above FFL.

This dwelling will be finished in local stone along the front facade with smooth render finish to the remainder of the walls, black upvc double glazed windows and RWGs and natural roofing slate and flue.

As outlined above this site is centrally located within Strangford Conservation Area, whereby it is considered the height, scale, massing, appearance and finishes of the dwelling proposed are out of keeping and unacceptable for this sensitive site, which is also significantly elevated above road level, and is contrary to policy BH12 of PPS6.

This site is immediately adjacent to the slipway of the ferry terminal and harbour area, whereby it is considered it plays an important role along the lough frontage within the Conservation Area, particularly when a person dis-embarks from the ferry and arrives into this historic village of Strangford.

It is considered the existing built development facing towards and visible from the lough is largely traditional in form comprising modestly scaled buildings of simple design and sympathetic in appearance and finish, which also respect existing ground levels.

It is considered this 2 storey dwelling which will be elevated and sitting gable end to the road (1.8m above road level), will create an unduly prominent impact when viewed from the surrounding area, whereby the design and finishes are unsympathetic and out of keeping in this sensitive area.

(The previously approved dwelling, although elevated was considered to be sited and designed to better respect the character of this sensitive area).

The recent works to several properties along Stella Maris Street are noted, however it is considered this development remains unacceptable.

As outlined above the site is also located in an AONB as well as a Conservation Area, whereby any new developments are required to be appropriate in use and sensitive in siting, scale, layout, design and materials both in itself and in relation to adjoining buildings, spaces and views, as per the requirements of DES2

(Townscape) of the Planning Strategy for rural NI. This policy also states that the highest standards of architectural design and detailing are necessary and should be employed in all extensive new developments and particularly in all developments within existing Conservation Areas.

Building designs need to be architecturally sympathetic to the important townscape elements of sensitive locations such as a Conservation Area.

It is considered the siting, scale, design, layout, appearance and materials of the dwelling proposed are unsympathetic and inappropriate for this sensitive locality, and would, if approved detract from the character and appearance of the area.



It is also noted there are several Listed Buildings in the vicinity of the site, whereby HED have expressed concern and requested further information to assess if the proposal complies with Policy BH11 (Development Affecting the Setting of a Listed Building) of PPS6. It is noted the agent/applicant have requested the application be determined as submitted, and do not intend on amending the scheme, and as there are a number of concerns it is considered there is no merit in holding the application to request the information requested by HED.

HED have advised they cannot make an informed decision or recommendation on the basis of the information submitted, and in order to take account their concerns an additional (insufficient information) refusal reason has been included.

It is noted the existing entrance is to be used to serve both the existing and proposed dwelling with a large area of hard-standing to the front to allow for cars to park and turn within the site. This parking will be located behind a new 1.8m high wall which will replace the existing wall. (This is similar to that previously approved).

The dwelling will be set behind the parking area, with a retaining wall and steps providing access to the dwelling. The footprint of this proposed dwelling will occupy a large portion of the site, with only small pockets of usable amenity space available for the residents. The main area of amenity space is located to the side of the dwelling with only a small area to the rear which is not an ideal design solution. It is also noted no usable amenity space is being retained to the rear of the existing dwelling at no.2, with only a small strip of land immediately to the rear being retained.

(It is noted the previous Outline permission included retaining an area of amenity space for the existing dwelling, although the Full permission did not. However as outlined above both of these permissions have now expired).

It is considered the dwelling will result in unacceptable amenity issues on the adjoining residential property at no.1. While it is noted no.1 is vacant this is a residential property, whereby it is considered the dwelling proposed which includes a number of openings along the side gable facing no.1, will result in an unacceptable level of overlooking over this adjoining property. In addition it is considered this dwelling will also overshadow this adjoining property due to its size, elevated nature and proximity to the boundary. It is also considered the dwelling and raised garden area will overlook no.2. As such it is considered the proposal is contrary to PPS7. It is considered the dwelling will not result in any unacceptable impact on any other property due to its layout and spacing.

Taking into account the above it is considered the proposal is unacceptable being contrary to Policies PPS2, PPS6 and PPS7, and is not appropriate for this sensitive site.

As such Refusal is recommended.

### **Recommendation: Refusal**

**Reasons for refusal:**

- The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within Strangford Conservation Area and the development would, if permitted, detract from its character, appearance, and setting as it is not in sympathy with the characteristic built form of the area, whereby the design/scale/form/massing/proportions/height/alignment/materials/detailing do not respect the characteristics of adjoining buildings and do not conform with the guidance set out in the Strangford Conservation Area document.
- The proposal is contrary to Policy QD1(a) of Planning Policy Statement 7: Quality Residential Environments, in that the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of its layout, scale, design, proportions, massing and appearance.
- The proposal is contrary to Policy QD1(h) of Planning Policy Statement 7: Quality Residential Environments, in that the development will result in an unacceptable adverse effect on both no.1 and 2 The Slip by reason of overlooking, loss of light and overshadowing.
- The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland, as the siting, scale, layout, design and materials are not appropriate for this sensitive setting, and would, if approved, detract from the character and design of the area.
- Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (photomontage and site sections/elevations showing the water frontage of Strangford Village with the proposal and Listed Buildings in juxtaposition, and also and design and materials specifications for all boundaries and landscaping proposals), was required to allow Historic Environment Division (Buildings Unit) to determine whether the proposal complies with policy BH11 (Development affecting the Setting of a Listed Building) of PPS6, 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.

## Planning Committee Schedule of 11<sup>th</sup> October 2017

Planning reference: **LA07/2017/0875/F**

Proposal: **Proposed new Dwelling.**

Applicant: **Mr & Mrs Robert McGouran**

Location: **Adjacent to no2 The Slip, Strangford.**

Recommendation: **Refusal**

### Reasons

- **The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within Strangford Conservation Area and the development would, if permitted, detract from its character, appearance, and setting as it is not in sympathy with the characteristic built form of the area, whereby the design/scale/form/massing/proportions/height/alignment/materials/detailing do not respect the characteristics of adjoining buildings and do not conform with the guidance set out in the Strangford Conservation Area document.**
- **The proposal is contrary to Policy QD1(a) of Planning Policy Statement 7: Quality Residential Environments, in that the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of its layout, scale, design, proportions, massing and appearance.**
- **The proposal is contrary to Policy QD1(h) of Planning Policy Statement 7: Quality Residential Environments, in that the development will result in an unacceptable adverse effect on both no.1 and 2 The Slip by reason of overlooking, loss of light and overshadowing.**
- **The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland, as the siting, scale, layout, design and materials are not**



appropriate for this sensitive setting, and would, if approved, detract from the character and design of the area.

- Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (photomontage and site sections/elevations showing the water frontage of Strangford Village with the proposal and Listed Buildings in juxtaposition, and also and design and materials specifications for all boundaries and landscaping proposals), was required to allow Historic Environment Division (Buildings Unit) to determine whether the proposal complies with policy BH11 (Development affecting the Setting of a Listed Building) of PPS6, 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.

### Site Description

The site outlined in red comprises the dwelling and curtilage of No.2 The Slip, which includes a one and a half storey semi-detached dwelling with an integral garage, and enclosed yard and garden area bounded to the road by a wall. The garden area is slightly elevated above the existing dwelling and is bounded by existing vegetation.

The site is located within the development limits of Strangford, as identified in the Ards and Down Area Plan 2015.

The application site is adjacent to the harbour office and slipway.

### Planning Policies & Considerations

RDS

SPPS

PPS2

PPS3

PPS6

PPS7 & Addendum

PPS11

PPS12

PPS15

Ards & Down Area Plan 2015

DCAN 15

Strangford Conservation Area document



## Consultations and Representations

The following consultations were carried out

Transport NI

NIEA

NI Water

Rivers Agency

Shared Environmental Services

HED

Environmental Health

It is noted Transport NI, Shared Environmental Services, NIW, Rivers Agency and NIEA offer **no objections to the proposal**.

HED have made a number of comments expressing concern and requested further information.

**No public representations** have been received in relation to the proposal.

## Assessment of reasons for Refusal

### Reason 1

This reason argues that the proposal is unsympathetic with the characteristic built form and does not respect the characteristics of adjoining buildings.

The adjoining buildings vary in design forms (see photos at rear of report).

It must be argued that the building is sympathetic with the adjoining properties and will be screened from pedestrians to provide privacy for the applicants by the existing and proposed boundary walls

### Reason 2

It must be argued that the proposal is designed to allow the applicant to avail of the views afforded from the site and the design which mimics similar buildings viewed from the critical viewpoint of the ferry slip.

The applicant is prepared to reduce the finished floor levels thus reducing the ground level and any concerns relating to appearance.

The critical view point is as stated from the approach of the ferry service and it has to be noted the site is set behind a 1.8m high existing wall thus reducing any impact that the proposal could cause.

A similar type development meets ferry passengers as they disembark on the Portaferry side of the Lough (see Photograph)

### **Reason 3**

This reason appears to be at variance with the previous approvals which were granted permission on the site. It is alleged that this proposal will cause overlooking, loss of light and overshadowing and it is difficult to see how this proposal would cause any more impact than that which was previously granted approval on the site.

It is noted No1 is unoccupied and the rear garden is occupied by several boats while No2 is in the ownership of the applicants.

### **Reason 4**

It is argued that the proposal is at variance to Policy DES2 and reference is made to siting, scale, layout, design and materials are not appropriate to the application area. This is refuted as the siting is in the area of the previous approval, scale is no greater than any other two storey dwelling and is set against the backdrop of existing structures and should it be considered necessary the applicants are prepared to lower the ground levels further should committee deem this necessary.

It has to be noted that the proposal is to be set behind the existing 1.8m high wall which bounds the site with the road while other boundaries are to be maintained and augmented as necessary.

### **Reason5**

The planning Department have indicated that additional information is required in the form of photomontages and site sections etc to allow HED to make further deliberations on the proposal.

The applicant accepts that they are not been requested to be put to further expenditure to have this work carried out as The Planning department feel that their proposal fails to satisfy other Planning Policies

The applicants are prepared have these works carried out when all the above reasons for refusal have been overcome but thanks the Planning Department for not putting them to unnecessary expense which could be deferred to later time.

It is hoped that when all other issues of concern have been overcome at Planning Committee that these expensive surveys will be completed prior to the issue of any decision



### **Overview**

The applicants have gone to a great deal of bother to design a dwelling which fits the site is screened by existing boundary wall and provides a dwelling which meets the needs of their family.

Every effort has been taken to avoid overlooking; overshadowing and the developers are prepared to reduce the ground level in an attempt to appease the Planning Department who suggest that the design and massing are not acceptable.

It has been accepted by the Planning Department that site is acceptable for the development of a dwelling and no public concern were raised and Traffic NI have raised no issues.

The site has been the subject of 2 previous approvals an outline application (14 conditions attached) and a subsequent full application ( 10 Conditions attached on this occasion) with no concerns in relation to proposed finished floor level in relation to finished floor level of existing properties or concerns in relation to overlooking or dominance.

Issues have been raised in relation to levels and also in relation to amenity space for both the new and existing dwelling which were not raised previously when permission was forthcoming.

### **Conclusion**

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling as applied for.



Photo1



Applicant existing dwelling on Right Side

Photo2



Adjacent House Designs overlooking Slip



Photo3



Dwellings overlooking Slip

Photo4



Ferry Terminal



Photo5



Life Boat House Portaferry

Photo6



Dwelling adjacent to Slip Strangford





View of Strangford from Portaferry

<b>ITEM NO</b>	<b>19</b>			
<b>APPLIC NO</b>	LA07/2017/1027/O	Outline	<b>DATE VALID</b>	7/6/17
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr and Mrs Douglas 91 Dunmore Road Spa Ballynahinch BT24 8PY		<b>AGENT</b>	Colin Trohear 14 Edendarriff Road Spa Ballynahinch BT24 8QF 02897 565261

**LOCATION** Land adjacent to 91 Dunmore Road Spa Ballynahinch

**PROPOSAL** Dwelling

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>		<b>SUP Letters</b>		<b>OBJ Petitions</b>		<b>SUP Petitions</b>	
					<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>	<b>Signatures</b>
	0		0		0		0	
					0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement 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 application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Policy BH11 of PPS 6 – Planning, Archaeology and Built Heritage in that insufficient information regarding the impact on the setting of a listed building has been submitted to enable the Authority to make an informed decision on the proposal.
- 3 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and PPS 3 Policy AMP 2 in that insufficient information has been submitted regarding the access arrangements to enable the Authority to make an informed decision on the proposal.





# Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

## Newry, Mourne and Down District Council

**Application Reference:** LA07/2017/1027/O

**Date Received:** 06.07.2017

**Proposal:** The application is for outline planning permission for a dwelling

**Location:** The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



site location



**Site Characteristics & Area Characteristics:**

The site accommodates an irregular shaped plot which is located within a larger agricultural field. The plot is located approx. 270m from the Dunmore Road, up a concrete laneway. As the plot is taken from a larger field, the NE and SE boundaries are undefined. There are mature boundaries to the larger field comprising mature hedgerow and trees. The land further NE appears to be very marsh. The land here is much lower than the level of the laneway. To the NW of the site is the applicants dwelling which is a Grade B1 Listed Building. The building is sited gable on and there are a number of outbuildings in close proximity to the dwelling, some comprising natural stone and others painted white render, with natural slate roof. A low stone wall encompasses the curtilage of the listed building which is shared with the boundary of the site. There is an area of hardstanding adjacent to the outbuildings.





### Site History:

R/1992/0172 91 Dunmore Road Spa Ballynahinch, Improvements To Dwelling And New Roof Over Rear Extension Permission Granted

R/1992/0173 91 Dunmore Road Spa Ballynahinch Improvements To Dwelling And New Roof Over Rear Extension Permission Granted

R/1993/0239 91 Dunmore Road Spa Alterations And Extension To Dwelling Permission Granted

R/1993/0197 91 Dunmore Road Spa Ballynahinch Alterations And Extensions To Dwelling Permission Granted

R/1999/0891/F 91 Dunmore Road, Ballynahinch, Single Storey Rear Extension And Minor Alterations Including Partial Demolition Of Existing Outbuildings To Provide Clear Site For Extension. Permission Granted 27.10.1999

R/1999/0889/LB 91 Dunmore Road, Ballynahinch, Single Storey Rear Extension And Minor Alterations Including Partial Demolition Of Existing Outbuildings To Provide Clear Site For Extension. Permission Granted 27.10.1999.

### Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3, PPS 6 and PPS 21.

### Consultations:

NI water – No objections

Transport NI –

NIEA Water management – No objections refer to standing advice



### **Objections & Representations**

In line with statutory requirements no neighbours have been notified. The application was advertised in the Mourne Observer and the Down Recorder on 26.07.2017. No letters of representation have been received in relation to the application to date.

### **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. 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.

#### **PPS 21 - Sustainable Development in the Countryside**

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

The applicant has put forward case for a single dwelling on the site, highlighting that the applicants want to build a modern energy efficient house for them and one of their sons. Within the statement they state that their preference would be for a traditional craft built house to complement their existing house and outbuildings. Thus when consideration is given to PPS 21 CTY 1, no specific policy has been put forward to consider the application under.

It does not meet policy CTY 2a as the site is not within a cluster. While there is a dwelling to be replaced, the supporting evidence makes it clear that this is an additional dwelling which they wish to complement their existing home at 91 Dunmore Road. In addition No 91 Dunmore Road is a Grade B1 Listed Building



which is of special architectural and historic interest and is protected under Section 80 of the Planning Act (NI) 2011. It would therefore not meet the criteria to be replaced under CTY 3. The application has not been submitted under special personal or domestic circumstances in line with CTY 6. In relation to CTY 10 and CTY 10 or CTY 7 on the basis of a farm dwelling or a non-agricultural business, no additional information has been provided in order to assess it under this criteria. At validation stage, no P1C form or Farm maps were submitted and the agent stated that he was aware of the policies of PPS 21. In addition, while the present use of the land is described under Q4 as farmland (used for grazing), it also states that it is currently let out in conacre. Agent indicated that there was 1 field. Therefore it has not been demonstrated that there is currently an active farm business and that it has been active for 6 years, thus it would not meet policies CTY 10 or CTY 7. The application does not meet CTY 8 as it is not an infill site.

PPS 6 – Planning, Archaeology and Built Heritage

#### **Policy BH 11:**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building;

The criteria in BH 11 will be influenced by a number of factors: *the character and quality of the listed building, the proximity of the proposal to it, the character and quality of the setting and the extent to which the **proposed development and the listed building will be seen in juxtaposition.***

HED acknowledge that this application is outline only, the level of detail submitted is insufficient to assess the proposal and more detailed information like contextual elevations and site sections and photographs of the existing structures on site, the listed building and existing boundaries would be required.

Since the principle of a dwelling is not acceptable, then no further information has been requested from the agent.

#### **Conclusion**

The proposal is considered against the criteria of CTY 1 of PPS 21 and fails to comply with any of the relevant planning policies within this. Without any overriding reasons why development is essential at this location, then refusal is recommended.

**Recommendation:**

Refusal

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement 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 application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Policy BH11 of PPS 6 – Planning, Archaeology and Built Heritage in that insufficient information regarding the impact on the setting of a listed building has been submitted to enable the Authority to make an informed decision on the proposal.
3. The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and PPS 3 Policy AMP 2 in that insufficient information has been submitted regarding the access arrangements to enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

<b>ITEM NO</b>	<b>16</b>			
<b>APPLIC NO</b>	LA07/2017/0705/F	Full	<b>DATE VALID</b>	5/11/17
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr and Mrs P McGreevy 103 Manse Road Raffrey Crossgar BT30 9LZ	<b>AGENT</b>	8a Architects Ltd 8a Catherine Street Killyleagh BT30 9QQ 028 4482 1323	
<b>LOCATION</b>	Existing Commercial premises and offices 103a Manse Road Raffrey Co Down BT30 9LZ			
<b>PROPOSAL</b>	Removal of existing commercial premises and offices and construction of proposed dwelling and garage for residential purposes			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 The proposal is contrary to Strategic Planning Policy Statement (SPPS) 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 Strategic Planning Policy Statement (SPPS) and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the redevelopment would not bring significant environmental benefits.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0705/F

**Date Received:** 11<sup>th</sup> May 2017

**Proposal:** Removal of Existing Commercial Premises and offices and construction of proposed dwelling and garage for residential purposes

**Location:** 103a Manse Road, Raffrey, Co. Down



#### **Site Characteristics & Area Characteristics:**

The site is comprised of a 0.35 hectare site which contains, an existing commercial business, the basis of which is not known. The business occupies an existing single storey building of concrete construction. The site is accessed via an existing private lane which serves No 103 (a dwelling) and No 103a the business premises and offices, adjacent to which there is an enclosed garden area, which is defined on all sides by mature vegetation.

The site is not visible from the public road, due to its set back location and screening by the intervening dwellings.

The site is located within the rural area, outside any settlement limit as designated in the Ards and Down Area Plan 2015.

### **Site History:**

LA07/2016/1115/O – 50m NE of 101a Manse Rd Raffrey – Dwelling – REFUSAL CTY 1 & 8

LA07/2015/0958/F – 50m NE of 101a manse Rd Raffrey – Dwelling – REFUSAL CTY 1, 2a, 6 and 8

LA07/2015/0056/O – Lands to the rear of 105 Manse Rd, Raffrey – dwelling REFUSAL CTY 1 and 6

R/2007/0680/F – Lands at 103 Mase Rd Raffrey – redevelopment of existing PVC window manufacturing business to purpose built showroom with staff facilities – APPROVAL

### **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

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

### **Consultations:**

Transport NI – Requested information regarding the access and an amended 1:500 showing sight splays

NI Water - No objections

NIEA Water Management Unit – No objections, Standard informatives apply

NIEA Natural Heritage & Conservation Areas – Site within an area of sensitivity for

NI priority habitat or priority species – biodiversity checklist should be completed

### **Objections & Representations**

The following neighbouring properties were notified on 23rd May 2017:

- 87, 87a, 87b, 89, 90, 91, 93, 97, 98, 99, 101, 10a 103, 105, 107, 109 and 111 Manse Rd Raffrey.

The application was advertised in the local press on 24<sup>th</sup> May 2017.

There have been no representations received in relation to this application.

### **Consideration and Assessment:**

The Ards and Down Area Plan 2015 (ADAP) is the local development plan for the proposal. The ADAP offers no policy or guidance in respect of the proposed development and is therefore not material. There is no conflict or change of 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 remains applicable to the proposed development.

Policy CTY 1 of PPS 21 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.

The proposal seeks full planning permission for the removal of an existing commercial premises and offices and construction of proposed dwelling and garage for residential purposes. While not specified in their submission, the applicant appears to be seeking to 'replace' the existing commercial premises and offices with a dwelling

Policy CTY 3 of PPS 21 would give favourable consideration to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. The buildings are not listed and they are not considered to make an important contribution to the heritage, appearance or character of the locality.

The applicant has indicated in their submission that the buildings are occupied by an existing trading commercial premises, that has been operating for 25 years and are registered for rates. The building is not therefore considered to be redundant and thereby fails to satisfy the requirements of CTY 3.

If, in the event the building were to be considered redundant, it is my opinion, that its replacement with a dwelling would not bring significant environmental benefits and indeed no such case has been presented by the applicant.



The proposal therefore fails to demonstrate how it complies with the requirements of Policy CTY 1 of PPS 21 and will therefore be recommended for refusal on this basis.

It is important to note at this point, that given the above assessment, the proposal is deemed fundamentally flawed from the outset and as such, the requests for additional information from Transport NI and NIEA have not been pursued, as it is not considered expedient to do so.

#### **Recommendation:**

#### **REFUSAL**

#### **REASON**

- 1. The proposal is contrary to Strategic Planning Policy Statement (SPPS) 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 Strategic Planning Policy Statement (SPPS) and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the redevelopment would not bring significant environmental benefits.**

**Re: LA07/2017/0705/F – REMOVAL OF EXISTING COMMERCIAL PREMISES AND OFFICES AND CONSTRUCTION OF DWELLING AND GARAGE – 103A, MANSE ROAD, RAFFREY**

This application has been scheduled to the 11<sup>th</sup> October Council meeting with an opinion to refuse. The applicant wishes to raise the following points in favour of his proposal.

**1. Consultations**

1. 1 When Neighbour Notification was undertaken with 17 nearby properties no objections were received
1. 2 When consultation was undertaken no objections in principle were received

**2. Background**

Pat McGreevy has been employed making windows since 1985, initially working with his older brother, Joe McGreevy. In 1987 Joe purchased 105, Manse Road from which he still carries out his window selling and fitting business.

In 1988 Pat McGreevy purchased the next-door property, No.103, from a retiring builder. No.103 had a corrugated builder's store to the rear which Pat used for window manufacture. In 1991 he received planning permission for a replacement shed for window manufacture and this shed is the subject of the current application.

Pat lives in No.103 and in the past made window frames in No.103A, the 1991 approved shed to the rear. The business provided windows for the construction trade, subcontracted to local builders, individual home builders and for home improvements. A main customer was his brother Joe, whose business was installing windows for his own clients. At this time Pat had 4 full time employees and felt the time was right to expand. In May 2008, under R/2007/0680/F, he obtained permission for the redevelopment of the existing No.103A PVC window manufacturing business to provide an enlarged workshop and a showroom with staff facilities. He had planned to expand his business and employ up to 7 permanent staff. Unfortunately, the 2008 economic crisis led to a major downturn in the construction industry. Lots of local building companies closed and the number of house completions plummeted, as did the market for new windows. Consequently the 2008 approval was not implemented.

**3. The Planning Framework**

The Case Officer's Professional Report clarifies that there is no change of policy raised by SPPS and that PPS21 remains the applicable planning policy. Policy CTY3 Replacement Dwellings states that: -

*"Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling where the redevelopment would bring significant environmental benefits and, provided the building is not listed or makes an important contribution to the heritage, appearance or character of the locality."*

**4. Evidence that No.103A is a Redundant Non-Residential Building**

Up until the 2008 economic crisis Pat McGreevy had a very successful business manufacturing, supplying and fitting windows. He had 4 full time employees together with part time employees when required, and was considering expansion. His successful R/2007/0680/F application was for a bigger workshop and trade showroom. He envisaged short term expansion to 6-7 full time employees. The virtual collapse of the construction industry had an immediate adverse impact on his window business. He had to let all his employees go and the trade showroom and manufacturing

element of his business ceased. He had to search around for any small jobs such as home improvements or extensions. His company Specialist Archways Ltd went into receivership in July 2010 and Pat became unemployed. No.103A was closed up and lay vacant.

In 2013 he opened a new company- Specialist Home Improvements, doing home improvements and extensions. His work entailed visiting clients on site and fitting windows purchased from trade suppliers. The new business struggled on and eventually in 2014 /2015 the construction industry began to revive. Pat's business gradually picked up and he began purchasing windows on a regular basis from Belfast based Dessian PVCu Fabricators. His brother Joe, formerly a major customer for Pat's manufactured frames, began to buy from Dessian through Pat. Normally the frames would be stored in the shed to the rear of Joe's house or to the rear of Pat's house. (See Appendix 1 Invoices form Dessian). The Rating Authority's annual inspections showed that this was the case and the workshop was de-rated. (See Appendix 2 Rating Bills for 3<sup>rd</sup> December 2014, 19<sup>th</sup> October 2016 and 28<sup>th</sup> June 2017).

### **5. Siting and Appearance of No.103A**

The proposal is sited in the rural area outside the Development Limit of Darragh Cross as designated in the Ards Down Area Plan 2015. The subject building is of a nondescript appearance, being a single storied concrete construction (See Photos 1 & 2 below). It is sited within an unkempt 0.35ha yard to the rear of No.103. As the Site Location shows, its access is the continuation of the private laneway serving No.103. As the Case Officer's Report states the workshop building is not seen from Manse Road. Accordingly, it does not make an important contribution to the heritage, appearance or character of the locality.

The Site Layout map (Appendix 3) shows that the workshop is adjoined by No.105 (applicant's brother- Joe McGreevy's house) to the west and No.101 (applicant's sister-in-law's house) to the south. To the north west there are 2 agricultural fields and to the north east there are 2 residential properties. The applicant would claim that the workshop is an incongruous non-conforming land use within a residential area. Because of its limited usage No.103A is not in excellent repair, its surrounds are untidy, and over time its condition will gradually deteriorate further.



**Photograph 1: 103a Manse Road. Window Frame workshop viewed from the south.**





**Photograph 2: 103a Manse Road. Window frame workshop viewed from the east.**

## **6. The Proposal**

The application is for a 160m<sup>2</sup> single storey detached dwelling with a 37.5m<sup>2</sup> garage (Appendix 4). In the applicant's view this proposed residence would be much more in conformity with the adjoining housing development.

Pat McGreevy has a 27-year-old son, Paul, who is single and currently lives with his parents. Paul has a steady girlfriend and plans to become engaged on his birthday in early October. He hopes to get married in mid-2018, and subject to Council granting approval would like to set up home in the replacement dwelling.

**APPENDIX 1**  
**(INVOICES FROM DESSIAN)**

# Invoice



Dessia Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

Patrick McGreevy ta  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZ

Order Number: **363435**  
Your Reference: **PAT S.H.I**  
Processed Date: 16-Aug-2017  
Invoice Number: 336686  
Invoice Date: 22-Aug-2017  
Fax Number: 02844 831338  
Vat Number: 876812190

			Pricing	Qty	Gross	Nett
<b>1</b>	703 Casement					
	O/A Sizes 1815mm x 1202mm (C131)	White		1	£174.75	£82.98
<b>2</b>	703 Casement					
	O/A Sizes 2262mm x 1640mm (C29)	White		1	£310.50	£144.63
<b>3</b>	703 Casement					
	O/A Sizes 1705mm x 1195mm (C13)	White		1	£167.75	£79.97
<b>4</b>	703 Casement					
	O/A Sizes 1485mm x 1125mm (C13)	White		1	£159.75	£76.53
<b>5</b>	703 Casement					
	O/A Sizes 1300mm x 1142mm (C13)	White		1	£154.75	£74.38
<b>6</b>	703 Casement					
	O/A Sizes 1140mm x 1055mm (C13)	White		1	£147.75	£71.37
<b>7</b>	703 Casement					
	O/A Sizes 1565mm x 1055mm (C133)	White		1	£150.75	£70.38
<b>8</b>	703 Casement					
	O/A Sizes 1780mm x 1205mm (C13)	White		1	£172.75	£82.12
<b>9</b>	703 Casement					
	O/A Sizes 480mm x 2130mm (C1)	White		1	£72.06	£30.59
<b>10</b>	703 Single Door					
	O/A Sizes 950mm x 2130mm (D1R)	White		1	£364.00	£149.24

Cash ONLY on Delivery

Carriage	£0.00
Total	£862.19
VAT @ 20.00%	£172.44
Total (Incl. VAT)	£1,034.63
Balance Due	£1,034.63





# Invoice

Dessia Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

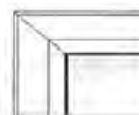
Patrick McGreevy ta  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZ

Order Number: **362912**  
Your Reference: **JOE PAUL MURRY**  
Processed Date: 11-Aug-2017  
Invoice Number: 336354  
Invoice Date: 17-Aug-2017  
Fax Number: 02844 831338  
Vat Number: 876812190

			Pricing	Qty	Gross	Nett
<b>1</b>	703 Casement O/A Sizes 2090mm x 1203mm (C131)	White		1	£175.75	£81.13
<b>2</b>	703 Casement O/A Sizes 2090mm x 1205mm (C131  Rev	White		1	£179.75	£85.13
<b>3</b>	703 Casement O/A Sizes 2095mm x 1195mm (C131)	White		1	£171.75	£81.69

Cash ONLY on Delivery

Carriage	£0.00
Total	£247.95
VAT @ 20.00%	£49.59
Total (Incl. VAT)	£297.54
Balance Due	£297.54

**Invoice****Dessia** 133

Dessian Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

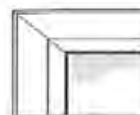
Patrick McGreevy ta  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZ

Order Number: **352553**  
Your Reference: **S.H.I**  
Processed Date: 4-May-2017  
Invoice Number: 326286  
Invoice Date: 11-May-2017  
Fax Number: 02844 831338  
Vat Number: 876812190

1	706 Single Door		Pricing	Qty	Gross	Nett
	O/A Sizes 920mm x 2120mm (D2R)	Black		1	£546.85	£234.64

Cash ONLY on Delivery

Carriage	£0.00
Total	£234.64
VAT @ 20.00%	£46.93
Total (Incl. VAT)	£281.57
Balance Due	£281.57

**Invoice****Dessia** 134  
PVC Fabricators

Dessia Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

Patrick McGreevy ta  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZOrder Number: **310509**  
Your Reference: **Pat SHI**  
Processed Date: 7-Mar-2016  
Invoice Number: 284972  
Invoice Date: 14-Mar-2016  
Fax Number: 02844 831338  
Vat Number: 876812190

1	703 Double Door	Pricing	Qty	Gross	Nett
	O/A Sizes 1370mm x 1900mm (F1)	White	1	£727.00	£276.26

Cash ONLY on Delivery

Carriage	£0.00
Total	£276.26
VAT @ 20.00%	£55.25
Total (Incl. VAT)	£331.51
Balance Due	£331.51



**Invoice****Dessian** 135  
PVCu Fabricators

Dessian Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

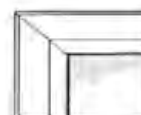
Patrick McGreevy ta  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZOrder Number: **306603**  
Your Reference: **JOHN OHARE**  
Processed Date: 29-Jan-2016  
Invoice Number: 281173  
Invoice Date: 4-Feb-2016  
Fax Number: 02844 831338  
Vat Number: 876812190

		Pricing	Qty	Gross	Nett
<b>1</b>	706 Casement O/A Sizes 1810mm x 1070mm (C1)	Black	1	£121.00	£48.40
<b>2</b>	706 Casement O/A Sizes 1795mm x 1070mm (C1)	Black	1	£118.00	£47.20
<b>3</b>	706 Single Door O/A Sizes 915mm x 2120mm (D2L)	Black	1	£520.35	£198.32

Cash ONLY on Delivery

Carriage	£0.00
Total	£293.92
VAT @ 20.00%	£58.78
Total (Incl. VAT)	£352.70
Balance Due	£352.70

## Invoice


**Dessian** 136  
 PVC Fabricators

Dessian Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

 Patrick McGreevy ta  
 103 Manse Road  
 Raffrey  
 Crossgar  
 BT30 9LZ

 Order Number: **304096**  
 Your Reference: **ROSE**  
 Processed Date: 6-Jan-2016  
 Invoice Number: 279141  
 Invoice Date: 18-Jan-2016  
 Fax Number: 02844 831338  
 Vat Number: 876812190

			Pricing	Qty	Gross	Nett
<b>1</b>	703 Casement	Back Bed RHS				
	O/A Sizes 1810mm x 1218mm (C131)	White		1	£174.75	£78.15
<b>2</b>	703 Casement	Back				
	O/A Sizes 1210mm x 1215mm (C131)	White		1	£157.75	£68.95
<b>3</b>	703 Casement	Bath Room				
	O/A Sizes 895mm x 900mm (C133)	White		1	£121.97	£53.57
<b>4</b>	703 Casement	Kitchen				
	O/A Sizes 1218mm x 905mm (C133)	White		1	£138.75	£61.35
<b>5</b>	703 Casement	Back LHS				
	O/A Sizes 1585mm x 1185mm (C131)	White		1	£157.75	£68.95
<b>6</b>	703 Casement	Living Room				
	O/A Sizes 2440mm x 1520mm (C29)	White		1	£308.50	£135.10
<b>7</b>	703 Casement	Front Mid				
	O/A Sizes 1820mm x 1220mm (C141)	White		1	£169.75	£73.75
<b>8</b>	703 Casement	Front LHS				
	O/A Sizes 1820mm x 1220mm (C141)	White		1	£169.75	£73.75
<b>9</b>	703 Single Door					
	O/A Sizes 865mm x 2035mm (D2R)	White		1	£450.76	£187.88

Cash ONLY on Delivery

Carriage	£0.00
Total	£801.45
VAT @ 20.00%	£160.29
Total (Incl. VAT)	£961.74
Balance Due	£961.74

**Invoice****Dessiar** 137  
PVCu Fabricators

Dessiar Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

Patrick McGreevy to  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZOrder Number: **288543**  
Your Reference: **Gordon Joe**  
Processed Date: 6-Aug-2015  
Invoice Number: 265835  
Invoice Date: 28-Aug-2015  
Fax Number: 02844 831338  
Vat Number: 876812190

			Pricing	Qty	Gross	Nett
<b>1</b>	706 Casement					
	O/A Sizes 672mm x 1930mm (C11)	Special - Special Foil		1	£127.72	£127.72
<b>2</b>	706 Casement					
	O/A Sizes 663mm x 1925mm (C11)	Special - Special Foil		1	£127.72	£127.72
<b>3</b>	706 Casement					
	O/A Sizes 695mm x 1930mm (C11)	Special - Special Foil		1	£127.72	£127.72
<b>4</b>	706 Double Door					
	O/A Sizes 1504mm x 2075mm (F1)	Special - Special Foil		1	£594.70	£594.70

Cash ONLY on Delivery

Carriage	£0.00
Total	£977.86
VAT @ 20.00%	£195.57
Total (Incl. VAT)	£1,173.43
Balance Due	£1,173.43



**Invoice**

Dessial Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

Patrick McGreevy ta  
103 Manse Road  
Raffrey  
Crossgar  
BT30 9LZ

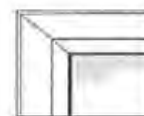
Order Number: **274124**  
Your Reference: **Thomas Blane**  
Processed Date: 9-Mar-2015  
Invoice Number: 249857  
Invoice Date: 13-Mar-2015  
Fax Number: 02844 831338  
Vat Number: 876812190

1	703 Single Door	SAP	Pricing	Qty	Gross	Nett
	O/A Sizes 910mm x 2100mm (D1R)	White		1	£364.00	£138.32
2	703 Casement		Pricing	Qty	Gross	Nett
	O/A Sizes 1935mm x 1210mm (C131)	White		1	£183.74	£75.90
3	703 Casement	SAP	Pricing	Qty	Gross	Nett
	O/A Sizes 1035mm x 1500mm (C11)	White		1	£145.68	£58.28

Cash ONLY on Delivery

Carriage	£0.00
Total	£272.50
VAT @ 20.00%	£54.50
Total (Incl. VAT)	£327.00
Balance Due	£327.00

## Invoice


**Dessia** 139  
 PVCu Fabricators

Dessia Products Ltd, 9 Apollo Road, Adelaide Industrial Estate, Belfast, BT12 6HP Tel: 028 9038 1118 Fax: 028 9066 0741

 Patrick McGreevy ta  
 103 Manse Road  
 Raffrey  
 Crossgar  
 BT30 9LZ

 Order Number: **274242**  
 Your Reference:  
 Processed Date: 9-Mar-2015  
 Invoice Number: 249858  
 Invoice Date: 13-Mar-2015  
 Fax Number: 02844 831338  
 Vat Number: 876812190

			Pricing	Qty	Gross	Nett
<b>1</b>	703 Casement					
	O/A Sizes 1800mm x 920mm (C131)	White		1	£138.00	£55.20
<b>2</b>	703 Casement					
	O/A Sizes 1195mm x 920mm (C11)	White		1	£130.00	£52.00
<b>3</b>	703 Casement					
	O/A Sizes 1185mm x 1068mm (C133)	White		1	£134.00	£53.60
<b>4</b>	703 Casement					
	O/A Sizes 1195mm x 1065mm (C131)	White		1	£138.00	£57.60
<b>5</b>	703 Casement					
	O/A Sizes 1198mm x 1070mm (C11)	White		1	£131.00	£52.40
<b>6</b>	703 Casement					
	O/A Sizes 1785mm x 1075mm (C20)	White		1	£209.00	£83.60
<b>7</b>	703 Casement					
	O/A Sizes 2380mm x 1520mm (C20)	White		1	£262.00	£104.80
<b>8</b>	706 Single Door					
	O/A Sizes 1590mm x 2080mm (D122)	White		1	£570.26	£238.66
<b>9</b>	706 Single Door					
	O/A Sizes 852mm x 2065mm (D2L)	White		1	£385.13	£161.33
<b>10</b>	706 Casement					
	O/A Sizes 550mm x 1070mm (C1)	White		1	£62.26	£25.98

Continued ....

**APPENDIX 2  
(RATING BILLS)**





Land &  
Property  
Services

Application Team  
Land & Property Services  
Lanyon Plaza  
7 Lanyon Place  
BELFAST  
BT1 3LP  
Tel: 0300 200 7801  
(call charged at local rate)  
If outside UK dial +44 28 9049 5794

Text Relay: 18001 0300 200 7801  
[www.nidirect.gov.uk/rates](http://www.nidirect.gov.uk/rates)  
[applicationbased.reaterelief@dfpni.gov.uk](mailto:applicationbased.reaterelief@dfpni.gov.uk)

Name:	Patrick McGreevy	Ratepayer No:	5522954
Address:	103 MANSE ROAD CROSSGAR BT30 9LZ	Exemption Ref:	NDVRE
		Date:	3 December 2014

Dear Sir,

**Non- Domestic Vacant Rating Exclusion  
Application for Exclusion on 103A, MANSE ROAD, CROSSGAR, DOWNPATRICK, BT30 9LZ**

I refer to your application for exemption from non-domestic vacant rating and confirm that an exemption has been awarded.

This exemption has been awarded from 07/07/2010. You have been granted this exemption because the property is a qualifying industrial hereditament.

You must advise Land & Property Services if there is any change that may affect your entitlement to the above exemption.

If you have any queries please contact a member of the Application Based Rate Relief team on the above telephone number.

Yours faithfully,

**Gareth Dowling**  
Rating Officer  
LPS Application Based Team



Land &  
Property  
Services

Application Based Rate Relief Team  
Land & Property Services  
Lanyon Plaza  
7 Lanyon Place  
BELFAST  
BT1 3LP  
Tel: 0300 200 7801  
Text Relay: 18001 0300 200 7801  
[www.nidirect.gov.uk/rates](http://www.nidirect.gov.uk/rates)  
[applicationbased.raterelief@finance-ni.gov.uk](mailto:applicationbased.raterelief@finance-ni.gov.uk)

---

Name:	Patrick McGreevy	Ratepayer No:	5522954
Address:	103 MANSE ROAD, CROSSGAR, BT30 9LZ	Application ID:	203571
		Date:	19 October 2016

---

Dear Sir/Madam,

**VACANT RATING**

Review of Exemption awarded on 103A, MANSE ROAD, CROSSGAR, DOWNPATRICK, BT30 9LZ

I refer to the review questionnaire completed by you for the Vacant Rating Exemption in respect of the above property.

I wish to advise you that the award for the Vacant Rating Exemption on your property at 103A, MANSE ROAD, CROSSGAR, DOWNPATRICK, BT30 9LZ will remain unchanged.

You must advise us if there are any changes that may affect your entitlement to the above exclusion.

If you have any queries, please feel free to contact Land and Property Services on 0300 200 7801.

Yours faithfully,

**Ursula Mullan**  
Rating Officer  
LPS Application Based Team





Land &  
Property  
Services  
Seirbhís  
Talún &  
Maoinne

P11357654 000023 1/1

Patrick McGreevy  
103 MANSE ROAD  
RAFFREY  
CROSSGAR  
BT30 9LZ



100

**Address of property for which rates are due:**  
103A Manse Road  
Crossgar  
Down  
BT30 9LZ

## Your Rate Bill

**Date of Issue:** 28 June 2017

This bill is issued for exempt or excluded property rates.

**This bill is for reference only as the property is currently in receipt of the help with rates as described overleaf.**

<b>Occupancy ID</b>	<b>02153871</b>
<b>Account ID</b>	<b>01948617</b>
<b>Ratepayer ID</b>	<b>05522954</b>

**For the bill in Irish or other languages and formats, or for enquiries:**

**Don bhille as Gaeilge, i dteangacha agus i bhformáidí eile, nó d'fhiosrúcháin:**

**Helpline** Dial 0300 200 7801  
From outside the UK,  
dial +44 28 9049 5794  
**(Monday - Friday, 9am - 5pm)**  
Calls charged at local rate.  
Calls from mobiles may cost more.

**Text Relay** 18001 0300 200 7801

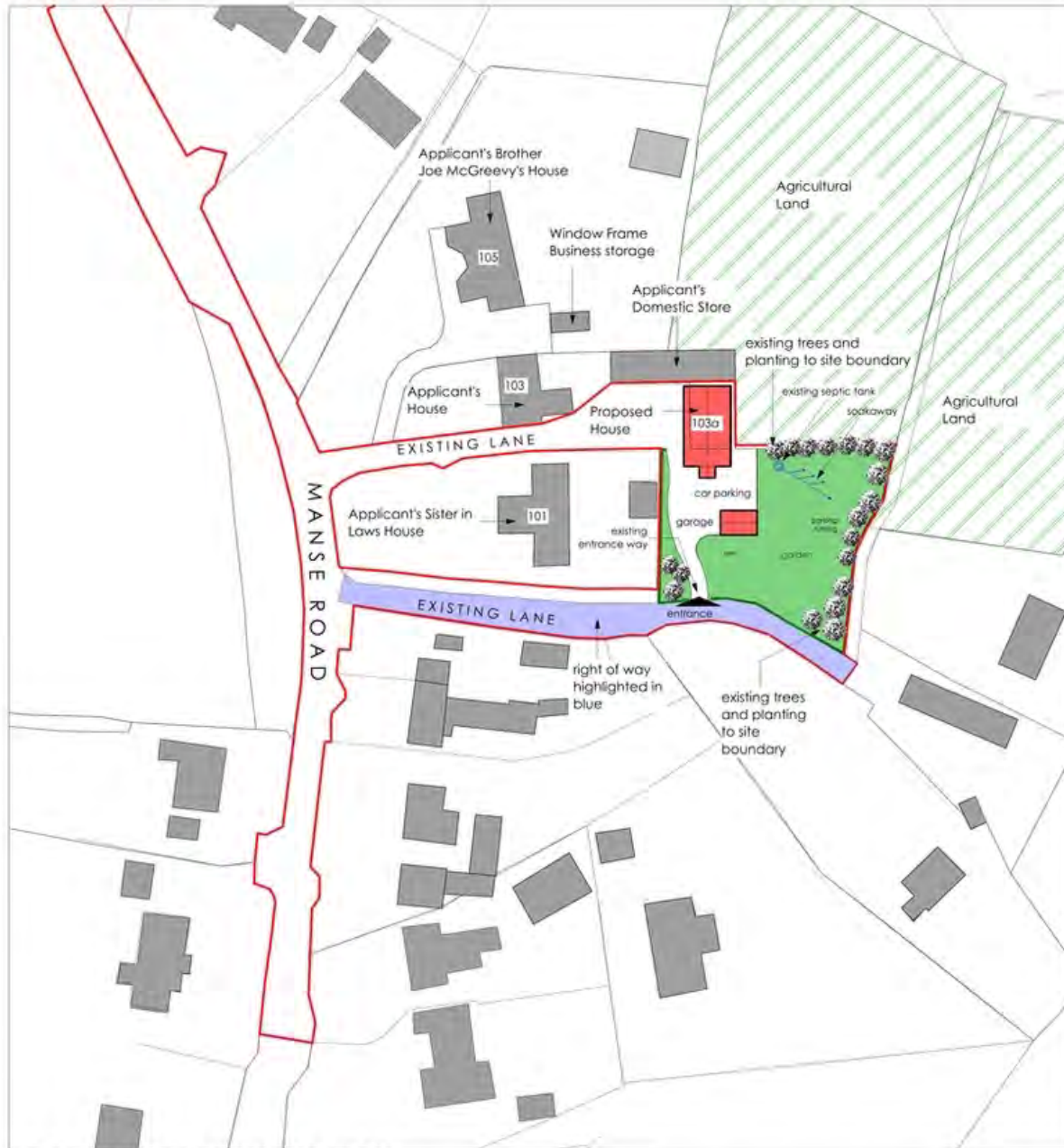
**Online** [www.nidirect.gov.uk/rates](http://www.nidirect.gov.uk/rates)  
[www.nibusinessinfo.co.uk/rates](http://www.nibusinessinfo.co.uk/rates)

**Total Amount Due** **£0.00**

**\*\*If the circumstances relating to this exemption / relief / allowance have changed you must contact Land & Property Services immediately to avoid a backdated bill.\*\***



APPENDIX 3



PROPOSED SITE LAYOUT PLAN



The contractor shall be responsible for obtaining all necessary permits, licences, and approvals from the relevant authorities. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant codes of practice, standards, and regulations. The contractor shall be responsible for ensuring that all work is carried out in a safe and sound manner. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant codes of practice, standards, and regulations. The contractor shall be responsible for ensuring that all work is carried out in a safe and sound manner. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant codes of practice, standards, and regulations. The contractor shall be responsible for ensuring that all work is carried out in a safe and sound manner.

**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and/or Developer to ensure the project is built in accordance to the approved planning Building Control details and approval notices, otherwise they may be in contravention of planning approval and non-compliance with Building Regulations for completed/unauthorised works and be subject to an enforcement procedure, resulting in fines and/or removal of unauthorised works.  
 Any work commencing on site prior to the issue of Planning Permission or a valid Certificate of Occupancy will be done at total risk to applicant and contractor.  
 The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the local District Planning Office or the local Council Building Control Department, which will result in identification of mistakes by the architect due to non-compliance. Changes made on site will require submission to the Planning Dept and Building Control for their consent, prior to continuing work.  
 Contractor / Designer / Purchaser to verify and make themselves aware of all dimensions, boundaries, existing & proposed site levels, site conditions, ground topography, easements, etc. prior to commencement of any work on site and to be satisfied that the works can be executed as shown & specified and any discrepancies to be notified to the architect immediately.  
 All drawings and specifications related to this building project are copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion Certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at the owner's risk and responsibility. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site. Confirm this with their property insurance company prior to any work commencing on site that insurances are in place before / during and after construction.  
 All contractors and sub-contractors to have insurance prior to starting work.

**NOTE TO PROPERTY / SITE OWNER REGARDING HEALTH AND SAFETY REQUIREMENTS**  
 Prior to commencing work on the property / site owner to make themselves familiar with health and safety requirements as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the health and safety executive. Tel: 028 90 235363 or on their website at [www.hse.gov.uk](http://www.hse.gov.uk)

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
 The position of the proposed building and levels shown on the approved site plan drawings are where the building / buildings are to be placed and are to be moved at the discretion of the groundworks / piling contractor or applicant from that which is already approved, if the groundwork contractor moves the position of buildings on the contrary to the approved position, it will be done at the client / applicant and the architect / client will bear no responsibility for these actions.

**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
 All contractors and sub-contractors to be familiar with health and safety requirements and stipulations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the health and safety executive. Tel: 028 90 235363 or view on their website at [www.hse.gov.uk](http://www.hse.gov.uk)

**CONTRACTOR AND SUB-CONTRACTORS**  
 Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage layout, identify hazards, boundary locations and conditions, site conditions and any additional work not identified on the drawings that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for his further instructions.  
 Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council of appropriate final notices relating to commencement, certain stages, and completion of the work.  
 Contractor to carry out an asbestos survey prior to any work commencing. Certificates to be provided to architect for plumbing / heating / electrical and any regulations on occupation of works.

Do not scale from drawings. Builder to check all dimensions on site. No Architects to retain copy and moral rights to this drawing & issue thereon.	Revision:

	8 ARCHITECTS LTD 50 Colville Street, Liversidge, Downpatrick, BT30 1QG Ph: 028 4482 1323 F: 028 4482 1732 Email: 8.architects.com www.8.architects.com	<b>Proposed Dwelling &amp; Garage</b> JOB No. 17008 drawing scale 1:500 @ A3 Client Mr & Mrs McGreevy checked JW Address 103a Manse, checked JW Woodrolley, DWG issue 5/10/2017 County BT30 1QA	Status: PLANNING PL05

**APPENDIX 4**



**Proposed Finishes:**

- Concrete ridge and roof tiles
- PVC rainwater goods fascia and barges
- Smooth render plaster finish with base. Natural stone as indicated
- Double glazed PVC windows and doors



proposed front elevation



proposed ground floor plan

**Health & Safety**  
 The contractor shall be responsible for ensuring that all workers are provided with the necessary PPE and other relevant regulations or codes of practice. On a domestic project the contractor will be responsible for informing the Health & Safety Executive for Northern Ireland at Lodge Drive, Belfast, and if, with a notification of Project (N) Form, which informs the Executive of details of the client, the contractor, the proposed site and specific details in respect of the project. On a commercial project, the contractor shall be responsible for ensuring that all workers are provided with the necessary PPE and other relevant regulations or codes of practice. Managing Construction Safety, produced by the Health and Safety Commission, the contractor shall also produce a Construction Health & Safety Plan to address the implications of these works and the construction, design and management of these works. This information is to be submitted and approved by the Health & Safety Consultant at least two weeks in advance of the contract commencing date. On completion of the works the Contractor will produce two copies of the Health and Safety file to the complete satisfaction of the Health & Safety Consultant, including details of all relevant documentation. One copy shall be retained by the client, the other by the Health & Safety Consultant. NDR: all building sites to be treated as hard hat areas

145

**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and Developer to ensure the project is built in accordance to the approved planning and Building Control details and approved notices otherwise they may be in contravention of planning legislation and non-compliance with Building Regulations for completed unnotified works and be subject to an enforcement procedure, resulting in fines and/or removal of unnotified works.  
 Any work commencing on site prior to the issue of Planning Permission or Building Control approval is not advised and will be done at total risk to applicant and contractor.  
 The architect will bear no responsibility for any alterations made on site by the client or contractor, from that information which has been approved by the local Planning Authority and the local Council Building Control Department, which will result in non-compliance charges made on site which require submission to the Planning Service and Building Control for their respective to continue work.  
 Contractor / Client / Purchaser to verify and make themselves aware of all dimensions, boundaries, existing & proposed site details, ground conditions, easements, restrictions, etc. prior to commencement of any work on site and to be advised that the works can be affected by design & specified and any discrepancies to be notified to the architect immediately.  
 All drawings and specifications related to this building project are copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion Certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at the client's risk. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / alterations works prior to work commencing on site. The client must ensure property insurance covers prior to any work commencing on site and insurance cover in place before / during and after construction.  
 All contracting and sub-contractors to have knowledge and to confirm this.

**NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS**  
 Prior to commencing work on the property / site owner to make themselves familiar with health and safety requirements as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the health and safety executive. Tel: 028 90 235363 or on their website of [www.hse.gov.uk](http://www.hse.gov.uk) [www.hse.gov.uk/northernireland](http://www.hse.gov.uk/northernireland)

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
 The position of the proposed buildings and levels shown on the approved site plan drawings are where the building / buildings are to be placed and are to be moved at the discretion of the groundwork / digging contractor or applicant from that which is already approved, if the groundwork contractor moves the position of buildings on the contrary to the approved position, it will be down to the client / applicant and the architect / client will bear no responsibility for these actions.

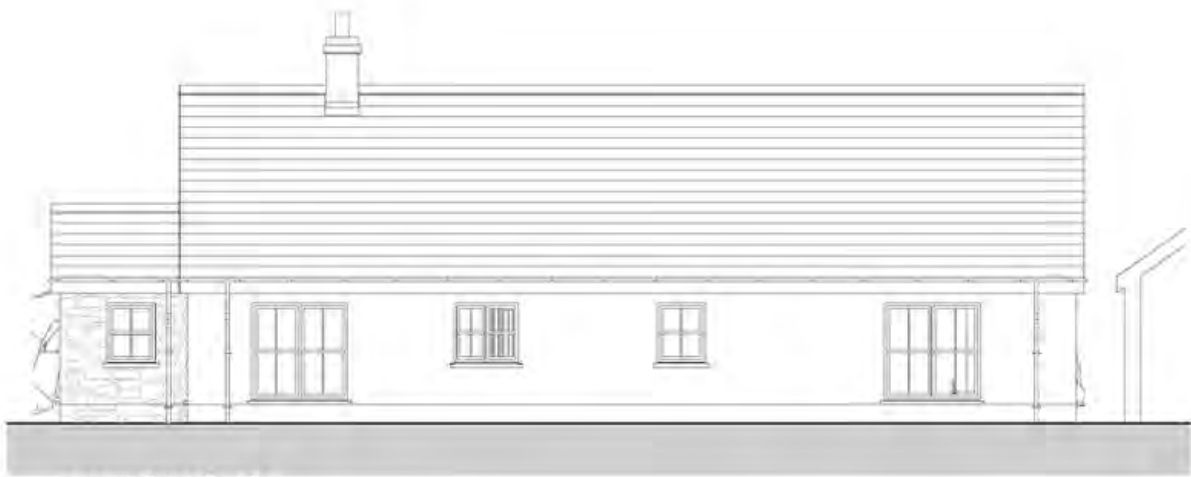
**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
 All contractors and sub-contractors to be familiar with health and safety requirements and obligations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the health and safety executive. Tel: 028 90 235363 or view on their website of [www.hse.gov.uk](http://www.hse.gov.uk) [www.hse.gov.uk/northernireland](http://www.hse.gov.uk/northernireland)  
 Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage layout, identify hazards, boundary locations and conditions, site variations and any additional work not identified on the drawings that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for his further instructions.  
 Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council of appropriate final notices relating to commencement, certain stages and completion of the work.  
 Contractor to carry out an asbestos survey prior to any work commencing. Certificate to be provided to architect for Building / Health & Safety and to be provided on occupation of works.

To not scale from drawings. Builder to check all dimensions on site. All Architects will retain copy and moral rights to this drawing & their team.

	8 ARCHITECTS LTD 80 Colborne Street, Lifford, Dromahaire, BT20 1DQ Tel: 028 482 1323 F: 028 482 1732 mail@8architects.com www.8architects.com	<b>Proposed Dwelling &amp; Garage</b> JOB No: 17009 Client: Mr & Mrs McGreev Address: 1341 Moyne Wood, Lifford, Coleraine BT50 9PL	028 90 235363 AS 1 (R0) dphes JW dphes JW DW/Gauge: 4/10/2017	Status: Proposed PL02 
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APPENDIX 4



proposed rear elevation

Proposed Finishes:

- Concrete ridge and roof tiles
- PVC rainwater goods fascia and barge
- Smooth render plaster finish with base. Natural stone as indicated
- Double glazed PVC windows and doors



proposed side elevation



proposed side elevation

The Client Safety Officer will be responsible for preparing the Health & Safety File for the project. The Client Safety Officer will be responsible for preparing the Health & Safety File for the project. The Client Safety Officer will be responsible for preparing the Health & Safety File for the project.

**GENERAL NOTES - (IMPORTANT)**  
Client, Contractor and Developer to ensure the project is built in accordance to the approved planning and Building Control drawings and approved building regulations. They shall be in compliance of getting the building and building regulations and be subject to an enforcement procedure, resulting in the enforcement of the project.

The architect will bear the responsibility for any decisions made on behalf of the client or contractor, from that information which has been approved by the local planning authority and the local building control department, which will result in the enforcement of the project. Changes made on site will require the consent of the Planning Service and Building Control for their enforcement to be considered.

**COMPLETION OF WORKS**  
Property owner to be aware that it is Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at the risk of the owner. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
It is the client responsibility of the property owner to obtain insurance for the building works of renovation (contractors) prior to work commencing on site. The client must ensure their property insurance covers the site for any work commencing on site. Insurances are in place before starting and other contractors.

**NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS**  
Prior to commencing work on the property / site, client to ensure they are familiar with health and safety requirements as stipulated in the HSE Health and Safety in Construction (high-risk) booklet, which can be obtained from the health and safety executive. Tel: 028 91 232363 or on their website at [www.hse.gov.uk/construction/20050901.pdf](http://www.hse.gov.uk/construction/20050901.pdf)

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The position of the proposed building and level shown on the approved site plan drawings are where the building / buildings are to be placed and are to be marked at the completion of the groundwork / digging contractor on approval from that which is already approved. If the groundwork contractor moves the position of buildings on the site contrary to the approved position, it will be down to the client / applicant and the architect / client will bear the responsibility for these actions.

**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
All contractors and sub-contractors to be familiar with health and safety requirements and booklets stipulated in the HSE Health and Safety in Construction (high-risk) booklet, which can be obtained from the health and safety executive. Tel: 028 91 232363 or view on their website at [www.hse.gov.uk/construction/20050901.pdf](http://www.hse.gov.uk/construction/20050901.pdf)  
Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarize themselves with the proposed and existing structure, existing services and proposed drainage layout. Identify hazards, hazardous locations and conditions, site specific and any additional work not identified on the drawings that require to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for further instructions.  
Advisory Note: Attention is drawn to the requirements of Regulation A11, issued by the Council of Regulating, which relates to the commencement, certain stages, completion of the work.  
Contractors to carry out an asbestos survey prior to any work commencing. Certificates to be provided to the architect for building / electrical and other services on completion of work.

Client code of practice:  
- Refer to Check of Drawings  
- All work to Architects for their copy  
- All work to be done in the drawing  
- Check them.

	8 ARCHITECTS LTD. 80 Colborne Street, Killybeggs, Downpatrick, BT20 1DQ Tel: 028 4482 1323 / 028 4482 1722 mobile: 07890 666666 www.8architects.com	<b>Proposed Dwelling &amp; Garage</b>	JOB No: 1/009 Client: Mr & Mrs McGreev Address: 10000 10000 County: BT20 1DQ	drawing code: AS 1/100 drafted: JW checked: JW DWG issue: 4/10/2017	<b>Status: Proposed</b>  <b>PLO3</b> 
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**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

**ITEM NO** 2  
**APPLIC NO** LA07/2016/0401/F Full **DATE VALID** 3/25/16  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mrs Margaret Kane 142 Dundrum Road Newcastle BT33 0LN  
**AGENT** Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB  
 NA  
**LOCATION** 135m ESE of No 42 Levallyreagh Road Rostrevor Warrenpoint Co Down  
**PROPOSAL** Proposed Farm Building without underground tanks  
**REPRESENTATIONS** **OBJ Letters** 0 **SUP Letters** 0 **OBJ Petitions** 0 **SUP Petitions** 0

**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 the development, if permitted, would not visually integrate into the local landscape.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to 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 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

<b>Application Reference:</b>	LA07/2016/0401/F
<b>Date Received:</b>	25/03/2016
<b>Proposal:</b>	Proposed Farm Building without underground tanks.
<b>Location:</b>	135m ESE of No 42 Levallyreagh Road, Rostrevor, Warrenpoint, Co Down.

## Re-consideration

The active and established farm business to which this application relates is principally located at 142 Dundrum Road, Newcastle. There is also some land in Kilkeel and this portion near Rostrevor. Neither of the latter two portions of land have associated buildings. The application was listed as a refusal for the Planning Committee meeting on 7<sup>th</sup> December 2016 on the basis that need for a new shed at this location had not been adequately demonstrated. It was removed from the list at the request of a Member. The application was presented to the Planning Committee on 18<sup>th</sup> January 2017. It was decided to defer the application to allow the submission and consideration of further information.

Further information was received on 1<sup>st</sup> February 2017. This included further information on the farming need for the building and up to date lists of livestock on the farm. There are 89 cows in the herd and these are usually calved in springtime resulting in an increase in stock to around 110. Many of the cows are grazed on the lands at Rostrevor from April to November. They are then either sold or housed at Newcastle for the winter. The proposed handling facility would assist with visits by the vet, Departmental inspectors, employees and Farm Quality Assurance staff.

On the basis of the further information submitted regarding animal numbers, the annual use of this land in the farm business, and the 43 mile round trip from the existing farm group, the Planning Department now accepts the need for a modest shed on the Rostrevor holding. A new shed is now deemed necessary for the efficient use of the overall holding as required under criteria (a) of PPS12. It would also meet the test for new buildings in that the existing buildings on the farm cannot



be used by reason of distance from this out-farm and the exception for an alternative site as a building here is essential for the efficient functioning of the business.

This enables us to move to consider the visual impact of the building in the landscape. The site has been inspected by the Senior Planner and Principal Planner and there are major concerns with regard to the siting and integration of the building. The site is not visible from the Levallyreagh Road as it is located over the crest of a hill, but is highly visible from the Clonallan Road to the west, from where it will sit in the middle of an undeveloped hillside. While additional landscaping is proposed behind the building, this would not aid its screening when viewed from the west. The existing hillside is unspoilt with development and this new addition would change its rural character – see photo below. The ground levels and floor levels indicated by the agent on the site layout drawing are inaccurate. They suggest that the floor level of the shed would be 42 metres below the level of the adjoining ground. This information cannot be relied upon and no cross section has been provided. It is considered that the shed would not visually integrate into the local landscape as required under criteria (c) of policy CTY12, and that it would be a prominent feature in the landscape, contrary to criteria (a) of policies CTY13 and CTY14.



The Planning Department considers that a better site for a new shed on this part of the holding would be in field 1, immediately south of the building site at No. 42 Levallyreagh Road. This site is well screened, could be accessed off the existing laneway and would not be visible over the crest of the hill from Clonallan Road. As this area of land is outside the current application site, a new application would be required.

**Recommendation:** Refusal



**Refusal Reasons:**

1. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would not visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to 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 and would therefore result in a detrimental change to the rural character of the countryside.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

Our Ref: 16/26

Your Ref: LA07/2016/0401/F

F.A.O. Mr. Gareth Kerr

Newry, Mourne and Down District Council  
Planning Office  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DL



4<sup>th</sup> October 2017

Dear Mr. Kerr

Further to the above-referenced application and the Planning Authority's recommendation of refusal on three grounds, I am writing in full support of Mrs. Margaret Kane's proposal and rebutting each of the Department's reasons for refusal.

Given that the three recommended reasons for refusal are identical, in terms of the Planning Authority's perception that the proposed agricultural shed would, if approved, appear prominent and not integrate into the area in which it is proposed to be located, I will deal with each recommended reason simultaneously; the first recommended reason for refusal states:

*The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would not visually integrate into the local landscape.*

The second recommended reason for refusal states:

*The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.*

The third recommended reason for refusal states:

*The proposal is contrary to 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 and would therefore result in a detrimental change to the rural character of the countryside.*

The Department has stated in its reconsideration report that, "The site is not visible from the Levallyreagh Road as it is located over the crest of a hill"; therefore, the singular issue regarding integration is not with regards to any views from Levallyreagh Road, from where the application site is accessed via an existing laneway and additional stretch of proposed new laneway running along an established boundary, and from where the proposed building would not be visible.

Rather, as per the reconsideration report, which states that the application site, "is highly visible from the Clonallon Road to the west, from where it will sit in the middle of an undeveloped hillside", it is a 'view' from Clonallon Road which is the issue from the perspective of the Department.

In this regard, it must be stated that Clonallon Road is located approx. 500 metres from the rearmost (i.e. the closest) boundary of the application site. Please also note that both Levallyreagh Road and Clonallon Road are positioned not only a considerable distance apart but they both run parallel to each other; therefore, as one is travelling along Clonallon Road in both a northerly and a southerly direction they are not able to see across to the application site, especially when travelling in a vehicle – this is further reinforced by the fact that the eastern boundary of Clonallon Road is heavily planted with mature trees and associated vegetation, screening potential views.

The proposed farm building does not occupy a "prominent, skyline or top of slope ridge location", thereby meeting policy requirements of Policy CTY 12. Contrarily, the proposed application site is not visible whatsoever from Levallyreagh Road, and from your significantly limited viewpoint on Clonallon Road, approx. 500 metres away, the site benefits from existing boundary definitions of mature vegetation and a significant backdrop of rising landform.

Given its careful siting, the presence of existing mature boundary definitions and the rising landform to the front/east of the application site, both of which combine to provide significant enclosure to the proposal, the fact that the proposed agricultural building would not be seen from its nearest road, namely Levallyreagh Road, and that there is merely a singular limited viewpoint from Clonallon Road, from which viewpoint the site benefits from a significant rising landform to the east and existing boundary definitions which are to be carefully supplemented, the necessary agricultural proposal would be, in no way whatsoever, a prominent feature in this rural landscape, but rather blend sympathetically and successfully with the existing landform.

Due to the fact that this carefully-sited and -designed proposal is for one building, being agricultural in nature, and located in a complimentary rural context, it's significantly unreasonable to state that, "this new addition would change [the area's] rural character". There are many agricultural buildings located in much more prominent locations in rural areas within Newry and Mourne, and approved under the very same planning policies that this current application has been considered under (please see a number of examples below). If the proposed building were sited in the location stated in the Department's reconsideration report, it would be clearly visible



from the adjacent Levallyreagh Road, and not integrate anywhere near as successfully as the proposed siting due to this stated vantage point and the fact that significant excavation would be required in order to obtain a level surface area on which to build. In addition, a farm building in this suggested location would lead to unnecessary adverse amenity issues for future inhabitants of the adjacent replacement dwelling to be constructed, approved under planning ref: P/2014/1010/F.

As previously mentioned, please refer to a number of examples below of farm buildings having been approved under the exact same planning policy as the application currently under consideration, namely policies CTY 12, CTY 13 and CTY 14 of Planning Policy Statement 21. Each of these approvals are located on application sites which are noticeably and significantly more sensitive than the current application, being in roadside fields, with little to no screening present.



*LA07/2015/0702/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a sizeable stretch of Newcastle Road, Castlewellan.*



*P/2014/0217/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a not insignificant stretch of Chapel Road, Ballyholland.*



*P/2012/0007/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a sizeable stretch of Newry Road, Hilltown.*

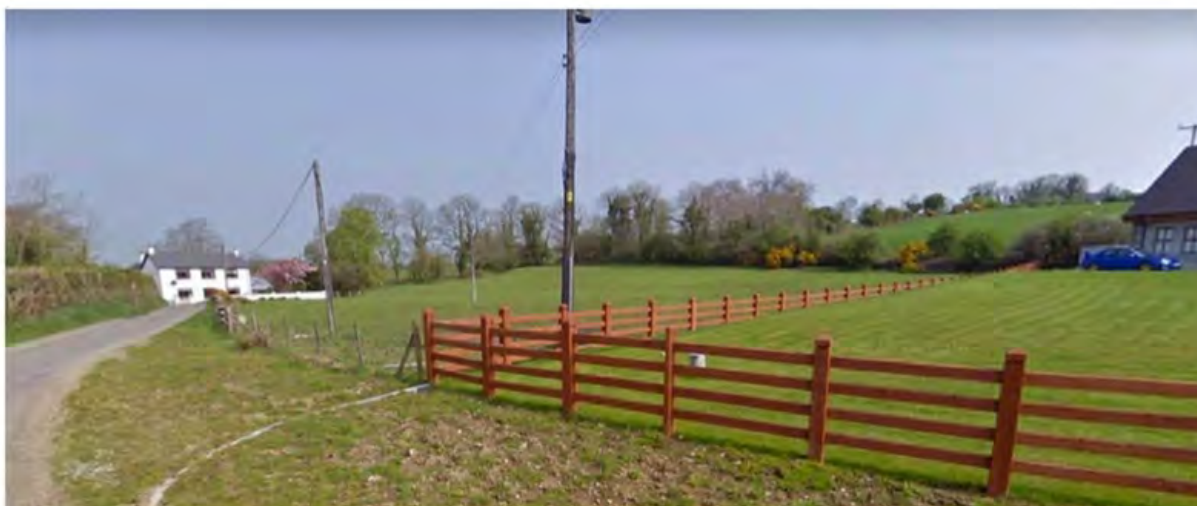


*P/2010/1036/F and P/2012/0869/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a sizeable stretch of Brackenagh East Road, Kilkeel.*





*P/2011/1093/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a sizeable stretch of Newry Road, Hilltown.*



*P/2011/0228/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a not insignificant stretch of Lisseraw Road, Camlough.*





*P/2011/0039/F; an application site located immediately adjacent to the roadside, with minimal screening in existence. The agricultural building will be clearly visible along a sizeable stretch of Drummanmore Road, Kilkeel.*



*P/2010/1300/F: an application site located immediately adjacent to the roadside, with zero screening in existence. The agricultural building is clearly visible along a sizeable stretch of Slatequarry Road, Cullyhanna.*

The proposed application site occupies an enclosed location, possesses existing boundary definitions and a significant visual backdrop of rising landform, is not visible from the nearest public road, and there exists only a singular, fleeting viewpoint from a road approx. 500 metres away, whereas those applications referred to above occupy prominent roadside sites, and possess little to no boundary definitions. To recommend for refusal the exact same proposal as those applications referred to above, which were all duly approved, namely a necessary farm building, having been considered against the exact same planning policies is wholly inconsistent and unfair.

In conclusion, for the reasons stated above, Mrs. Kane's application meets the criteria of all relevant planning policies, and we therefore request that the Department looks favourably upon this policy-compliant proposal and recommends for approval.

Yours sincerely,

John Law BSc (Hons) Dip TP

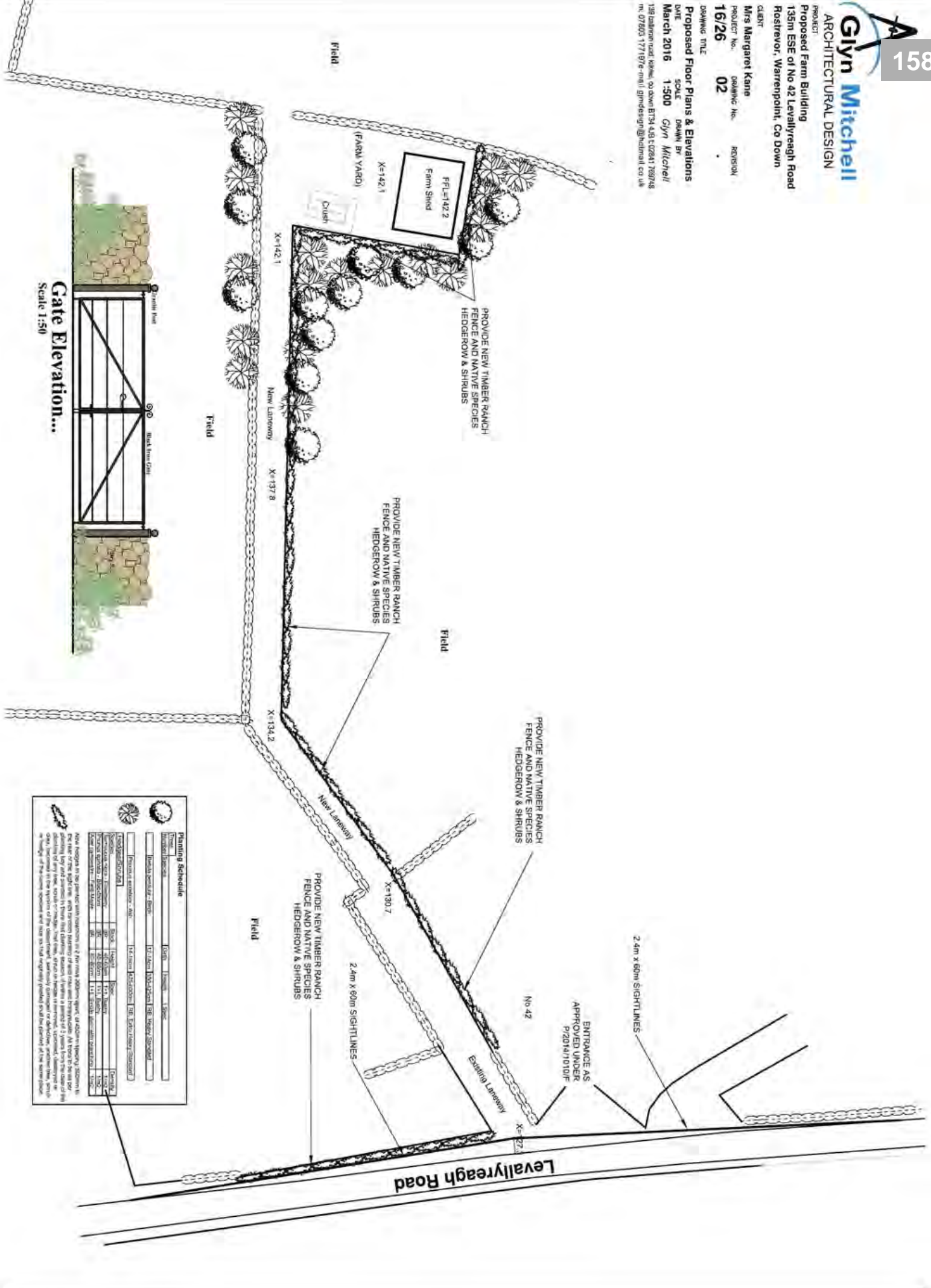


PROJECT  
**Proposed Farm Building**  
 135m ESE of No 42 Levallyreagh Road  
 Rostrevor, Warrenpoint, Co Down

CLIENT  
**Mrs Margaret Kane**  
 PROJECT No. **02** DRAWING No. **02** REVISION

DRAWING TITLE  
**Proposed Floor Plans & Elevations**  
 DATE **March 2016** SCALE **1:500** DRAWN BY **Glyn Mitchell**

135 Levallyreagh Road, Rostrevor, Co Down BT34 4J9 t: 02841 789748  
 m: 075603 1771976-e-mail: gpmdesign@btconnect.co.uk



**Planting Schedule**

Planting Schedule	Code	Quantity	Species
Planting Schedule - 1000	101	1000	1000
Planting Schedule - 2000	201	2000	2000
Planting Schedule - 3000	301	3000	3000
Planting Schedule - 4000	401	4000	4000
Planting Schedule - 5000	501	5000	5000
Planting Schedule - 6000	601	6000	6000
Planting Schedule - 7000	701	7000	7000
Planting Schedule - 8000	801	8000	8000
Planting Schedule - 9000	901	9000	9000
Planting Schedule - 10000	1001	10000	10000

Note: All heights to be given with reference to 2m above ground level, unless otherwise stated. All trees to be set out in accordance with the approved site plan. All trees to be set out in accordance with the approved site plan. All trees to be set out in accordance with the approved site plan. All trees to be set out in accordance with the approved site plan.



**ITEM NO** 3  
**APPLIC NO** LA07/2016/0580/F Full **DATE VALID** 4/25/16  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Brian and Joseph Murphy 17 **AGENT** J.A. Murphy B.Sc.,  
 Glenmore Road M.I.C.E. Chartered  
 Mullaghbawn Engineer 43 New  
 Newry Road  
 BT35 9YE Silverbridge  
 Newry  
 BT35 9NB  
 028 3088 8214

**LOCATION** 100 metres North-West of 17 Glenmore Road  
 Mullaghbawn  
 Newry  
 BT35 9YE

**PROPOSAL** Cattle house with slurry tanks below.

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

- 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 appropriate to this location due to the unacceptable character and scale of the development and the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping.
- 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 and 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.
- 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 not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
- 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 is unsympathetic to the special character of this 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: LA07/2016/0580/F**

**Date Received: 5<sup>th</sup> May 2016**

**Proposal: Cattle house with slurry tanks below.**

**Location:** The site address is given as 100 metres North-West of 17 Glenmore Road, Mullaghbawn. The site is located outside the development limits of Mullaghbawn and is included in the Ring of Gullion Area of Outstanding Natural Beauty (AONB) as outlined in the Banbridge / Newry and Mourne Area Plan 2015. The site is approximately 12 kilometres SW of Newry.

**Site Characteristics & Area Characteristics:**

The site forms part of an agricultural field. Within the site is a cattle pen area and hard-core yard with block work walls along the existing laneway in front of the dwelling (No. 17). Other than a block wall constructed along each side of the access to the site off the existing lane, there are no other boundaries as the site is undefined within a larger field. Access to the site is provided via an existing laneway from Glenmore which serves dwellings No. 17 and No. 19 and provides access to agricultural land and buildings.

Due to the topography of the land the site sits at an elevated position to Glenmore Road. Within the site the land levels rise to the east and north.

**Site History:**

P/2007/1614/F	34 Metres North of No 19 Glenmore Road, Mullaghbawn, Newry.	Erection of replacement dwelling for No 19 Glenmore Road, Mullaghbawn, to be situated 34 Metres North of no 19 Glenmore Road, Mullaghbawn,	Permission Granted
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		Newry.	
P/2004/0528/RM	On lane to No 19 Glenmore Road, Mullaghbawn, Newry	Erection of two storey dwelling	Permission Granted
P/2004/1934/F	19 Glenmore Road, Mullaghbawn, Newry	Extension and alterations to dwelling	Permission Granted
P/2002/0960/O	On lane to No 19 Glenmore Road, Mullaghbawn, Newry	Site for two storey dwelling	Permission Granted

### **Planning Policies & Material Considerations:**

The Strategic Planning Policy Statements (SPPS), The Banbridge / Newry and Mourne Area Plan 2015, Planning Policy Statement 2 (PPS2), Planning Policy Statement 3 (PPS3), Planning Policy Statement 21 (PPS21) and Building on Tradition design guide.

### **Consultations:**

There were four consultations issued for this application and these are detailed below.

- DARD – Confirmation of farm business ID and SFP/LFACA or Agri Environment schemes (11/05/2016).
- Shared Environmental Services - No objection, conditions included. (24/10/2016)
- NIEA – No objections, informative included (21/10/2016)
- Environmental Health- No objection. Recommended 75 metres setback from residential dwelling. (17/05/2016)

### **Objections & Representations**

There were eight neighbour notifications sent out for this planning application on the 12<sup>th</sup> May 2016. It was advertised in the local press on 20<sup>th</sup> May 2016. There were no representations received.

### **Consideration and Assessment:**

This application proposes a new agricultural shed to the north of the dwelling (No. 17). Policy CTY1 of PPS21 identifies a range of types of development that are in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is an agricultural shed in accordance with Policy CTY12 which states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) In terms of character and scale it is appropriate to its location;



- (c) It visually integrates into the landscape and additional landscaping is provided as necessary;
- (d) It will not have an adverse impact on the natural or built heritage; and
- (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.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all the following:

- (a) There are no suitable existing buildings on the holding or enterprise that can be used;
- (b) The design and materials to be used are sympathetic to the locality and adjacent buildings
- (c) The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another 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.

The SPPS para 6.73 states that 'New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from the existing buildings will only be acceptable in exceptional circumstances.

#### Principal

DAERA have confirmed that the farm business has been active and established for more than 6 years and payments have been claimed within the past 6 years. The new agricultural building is proposed on an established farm holding that currently has no agricultural buildings apart from the main farm dwelling (No. 17). The design and access statement submitted outlines that farm buildings located further south of the applicant's dwelling and the application site were previously used by the applicant but that none are suitable and they are now owned by the applicant's brother. A land registry check has confirmed these farm buildings belong to Patrick Murphy. The buildings previously used by the applicant to meet his needs and on which he has paid rent annually to his brother are no longer available to him. We are content that there are no suitable existing buildings on the holding that can be used and this proposal meets the exception to the requirements of CTY12

A review of the DARD farm maps outlines the total area of land owned and controlled by the applicant is 14.92 hectares and this is separated into 11 fields located to the west, north, east and south of the farm dwelling. The established farm business is registered to 21 Glenmore Road. The applicant explained that the dwelling to the south of the application site subject of this application is known by two addresses, both No. 21 and No. 17 Glenmore Road, this has been confirmed following a review of historical building control maps.

The applicant was required to demonstrate in line with CTY12 that a new building is required for the efficient functioning of the farm business.

### Health and Safety Reasons and for the Efficient for the Functioning of Business

We have been provided with a herd book which demonstrates the applicant currently has stock totalling 57 animals. The applicant has detailed in an unsigned letter emailed by the agent to the Planning Department that the situation of using his brother farm buildings is not ideal in line with The Department of Agriculture and Livestock Disease Control and Prevention guidelines and he provided a letter from DARD showing that some of the applicant's cattle had tested positive for Tuberculosis in in November 2016. A review of the guidelines referred to outlines that disease in animals can spread through movement of animals, people and machinery between or within farms and shared farm equipment.

The agent has outlined in the design and access statement the new shed is necessary to carry out farm operations under cover and that the unit is required to provide an income in the future for the applicant and his son. The applicant wishes to proceed with this livestock building on his own farm and believes the new shed is essential for the farm business to survive.

On review of the evidence produced, the Planning Department consider the applicant has demonstrated a new building is necessary for the efficient functioning of the agricultural holding. This proposal seeks permission for a farm shed next to the registered farm dwelling. While the Planning Department acknowledge the policy requires existing farm buildings rather than one building as in this case, limited weight will be attached to this aspect as it has been demonstrated a new building is required for the efficient use of the agricultural building. While it has been established that a building is necessary, the Planning Department consider that the scale of the building proposed is not appropriate at this location. The building proposed will stand 8.539 metres in height and measure 42 metre long and 36 metre wide making it substantially larger than the existing farm dwelling. While a backdrop can be provided to the east of the proposed shed due to the rise in land here, its position in front of the existing farm dwelling to the south and its size and position above Glenmore Road does not allow the building to visually integrate into the local landscape. Landscaping has been proposed along the western boundary of the application site to aid in its integration however this will take time to mature. The application site is included in the Ring of Gullion AONB and the proposals impact on natural heritage will be dealt with under a separate section below.

### CTY 13 and 14

Critical views of the proposed site are from along Glenmore Road. It is considered the siting and size of the proposed building will result in it becoming a prominent feature in the landscape. The proposed shed will be positioned 63 metres north of the existing dwelling on the farm and will sit forward of the dwellings front building line. The proposed design is typical modern agricultural building with a pallet of materials reflective of what already existing in the local area however the scale of the building is much larger to those existing in the locality.

There are limited boundaries already in place to assist with the proposed buildings integration into the landscape and to provide enclosure; the proposal solely relies on new landscaping along the western boundary to aid in its integration into the landscape and a 1.8 metre high block work wall forming the

remaining boundaries to provide a suitable degree of enclosure. The scale of the building is considered excessive for the application site and locality when taking into context with the existing development and conditions within and around the site and it is considered inappropriate for this area along the Glenmore Road. As noted above, a natural back drop is provided to the east of the application site however with limited boundaries and the land level within the site above the level of Glenmore Road, a building as large as the one proposed could not blend with the existing landscape and does not respect the traditional pattern of settlement exhibited along this part of Glenmore Road which is characterised by smaller sheds and farm dwellings and would therefore prove detrimental to the character of this area.

#### NH6

The proposal falls within an AONB. The sheds are considered contrary to NH6 as the scale and size are unsympathetic to the special character of the AONB and not in keeping with the locality which has a number of sparsely located dwellings and smaller farm sheds.

While we consider the need for a new farm shed has been justified, the proposal fails to meet all the criteria outlined by Policies CTY 12, CTY 13 and 14 due to its scale and design.

#### **Recommendation:**

Refusal

#### **Refusal Reasons**

1. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not appropriate to this location due to the unacceptable character and scale of the development and, if permitted the development would not visually integrate into the local landscape without the provision of additional landscaping.
2. The proposal is contrary to 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 and 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.
3. The proposal is contrary to 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 not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.

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 is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.

Brian Murphy  
21 Glenmore Road  
Mullaghbawn  
Newry  
Co Down  
BT35 9YE

Application reference LA07/2016/0580/F

Date: 05/10/2017

**Location: 100 metres North-West of 17 Glenmore Road, Mullaghbawn, Newry, BT35 9YE,**

**Proposal: cattle house with slurry tanks below.**

Having been brought up on a small family farm and working with livestock from a young age I developed a keen interest in farming. Being the youngest of three boys and the last to leave school I remained at home to work on the farm, attended Greenmount Agriculture College for several years, and from there decided that I wanted to start a Dairy farm business in the future.

My father retired from farming a number of years ago and divided the farm between his three sons leaving the home farm buildings to my oldest brother, as was customary. I was given a parcel of land located further down the lane on which I built a dwelling house and set up my farm business and intended to construct a cattle house. I have rented livestock accommodation from my brother ever since, which was to be a short-term arrangement however due to the large investment required to establish a dairy enterprise I was forced to wait until now. Sharing the same farmyard with my brother was not ideal, and when my herd had a TB breakdown in November 2016 my brother informed me that I would have to get alternative accommodation.

Having studied Fleckvieh dairy cattle for many years I have travelled to Austria and Germany a number of times visiting numerous dairy herds where most farms consist of a single large livestock building where farm accidents and fatalities are rare due to less movement of livestock and machinery between buildings.

Modern equipment to be installed include a voluntary milking system and a slurry aerator which maximise both safety and efficiency. A nutrient management plan has been created and a simple calculation of atmospheric emissions (Scail) conducted to ensure that emissions from cattle house and slurry applied to land have no effect on the environment. This is a modern, fit for purpose dairy farm building designed to accommodate the housing needs of the entire herd and comply with Department of Agriculture regulations on livestock health and welfare. This building is essential to secure the future of this small family farm and ensure a safe, viable farm business for my two sons to continue farming in the future.

**Proposed Cattle House at Glenmore Road, Mullaghbawn, Newry****for B. & J. Murphy****Submission to Council on 11/10/2017****Planning ref; LA07/2016/0580****Date; 5<sup>th</sup>. October 2012**

- 1 Shed plans
- 2 Shed Elevations
- 3 Photo of site and dwelling from road
- 4 Overall map
- 5 Photo of site from front of dwelling
- 6 Photo of site close up
- 7 Layout of site
- 8 Photo of existing farm houses from dwelling
- 9 Existing farm sheds 1
- 10 Existing farm sheds 2
- 11 Existing farm sheds 3
- 12 Other farm sheds
- 13 Other farm sheds

The application was made on 13<sup>th</sup>. April 2017 with a fee of £4,745  
 By 24<sup>th</sup>. October 2016 a further £5,000 approx had been spent on reports for DAERA and Shared Environmental Services. Both were then satisfied with the scheme.

All other consultants are satisfied and there are no objections.

The case officer has stated ' While it has been established that a building is necessary, the Planning Department consider that the scale of the building proposed is not appropriate at this location.'

There is no other issue and I propose to explain the actual site conditions to you Councillors.

The floor plan is shown in slide 1 and elevations in slide 2

The building is a single farm shed divided into pens and cubicles.

Brian Murphy will explain the rationale from a farming perspective.

Slide 3 is a photo showing dwelling house and site from the nearest road.

Slide 4 is an overall map showing the road, existing lane, dwelling, proposed site and existing farm sheds.

The actual levels as shown. The heights above the road for the other structures are proposed shed floor level 9.2 metres, existing dwelling



floor level 10 metres and existing farmyard 34.4 metres.

Slides 5,6,and 7 show photos of the site from the front of the dwelling, then closer up and then the proposed site layout respectively.

From these it is clear that the building will be sited in a natural valley.

This has been deliberately engineered so that impact, both on the dwelling with floor level 0.8 metres higher and general surroundings will be minimal.

The improvement from the situation with the existing farmyard is shown in slides 8, 9,10 and 11, bearing in mind that this yard is situated more that 20 metres above the proposed building.

We refer back to slide 4. where a floor plan of the proposed building has been superimposed in the old farmyard. All the old scattered farm buildings would just about fit into the new building. Presumably, all of the old buildings were eventually needed in order to make the farm viable and I can see the sense of providing one building with the efficiency and convenience of operating inside in all weathers, not to mention the safety factor.

Finally the last 2 photos were taken from the applicant's lane and show building complexes belonging to other farmers. These look big to me and further convince me of the wisdom of providing this shed hidden in the valley.

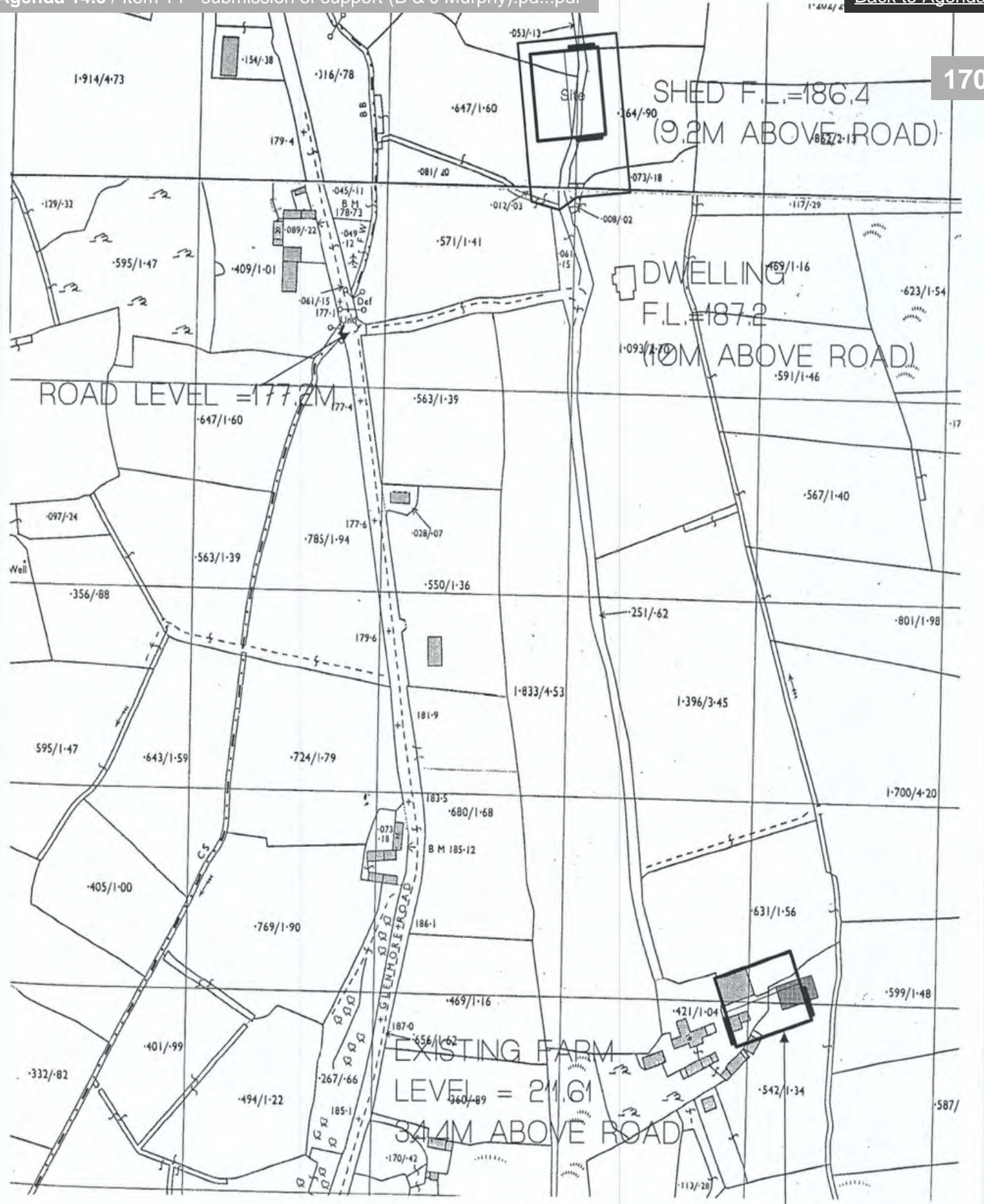


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SITE

TYPICAL





4

MAP NO. 1

PROPOSED SHED  
SUPERIMPOSED ON  
FARM BUILDINGS





SITE









8

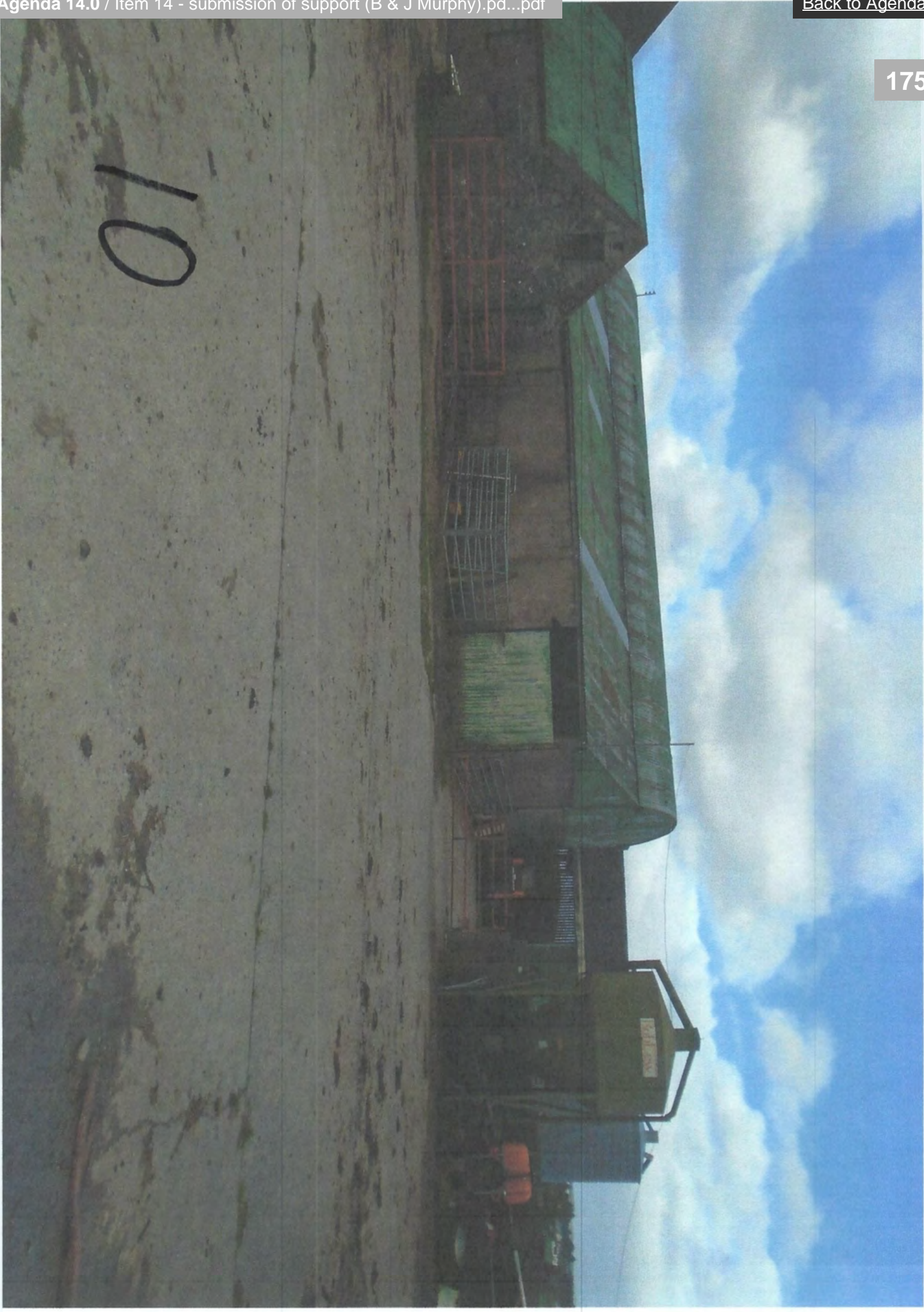




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10









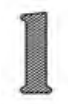
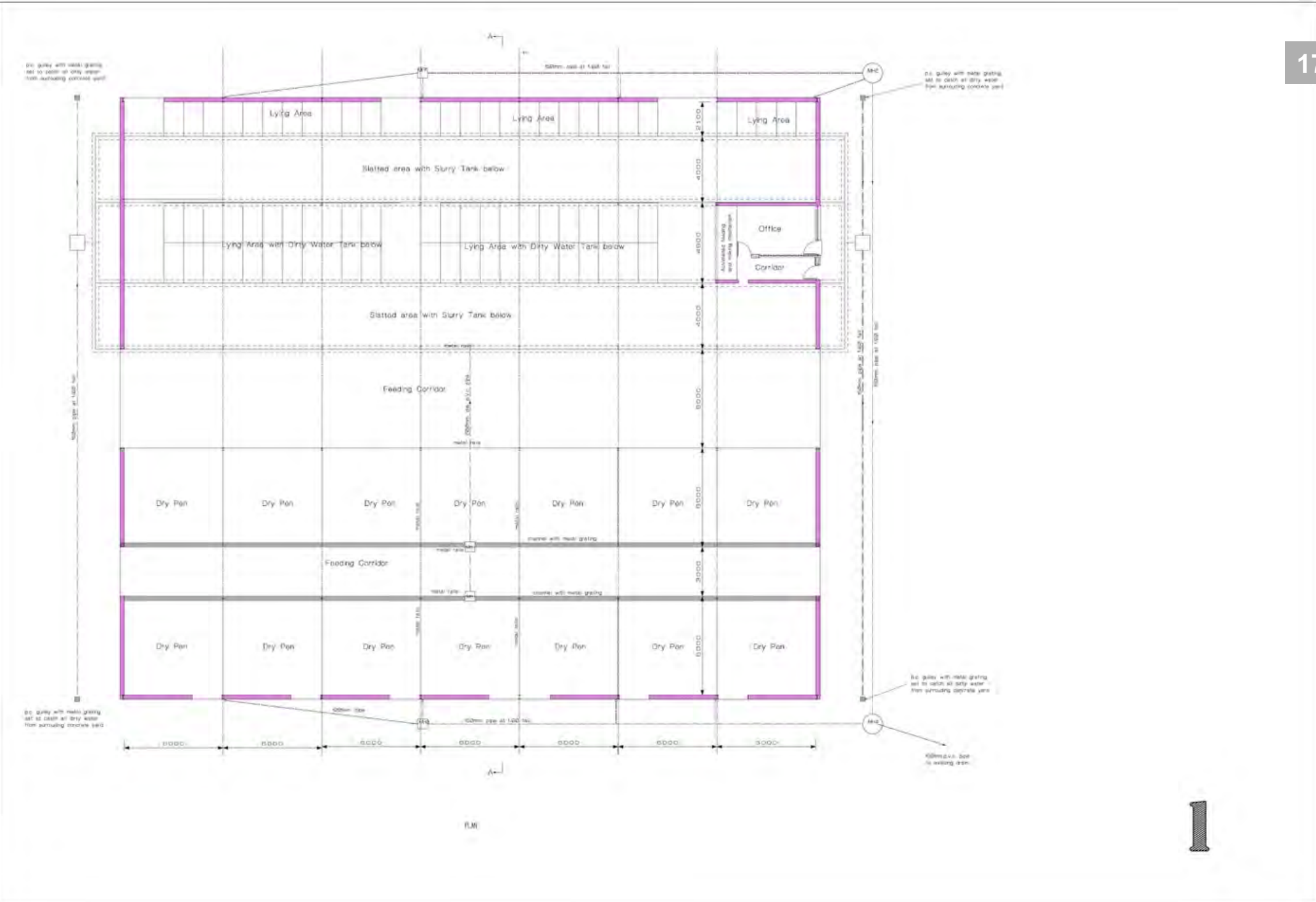
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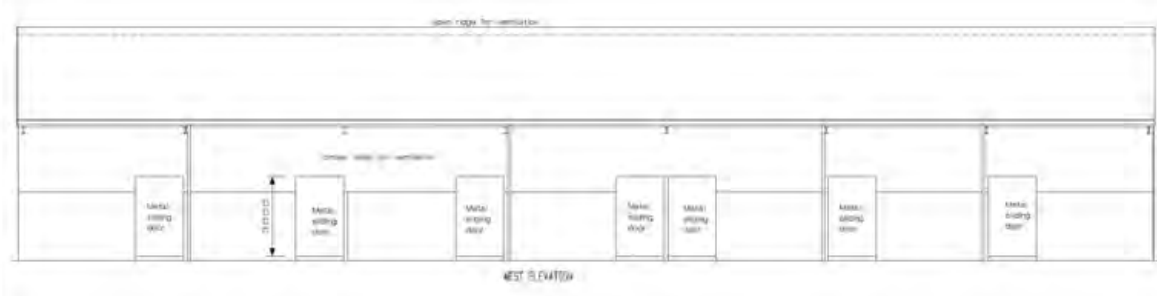
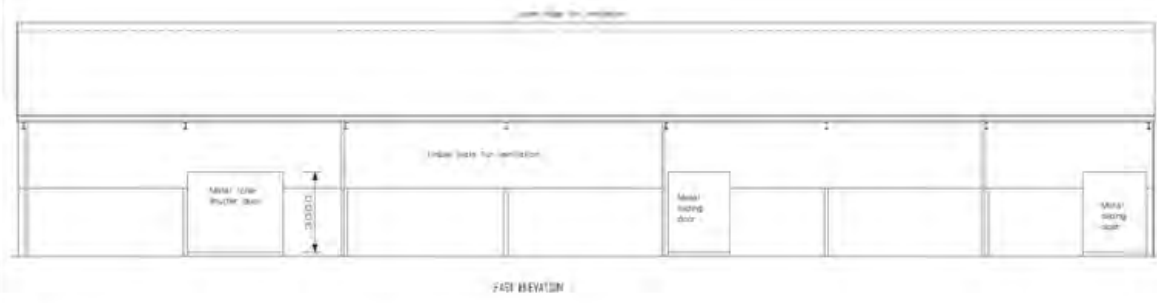
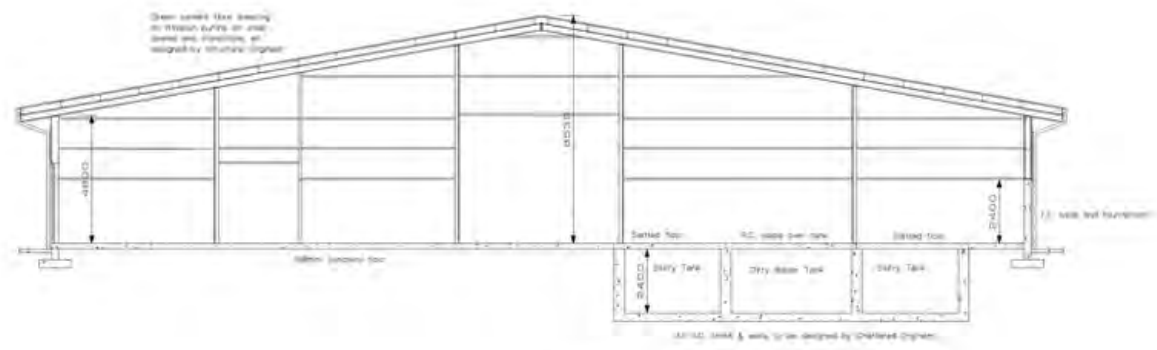
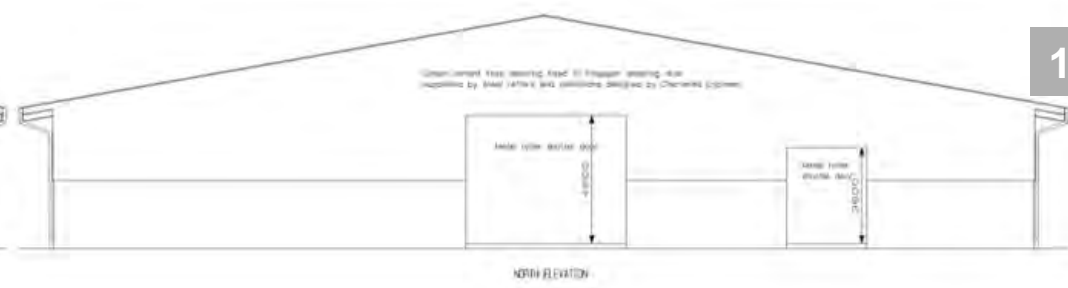
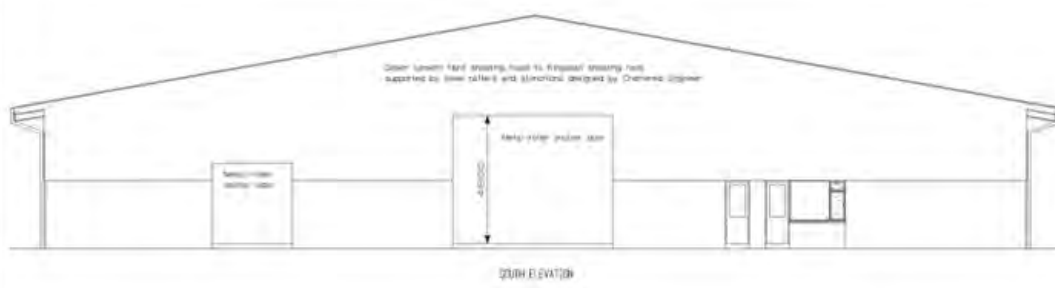


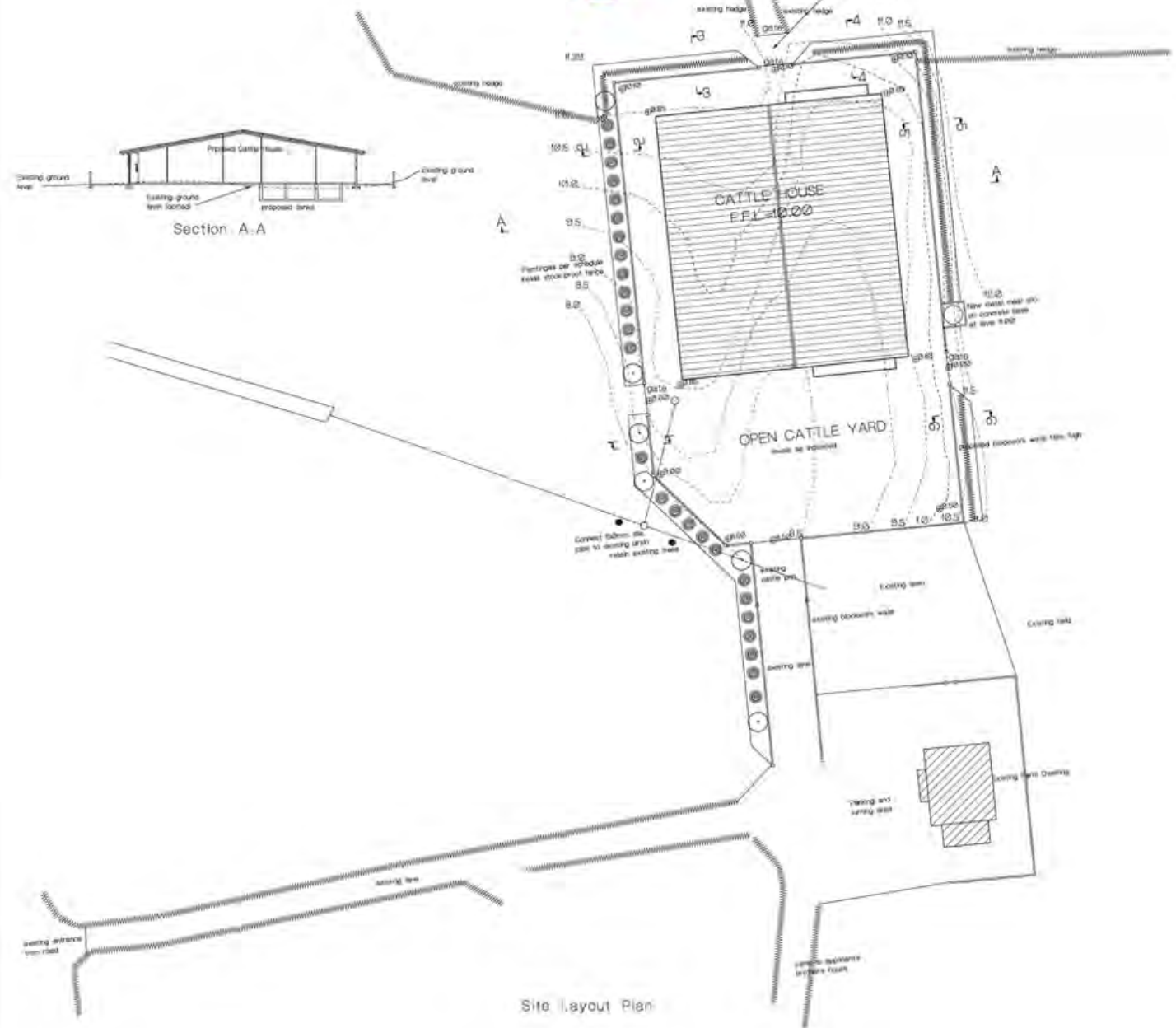
13











### Planting Legend

- 6 no. New Gynmore trees, planted @ 18m cns. min. in Spring growing to a max. height of 9m in any reasonable soil.
- 26 no. Hazel shrubs planted 3m apart in Summer growing to a max. height of 3m in any reasonable soil.

~~~~~ New Hawthorn hedge with 2 staggered rows of plants at 450mm centres and spaced 450mm apart.

EG levels shown in contour or 'B'.  
Proposed levels shown 'B'.  
All levels based on an ABM of 55 on stone at existing pier

7

Site layout Plan

**ITEM NO** 4  
**APPLIC NO** LA07/2016/0733/F Full **DATE VALID** 6/3/16  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr Robert Hollywood 6 Upper Road  
 Shanroe Mullaghbawn Newry BT35 9XL  
**AGENT** ERES Limited  
 Mourne House  
 41-43 Downshire Road  
 Newry BT34 1EE  
 028 3025 0135

**LOCATION** Approximately 80M West of No. 34 Church Road  
 Forkhill  
 Armagh

**PROPOSAL** Erection of agricultural sheds & slurry tank

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.
- 2 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;
  - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
  - and 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 buildings;
  - it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.



- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to 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 is unsympathetic to the special character of this 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:** LA07/2016/0733/F

**Date Received:** 31<sup>st</sup> May 2016

**Proposal:** Erection of agricultural sheds & slurry tank

**Location:** The site is identified as approximately 80m west of No. 34 Church Road, Forkhill. It sits outside the development limits of Forkhill and is approximately 11.8 kilometres south west of Newry.

**Site Characteristics & Area Characteristics:**

The site is an agricultural field with defined boundaries. The topography of the site increases from the South West to North East before dropping again at the frontage with Church Road. The surrounding landscaping is undulating with Crosslieve Mountain to the rear of the site (Southwest). The site is inside the Slieve Gullion Area of Outstanding Natural Beauty, it is within 2km of a Site of Local Nature Conservation Importance NC 03:97 (SLNCI) (Crosslieve Pond Fen), within 7.5km of a Special Area of Conservation (SAC) (Slieve Gullion) and Areas of Special Scientific Interest (ASSI) (Slieve Gullion, Levallymore, Cashel Loughs, Lurgan Lough Loughaveely, Carrickstickan and Cam Lough).

A residential dwelling sits in the adjoining field to the south of the application site with further residential dwellings on the east side of Church Road and north of the site.

**Site History:**

There is no planning history relevant to this application site.

**Planning Policies & Material Considerations:**

The Strategic Planning Policy Statements (SPPS), The Banbridge / Newry and Mourne Area Plan 2015, Planning Policy Statement 2 (PPS2), Planning Policy Statement 3 (PPS3), Planning Policy Statement 21 (PPS21) and Building on Tradition design guide.

**Consultations:**

There were four consultations issued for this application, these have been outlined below.

- SES – following re-consultation with further information SES were satisfied with the proposal (16/02/2017).

- Transport NI – No objection subject to conditions. (07/03/2017)
- NIEA – No concerns subject to conditions. (04/08/2017).
- Environmental Health – No objection, recommended 75 metre minimum setback distance from residential dwellings. (27/06/2016)
- DAERA - Confirmation of farm business ID and SFP/LFACA / Agri Environment schemes (20/06/2016).

### **Objections & Representations**

There were four neighbour notifications sent out on 20<sup>th</sup> June 2016. The application was advertised in the local press on the 24<sup>th</sup> June 2016. There were two representations received.

- Resident was concerned with the separation distance of residential property from the closest agricultural building proposed by this application. Measuring the separation distance on the drawings provided confirms that both proposed agricultural sheds are setback more than 75 metres from the residential dwelling at No. 34 Church Road.
- A nearby property owner was concerned with potential water contamination affecting his fish nursery, the noise of agricultural machinery and odour from livestock imposed on a lakeside cabin used during the day and for overnight accommodation and the potential for vermin around the property resulting from the development of agricultural sheds. The lakeside cabin / holiday chalet has been identified by the property owner as sitting SW of the buildings proposed and within 75 metres, however a search on our system does not reveal any approval ever being granted for a holiday chalet and as such we do not classify it as a residential property. The Water Management Unit has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to the applicant referring and adhering to standing advice and any relevant statutory permissions being obtained. Natural Environment Division (NED) has requested further information to enable a full assessment of the potential impact of the proposal on Crosslieve Pond Fen site. No approval for this development will be issued until NED are satisfied with the proposal.

### **Consideration and Assessment:**

In relation to non-residential development in the countryside PPS21 CTY1 states that planning permission will be granted for non-residential development in the countryside in the case of agricultural and forestry development in accordance with Policy CTY12 which states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) In terms of character and scale it is appropriate to its location;
- (c) It visually integrates into the landscape and additional landscaping is provided as necessary;
- (d) It will not have an adverse impact on the natural or built heritage; and



(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.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another 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.

The SPPS para 6.73 states that 'New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from the existing buildings will only be acceptable in exceptional circumstances.'

#### Principle of Development

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes agricultural development on an active and established agricultural holding if it is in accordance with Policy CTY12. For the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY10.

CTY10 requires a farm business to be currently active and established for at least 6 years. Claiming Single Farm Payment is the main means used to determine if the farm is active. DAERA have confirmed that the farm business has been active and established for more than 6 years and payments have been claimed within the past 6 years. The agent outlined there is 11 beef cattle and 9 heifers within the applicant holdings at present; a photocopy of the applicants herd book was provided and upon review of the stock movements and disposal there appears to be more than 20 animals remaining.

A review of the DARD farm maps submitted with this application outlines that total area of land owned and controlled by the application is 9.14 hectares and this is separated into 22 fields along Church Road, Upper Road, Glendasha Road and Quilly Road. The farm business is registered to 6 Upper Road, Mullaghbawn on which sits a dwelling, garage and outbuildings. There are agricultural buildings further NW of No. 6, consisting of a stone, storey and a half building and an ancillary building used for the storage of farm tools which are both part of the farm holding. These two buildings sit within the curtilage of the dwelling at No. 4 Upper Road. A

check of land registry maps confirms that the dwelling (No.4) is within ownership of the Hollywood family.

The distance from the farm dwelling and existing farm buildings to the proposed application site is approximately 0.8 miles and takes several minutes by car.

#### Rented Accommodation.

The agent has indicated that the applicant does not have any sheds available for the storage of animals at the applicants main farm holding (No. 6 Upper Road) and has previously rented a third party neighbours sheds for the storage and handling of animals but this opportunity does not exist anymore. This has been confirmed by a letter from the third party neighbour. It has been outlined that without approval for the farm building as proposed by this application the applicant will have no alternative but to rent buildings (if available) which will be a significant financial burden.

#### Exception

The exception to the requirements of CTY12 is applied as this proposal is for an alternative site away from farm buildings. While there are existing farm buildings along the Upper Road, the agent considers these inappropriate and the works required to develop near these building to be excessive.

Upon inspection of the existing farm buildings and land around them, the Planning Department consider an opportunity exists to develop at this location to meet the needs of the applicant. We acknowledge that to facilitate development at this location additional works would be necessary however it is considered sufficient room exists next to the existing agricultural buildings to accommodate either an expansion to these existing sheds or potentially a new building.

#### Essential for the efficient functioning of the business and Health and Safety Reasons

The agent has stated the following reasons the new sheds at the proposed location are essential.

- The sheds are required to provide buildings to satisfy animal welfare legislation.
- The financial burden of renting farm buildings is inappropriate and unsustainable for the applicant and renting buildings off a third party causes a farm bio-hazard potentially resulting in contamination and disease transfer between herds.
- There will be benefits from keeping animals and feedstock adjacent to one another. Without the need to transfer bales to a different locations the farm holding becomes more efficient by achieving maximum productivity with minimum wasted effort or expense.
- Capturing slurry and spreading at one location is good farming practice, reduced carbon footprint and current expenditure.

Upon consideration of the agents reasons outlined above for justifying new sheds and an alternative location, the Planning Department are not satisfied these demonstrate that they are essential for the efficient functioning of the business. There is an opportunity to develop / expand at the existing farm buildings to provide sheds for livestock. The existing farm buildings are located a relative short distance

(0.8 miles) from the proposed application site and it is not considered this travel distance will impact significantly on the efficiencies and expenditure of the farm business. To conclude on this, the Planning department consider that it has not been satisfactorily demonstrated that that renovation, alteration or re-development opportunities exist and that a new farm building away from the existing farm buildings is essential for the efficient functioning of the farm business. The application site is included within an AONB and within short distances from designated sites and the potential impact of this proposal on natural heritage is considered in a section below.

Should it be accepted that this proposal meets the exceptional case test and the principle of development is accepted to allow the development of farm sheds away from existing farm buildings, below provides a summary of the proposal against PPS 2, PPS3 and PPS21.

#### PPS2 – NH1, NH2, NH3, NH5 and NH6

The site is within 7.5 kilometres of a European Site, Slieve Gullion SAC, planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on an SAC. Further, planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Confirmation provided by SES outlines that 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 any features of any European site.

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. This site is within 2 kilometres of the Crosslieve Pond Fen Site of Local Natural Conservation Importance (SLNCI) and Natural Environment Division requested a SCAIL modelling on the emissions expected from the cattle shed and slurry store. NED in their consultations response had no concerns on the proposal impact on designated sites and other natural heritage interests and on the basis of the information provided had no concerns subject to conditions.

The visual impact of the proposal is also an important consideration that needs to be addressed particularly within this AONB. The siting and scale of the proposed sheds and the new access and laneway is not considered sympathetic to the special character of the AONB. Creating a new access will cause the loss of existing mature hedging and create a visual break whilst travelling along both directions of this road. The proposed reinstatement of some of the hedging removed along the eastern boundary will eventually reduce the visual impact however this will take some years to mature. It is considered the nature and scale of this proposal does not contribute to the creation of a quality environment and will if developed detract from the visual amenity of this area.



### PPS3 – Access, Movement and Parking and DCAN 15 – Vehicular Access Standards.

Transport NI was consulted on this proposal and are content subject to conditions being met.

### CTY 13 and CTY 14

Critical views of the proposed site are from Church Road when travelling northwest and southeast. The sheds will have a ridge height of 8 metres above the ground level, however due to the topography within the site the ground floor level of the shed will sit approx. 4 metre below the highest point within the application site which is located in the foreground between the proposed position of the sheds and Church Road to the northeast. The sheds will have no immediate backdrop due to the falling land level further southwest; however Crosslieve Mountain further west of the application site provides a backdrop.

It is not considered the sheds would appear prominent considering their position, the topography within the site and the existing natural screening along the northwest and south eastern boundaries of the site and the position of the dwelling at No. 34 Church Road. The sheds would be designed with olive green agricultural cladding and purlins to assist with integration. The proposed design is typical of modern agricultural buildings. It is not considered the design is inappropriate to the locality or the surrounding buildings.

The ancillary works comprising of a new access and lane are not considered to integrate with their surroundings. The rise of land levels for approx. 50m within the application site from the road frontage (travelling east to west) results in the proposed 5 metre wide lane becoming a prominent feature particularly when travelling along Church Road towards the site from the south. While we acknowledge CTY 13 encourages new access to run alongside existing hedgerows, we note no landscaping measures have been proposed to aid with the integration of this new lane.

While the sheds proposed will visible when traveling along Church Road, they won't be prominent due to their setback from the road and topography within the site. The new access and laneway proposed are however considered prominent in the landscape and would adversely impact on the rural character of this area.

### **Recommendation:**

Refusal

### **Refusal Reasons**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.

2. 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;
- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and 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 buildings;
- it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to 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 is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



**Reference:** LA07/2016/0733/F  
**Applicant Name:** Mr Robert Hollywood  
**Proposal:** Approximately 80M West of No. 34 Church Road Forkhill Armagh  
**Site Location:** 6 Upper Road, Shanroe, Mullaghbawn, Newry, BT35 9XL

### Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.
2. 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; - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping; and 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 buildings; - it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.





4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to 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 is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.

### **Consideration**

The proposal is necessary for the efficient use of this agricultural holding as there are currently no agricultural buildings available at the main farm holding, which are suitable for the storage of cattle. At the main farm holding there is an existing stone barn which is used for the storage of bales of hay however the scale and nature of the building is not suitable to house cattle and if used as such would present a health & safety risk and significant danger to any farmer due to the restrictive nature of the building.



**Figure 1.** Existing and Only Agricultural Building on Farm Holding

A supporting statement was provided to the Planning Authority on 9<sup>th</sup> September 2016 identifying all available lands on the existing farm holding, while also confirming that there is only 1 existing agricultural building on the farm holding. There are no other agricultural buildings on the farm.

Mr Hollywood, who farms cattle, previously rented shed from a local landowner however these sheds are no longer available and it is therefore necessary to erect new sheds on the family farm to ensure the future of the farm business. Details of this situation were previously forwarded to the case officer advising of this matter on 9<sup>th</sup> September 2017.

The only existing building on the farm holding is located at No.6 Upper Road however the lands surrounding the building drop sharply from the roadside and any works to erect farm



sheds in this small field would result in significant engineering works. The existing barn lies in an elevated position above the Forkhill Road and the erection of new sheds on the site would result in an unacceptable determinately impact on this sensitive landscape. This impact would also be compounded by the potential necessity to construct a new access to the property from the Forkhill Road, resulting in a completely exposed site with large agricultural buildings placed upon it.



**Figure 2.** Existing Farm Building lies in an elevated position above the Forkhill Road

In addition to this the existing farm buildings are located beside neighbouring dwellings (No's 23 & 29 Forkhill Road, Shanroe, Mullaghbawn, Armagh), which are not part of the Hollywood farm. An analysis has been provided below of the separation distances of the farm holding and adjacent dwellings. Any agricultural shed in this field would only have a separation distance of 51m away from the adjacent dwellings. This distance falls



significantly short of the recommended 75m separation for agricultural buildings from dwellings not associated with a farm holding.

The question must therefore be asked if planning permission would be granted for an application for new agricultural sheds within this field. It is quite clear that there are significant negative aspects of any such proposal and it is therefore felt that planning permission would not be forthcoming in that respect.



**Figure 3.** Existing Farm Holding

In contrast to this, the application proposal seeks to erect 2 new agricultural sheds within an agricultural field on the family farm which can easily absorb the proposal without any detrimental impact on the landscape. It is proposed to site the buildings to the rear of the field where the land is approximately 3m below the adjacent roadside and there is also a rise

in the centre of the field of almost 2m which will assist in screening the development from the public view on Church Road. Only the initial 50m of the agricultural lane way will be visible from the Church Road, while the remaining ancillary works will essentially be invisible from the Church Road. It is therefore perplexing how the Planning Authority are refusing this application due to the impact of ancillary works. Indeed it is felt that this site represents a significant element of planning gain when taken in comparison to the alternative site located beside the existing main farm group.



**Figure 4.** The proposed site drops away from the public roadside

The design of this proposal is not atypical of modern agricultural building throughout Northern Ireland and **the proposed site is not visible from the public road**. It is therefore felt that the proposal is completely sympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality



It is therefore felt that this application has not received a fair assessment and in light of the information above it is respectfully requested that this application is approved.



|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                                                 |                      |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------|----------------------|
| <b>ITEM NO</b>         | 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |                                                 |                      |
| <b>APPLIC NO</b>       | LA07/2016/0952/F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Full               | <b>DATE VALID</b>                               | 7/11/16              |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                    |                                                 |                      |
| <b>APPLICANT</b>       | D & M Downey 47-53 Hill Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>AGENT</b>       | Donaldson                                       |                      |
|                        | BT34 1AF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    | Street<br>Holywood<br>BT18 9AE<br>028 9042 3320 |                      |
| <b>LOCATION</b>        | 113-117 Dublin Road<br>Newry<br>BT35 8QP                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |                                                 |                      |
| <b>PROPOSAL</b>        | Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area to facilitate additional parking and improved servicing provision for all units on this site. Access arrangements to be as already approved under application P/2011/0556/F (Additional Information submitted) |                    |                                                 |                      |
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>SUP Letters</b> | <b>OBJ Petitions</b>                            | <b>SUP Petitions</b> |
|                        | 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0                  | 0                                               | 0                    |
|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    | <b>Addresses</b>                                | <b>Signatures</b>    |
|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    | 0                                               | 0 0 0                |

- 1 The proposal is contrary to Policy SMT2 of the Banbridge/Newry and Mourne Area Plan 2015, in that part of the site proposed for retail development is on land zoned for housing.
- 2 The proposal is contrary to Paragraphs 6.270, 6.273 and 6.280 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), in that it has not been demonstrated that a sequential town centre first approach has been applied as the site lies outside of the town centre and insufficient justification has been provided to justify the relaxation of this restriction.
- 3 The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up to date development plan.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0952/F**

**Date Received: July 11<sup>th</sup> 2016**

**Proposal: Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (their 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area to facilitate additional parking and improved servicing provision for all units on this site. Access arrangements to be as already approved under application P/2011/0556/F**

**Location: 113-117 Dublin Road, Newry, BT35 8QP**

**Site Characteristics & Area Characteristics:**

The site is a development of 3 warehouse/retail units located on the western side of the Dublin Road on the site of an old customs station; it is within the development limit of Newry however it is located a significant distance outside of the City Centre. The site itself has recently undergone extensive works including the opening of a convenience store in the southern most building of the three buildings, an extension to this convenience store, significant site clearance/ landscaping, the creation of additional car parking spaces and the creation of a new access point.

**Site History:**

There is an extensive planning history on the site; Number 115 Dublin Road is the centre unit of those currently on site it was first approved under application P/1993/0605 on August 17<sup>th</sup> 1993, the approval was granted with a condition which limited the range of goods to be sold to bulky goods/ DIY materials/furniture and electrical goods.

Prior to this approval for Number 117 had been granted under application P/1992/0564 on November 5<sup>th</sup> 1992, Number 113 was granted approval by application P/1995/0943/F on February 1<sup>st</sup> 1996, on all three applications the proposal was described as either "warehouse" or "carpet warehouse."

An application for the redevelopment of Number 117 as a convenience retail unit and a petrol filling station (PFS), P/2011/0556/F, was approved by the then planning



authority on February 19<sup>th</sup> 2014, under the approved proposal Number 115 was to be demolished and the forecourt of the PFS was to be constructed over much of its footprint. The approval contained a number of conditions designed to ensure that the development was implemented and operated as a PFS with an associated retail unit as the proposal was assessed as being a PFS first with a secondary retail unit.

Following the issuing of the decision notice the applicant applied for a CLUD that the use of Number 117 was immune from enforcement; the Planning Authority refused the CLUD on March 19<sup>th</sup> 2015 a decision which was then appealed to the PAC. In its decision reference 2015/E001 issued on September 2<sup>nd</sup> 2015 the Commission upheld the appeal and issued a CLUD stating that the building was in use for the purposes of Class A1 Retailing for a period of 5 years prior to August 20<sup>th</sup> 2014.

#### **Planning Policies & Material Considerations:**

Strategic Planning Policy Statement (SPPS)  
Banbridge/Newry and Mourne Area Plan 2015  
Planning Policy Statement 3 Parking Standards  
Planning Policy 15 Planning and Flood Risk.

#### **Consultations:**

**Transport NI** No objections subject to conditions.

**Northern Ireland Housing Executive** There is a projected need for 660 social housing units in Newry up to 2020, NIHE comments that it considers that the 24 social housing units could be accommodated on the remainder of the zoned lands, it requests that it be ensured that the proposed uses would not be incompatible with future residential development and that the access arrangements of zoning NY 58 not be compromised by the proposal.

#### **Objections & Representations**

To date a total of 9 objections have been received in relation to this application, issues of concern include traffic congestion/safety, negative impact of the development on Newry City Centre/ high vacancy rates in the town centre/ available units in the town centre, the need for a town centre first approach, negative impact on existing on existing local stores, impact on adjoining residential properties, removal of the former bulky goods restriction, loss of a residential zoning.

#### **Strategic Planning Policy Statement**

The SPPS primarily provides strategic guidance for the preparation of new Local Development Plans by Councils; however it has superseded PPS 5 as the primary policy for the assessment of proposals for retail development. Paragraph 6.272 states that the SPPS's Regional Strategic Policy must be taken into account in the preparation of LDP's and in the determination of planning applications, Paragraph 6.273 states that Planning Authorities must adopt a town centre first approach for retail and main town centre uses, but Paragraph 6.276 states that they must also retain and consolidate existing district and local centres and ensure their role is



complementary to the role and function of the town centre. It states further that extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment.

Paragraph 6.280 requires Council to impose a sequential test for planning applications which are not in an existing centre and are not in accordance with an up to date LDP. The policy goes on to state that where it can be established that an alternatively sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferable site should be refused.

The sequential test is defined by paragraph 6.281 as being

Primary Retail Core

Town Centre

Edge of Centre and

Out of centre, only where sites are accessible by a choice of good public transport modes.

The proposal seeks to subdivide 296 square metres of floorspace on the ground floor of the unit into three retail units each with their own separate entrances and shop fronts, the remainder of the building will be left as a retail warehouse operating over two floors in compliance with its original bulky goods permission. The supporting planning statement suggests that they could be used as an off license, pharmacy or hairdresser, the use of the units can be controlled by planning conditions to limit their use to non food retail which is less intensive than food retailing and requires less car parking and delivery traffic etc. The issue is whether or not the release of 296 square metres of retail floorspace from bulky goods to Class A1 would have a detrimental impact on Newry City Centre.

Paragraphs 4.11 and 4.12 of the SPPS relate to Safeguarding Residential and Work Environs, it states that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution. Paragraph 4.12 lists a number of other potential nuisances such as loss of light and overshadowing, however this list is not exhaustive and an onus is placed on the planning authority to identify and consider, in consultation with stakeholders, all relevant environment and amenity issues for their areas.

In this case the arrangement of the car parking on the site layout plan means that cars will be parked all along the rear boundary of the site, the only indicated boundary treatment is the existing dry stone wall. Therefore there is the potential for future residents of the housing lands to have their amenity adversely affected by vehicle noise and fumes and general disturbance.

#### **Banbridge/Newry and Mourne Area Plan 2015.**

The rear portion of the site forms part of Zoning NY58 of the plan, the Key Site Requirements are;

1. A minimum of 24 dwellings shall be provided for social housing
2. Housing development shall be at a minimum gross density of 25 dwellings per hectare.

3. Access shall be through Edencrieve (a housing development to its north).



The site is also described as being subject to marginal flooding, details of which are given under the consideration of PPS 15. The zoning is divided into two portions by the rear boundary of the application site, the western portion of the site slopes down steeply into the valley of the watercourse that is responsible for the flooding.

### **Policy SMT2 Development on Zoned Sites**

*“Planning permission on zoned sites will be granted for the specified uses as well as any range of uses included within the Key Site requirements and any specified complementary uses.”*

The policy is expanded upon in the following text; *“in general this means that where land is proposed for a specific use, then any proposals should be primarily composed of that use but may be accompanied by a complementary use. For example, housing developments may be accompanied by education, health, community and cultural uses (Policy ECU 1), open space/recreation use, and in some cases, a local convenience shop.”*

### **PPS 3 Parking Standards**

The submitted layout plan shows that 124 car parking spaces will be provided as well as a service area to the rear of the buildings. 11 staff parking spaces will be provided to the rear of the supermarket and an area between this unit and Dublin Road is marked as being “Optional Parking,” although it is not laid out on the plan.

As the proposal involves the extension of the car parking area which will be required to service all of the retail units in the complex the cumulative car parking requirement must be determined. For application P/2011/0556/F it was determined that the supermarket and petrol filling station required 47 car parking spaces, with a split of 39 supermarket and 8 PFS, the omission of the PFS element removes the need for 8



spaces, however the "50 square metre extension" indicated on the layout plan would require an additional 4 parking spaces, the pet food store has a requirement for 23 spaces.

The applicant's car parking analysis calculates the requirement on the basis of it being food retail with 1 space per 14 square metres of Gross Floor Area, however other supporting statements say that the current proposal will be for non-food retail which is assessed at the lower rate of 1 space per 20 square metres GFA. The applicant's assessment is that there is a requirement for 124 spaces which is exactly the number of spaces that have been provided. This assessment appears to be incorrect as it omits the extension and is based on the whole site being available for food retail. Calculating the current proposal on the basis of 1 space per 20 square metres GFA gives a requirement for 15 spaces to service the 296 square metres that are to be sub-divided, there appears to be an error for the calculations for Unit 1 which although indicated as being calculated under the higher rate are in fact on the lower one.

For the total site there is a requirement for 116 spaces, this does not include the "50 square metre extension" which would take the requirement to 120 spaces, this level is 4 less than the number of spaces shown on the layout plan

### **PPS 15 Planning and Flood Risk**

Some land in the agricultural field to the rear of the site is subject to flooding from a nearby stream; however the flood risk maps show that the site itself is not included within this area. This land forms part of the housing zoning NY58, the land in question is at the north eastern corner of the site adjacent to Edencrieve.

### **Consideration:**

There are two elements to this proposal. The first is the reconfiguration of the existing unit to provide the three new retail units and the second is the enlargement of the overall site to provide additional car parking, which intrudes into an area zoned for residential development in the area plan.

The applicant has referred to a previous decision to allow a skip hire business to expand into land that was zoned for residential use on the nearby Chancellor's Road, P/2010/0650/F, as with the current proposal this was for an extension of an existing commercial site. However this was approved prior to the publication of the adopted plan, the area in question is now Zoning NY56 of this plan and its boundaries appear to be identical to those of the draft version.

The applicant has also referred to a recent PAC decision for a site in Magherafelt (2014/A0191) in support of their application. In this case the Commission determined that the sequential test of the SPPS was not applicable as the premises had been issued with a CLUD which had the effect of allowing all existing floorspace in the building as having unrestricted Class A1 retailing, therefore it was for a reconfiguration of the existing retail unit which had "*unfettered retail use*." I would consider that this case is not comparable as the current unit is limited to the sale of bulky goods and therefore it does not have "*unfettered retail use*." The proposal in this case is described as a "reconfiguration" of the retail unit however there was no subdivision of the retail unit in this case into smaller units.



The wording of the SPPS's retail policies refers to "*main town centre uses*," footnote Number 58 of the policy lists these as being "*cultural and community facilities, retail, leisure, entertainment and business*." The current proposal seeks to release 296 square metres of floorspace from the bulky goods restriction for use in general retailing, the supporting statements suggest that they will only be used for uses such as a pharmacist or a hairdressers and not for food retailing. It is considered that the proposal will result in a significant change in the nature of the site from one with single occupant blocks to one more like that of a town centre with a number of retailers providing "retail services." Having considered all of the relevant issues, the proposal fails the sequential test of the SPPS in that the application is seeking to create what is in effect a local centre. The current proposal is distinguishable from the adjacent unit because it was always conditioned as being solely for the sale of bulky goods and there is no "unfettered retail use" on this unit. Paragraph 6.280 places a requirement that where it can be established that alternative sites exist within the catchment then preference must be given to them over less sequentially preferable sites and it is considered that the applicant has not sufficiently demonstrated that there are not any sequentially preferable sites within the catchment. In addition, the proposal will create a precedent for further schemes in other locations outside of the town centre. Consequently, the proposal is contrary to paragraphs 6.270, 6.273 and 6.280 of the Strategic Planning Policy Statement for Northern Ireland, in that it has not been demonstrated that a sequential town centre first approach has been applied as the site lies outside of the town centre and insufficient justification has been provided to justify the relaxation of this restriction.

The second element relates to the expansion of the commercial site to accommodate car parking into an area that is zoned for residential use in the Area Plan. There are some 43 car parking spaces contained within this area and clearly if the site was confined within its existing boundary then the proposal would fail to provide the level of car parking required. Policy SMT 2 means that planning permission on zoned sites will be granted for the specified use. In contrast the current proposal seeks to use land zoned for residential purposes as car parking ancillary for a significant retail centre and there will be no link or access between the proposed site and the site zoned for residential purposes and will be a separate entity from the proposed site. Policy SMT 2 also allows for a range of uses included within the key site requirements and any specified complementary uses. However, no such uses are specified within the key site requirements of this zoning. With regards to the complementary uses, examples in the Area Plan amplification include housing developments being accompanied by education, health, community and cultural uses, and in some cases, a local convenience shop. However, as mentioned above, this proposal is for a significant retail centre which is to operate as a separate entity to the housing zoning rather than being complementary to it and the proposal does not represent the type of small scale convenience store envisioned as a complementary use under Policy SMT 2. If allowed, the proposal would create a significant precedent for other sites within the Plan Area and would negatively impact on the zoning for housing in terms of both the quality of the scheme and density of the scheme given that a portion of the housing zoning will be lost to make way for car parking which has already been laid out on the ground. The proposal is contrary to Policy SMT 2 of the Area Plan in that part of the proposed site is on land zoned for housing. Consequently, the proposal is also contrary to paragraph 3.8 of the

Strategic Planning Policy Statement for Northern Ireland in that the proposal conflicts with an up date development plan.

Objectors have raised a number of valid points which have been considered as part of this report via the assessment of the proposal against policy. Concerns raised regarding the loss of zoned housing land, the need for a town centre first approach, the negative impact on the town centre and availability of more appropriate sites in the town centre are well founded and are reflected in the refusal reasons below. Objectors have also raised issues regarding traffic congestion/ safety however it is noted that Transportni are content with the proposal and refusal is not warranted on these grounds.

### **Recommendation:**

Refusal is recommended for the reasons below.

### **Refusal Reasons**

1. The proposal is contrary to Policy SMT2 of the Banbridge/Newry and Mourne Area Plan 2015, in that part of the site proposed for retail development is on land zoned for housing.
2. The proposal is contrary to Paragraphs 6.270, 6.273 and 6.280 of the Strategic Planning Policy Statement for Northern Ireland, in that it has not been demonstrated that a sequential town centre first approach has been applied as the site lies outside of the town centre and insufficient justification has been provided to justify the relaxation of this restriction.
3. The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland in that the proposal conflicts with an up to date development plan.

***Case Officer***

***Authorised Officer***

**DOWNEY BROTHERS - PROPOSED DEVELOPMENT AT DUBLIN ROAD, NEWRY****APPLICATION REF: LA07/2016/0952/F.****COMMITTEE PRESENTATION – OCTOBER 2017.**

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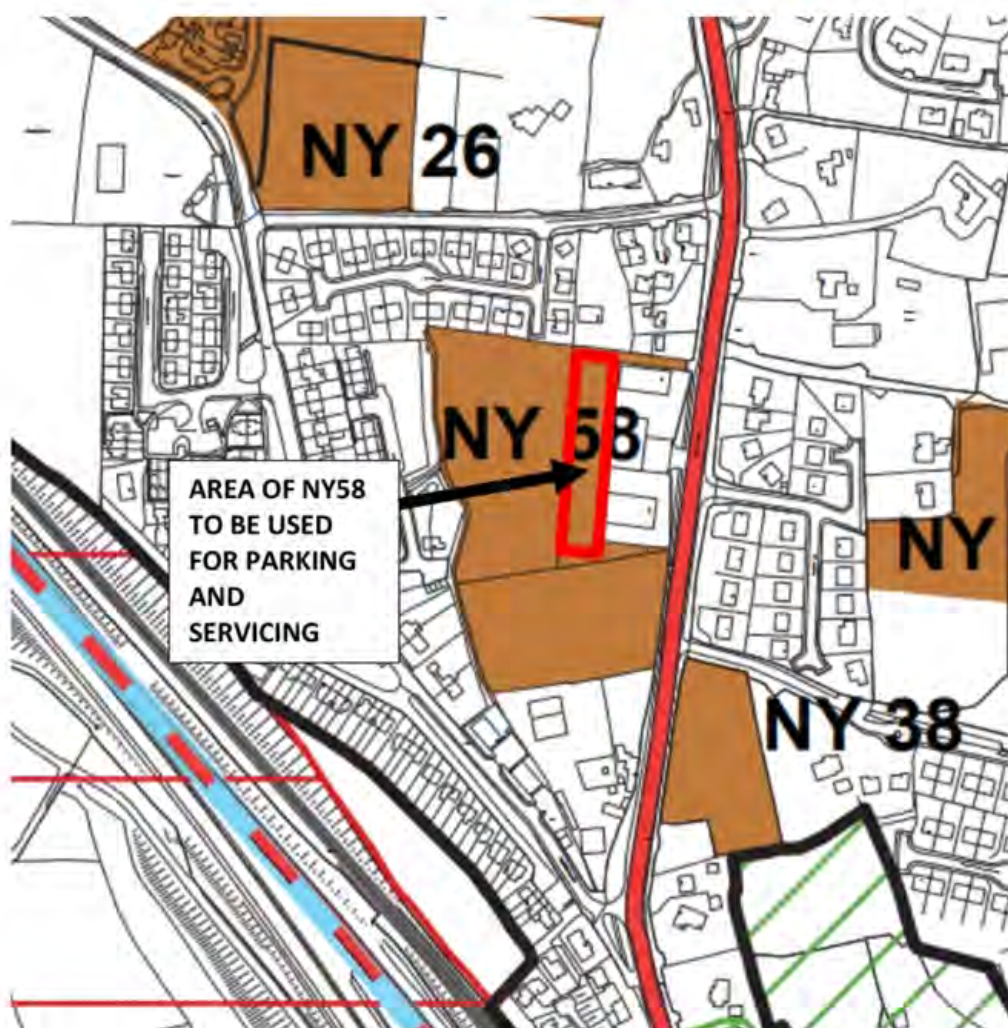
**Application Details**

1. The application seeks permission to extend a parking and servicing area, and sub-divide part of an established retail unit to incorporate three smaller units to be used for local neighbourhood purposes. The three local units will total 296 square metres, with 815 square metres (73%) of the existing building remaining as bulky goods.
2. The site has recently been redeveloped to provide a convenience retail unit. It clearly functions as a neighbourhood centre for a significant resident population in south Newry.
3. Council Planners have recommended three refusal reasons. In essence these relate to two main issues: the housing zoning on part of the site; and insufficient justification for retail development outside the town centre.
4. Before addressing each issue, it is important to point out that S45 of the Planning (NI) Act 2011 requires the Council ***'to have regard to the development plan, so far as material to the application, and to any other material considerations'***. This does not mean that the Plan must always be complied with, a fact which Belfast City Council's solicitor referred to in a retail proposal at Connswater. He commented that the legislation ***'does not however create a requirement to slavishly adhere to policy when that policy could be set aside by the weight of other material considerations'***. In this case, the Officers have adopted an inflexible approach which fails to have regard to the established situation and the fact that no new retail floorspace is proposed.
5. The key issues are addressed below.

**ISSUE 1 – Development on Zoned Housing Land**

6. The extended parking area involves about 15% of housing zoning NY58, which extends to 2.26 hectares. This is illustrated below:





Area Plan Extract showing extent of zoning NY58 to be used.

7. There is no public interest or planning reason to retain this small area of housing zoning, for the following reasons:
  - i) the car park extension has been necessitated to facilitate efficient and safe functioning of the convenience retail unit and the two existing bulky goods units. Based on the Department's 'Parking Standards', the development is currently substandard in parking provision, especially since the convenience outlet opened. The required number of spaces for the existing lawful development is 116 spaces. The Committee Report appears to be based on an earlier drawing, and the present proposal seeks permission for 115 spaces. It will also allow larger delivery vehicles to turn safely within the site. Without the improved parking and servicing area, the site will remain well below the normal parking requirement, and congestion is more likely to occur on Dublin Road, to the detriment of road safety and residential amenity;
  - ii) Policy SMT2 of the Plan is positively expressed. It simply cannot be interpreted as a prohibition on other uses, and especially those which provide essential and complementary services for the local community. Policy SMT2 acknowledges that complementary uses may be acceptable on zoned land. For example,



housing developments may be accompanied by education, health, community or cultural uses, open space/recreational use, and in some cases a local convenience shop. This list is not exhaustive. This proposal is to improve and make safer an established local retail facility, and so it can clearly be regarded as complementary to housing;

iii) The proposal takes up only 15% of the zoning, and an area which might otherwise accommodate about 10-12 houses. Such a small number of houses cannot possibly result in material detriment to housing supply or prejudice to the Plan when the Housing Monitor (2013) shows that there is potential for some 3,119 new houses in the City;

iv) NIHE has offered no objections to the alternative use of this small part of the zoning;

v) The zoned housing land at NY58 has never had a planning application for housing brought forward. However the proposed development will not prejudice future delivery of housing on the remaining 85% of the zoning. Access to it via Eden Crieve (as stipulated in the Plan) will remain available; and

vi) There is precedent where the Planning Authority previously permitted an alternative use of a housing zoning at Chancellor's Road (P/2010/0650/F). The Case Officer's Report in that application specifically commented (correctly) that the extension of a waste transfer site would not have any material impact upon housing supply in Newry. The introduction of the 'plan-led' system does not mean that a plan zoning must outweigh other considerations such as road safety or community needs.

## ISSUE 2: Retail Policy

8. The refusal recommendation asserts that a sequential town centre first approach has not been applied, as required by the SPPS. Again, this is not a sustainable approach, for the following reasons:

i) The SPPS advocates a 'town centre first' approach to retail development. But in this case, the building is already approved for retail use. The only issue is whether it must continue to operate as a single unit, or whether a small proportion of it can be subdivided to meet local needs;

ii) PAC decision **2014/A0191** provides useful guidance. Here the PAC determined that reconfiguration of an existing retail building in an out of centre location did not necessitate a sequential test or retail assessment under the SPPS. Whilst the current unit at Dublin Road is restricted to bulky goods sales, the proposal is only to convert 27% of its floorspace to a wider range of uses, to cater for the local neighbourhood. This is only a fraction of the 1,000 square metres for which a retail impact assessment may be required, and it is of no material consequence in terms of retail impact upon the city centre. Indeed,

the resultant reduction in bulky goods floorspace is more likely to be of benefit to comparison type outlets in the City Centre;

iii) The **Tesco Stores v Dundee District Council** (2012 UKSC 13) judgement sets out clearly the principle that consideration of 'suitable' sites in terms of a sequential test means sites which are suitable for the proposed development. Plainly, there are no other established retail warehouses between Dublin Road and the City Centre which are capable of similar sub-division and situated within a neighbourhood centre. If the proposed units were to be located in the City Centre they would not meet local community needs as the City Centre is not within walking distance of the Dublin Road site; and

iv) the concerns about precedent or creation of a new local centre are unfounded, for the simple reason that, especially with the existing convenience unit, this site already functions as a local neighbourhood centre. Indeed it was recognised as a 'neighbourhood retail centre' by the BNMAP Technical Supplement on Retailing in 2006(p27).

### Conclusions

9. Overall, it is clear that the presumption in favour of sustainable development should apply in this case. The site is already established as a neighbourhood retail centre and the subject building already exists. This proposal to increase parking and servicing space, and sub-divide only a quarter of the middle retail unit, will improve the range and quality of local services available to the growing residential community in this area, and will not have any material effect upon the City Centre.
10. The proposal is not contrary to the SPPS, nor can the very minor change to a housing zoning be regarded as prejudicial to the Area Plan. The Planning Committee is requested to support this economic activity and to grant planning permission.

**DONALDSONPLANNING**

**October 2017**





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028 302 61693

APPLICATION REF: LA07/2016/0952/F

4<sup>th</sup> October 2017

Dear Colette,

I am writing to you to express my support of this application which is due for the Planning Committee meeting- Wednesday 11th October 2017.

I feel that this application should be approved due to the fact that the proposed site is an already well established neighbourhood retail space. The proposal is not seeking to increase any retail floor space, and it is in fact only seeking approval to sub-divide the middle unit into four smaller units, whereby three of these will be used for neighbourhood convenience outlets. Having a positive effect on the local community by improving the range of services available.

This plan will also increase car parking space available for customers and will mean that the premises is easily and safely accessible for servicing and deliveries without any obstruction. I am aware that this will only require 15% of the land zoned for housing development, and has received no objections from NIHE. I trust that the committee will take these positive aspects of the proposal outlined into consideration when making their decision about this application.

Is Mise,

Mickey Brady MP



LA07/2016/0952/F –

D &amp; M Downey

Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shop-fronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area to facilitate additional parking and improved servicing provision for all units on this site. Access arrangements to be as already approved under application P/2011/0556/F (Additional Information submitted).

113-117 Dublin Road, Newry

I would like to submit representation in support of the application on behalf of myself and Councillor Sean Doran for the planning committee meeting on Wednesday 11th October 2017.

We believe this application should be approved for the following reasons:

The applicant is requesting permission for an extended parking area to service the already existing retail units, and this will only require 15% of the land zoned for housing development, and has received no objections from NIHE in relation to this. This extended parking is necessary for the safety of customers and to enable delivery drivers to turn safely on site.

Additionally, this application is not increasing any retail floor space at this site and is simply seeking approval to subdivide an existing retail unit and allow for a wider range of uses, therefore it is not going against the "town centre first" element of policy.

I would therefore ask the committee to carefully reconsider the recommendations and seek to approve this application.

Kind regards  
Liz

Cllr Liz Kimmins  
Tel. 07840588741

|                        |                                                       |      |                                                                                                       |
|------------------------|-------------------------------------------------------|------|-------------------------------------------------------------------------------------------------------|
| <b>ITEM NO</b>         | <b>8</b>                                              |      |                                                                                                       |
| <b>APPLIC NO</b>       | LA07/2016/1036/F                                      | Full | <b>DATE VALID</b> 7/27/16                                                                             |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>                                        |      |                                                                                                       |
| <b>APPLICANT</b>       | Thomas McLoughlin 24 Ryan Road<br>Mayobridge<br>Newry |      | <b>AGENT</b> O'Callaghan<br>Planning Unit 1<br>10 Monaghan Street<br>Newry<br>BT35 6BH<br>02830835700 |

**LOCATION** Approx. 100 metres south west of 24 Ryan Road  
Mayobridge

**PROPOSAL** Erection of dwelling and detached garage on a farm

| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> |   | <b>SUP Letters</b> |   | <b>OBJ Petitions</b> |            | <b>SUP Petitions</b> |            |
|------------------------|--------------------|---|--------------------|---|----------------------|------------|----------------------|------------|
|                        | 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 (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 farm business has been established for at least six years;

access to the dwelling proposed can not be obtained from an existing lane.

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 ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.

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 impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/1036/F

**Date Received:**

27/07/2016

**Proposal:**

Erection of dwelling and detached garage on a farm

**Location:**

Approximately 100 metres South West of No.24 Ryan Road, Mayobridge

**Site Characteristics & Area Characteristics:**

The site is located approximately 2.1 miles North West of Mayobridge, in a rural area which is undesignated. The rural character of this area is under threat from single dwellings and economic development, including a car breakers business south of the site. The site itself, is set back from the Ryan Road some 65 metres (with the exception of the access,) and comprises a field and existing building group (traditional dwelling and out buildings) in the north western area. The landform is somewhat irregular, sloping downwards to the South West. Boundaries are generally established with dry stone walls and mature hedgerow surrounding the site, with landscaping more densely formed along the eastern and western boundaries.

**Relevant site history / history on the farm holding:**

1. P/1975/0533 - Planning Department records indicate that planning application reference P/1975/0533 which was approved on 26/03/1976, granted the erection of a replacement bungalow (off-site) in lieu of the existing building on the subject site. The development outcome of this approval is No.24 Ryan Road.
2. LA07/2016/1071/F - This application granted permission for the erection of a replacement dwelling and detached garage (original dwelling to be retained for ancillary residential purposes) approximately 175metres North West of 24 Ryan Road on 24/08/2017.

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP 2015)
- PPS 3 'Access, Movement and Parking'

- PPS 6 'Planning Archaeology and the Built Environment'
- PPS 21 'Sustainable Development in the Countryside'
- 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside
- The relevant planning history

#### **Consultations:**

- DAERA Countryside Management Inspectorate Branch: Farm Business ID 662316 has not been in existence for more than six years and has not claimed subsidies in the last year (17/01/2017)
- Department For Communities Historic Environment Division Historic Monuments: (There is a designated standing stone approximately 70m north of the site.) On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements (01/09/2016)
- NI Water: No objections, standard response with informatives (25/08/2016)
- Transport NI: No objections, conditions attached

#### **Objections & Representations**

- 1 Neighbouring property notified (No.24 Ryan Road) 13/01/2016 and 15/08/2016 (amended description) statutory expiry date 27/01/2017
- Advertised in 3 local press publications 08/08/2016 and re-advertised 16/01/2017 (amended description) statutory advertising period ends 10/02/2017
- 0 objections / representations received

#### **Consideration and Assessment:**

##### Background to this application

The application was originally submitted as a proposed replacement dwelling. For the purposes of fast-tracking the processing time of this application, the cover letter states that there are personal circumstances behind the need for the proposed dwelling. As outlined above, historical planning records (both electronic and hard copy) indicate that this building has already been replaced under application reference P/1975/0533. Condition 3 of this decision states that the existing dwelling must not be used for human habitation on completion of the proposal approved. Policy CTY3 of PPS21 does not allow for a second replacement opportunity where the original building has been retained.

The agent was made aware of these planning records on 04/10/2016 and return correspondence was received on 02/12/2016 expressing that there is an opportunity to avail of an approval on the site under the provisions of Policy CTY10 rather than CTY3. To support this direction of assessment, amended P1 forms, (with amended description) together with an amended site location plan (with all references to previous replacement being omitted) and the required P1C form were submitted. As the red line boundary did not change, these amendments were accepted under the

current application. Statutory re-advertising and neighbour notification followed as detailed above.

#### Principle of Development

This application now seeks full permission for a dwelling on a farm. The site is located out with settlement development limits in an area which is undesignated, as identified by the BNMAP 2015. As there is no specific policy within BNMAP relative to this site, and given there is no significant change to the policy requirements for dwellings on farms 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. The proposed farm dwelling is made against farm business ID 662316. PPS21 Policy CTY1 states that a number of developments are acceptable in principle in the countryside, which includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

#### ***Criterion (a) requires that the farm business is currently active and has been established for at least 6 years:***

DAERA in their consultation response note that the respective farm business has not been in existence for more than 6 years nor has it claimed subsidies in the past year. The agent has advised that the applicant's father recently bought over a working farm in its entirety (purchased 20/05/2016 as verified by Solicitor correspondence dated 01/12/2016) and queried the possibility of treating this as a 'continuation' of the previous farm holding activity.

Clarification was sought from DAERA in relation to the former farm business ID 640995 in terms of how long it was active and established for, whether it remains active and whether any other lands are attached to it other than those sold to the subject farm ID. An email response (07/02/2017) was received confirming that Business ID 640995 was established but ceased to make any subsidy claims after 2013. The current business ID 662316 was formed in 2016 with no subsidy claims or declaration of land to date. DAERA also advise that normally when a farm business is taken over, the new owners enter the original business ID and the previous owners are removed, however the former business ID remains registered, with no current activity. It is unclear as to why this is the case.

In order for the Planning Department to accept that the present farm owner can benefit from the previous farm business which was taken over, it would need to be demonstrated that 6 years farming activity on the part of one or other of these farm business numbers took place in addition to clarification as to why the original ID remains in place. Clarity was sought from the agent on these matters and whether the current owner has made any land declarations / subsidy claims for 2017. The agent has advised that the previous farm owner is deceased, however, the matter regarding two business ID's being registered remains somewhat unclear.



The agent was also afforded the opportunity to demonstrate active farming activity over the required period of 6 years linked to one or both farm businesses. It is noted that there are current records of 15 sheep on the subject holding, with the application.

Following the above request, further information has been received on 05/09/2017 which includes the following:

- DAERA Area Based Schemes Payment Branch 2017 Entitlement Statement and confirmation of transfer of entitlements ( x 3) for Business ID 662316 (dated 05/06/2017) and relevant advice;
- DAERA Countryside Management Inspectorate Branch correspondence (dated 20/07/2017 and 02/06/2017) which includes signed declaration and associated maps for the applicant's 2017 Environmental Farming Scheme Application. , together with verification

The information submitted above demonstrates that the applicant's farm business (662316) is currently active. However the gap of three years activity from 2013 to 2016 in farming has not been explained or overcome. The agent has referenced a recent appeal decision (2016/A0197) where the Commissioner accepted that there is nothing in PPS21 that requires the 6 previous years to be continuous. In this case however, no information has been provided to overcome the substantial gap in farming activity. It has not been demonstrated therefore that the farm business has been established for at least six years.

**Criterion (b) seeks to confirm that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application:**

The planning history as listed above demonstrates that the above criterion is met. (This is on the basis that the recent approval LA07/2017/1071/F is not sold off the farm holding in the interim period of the processing of this application.)

**Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm:**

The farm business is registered to 24 Ryan Road. A dwelling on the site could group with the existing building group retained from application reference P/1975/0533.

Whilst the Planning Department do not accept the farm business meets criterion (a) for the purposes of completion, a full assessment of PPS21 is carried out below:

#### Siting

The dwelling proposed is sited approximately 35m South East of the existing building group on the site and set back some 103 metres from Ryan Road. This area of the site sits approximately 6m lower than the road according to the site survey provided. In this case, the dwelling would be sitting almost level with the road. The dwelling is oriented with the front elevation facing Ryan Road. This reflects the siting pattern of

No.24, the closest neighbouring dwelling. A garage is proposed along the northern boundary of the site, to the rear of the dwelling, with its gable facing the road. When viewed from Ryan Road travelling north, the dwelling would visually read with the existing building group. The siting of the dwelling / garage causes no concerns against CTY13 or CTY14 and would not appear prominent in the landscape.

#### Proposed Design

The proposed dwelling is single storey with a ridge height of 5.8m from finished floor level. It includes a simple storm porch on the front elevation and a rear return of 2.8m. Openings are generally vertically proportioned, with the exception of one window opening on the northern and rear elevations. The proposed chimney is set into the ridge line. Material finishes include a gloss black roof tiles, black PVC rainwater goods, painted smooth render walls, white U.P.V.C windows and doors. The proposed design does not offend policies CTY13, CTY14 or the guidance of 'Building on Tradition.'

#### Access

A new access is proposed off Ryan Road to service the new dwelling, bound by timber post and rail fencing. Transport NI do not object to this in terms of PPS3 requirements, subject to conditions being met. In terms of policy CTY10, criterion c) requires access to be taken from an existing laneway where practicable. In this context, there is an existing laneway which could be used to reduce the impact of ancillary works on rural character. The agent has not demonstrated why the existing laneway access cannot be used. I have concerns that the access proposed would appear as a visible feature in the landscape, offending criterion (d) of CTY13 and (e) of CTY14.

#### Landscaping / boundary proposals

The site benefits from mature hedgerow along its eastern boundary

The existing road side dry stone wall is to be removed for the proposed visibility splays and rebuilt to the rear of splays. The existing boundaries are able to provide a suitable degree of enclosure and this site does not primarily rely on landscaping for integration of the proposed dwelling. Landscaping proposals are acceptable against policies CTY13 and CTY14.

#### Sewage

A septic tank and soak away is proposed in the SW corner of the site which meets the recommended 15m separation distance from the dwelling of policy CTY16. This is subject to obtaining consents from NIEA Water Management Unit.

#### Neighbouring Amenity

No.24 is the closest neighbouring property. No envisaged issues in terms of neighbouring amenity given the proposed separation distance of 80-85 metres.

### Personal Circumstances

I note that the cover letter makes reference to personal circumstances behind the need for this dwelling in order to fast track the application. In correspondence to the agent regarding the concerns against policy CTY10, the agent was advised that they may wish to demonstrate a case for consideration under policy CTY6, but that this could be difficult based on the recent approval close to the site on this farm business under application reference LA07/2016/1071/F.

Policy CTY1 has provision for a dwelling based on special personal circumstances in accordance with Policy CTY6. Policy CTY6 of PPS21 allows for a rural dwelling for the long term needs of the applicant where there are compelling and site specific reasons for this related to the applicant's personal circumstances and where the following criteria are met:

- a) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and;
- b) There are no alternative solutions to meet the particular circumstances of the case, such as an extension or annex attached to the existing dwelling, conversion or reuse of another building within the curtilage of the property, or the use of a temporary mobile home for a limited period to deal with the immediate short term circumstances.

It is noted that correspondence from Southern Health and Social Care Trust (dated 02/05/2017) was received on 09/05/2017 showing support for the application in that it would make family life easier in these circumstances. However in the absence of any further information submitted, in addition to the recent approval close to this site for the same applicant, the proposal based on the information currently before the Planning Department for consideration, would fail to meet both the above criteria and Policy CTY6.

### **Recommendation: Refusal**

#### **Summary Recommendation:**

- Proposed replacement under policy CTY3 not viable given dwelling was previously replaced under planning application reference P/1975/0533;
- Proposed dwelling on a farm fails to demonstrate 6 years activity or that it is 'established' as per policy CTY10 requirements;
- Despite reference to personal circumstances in order to fast track the application, a case for personal circumstances has not been fully presented to meet the criteria of policy CTY6. In addition, a dwelling has recently been approved on this holding on 24/08/2017 for a replacement dwelling by virtue of planning application reference LA07/2017/1071/F.



**Reasons for Refusal:**

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 farm business has been established for at least six years;
  - Access to the dwelling proposed can not be obtained from an existing laneway.
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 ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
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 impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

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

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**Your ref:** LA07/2016/1036/F  
**Proposal:** Erection of dwelling and detached garage on a farm  
**Location:** Approx. 100 metres south west of 24 Ryan Road Mayobridge  
**Applicant:** Thomas McLoughlin

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## ISSUES

This application was initially submitted as an application for a replacement dwelling. At the outset, the Council was made aware the application was submitted to meet the needs of the applicant's son in particular, who has an infant child with a severe learning disability.

### Replacement Dwelling

On 04<sup>th</sup> October 2016 we received a letter stating that the building in question had been replaced previously (P/1975/0533). The letter re-stated PPS 21's statement that dwellings previously replaced will not be eligible for replacement again.

On 06<sup>th</sup> October 2017 we queried the Council's correspondence, pointing out that we had checked whether the dwelling had been replaced previously, prior to submitting the application. We advised that there was no indication to suggest that the dwelling had previously been replaced.

Our communication pointed out that the planning approval the Council referred to was situated at "Ryan, Mayobridge". There was no information available that offered any indication that the approval in question related to this building. We pointed out that we had obtained a copy of the relevant DOE Property Certificate. This confirmed the existence of the said planning permission however there was nothing to indicate whether the application was for outline or full planning permission. There was no evidence available to suggest it was implemented, or that it did in fact relate to the subject building.

Specifically, in our email dated 06<sup>th</sup> October 2016 we asked if we could obtain a copy of the 1975 approval. We received an email from the Council dated 06<sup>th</sup> October 2016, confirming a request had been made to retrieve the relevant file and we were advised that we would be contacted as soon as possible thereafter. Significantly, the communication indicated that the Council had not





physically inspected the relevant documentation at the time the initial communication was issued to O'Callaghan Planning. Therefore, the correspondence was based upon incomplete information.

On 10<sup>th</sup> November 2016 we received an email indicating that the history file had been retrieved and this included the decision notice, which purportedly matched the Council's electronic records which show the dwelling has already been replaced.

We received a screen shot from the Council's GIS database, which showed a polygon around the building to be replaced as well as 24 Ryan Road (which would indicate a link between 24 Ryan Road and the building in question). I pointed out the peculiarity of the two buildings, purportedly falling within the same application but not being combined within the same red line boundary (NOTE ALSO: At the date in question, 1975, this was not a special policy area and planning policy permitted single dwellings without having to rely upon replacement dwellings).

On the same date we asked whether a map accompanied the decision notice in question. To date we have not been provided with a copy of the approval notice in question, or an accompanying map. Indeed, it is our understanding that no such map exists. On that basis, we submit that there is in fact no solid information available to conclusively link the subject building with No. 24 Ryan Road. There is therefore no evidence to confirm that No. 24 Ryan Road was erected as a replacement for the building in question, and the Council initially claimed that the building had been replaced previously without seeing the history file.

The Council's GIS records are based upon a historic file transfer, from paper records to digital as part of a file archiving exercise. There are anecdotal complaints regarding the accuracy of this exercise and multiple incorrect entries were made throughout this process. Thus, the possibility that this record was incorrect cannot be ruled out, and there is no map available to confirm the subject building was replaced.

#### Active Farming

Rather than make an issue of the replacement status of the building in question, we opted to take the path of least resistance and modified the application to take advantage of the fact that the applicant recently purchased a working farm in its entirety.

We proceeded to provide further justification, pointing out that planning policy facilitates those who acquire working farms in their entirety, so that the new owner can avail of the 1 in 10 year entitlement to a dwelling if the previous owner (of the farm business) has not done so.





We were initially advised that this was not permissible. We countered this, providing evidence including advice notes issued to assist with the implementation of PPS 21. We also provided evidence to show the Council had accepted this approach in a recent instance in this District.

When the planning department indicated this approach was not permissible it stated that the business ID number would not be in existence for 6 years and that "It is unlikely that DAERA would permit a continuation of the previous owner's business ID number".

We pointed out that the applicant had been assigned a new Business ID number but we provided all available information to verify the longevity of the previous owner's farm business.

On 27<sup>th</sup> July, it was finally accepted that the approach we had advocated is actually permissible and that a new owner can avail of a previous owner's entitlement to a dwelling provided the remaining criteria within PPS 21 can be met (i.e. the longevity of the business is not an issue).

However, the Council then queried the fact that the business had not been active throughout the previous 6 years.

DAERA informed the Council that the previous owner's Business ID remains in place, albeit with no Single Farm Payment Claims.

DAERA also purportedly informed the Council that "normally when a business is taken over, the new occupants enter the original business number and the previous occupants are removed". We were asked to clarify why this did not occur and why the original ID remains in place.

In response, we pointed out that the advice tendered to the Council was the polar opposite of the advice we have previously received from DAERA. Indeed, we pointed out that we encountered precisely this issue when dealing with the precedent quoted (relying upon the previous owner's established farm business) in the case at Newtowncloghogue. In that case, DAERA insisted that a new Business ID be issued. In this respect, I would emphasise that the Council itself appeared to agree with our position, given its email dated 06<sup>th</sup> June stated "It is unlikely that DAERA would permit a continuation of the previous owner's business ID number".

We confirmed that this farm was purchased as a working farm, in its entirety, following the death of the previous owner. We indicated that the cessation in active farming was clearly linked to the previous owner's death.



The Council felt it peculiar that the previous owner's farm business ID number remains in existence. That is a matter for DAERA. The former owner is deceased and it is not known if he had any representatives to handle these affairs, or even if DAERA has been notified of his death. It is irrelevant to the outcome of this application however, in these circumstances.

We also queried the Council's apparent insistence that active farming must be continuous across the preceding 6 year period. In that respect, we highlighted a recent appeal in this District, wherein the PAC acknowledged that there was no requirement to operate continuously across the 6 year period referred to in Policy CTY 10. In that case, there was a gap of 14 months, in which there was no evidence of active farming. The break was attributed to that applicant's wife's illness. The Council thus attempted to distinguish between the cases, on the premise that a break in active farming could be acceptable due to the illness of the farmer's wife, without noticing the irony of this case (whereby active farming stopped owing to the death of the farmer).

To summarise the farming case, the applicant acquired a farm in its entirety. That farm business had been established for more than 6 years and had not availed of its 1 in 10 year entitlement. The Council now accepts that, in principle, the applicant can avail of this 1 in 10 year entitlement, however if feels permission cannot be granted because there has been a 3 year gap in recent years. This approach is unreasonable given there is no reason to expect that active farming would not have continued but for the death of the former owner, and this cannot be treated as a new farm business just because the 3 year period wherein the former owner's estate was in probate was not characterised by active farming. Equally, the fact that the previous owner farmed for many years previous to his death cannot be dismissed lightly – we submit that this lends additional weight to the current justification for a new farm dwelling.

The Council is aware the business is active and that it has been active since the farm was acquired by the current owner (15 sheep were brought into the farm in November 2016, and in recent weeks we provided evidence of the applicant's current claims for farming subsidies – which verifies that the farm business is currently active).

The planning report states the following:

"The gap of three years activity from 2013 to 2016 in farming has not been explained or overcome".





“In this case however, no information has been provided to overcome the substantial gap in farming activity. It has not been demonstrated therefore that the farm business has been established for at least six years”.

The gap in active farming has actually been explained (i.e. this has been attributed to the death of the previous owner), which to a reasonable person would be a reasonable explanation for the absence of active farming during that period. In that respect, the current refusal recommendation is *Wednesbury* unreasonable.

Whereas the Council’s planning report states that it has not been demonstrated therefore that the farm business has been established for at least six years, this is actually contradictory to the earlier communications issued by the planning department.

The Council is satisfied that no development opportunities have been disposed of from the farm (a recent permission granted, with the intention of transferring a replacement dwelling to the applicant’s daughter has not been disposed of pending the outcome of this application) and the site is clustered with an established group of buildings on the farm.

The Council has expressed a concern in relation to the failure to use an existing access. However, the Policy states that an existing access should be used where practicable. The use of the existing agricultural access is not practicable, since this application has been made in response to the applicant’s grandson’s medical condition. It has been deemed appropriate to attempt to separate the new dwelling’s traffic with traffic using the existing farm lane, for obvious health and safety reasons. It is imperative that the applicant’s grandson be protected from on-farm dangers as much as possible, which is one reason why the new house has been proposed to the rear of 24 Ryan Road and also physically separated from the farm buildings (albeit it is still visually linked with them).

In terms of policy CTY10, criterion c) requires access to be taken from an existing laneway where practicable (author’s emphasis). The planning report states: “In this context, there is an existing laneway which could be used to reduce the impact of ancillary works on rural character. The agent has not demonstrated why the existing laneway access cannot be used. I have concerns that the access proposed would appear as a visible feature in the landscape (author’s emphasis), offending criterion (d) of CTY13 and (e) of CTY14”.





An access appearing as a visible feature in the landscape is not in fact contrary to (d) of CTY13 and (e) of CTY14. In that respect, the proposal has been harshly judged, against nonexistent tests.

The actual tests simply indicate that ancillary works should integrate with their surroundings. The new access has been planned to run alongside an existing field boundary, hugging an existing belt of vegetation to minimise its visual impact. Further, the test relating to ancillary works (as laid out in Policy CTY 14) is that the impact of ancillary works (with the exception of necessary visibility splays) should not damage rural character. On that basis, removal of vegetation to facilitate sight splays is of no consequence, although it is not clear if this is the Council's actual concern.

#### Personal Circumstances

As mentioned previously, the applicant's grandson is severely disabled and requires to live in this particular rural environment, where he can benefit from peace, tranquility and the care and support provided by a network of close family members. The Council appears to have presumed that the personal circumstances issue could be resolved if the applicant simply made the recently approved site available to his son instead of his daughter. That is not a reasonable suggestion, and one of the reasons the applicant purchased this farm was to live in a rural environment himself, and to potentially avail of two replacement dwelling opportunities and one farm dwelling (the applicant has four children in total). While this may not be a material consideration in the determination of this planning application, it is not reasonable to pressurise a family member to forsake their opportunity to live in the countryside in order to cater for the applicant's grandson.

#### Concluding Remarks

In these circumstances, we submit that approval can be justified for the following reasons:

There is no conclusive evidence to suggest or confirm that the applicant's residence (24 Ryan Road) actually replaced the dwelling the applicant initially intended to replace – therefore the replacement opportunity remains available;

The applicant is entitled to a dwelling on the basis of his continuation of the previous owner's farm business. That business would have qualified for a new dwelling albeit its active status was affected due to the former owner's death in 2013. The new owner should not be deprived of his opportunity for a farm dwelling simply because farming operations ceased when the previous owner died. The Council appears to be insistent upon a nonexistent requirement for 6 continuous years' active farming, when this is not spelt out in the policy (the policy simply states that evidence of active farming will be required "over the period" in question – it does not state that this must cover the entire period). The PAC agreed with this in a recent case in the area, and the Council



has attempted to distinguish between the cases because the appeal case involved a temporary halt to agricultural operations due to the appellant's wife's medical condition whereas this farm business was not active for a time due to the death of the former owner.

On balance, there are two potential pathways towards approval in this case. Even if it was felt that the applicant was not complying neatly with one or other policy, planning authorities are legislated to apply flexibility and to determine applications in the round, taking account of all relevant factors. If this approach had been followed in this instance, we submit that this application would not in fact have been recommended for refusal.

|                        |                                                                              |      |                   |                                                                                             |
|------------------------|------------------------------------------------------------------------------|------|-------------------|---------------------------------------------------------------------------------------------|
| <b>ITEM NO</b>         | <b>9</b>                                                                     |      |                   |                                                                                             |
| <b>APPLIC NO</b>       | LA07/2016/1130/F                                                             | Full | <b>DATE VALID</b> | 8/24/16                                                                                     |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>                                                               |      |                   |                                                                                             |
| <b>APPLICANT</b>       | Glenmarshal Sires Ltd 89<br>Carrigenagh Road<br>Kilkeel<br>Newry<br>BT34 4PZ |      | <b>AGENT</b>      | O'Callaghan<br>Planning Unit 1<br>10 Monaghan<br>Court Monaghan<br>Row<br>Newry<br>BT35 6BH |
|                        |                                                                              |      |                   | 028                                                                                         |

**LOCATION** Approximately 80 metres north east of 112 Carrigenagh Road  
Kilkeel

**PROPOSAL** Retention of ancillary staff resting areas and staff facilities at pig farm.

|                        |                    |                    |                      |                      |
|------------------------|--------------------|--------------------|----------------------|----------------------|
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> | <b>SUP Letters</b> | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |
|                        | 0                  | 0                  | 0                    | 0                    |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                    |                    | 0                    | 0                    |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                    |                    | 0                    | 0                    |

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/1130/F

**Date Received:**

08/08/2016

**Proposal:**

Retention of ancillary staff resting areas and staff facilities at pig farm

**Location:**

Approximately 80 metres North East of 112 Carrigenagh Road, Kilkeel

**Site Characteristics & Area Characteristics:**

The site is located approximately 3.7 miles North East of Kilkeel in a rural area which forms part of the Mourne Area of Outstanding Natural Beauty (AONB.) The rural character of this area is under threat from single dwellings. The site itself is located directly off Carrigenagh Road and forms part of an existing farm yard complex connected with Glenmarshall Sires Limited (livestock breeding business.)

**Site history and relevant surrounding planning history:**

|                           |                                                                                                                         |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <u>LA07/2016/0038/CA:</u> | Alleged unauthorised construction of pig sheds – pending                                                                |
| <u>P/2010/0752/F:</u>     | Retention of meal mixing shed with associated silos and four pig houses with slurry tank, permission granted 14/06/2011 |
| <u>P/1999/1768/RO:</u>    | Erection of dwelling and garage, permission granted 24/06/2000                                                          |
| <u>P/2008/0268/CA:</u>    | Unauthorised erection of pig house, meal mixing shed and concrete slurry tank, enforcement case closed.                 |

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan (BNMAP) 2015
- PPS2 'Natural Heritage'
- PPS 3 'Access, Movement and Parking.'
- PPS 21 'Sustainable Development in the Countryside'

**Consultations:**

Environmental Health 07/09/2017:

No objections to the proposal as 'Retention of ancillary staff resting areas and staff facilities at pig farm' subject to conditions. Prior response issued 14/08/2017 (Prior consultation responses 30/09/2016 and 14/08/2017.)

NI Water (03/10/2016):

No objections, standard informatives attached

Transport NI (30/09/2016)

No objections to the proposal

### **Objections & Representations**

- 3 Neighbouring properties notified (No's 112,114,115 Carrigenagh Road) on 28/09/2016 (expired 12/10/2016)
- Advertised in 1 Local Press Publication 14/09/2016 (Statutory period expired 28/09/2016)
- 0 objections or responses have been received

### **Consideration and Assessment:**

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. Under the designations of the BNMAP2015, the site is located in a rural area which falls within the designated Mourne AONB.

The proposal seeks full planning permission for the retention of ancillary staff resting areas and staff facilities at an existing pig farm. As there is no specific policy within BNMAP 2015 relative to this site, 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.

### Principle of Development

Policy CTY1 makes provision for development which in principle are considered acceptable in the countryside and which contribute to the aims of sustainable development. The proposed development includes retention of an existing building to be used to accommodate staff facilities, recreation and staff resting areas ancillary to an intensive pig farming operation.

Upon site inspection, the subject building visually appeared as two separate residential units. (Satellite dishes, children's bicycles, blinds, washing on clothes horse.) These initial concerns were expressed to the agent as there is no provision for two separate residential units within a farm complex under PPS21. A written statement was received 09/11/2016 explaining that due to the intensity of the farm operations, the hours are not restricted to those of a normal operation and as such the farm's viability relies on highly trained staff being on site throughout the day and

night. The building provides a temporary sleeping arrangement for workers in conformity with health and safety at work legislation.

The existing plans show the internal layout of the building split over two levels, including two separate units accessed externally and which each comprise a staff area / kitchen, hall, bathroom and two reading rooms. However on the basis of the site inspection of this property, I am concerned that the use is actually residential. In this regard, the proposal does not fall within the remit of CTY12 Agricultural Development and there is no provision under CTY1 housing development for two separate residential units within an existing farm complex.

**Recommendation:** Refusal

**Summary of recommendation:**

Subject building appears to be used as two separate residential units. There is no provision for this under the SPPS or PPS21.

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



Newry, Mourne and Down Council  
Planning Committee  
C/o O'Hagan House  
Monaghan Row  
Newry  
BT35 8DJ

03<sup>rd</sup> October 2017

Dear Sir / Madam,

**Your ref:** LA07/2016/1130/F  
**Proposal:** Retention of ancillary staff resting areas and staff facilities at pig farm  
**Location:** Approximately 80 metres north east of 112 Carrigenagh Road, Kilkeel  
**Applicant:** Glenmarshall Sires

1. The Council's planning department has recommended the above planning application be refused, and due to the extenuating circumstances laid out herein the Committee is respectfully requested to overturn the planning officer's recommendation and to approve this application.
2. The planning report makes it clear that the Council feels this appears as two separate residential units:

"Upon site inspection, the subject building visually appeared as two separate residential units. (Satellite dishes, children's bicycles, blinds, washing on clothes horse.) These initial concerns were expressed to the agent as there is no provision for two separate residential units within a farm complex under PPS21. A written statement was received 09/11/2016 explaining that due to the intensity of the farm operations, the hours are not restricted to those of a normal operation and as such the farm's viability relies on highly trained staff being on site throughout the day and night. The building provides a temporary sleeping arrangement for workers in conformity with health and safety at work legislation".

"The existing plans show the internal layout of the building split over two levels, including two separate units accessed externally and which each comprise a staff area / kitchen, hall, bathroom and two reading rooms. However on the basis of the site inspection of this



**RTPI**  
Chartered Town Planner



property, I am concerned that the use is actually residential. In this regard, the proposal does not fall within the remit of CTY12 Agricultural Development and there is no provision under CTY1 housing development for two separate residential units within an existing farm complex".

3. In response, we would highlight the fact that the application has been recommended for refusal based upon what a planning officer feels may be taking place at present, which is entirely separate from what is actually being applied for.
4. Clearly, if the activities in question are not residential the proposal does in fact fall under the remit of Policy CTY 12 of PPS 21 and the reason for refusal is overcome immediately.
5. Not only do we contest the assertion that this proposal relates to two independent residential units, but we would counter by offering up the following means of planning control:

Statutory charge on the land, reinforcing a planning condition that the premises shall not be used as permanent residences nor shall they be detached, operated, leased or sold off from the farm holding registered to Glenmarshall Sires.

#### **6. *Planning Act (Northern Ireland) 2011 - The Meaning of Development***

(3) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land

- (d) the use of any land for the purposes of agriculture or forestry and the use for any of those purposes of any building occupied together with land so used;
- (e) in the case

7. We submit that the use applied for, provided it genuinely remains ancillary and is not changed to standalone residential use, is actually exempted from The Meaning of Development, as laid out in planning legislation.

#### **OPERATIONAL NEEDS OF THE FARM**

8. This farm is exceptional insofar as it operates at a high level of intensity and it requires on-site attendance for longer periods of time than would be expected of a typical Mourne farm. By way of example, at present there are in the region of 700 sows on the





farm, with multiple thousands of pigs also. In a typical week, around 30 sows will have litters. Litters can now be as large as 20 piglets per sow, however 15 is a more realistic number. Thus, there are typically 450 – 500 piglets born on this farm per week (i.e. in excess of 65 per day). Due to the large number of animals involved, there is a need to ensure facilities are constantly monitored and to ensure staff are on hand to attend to sows in litter.

9. In a typical scenario, if there are no members of staff in attendance, it is inevitable that some animals will die (newborn or giving birth). Not only is this an obvious animal welfare issue, but there is also an issue of employee care. In the past, the applicant availed of temporary facilities for workers, in the form of caravans, however these deteriorated and were less than adequate for staff welfare purposes.
10. The staff facilities are availed of predominately by foreign national workers, all of whom have families residing permanently in the locality. Therefore, there is deemed to be no reason why such persons would need to stay on the premises permanently, and the applicant is content to abide by any planning conditions as may be deemed necessary by the planning authority, to ensure approval is forthcoming.

In the event any additional information is necessary, please do not hesitate to contact this office.



**RTPI**  
Chartered Town Planners





|                        |                                                                                   |      |                   |                                                                                             |
|------------------------|-----------------------------------------------------------------------------------|------|-------------------|---------------------------------------------------------------------------------------------|
| <b>ITEM NO</b>         | <b>10</b>                                                                         |      |                   |                                                                                             |
| <b>APPLIC NO</b>       | LA07/2016/1264/F                                                                  | Full | <b>DATE VALID</b> | 9/22/16                                                                                     |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>                                                                    |      |                   |                                                                                             |
| <b>APPLICANT</b>       | Mr and Mrs Richard Forsythe 3<br>Beachside<br>Harbour Road<br>Kilkeel<br>BT34 4GE |      | <b>AGENT</b>      | Glyn Mitchell<br>Architectural<br>Design 139<br>Ballinran Road<br>Kilkeel<br>BT34 4JB<br>NA |

**LOCATION** Between No 119 and 123 Harbour Road  
Kilkeel

**PROPOSAL** Erection of Dwelling and Domestic Garage

| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> |   | <b>SUP Letters</b> |   | <b>OBJ Petitions</b> |            | <b>SUP Petitions</b> |            |
|------------------------|--------------------|---|--------------------|---|----------------------|------------|----------------------|------------|
|                        | 0                  | 2 | 0                  | 0 | Addresses            | Signatures | Addresses            | Signatures |
|                        |                    |   |                    |   | 0                    | 0          | 0                    | 0          |

- 1 The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
  - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
  - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
  - (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 and overshadowing.
- 2 The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
  - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
- 3 The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.



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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/1264/F

**Date Received:**

22.09.2016

**Proposal:**

Erection of Dwelling and Domestic Garage

**Location:**

The application site is located between No 119 and 123 Harbour Road, Kilkeel.

**Site Characteristics & Area Characteristics:**

The application site (Image 1) is a derelict site located between two existing dwellings 119 and 123 Harbour Road, Kilkeel. It sits opposite Kilkeel Primary School in primarily a residential area which leads to Kilkeel Harbour. The site is long and narrow with steeply falling lands to the rear (outside the application site). The site is enclosed by a 1 metre high block wall with timber and post and wire fencing in places along the eastern boundary. Access is available from Harbour Road via an existing gate. There is backland development to the rear of 123 Harbour Road (east of the application site) which runs alongside the eastern boundary of the application site.



Image 1 Application Site

**Site History:**

No relevant site history.

**Planning Policies & Material Considerations:**

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035.
- Banbridge, Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- PPS 6 Planning, Archaeology and Built Heritage
- PPS 7 – Quality Residential Environments.
- The Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments
- Creating Places
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 Vehicular Access Standards

**Consultations:**

Transport NI – No objection subject to conditions

NIEA Historic Environment Division - Content

NI Water – Generic response received

**Objections & Representations**

Eleven neighbour notifications were issued. The application was advertised in the local press on 12 October 2016 and re-advertised on 2 August 2017 due to amendments received. Two letters of support were received from the occupiers of 119 Harbour Road, Kilkeel and 123 Harbour Road, Kilkeel.

**Consideration and Assessment:****Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is designated within the settlement limit of Kilkeel, the Mournes AONB and an Area of Archaeological Potential.

**The Strategic Planning Policy Statement for Northern Ireland (SPPS)**

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7 Residential Environments. This policy will be given consideration in determining the proposal in accordance with paragraph 1.12 of the SPPS.

**PPS 7 Quality Residential Environments Policy QD1**

Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria:

- a) The proposal is located in an existing residential area which consists of a mixture of two storey and single storey detached dwellings. Plot sizes vary from rectangular shaped at the western part of Harbour Road and long and narrow plots to the eastern side. Some long and narrow plots along the eastern section of Harbour Road contain backland development, which in the most part is generally commercial. The application site is a



long and narrow plot which sits adjacent to two existing dwellings (119 and 123 Harbour Road) which also have long narrow plots. There is backland development to the rear of 123 Harbour Road, which consists of a residential dwelling. The existing layout of dwellings on long narrow plots generally is linear or L shaped buildings. The layout of the proposed dwelling fails to follow the shape of the existing context. The proposed dwelling runs tight to the boundaries of the application site to the east and west adjoining the curtilage of the existing dwellings, which causes issues. The proposal also fails to respect the existing building line established along Harbour Road which in my opinion adversely affects the character of the area. The scale and massing of the proposed dwelling also fails to respect the existing context. For the reasons outlined Criteria A has not been met.

- b) There are no features of archaeological / built heritage within the application site that would be affected as a result of the proposed development. NIEA Historic Environment Division are content with the proposed development. Criteria B is met.
- c) Given the nature of the development public open space is not a requirement. There is adequate space within the application site to accommodate the private open space provision as per Creating Places para 5.19. Criteria C is met.
- d) The provision of local neighbourhood facilities is not applicable to this application given the scale of development.
- e) Given the scale of the development, a movement pattern is not required.
- f) The proposed development site is large enough to provide off-street parking, which is adequate. Transport NI have objection to the proposal subject to conditions. Criteria F is met.
- g) The overall design of the proposed dwelling fails to respect the existing character of the surrounding area and the proposed dwelling would, if permitted, lead to an undesirable change in the character of the existing area. Criteria G is not met.
- h) The design and layout of the proposed dwelling will create an unacceptable adverse impact on existing properties in terms of overlooking / loss of privacy, overshadowing and dominance. The proposed side elevations contains windows at ground floor and first level which are likely to cause problems of overlooking and loss of privacy in the rear gardens of existing properties. This issue is exacerbated due to the minimal separation distance of 1 metre between the application site and the common boundary of existing properties. The proposed dwelling would result in an unacceptable direct view into the most private garden areas of the adjacent properties. The proposed dwelling contains long side elevations which would result in an adverse impact of overshadowing to the adjacent properties 119 and 123 Harbour Road. This issue is exacerbated further due to the lack of separation distance between the proposed dwelling and existing dwellings. In addition the amenity area of 123a Harbour Road would also be adversely affected by overshadowing. The proposed dwelling is likely to impinge on the immediate outlook from neighbouring properties and could result in a hemmed in effect due to the presence of large blank walls along the side elevations. 119

Harbour Road and 123a Harbour are likely to experience increased dominance as these properties are single storey and the proposed dwelling which is two storeys is likely to appear more prominent when viewed from these dwellings. For the reasons outlined Criteria H has not been met.

- i) I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as the existing dwellings. Criteria I is met.

In summary the proposal fails to meet Policy QD 1 Criteria A, G and H.

### **Addendum to PPS 7 Safeguarding the Character of Established Residential Area Policy LC 1**

The proposal fails to meet Policy LC 1 Criteria B in that the proposed development fails to respect the existing pattern of development, overall character and environmental quality of the established residential area.

### **PPS 2 – Natural Heritage Policy NH 6**

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development fails to respect the local architectural styles and patterns of the surrounding area and it is not sympathetic to the character of the Mourne AONB.

### **PPS 3 Access, Movement and Parking**

Transport NI has no objection to the proposal subject to conditions.

### **Recommendation:**

Refusal

### **Refusal Reasons:**

1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
  - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
  - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
  - (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 and overshadowing.
2. The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
  - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

- 3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.

|                                      |
|--------------------------------------|
| <b>Case Officer Signature:</b>       |
| <b>Date:</b> 1 August 2017           |
| <b>Authorised Officer Signature:</b> |
| <b>Date:</b>                         |



Our Ref: 16/16

Your Ref: LA07/2016/1264/F

F.A.O. Mr. Gareth Kerr

Newry, Mourne and Down District Council  
Planning Office  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DL



139 ballinran road, kilkeel, co down  
t: 02841 769748 m: 07803177197

28<sup>th</sup> August 2017

Dear Mr. Kerr

Further to the above-referenced application and the Planning Authority's recommendation of refusal on three grounds, I am writing in full support of Mr. and Mrs. Richard Forsythe's proposal and rebutting, in turn, each of the Department's reasons for refusal. Please note that in dealing with each recommended reason for refusal I will be referring to the relevant Case Officer's report, under the pertinent policy consideration.

The first recommended reason for refusal states:

*The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:*

- (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;*
- (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;*
- (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 and overshadowing.*

With regards to criteria (a) and (g) of Policy QD 1, which requires new proposals to respect the surrounding context of an application site, please note that Harbour Road does not

possess, in any way whatsoever, a definable context in terms of the layout, scale, massing and appearance of buildings; the character of the built environment for the entire length of Harbour Road, Kilkeel, is that there is no character.

In terms of there being zero definable built context along Harbour Road, please refer to the images below, which clearly illustrate that there are many building types including terraced, semi-detached and detached dwellings; single-storey, one-and-a-half-storey and two-storey dwellings; dwellings positioned adjacent to the public footpath and dwellings set back from said footpath, behind a front garden and parking area; there is a great variety in finishes present on many dwellings, including smooth painted render, painted rough dash, natural stone and red brick etc.; in terms of orientation please note that some dwellings actually have their gable elevation fronting on to the adjacent Harbour Road, immediately adjoining properties which possess the more 'traditional' front-facing orientation. Additionally, all of these various layouts, scales, massing and appearance of dwellings are located immediately next to one another, cheek by jowl - many examples could be cited specifically, but one example from the images below shows a single-storey detached dwelling with smooth painted render located immediately adjacent to two, two-storey semi-detached dwellings possessing sections of red brick and porches with flat roofs, immediately adjacent to a one-and-a-half-storey dwelling whose gable fronts on to the adjacent Harbour Road, and which is positioned adjacent to a single-storey detached cottage (99 to 105 Harbour Road).



*The image on the left shows a south-easterly view, from 99 Harbour Road to 115 Harbour Road. The image on the right shows the area from 67 Harbour Road to 83 Harbour Road. Both images display the great variety in the layout, scale, massing and appearance of dwellings along Harbour Road. There is no definable 'character' to respect.*





*The image on the left shows 157 Harbour Road, which is a one-and-a-half-storey dwelling, with externalised chimney stack on the gable elevation fronting on to the adjacent Harbour Road, finished in rough dash and brown brick. The image on the right shows 141 Harbour Road, which is a relatively recently approved one-and-a-half-storey dwelling with roof dormer windows finished in painted smooth plaster, in replacement of a single-storey cottage, which is immediately adjacent to a pair of semi-detached, single-storey dwellings, set behind front gardens.*



*View from the curtilage of 115 Harbour Road, towards the application site and beyond; the image shows a great many house types in terms of layout, scale, massing and appearance. This further reinforces the clear actuality that there is no definable character to the built environment surrounding the application site.*





*The image on the left shows 127 Harbour Road, which is a one-and-a-half-storey dwelling, with one, long roof dormer section, and extensive glazing to the front elevation. The image on the right shows 123 Harbour Road, which is a two-storey dwelling possessing a hipped roof and glazed porch, immediately adjacent to a single-storey dwelling.*



*The image immediately above shows two-and-a-half-storey apartment accommodation at the south-eastern section of Harbour Road. These apartments are located adjacent to a number single-storey detached dwellings, and in close proximity to a number of listed buildings. The apartments possess large areas of glazing, and by the Department's own definition of the term, the development shown above in no way respects the 'character' of the area. Planning policy, including previous to the publication of PPS 7, has always required that a proposal respects the character of the area in which it is proposed to be located. The proposal currently under consideration meets planning policy significantly more so than the example shown above.*

Additionally, there are a number of such examples in the wider area, where relatively recently considered and approved dwellings within settlement development limits are located immediately adjacent to dwellings which possess greatly diverging characteristics in terms of layout, scale, massing and appearance. A number of such examples are cited immediately below, and further examples are included towards the completion of this letter.



*The image to the left shows a modern dwelling located on Greencastle Pier Road, Kilkeel, within the Mourne AONB and within the settlement development limit of Greencastle, approved under PPS 7. Please note that the dwelling above is positioned immediately adjacent to a listed building and a motte (which makes the application site all the more sensitive to potential development), and in no way 'respects' the character of this area in terms of scale, massing and appearance.*

The following images show a huge variety in house types, located within the settlement development limit of Burren, and all approved under PPS 7. These dwellings are located in an area where the established dwellings do not possess the same appearance as the recently approved dwellings shown below and, therefore, under the Department's interpretation of planning policy in the application currently under consideration, the dwellings do not 'respect' the character of the area, and these applications should not therefore have been approved. Again, I must reiterate that Harbour Road, Kilkeel, does not possess a definable built context.





*The two dwellings shown immediately above are located adjacent to each other in The Avenue, Burren, and in no way possess the same scale, massing or appearance. Please note that the dwelling shown to the left was approved under planning policy PPS 7.*





*Two dwellings located on Moor Road, Kilkeel, within the Mourne AONB and within the settlement development limit of Kilkeel. Neither dwelling 'respects' the character of the surrounding dwellings. Please note that the dwelling to the left, 65 Moor Road, was relatively recently extended with a first floor flat roof and has obtained permission to further extend its footprint.*

The area immediately surrounding the current application site possesses a number of detached, two-storey dwellings, however please note that under the relatively recently considered planning application ref: P/2011/0768/F, one pair of two-storey semi-detached dwellings was approved on a site adjacent to a row of six single-storey dwellings located to the site's south-east. Additionally, as part of said application, the three proposed dwellings have been approved in a position which is set back from the established building line along that particular stretch of Harbour Road. As will be detailed below, this was to overcome any concerns regarding potential overlooking and overshadowing of adjacent residential amenities, as is the case with the present application currently under consideration. Please note that under planning application ref: P/2011/0768/F, the same planning policy was consulted as the current planning application, and a scheme out of context with the adjacent dwellings (by the Department's own incorrect definition of the term, shown in their consideration and recommendation of the current application) was duly approved.

The Case Officer stated in their report for the application currently under consideration that, *"The existing layout of dwellings on long narrow plots generally is linear or L shaped buildings. The layout of the proposed dwelling fails to follow the shape of the existing context."* Please note that just because the proposed dwelling does not possess the exact same shaped footprint as dwellings vaguely referred to in the Case Officer's report, it does not mean that it disrespects the 'character' of this residential area, which, as previously stated possesses an abundance in variety of house types (layouts, scale, massing, orientations and finishes) and does not possess a definable character.

The Case Officer further states that, "*The proposed dwelling runs tight to the boundaries of the application site to the east and west adjoining the curtilage of the existing dwellings, which causes issues. The proposal also fails to respect the existing building line established along Harbour Road which in my opinion adversely affects the character of the area. The scale and massing of the proposed dwelling also fails to respect the existing context. For the reasons outlined Criteria A has not been met.*" The proposed dwelling is on a narrow plot of land, which has long lain undeveloped with an unsightly appearance, which falls away steeply to its rear, and in order to achieve a dwelling with a modern and comfortable size for the applicants, the proposed dwelling must be located in the proximity of neighbouring boundaries, as many dwellings do along Harbour Road, and therefore the proposal rather than disrespecting the 'character' of the area, respects it (please refer to the image below which shows the minimal distances between dwellings adjacent to the application site and their neighbouring boundaries. The Case Officer has stated that the positioning of the proposed dwelling "causes issues" - this is a vague statement and is actually contrary to the 'character' of the area, where many dwellings are necessarily positioned in close proximity to, and sometimes directly on, neighbouring properties due to narrow plot sizes.

*Image of the application site and adjacent dwellings, showing the minimal distances between the dwellings and their neighbouring boundaries. Rather than showing a lack of respect to the 'character' of this area, the current proposal wholly respects the layout and positioning of adjacent dwellings*



In terms of the building line, please note that if the proposed dwelling were to be positioned along the *general* building line of this particular stretch of Harbour Road, this would lead to the adverse issue of overlooking into adjoining properties. Additionally, if the proposed dwelling were brought forward to be in the *general* line of dwellings along this stretch of Harbour Road, there would be no adequate provision of space for the safe turning and parking of the required number of vehicles for a detached residential property, thereby failing to meet the relevant planning policy and guidance. As stated previously, there is no definitive 'character' to dwellings in this area.



The scale and massing of the proposed dwelling respects the surrounding dwellings - it is two-storey in emphasis, and although possessing a longer gable elevation than immediately adjacent properties, it is in no way dissimilar to the relatively recently extended property at 134 Harbour Road (see image below), and the depth of such dwellings as 140 Harbour Road and 142 Harbour Road. Indeed, the current proposal respects the form of such dwellings where the gables are positioned fronting on to Harbour Road, and therefore have a significant 'side' elevation positioned perpendicular to the adjacent road. In addition, due to the position of the proposed dwelling, set back from Harbour Road, the presence of many surrounding dwellings and the curvature of Harbour Road itself, views of the proposed dwelling are not achievable until one is within its immediate proximity, from where it is merely the front elevation which is visible.



*The image above shows the two-storey, extended side elevation of 134 Harbour Road*

The Case Officer states that, *"The proposed development site is large enough to provide off-street parking, which is adequate. Transport NI have objection to the proposal subject to conditions. Criteria F is met.*

The only reason off-street parking can be provided is because the proposed dwelling has been set back from Harbour Road, thereby providing the necessary safe and adequate turning area and parking spaces. As previously mentioned, the positioning (and design) of the proposed dwelling is also a deliberate response to overcome any concerns regarding overshadowing and overlooking of adjacent residential properties.

Said report further states that, *"The overall design of the proposed dwelling fails to respect the existing character of the surrounding area and the proposed dwelling would, if permitted, lead to an undesirable change in the character of the existing area."* The proposal is for one, two-storey detached dwelling, on a long-neglected, undeveloped, and increasingly unsightly narrow plot of land. Due to the fact that this is for one dwelling, it's significantly unreasonable



to state that, "the proposed dwelling would, if permitted, lead to an undesirable change in the character of the existing area." The stretch of road that the application site is located, and Harbour Road in general, is made up of single-, one-and-a-half- and two-storey dwellings on narrow plots of land. The proposal does respect the 'character' of the area, which, as stated thoroughly above, actually doesn't exist, because of the abundance in variety of forms and finishes of surrounding dwellings, including single-, one-and-a-half- and two-storey, some with the gable elevation fronting on to the road, and therefore positioned perpendicular to the adjoining road.

The interpretation of planning policy is not being applied consistently and fairly, as evidenced between the application currently under consideration and the many examples cited in this letter. If planning policy was being interpreted and applied consistently, this application would and should be recommended for approval, as the many other examples have duly been. In actual fact, this application site and its proposed siting is considerably less sensitive and more inconspicuous than many of the examples cited, due to set back, the surrounding dwellings providing screening, and there not being any listed buildings or designated monuments in its vicinity.

With regards to criterion (h) of Policy QD 1, the Case Officer has stated that, "*The design and layout of the proposed dwelling will create an unacceptable adverse impact on existing properties in terms of overlooking / loss of privacy, overshadowing and dominance. The proposed side elevations contains windows at ground floor and first level which are likely to cause problems of overlooking and loss of privacy in the rear gardens of existing properties. This issue is exacerbated due to the minimal separation distance of 1 metre between the application site and the common boundary of existing properties. The proposed dwelling would result in an unacceptable direct view into the most private garden areas of the adjacent properties. The proposed dwelling contains long side elevations which would result in an adverse impact of overshadowing to the adjacent properties 119 and 123 Harbour Road. This issue is exacerbated further due to the lack of separation distance between the proposed dwelling and existing dwellings. In addition the amenity area of 123a Harbour Road would also be adversely affected by overshadowing. The proposed dwelling is likely to impinge on the immediate outlook from neighbouring properties and could result in a hemmed in effect due to the presence of large blank walls along the side elevations. 119 Harbour Road and 123a Harbour are likely to experience increased dominance as these properties are single storey and the proposed dwelling which is two storeys is likely to appear more prominent when viewed from these dwellings. For the reasons outlined Criteria H has not been met.*"

As stated above, the proposed dwelling has been deliberately positioned so as to provide the required safe and adequate turning area for the movement of vehicles, and the associated required provision of car parking. Additionally, the proposed dwelling has been positioned further back from both adjacent properties in order to overcome any adverse effects of overlooking and overshadowing.

There would be no issue whatsoever of overlooking in to the adjacent dwellings and their respective rear gardens, due to the careful positioning of the proposed dwelling, and the presence of opaque and high-level windows (above eye-level of a standing adult) on the proposed gable elevations. The dwelling to the rear of 123 Harbour Road fronts directly on to the rear garden of 123 Harbour Road - although the respective planning policies have changed in title, when Planning Service was considering that particular application the thrust of the current planning policy in terms of overlooking was also an important consideration. Additionally, planning application ref: P/2011/0768/F, which was approved for the erection of one detached dwelling and one pair of semi-detached dwellings, has the instance whereby the gable elevations of both the detached dwelling and the semi-detached dwellings look directly in to neighbouring properties. Due to the positioning (high-level) and nature (opaque) of the proposed wall openings in the side elevations, the current proposal meets the requirements of the relevant planning policy better than the aforementioned proposal relatively recently approved under the exact same planning policy. Please note that during the course of the current application, a sizeable portion of the proposed dwelling's rear section was reduced from two-storey to single-storey in order to further overcome any concerns regarding issues of overlooking and overshadowing. In addition to this, the fact that the roof of the proposed dwelling is not pitched further helps in alleviating any concerns regarding overshadowing; in this regard, please see below a number of examples where the roofs of recently approved dwellings, located immediately adjacent to dwellings which possess a greatly differing scale, massing and appearance, are not pitched.

Due to the narrow nature of the application site, and the reasonable requirements for a dwelling of an adequate size, the proposed dwelling has been deliberately sited in the absolute best position possible. There is adequate provision of amenity and movement space around the proposed dwelling, in line with planning policy, and there are many instances of narrow pathways between dwellings on this particular stretch of Harbour Road (please refer to the above aerial image, showing the narrow separation distances between existing dwellings and neighbouring boundaries); actually, in a number of instances along Harbour Road, dwellings have been approved and subsequently constructed on the neighbouring boundary itself.

Due to both the positioning of the proposed dwelling, set back from the building line of 119 Harbour Road and 123 Harbour Road, and the pathway of the daily sun, overshadowing would not be an issue. As the sun moves from east to south to west, there would minimal overshadowing; please carefully note that there would actually be significant overshadowing if any proposed dwelling on this plot of land were positioned along the building line of adjacent properties, and possessed a pitched roof, thereby increasing the overall ridge height. Not only does 'set back' overcome issues of overlooking, and provide the adequate turning area and parking provision, but it also successfully overcomes any concerns regarding overshadowing. In order to further allay any concerns regarding overshadowing, the floor level of the integrated garage is proposed to be built lower than the finished floor level of the proposed dwelling, thereby reducing any impact on the residents of 119 Harbour Road and, as already mentioned, a significant portion of the proposed dwelling's rear section has been reduced from two-storey to single-storey.

There are a number of instances along Harbour Road where a single-storey dwelling is located immediately to a two-storey dwelling, which causes significant overshadowing. Also, criterion (h) of Policy QD 1 lists, "overlooking, loss of light, overshadowing, noise or other disturbance", whereas the Case Officer has stated that the proposed dwelling,

*"is likely to impinge on the immediate outlook from neighbouring properties and could result in a hemmed in effect due to the presence of large blank walls along the side elevations. 119 Harbour Road and 123a Harbour are likely to experience increased dominance as these properties are single storey and the proposed dwelling which is two storeys is likely to appear more prominent when viewed from these dwellings".*

These carelessly worded statements are not in planning policy, and are therefore not relevant. However, in the interests of completeness, they will be addressed. The proposed dwelling has been sympathetically designed and positioned in order to overcome any and all potentially adverse effects on adjoining properties. There are a number of two-storey dwellings in this area, a number of which are located immediately adjacent to single-storey dwellings, and so the proposed dwelling respects the 'character' of the area which, as proven thoroughly above, actually doesn't exist. In addition, please refer to the relatively recently approved planning application ref: P/2011/0768/F, in which one, two-storey detached dwelling and one pair of two-storey semi-detached dwellings were approved immediately adjacent to a row of six single-storey dwellings, two of whose gables front on to the adjacent Harbour Road. Please note that exactly the same planning policy was considered for that particular planning application as the application currently under consideration.

For the numerous reasons outlined above, the proposal meets each and every requirement of Policy QD 1, and therefore overcomes the Department's first recommended reason for refusal.

The second recommended reason for refusal states:

*The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:  
(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.*

Please note that the second recommended reason for refusal, although quoting a separate planning policy, namely Policy LC 1 of Addendum to PPS 7, is extremely similar to the first recommended reason for refusal. Rather than failing to respect the existing pattern of development, overall 'character' and environmental quality of this established residential area, the proposed dwelling does indeed respect the surrounding pattern of development, overall 'character' and environmental quality, as wholly substantiated in the abundance of aforementioned information. The proposed dwelling is two-storey in emphasis, like many dwellings along this particular stretch of Harbour Road; located on a narrow plot of land in the proximity of neighbouring boundaries identical to many residential properties along Harbour



Road, and possesses adequate amenity space, including the required vehicle turning and parking area; the orientation of the proposed dwelling respects the adjoining residential properties; the proposed finishes include smooth render and portions of natural stone which also successfully respects the finishes of surrounding dwellings.

As thoroughly stated above, the positioning and design of the proposed dwelling has been carefully considered and deliberately chosen in order to overcome any concerns regarding overlooking and overshadowing, and to provide the required adequate turning area and car parking provision. In this regard, please note that the existing neighbours surrounding the application site are all in favour of the proposed development being approved; any and all potential future buyers of said properties will be able to consider whether they want to purchase a dwelling adjacent to a carefully sited and designed dwelling in which overlooking and overshadowing are not an issue.

For the numerous reasons outlined immediately above, and throughout this letter thus far, the proposal meets the requirements of Policy LC 1, and therefore overcomes the Department's second recommended reason for refusal.

The third recommended reason for refusal states:

*The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.*

In terms of this third recommended reason for refusal, the Case Officer stated in their report that, "Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development fails to respect the local architectural styles and patterns of the surrounding area and it is not sympathetic to the character of the Mourne AONB."

As thoroughly stated above, the proposed dwelling is of an appropriate design, size and scale for the locality. As displayed above and below, there are numerous examples of dwellings approved under the exact same planning policy as the application now under consideration, and also within and throughout the Mourne Area of Outstanding Natural Beauty, which do not, by the Department's own definition of the term evidenced in the Case Officer's report, display characteristics in keeping with adjoining residential properties, in terms of design, size and scale in their respective localities.

Please refer to the numerous examples above and below of planning applications considered under the same planning policy as the planning application currently under consideration, and note that the approved and now completed dwellings differ in form, scale, massing,

positioning, and finishes. Please note that among these examples is a block of apartments, at the south-eastern section of Harbour Road, possessing a significantly differing appearance to surrounding detached, single-storey dwellings, and located in close proximity to a row of Grade B1 Listed dwellings. Conversely, there are no listed buildings located in the proximity of the application site currently under consideration, and not only that but there are dwellings in the area surrounding the application site which possess a two-storey emphasis, which the current proposal respects. Additionally, there is an example of a row of established, significantly quaint single-storey cottages located immediately adjacent to Shore Road, Annalong, which are now located adjacent to a recently approved two-storey block of accommodation possessing significant areas of glazing and an orientation perpendicular to adjacent established properties, which does not respect the appearance of the established and definable character of that particular area.

For the numerous reasons outlined above, the proposal meets each and every requirement of Policy NH 6, and therefore overcomes the Department's third and final recommended reason for refusal.



*The image to the left shows a recently approved dwelling on Shore Road, Annalong, within the settlement development limit of Annalong and within the Mourne AONB. The dwelling possesses a two-storey emphasis and significant areas of glazing, which does not 'respect' the character of the surrounding area made up of traditional single-storey dwellings.*





*Dwelling located within the settlement development limit of Holywood, positioned immediately adjacent to established dwellings possessing a greatly varying appearance.*



*Award-winning proposal located within the settlement development limit of Belfast, within the setting of a proposed Local Landscape Policy Area and adjacent to the Lagan Valley Regional Park, positioned immediately adjoining established dwellings possessing a greatly varying appearance. This application, ref: Y/2012/0051/F, was measured against the exact same policies as the current application and deemed to meet said criteria.*



*Two images of an award-winning dwelling located within the settlement development limit of Holywood, surrounded by established dwellings possessing greatly varying characteristics to the dwelling shown immediately above.*





*Dwelling located within the historic settlement development limit of Hillsborough (planning ref: S/2005/1373/F). The submitted proposal was measured against the policies of PPS 7, and deemed to successfully meet said criteria. Please note that the dwelling is orientated perpendicular to the adjacent road and adjoining properties which also possess differing scales, massing and appearance. The approved dwelling possesses significant areas of glazing and is finished in painted white smooth render, unlike the adjoining properties with relatively minimal glazing and finished in red brick.*



*S/2015/0078/F is an approved application site located inside the historic settlement development limit of Hillsborough. The submitted proposal was measured against the policies of PPS 7, and deemed to successfully meet said criteria. Please note that the approved dwelling has a very different form, scale, massing and appearance to surrounding dwellings, possessing a significantly multi-pitched shallow roof system, and an abundance of glazing.*



*In the left-hand portion of the above image is a recently approved and constructed apartment development (planning ref: V/2012/0190/F) located immediately adjacent to Shore Road, Greenisland, and within an Area of Townscape Character. The apartment development possesses a significantly differing layout, scale, massing and appearance to adjacent properties, which are mainly detached and semi-detached single dwellings, two-storey in emphasis. The approved apartments possess a mono-pitched roof and greater areas of glazing than adjacent established dwellings, and was deemed to meet the all the criteria contained within PPS 7, including the Addendum to PPS 7.*

In conclusion, for the great many reasons stated above, Mr. and Mrs. Forsythe's application meets the criteria of all relevant planning policy, is in keeping with an abundance of examples of planning applications considered and approved under the exact same planning policy, and we therefore request that the Department looks favourably upon this policy-compliant proposal and recommends for approval.

Yours sincerely,

John Law BSc (Hons) Dip TP





  
**Construction site**  
**Keep out!**

**Notice**  
This site is private property.  
The contractor will not be responsible for any injury caused while trespassing.  
Parents are advised to warn their children.



































































































































Graham

290



























































|                        |                                                                             |                    |                      |                      |
|------------------------|-----------------------------------------------------------------------------|--------------------|----------------------|----------------------|
| <b>ITEM NO</b>         | <b>11</b>                                                                   |                    |                      |                      |
| <b>APPLIC NO</b>       | LA07/2016/1632/O                                                            | Outline            | <b>DATE VALID</b>    | 12/7/16              |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>                                                              |                    |                      |                      |
| <b>APPLICANT</b>       | Jason Fegan 9 Forestbrook Avenue Rostrevor BT34 3BX                         | <b>AGENT</b>       |                      |                      |
| <b>LOCATION</b>        | Lands 45m north west of No. 12 Upper Knockbarragh Road Warrenpoint BT34 3DL |                    |                      | NA                   |
| <b>PROPOSAL</b>        | Proposed Farm Dwelling                                                      |                    |                      |                      |
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b>                                                          | <b>SUP Letters</b> | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |
|                        | 0                                                                           | 0                  | 0                    | 0                    |
|                        |                                                                             |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                                                                             |                    | 0                    | 0                    |
|                        |                                                                             |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                                                                             |                    | 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.

health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm

verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not 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 and therefore would not visually integrate into the surrounding landscape.

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 create a ribbon of development 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:**

LA07/2016/1632/O

**Date Received:**

07/12/2016

**Proposal:**

Proposed farm dwelling

**Location:**

Lands 45m North West of No.12 Upper Knockbarragh Road, Warrenpoint, BT34 3DL

**Site Characteristics & Area Characteristics:**

The site is located approximately 3.1 miles from Warrenpoint in rural uplands overlooking Carlingford Lough to the South and which is surrounded by mountain land to the east and west, which form part of Mourne Area of Outstanding Natural Beauty (AONB.) In the immediate vicinity, there are a number of dwellings in the immediate vicinity, including No.12, a modest bungalow to the south and No.14 a contemporary two storey dwelling further north.

The site itself comprises a roadside field used for agriculture which slopes upwards gradually to the north and which is delineated by mature indigenous hedgerow on all four boundaries, which is further supported by mature trees along the road side and northern boundaries. There is an existing field gate access directly off Upper Knockbarragh Road close to the laneway of No.12. In addition, there is an existing electricity pole towards the centre area of the field.

**Site History:**

| Application reference                          | Proposed Development                                          | Status                        |
|------------------------------------------------|---------------------------------------------------------------|-------------------------------|
| P/1992/0850                                    | Site for retirement dwelling                                  | application withdrawn         |
| <b>Additional history on the farm holding:</b> |                                                               |                               |
| P/2006/1717/F (field 2)                        | 29 Upper Knockbarragh Road - extension to rear of dwelling    | Permission granted 12/01/2007 |
| P/1999/1116/F (field 2)                        | 29 Upper Knockbarragh Road - erection of replacement dwelling | Permission granted 11/01/2000 |



**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP2015)
- PPS2 '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
- 'Dwellings in the Mournes' A Design Guide

**Consultations:**

|                              |                                                                                                                                                     |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>TNI:</u>                  | No objections, subject to conditions (13/01/2017)                                                                                                   |
| <u>Environmental Health:</u> | No objections in principle. This department recommends that the proposed dwelling is situated a minimum of 75m from farm buildings.<br>(04/01/2017) |
| <u>NI Water:</u>             | No objections, standard informatives. (03/01/2017)                                                                                                  |
| <u>DAERA :</u>               | Farm Business ID 623035 has been in existence for more than 6 years and has not claimed subsidies in the past year (17/01/2017)                     |

**Objections & Representations**

- 1 Neighbouring property notified (No.12 Upper Knockbarragh Road) 29/12/2016 (statutory expiry date 12/01/2017)
- Advertised in 3 local press publications (statutory publication end 20/01/2017)
- 0 objections / representations received

**Consideration and Assessment:**

The site is located out with settlement development limits as identified by the Banbridge / Newry and Mourne Area Plan 2015. It is also within the designated Mourne AONB. This proposal seeks outline permission for a dwelling on a farm. As there is no specific policy within BNMAP relative to this site and given there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, 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.

**Principle of Development**

The proposed farm dwelling is made against farm business ID 623035. DAERA note in their consultation response dated 17/01/2017 that the applicant is not a formal member of this farm business. The associated P1C form notes that the applicant is the land owner of the field and it has been signed by both the applicant and the respective farm business owner, as required. PPS21 Policy CTY1 states that a

number of developments are acceptable in principle in the countryside, which includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

***Criterion (a) requires that the farm business is currently active and has been established for at least 6 years:***

DAERA in their consultation response dated 17/01/2017 confirm that the respective farm business has been in existence for more than 6 years but has not claimed subsidies in the past year, the initial test for 'activity.' Evidence was received on 12/04/2017 to demonstrate that the farm business is currently active, including the following:

- Correspondence from DAERA veterinary testing department dated 06/10/2016, 05/09/2016, 14/10/2016, 03/09/2015;
- Correspondence from DAERA Agri-food inspection branch dated 2014;
- Invoices from the British Limousin Cattle Society Ltd dated 19/10/2016, 08/12/2016, 16/03/2010;
- Farm Quality Assurance Certification dated August 2009;
- DAERA Herd list details 01/09/2009, NFSCo CIC membership invoice dated 31/03/2017.

Following receipt of this information, I am satisfied that farm business ID 623035 is currently active and criterion (a) is met.

**Criterion (b) seeks to confirm that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application:**

The planning history as listed above demonstrates that the above criterion is met.

**Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm:**

The established group of farm buildings in this case include No. 29 Upper Knockbarragh Road (adjacent / west of field 2) and an existing agricultural shed located on the opposite side of Upper Knockbarragh Road on field 1 of the farm maps. (There are no previous planning records for this shed, however spatial imagery demonstrates that this building was present in December 2008. The farm business owner should be advised to apply for a Certificate of Lawfulness to ascertain the legal status of this building.) The subject site is located approximately 965m South East of this building group along Upper Knockbarragh Road. There are no buildings associated with farm business ID 623035 on this site with which to group a future dwelling. Whilst a dwelling could visually link with buildings associated with No.12 Upper Knockbarragh Road, Policy CTY10 does not permit grouping with buildings linked to a third party farm holding.

The applicant was made aware of the above concerns early on and advised that this policy criterion can be met through an alternative site on the farm holding and was



directed to fields 1 or 2 by way of guidance. The applicant explained that land ownership issues prevent this as a feasible solution as fields 1,2,4 and 7 are taken in conacre and are not currently in the ownership of either the applicant or the farm business owner. CTY10 c) makes provision for alternative sites on the farm where there are no other sites available at another group of farm buildings and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group to prevent this possibility. No information to this effect has been submitted to justify this alternative site in these circumstances, the issue here is land ownership for which CTY10 makes no provision for and is not a material planning consideration.

The applicant was made aware of this and given the opportunity to withdraw this application and come in with an alternative siting. The applicant sought advice from an agent at this stage of the application who has agreed to assess the current application with the information available. As this is the case, the current application fails to meet criteria c) of CTY10.

Where the proposal meets all of the criteria of CTY10, it must also meet the requirements of CTY13, CTY14 and CTY16. For the purposes of completion and a full assessment, these are assessed below.

#### Design, Integration and Rural Character

The site benefits from mature screening along its northern boundary which at present provides a high degree of screening when travelling south along Upper Knockbarragh Road. When travelling North, the existing road side boundary provides a degree of screening also. A single storey dwelling could potentially be integrated into this site (and PPS3 Policy NH6 met through a sensitive design) however it would not be visually linked or sited to cluster with an established building group on the farm holding, which is contrary to policy CTY13 criterion (c.) In addition, this development as proposed would create a ribbon of development with the existing buildings No.10, No.12, which is contrary to policy CTY14 (criterion d.) and should continue to be refused.

#### Access, Movement and Parking

Construction of a new access onto Upper Knockbarragh Road is proposed to service the dwelling. Transport NI has no objections in principle to the proposal, subject to conditions. In terms of PPS3, there are no concerns with the proposal. Policy CTY10 criterion c) requires access to be obtained from an existing lane where practicable. There is no access existing at this location therefore the access details would need to be assessed further against policies CTY13 and CTY14 at Reserved Matters stage.

### Sewerage / Service Provision

The proposal includes disposal of foul sewage via a septic tank and soak away. This could be achieved within the sites red line boundary and is subject to obtaining consent from NIEA Water Management Unit. NI Water has no objections to the proposal. Given the existing dwellings along this road frontage, it is envisaged a dwelling could connect to the existing services, subject to consent. Policy CTY16 is not offended by the proposal.

### **Recommendation:** Refusal

#### **Reasons for Refusal:**

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.
  - health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm
  - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not 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 and therefore would not visually integrate into the surrounding landscape.
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 create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.





# GRAY DESIGN LIMITED

Architecture Interior Design Project Management

312

Planning Office  
Newry Mourne & Down Council  
O Hagan House  
Monaghan Row  
Newry

## Proposed farm Dwelling

4<sup>th</sup> September 2017

Ref. FB1003  
Your Ref. LA07/2016/1632/O

Dear Sir / Madam,

We understand that the above application is to be presented with the opinion to refuse.

Upon reading the case officers report it confirms that the application meets two of the three criteria of CTY10 and only fails to meet criteria c

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

We would request that the Planning Service afford us speaking rights at the meeting on the 11<sup>th</sup> of October 2017 and provide the following additional information in support of our application;

Regarding the history of this farm – the application site and the farm were own by the applicants grandfather (Mr Barney Fegan from Knockdaragh) who handed this down to the applicants father who then in turn handed down the land to his son Jason Fegan (applicant) however when the land was handed down the farm business (with no land) was handed down to another grandson Mr Malachy McCourt. It was the intention that Mr McCourt would farm the lands until a time where Mr Fegan was in a position to construct a dwelling on the family lands. (Mr McCourt has signed the PIC form for the site entitlement across to the applicant Mr Fegan)

Mr Malachy McCourt, lives in Rostrevor at 33 Greenpark Road and does not own any of the lands on the farm holding and only farms these lands. Fields 1, 2, 4 & 7 on the farm maps are taken on con-acre and therefore no development is possible on these fields.

### NEWRY

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I have been involved in many similar applications where no farm buildings exist on the farm and alternative sites on the farm holdings have been approved where *appropriate integration* was found. In this application the case officer highlights the following on page 4 in the report:

“The site benefits from mature screening along its northern boundary which at present provides a high degree of screening when travelling south along upper Knockbarragh Road. When travelling North, the existing road site boundary provides a degree of screening also. A single storey dwelling could potentially be integrated into this site”

There are no objections from Road Service or any of the other consultees.

We would also note a farm dwelling 2 fields away was refused on similar ground (not visually linked) deferred and then passed. (P/2014/0461) I was not the agent on this application

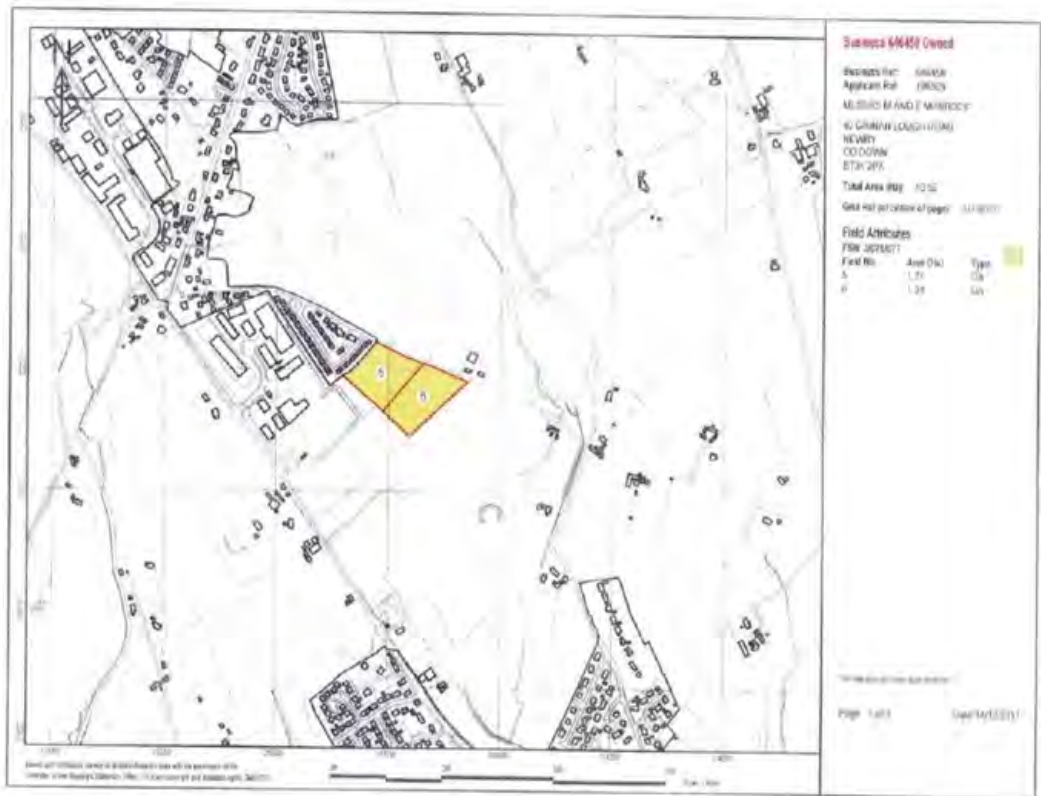


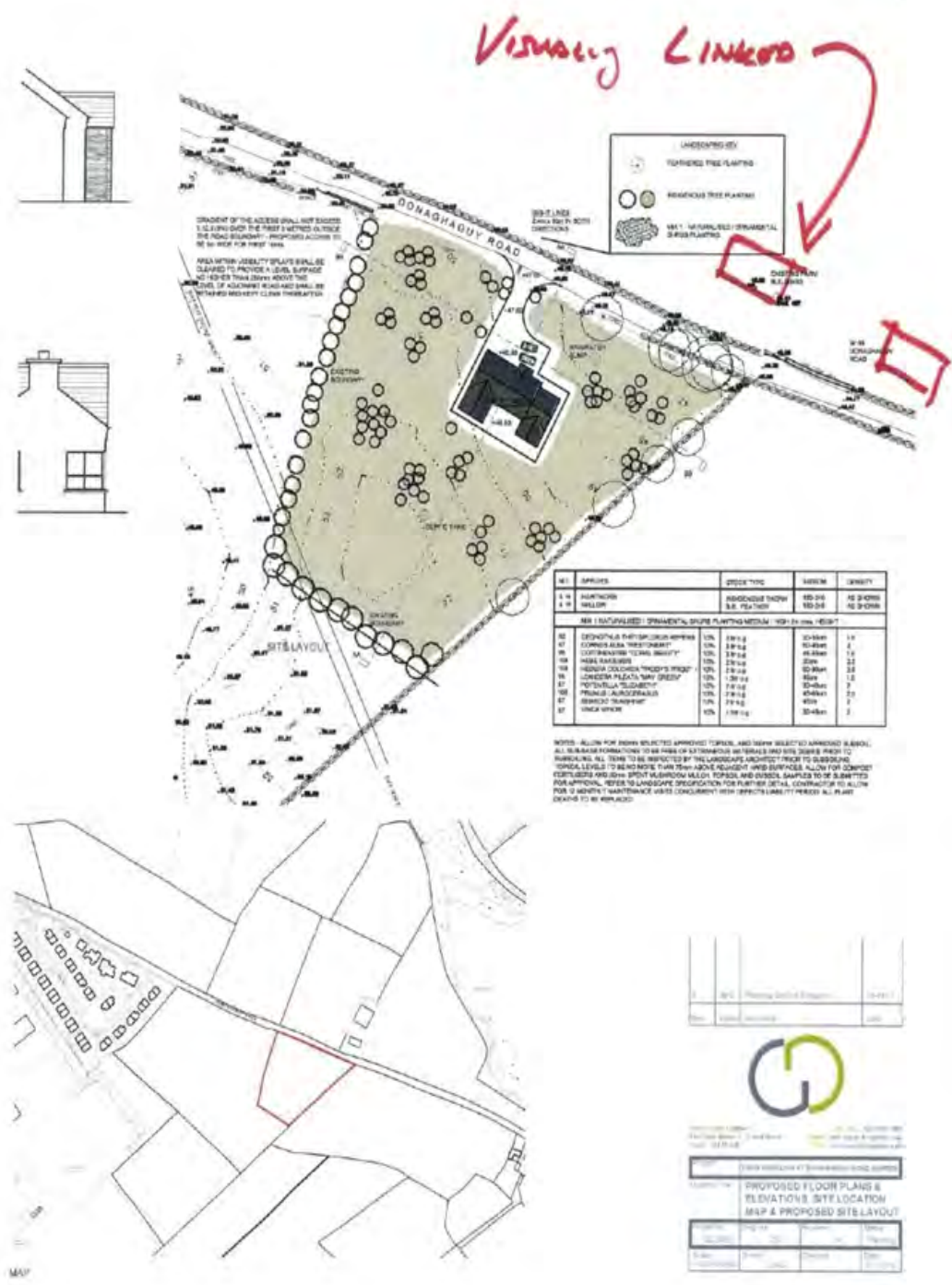


I highlighted below two other applications where there was no farm buildings available on the lands to visually link, which have been passed as I have been able to integrate the dwelling and visually link to neighbouring buildings. All passed under CTY10.

**P/2011/0264/F**

Erection of farm dwelling – see below two fields on the farm – where I was successful getting a dwelling passed in the North East corner of field nr 6 visually linked to **buildings on the adjacent side of the road**.

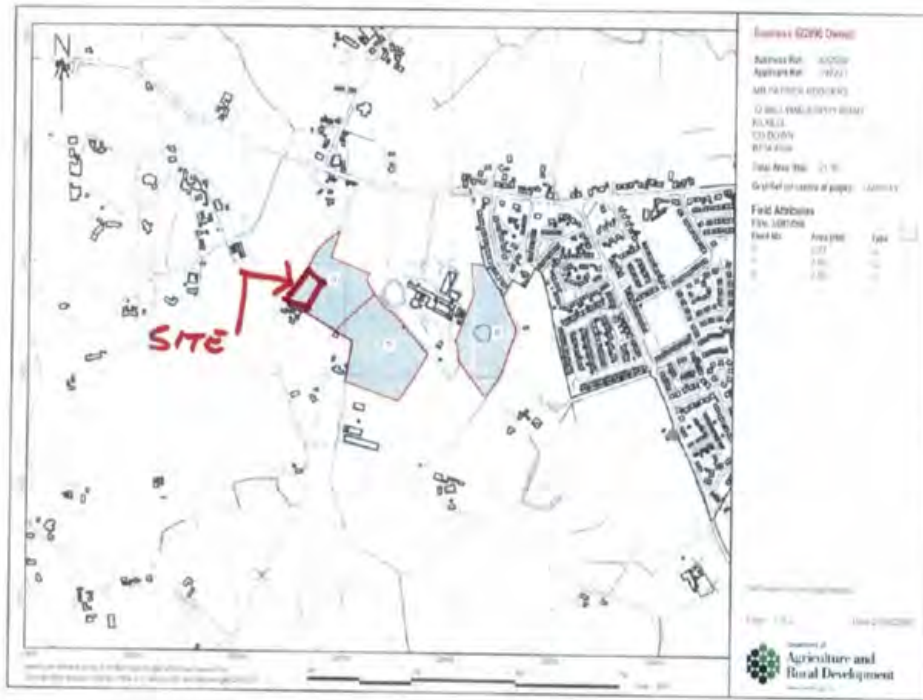






P/2009/0574

Erection of farm dwelling – see below a number of fields – where I was successful getting a dwelling passed in the South West corner of a field visually linked to neighbouring farm buildings.



## Conclusion

As this application has only being refused on one item (not visually linked) we would hope that that council would review these similar applications and agree that consistency is required when dealing with similar farm applications under CTY10 - where alternative site can be found which in the case officer own words "**dwelling could potentially be integrated into this site**"

We would hope that this application may be passed to allow Mr Fegan to return to the area where his family has been from for generation to bring up his family.

Yours Faithfully



**Colin Dalton**

For and on behalf of GRAY DESIGN LTD



**ITEM NO** 12  
**APPLIC NO** LA07/2017/0099/F Full **DATE VALID** 1/18/17  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Jerry Lucey 33 Ferryhill Road **AGENT** O'Callaghan  
 Killeen Planning Unit 1  
 Newry Court  
 Monaghan Street  
 Newry  
 BT35 6BH  
 028308358700 /

**LOCATION** 75 metres south west of 8 Clontigora Road  
 Killeen  
 Newry

**PROPOSAL** Erection of dwelling and garage in substitution for development approved under planning application P/2008/0341/RM

|                        |                    |                    |                      |                      |                  |
|------------------------|--------------------|--------------------|----------------------|----------------------|------------------|
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> | <b>SUP Letters</b> | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |                  |
|                        | 0                  | 0                  |                      | 0                    | 0                |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    | <b>Addresses</b> |
|                        |                    |                    | 0                    | 0                    | 0                |

- 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.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, be a prominent feature in the landscape, 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, the proposed building relies primarily on the use of new landscaping for integration and the design of the proposed building is inappropriate for the site and its locality and 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0099/F

**Date Received:** 21<sup>st</sup> January 2017

**Proposal:** Proposed new dwelling and garage to change from that approved under reference number P/2007/0374/RM

**Location:** The site address is given as 50 metres north of 43 Clontigora Road, Killeen. The site lies outside the development limits of and it is approximately 6.5 kilometres south of Newry City.

**Site Characteristics & Area Characteristics:**

The site forms part of an agricultural field with no defined boundaries along the northern, eastern and southern boundaries of the site. Timber post and wire fencing defines the eastern boundary along Clontigora Road. An agricultural gate along the application sites frontage with Clontigora Road providing access into the site.

The site is predominantly flat however with a fall in land levels to the south. It is evident the soil has been disturbed at some point with raised pile of soil now overgrown with grass created next within the eastern portion of the application site. Upon inspection of the ground there appear to be patches of concrete foundations evident to the front of the soil pile. There are sparsely distributed mature trees and bushes within the application site. The application site is immediately surrounded by agricultural land. To the rear and further east of the application site is the Cuan Mhuire Trust, further North and North East of the application site are detached dwellings and agricultural buildings with further dwelling further south along Clontigora Road.

**Site History:**

|                |                                                    |                                           |                    |
|----------------|----------------------------------------------------|-------------------------------------------|--------------------|
| P/2008/0341/RM | 100 metres south of No 6 Clontigora Road, Killeen. | Erection of Dwelling and detached Garage. | PERMISSION GRANTED |
| P/2004/3056/O  | 100m South of 6 Clontigora Road, Killeen           | Erection of dwelling                      | PERMISSION GRANTED |
| P/2002/0882/O  | 100m South of 6                                    | Site for dwelling                         | PERMISSION         |



|             |                                                                    |                                                                     |                       |
|-------------|--------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------|
|             | Clontigora Road,<br>Killeen, Newry                                 |                                                                     | GRANTED               |
| P/1999/0657 | 100 METRES<br>SOUTH OF NO.6<br>CLONTIGORA<br>ROAD KILLEEN<br>NEWRY | Site for dwelling<br>(Renewal of<br>Outline Permission<br>)         | PERMISSION<br>GRANTED |
| P/1995/1405 | 100M SOUTH OF<br>6 CLONTIGORA<br>ROAD NEWRY                        | Site for dwelling<br>(Renewal of<br>Outline Planning<br>Permission) | PERMISSION<br>GRANTED |
| P/1992/1227 | Site for<br>Replacement<br>Dwelling                                | 100 METRES<br>SOUTH OF NO6<br>CLONTIGORA<br>ROAD,KILLEN,<br>NEWRY   | Permission<br>Granted |

#### **Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- Planning Policy Statement 3 (PPS3) – Access, Movement and Parking
- Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside

#### **Consultations:**

There were two consultations issued for this proposal. See details below.

- Transport NI – No objections subject to conditions (07/03/2017)
- NI Water – Generic response (14/07/2017)

#### **Objections & Representations**

There were two neighbour notifications issued for this proposal. The application was advertised in the local press on 10<sup>th</sup> February 2017. There were no representations received.

#### **Consideration and Assessment:**

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 and does not fall within any settlement development limits as defined in the 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 and PPS 21.

### Principle of Development

The principle of a replacement dwelling was initially established on this site through the approval of planning application P/1992/1227 and has subsequently been renewed throughout the years with the most recent approval for outline permission being granted under P/2004/3056/O issued on the 14<sup>th</sup> June 2005 and reserved matters approved under P/2008/0341/RM issued on 11<sup>th</sup> July 2008. This application proposes a change of house type to that previous approved on the site under planning approval P/2008/0341/RM. In accordance with Condition 1 on the most recent outline and reserved matters approvals planning permission for a dwelling and garage on the site expired after the 14<sup>th</sup> June 2010, five years after the granting of outline permission and therefore the latest date on which development could lawfully commence was 14<sup>th</sup> June 2010. Additionally, Condition 4 of the Reserved Matters approval required vehicular access, including visibility splays and any forward sight line to be provided in accordance with the approved plans prior to the commencement of any works or other development hereby permitted. The Planning Department was provided with e-mail correspondence between Mr O'Callaghan (the agent) and the Newry, Mourne and Down Building Control Department providing details of an inspection carried out by Building Control on the 18<sup>th</sup> May 2010 of the foundations laid on site providing evidence that foundations were laid prior to the expiry of the planning permission. No evidence has been submitted to demonstrate that vehicular access, visibility splays and forwards sight lines were implemented prior to the commencement of any works or develop on site permitted by P/2008/0341/RM.

Upon investigation, a Google street image from 2009 appears to show that the dwelling to be replaced was still on site. Google earth imagery dated 22<sup>nd</sup> May 2010 appears to show the dwelling to be replaced removed, the site cleared and dwelling foundations in place. However upon further investigation the foundations appear to not be laid in accordance with the approved drawings. The agent has acknowledged this and has provided a site survey indicating where foundations were laid and where they were approved demonstrating that the foundations were laid approximately 3 metres north of their approved location.

As the foundations have not been laid in accordance with the approved drawings, it is not considered the planning permission has been implemented and the principle of development has now been lost as the original dwelling on site has been removed.

Should it be considered that the works completed on site have implemented the planning permission then it will be essential to assess the change of house type proposed against the Policies CTY 13, 14 and 16 of PPS21 and PPS3.

### PPS21

The dwelling previously approved under P/2008/0341/RM was a single storey bungalow with Bangor blue slates for a roof covering, rough cast plaster finish for the external walls with stone cladding to the external walls of the front porch and chimney, with a small rear return to the rear of the dwelling and extension to each gable end with reduced ridge heights. The dwelling proposed by this application has a much greater building footprint to that previously approved; the front elevation and NW gable wall will have a stone clad finish with all other external walls finished in smooth painted render, the dwelling is made up of three building components, the front building facing the Clonigora Road will be storey and a half in height, measuring



7.2 metres from F.F.L., with a storey and a half front porch and an extension from the NW gable wall with reduced ridge height of 7 metres from F.F.L., the building will have a pitched roof and covering composed of Bangor blue slates, the smaller, single storey middle component containing a snug and shower with hallway with have a flat roof and provides a connection to the rear, single storey building component with pitched roof, standing at 5.1 metres from F.F.L. A double garage is proposed within the southern portion of the site, sitting approximately 8 metres south from the dwelling. The orientation of the dwelling proposed has changes from that previously proposed, the dwelling is now proposed to face NE and was previously facing E.

### 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. A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; or
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- c) it relies primarily on the use of new landscaping for integration;
- d) ancillary works do not integrate with their surroundings;
- e) the design of the building is inappropriate for the site and its locality;
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

It is considered that scale and form of the dwelling proposed and the lack of established boundaries around the application site will result in the dwelling being a prominent feature in the landscape. The design of the building to reflect three different building components creates a complicated building design when viewed travelling north or south along Clontigora Road and not representative of the traditional form sought by The Building on Tradition Design Guide. The Planning Department had requested that the agent reduce the ridge height of the dwelling proposed to less than 5.5 metres from F.F.L and a reduction in the scale and massing of the development to reduce the development's potential to adversely impact on the rural character but the agent had stated that given the issues surrounding commencement of development within the site and until it was decided whether the principle of development on the site remained, it was not in the clients' interests to rework the proposal.

On review of the site history it is evident from previously approved drawings and photography that prior to the original dwelling on site being removed there was substantial vegetation within the site and along the boundaries, however since the dwelling has been demolished most of the vegetation has been removed leaving the site very open to critical views from along Clontigora Road. Under the outline approval P/2004/3056/O, Condition 7 requires that the proposed dwelling on site shall have a reduced ridge height of 5.5 metres above F.F.L to ensure that the development is not prominent in the landscape and additionally Condition 13 required that the existing natural screenings to the front of the original dwelling shall be retained to ensure the development integrated into the countryside and to ensure the maintenance of screening to the site. While it is acknowledged that previously under the outline approval P/2002/0882/O, Condition 3 permitted a storey and a half dwelling, it is consider that as conditions have now changes within the application

site, a storey and a half dwelling is not appropriate for the site and its locality. As the application site forms part of an agricultural field, new boundaries are to be created through planting of new hedging around the dwelling, however without any substantial boundaries already in place and considering the length of time it will take for new planted boundaries to mature, there is no form of enclosure existing to allow a new dwelling to successfully integrate into the landscape. To the south and east of where the new dwelling is proposed are mature trees, those to the east provide somewhat of a visual backdrop to the rear of the dwelling.

I consider the proposal to be contrary to criteria (a), (b), (c) and (e) of Policy CTY 13.

#### 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 scale and massing of the dwelling proposed would result in it being unduly prominent in the landscape. The proposal is therefore considered contrary to criterion (a) 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 septic tank. I am satisfied the site could accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA.

#### 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 an access will not prejudice road safety. Transport NI have been consulted and have offered no objection to the access subject to conditions. The access would not prejudice road safety or significantly inconvenience the flow of traffic and is considered acceptable.

In conclusion therefore and for the reasons discussed above, it is deemed that the 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.) It is deemed that the application fails to meet the policy test of PPS21 CTY 13 and 14 in that the dwelling proposed would be a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape and the proposal will be relying on the use of new landscaping for integration.

#### **Recommendation:**

Refusal



**Refusal Reasons:**

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.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in the proposed building would, is a prominent feature in the landscape, 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 the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to 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 and would therefore result in a detrimental change to and further erode the rural character of the countryside.

|                                     |
|-------------------------------------|
| <b>Case Officer Signature:</b>      |
| <b>Date:</b>                        |
| <b>Appointed Officer Signature:</b> |
| <b>Date:</b>                        |

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**Your ref:** LA07/2017/0099/F  
**Proposal:** Erection of dwelling and garage in substitution for development approved under planning application P/2008/0341/RM  
**Location:** 75 metres south west of 8 Clontigora Road, Killeen, Newry  
**Applicant:** Jerry Lucey

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## ISSUES

This application relates to a site at which development had commenced in respect of a previously approved dwelling.

The previous permission (approval of Reserved Matters) was subject to a condition requiring the clearance of visibility splays prior to the commencement of development, despite the fact that the preceding outline planning approvals appear not to have been conditional upon the said works taking place prior to the commencement of any other works.

When this application was submitted, no evidence was provided to verify when the site splays were cleared, however when we were instructed in relation to this matter we commissioned an independent survey of the site. This showed that sight lines were in place at that time. There is no evidence to show that the pre-commencement condition (relating to clearance of visibility splays) was not complied with.

The survey commissioned by O'Callaghan Planning showed that the foundations appeared to be slightly offset from their approved position. The degree of error is considered to be of no consequence given the substantial degree of overlap. At its worst, one corner of the dwelling could be up to 3 metres away from its approved position. The planning department considers this has invalidated the previous permission.

O'Callaghan Planning has received a Certificate of Lawfulness in another Council area, where an entire dwelling was moved 2 metres beyond its approved position. Other permissions have been granted where the degree of error has been 7 metres, and Newry, Mourne and Down Council has approved a change of house type application where it previously considered the degree of inaccuracy to be 15 metres (that figure was actually contested).



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On the basis of the pragmatic approach to this issue taken by Newry, Mourne and Down Council, it is reasonable to deduce that the previous permission has in fact been preserved in perpetuity. Therefore, this application could have been processed as a simple "change of house type".

The application was submitted in January 2017 and a number of requests for updates were issued, periodically. On 16<sup>th</sup> August 2017, a letter was issued by the Council, seeking amendments to the design of the dwelling and to its scale and form. The key issue raised here was that the dwelling should be reduced to a single storey design. On 17<sup>th</sup> August, we queried that letter by email, referring back to the original outline permission, granted in 2002, which stated the dwelling should be single-storey or a 1.5 storey design.

The following day an email was issued by the planning office, defending its rationale for the request for a reduction in height.

The email also stated the following: "as you are aware, there are issues relating to pre-commencement and commencement works to be considered as part of this proposal". In fact, we were unaware there were such "issues". On that basis, we queried this, and asked for confirmation that the principle of development was acceptable before we proceeded to amend the design of the dwelling (email dated 21<sup>st</sup> August 2017).

It was only the following month, by which time a decision had been taken to recommend the application for refusal, that we received an indication that "the pre-commencement and commencement issues relate to the implementation of the vehicular access, including visibility splays and forward sight lines and foundations not in accordance with approved plans". Later, on 26<sup>th</sup> September 2017 it was confirmed in an email that "it has been decided that the pre-commencement issues are not a concern".

Since the situation was fluid, clearly it would have been premature for the applicant to amend the design of the house (it transpires that the application would have been refused regardless). One would however question why a request for an amended design was made only for this to be counteracted with a later recommendation to refuse based upon "pre-commencement and commencement issues". There is a perception that the refusal recommendation was actually triggered by our querying the rationale behind the request to reduce the height of the house.

It is now apparent that the parameters had changed between the 2002 and the 2004 outline planning approvals (i.e. the 2002 permission indicated the site had to be single-storey or 1.5 storey, however the 2004 permission indicated the house had to be single-storey). The Council



indicate that as part of the 2004 planning approval, boundary vegetation was to have been retained and this was purportedly reinforced in the 2008 permission.

The Council has indicated that conditions on the ground are not as they were back in 2004, and that clearance operations undertaken as part of the 2008 approval have resulted in the loss of vegetation, which has made it imperative to ensure the dwelling's scale is now minimised. However, this rationale is flawed insofar as at the time of the 2004 application the site remained as it had been at the time of the 2002 application. On that basis, there was no logic or justification for reducing the dwelling from 1.5 to a single storey as part of the 2004 approval (which formed the basis for the 2008 reserved matters approval).

Since the Council feels that the site's ability to absorb a new dwelling is inferior now than it was at the time of the 2002 approval, we hereby confirm our willingness to reduce the size / height of the dwelling. In fact, we had never at any point indicated that we were not prepared to concede on that matter.

In relation to the matter of the erroneous siting of the foundations, the planning report states the following:

"As the foundations have not been laid in accordance with the approved drawings, it is not considered the planning permission has been implemented and the principle of development has now been lost as the original dwelling on site has been removed".

This approach has ignored the precedent set by this Council's planning committee, in its exercising considerable flexibility in this matter. It has also failed to give any regard for the question that has to be asked: what is the effect of any deviations in the siting of the foundations laid? A proper assessment of the case would have explored the significance of any errant siting because the Council is aware that planning case law established the principle that minor errors in setting out are not always fatal to the survival of a planning permission. There was no consideration given to this subject, and the practice of continually refusing planning applications on the basis of inaccurate foundations, for example, is simply compounding the work of the Council's planning committee.

We must point out that our position has been misrepresented insofar as the planning report states that "the agent had stated that given the issues surrounding commencement of development within the site and until it was decided whether the principle of development on the site remained, it was not in the clients' interests to rework the proposal". In actual fact, as far





back as 17<sup>th</sup> August, an email was issued to the Council confirming that we would “get a few amended sketches to you as soon as possible to see what you think – rather than run the risk of refusal”. In the intervening period we continually awaited clarification as to what the other issues were and ultimately a decision was taken, prematurely, to recommend refusal rather than affording an opportunity to amend the design of the dwelling.

In concluding, we submit that since the Council’s planning committee has ruled extensively (that errant siting in the laying of foundations, or the failure to create site splays prior to the commencement of development) on this subject, this should have been treated as a straight forward matter of assessing the visual impact of this proposal. While the Council has concerns with the scale and form of the house hereby proposed, when the issue was first raised we immediately confirmed our willingness to modify the design and reduce the height of the building, and that remains our position. On that basis, we feel it is entirely appropriate to defer this application to allow for the submission of an amended proposal (reduced ridge height etc.).



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**ITEM NO** 13

**APPLIC NO** LA07/2017/0145/O

Outline **DATE VALID** 1/31/17

**COUNCIL OPINION REFUSAL**

**APPLICANT** Cathal Sloan 14 Sandy Brae  
Attical  
Kilkeel

**AGENT** O'Callaghan  
Planning Unit 1  
10 Monaghan  
Court  
Monaghan Street  
Newry  
BT35 6BH  
02830835700/0773

**LOCATION** Lands approximately 55 metres south of 14 Sandy Brae  
Attical

**PROPOSAL** Site for dwelling and detached garage at existing cluster of development in the countryside

| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> | <b>SUP Letters</b> | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |
|------------------------|--------------------|--------------------|----------------------|----------------------|
|                        | 0                  | 0                  |                      | 0                    |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                    |                    | 0                    | 0 0 0                |

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
- 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 of ribbon development along this section of Sandy Brae and it does not represent an infill opportunity as there is not a continuous and substantially built up frontage without accompanying development to the rear along the road frontage.
- 4 The proposal is contrary to 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 and 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 and therefore would not visually integrate into the surrounding landscape.
- 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, be unduly prominent in the landscape, the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.





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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/0145/O**

**Date Received: 01 February 2017**

**Proposal:** Site for dwelling and detached garage at existing cluster of development in the countryside

**Location:** Lands approximately 55 metres south of 14 Sandy Brae, Attical. The Application site sits outside development limits and is included in the Mourne Area of Outstanding Natural Beauty (AONB) and is within a designated Site of Local Nature conservation Importance (SLNCI). The application site is positioned approximately 20 kilometres SW of Newry City.

**Site Characteristics & Area Characteristics:**

The application site consists of a section cut from a larger agricultural field. The south eastern and north eastern boundaries are defined by a traditional stone wall with a section of the south western boundary defined by a traditional stone wall forming the boundary of the adjoining property and the remaining length of this boundary defined by timber post and wire fencing.

A lane providing access to two dwellings further north west of the application site runs along the north eastern boundary of the application site. Another lane (Sandy Brae) providing vehicular access to properties north east and south west of the application site and which provides a loop back onto the Tullyframe Road runs along the south eastern boundary of the application site.

The topography within the site results in a fall in land levels into the south west corner of the site and there is a rise in land levels to the rear (north west) of the application site.

The surrounding land is undulating and rural in character. The lane on which the application site is positioned has become heavily populated with single dwelling development and associated outbuildings in the last number of years. Attical G.A.C. is positioned south east of the application site.

**Site History:**

|               |                                                               |                                        |                       |
|---------------|---------------------------------------------------------------|----------------------------------------|-----------------------|
| P/2003/1409/O | 50m West of No. 10 Sandy Brae Road, Attical, Kilkeel, Co Down | Site for dwelling with detached garage | Application Withdrawn |
| P/2009/0793/F | 50 metres West of No.10 Sandybrae Road, Tullyframe, Kilkeel.  | Erection of replacement dwelling.      | APPLICATION WITHDRAWN |

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Banbridge / Newry and Mourne Area Plan 2015

Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside

Planning Policy Statement 2 (PPS2) – Natural Heritage

Planning Policy Statement 3 (PPS3) – Access, Movement and Parking

**Consultations:**

Transport NI – No objection (15/05/2017)

NIEA- No objection to proposal (23/02/2017)

NI Water – Generic response (1502/2017)

**Objections & Representations**

There were six neighbour notifications issued for this proposal. The application was advertised in the local press on 15<sup>th</sup> February 2017. There were no representations received.

**Consideration and Assessment:**

The principle of the application is considered under PPS 21, CTY 2a, New Dwellings in Existing Clusters under CTY 2a all criteria must be met. Policy CTY 2a states, Planning permission will be granted for a dwelling at an existing cluster of development subject to all the criteria being met.

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- consists of four or more buildings
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point;
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation; and
- development would not adversely impact on residential amenity.

The Planning Department are content the cluster of development lies outside of a farm and consists of four or more buildings.

Following an inspection of the site and surrounds it is evident that the cluster appears as a visual entity in the landscape when viewed from Tullyframe Road.



The cluster is associated with a focal point – the community building and Attical G.A.C. positioned to the south east of the application site.

The application site is not bounded on at least two sides with other development in the cluster. Adjacent to the south eastern boundary of the application site is a newly constructed dwelling. Undeveloped agricultural land adjoins the site along its north western boundary. The north eastern boundary and south eastern boundaries of the application site are bounded by lanes and not by development. The application site is very open when viewed while travelling along both the lanes adjoining the application sites boundaries. The application site is not considered to provide a suitable degree of enclosure and additional treatment around the boundaries of the site would be required to achieve any sense of enclosure.

It is not considered the development proposed can be absorbed into the existing cluster through rounding off or consolidation. The proposal is considered to alter the existing character through the creation of a ribbon of development along this section of Sandy Brae when viewed with the dwelling and garage to the south of the application site, with the existing lane along the north eastern boundary of the application site representing a break in the continuous frontage. Given the lack of enclosure the proposal will visually intrude into the open countryside area.

It is not considered development would adversely impact on residential amenity.

#### PPS21 – CTY8, CTY 13 and CTY 14

With regard to integration and as stated under my consideration of Policy CTY 2a, the site is exposed and a dwelling on this site will be a prominent feature in the landscape. The proposal would rely heavily on new landscaping contrary to policy criteria of CTY 13. The proposal will add to the existing suburban style build up when viewed with the existing development within the immediate surrounding area and will create a ribbon of development along the common frontage with the dwelling and garage adjacent to the southwest with no gap site evident due to no continuous frontage existing.

#### PPS2

NIEA was consulted on this proposal and responded to confirm that both Water Management Unit and Natural Environment Division has no concerns with the proposal.

#### PPS3

Transport NI was consulted on this proposal and have no objections.

### **Recommendation Refusal**

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
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 of ribbon development along this section of Sandy Brae and it does not represent an infill opportunity as there is not a continuous and substantially built up frontage without accompanying development to the rear along the road frontage.
4. The proposal is contrary to 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 and 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 and therefore would not visually integrate into the surrounding landscape.
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, be unduly prominent in the landscape, the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

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| <b>Case Officer Signature:</b>      |
| <b>Date:</b>                        |
| <b>Appointed Officer Signature:</b> |
| <b>Date:</b>                        |



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**Your ref:** LA07/2017/0145/O  
**Proposal:** Site for dwelling and detached garage at existing cluster of development in the countryside  
**Location:** Lands approximately 55 metres south of 14 Sandy Brae Attical  
**Applicant:** Cathal Sloan

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The justification for approval of this application is rooted in the fact that the proposal involves the consolidation or rounding off of an existing cluster of development that is concentrated at a focal point in the community i.e. Attical GAA Club. The planning department appears to acknowledge that the site is indeed located at a focal point in the community, and in that respect Policy CTY 2a of PPS 21 is automatically engaged.

#### **LACK OF FEEDBACK**

Before summarising the justification to the application, we felt it important to highlight the fact that a number of emails and telephone calls have been issued to the planning department, seeking updates on this application. It is a matter of deep concern that in the 8 months the application has been under consideration, there has been no indication that there were concerns with the proposal. We understood that we would be informed of any concerns with proposals at the earliest possible stage. While we appreciate that the provision of additional information may not have addressed the planning department's concerns we believe it is unreasonable not to have been provided with a list of concerns at any point in the eight month period this application has been under consideration.



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Site – in context of the existing cluster

It can be seen in this image that the site is actually bounded by development on three sides. Not only that, but it can be seen that there are three dwellings beyond the site's north eastern boundaries and one to the south, all fronting onto the same side of Sandy Brae in such a manner as to leave space for an "infill" dwelling in the midst.

It is perverse to refuse a proposal on the grounds that visually it will occupy a gap in a line of buildings, but to argue that the buildings in question do not in fact form part of the same frontage / the same linear ribbon of dwellings.



## CONTESTED ISSUES

### Bounded on at least two sides by other development

The planning report indicates that “The north eastern boundary and south eastern boundaries of the application site are bounded by lanes and not by development”. However, these lanes fall within the “meaning of development” as enshrined in planning legislation. In that respect, it is apparent that the planning department has applied the wrong test – the proposal has been assessed as if the policy stated the site had to be bounded on at least two sides by existing buildings (whereas the policy refers simply to “other development in the cluster”).

We submit that in deciding whether the site is actually bounded by development on at least two sides we must look for guidance as to what the term “bounded” means in this context.

While, ordinarily, the term bounded might be assumed to mean directly adjoining the site’s boundary, with no intervening space, we must also consider the guidance the planning department uses to decide how to notify neighbours of the receipt of an application.

In this case, the house to the immediate south west of the site is automatically recognised as bounding the site. However, the issue of bounding the site arises in relation to dwellings opposite the site (134 Tullyframe Road and 14 Sandy Brae).

Both these properties received neighbour notification letters. The planning department felt obliged by statute to issue notification letters to these properties.

The said neighbour notification letters stated:

Under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the Council is required to serve notice of an application to any identified occupier on neighbouring land.

The term “neighbouring land” is not laid out within PPS 21. However, the term is defined in Development Management Practice Note 14 as “land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width. Therefore, it is inconsistent to treat these surrounding properties as if they were neighbouring properties but to insist that they do not bound the site. Therefore, we submit that the properties in question are actually bounding the application site.

## PRECEDENTS

It is noteworthy that this concept of “neighbouring land” bounding development was accepted recently in the case of application LA07/2016/1156/F (Ruairi McKeown, at Carrowbane Road, Belleeks).





If the Council's true concern is the purported encroachment into the "open countryside" then it is pertinent that the Planning Appeals Commission approved a dwelling south and west of 4 Shinn Road, Newry (DOE ref P/2014/0613/O).

A representation of that context can be seen below. The PAC was happy to accept that the site in question was bounded by other development on the basis that it was separated from it by a road measuring less than 20 metres in width.



P/2014/0613/O. Approved by the PAC at a time when that site was not directly adjoining other development (by the Council's logic), on at least two sides, within the cluster.

### **ROUNDING OFF / CONSOLIDATION**

It is assumed that the planning department feels this proposal does not involve consolidation or rounding off, simply because it does not accept that the site is actually bounded on at least two sides by development. If the planning committee does accept that the site is in fact bounded on two sides by development within the cluster, because this site is situated on the inside of the line joining the two properties on the north western side of Sandy Brae, it clearly does not encroach outwards, into the open countryside.

### **VISUAL IMPACT**

The planning department feels the site is prominent and lacking in enclosure. However, the fact that it deemed it prudent to notify six neighbouring households is indicative of the fact that this proposal will actually be located within an existing cluster. It will therefore be able to integrate with existing buildings, and there is a steep incline to the north west of the site, leading to a mountain that provides a substantial backdrop to the site.

The site could avail of an immediate sense of total enclosure in the event a dry stone boundary was erected along the rear of the proposed curtilage. The site actually does benefit from a good standard of "integration" and the house is proposed in the lowest part of the field.

### **OTHER JUSTIFICATION**

The site lies in a gap between four existing dwellings. Although the site is located at a bend in the laneway, this bend is not so significant in this context as to define two separate frontages. The site is said to be "open and exposed" therefore there will be a clear transient and sequential awareness of buildings with common frontage onto the laneway. This transient, sequential, awareness is consistent with the provisions of Policy CTY 8 of PPS 21 and permission could actually be granted for a maximum of two dwellings under the auspices of Policy CTY 8 (gap sites) whereas the applicant has only sought permission for one dwelling.





|                        |                                                       |                                                                                                                                                 |                      |                      |                  |
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| <b>ITEM NO</b>         | <b>17</b>                                             |                                                                                                                                                 |                      |                      |                  |
| <b>APPLIC NO</b>       | LA07/2017/0808/F                                      | Full                                                                                                                                            | <b>DATE VALID</b>    | 5/25/17              |                  |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>                                        |                                                                                                                                                 |                      |                      |                  |
| <b>APPLICANT</b>       | EDB Construction 2A Seavers Road<br>Newry<br>BT35 8NA |                                                                                                                                                 | <b>AGENT</b>         |                      | NA               |
| <b>LOCATION</b>        | Ashgrove                                              | Lands between The Sacred Heart Grammar School and Newry High School Avenue Newry.                                                               |                      |                      |                  |
| <b>PROPOSAL</b>        | requires                                              | Removal of condition 2 on Planning Approval P/2011/1067/F. Condition 2 that 16 of the 47 units approved are provided for social rented housing. |                      |                      |                  |
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b>                                    | <b>SUP Letters</b>                                                                                                                              | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |                  |
|                        | 0                                                     | 0                                                                                                                                               | 0                    | 0                    | 0                |
|                        |                                                       |                                                                                                                                                 | <b>Addresses</b>     | <b>Signatures</b>    | <b>Addresses</b> |
|                        |                                                       |                                                                                                                                                 | 0                    | 0                    | 0                |

- 1 The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0808/F

**Date Received:** 30<sup>th</sup> May 2017

**Proposal:** Removal of Condition 2 on planning approval P/2011/1067/F

**Location:** The site is identified as Lands between The Sacred Heart Grammar School and Newry high School Ashgrove Avenue, Newry.

**Site History:**

Planning Permission was granted on the application site under planning ref P/2011/1067/F for the "Erection of residential development (comprising 2 No. Detached dwellings, 28 No. semi-detached dwellings, 9 No. terraced dwellings (in 3 blocks) and 8 No. apartments (in 4 blocks) – 47 No. units in total, to include 16 NO. social housing units)". Condition No. 2 of this planning approval states:

*"Of the 47 No. units hereby permitted, a minimum of 16 No. residential units shall be provided for social rented housing and shall only be managed and maintained by a housing association which is registered and regulated by the Department of Social Development as a social housing provider. Prior to the commencement of the development, the developer shall inform the Department in writing which residential units will be provided was social rented housing."*

*Reason: To meet an identified social rented housing need in this area.*

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015

**Consultations:**

NI Housing Executive – the reason states:

As 31 March 2016, we identified a projected housing need to 2020 of 698 social housing for Newry city. We fully support the need for this scheme to help address unmet social housing need in this area.

Response dated - 25<sup>th</sup> July 2017



### **Objections & Representations**

There were 15 neighbour notifications issued for this proposal. The application was advertised in the local press on 15<sup>th</sup> June 2017. There were no representations received.

### **Consideration and Assessment:**

#### Strategic Planning Policy Statement for Northern Ireland (SPPS)

Page 69-75 sets out the strategic approach for the provision of housing in settlements.

Page 73 of the SPPS sets out how Local development Plans will facilitate a reasonable mix of housing.

Housing Needs Assessment / housing Market analysis (HNA/HMA) -provides an evidence base that must be taken into consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing<sup>41</sup>, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.

*Affordable Housing* \*- The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process.

*\*Draft PPS 22 'Affordable Housing' was published for public consultation in June 2014 at the same time as DSD's draft 'Developer Contributions for Affordable Housing' policy. DSD are currently taking forward research which both Ministers will consider before finalising any future policy on Affordable Housing.*

It is clear from the provisions of the SPPS that housing allocations are based in a wide range of information, market analysis and input from numerous stakeholders. In relation to the Social Housing the NIHE will have significant input onto the final figures agreed for the number of units required over a plan period.

#### Banbridge / Newry and Mourne area Plan 2015

The proposed application site is identified in the Banbridge/ Newry and Mourne Area Plan as providing 16 No. social housing units and as a committed site under designation NY50. In relation to social housing in Newry the plan states that key site requirements to meet social housing need have been attached to the following sites – NY50 East of Newry High School, Ashgrove Avenue (16 No. dwellings).

Zoning NY50 has three key site requirements. The first relates to the provision of 16 No. dwellings be provided for social housing.

The applicant has provided a letter detailing that following negotiation with Apex housing association, at a time of budgetary constraints it is not financially possible that they can provide any social housing on this site at this time. Further, as the Department of Social Development set allowances for social housing developments, all other housing associations are competing on a level playing field and therefore no other association would be able to secure or offer any more funding than Apex at this time.

The NIHE have clearly programmed the 16 units agreed to be built at East of Newry High School Ashgrove Avenue in the future requirement for Newry. The consultation response supports this view.

Contrary to BNMAP – Zoning NY 50 which requires a minimum of 16 units for social housing.

NIHE strongly objects to the removal of the condition

**Recommendation:**

Refusal

**Refusal Reasons/ Conditions:**

1. The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.

|                                                                   |
|-------------------------------------------------------------------|
| <p><b>Case Officer Signature:</b></p><br><p><b>Date:</b></p>      |
| <p><b>Appointed Officer Signature:</b></p><br><p><b>Date:</b></p> |



|                                |                                                                                                               |                    |                                                                             |                      |                  |
|--------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------|----------------------|------------------|
| <b>ITEM NO</b>                 | <b>20</b>                                                                                                     |                    |                                                                             |                      |                  |
| <b>APPLIC NO</b>               | LA07/2017/1042/F                                                                                              | Full               | <b>DATE VALID</b>                                                           | 7/10/17              |                  |
| <b>COUNCIL OPINION REFUSAL</b> |                                                                                                               |                    |                                                                             |                      |                  |
| <b>APPLICANT</b>               | Kieran Shanley & Sonya McPolin<br>31 Lisdrum Court<br>Regent<br>Newry<br>BT35 8BB<br><br>s                    | <b>AGENT</b>       | BGA Architects<br>Ltd 50<br>Street<br>Newtownard<br>BT23 4LP<br>02891815736 |                      |                  |
| <b>LOCATION</b>                | Lands 10M south of 22 Seafin Road<br>Meigh<br>Newry<br>BT35 8LA                                               |                    |                                                                             |                      |                  |
| <b>PROPOSAL</b>                | Change of house type in substitution of approved planning permission ref P/2009/0682/RM (amended description) |                    |                                                                             |                      |                  |
| <b>REPRESENTATIONS</b>         | <b>OBJ Letters</b>                                                                                            | <b>SUP Letters</b> | <b>OBJ Petitions</b>                                                        | <b>SUP Petitions</b> |                  |
|                                | 0                                                                                                             | 0                  |                                                                             | 0                    | 0                |
|                                |                                                                                                               |                    | <b>Addresses</b>                                                            | <b>Signatures</b>    | <b>Addresses</b> |
|                                |                                                                                                               |                    | <b>Signatures</b>                                                           |                      |                  |
|                                |                                                                                                               |                    | 0                                                                           | 0                    | 0 0              |

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/1042/F**

**Date Received: 10.07.2017**

**Proposal: Change of house type in substitution of approved planning permission ref P/2009/0682/RM (amended description)**

**Location: Lands 10M south of 22 Seafin Road Meigh Newry BT35 8LA**

The site is located on lands south of no. 22 Seafin Road. At the time of inspection it was clear that ground movements had taken place but no evidence of foundations. The site is positioned below the adjacent road level with an access which appeared to be of quite a recent construction. Along the southern boundary of the site there is an existing concrete laneway leading to a number of outbuildings east of the site.

The site is located within the countryside and An Area of Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

#### **Site History:**

**P/2009/0682/RM- Erection of 1dwelling garage- approval- 30 Nov 2009**

#### **Objections & Representations**

*No. of neighbours notified=6*

*No representations received= 0*

*Advertise expiry= 28.09.2017*

#### **Consultations**

**TransportNI- spoke with TransportNI advised splays not in place.**

**NIW- statutory**

#### **Consideration and Assessment:**



*The applicant is seeking an amended house type on a site in which planning permission has expired. The onus is on the agent/applicant to demonstrate that development of the previously approved dwelling had commenced prior to the expiry of that decision, 29<sup>th</sup> Nov 2011. As there was a pre-commencement condition with regards to the access including the visibility splays etc attached to the previous approval the onus was also on the agent/applicant to demonstrate compliance with this condition. The agent has simply stated in the P1 form Q4, that the access has been formed. From the aerials and google street view it not clear that the pre-commencement condition had been complied with within the require timeframe. Having discussed the issue with TransportNI they have confirmed that the visibility splays required for the development have not commenced in accordance with previous approval.*

*The agent provided a record of building control inspections for the foundations of the garage dating back to the 23<sup>rd</sup> Nov 2011.*

*Having reviewing the previous approval P/2009/0682/RM, it would appear that the garage foundations are within the previously approved curtilage of the dwelling and in line with that approved under the site plan.*

*As the agent/applicant has not confirmed that the development in relation to the splays/access as approved under P/2009/0682/RM, commenced within the stipulated timeframe, the Planning Department would consider that the permission has lapsed.*

*No justification has been provided for a new dwelling on the site in line with the prevailing policy. The proposal is therefore considered contrary to PPS 21 CTY1.*

*The access arrangements are to be as previously approved.*

*The proposal is for a large two storey contemporary style dwelling. The proposal is to have a ridge height of 7.6 metres above FGL which is the same as that previously approved. The dwelling will sit at a FFL of 118 approximately 3 metres below the adjacent road level. The dwelling is to be sited further down into the site away from the road but it is to remain within the established boundaries defined under the previous approval. The proposed design creates a good solid to void ratio with the use of contrasting contemporary materials to reduce the solid massing. The layout creates a partly enclosed courtyard with a large front garden area which is to respect*

*the existing contours. The new boundaries are to be defined by timber post and wire fencing with native species planting. Having considered the proposal against that previously approved and taking into consideration the neighbouring approved developments it can be considered that the proposal in terms of size, scale and design is in keeping with the surrounding character and will be no more prominent in the landscape.*

*The dwelling and associated works including the access will not cause a detrimental change to, or further erode the rural character of the surrounding area.*

*In terms of impacts on the neighbouring amenity, there is to be one side window on the first floor to the gable with no. 22. Having considered the orientation and separation distance from this window and the rear of no. 22, the proposal is not considered to cause an unreasonable degree of overlooking to this property.*

**Recommendation:**

**Refusal- CTY 1- pre-commencement issue**

.....

.....



LA07/2017/1042/F – Kieran Shanley & Sonya McPolin

Seafin Road, Meigh

Fao NMADD Planning Committee,

The issues that we will be speaking about at next Wednesday 11 Oct 2017 Planning Committee meeting are outlined below.

1. We confirm we will be speaking in support of the application.
2. It is clear that the previous planning permission, P/2009/0682/RM, was commenced before the expiry date of 29 Nov 2011, due to the fact building control inspected the foundations on 23 Nov 2011, see attached letter from Mr Peter Daly, Newry and Mourne Building Control Inspector.
3. In order to excavate and pour these foundations an access was formed together with visibility splays in both directions along Seafin Road. The access has been formed in the approved position along Seafin Road and in addition to this hardcore was placed to form the access from the road to the development.
4. The works were carried out more than 5 years ago and at that time the land owner's intention was to fully comply with the conditions of the Reserved Matters permission including provision of the visibility splays in order to save and implement the planning permission for the future.
5. We note that the Planning Service is happy with the proposed design of the house and integral.
6. Finally, there has been no Public Comments or Representations to this application.

Regards,

For BGA Architects Ltd

**John Lavery BSc (Hons) BArch ARB RIBA**  
Managing Director

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Liam Hannaway  
Chief Executive



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**Newry, Mourne  
and Down**

District Council

BN/2011/1449/Site 2

08 August 2017

Mr Ciaran O'Hare  
15 Lisdarragh  
Armagh Road  
Newry  
BT35 6AF

Dear Sir

**Re: Detached Garage at 20 Seafin Road Newry for Mr Ciaran O'Hare**

Please find below details of inspection carried out re the above:

| <b>Inspection Date</b> | <b>Inspection Type</b> | <b>Result</b> |
|------------------------|------------------------|---------------|
| 23 November 2011       | Foundations            | Satisfactory  |

Yours faithfully

*Peter Daly*

---

**Peter Daly**  
**Building Control Surveyor**

BR39



**ITEM NO 21**

**APPLIC NO** LA07/2017/1138/F

Full **DATE VALID** 7/27/17

**COUNCIL OPINION REFUSAL**

**APPLICANT** Bernard Morgan 73 Newtown Road Street Killeen Newry BT35 7PP

**AGENT** Collins and Collins 2 Marcus Newry BT34 1AZ

02830266602

**LOCATION** Adjacent to and immediately South East of No.1 Newtown Court Newtown Road Cloghogue Newry Co Down BT35 8GX

**PROPOSAL** Erection of Agriculture Buildings

|                        |                    |                    |                      |                      |
|------------------------|--------------------|--------------------|----------------------|----------------------|
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> | <b>SUP Letters</b> | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |
|                        | 0                  | 0                  | 0                    | 0                    |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                    |                    | 0                    | 0 0 0                |

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.
- 2 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;
  - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 and 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 buildings;
  - 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 or that the alternative site away is essential for the efficient functioning of the business.
- 3 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 and 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 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.



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**Newry, Mourne  
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District Council

**Application Reference:** LA07/2017/1138/F

**Date Received:** 19.07.17

**Proposal:** Erection of Agriculture Buildings

**Location:** Adjacent to and immediately South East of No.1 Newtown Court  
Newtown Road, Cloghogue, Newry

**Site Characteristics & Area Characteristics:**

Site comprises the western portion of a much larger agricultural field situated at the end of a cul-de-sac accessed via a private lane from Newtown Road. By way of Area Plan definition the site itself is located in the open countryside to the south of Newry City and is also within an Area of Outstanding Beauty as designated within the Banbridge/ Newry & Mourne Area Plan 2015.

**Site History:**

P/2013/0290/F – Dwelling on a farm. Land 40m SE of 20 Newtown Roads. PAC Refused. Dismissed by the PAC

**Planning Policies & Material Considerations:**

**Banbridge/ Newry and Mourne Area Plan 2015:**

**PPS3, DCAN 15 and Parking Standards** - Transport NI have raised no objection in comments dated 30.08.17

**SPPS, PPS21 (CTY 1, CTY12 and CTY13)**

DAERA in their consultation response dated 07.08.17 confirm that the farm business has been in existence for over 6 years and single farm payments have been claimed which is an indicator of an active and established farm holding.

The agent in correspondence has set out that the shed is needed for the expansion of the farm business and will be used for storage purposes for animal welfare, animal



feed and farm machinery. The principle farm holding is at No.73 Newtown Road where there are a number of existing agricultural buildings and where such items are currently being stored. The farm business map date stamped 19.07.17 (DAERA marked date 14.02.11 – Page 2 of 2) shows land which is owned and claimed by the applicant, apart from existing buildings there is sufficient room within the existing complex in which to expand. There is no convincing argument put forward by the applicant/agent for the need to relocate elsewhere nor has it been adequately demonstrated that the development is necessary for the efficient use of the agricultural holding.

The application site comprises the western portion of a much larger roadside agricultural field which is critically viewed from the adjacent A1. It is proposed to locate the agricultural building midway along the southern boundary of the site and this proposed siting is within the most open and exposed portion of the field lacking natural vegetative boundaries, backdrop or any other means in which to screen or provide enclosure thus development will appear prominent in the local landscape and will require significant landscaping in order to adequately integrate.

There is no impact to natural or built heritage. The character and scale is typical of agriculturally designed buildings appropriate to its rural location.

Environmental Health have raised no concern with regard to impact to amenity provided the building is used for storage and farm machinery as specified by the agent.

There are already existing buildings at the principle farm holding at No.73 Newtown Road which are currently being used for the storage of farm machinery, silage etc. Whilst the applicant has stated that the shed is required as part of expansion plans there has been no verifiable plans presented to show this or any credible evidence of any expansion within the business to necessitate the need for additional farm buildings outside of the principle farm holding. Given the scale of such proposals, there is no reason why it could not be located at the principle farm holding approximately one mile away or that existing buildings at the holding could be utilised nor has it been adequately demonstrated that there are no existing renovation, alteration or redevelopment opportunities within the holding to facilitate proposals.

It must also be noted that the proposal is not sited beside existing farm or forestry buildings. There are two containers on the site which cannot be considered to be permanent buildings or to be of an agricultural nature. On the proposed plan, the containers are described as existing agricultural buildings, however it is not accepted that these constitutes buildings and they are not permanent or attached to the ground. Therefore they cannot constitute as lawful buildings to site the proposal with. Additionally, it should also be noted that this matter has already been assessed by the Planning Appeals Commission (PAC) in May 2016 when a farm dwelling was refused for the applicant on the same site. The PAC Commissioner stated that "whilst the appellant acknowledges that the two containers on the appeal site are not technically buildings, no evidence was presented to confirm that they are immune from enforcement and I agree with the LPA that they do not constitute lawful buildings with which to group a farm dwelling."

The proposed building is located away from the existing farm buildings with no exceptional or justifiable reasons given that proposals are essential for the efficient functioning of the business or there are demonstrable health and safety reasons to locate elsewhere. Proposals fail to fully meet the requirements of planning policy.

**Consultations:**

Transport NI (14.08.17) - No objections

Environmental Health (01.08.17) In close proximity to residential dwellings. Should the shed be used for storage and farm machinery the department would not object

DAERA (07.08.17) - No objection

**Objections & Representations**

16 Neighbour notifications

No objections received

Advertised August 2017

**Consideration and Assessment:**

Proposals fail the requirements of planning policy, there is no overriding reason why proposals are necessary for the reasons set out above.

**Recommendation:**

Refusal

**Refusal Reasons:**

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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.

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;

- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and 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 buildings;
- 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 or that the alternative site away is essential for the efficient functioning of the business.

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 and 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 proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

*Photographs*



*Farm Land at Low Road with buildings*



*Existing buildings at No.73 Newtown Rd*



*Existing buildings at No.73 Newtown Rd*





*Existing buildings at No.73 Newtown Rd*



*No. 73 Newtown Road*

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

**Council Newry, Mourne and Down**                      **Date 10/11/17**

|                        |                 |      |                   |                                                                                                              |
|------------------------|-----------------|------|-------------------|--------------------------------------------------------------------------------------------------------------|
| <b>ITEM NO</b>         | <b>D1</b>       |      |                   |                                                                                                              |
| <b>APPLIC NO</b>       | P/2013/0569/F   | Full | <b>DATE VALID</b> | 7/29/13                                                                                                      |
| <b>COUNCIL OPINION</b> | <b>REFUSAL</b>  |      |                   |                                                                                                              |
| <b>APPLICANT</b>       | Joseph Donnelly |      | <b>AGENT</b>      | Feargal Carolan<br>Architectural and<br>Planning Services<br>40 Larchmout<br>Newry<br>BT356TX<br>07732119785 |

**LOCATION**                      Adjacent to 21 Mountain Road  
Cloghogue  
Newry.

**PROPOSAL**                      Change of use of former dwelling to granny flat, with alterations and extension.

|                        |                    |                    |                      |                      |
|------------------------|--------------------|--------------------|----------------------|----------------------|
| <b>REPRESENTATIONS</b> | <b>OBJ Letters</b> | <b>SUP Letters</b> | <b>OBJ Petitions</b> | <b>SUP Petitions</b> |
|                        | 0                  | 0                  | 0                    | 0                    |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                    |                    | 0                    | 0                    |
|                        |                    |                    | <b>Addresses</b>     | <b>Signatures</b>    |
|                        |                    |                    | 0                    | 0                    |

- 1     The proposal is contrary to Policy EXT 1 of Addendum to Planning Policy Statement 7 - Alterations and Extensions in that the proposed change of use would if permitted, constitute a self-contained unit of accommodation in addition to the existing dwelling and would not be served by adequate amenity space and adequate parking provision.
- 2     The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be converted and reused is not a locally important building.
- 3     The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - the reuse or conversion would not maintain or enhance the form, character and architectural features, design of the existing building;
  - the new extensions are not sympathetic to the architectural style and finishes of the existing building;
  - access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.
- 4     The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 Access, Movement and Parking, in that the proposed development would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which adequate visibility splays cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 5     The proposal is contrary to Policy AMP7 of Planning Policy Statement 3 Access, Movement and Parking in that it would if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site





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**Newry, Mourne  
and Down**  
District Council

**Application Reference: P/2013/0569/F**

**Date Received: 29<sup>th</sup> July 2013**

**Proposal: Change of use of former dwelling to granny flat, with alterations and extension.**

**Location: Adjacent to 21 Mountain Road Cloghogue Newry.**

Existing roadside building with the gable end abutting the public road. The building is single storey in height with a natural slate roof. There is a small enclosed yard to the front of the building separating the site from the main property no. 21. To the rear of the building there is an existing access to the outbuildings to the side and rear of the building.

The site is located within the Countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

#### **Site History:**

**P/1978/0522/F- Replacement Dwelling- Approval**

#### **Planning Condition-**

The existing dwelling coloured blue on the attached plan bearing the Town and Country Planning Registry date stamp 22 May 1978 shall not be used for human habitation after the date of occupation of the proposed dwelling.

**P/2012/0611/F- extension and refurbishment of existing dwelling- Refusal- Building is not a residential property.**

**Appeal 2013.A0070- dismissed**

#### **Objections & Representations**

*No. of neighbours notified= 5*

*No representations received= 0*

*Advertise expiry= 30.08.2013*

## Consultations

n/a

### Consideration and Assessment:

**The application was previously considered by the Department in Nov 2013 and deferred.**

**The application was again considered by the Department in Feb 2015 with the decision to issue.**

**Since this time an office meeting was facilitated with the agent and amended plans had been received on the 7<sup>th</sup> May 2015.**

## SPPS

*The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015. The SPPS under para 3.8 states that 'the guiding principles 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 conflict with an up-to-date plan should be refused, unless material considerations indicate otherwise.'*

*The policy context is Planning Policy Statement 21. Policy CTY 1, outlines a number of exceptions for development in the Countryside. Proposals for an extension to a dwelling house which includes proposed granny flats are accepted where they are in accordance with the Add to PPS 7.*

*As the applicant has applied for a granny flat ancillary to no. 21, EXT 1 of the Ad PPS 7 is relevant to the case and must be considered.*

*Ancillary accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence no. 21. The additional accommodation should normally be attached to the existing property and be internally accessible. The policy does allow for the conversion and extension of an outbuilding to provide a modest level of accommodation on the basis that an extension to the existing house is not practicable. In this case it has not been demonstrated that an extension to the existing house is not practicable. The*



*proposed scale of accommodation; 2 bedrooms, 1 bathroom and a large open plan area is not considered modest. Given the scale of accommodation provided the proposal can independently function as a self-contained unit separate to the host property. The Planning Department in this case having considered the scale of accommodation and separation from the host property is not satisfied that the proposed accommodation will remain ancillary to no. 21.*

*A self-contained unit is not acceptable, unless a separate dwelling would be granted permission on its own right.*

*Having considered the proposal against the SPPS and that retained within PPS 21 it is noted that the SPPS introduces a change in policy direction and therefore greater weight is afforded to the SPPS. In particular to CTY 4 and the conversion and reuse of existing buildings for residential use, the SPPS stated that provision should be made for the sympathetic conversion and reuse of a suitably locally important building (such as former school houses, churches and older traditional barns and outbuildings) as a single dwelling where this would secure its upkeep and retention. The overall objective of the planning system is to further sustainable development and in general planning policy for development in the countryside prefers the retention of buildings over new build. However, it does not seek to retain and upkeep every building in the countryside and that is why it sets out certain criteria to be met and why the 'locally important' test has been introduced by the SPPS. The SPPS has set out a range of buildings (such as former school houses, churches and older traditional barns and outbuildings) suggestive of those that have some local architectural merit, historic interest or communal value. Having considered the building to convert against the new provisions contained within the SPPS, it is not considered to have any architectural merit, historic interest or communal value. The building is not considered to be 'locally important'.*

*The SPPS as stated above has also introduced that a former dwelling previously replaced and retained as an ancillary building to the new replacement will not be eligible for conversion back into residential use under the policy CTY 4. The subject building was previously replaced under planning ref: P/1978/0522/F. The building was conditioned that it shall not be used for human habitation.*

*The building from inspection is of a permanent construction.*

*The proposal fails to maintain or enhance the form, character and architectural features and design of the existing building. The proposal seeks to raise the existing ridge by 0.4 metres with the removal; of the traditional raised gabled ends, the chimney and stepped down in the ridge; these changes all fail to maintain or enhance the existing form, character and features of the building. The proposed changes to the fenestration in terms of position shape and size alters the character of the existing building. The proposal seeks to introduce natural grey granite to the front and roadside gable.*

*The proposed extension to building has been significantly reduced to that previously considered by the Department. The proposed extension seeks to create an additional 50 sq metres footprint onto the existing 72 sq metres footprint. Given the significant reduction in the proposed extension I am content that the extension is sympathetic to the scale and massing of the building. However, the proposed finishes and architectural style are not considered sympathetic.*

*This application proposes to convert a former dwelling to a granny flat. The use as a dwelling has been removed by the above condition and this use has clearly ceased since a number of years. The building as it stands is used for storage. The proposed change of use to a granny flat will intensify the use of this access. The agent has referred to the building being ancillary to no. 21. Although the proposed use maybe ancillary the proposal has a separate access to no. 21 and this access has solely been used to a building for storage use. The introduction of a residential use on this site separate to no. 21 will intensify the use of the access where adequate visibility splays have not been shown.*

*The site layout plan does not show whether or not parking and turning can be achieved within the site boundaries. The proposal is considered contrary to CTY4 and PPS 3 AMP 2 & 7.*



**Recommendation:**

*Refusal*

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**Your ref:** P/2013/0569/F  
**Proposal:** Change of use of former dwelling to granny flat, with alterations and extension  
**Location:** Adjacent to 21 Mountain Road, Cloghogue, Newry.  
**Applicant:** Joseph Donnelly

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## BACKGROUND

The building in question was previously replaced, albeit this was conditional upon the cessation of human habitation thereafter. Therefore it is not eligible for replacement again. However, the applicant does not seek to replace it. He seeks permission to retain its use, for ancillary purposes, and to add on an extension.

### Previous planning appeal on site

This application was preceded by an application for the extension and refurbishment of an existing dwelling. That application was refused and an appeal was dismissed.

The issue in the reason for refusal was whether the existing building was a dwelling and therefore complied in principle with the provisions of Policy EXT1 of the March 2008 Addendum to Planning Policy Statement 7, entitled '*Residential Extensions and Alterations*'.

The PAC concluded that the subject building is not a dwelling. As such the proposal failed to comply with the fundamental requirement of Policy EXT1 (i.e. if the property was not a dwelling, the policy pertaining to extensions to dwellings could not be engaged) and the reason for refusal was therefore sustained.

### Post appeal correspondence

In the aftermath of the planning appeal, the appellant lodged a complaint with the DOE. The DOE responded, indicating that "The Department is not suggesting that, in principle, the proposal you have submitted would be unacceptable". However, the applicant was advised that the format in which he had previously applied for permission was flawed.





It was on that basis that the applicant committed to a new planning application, in 2013. Almost four years on, the application is now being recommended for refusal. The applicant has previously instructed O'Callaghan Planning to lodge a formal complaint regarding the delay in processing this application. A formal response to that complaint was never issued, a matter the applicant has also taken exception to.

In recent months, the applicant has again instructed this practice to issue another formal complaint, and also to lodge a complaint to the ombudsman. We have not done so, in an attempt to negotiate a positive outcome.

### ISSUES FOR CONSIDERATION

- *"Ancillary accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence no. 21".*
- *"The additional accommodation should normally be attached to the existing property and be internally accessible".*
- *"The proposed scale of accommodation; 2 bedrooms, 1 bathroom and a large open plan area is not considered modest".*
- *"Given the scale of accommodation provided the proposal can independently function as a self-contained unit separate to the host property. The Planning Department in this case having considered the scale of accommodation and separation from the host property is not satisfied that the proposed accommodation will remain ancillary to no. 21".*

### Response:

- Policy does not define what is and what is not modest, in this context.
- The Council feels the proposal should demonstrate dependency upon the main dwelling, and the proposal could potentially operate on its own. However, planning case law (established in high courts) rules that the provision of separate facilities does not, of itself, constitute the creation of a separate living unit.
- The applicant contends that the use of the subject building, for purposes ancillary to the enjoyment of the main dwelling house as such, is exempt from "the meaning of development" as set out in Part 23 of the Planning Act (Northern Ireland) 2011.



- The applicant contends that planning legislation takes precedence over the planning policy that the application has been refused under. Refusal is unjustified in these circumstances, because a policy should not be advocating refusal where the use in question is actually excluded from "the meaning of development".
- The applicant contends that permission is not actually required for the re-occupation of the building, provided the use remains ancillary to No. 21 Mountain Road albeit permission is required for the extension.
- In seeking permission in the manner proposed, the applicant draws a comparison with planning appeal 2016/A0165:

"It is generally accepted that the use of a domestic garage for living accommodation ancillary to the main dwelling does not represent a material change of use or require planning permission. It merely involves the building changing from an incidental to an ancillary residential use. This does not constitute development. Neither do physical operations to convert an existing garage to additional ancillary living space, if they do not materially affect the external appearance of the building. In the circumstances of this case, I judge that the aforementioned circumstances apply and that planning permission was not actually required for the conversion. However, I must deal with the proposal as submitted".

- A similar issue arose in the case of planning appeal 2014/E023. That application pre-dated the effective date of the part of the 2011 planning act that defined the meaning of development, however the issue is fundamentally the same:

Article 11 2 ( c ) of the Planning (Northern Ireland) Order 1991 states that the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such; shall not be taken to involve development of the land. Article 11 2 (c) of the Order applies to the use of existing buildings within the curtilage of a dwelling. Any buildings covered by this provision within the Order must exist prior to the use taking place.

That appeal was dismissed in part on the basis that the aforementioned provisions could not apply since the building in question was not an established building, unlike Mr Donnelly's.



**RTPI**  
Chartered Town Planners





- The same issue also arose in the case of planning appeal 2013/E023, wherein it was recognised that

Case law has established that such facilities when used in connection with the dwelling house, do not in themselves necessarily amount to the creation of a separate planning unit. The case raised by the appellant of '*Uttlesford District Council v Secretary of State for the Environment and White (1991)*' established that permission was not required to convert a garage in a residential curtilage to an annex capable of providing for independent accommodation, providing both it and the existing dwelling remained in the same planning unit.

It was argued by the appellant (successfully) that the occupation of the annex by the appellant and her family did not amount to a separate planning unit. The building was occupied by the appellant, her partner and two children (the number of bedrooms or the actual facilities within the building were not specified). The appeal was decided, having regard to case law (referred to above) – whereas this refusal has not paid any regard to this law.

In that case, the appellant argued (successfully) that the “subordinate” test that appeared in Policy EXT 1 was flawed, as it appeared only in the Policy’s justification and amplification – NOT in the policy’s headline.

The PAC ruled that, in keeping with case law, “policy” is what appears in the headline text and the supporting text that appears in the justification and amplification text is an aid to the interpretation of the policy but is not in itself a policy. The same approach is advocated in this case.

The PAC ruled that the text in para’s 2.8 – 2.11 “provide supporting explanatory information on how those factors should be assessed and do NOT introduce new tests beyond the terms of the headline policy text to EXT 1

- The Council appears to have been influenced by guidance set out in an Annex to PPS 7’s Addendum, wherein it “states that ancillary uses should provide limited accommodation and shared facilities, for example kitchens”. The Council appears to have interpreted this guidance as if it were arbitrarily binding and it has not taken cognisance of the fact that the “guidance” uses the word “should” as distinct from the word “must”.



- Whereas the Council is concerned as regards the possibility that the two buildings could function independently of one another, the applicant would offer up the following means of relief:
  - Permanently closing off the existing access to the subject building, and extending the existing dwelling's access;
  - A restrictive occupancy condition, limiting the occupancy of the subject building; and
  - A condition preventing the sub-division of the plot / folio, and an entry in the Statutory Charges Register in respect of same.

*Paragraph 2.9 of the Addendum to PPS 7 states that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such accommodation should normally be attached to the existing property.*

- As outlined above – this test is implied and it is not an actual test contained in the policy headnote (and the justification and amplification to the policy cannot contain a higher test than the actual policy headnote). In any case, planning policies cannot be interpreted or applied as if they are single rules with immutable meanings – as held in planning case law (Lamont in particular).

*Paragraph 2.10 goes on to say that where an extension to the existing house is not practicable and it is proposed to convert an existing outbuilding, permission will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling. The construction of a separate building as self-contained accommodation within the curtilage of an existing house will not be acceptable unless a separate dwelling would be granted permission in its own right.*

- The words “modest scale” are not defined in this policy – and decisions must therefore be taken on a case by case basis.
- The second half of the policy is not relevant since this proposal does not involve the construction of a new building.

*Paragraph 2.11 indicates that in all cases the Planning Authority will need to be satisfied that the proposed accommodation will remain ancillary to the main dwelling.*





- The planning authority can satisfy itself that this building will remain ancillary through the imposition of a restrictive occupancy condition AND by attaching a charge to the land, so that the folio cannot be subdivided in the future. If a restrictive occupancy condition is applied, any subsequent breach can be enforced against through a breach of condition notice, which carries greater sanctions than an enforcement notice (particularly given there is no right of appeal against a breach of condition notice).

*Paragraph 49 of the AdPPS7 is also of relevance. It indicates that ancillary accommodation should be designed to demonstrate dependency on the existing residential property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property. It goes on to say that ancillary uses that could practically and viably operate on their own will not be acceptable.*

- This text cannot be interpreted as if it contains a test that is actually higher than that which is laid out in the policy headnote, a point that is established in planning case law and in PAC decisions (as referred to above).
- Whereas the policy is purported to state that “ancillary uses that could practically and viably operate on their own will not be acceptable” – this cannot be interpreted as an absolute policy requirement. In any case, it ignores the planning case laws that rule that “the provision of separate facilities in ancillary accommodation necessary for independent living do not in themselves constitute the creation of a separate living unit (*Uttlesford District Council v Secretary of State for Environment and White [1991]*).

The Council indicates that the proposal will result in intensification in the use of an existing sub-standard access, at which adequate visibility splays cannot be provided, and that the proposal has inadequate parking provision. However, in previous meetings it was accepted that these issues would be overcome immediately if it was accepted that the proposal is genuinely ancillary to No. 21 Mountain Road.



## Newry, Mourne & Down District Council – September 2017

369

### 1. Live Applications

| MONTH 2017/18 | NEW APPLICATIONS | LIVE APPLICATIONS | LIVE APPLICATIONS OVER 12 MONTHS |
|---------------|------------------|-------------------|----------------------------------|
| April         | 129              | 1,075             | 293                              |
| May           | 149              | 1,058             | 281                              |
| June          | 149              | 976               | 263                              |
| July          | 135              | 957               | 250                              |
| August        | 166              | 959               | 249                              |
| September     | 140              | 910               | 243                              |

### 2. Live Applications by length of time in system

| Month 2017/18 | Under 6 months | Between 6 and 12 months | Between 12 and 18 months | Between 18 and 24 months | Over 24 months | Total |
|---------------|----------------|-------------------------|--------------------------|--------------------------|----------------|-------|
| April         | 590            | 192                     | 77                       | 72                       | 144            | 1,075 |
| May           | 585            | 192                     | 76                       | 65                       | 140            | 1,058 |
| June          | 550            | 163                     | 78                       | 55                       | 130            | 976   |
| July          | 535            | 172                     | 73                       | 45                       | 132            | 957   |
| August        | 540            | 170                     | 72                       | 40                       | 137            | 959   |
| September     | 488            | 179                     | 71                       | 35                       | 137            | 910   |



## Newry, Mourne & Down District Council – September 2017

370

### 3. Live applications per Case Officer

| Month 2017/18 | Average number of Applications per Case Officer |
|---------------|-------------------------------------------------|
| April         | 67                                              |
| May           | 62                                              |
| June          | 58                                              |
| July          | 50                                              |
| August        | 50                                              |
| September     | 57                                              |

### 4. Decisions issued per month

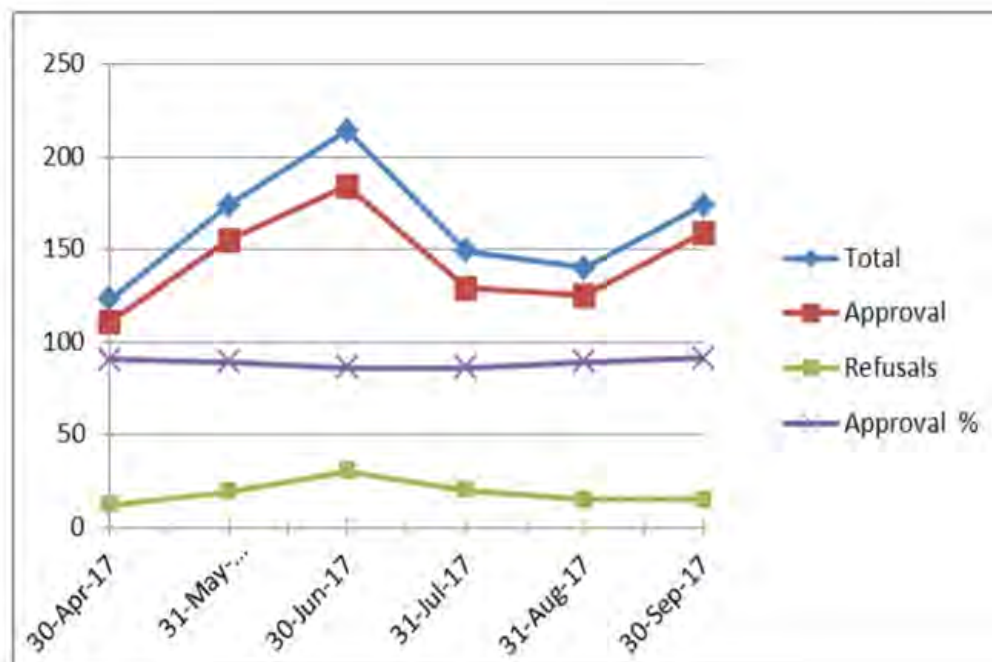
| Month 2017/18 | Number of Decisions Issued | Number of Decisions Issued under delegated authority |
|---------------|----------------------------|------------------------------------------------------|
| April         | 123                        | 104                                                  |
| May           | 174                        | 148                                                  |
| June          | 214                        | 170                                                  |
| July          | 149                        | 124                                                  |
| August        | 140                        | 122                                                  |
| September     | 174                        | 154                                                  |

## Newry, Mourne & Down District Council – September 2017

371

### 5. Decisions Issued YTD

| Month 2017/18 | Number of Decisions Issued (cumulative) | Breakdown of Decisions |          |
|---------------|-----------------------------------------|------------------------|----------|
|               |                                         | Approvals              | Refusals |
| April         | 123                                     | Approvals (111)        | 90%      |
|               |                                         | Refusals (12)          | 10%      |
| May           | 297                                     | Approvals (266)        | 90%      |
|               |                                         | Refusals (31)          | 10%      |
| June          | 511                                     | Approvals (450)        | 88%      |
|               |                                         | Refusals (61)          | 12%      |
| July          | 660                                     | Approvals (579)        | 88%      |
|               |                                         | Refusals (81)          | 12%      |
| August        | 800                                     | Approvals (704)        | 88%      |
|               |                                         | Refusals (96)          | 12%      |
| September     | 974                                     | Approvals (863)        | 89%      |
|               |                                         | Refusals (111)         | 11%      |





## Newry, Mourne & Down District Council – September 2017

372

### 6. Enforcement Live cases

| Month 2017/18 | <=1yr | 1-2 yrs | 2-3 yrs | 3-4 yrs | 4-5 yrs | 5+yrs | Total |
|---------------|-------|---------|---------|---------|---------|-------|-------|
| April         | 292   | 126     | 95      | 87      | 55      | 83    | 738   |
| May           | 286   | 137     | 89      | 91      | 53      | 85    | 741   |
| June          | 295   | 138     | 91      | 93      | 53      | 88    | 758   |
| July          | 311   | 142     | 89      | 88      | 61      | 88    | 779   |
| August        | 321   | 139     | 93      | 80      | 70      | 88    | 791   |
| September     | 326   | 146     | 89      | 80      | 74      | 89    | 804   |

### 7. Planning Committees 2017/2018

| Month          | Number of Applications presented to Committee | Number of Applications Determined by Committee | Number of Applications Withdrawn/ Deferred for future meeting |
|----------------|-----------------------------------------------|------------------------------------------------|---------------------------------------------------------------|
| 26 April       | 26                                            | 19                                             | 7                                                             |
| 24 May         | 39                                            | 28                                             | 11                                                            |
| 21 June        | 34                                            | 18                                             | 16                                                            |
| 19 July        | 32                                            | 20                                             | 12                                                            |
| 16 & 23 August | 36                                            | 19                                             | 17                                                            |
| 13 September   | 16                                            | 10                                             | 6                                                             |
| <b>Totals</b>  | <b>183</b>                                    | <b>114</b>                                     | <b>69</b>                                                     |

### 8. Appeals

#### Planning Appeal Commission Decisions issued during September 2017

| Area           | Number of current appeals | Number of decisions issued | Number of decisions Allowed | Number of decisions Dismissed | Other decisions |
|----------------|---------------------------|----------------------------|-----------------------------|-------------------------------|-----------------|
| Newry & Mourne | 23                        | 2                          | 0                           | 2                             | 0               |
| Down           | 11                        | 2                          | 0                           | 2                             | 0               |
| <b>TOTAL</b>   | <b>34</b>                 | <b>4</b>                   | <b>0</b>                    | <b>4</b>                      | <b>0</b>        |

## Statutory targets monthly update - up to August 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 received                         | Number decided/withdrawn <sup>1</sup> | Average processing time <sup>2</sup> | % of cases processed within 30 weeks | Number received                         | Number decided/withdrawn <sup>1</sup> | Average processing time <sup>2</sup> | % of cases processed within 15 weeks | Number opened                        | Number brought to conclusion <sup>3</sup> | "70%" conclusion time <sup>3</sup> | % of cases concluded within 39 weeks |
| April               | 0                                       | 1                                     | 91.8                                 | 0.0%                                 | 127                                     | 113                                   | 19.0                                 | 38.9%                                | 35                                   | 20                                        | 64.2                               | 60.0%                                |
| May                 | 1                                       | 2                                     | 110.4                                | 0.0%                                 | 149                                     | 157                                   | 18.0                                 | 43.9%                                | 32                                   | 46                                        | 61.1                               | 56.5%                                |
| June                | 1                                       | 2                                     | 73.2                                 | 0.0%                                 | 124                                     | 205                                   | 19.2                                 | 42.0%                                | 32                                   | 21                                        | 65.3                               | 55.0%                                |
| July                | 1                                       | 1                                     | 128.4                                | 0.0%                                 | 133                                     | 141                                   | 20.0                                 | 41.1%                                | 32                                   | 19                                        | 113.0                              | 55.0%                                |
| August              | 2                                       | 1                                     | 248.8                                | 0.0%                                 | 146                                     | 134                                   | 17.1                                 | 38.8%                                | 28                                   | 28                                        | 63.0                               | 39.3%                                |
| September           | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| October             | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| November            | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| December            | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| January             | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| February            | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| March               | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                       | -                                     | 0.0                                  | 0.0%                                 | 0                                    | -                                         | 0.0                                | 0.0%                                 |
| <b>Year to date</b> | <b>5</b>                                | <b>7</b>                              | <b>108.6</b>                         | <b>0.0%</b>                          | <b>679</b>                              | <b>750</b>                            | <b>18.8</b>                          | <b>41.2%</b>                         | <b>159</b>                           | <b>134</b>                                | <b>64.2</b>                        | <b>52.2%</b>                         |

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 2017-2018

374

| DATE OF MEETING | PLANNING OFFICER'S NAME/S | PUBLIC REPRESENTATIVE'S NAME |
|-----------------|---------------------------|------------------------------|
| 3/4/17          | A McKay                   | M Ritchie MP                 |
| 4/4/2017        | A McAlarney               | Cllr Walker                  |
| 20/4/17         | P Rooney                  | M Ritchie MP                 |
| 27/4/17         | A McAlarney               | C McGrath MLA                |
| 27/04/17        | A McAlarney<br>M Keane    | Cllr W Clarke                |
| 09/05/2017      | A McAlarney               | C McGrath MLA                |
| 11/5/17         | A McKay                   | M Ritchie MP                 |
| 1/6/17          | A McAlarney               | C McGrath MLA                |
| 2/6/17          | G Kerr                    | Cllr J Tinnelly              |
| 20/06/17        | A McAlarney               | Cllr Walker                  |
| 04/08/2017      | A McAlarney               | C McGrath MLA                |
| 04/08/2017      | G Kerr                    | Cllr D Taylor                |
| 15/08/2017      | P Rooney<br>G Kerr        | J McNulty MLA                |
| 25/08/2017      | G Kerr                    | Cllr J Tinnelly              |

## Current Appeals

375

**AUTHORITY** Newry, Mourne and Down

|                           |                                                                       |                 |             |
|---------------------------|-----------------------------------------------------------------------|-----------------|-------------|
| <b>ITEM NO</b>            | 1                                                                     | <b>PAC Ref:</b> | 2016/A0005  |
| <b>Planning Ref:</b>      | P/2014/0303/O                                                         | <b>DEA</b>      | The Mournes |
| <b>APPELLANT LOCATION</b> | Michael Horner<br>Adjacent To And North Of 36 Belmont Road<br>Kilkeel |                 |             |
| <b>PROPOSAL</b>           | Newry<br>Erection of Infill Dwelling and Detached Garage              |                 |             |

**APPEAL TYPE** Plg Refusal: permissions

**Appeal Procedure** **Date Appeal Lodged** 05/04/2016

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

|                           |                                                                                    |                 |            |
|---------------------------|------------------------------------------------------------------------------------|-----------------|------------|
| <b>ITEM NO</b>            | 2                                                                                  | <b>PAC Ref:</b> | 2016/A0041 |
| <b>Planning Ref:</b>      | P/2014/0853/F                                                                      | <b>DEA</b>      | Crotlieve  |
| <b>APPELLANT LOCATION</b> | S Meade<br>To The Immediate North And East Of 16 Rostrevor Road<br>Hilltown.       |                 |            |
| <b>PROPOSAL</b>           | Retention of two light industrial units, erection of three light industrial units. |                 |            |

**APPEAL TYPE** Plg Refusal: permissions

**Appeal Procedure** **Informal Hearing** **Date Appeal Lodged** 01/07/2016

**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

376

|                      |                                                                             |                 |             |
|----------------------|-----------------------------------------------------------------------------|-----------------|-------------|
| <b>ITEM NO</b>       | <b>3</b>                                                                    | <b>PAC Ref:</b> | 2016/A0148  |
| <b>Planning Ref:</b> | LA07/2015/0877/F                                                            | <b>DEA</b>      | The Mournes |
| <b>APPELLANT</b>     | Mr Diarmid Sloan                                                            |                 |             |
| <b>LOCATION</b>      | 10 Tullybrannigan Brae<br>Newcastle                                         |                 |             |
| <b>PROPOSAL</b>      | RT33 0003<br>Roof space conversion, replacement roof and 2 storey extension |                 |             |

|                                                            |                          |                           |            |
|------------------------------------------------------------|--------------------------|---------------------------|------------|
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Written Reps</b>      | <b>Date Appeal Lodged</b> | 01/11/2016 |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

|                      |                                                       |                 |            |
|----------------------|-------------------------------------------------------|-----------------|------------|
| <b>ITEM NO</b>       | <b>4</b>                                              | <b>PAC Ref:</b> | 2016/A0166 |
| <b>Planning Ref:</b> | LA07/2015/1244/F                                      | <b>DEA</b>      | Crotlieve  |
| <b>APPELLANT</b>     | Barney Mackin                                         |                 |            |
| <b>LOCATION</b>      | 19.3m North-East Of No27B Derrycraw Road<br>Derrycraw |                 |            |
| <b>PROPOSAL</b>      | Newly<br>Erection of farm dwelling and garage         |                 |            |

|                                                            |                                     |                           |            |
|------------------------------------------------------------|-------------------------------------|---------------------------|------------|
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions            |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Written Reps with Site Visit</b> | <b>Date Appeal Lodged</b> | 30/11/2016 |
| <b>Date of Hearing</b>                                     |                                     |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                     |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                     |                           |            |
| <b>Date of Site Visit</b>                                  |                                     |                           |            |

## Current Appeals

377

|                                                            |                                                                         |                           |            |
|------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>5</b>                                                                |                           |            |
| <b>Planning Ref:</b>                                       | LA07/2016/1041/C                                                        | <b>PAC Ref:</b>           | 2016/A0172 |
| <b>APPELLANT</b>                                           | Joseph O'Hare                                                           | <b>DEA</b>                | Crotlieve  |
| <b>LOCATION</b>                                            | Lands North Of And Adjacent To 53 Mayo Road<br>Mayobridge               |                           |            |
| <b>PROPOSAL</b>                                            | Newly Dwelling and domestic garage on gap/infill site (amended address) |                           |            |
| <br>                                                       |                                                                         |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Informal Hearing</b>                                                 | <b>Date Appeal Lodged</b> | 05/12/2016 |
| <b>Date of Hearing</b>                                     |                                                                         |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                         |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                         |                           |            |
| <b>Date of Site Visit</b>                                  |                                                                         |                           |            |

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|                                                            |                                              |                           |            |
|------------------------------------------------------------|----------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>6</b>                                     |                           |            |
| <b>Planning Ref:</b>                                       | LA07/2016/0381/C                             | <b>PAC Ref:</b>           | 2016/A0185 |
| <b>APPELLANT</b>                                           | Mr Matt Burns                                | <b>DEA</b>                | Crotlieve  |
| <b>LOCATION</b>                                            | Opposite No. 107 Kilbroney Road<br>Rostrevor |                           |            |
| <b>PROPOSAL</b>                                            | Proposed farm retirement dwelling            |                           |            |
| <br>                                                       |                                              |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                     |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Written Reps with Site Visit</b>          | <b>Date Appeal Lodged</b> | 15/12/2016 |
| <b>Date of Hearing</b>                                     |                                              |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                              |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                              |                           |            |
| <b>Date of Site Visit</b>                                  |                                              |                           |            |

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## Current Appeals

378

|                                                            |                                                           |                           |            |
|------------------------------------------------------------|-----------------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>7</b>                                                  | <b>PAC Ref:</b>           | 2016/A0192 |
| <b>Planning Ref:</b>                                       | LA07/2016/0802/C                                          | <b>DEA</b>                | Crotlieve  |
| <b>APPELLANT LOCATION</b>                                  | Darren O'Hagan<br>60m NE Of 11a New Line Road<br>Hilltown |                           |            |
| <b>PROPOSAL</b>                                            | <sup>New</sup><br>Site for dwelling and detached garage   |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                  |                           |            |
| <b>Appeal Procedure</b>                                    |                                                           | <b>Date Appeal Lodged</b> | 30/12/2016 |
| <b>Date of Hearing</b>                                     |                                                           |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                           |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                           |                           |            |
| <b>Date of Site Visit</b>                                  |                                                           |                           |            |

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|                                                            |                                                                               |                           |             |
|------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------|-------------|
| <b>ITEM NO</b>                                             | <b>8</b>                                                                      | <b>PAC Ref:</b>           | 2016/A0204  |
| <b>Planning Ref:</b>                                       | LA07/2016/0510/C                                                              | <b>DEA</b>                | The Mournes |
| <b>APPELLANT LOCATION</b>                                  | Robert Laurence Annett<br>Adjacent And West Of 60 Corcreaghan Road<br>Kilkeel |                           |             |
| <b>PROPOSAL</b>                                            | <sup>RT34 4SI</sup><br>Dwelling on a farm                                     |                           |             |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                      |                           |             |
| <b>Appeal Procedure</b>                                    | <b>Written Reps</b>                                                           | <b>Date Appeal Lodged</b> | 23/01/2017  |
| <b>Date of Hearing</b>                                     |                                                                               |                           |             |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                               |                           |             |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                               |                           |             |
| <b>Date of Site Visit</b>                                  |                                                                               |                           |             |

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## Current Appeals

379

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| <b>ITEM NO</b>       | <b>9</b>                                                                    | <b>PAC Ref:</b> | 2016/A0211     |
| <b>Planning Ref:</b> | LA07/2016/0826/C                                                            | <b>DEA</b>      | Slieve Gullion |
| <b>APPELLANT</b>     | Kevin Donaghy                                                               |                 |                |
| <b>LOCATION</b>      | Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road<br>Maghernahely |                 |                |
| <b>PROPOSAL</b>      | Reshrook<br>Proposed erection of detached dwelling and garage               |                 |                |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Written Reps</b>      | <b>Date Appeal Lodged</b> | 02/02/2017 |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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| <b>ITEM NO</b>       | <b>10</b>                                                   | <b>PAC Ref:</b> | 2016/A0214 |
| <b>Planning Ref:</b> | LA07/2015/0647/C                                            | <b>DEA</b>      | Rowallane  |
| <b>APPELLANT</b>     | PR Jennings                                                 |                 |            |
| <b>LOCATION</b>      | 15m North Of 39 Listooder Road<br>Crossgar                  |                 |            |
| <b>PROPOSAL</b>      | Erection of farm dwelling (additional information received) |                 |            |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions |                           |            |
| <b>Appeal Procedure</b>                                    |                          | <b>Date Appeal Lodged</b> | 10/02/2017 |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |



## Current Appeals

380

|                           |                                                                                        |                 |            |
|---------------------------|----------------------------------------------------------------------------------------|-----------------|------------|
| <b>ITEM NO</b>            | <b>11</b>                                                                              | <b>PAC Ref:</b> | 2016/A0224 |
| <b>Planning Ref:</b>      | LA07/2016/0365/C                                                                       | <b>DEA</b>      | Rowallane  |
| <b>APPELLANT LOCATION</b> | Mr And Mrs McCluskey<br>Lands Between 1 Brae Road And 212 Belfast Road<br>Ballynahinch |                 |            |
| <b>PROPOSAL</b>           | 2no proposed dwelling houses                                                           |                 |            |

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|------------------------------------------------------------|--------------------------|---------------------------|------------|
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 27/02/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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|---------------------------|------------------------------------------------------------------------------------------------|-----------------|----------------|
| <b>ITEM NO</b>            | <b>12</b>                                                                                      | <b>PAC Ref:</b> | 2016/A0226     |
| <b>Planning Ref:</b>      | LA07/2016/0477/F                                                                               | <b>DEA</b>      | Slieve Gullion |
| <b>APPELLANT LOCATION</b> | Mr Caolan Quinn<br>50m South-east Of No 106 Carrickgallogly Road<br>Carrickgallogly<br>Belleek |                 |                |
| <b>PROPOSAL</b>           | Erection of dwelling                                                                           |                 |                |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 28/02/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

## Current Appeals

381

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|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------|
| <b>ITEM NO</b>                                             | <b>13</b>                                                                                                                                                                      |                           |             |
| <b>Planning Ref:</b>                                       | P/2015/0147/LDP                                                                                                                                                                | <b>PAC Ref:</b>           | 2016//E0005 |
| <b>APPELLANT</b>                                           | Mr Gabriel McEvoy                                                                                                                                                              | <b>DEA</b>                | Newry       |
| <b>LOCATION</b>                                            | 14m South West Of No 255 Dublin Road<br>Killeen                                                                                                                                |                           |             |
| <b>PROPOSAL</b>                                            | Newry<br>Erection of agricultural building and associated hardstanding area,<br>including removal of existing stone wall to provide access from existing<br>agricultural yard. |                           |             |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                                                                                                       |                           |             |
| <b>Appeal Procedure</b>                                    |                                                                                                                                                                                | <b>Date Appeal Lodged</b> | 02/05/2017  |
| <b>Date of Hearing</b>                                     |                                                                                                                                                                                |                           |             |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                                                                                                |                           |             |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                                                                                                |                           |             |
| <b>Date of Site Visit</b>                                  |                                                                                                                                                                                |                           |             |

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|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------|
| <b>ITEM NO</b>                                             | <b>14</b>                                                                                                                                                                                                                                                              |                           |             |
| <b>Planning Ref:</b>                                       | LA07/2015/0166/L                                                                                                                                                                                                                                                       | <b>PAC Ref:</b>           | 2016-E0045  |
| <b>APPELLANT</b>                                           | Mr Ronald Sloan                                                                                                                                                                                                                                                        | <b>DEA</b>                | The Mournes |
| <b>LOCATION</b>                                            | 29 Leitrim Road<br>Kilkeel                                                                                                                                                                                                                                             |                           |             |
| <b>PROPOSAL</b>                                            | A Certificate of Lawfulness confirming that the construction of the works<br>undertaken were lawful under planning reference P/2009/0663/F and P/<br>2009/1484/F, and therefore constitute a material start to the dwelling<br>approved under reference P/2009/0663/F. |                           |             |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                                                                                                                                                                                               |                           |             |
| <b>Appeal Procedure</b>                                    |                                                                                                                                                                                                                                                                        | <b>Date Appeal Lodged</b> | 24/01/2017  |
| <b>Date of Hearing</b>                                     |                                                                                                                                                                                                                                                                        |                           |             |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                                                                                                                                                                                        |                           |             |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                                                                                                                                                                                        |                           |             |
| <b>Date of Site Visit</b>                                  |                                                                                                                                                                                                                                                                        |                           |             |

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## Current Appeals

382

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|------------------------------------------------------------|------------------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>15</b>                                                  |                           |            |
| <b>Planning Ref:</b>                                       | LA07/2016/1212/C                                           | <b>PAC Ref:</b>           | 2017/0061  |
| <b>APPELLANT</b>                                           | Thomas Grant                                               | <b>DEA</b>                | Crotlieve  |
| <b>LOCATION</b>                                            | Adjacent & Immediately South Of 20 Ryan Road<br>Mayobridge |                           |            |
| <b>PROPOSAL</b>                                            | Newly<br>Replacement dwelling on farm                      |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                   |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Informal Hearing</b>                                    | <b>Date Appeal Lodged</b> | 06/07/2017 |
| <b>Date of Hearing</b>                                     |                                                            |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                            |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                            |                           |            |
| <b>Date of Site Visit</b>                                  |                                                            |                           |            |

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|------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>16</b>                                                               |                           |            |
| <b>Planning Ref:</b>                                       | LA07/2015/0429/F                                                        | <b>PAC Ref:</b>           | 2017/A0002 |
| <b>APPELLANT</b>                                           | Rory And Kerri Farrell                                                  | <b>DEA</b>                | Crotlieve  |
| <b>LOCATION</b>                                            | Site 11<br>The Avenue<br>Burren                                         |                           |            |
| <b>PROPOSAL</b>                                            | New two storey house with attached garage and associated external works |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                |                           |            |
| <b>Appeal Procedure</b>                                    |                                                                         | <b>Date Appeal Lodged</b> | 04/04/2017 |
| <b>Date of Hearing</b>                                     |                                                                         |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                         |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                         |                           |            |
| <b>Date of Site Visit</b>                                  |                                                                         |                           |            |

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## Current Appeals

383

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| <b>ITEM NO</b>       | <b>17</b>                                                                                                     | <b>PAC Ref:</b> | 2017/A0027   |
| <b>Planning Ref:</b> | LA07/2016/0736/F                                                                                              | <b>DEA</b>      | Slieve Croob |
| <b>APPELLANT</b>     | Mr Noel Ritchie                                                                                               |                 |              |
| <b>LOCATION</b>      | To The Rear 102 Drumsnade Road<br>Drumaness                                                                   |                 |              |
| <b>PROPOSAL</b>      | RT24 RNI<br>Retrospective application for retention of timber frame domestic dwelling on site of storage shed |                 |              |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 09/05/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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| <b>ITEM NO</b>       | <b>18</b>                                                                                                           | <b>PAC Ref:</b> | 2017/A0028 |
| <b>Planning Ref:</b> | LA07/2015/0946/F                                                                                                    | <b>DEA</b>      | Newry      |
| <b>APPELLANT</b>     | Mark Rice                                                                                                           |                 |            |
| <b>LOCATION</b>      | Lands Adjacent And North Of No.46 Lower Foughill Road<br>Jonesborough Armagh.                                       |                 |            |
| <b>PROPOSAL</b>      | Proposed retention and extension of existing prefabricated structure to create farm dwelling. (amended description) |                 |            |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions            | <b>Date Appeal Lodged</b> | 10/05/2017 |
| <b>Appeal Procedure</b>                                    | <b>Written Reps with Site Visit</b> |                           |            |
| <b>Date of Hearing</b>                                     |                                     |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                     |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                     |                           |            |
| <b>Date of Site Visit</b>                                  |                                     |                           |            |



## Current Appeals

384

|                                                            |                                                                                                     |                           |                |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------|----------------|
| <b>ITEM NO</b>                                             | <b>19</b>                                                                                           | <b>PAC Ref:</b>           | 2017/A0030     |
| <b>Planning Ref:</b>                                       | LA07/2016/0557/F                                                                                    | <b>DEA</b>                | Slieve Gullion |
| <b>APPELLANT LOCATION</b>                                  | Mr And Mrs Oliver Reavey<br>85 Newtown Road<br>Camlough                                             |                           |                |
| <b>PROPOSAL</b>                                            | Newry<br>Retention of dwelling as constructed previously approved under planning ref P/2015/0186/RM |                           |                |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                            |                           |                |
| <b>Appeal Procedure</b>                                    | <b>Informal Hearing</b>                                                                             | <b>Date Appeal Lodged</b> | 15/05/2017     |
| <b>Date of Hearing</b>                                     |                                                                                                     |                           |                |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                     |                           |                |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                     |                           |                |
| <b>Date of Site Visit</b>                                  |                                                                                                     |                           |                |

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| <b>ITEM NO</b>                                             | <b>20</b>                                               | <b>PAC Ref:</b>           | 2017A0030      |
| <b>Planning Ref:</b>                                       | LA07/2016/0557/F                                        | <b>DEA</b>                | Slieve Gullion |
| <b>APPELLANT LOCATION</b>                                  | Mr And Mrs Oliver Reavey<br>85 Newtown Road<br>Camlough |                           |                |
| <b>PROPOSAL</b>                                            | Newry                                                   |                           |                |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                |                           |                |
| <b>Appeal Procedure</b>                                    |                                                         | <b>Date Appeal Lodged</b> | 15/05/2017     |
| <b>Date of Hearing</b>                                     |                                                         |                           |                |
| <b>Date Statement of Case Due for Hearing</b>              |                                                         |                           |                |
| <b>Date Statement of Case Due - Written Representation</b> |                                                         |                           |                |
| <b>Date of Site Visit</b>                                  |                                                         |                           |                |

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## Current Appeals

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| <b>ITEM NO</b>       | <b>21</b>                                                   | <b>PAC Ref:</b> | 2017/A0033  |
| <b>Planning Ref:</b> | LA07/2017/0092/F                                            | <b>DEA</b>      | The Mournes |
| <b>APPELLANT</b>     | Mr Fintan McMullan                                          |                 |             |
| <b>LOCATION</b>      | 16 Mourne View Avenue<br>Newcastle                          |                 |             |
| <b>PROPOSAL</b>      | Newcastle<br>Extension to front of dwelling (Retrospective) |                 |             |

|                                                            |                          |                           |            |
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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 22/05/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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|----------------------|-----------------------------------------------------------------------------------------------------------|-----------------|-------------|
| <b>ITEM NO</b>       | <b>22</b>                                                                                                 | <b>PAC Ref:</b> | 2017/A0044  |
| <b>Planning Ref:</b> | LA07/2016/1323/F                                                                                          | <b>DEA</b>      | The Mournes |
| <b>APPELLANT</b>     | Cathal Sloan                                                                                              |                 |             |
| <b>LOCATION</b>      | 14 Sandy Brae<br>Attical                                                                                  |                 |             |
| <b>PROPOSAL</b>      | Kilkeel<br>Partial conversion of existing domestic garage to provide ancillary residential accommodation. |                 |             |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 08/06/2017 |
| <b>Appeal Procedure</b>                                    | <b>Informal Hearing</b>  |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |



## Current Appeals

386

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|----------------------|-----------------------------------------------------------------------------------------------------|-----------------|-------------|
| <b>ITEM NO</b>       | <b>23</b>                                                                                           | <b>PAC Ref:</b> | 2017/A0045  |
| <b>Planning Ref:</b> | LA07/2016/0762/C                                                                                    | <b>DEA</b>      | Downpatrick |
| <b>APPELLANT</b>     | Mr G Sharvin                                                                                        |                 |             |
| <b>LOCATION</b>      | Lands 10m West Of 89 Killard Road<br>Ballyhornan                                                    |                 |             |
| <b>PROPOSAL</b>      | Downpatrick<br>Proposed one and half storey bungalow and detached garage<br>(Amended Site Location) |                 |             |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 08/06/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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| <b>ITEM NO</b>       | <b>24</b>                                                                                                             | <b>PAC Ref:</b> | 2017/A0047  |
| <b>Planning Ref:</b> | LA07/2017/0199/F                                                                                                      | <b>DEA</b>      | Downpatrick |
| <b>APPELLANT</b>     | Paul Burke                                                                                                            |                 |             |
| <b>LOCATION</b>      | 12 Marshallstown<br>Ballynoe Road                                                                                     |                 |             |
| <b>PROPOSAL</b>      | Downpatrick<br>Retention of portion of existing domestic store as replacement for<br>substandard aged domestic stores |                 |             |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 08/06/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

## Current Appeals

387

|                      |                                                 |                 |                |
|----------------------|-------------------------------------------------|-----------------|----------------|
| <b>ITEM NO</b>       | <b>25</b>                                       | <b>PAC Ref:</b> | 2017/A0058     |
| <b>Planning Ref:</b> | P/2015/0067/O                                   | <b>DEA</b>      | Slieve Gullion |
| <b>APPELLANT</b>     | Mrs M McKnight                                  |                 |                |
| <b>LOCATION</b>      | 40m South Of 4 Molly Road Lower<br>Jonesborough |                 |                |
| <b>PROPOSAL</b>      | Dwelling and garage                             |                 |                |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 21/06/2017 |
| <b>Appeal Procedure</b>                                    | <b>Informal Hearing</b>  |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|
| <b>ITEM NO</b>       | <b>26</b>                                                                                                                                                             | <b>PAC Ref:</b> | 2017/A0071/F |
| <b>Planning Ref:</b> | LA07/2017/0077/F                                                                                                                                                      | <b>DEA</b>      | Crotlieve    |
| <b>APPELLANT</b>     | Gary O'Hare                                                                                                                                                           |                 |              |
| <b>LOCATION</b>      | Lands Between No. 20B And No. 22 Derrycraw Road<br>Newry                                                                                                              |                 |              |
| <b>PROPOSAL</b>      | RT34 1RG<br>Construction of 2 No. new detached 1 1/2 storey infill dwellings with<br>detached double garages, associated site works and new access to<br>public road. |                 |              |

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| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions | <b>Date Appeal Lodged</b> | 24/07/2017 |
| <b>Appeal Procedure</b>                                    | <b>Written Reps</b>      |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |



## Current Appeals

388

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| <b>ITEM NO</b>                                             | <b>27</b>                                                                                                                                                                     |                           |            |
| <b>Planning Ref:</b>                                       | LA07/2015/0805/F                                                                                                                                                              | <b>PAC Ref:</b>           | 2017/A0075 |
| <b>APPELLANT</b>                                           | Mr Peter Kelly                                                                                                                                                                | <b>DEA</b>                | Crotlieve  |
| <b>LOCATION</b>                                            | 140 Metres North Of 22 Newry Road<br>Hilltown<br>BT34 5TG                                                                                                                     |                           |            |
| <b>PROPOSAL</b>                                            | Retention of dwelling with associated granny flat building, garden shed/<br>store and ancillary site works as built. (Amended scheme to that<br>approved under P/2012/0052/F) |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                                                                                                      |                           |            |
| <b>Appeal Procedure</b>                                    | <b>Written Reps</b>                                                                                                                                                           | <b>Date Appeal Lodged</b> | 26/07/2017 |
| <b>Date of Hearing</b>                                     |                                                                                                                                                                               |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                                                                                               |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                                                                                               |                           |            |
| <b>Date of Site Visit</b>                                  |                                                                                                                                                                               |                           |            |

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|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------|
| <b>ITEM NO</b>                                             | <b>28</b>                                                                                                              |                           |              |
| <b>Planning Ref:</b>                                       | LA07/2015/1381/F                                                                                                       | <b>PAC Ref:</b>           | 2017-A0076   |
| <b>APPELLANT</b>                                           | Mr And Mrs E Kerr                                                                                                      | <b>DEA</b>                | Slieve Croob |
| <b>LOCATION</b>                                            | 154a Downpatrick Road<br>Teconnaught<br>Rallvnahinch                                                                   |                           |              |
| <b>PROPOSAL</b>                                            | Conversion and extension of existing stone building to form dwelling<br>plus detached garage and associated site works |                           |              |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                                               |                           |              |
| <b>Appeal Procedure</b>                                    |                                                                                                                        | <b>Date Appeal Lodged</b> | 27/07/2017   |
| <b>Date of Hearing</b>                                     |                                                                                                                        |                           |              |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                                        |                           |              |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                                        |                           |              |
| <b>Date of Site Visit</b>                                  |                                                                                                                        |                           |              |

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## Current Appeals

389

|                      |                                                                           |                 |             |
|----------------------|---------------------------------------------------------------------------|-----------------|-------------|
| <b>ITEM NO</b>       | <b>29</b>                                                                 | <b>PAC Ref:</b> | 2017-A0082  |
| <b>Planning Ref:</b> | LA07/2015/0714/F                                                          | <b>DEA</b>      | Downpatrick |
| <b>APPELLANT</b>     | Mr And Mrs Byrne                                                          |                 |             |
| <b>LOCATION</b>      | 180m North West Of Existing Farm Buildings Adjoining 28 Ballyclander Road |                 |             |
| <b>PROPOSAL</b>      | Downpatrick<br>Proposed farm dwelling and garage                          |                 |             |

|                                                            |                          |                           |            |
|------------------------------------------------------------|--------------------------|---------------------------|------------|
| <b>APPEAL TYPE</b>                                         | Plg Refusal; permissions | <b>Date Appeal Lodged</b> | 04/08/2017 |
| <b>Appeal Procedure</b>                                    |                          |                           |            |
| <b>Date of Hearing</b>                                     |                          |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                          |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                          |                           |            |
| <b>Date of Site Visit</b>                                  |                          |                           |            |

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|----------------------|------------------------------------------------------------|-----------------|-------------|
| <b>ITEM NO</b>       | <b>30</b>                                                  | <b>PAC Ref:</b> | 2017/A0090  |
| <b>Planning Ref:</b> | LA07/2017/0766/F                                           | <b>DEA</b>      | The Mournes |
| <b>APPELLANT</b>     | Kelbourne Property Ltd                                     |                 |             |
| <b>LOCATION</b>      | 87e Bryansford Road<br>Newcastle                           |                 |             |
| <b>PROPOSAL</b>      | RT33 OF<br>Dwelling and associated parking and landscaping |                 |             |

|                                                            |                                   |                           |            |
|------------------------------------------------------------|-----------------------------------|---------------------------|------------|
| <b>APPEAL TYPE</b>                                         | Non Determination; Plg Permission | <b>Date Appeal Lodged</b> | 17/08/2017 |
| <b>Appeal Procedure</b>                                    |                                   |                           |            |
| <b>Date of Hearing</b>                                     |                                   |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                   |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                   |                           |            |
| <b>Date of Site Visit</b>                                  |                                   |                           |            |



## Current Appeals

390

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|------------------------------------------------------------|---------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>31</b>                                         | <b>PAC Ref:</b>           | 2017/A0094 |
| <b>Planning Ref:</b>                                       | LA07/2017/0624/F                                  | <b>DEA</b>                | Crotlieve  |
| <b>APPELLANT</b>                                           | Mary Rooney                                       |                           |            |
| <b>LOCATION</b>                                            | 80A Kilbroney Road<br>Rostrevor                   |                           |            |
| <b>PROPOSAL</b>                                            | BT34 3R1<br>Single storey side and rear extension |                           |            |
| <b>APPEAL TYPE</b>                                         | Non Determination: Plg Permission                 |                           |            |
| <b>Appeal Procedure</b>                                    |                                                   | <b>Date Appeal Lodged</b> | 25/08/2017 |
| <b>Date of Hearing</b>                                     |                                                   |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                   |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                   |                           |            |
| <b>Date of Site Visit</b>                                  |                                                   |                           |            |

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|------------------------------------------------------------|-----------------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>32</b>                                                 | <b>PAC Ref:</b>           | 2017/A0096 |
| <b>Planning Ref:</b>                                       | LA07/2017/0615/C                                          | <b>DEA</b>                | Newry      |
| <b>APPELLANT</b>                                           | Mr Raymond Rice                                           |                           |            |
| <b>LOCATION</b>                                            | Lands Immediately North Of No. 36 Flagstaff Road<br>Newry |                           |            |
| <b>PROPOSAL</b>                                            | Infill Site for 2 No. Dwellings                           |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                  |                           |            |
| <b>Appeal Procedure</b>                                    |                                                           | <b>Date Appeal Lodged</b> | 29/08/2017 |
| <b>Date of Hearing</b>                                     |                                                           |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                           |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                           |                           |            |
| <b>Date of Site Visit</b>                                  |                                                           |                           |            |

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## Current Appeals

391

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|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------|
| <b>ITEM NO</b>                                             | <b>33</b>                                                                                                                                              |                           |            |
| <b>Planning Ref:</b>                                       | LA07/2017/0556/F                                                                                                                                       | <b>PAC Ref:</b>           | 2017/A0097 |
| <b>APPELLANT</b>                                           | Francis McGeown                                                                                                                                        | <b>DEA</b>                | Crotlieve  |
| <b>LOCATION</b>                                            | 350m West Of Saval GFC Social Club<br>Fronting Rathfriland Road                                                                                        |                           |            |
| <b>PROPOSAL</b>                                            | Newly<br>Retention of dwelling partly constructed in substitution of previously approved dwelling Ref: Planning No P/2006/0763/F Appeal Ref 2010/A0289 |                           |            |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                                                                               |                           |            |
| <b>Appeal Procedure</b>                                    |                                                                                                                                                        | <b>Date Appeal Lodged</b> | 30/08/2017 |
| <b>Date of Hearing</b>                                     |                                                                                                                                                        |                           |            |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                                                                        |                           |            |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                                                                        |                           |            |
| <b>Date of Site Visit</b>                                  |                                                                                                                                                        |                           |            |

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|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------|--------------|
| <b>ITEM NO</b>                                             | <b>34</b>                                                                                                    |                           |              |
| <b>Planning Ref:</b>                                       | LA07/2017/0033/C                                                                                             | <b>PAC Ref:</b>           | 2017/A0099   |
| <b>APPELLANT</b>                                           | Mr John Tumelty                                                                                              | <b>DEA</b>                | Slieve Croob |
| <b>LOCATION</b>                                            | Between 18 And 20 Commons Road<br>And 24 Commons Road                                                        |                           |              |
| <b>PROPOSAL</b>                                            | Rallykintler<br>Application for outline planning permission for the erection of a single dwelling and garage |                           |              |
| <b>APPEAL TYPE</b>                                         | Plg Refusal: permissions                                                                                     |                           |              |
| <b>Appeal Procedure</b>                                    |                                                                                                              | <b>Date Appeal Lodged</b> | 04/09/2017   |
| <b>Date of Hearing</b>                                     |                                                                                                              |                           |              |
| <b>Date Statement of Case Due for Hearing</b>              |                                                                                                              |                           |              |
| <b>Date Statement of Case Due - Written Representation</b> |                                                                                                              |                           |              |
| <b>Date of Site Visit</b>                                  |                                                                                                              |                           |              |

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# Appeal Decision

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392

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|                               |                                                                        |
|-------------------------------|------------------------------------------------------------------------|
| <b>Appeal Reference:</b>      | 2017/A0016                                                             |
| <b>Appeal by:</b>             | Messrs A and R Davidson                                                |
| <b>Appeal against:</b>        | The refusal of outline planning permission                             |
| <b>Proposed Development:</b>  | Erection of manager's dwelling and domestic garage                     |
| <b>Location:</b>              | Adjacent and immediately south of No.17 Ardaragh Road, Newry, BT34 1NY |
| <b>Planning Authority:</b>    | Newry, Mourne and Down District Council                                |
| <b>Application Reference:</b> | LA07/2016/0150/O                                                       |
| <b>Procedure:</b>             | Informal Hearing on 8 August 2017                                      |
| <b>Decision by:</b>           | Commissioner D McShane, dated 1 September 2017.                        |

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues arising in this appeal are:
  - whether the proposed development is acceptable in principle in the countryside;
  - its impact on visual amenity; and
  - its impact on rural character.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as a LDP. The appeal site is located outside any designated settlement development limit, therefore the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document. PPS 21 Policies CTY 1, CTY 7, CTY 13 and CTY 14, which references CTY 8, are pertinent.
4. Policy CTY 1 of PPS 21 lists a 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellants argue that the appeal proposal represents a dwelling for a non agricultural business enterprise in accordance with Policy CTY 7.
5. Policy CTY 7 states that planning permission will be granted for a dwelling house in connection with an established non agricultural business where a site specific

need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work.

6. Ardaragh Livestock Feeds is a small scale family business established by Mr Davidson (Snr) 16 years ago in which he and his son, Mr Davidson (Jnr) work full time. There are no other employees. The business manufactures and sells livestock feed. It also sells farm supplies, including fertiliser, posts, wire, feeders, bale wrap, mineral lick for animals, grass seed and dog food. The business is located immediately to the rear of the family home (No.17 Ardaragh Road). Mr Davidson Jnr is recently married and the proposed manager's dwelling would be occupied by him.
7. The business comprises two grain silos and shed as well as a significant yard area where items for sale are stored. The shed incorporates a small office, approximately 6 bays for storage of raw feed ingredients, an internal silo and equipment used in the feed manufacturing process. This includes a grain roller, mixing machine, weighbridge and bagging machine as well as two forklift trucks and a tractor. There is a sign indicating that opening hours are Monday to Friday 8.30am – 6.00pm and Saturday 8.30am to 1.00pm.
8. The Appellants argue that a new dwelling is required to enable Mr Davidson Jnr to continue to live at the site of the business to facilitate out of hours activities that occur primarily between 6.00am and 8.00am and 6pm and midnight. This includes taking deliveries of grain and fertiliser, meeting the needs of part time farmers who work at other jobs during the working day, providing items, such as balewrap, fertiliser and colustrum lamb feed in emergencies, and being available in an advisory capacity. In addition, the manufacture of the livestock feed occurs predominantly after hours because of noise and dust. It was argued that the machinery used in the manufacture of the livestock feed requires two people to be in attendance for health and safety reasons as well as insurance purposes, although no documentary evidence to this effect was provided.
9. No financial evidence was submitted either during the processing of this application or in the Statement of Case to indicate the scale of the business, turnover, capital expenditure, marketing, or plans for expansion. It is clear that the business is operating at capacity in terms of the space available within the shed. There is limited opportunity for storage of raw ingredients or finished product, which results in feed being produced on demand in response to specific orders. Animal feed has a shelf life, but it could be stored if the space were available. Being on call for customers after hours and through the night is an operational business decision. Reference was made to a second person being required when "the manager tends to other commitments", but no explanation was provided as to the nature of these. Reference was made to the future retirement of Mr Davidson Snr, however there was no indication that this is immediately imminent. While reference was made to his health, no medical information was provided. The additional security that a second house at the business would provide is insufficient to warrant the grant of planning permission.
10. The information provided is insufficient to show that there is a site specific need which makes it essential for a second dwelling in association with the business to enable Mr Davidson Jnr to live at the site of his work, as against a general desire



for a dwelling. On the basis of the evidence before me the erection of a second dwelling is not justified on the basis of Policy CTY 7.

11. The Appellants referred to two other cases where planning approval had been granted under Policy CTY 7 stating that they are indistinguishable from the appeal proposal. In the case of C/2010/0252/O, a political decision was made on the basis of verifiable expansion plans; no such plans have been provided in this instance. In the case of G/2013/0442/O, a decision to approve was made on the basis of a detailed business case, which included business support from the Rural Development Programme, details of scale, agricultural diversification, plans for expansion, turnover, marketing and capital expenditure; no such information was presented in this instance. On the basis of the information before me I do not consider that the examples cited are directly comparable with the appeal proposal. In any event, each application has to be assessed on its individual merits in a manner that strikes a balance between supporting rural communities while protecting the countryside. The Appellants' case, in terms of the principle of development, rested on the existence of a site specific need that makes it essential for Mr Davidson (Jnr) to live at the site of his work. I have concluded that such a need has not been demonstrated. As such, the proposal does not constitute one of the types of development, set out as acceptable in the countryside under Policy CTY 1.
12. Policy CTY1 of PPS 21 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 settlement, or is otherwise allocated for development in a development plan. The Appellants indicated that Mr Davidson Jnr would experience hardship if he were to live in a nearby settlement; however Rathfriland and Newry are approximately 10 minutes away by car, which is not excessive. The Davidsons run their business almost on an on-call basis and that is clearly appreciated by their customers; however that is an operational business decision. No persuasive evidence was submitted to demonstrate that there are overriding reasons why the development is essential. As such I conclude that the appeal proposal is unacceptable in principle. Accordingly, the Planning Authority has sustained its first reason for refusal based upon Policies CTY 1 and 7 of PPS 21.
13. Policy CTY 13 states that 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. Travelling north on Ardaragh Road from VP1 and across the site frontage, notwithstanding the lack of vegetation along the northern and eastern site boundaries, a 5.5m high dwelling sited in the eastern portion of the site, where ground level is lower, would be visually integrated into the landscape, given the rising land beyond to the east. In addition, the shed associated with the business, which would be immediately adjacent to the north, would provide a backdrop. Accordingly, the Planning Authority has not sustained its third reason for refusal based upon Policy CTY 13.
14. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. Criterion (d) states that a new building will be unacceptable where it creates or adds to a ribbon of development. Paragraph 5.33 of Policy CTY 8 gives examples of instances that can represent ribbon development. It states that a ribbon 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. Ribbon development is detrimental to the character, appearance and amenity of the countryside and has been consistently opposed.

15. From Ardaraugh Road, a dwelling sited as proposed would be visually linked with No.17 and the associated shed. As such, it would create a ribbon of development; this was not disputed by the Appellant. The Appellant made reference to a more favourable assessment of rural character being permitted under Policy CTY 10. However, Policy CTY 10 relates to dwellings on farms and is not the appropriate policy in this instance. In any event, dwellings that are acceptable in principle under Policy CTY 10 must also meet the requirements of Policy CTY 14, which references Policy CTY 8. The proposed development would cause a detrimental change to the rural character of the area. Accordingly, the Planning Authority has sustained its second and fourth reasons for refusal based upon Policies CTY 8 and CTY 14 respectively.

This decision is based on Drwg No.11865: Site Location Plan (Scale 1:1250), date stamped refused 3 March 2017.

**COMMISSIONER D MCSHANE**

2017/A0016

396

**List of Appearances**

Planning Authority:-  
Newry, Mourne and Down District Council

Mr G Kerr

Appellants:-

Mr R Davidson (Snr)  
Mr A Davidson (Jnr)  
Mrs C Davidson

**List of Documents**

Planning Authority:- "A" Statement of Case and Appendices

Appellants:- "B" Statement of Case and Appendices





# Appeal Decision

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|                               |                                                                             |
|-------------------------------|-----------------------------------------------------------------------------|
| <b>Appeal Reference:</b>      | 2016/A0204                                                                  |
| <b>Appeal by:</b>             | Robert Laurence Annett.                                                     |
| <b>Appeal against:</b>        | The refusal of outline planning permission.                                 |
| <b>Proposed Development:</b>  | Dwelling.                                                                   |
| <b>Location:</b>              | Adjacent and west of 60 Corcreaghan Road, Kilkeel.                          |
| <b>Planning Authority:</b>    | Newry, Mourne and Down District Council                                     |
| <b>Application Reference:</b> | LA07/2016/0510/O                                                            |
| <b>Procedure:</b>             | Written representations and Commissioner's site visit on 12 September 2017. |
| <b>Decision by:</b>           | Commissioner Alistair Beggs dated 28 September 2017.                        |

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issue in this appeal is whether the appeal proposal for a dwelling on a farm, is acceptable in principle in the countryside.
3. The appeal site is within the open countryside in an Area of Outstanding Natural Beauty as designated by the relevant statutory development plan, the Banbridge, Newry and Mourne Area Plan 2015. There are however no specific policies or proposals relevant to the appeal. In relation to proposals for dwellings on farms the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) introduces no conflict or change in policy direction from the provisions of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). The relevant policy context therefore is provided by PPS 21.
4. Policy CTY 1 of PPS1 specifies a range of types of development considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these is a farm dwelling in accordance with Policy CTY 10. This states that planning permission will be granted for a dwelling house on a farm where three specified criteria (a) to (c) can be met. The Council contend that Criterion (a) is not met by the appeal proposal. This criterion requires that the farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the policy's Justification and Amplification text advises that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to advise that the applicant will therefore be required to provide the Farm's DARD business ID number along with other evidence to prove active farming over (my emphasis) the required period.

5. The P1C form submitted by the appellant provided a farm business ID number, 627078, which relates to two presented farm maps. The form also advises that the appellant keeps pedigree sheep, and two flock holding numbers were also provided. This form indicates that the farm business was established in 1995 and that Single Farm Payment (SFP) or other subsidies are submitted to the Department of Agriculture and Rural Development (DARD) - replaced by the Department of Agriculture, Environment and Rural Affairs (DAERA) in 2016. The existence of such subsidies can assist in demonstrating compliance with Criterion (a). In this regard DAERA's August 2016 consultation response on the appeal application confirmed the farm business ID number, and that the business has been in existence for more than 6 years. However, it also advised that SPF or other subsidies have not been claimed under that number within that period.
6. The appellant and Council referred to other DAERA and DARD consultation responses to earlier planning applications where the appellant's farm business ID was referred to. The DARD consultation response of May 2013 on application P/2013/0334/O indicates that farm subsidies had been claimed by the business in the six year period between 2007 and 2013. The DARD consultation response of January 2014 on application P/2013/0913/F indicates that farm subsidies had been claimed by the business in the six year period between 2008 and 2014. The evidence before me also refers to the DAERA consultation response of November 2015 on application LA07/2015/0542/F - and indicates that the business had not claimed subsidies within the six year period between 2009 and 2015. These consultations when considered together indicate that such payments have not been claimed since 2008-2009, and a sworn declaration from the appellant advised that he has not claimed subsidies for every year he has farmed his lands.
7. I therefore turn to consider the other evidence of farming activity. At my site visit to the appellant's Council Road lands I noted ongoing drainage and ground reconstruction works. While there were no livestock on the site there was evidence of sheep having been present relatively recently. The appellant's lands at Corcreaghan Road (the appeal site) appeared to be in good agricultural and environmental condition. The evidence before me indicates that the appellant's sheep were purchased in August 2014. The appellant's sworn declaration advises that he has undertaken farming activity continuously on his lands since 1995. Undisputed photos (dated 2016) of drainage works and the cultivation of land and keeping of livestock were also provided by the appellant and he advised that no other person has consent to operate a farm business on the appellant's land and that to his knowledge no other person does this.
8. Nevertheless, there is no supporting documentary evidence of, for example, farm business account/tax returns; evidence of herd or flock movements and/or receipts in relation to activities/improvements over the required six year period. As such the evidence overall points to the farm business being currently active and having been active over more recent times. However, while the Council has no direct contradictory evidence to it, the appellant's evidence is insufficient in its scope to persuade me on the balance of probability that the business has been active over the required six year period. In weighing the appellant's evidence and in coming to this conclusion I have had regard to the Court's judgement in the case of *F W Gabbitas v SSE and Newham LBC [1985] JPL 630*. I find that Criterion (a) of Policy CTY10 is not met.



9. The appellant referred to appeal decision 2016/A0094 of January 2017 which considered planning application LA07/2015/0542/F. As indicated above this application, for an agricultural building, yard and access on a different appeal site also referred to the current appellant's farm business ID number. That appeal's decision letter, provided to me by the appellant indicates that the planning authority held the view that whilst the appellant's holding was established it was not currently active. In that context and on finding on that the farm business was currently active the Commissioner concluded that Criterion (a) was met – though the appeal was dismissed on other grounds.
10. The appellant contended that nothing had changed since that decision and that the same evidence of his farming activity had been provided to me. Given that appeal decision the appellant could have anticipated that Criterion (a) would not be an issue in the current case. However, the Council in this case have questioned whether active farming has occurred over the required period and I have concluded on that matter above. In considering this situation I bear in mind that the entirety of evidence before appeal 2016/A0094 is not before me. I also bear in mind the stated aim and objectives of PPS21 and its general thrust towards sustainable development in the countryside, and the arising detailed provisions of Policy CTY10. All-in-all, I am not persuaded that there is sufficient justification to just set aside Criteria (a) in this case. As such the Council's second reason for refusal is sustained insofar as is outlined above.
11. As the proposal does not meet the provisions of Policies CTY10 it is not one of the types of development specified as being acceptable under Policy CTY1. Policy CTY1 also 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. There was no persuasive evidence to demonstrate that the proposal is essential. The proposal is therefore also contrary to Policy CTY1 and the Council's first reason for refusal is sustained.
12. Given the above the appeal must fail.

This decision relates to the 1:1250 scale site location plan stamped refused by the planning authority on 23 November 2016.

**COMMISSIONER ALISTAIR BEGGS**





2016/A0204

**List of Documents**

**Planning Authority:-** 'A" Statement of Case.  
'B' Comments.

**Appellant:-** 'C' Statement of Case.  
'D' Rebuttal Statement







# Appeal Decision

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|                               |                                                                        |
|-------------------------------|------------------------------------------------------------------------|
| <b>Appeal Reference:</b>      | 2017/A0026                                                             |
| <b>Appeal by:</b>             | Mr Ross                                                                |
| <b>Appeal against:</b>        | The refusal of outline planning permission                             |
| <b>Proposed Development:</b>  | Infill site for 2 dwellings and associated domestic garages            |
| <b>Location:</b>              | Land between 1 Drumgiven Road and 37 Creevyargon Road, Ballynahinch    |
| <b>Planning Authority:</b>    | Newry, Mourne and Down District Council                                |
| <b>Application Reference:</b> | LA07/2016/1147/O                                                       |
| <b>Procedure:</b>             | Written representations and accompanied site visit on 6 September 2017 |
| <b>Decision by:</b>           | Commissioner D McShane, dated 15 September 2017.                       |

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are:
  - whether the proposed development is acceptable in principle; and
  - its impact on rural character.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as an LDP; however it contains no specific policies relevant to the appeal site. The appeal site is located outside any settlement development limit designated in the plan and is in the open countryside. The relevant policy context is therefore provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 lists a 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal represents an infill opportunity in accordance with Policy CTY 8.
5. Policy CTY 8 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that such development is detrimental to the character, appearance and

amenity of the countryside. While it is not defined in policy, Paragraph 5.33 sets out what ribbon development can consist of. Notwithstanding that this form of development has been consistently opposed, it is made clear that an exception will be permitted for the development of a gap site providing four elements are met. Namely, the gap site must be within an otherwise substantial and continuously built up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met. Paragraph 5.34 points out that even where gaps between buildings provide relief and visual breaks in the developed appearance of a locality that help maintain rural character, infilling will be permitted where the gap is within an otherwise substantial and continuously built up frontage.

6. The first step in determining whether an "infill" opportunity exists is to identify whether there is a substantial and continuously built up frontage present. For the purpose of policy this "includes a line of three or more buildings along a road frontage without accompanying development to the rear". A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road.
7. The Appellant is relying upon a dwelling (No.1 Drumgiven Road), the new build replacement dwelling (No.37i Creevyargon Road), the dwelling which has been replaced (No.37ii Creevyargon Road) and a number of farm outbuildings. The appeal site is located between two dwellings (No.1 Drumgiven Road and No.37i Creevyargon Road). No.1 Drumgiven Road stands on a plot that abuts both Drumgiven Road and Creevyargon Road. However No.37i, notwithstanding the stamped approved block plan, is separated from Creevyargon Road by post and wire fencing and part of an agricultural field. Similarly, the plot on which No.37ii stands is separated from Creevyargon Road by an access. Consequently, neither of these buildings has a frontage to the road as required by Policy CTY 8. Notwithstanding that an agricultural outbuilding located some distance beyond Nos.37i and 37ii does stand on a plot that abuts the road, it is clear from the policy headnote that the exception permitted by Policy CTY 8 relates to a gap in a *continuous* (my emphasis) frontage to the road. It is clear on the ground that the gap site does not stand within an otherwise substantial and continuously built up frontage. Consequently, the proposal fails to meet the first step required to qualify as an exception and as such, it automatically fails the second and third steps.
8. The fourth element that must be considered is whether the appeal proposal meets other planning and environmental requirements. Policy CTY 14 states that 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 an area. In the context of this appeal, the specific concern is with Criteria (b) and (d) of Policy CTY 14. The words "visual linkage" found in paragraph 5.33 of the Justification and Amplification text, are used in reference to what can constitute a ribbon of development. It points out that a ribbon 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* (my emphasis) they are visually linked. The proposed development would be visually linked with No.1, No. 37i, No.37ii and a number of farm buildings and as such it would create a ribbon of development that would have a detrimental impact on the rural character of the area.

9. The Appellant argued that the appeal proposal is indistinguishable from an infill site that has been approved in the immediate vicinity. However, in that instance it is clear on the ground that there is an otherwise substantial and continuously built up frontage comprising the dwelling at No.1 Drumgiven Road, its two garages, the approved gap site, and the garage and dwelling at No.7. The Appellant also provided information on a number of infill applications that have been granted planning approval. Notwithstanding the evidence presented, I am not persuaded that those sites, the surroundings, the issues arising or the developments proposed are directly comparable with the appeal site. The examples referred to do not merit approving a development on the appeal site, which does not comply with policy. The Planning Authority has sustained its second and third reasons for refusal based upon Policies CTY 8 and 14 of PPS 21.
10. The Appellant's case, in terms of the principle of development, rested on the existence of a valid infill opportunity within the terms of Policy CTY8. As I have concluded that such an opportunity does not exist, the proposal does not constitute one of the types of development, set out as acceptable in the countryside under Policy CTY 1.
11. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. No persuasive evidence was submitted to demonstrate that there are overriding reasons why the development is essential. As such I conclude that the appeal proposal is unacceptable in principle. Accordingly, the Planning Authority has sustained its first reason for refusal based upon Policy CTY 1 of PPS 21.

This decision is based on Drawing No.01: Location Plan (Scale 1:2500), date stamped refused 20 January 2017.

**COMMISSIONER D MCSHANE**



**List of Appearances**

Planning Authority:-  
Newry, Mourne and Down District Council  
Ms Moar

Appellant:-  
Mr D Burgess  
Mr Ross

Third Party:-  
Mr J Kirkpatrick  
Mr & Mrs Morrison

**List of Documents**

Planning Authority:-  
Newry, Mourne and Down District Council  
"A" Statement of Case and Appendices

Appellant:-  
"B" Statement of Case and Appendices  
"C" Rebuttal Statement

Third Party:-  
"D" Statement of Case



# Appeal Decision

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|                               |                                                                      |
|-------------------------------|----------------------------------------------------------------------|
| <b>Appeal Reference:</b>      | 2017/A0009.                                                          |
| <b>Appeal by:</b>             | Mr John Curran.                                                      |
| <b>Appeal against:</b>        | The refusal of outline planning permission.                          |
| <b>Proposed Development:</b>  | 1 no. dwelling and garage with associated site works.                |
| <b>Location:</b>              | Opposite 2 & 4 Magheralone Road, Drumaness, Ballynahinch.            |
| <b>Planning Authority:</b>    | Newry Mourne & Down District Council.                                |
| <b>Application Reference:</b> | LA07/2016/1296/O.                                                    |
| <b>Procedure:</b>             | Written representations and accompanied site visit on 9 August 2017. |
| <b>Decision by:</b>           | Commissioner Mark Watson, dated 31 August 2017.                      |

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether or not the appeal development would:
  - be acceptable in principle;
  - result in ribbon development; and
  - adversely impact on rural character.
3. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside. The ADAP offers no specific policy or guidance in respect of the proposed single dwelling and is not material. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in respect of the appeal proposal. The policy provisions of PPS21 remain applicable to the proposed development.
4. The site comprises a portion of land on the northern side of the Crawfordstown Road. It is situated on the eastern side of the t-junction with Magheralone Road. The site is generally flat in nature and lies below the level of the Crawfordstown Road. It is bounded on all sides by mature vegetation of varying species. An existing access comprising double width field gates flanked with ranch fencing lies on the western boundary onto Magheralone Road, with a small decorative planted area to the front of the access point. There is an area of hardstanding in proximity to the access, with the remainder of the site largely overgrown in grass and other vegetation. Firewood has been stored along part of the eastern boundary and there is an old, disused chicken run within the site. Two dwellings (Nos. 2 and 4

- Magheralone Road) lie opposite and north-west of the site, whilst No. 1 Magheralone Road lies adjacent and east. No. 73 Crawfordstown Road lies adjacent and to the south-east. There is no built development on the southern side of the Crawfordstown Road in proximity to the appeal site or the t-junction.
5. 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. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. Another is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if the development complies with either CTY2a or CTY8 it will also comply with Policy CTY1 of PPS21.
  6. Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of six criteria are met. The Council considered that the appeal development failed to meet the second and third of these; namely that the cluster did not appear as a visual entity in the local landscape and it was not associated with a focal point such as a social / community building / facility or was located at a cross-roads.
  7. The Appellant identified what he considered to be the existing cluster in his statement of case and site analysis plan. The suggested cluster is comprised of 5 dwellings and several associated outbuildings. Despite the degree of development that has taken place within the locality over the years, the disposition of the existing buildings in and around the site do not read as an existing cluster of development in the first instance. This is due to disposition of the buildings, the strong boundary vegetation surrounding a number of the properties, the consequent lack of visual inter-linkages between them and topography differences. The photographic analysis submitted at application stage would not persuade me otherwise. Notwithstanding this, I will briefly consider the two criteria at issue in respect of Policy CTY2a.
  8. The group of buildings does not appear as a visual entity in the local landscape for the same reasons as it does not present as an existing cluster of buildings in the first instance. Even if hypothetically the site boundary vegetation was to be cut down (which the Appellant made clear he did not actually wish to do) the existing development would still not present as a visual entity in the local landscape given the disposition of the other buildings, differences in topography and other extant vegetation that screens existing development that is not within the Appellant's control. The second criterion is not met.
  9. The existing group of buildings the Appellant refers to is not associated with any social or community building or facility. Whilst the site lies at the t-junction of the Crawfordstown and Magheralone Roads, it is not located at a crossroads. Whilst CTY2a may not give an exhaustive list of focal points, the examples given relate to buildings or community facilities. The reference to cross-roads is a singular locational alternative to focal points such as social or community buildings or facilities. I am not persuaded that a standard t-junction would represent a focal point. The third criterion is not met.



10. The appeal development does not meet two of the criteria of Policy CTY2a, which are critical in respect of the appeal development, nor is there an existing cluster of development for the purposes of the policy in the first instance. I do not agree that the appeal site would round off existing development given its disposition in relation to the existing buildings within the locality. The appeal development does not meet Policy CTY2a of PPS21 when read as a whole, nor the related provisions of the SPPS.
11. Reference was made to appeal decision 2010/A0202 - Land 20m south-east of 21 Curryfree Road, Creevedonnell, Londonderry. In that case the Commissioner found that although there was no focal point, there was a cluster in the first instance and also a series of compelling site specific characteristics that outweighed the failure to meet the third criterion of that policy. The same is not the case in the appeal before me. That decision would not justify the granting of planning permission in this instance. Likewise, planning permission LA07/2015/0135/O was granted on the basis of there being an existing cluster of development in the first instance and a number of characteristics that the Council considered that site shared with the site granted permission in appeal 2010/A0202. That decision is not on all fours with the appeal case before me given my conclusions in respect of Policy CTY2a above.
12. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that 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. 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.
13. The Appellant considered that the appeal site was a gap site, falling within an otherwise substantial and continuously built up frontage comprising the site, No. 81 Crawfordstown Road, No. 2 Magheralone Road and No. 73 Crawfordstown Road. Reference was also made to an unimplemented and expired permission on the grassed land adjacent and south-east of No. 81 Crawfordstown Road. The policy definition refers to a line of 3 or more buildings. Even if that permission was still live it could not be counted as forming part of an otherwise substantial and continuously built up frontage as there is no building on the land. Even if accepting that this same grassed area adjacent to No. 81 Crawfordstown Road forms part of that dwelling's curtilage rather than a field, there is only No. 81 and the garage belonging to No. 2 Magheralone Road that lie along this part of the frontage. There is not a line of 3 or more buildings. The Magheralone Road, a two car width roadway, represents the end of the frontage development along that part of Crawfordstown Road. The appeal site and No. 73 Crawfordstown Road which lies adjacent and south-east do not form part the same frontage as No. 81 Crawfordstown Road and the garage belonging to No. 2 Magheralone Road.
14. The Appellant considered that gaps formed by roads were never intended to form part of the consideration of proposals under Policy CTY8. Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of

- assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and *continuously* (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road.
15. The Appellant provided a list of planning approvals where dwellings were permitted under Policy CTY8, despite there being laneways that were of equal or greater width to the public roads they adjoined situated along those otherwise substantial and continuously built up frontages. I do not have all the information before me to demonstrate that these decisions are on all fours with the appeal site. Additionally those laneways, regardless of width or their surface finish could serve existing buildings that may form part of an existing substantial and continuously built up frontage, despite being set back from the road. The same is not the case of one public road running off another public road from a junction. The fact Policy CTY8 defines a road frontage as including a footpath or private lane is a different consideration from when a public road represents a break in, or as in the case before me, the end of a line of buildings along a frontage. The decisions referred to would not justify the granting of permission in this case.
  16. The site is not a small gap site sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built up frontage. The appeal development does not therefore meet the exceptional test within Policy CTY8. Additionally, given my conclusions below relating to ribbon development and consequent impacts on rural character, the appeal development would not fully meet the other planning and environmental requirements element of Policy CTY8.
  17. The Council considered that development of the site would result in the extension of ribbon development along the Magheralone Road, comprised of Nos. 1, 3, 7 and 9. When travelling south-west along the road towards the Crawfordstown Road junction I agree that Nos. 1, 3 and 7 read as a ribbon of development. However, given the road alignment, setback from the roadside and visual screening afforded to No. 9, it does not read as part of that existing ribbon. No. 1 despite its setback from the roadside still reads as part of the ribbon given the prominent entrance features, as well as the dwelling being visible to the rear of No. 3 from views travelling along the frontage. A dwelling located on the appeal site, regardless of design and retention of existing boundary vegetation would add to the existing ribbon of Nos. 1, 3 and 7 Magheralone Road. Notwithstanding my conclusions above in relation to the exceptional test under Policy CTY8, when travelling along Crawfordstown Road a dwelling on the appeal site would create a sequential visual linkage with No. 81 Crawfordstown Road, No. 2 Magheralone Road and No. 73 Crawfordstown Road, resulting in ribbon development. For the reasons given above the appeal development would be contrary to Policy CTY8 and the related provisions of the SPPS. The Council's third reason for refusal is sustained to the extent specified.
  18. Policy CTY14 of PPS21 states that 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 an area. Given my conclusions above in relation to ribbon development the appeal proposal would detrimentally change the

rural character of the area. The appeal development would be contrary to Policy CTY14 read as a whole, as well as the related provisions of the SPPS. The Council's fourth reason for refusal is sustained.

19. Whilst the site may not have been in much use for some years its condition is not unkempt or objectionable in itself. I am not persuaded that the granting of planning permission for a dwelling and garage would visually improve the site and locality, as was suggested. Whilst it was stated that the site was of poor agricultural value this would not overcome the objections to the development or justify a decision contrary to policy, nor would the domestic styled entrance with accompanying ranch fencing on the Magheralone Road site boundary. For the reasons given above the development would not comply with prevailing regional planning policy, as well as resulting in harm to rural character, these matters being interests of acknowledged importance. There are no overriding reasons why the appeal development is essential and could not be located in a settlement. The appeal development is contrary to Policy CTY1 of PPS21 and the related provisions of the SPPS. The first reason for refusal is sustained.
20. The Council's reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

This decision relates to the following drawings submitted with the application:

| <b>DRAWING NUMBER</b> | <b>TITLE</b>       | <b>SCALE</b> | <b>DATE</b> |
|-----------------------|--------------------|--------------|-------------|
| P-01                  | Site Location Plan | 1:2500       | 22.09.16    |
| P-02                  | Site Analysis Plan | 1:1000       | 22.09.16    |

**COMMISSIONER MARK WATSON**





**List of Appearances**

Planning Authority:- Mrs A McAlarney (Newry, Mourne & Down District Council)

Appellant:- Mr N O'Neill (O'Neill Architecture)  
Mr J Fallon  
Mrs C Curran

**List of Documents**

Planning Authority:- 'A' Statement of Case & Appendices (NM&D DC)  
'B' Rebuttal Statement & Appendices (NM&D DC)

Appellant:- 'C' Statement of Case (O'Neill Architecture)  
'D' Rebuttal Statement (O'Neill Architecture)

## CONTACT FROM PUBLIC REPRESENTATIVES – 3 July – 29 Sept 2017

| DATE    | CALLER              | ISSUE                                        | REFERRED TO | MODE                    | DATE CLEARED |
|---------|---------------------|----------------------------------------------|-------------|-------------------------|--------------|
| 1/7/17  | Mark Murnin         | Query re Env Exemptions                      | A McAlarney | Call transferred        | 1/7/17       |
| 3/7/17  | Cllr G Craig        | Replacement dwelling at Claragh Rd, Seaforde | A McAlarney | Direct e mail           | 3/7/17       |
| " "     | Cllr V Harte        | Update requested                             | P Rooney    | Direct e mail           | 3/7/17       |
| 4/7/17  | Cllr D Curran       | John McGreevy's application                  | A McAlarney | Call transferred        | 4/7/17       |
| " "     | J McNulty MLA       | Meeting request                              | P Rooney    | Direct e mail           | 7/7/17       |
| 5/7/17  | C McGrath MLA       | -----                                        | A McKay     | Telephone message       | 5/7/17       |
| 5/7/17  | C McGrath MLA       | -----                                        | A McKay     | Anthony to e-mail Colin | 5/7/17       |
| " "     | Cllr P Brown        | Query on NIEA Consultation                   | A McKay     | Letter                  | 3/8/17       |
| 6/7/17  | Cllr T Hearty       | Item 28 on Schedule – why a refusal?         | P Rooney    | Direct e mail           | 6/7/17       |
| " "     | C McGrath MLA       | Why a Refusal?                               | A McAlarney | Direct e mail           | 6/7/17       |
| " "     | Cllr M Ruane        | Greenan Lough Rd/Kings Rd, Newry             | P Rooney    | Direct e mail           | 6/7/17       |
| 7/7/17  | W Irwin MLA         | Update requested                             | A Davidson  | Call transferred        | 7/7/17       |
| 7/7/17  | Cllr S Doran        | Updates requested                            | G Kerr      | Direct e mail           | 7/7/17       |
| 10/7/17 | Cllr R Mulgrew      | -----                                        | A Davidson  | E mail sent             | 11/7/17      |
| " "     | Cllr W Walker       | Request to defer and an update               | A McAlarney | Direct e mail           | 10/7/17      |
| " "     | Cllr L Kimmins      | Update requested                             | A Davidson  | Direct e mail           | 11/7/17      |
| 11/7/17 | Cllr R Mulgrew      | -----                                        | A Davidson  | Call transferred        | 11/7/17      |
| " "     | Cllr G Sharvin      | Query re Decision issued                     | A McAlarney | Direct e mail           | 14/7/17      |
| 14/7/17 | C McGrath MLA       | Query re Decision issued                     | A McAlarney | Direct e mail           | 14/7/17      |
| " "     | Cllr W Walker       | Update requested                             | A McAlarney | Direct e mail           | 14/7/17      |
| " "     | M Fearon Office MLA | Enforcement case query                       | D Watson    | Call transferred        | 14/7/17      |
| " "     | Cllr S Doran        | Query re Neighbour notification              | G Kerr      | Direct e mail           | 14/7/17      |
| " "     | E Rogan MLA         | Update requested                             | A McAlarney | E mail sent             | 14/7/17      |



## CONTACT FROM PUBLIC REPRESENTATIVES – 3 July – 29 Sept 2017

| DATE    | CALLER                     | ISSUE                              | REFERRED TO | MODE             | DATE CLEARED |
|---------|----------------------------|------------------------------------|-------------|------------------|--------------|
| 18/7/17 | Cllr L Devlin              | Meeting request for C McGrath MLA  | A McAlarney | Direct e mail    | 18/7/17      |
| " "     | C McGrath MLA              | Was a decision issued?             | A McAlarney | Direct e mail    | 19/7/17      |
| " "     | Cllr P Burn                | Update requested                   | A McAlarney | E mail sent      | 19/7/17      |
| " "     | Cllr D Curran              | Enforcement query                  | D Watson    | Call transferred | 19/7/17      |
| 21/7/17 | Cllr S Doran               | Query                              | P Rooney    | Call transferred | 21/7/17      |
| " "     | " "                        | Update on consultation             | G Kerr      | Direct e mail    | 21/7/17      |
| " "     | " "                        | Update on bat survey               | G Kerr      | Direct e mail    | 21/7/17      |
| " "     | Cllr A McMurray            | Query Panning recommendation       | A McAlarney | Call transferred | 21/7/17      |
| 24/7/17 | E Rogan MLA                | Query                              | A McAlarney | Call transferred | 24/7/17      |
| " "     | Cllr L Kimmins             | Update requested                   | A Davidson  | Direct e mail    | 25/7/17      |
| " "     | J McNulty MLA              | Update requested                   | G Kerr      | Direct e mail    | 24/7/17      |
| " "     | Cllr S Doran               | Update requested                   | G Kerr      | Direct e mail    | 24/7/17      |
| " "     | Cllr L Devlin              | Meeting arranged on 4/8/17         | A McAlarney | Direct e mail    | 24/7/17      |
| 25/7/17 | E Rogan MLA                | Request for PAD                    | A McAlarney | Call transferred | 25/7/17      |
| " "     | Y Maginn Sinn Fein         | Query siting of house & access     | A McAlarney | Direct e mail    | 26/7/17      |
| 26/7/17 | Michelle for C McGrath MLA | Request to speak to Anthony McKay  | M McIlhone  | Telephone call   | 26/7/17      |
| " "     | Cllr S Doran               | Update requested                   | G Kerr      | Direct e mail    | 26/7/17      |
| " "     | Cllr S Doran               | Approval decision issued           | P Rooney    | Direct e mail    | 26/7/17      |
| " "     | Cllr S Doran               | Can issues be resolved?            | P Rooney    | Direct e mail    | 26/7/17      |
| 27/7/17 | Cllr W Clarke              | Mourne Heritage Trust Application  | P Rooney    | Direct e mail    | 27/7/17      |
| 28/7/17 | Cllr W Clarke              | Update                             | A McAlarney | Direct e mail    | 28/7/17      |
| " "     | Cllr W Clarke              | Reasons for refusal requested      | A McAlarney | Direct e mail    | 28/7/17      |
| 31/7/17 | W Irwin MLA                | Wrong app. Number. Will ring back. | M McIlhone  | Telephone call   | 31/7/17      |
| 31/7/17 | Cllr A McMurray            | Re; Mr Harte, outside Dromara      | A McAlarney | E mail sent      | 31/7/17      |

## CONTACT FROM PUBLIC REPRESENTATIVES – 3 July – 29 Sept 2017

| DATE    | CALLER                    | ISSUE                                                                                            | REFERRED TO | MODE             | DATE CLEARED |
|---------|---------------------------|--------------------------------------------------------------------------------------------------|-------------|------------------|--------------|
| 1/8/17  | Cllr G Fitzpatrick        | Update requested                                                                                 | P Rooney    | Direct e mail    | 1/8/17       |
| 3/8/17  | E Rogan MLA               | Query                                                                                            | A McAlarney | Call transferred | 3/8/17       |
| 4/8/17  | Cllr M Murnin             | Query                                                                                            | A McAlarney | E mail sent      | 4/8/17       |
| " "     | Cllr S Doran              | Update requested                                                                                 | G Kerr      | Direct e mail    | 7/8/17       |
| 9/8/17  | Cllr P Brown              | Update requested                                                                                 | A McAlarney | E mail sent      | 9/8/17       |
| " "     | J McNulty MLA             | Documentation provided                                                                           | P Rooney    | Direct e mail    | 14/8/17      |
| 10/8/17 | Cllr M Ruane              | Potential enforcement issues                                                                     | P Rooney    | Direct e mail    | 10/8/17      |
| 11/8/17 | Cllr A McMurray           | Query                                                                                            | A McAlarney | Call transferred | 11/8/17      |
| " "     | E Rogan MLA               | Update requested                                                                                 | A McAlarney | Call transferred | 11/8/17      |
| " "     | Cllr H Reilly             | Neighbour Notification query                                                                     | G Kerr      | E mail           | 11/8/17      |
| " "     | C McGrath MLA             | Enquiry/update request                                                                           | A Hay       | Direct email     | 16/8/17      |
| 14/8/17 | Cllr L Kimmons            | Update requested                                                                                 | A Davidson  | Direct e mail    | 15/8/17      |
| " "     | Cllr S Doran              | Update requested                                                                                 | G Kerr      | Direct e mail    | 14/8/17      |
| 15/8/17 | Cllr S Doran              | Update requested                                                                                 | A McAlarney | Direct e mail    | 15/8/17      |
| " "     | C McGrath MLA             | Update requested                                                                                 | A McAlarney | E mail sent      | 15/8/17      |
| " "     | Cllr H Reilly             | Query                                                                                            | G Kerr      | Direct e mail    | 16/8/17      |
| " "     | Cllr H Reilly             | Update requested                                                                                 | G Kerr      | Direct e mail    | 16/8/17      |
| 16/8/17 | Michael for C McGrath MLA | List of housing developments (10 or more houses) in Down District approved from 1/8/16 – 31/7/17 | M McIlhone  | Telephone call   | 23/8/17      |
| 18/8/17 | Cllr T Hearty             | Can Application go to Sept. Committee                                                            | A Davidson  | Direct e mail    | 23/8/17      |
| 19/8/17 | Cllr L Kimmons            | Refusal reasons requested                                                                        | A Davidson  | Direct e mail    | 23/8/17      |
| " "     | Cllr L Kimmons            | Further information requested                                                                    | A Davidson  | Direct e mail    | 25/8/17      |
| 21/8/17 | Cllr S Doran              | Update requested                                                                                 | G Kerr      | Direct e mail    | 21/8/17      |
| 21/8/17 | Cllr A McMurray           | Information - planning process                                                                   | M McIlhone  | Telephone call   | 21/8/17      |
| 22/8/17 | Cllr W Walker             | Has decision notice issued?                                                                      | M McIlhone  | Telephone call   | 22/8/17      |
| 22/8/17 | Cllr P Byrne              |                                                                                                  | A Davidson  | Call transferred | 22/8/17      |



## CONTACT FROM PUBLIC REPRESENTATIVES – 3 July – 29 Sept 2017

| DATE    | CALLER                              | ISSUE                                           | REFERRED TO         | MODE             | DATE CLEARED |
|---------|-------------------------------------|-------------------------------------------------|---------------------|------------------|--------------|
| 22/8/17 | Cllr O McMahon                      | PAD requested                                   | G Kerr              | Direct email     | 23/8/17      |
| " "     | Cllr G Fitzpatrick                  | Update requestd                                 | P Rooney            | Direct e mail    | 25/8/17      |
| 23/8/17 | Cllr K Loughran                     | Updates on applications                         | A Davidson          | Direct e mail    | 25/8/17      |
| 24/8/17 | Cllr M Ruane                        | Update requested. Meeting on 31/8/17 confirmed. | P Rooney            | Direct e mail    | 25/8/17      |
| 25/8/17 | Cllr K Loughran                     | Updates on applications                         | A Davidson - G Kerr | E Mail           | 25/8/17      |
| " "     | Cllr J McAuley                      | Enquiry re Log Cabin                            | C Moane             | Call transferred | 25/8/17      |
| 28/8/17 | Cllr S Doran                        | Update requested                                | G Kerr              | Direct e mail    | 30/8/17      |
| 30/8/17 | Cllr T Hearty                       | Update requested                                | P Rooney            | Direct e mail    | 31/8/17      |
| " "     | Cllr S Doran                        | Update requested                                | G Kerr              | Direct e mail    | 31/8/17      |
| 31/8/17 | Cllr Alexander McMullan             | _____                                           | P Rooney            | Call transferred | 31/8/17      |
| 31/8/17 | Cllr Laura Devlin for C McGrath MLA | -----                                           | G Kerr              | Call transferred | 31/8/17      |
| 1/9/17  | Cllr Andrew McMurray                | _____                                           | A McAlarney         | Call transferred | 1/9/17       |
| 4/9/17  | Cllr D Taylor                       | Request for meeting                             | P Rooney            | Direct e mail    | 6/9/17       |
| 4/9/17  | Dermot Curran                       | _____                                           | A McAlarney         | Call transferred | 4/9/17       |
| " "     | Cllr M Ruane                        | Meeting request                                 | P Rooney            | Direct e mail    | 4/9/17       |
| " "     | Gareth Craig                        | _____                                           | A McAlarney         | Call transferred | 4/9/17       |
| " "     | Cllr D Taylor                       | Update requested                                | P Rooney            | Direct e mail    | 4/9/17       |
| 5/9/17  | Cllr T Hearty                       | Update requested                                | P Rooney            | Direct e mail    | 6/9/17       |
| " "     | Cllr S Bradley                      | Update requested                                | P Rooney            | Direct e mail    | 6/9/17       |
| " "     | Una Sinn Fein Office                | _____                                           | A McAlarney         | Call transferred | 07/9/17      |
| 11/9/17 | Cllr D Curran                       | Update requested                                | G Kerr              | Call transferred | 11/9/17      |
| " "     | E Rogan MLA                         | Update requested                                | A McAlarney         | Call transferred | 11/9/17      |
| " "     | E Rogan MLA                         | Update requested                                | A McAlarney         | Call transferred | 11/9/17      |
| " "     | Una for E Rogan MLA                 | Further query                                   | A McAlarney         | Call transferred | 11/9/17      |



## CONTACT FROM PUBLIC REPRESENTATIVES – 3 July – 29 Sept 2017

| DATE    | CALLER                              | ISSUE                                                      | REFERRED TO                                       | MODE                           | DATE CLEARED |
|---------|-------------------------------------|------------------------------------------------------------|---------------------------------------------------|--------------------------------|--------------|
| " "     | Catherine for S Ennis               | Update requested                                           | P Rooney                                          | Call transferred               | 11/9/17      |
| 12/9/17 | Cllr D Taylor                       |                                                            | G Kerr                                            | Call transferred               | 12/9/17      |
| " "     | Cllr D Taylor                       |                                                            | G Kerr                                            | Call back                      | 12/9/17      |
| " "     | E Rogan MLA                         | Update requested                                           | A McAlarney                                       | Call transferred               | 12/9/17      |
| " "     | Una from Sinn Fein                  | Update requested                                           | A McAlarney                                       | Call transferred               | 12/9/17      |
| " "     | Robert Burgess                      | Update requested                                           | R Kelly dealt with call.<br>F Murray to call back | -----                          | 12/9/17      |
| " "     | Cllr W Clarke                       | Update on David Kane's application                         | P Rooney                                          | Direct e mail                  | 12/9/17      |
| " "     | Cllr S Doran                        | Update requested                                           | G Kerr                                            | Direct e mail                  | 14/9/17      |
| 19/9/17 | Cllr W Walker                       | Ballynahinch Rugby Club Application for flood lights       | A McAlarney                                       | Call transferred               | 19/9/17      |
| " "     | Elizabeth from J McNulty MLA office | Is e mailing P Rooney list of apps. For tomorrow's meeting | P Rooney                                          | E mail sent                    | 19/9/17      |
| " "     | Cllr G Fitzpatrick                  | Query re wind Turbine                                      | G Kerr                                            | Direct e mail                  | 20/9/17      |
| " "     | Cllr S Doran                        | Update requested                                           | G Kerr – A McAlarney                              | Direct e mail                  | 20/9/17      |
| " "     | Cllr S Doran                        | Check houses built against map                             | G Kerr                                            | Direct e mail                  | 20/9/17      |
| " "     | Cllr C Enwright                     | Query about Settlement limits                              | M McQuiston                                       | Call transferred               | 20/9/17      |
| 20/9/17 | Cllr W Clarke                       | Update on MHT application                                  | P Rooney                                          | Direct e mail                  | 20/9/17      |
| 21/9/17 | C McGrath MLA                       | Can e mail of support be scanned onto Portal?              | A McAlarney                                       | Telephone call                 | 3/10/17      |
| 21/9/17 | Cllr G Craig                        | Update requested                                           | A McAlarney                                       | Call transferred               | 21/9/17      |
| 22/9/17 | Cllr S Doran                        | Concerns raised                                            | G Kerr                                            | Direct e mail                  | 22/9/17      |
| 26/9/17 | Cllr Oskandra McMahon               | Wished to speak to Mark Kelly                              | A Davidson                                        | Call transferred               | 26/9/17      |
| 26/9/17 | Cllr Walker                         | Re Application for funeral Parlour Saintfield              | A McAlarney                                       | Msg for Annette to return call | 26/7/17      |
| 27/9/17 | Cllr Andrew McMurray                |                                                            | A McAlarney                                       | Call transferred               | 27/9/17      |

### CONTACT FROM PUBLIC REPRESENTATIVES – 3 July – 29 Sept 2017

| DATE    | CALLER          | ISSUE                                                    | REFERRED TO | MODE                           | DATE CLEARED |
|---------|-----------------|----------------------------------------------------------|-------------|--------------------------------|--------------|
| 27/9/17 | Cllr Walker     | Update requested.<br>And enquiry re meeting to be set up | A McAlarney | Msg for Annette to return call | 27/9/17      |
| 27/9/17 | Cllr Pete Byrne | _____                                                    | A Davidson  | Email to return call           | 28/9/17      |