



May 15th, 2025

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 28th May 2025** at **10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

Committee Membership 2024-2025:

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

Agenda

****CLOSING DATE FOR SUBMISSION OF SPEAKING RIGHTS/WRITTEN SUBMISSIONS ****

Report to follow

 *Close of speaking rights.pdf*

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1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for entire item

4.0 Minutes of Planning Committee held on 30 April 2025

 *Planning Committee Minutes 2025-04-30.pdf*

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5.0 Addendum List - Planning applications with no representations received or requests for speaking rights


Development Management - Planning Applications for determination

6.0 LA07/2024/0055/O - 20m SE of 15 Drummond Road Cullyhanna, Newry, BT35 0LN - Erection of a farm dwelling

For Decision

REFUSAL

On agenda as a result of the call in process.

 *LA07-2024-0055-O.pdf*

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7.0 LA07/2024/0891/F - Lands approx. 25m north (west) of 52 Tullymacreeve Road, Mullaghbawn, Newry, BT35 9RE - Proposed farm dwelling and detached garage with all associated landscaping and site works

For Decision

REFUSAL

On agenda as a result of the call in process.

8.0 LA07/2023/3277/F - 285m N of 40 Ballyhornan Road, Downpatrick, Co. Down BT30 6RH - Farm dwelling & attached carport

For Decision

REFUSAL

On agenda as a result of the call in process.

LA07.2023.3277.F Case Officer report.pdf

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LA07.2023.3277.F - Addendum Report.pdf

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9.0 LA07/2024/0307/F - 6 Church Road, Kilmore Crossgar BT30 9BQ - Proposed dwelling and garage

REFUSAL

On agenda as a result of the call in process.

LA07-2024-0307-F.pdf

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10.0 LA07/2024/0961/O - Site 70m NE from 3 Creevy Road, Crossgar - Proposed outline application for a house on a farm

For Decision

REFUSAL

On agenda as a result of the call in process.

LA07-2024-0961-O.pdf

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11.0 LA07/2023/2548/O - Approx 65m south of 54 Manse Road, Crossgar - Site for dwelling and domestic garage under CTY2A

For Decision

REFUSAL

On agenda as a result of the call in process.

12.0 LA07/2024/1051/F - 23 Seafields, Warrenpoint, Newry BT34 3TG - Conversion and extension to existing carport, lounge, bedroom and shower room to 2 bedroom house. Retention of existing site entrance to serve new dwelling. Formation of a new site entrance to existing main dwelling

For Decision

REFUSAL

On agenda as a result of the call in process.

LA07-2024-1051-F.pdf

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13.0 LA07/2023/3153/F - Adjacent to and south of 51A Mayo Road, Mayobridge, BT34 2EZ - Erection of off-site replacement dwelling, with retention of existing building for agricultural purposes, with alterations.

For Decision

REFUSAL

On agenda as a result of the call in process.

LA07-2023-3153-F.pdf

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For Noting

14.0 Audit Action Plan Update

Report to follow

15.0 Historic Action Sheet

Planning Historic Tracking Sheet - 2025-04-30.pdf

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Invitees

- Cllr Terry Andrews
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- Cllr Callum Bowsie
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- Fionnuala Branagh
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- Cllr Jim Brennan
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- Cllr Pete Byrne
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- Mr Gerard Byrne
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- Cllr Philip Campbell
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- Cllr William Clarke
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- Edel Cosgrove
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- Cllr Laura Devlin
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- Ms Louise Dillon
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- Cllr Cadogan Enright
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- Cllr Killian Feehan
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- Cllr Doire Finn
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- Cllr Aoife Finnegan
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- Ms Joanne Fleming
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- Cllr Conor Galbraith
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- Cllr Mark Gibbons
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- Cllr Oonagh Hanlon
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- Cllr Glyn Hanna
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- Cllr Valerie Harte
-
- Cllr Martin Hearty
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- Cllr Roisin Howell
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- Cllr Tierna Howie
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- Ms Catherine Hughes
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- Cllr Jonathan Jackson
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- Cllr Geraldine Kearns
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- Miss Veronica Keegan
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- Mrs Josephine Kelly
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- Mrs Sheila Kieran
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- Cllr Cathal King
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- Cllr Mickey Larkin
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- Cllr David Lee-Surginor
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- Cllr Alan Lewis
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- Cllr Oonagh Magennis
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- Mr Conor Mallon
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- Cllr Aidan Mathers
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- Mrs Annette McAlarney
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- Cllr Declan McAteer
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- Cllr Leeanne McEvoy
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- Jonathan McGilly
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- Cllr Andrew McMurray
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Maureen/Joanne Morgan/Johnston
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Sinead Murphy
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Cllr Declan Murphy
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Cllr Kate Murphy
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Cllr Selina Murphy
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Cllr Siobhan O'Hare
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Mr Andy Patterson
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Mr Pat Rooney
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Mr Peter Rooney
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Cllr Michael Ruane
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Cllr Gareth Sharvin
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Donna Starkey
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Nicola Stranney
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Cllr Jill Truesdale
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Mrs Marie Ward
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Cllr Helena Young
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SPEAKING RIGHTS/Written SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 28th MAY 2025

The closing date/time for requests for speaking rights and accompanying written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows: -

**Wednesday 21st May 2025
by 5.00pm**

Requests for speaking rights/written submissions should be emailed to: -

democratic.services@nmandd.org

PLEASE NOTE THAT SUBMISSIONS SHOULD BE LIMITED TO TWO A4 PAGES
(AT LEAST FONT SIZE: 11 IF THE SUBMISSION IS TYPED).

**ANY ADDITIONAL INFORMATION BEYOND TWO PAGES MAY BE
DISREGARDED.**

ANYONE WISHING TO MAKE USE OF A VISUAL PRESENTATION
(POWERPOINT PRESENTATION) MUST SUBMIT THE PRESENTATION
WITH THE REQUEST FOR SPEAKING RIGHTS.

"Please note that the protocol applicable to the audio-recording of Planning Committee meetings has been amended following recommendation and ratification by Council. The legal basis on which audio-recording takes place no longer requires the consent of speakers at Planning Committee. Accordingly, the consent of speakers will no longer be requested. Audio-recording will continue to take place of all Planning Committee meetings subject to the exemption in Schedule 6 of the Local Government Act (NI) 2014".

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 30 April 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

Committee Members in attendance in Chamber:

Councillor P Campbell	Councillor K Feehan
Councillor G Hanna	Councillor S Murphy
Councillor A Quinn	Councillor M Rice
Councillor J Tinnelly	

Committee Members in attendance via Teams:

Councillor C Enright	Councillor M Larkin
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Officials in attendance:

Mr J McGilly, Assistant Director: Regeneration
 Ms A McAlarney, Development Manager: Planning
 Mrs B Ferguson, Senior Planning Officer
 Ms M Fitzpatrick, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Mr Peter Rooney, Head of Legal Administration (Acting)
 Miss S Taggart, Democratic Services Manager
 Ms F Branagh, Democratic Services Officer

Also in attendance via Teams:

Mr Brian McKervey, Department for Communities (Historic Environment Division)

P/039/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor McAteer.

Chairperson Councillor D Murphy advised that due to conflict of interest, Councillor Quinn and Councillor Rice would join the meeting following discussion on item 7 – LA07/2023/2274/F.

P/040/2025: DECLARATIONS OF INTEREST

An interest was declared on behalf of Councillors Quinn and Rice in item 7 – LA07/2023/2274/F.

P/041/2025: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item.

Item 6 - Cllrs Campbell, Feehan, Hanna, McAteer, D Murphy, S Murphy and Tinnelly attended a site visit on 17 February 2025.

MINUTES FOR CONFIRMATION

P/042/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 2 APRIL 2025 AND PREDETERMINATION HEARING OF 9 APRIL 2025

Read: Minutes of Planning Committee Meeting held on Wednesday 2 April 2025 and Predetermination Hearing of 9 April 2025. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor S Murphy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 5 March 2025 and Predetermination Hearing of 9 April 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/043/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 30 April 2025. **(Copy circulated)**

The Chairperson advised that a deferral had been requested for item 13 LA07/2023/3277/F and item 14 – LA07/2024/0055/O and queried whether Members were in agreement to allow the deferral.

AGREED: On the proposal of Councillor Campbell, seconded by Councillor S Murphy, it was agreed to defer Item 13 – LA07/2023/3277/F and Item 14 – LA07/2024/0055/O to a future Committee Meeting.

On the proposal of Councillor Hanna, seconded by Councillor Feehan, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 30 April 2025:

- **LA07/2022/0951/F** - 22 Belfast Road, Newry, BT34 1EB - Demolition of existing dwelling and erection of 8no. semi-detached dwellings and 2 apartments with associated site works
APPROVAL
- **LA07/2022/1833/F** - Former St Johns Parish Church, Main Street, Hilltown, BT34 5UH - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.
APPROVAL
- **LA07/2022/1834/LBC** - Former St Johns Parish Church, Main Street, Hilltown, BT34 5UH - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.
CONSENT GRANTED
- **LA07/2024/0537/F** - Housing Development - Junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae Housing developments
APPROVAL
- **LA07/2024/0185/F** - 30m north of 43 Ballycoshone Road, Hilltown, Newry, BT34 5XE - Proposed conversion and reuse of existing stone barn (incorporating new roof, reconstruction of part external wall and new first floor structure and internal layout) to create a new dwelling
REFUSAL

DEVELOPMENT MANAGEMENT

P/044/2025: **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) **LA07/2021/1479/F**

Previously tabled 13 December 2023.
On agenda as a result of the Call-In Process

Location:

Lands immediately opposite No.3 Newtown Road, Belleek, Newry

Proposal:

Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works.

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson requested that the applicant be afforded the opportunity to address the Committee again, given the time lapse since the initial presentation and subsequent site visit and in consideration of the change in Committee Members.

The Chairperson also noted that legal opinion was to be provided to the Committee prior to discussion of the application and requested a proposer and seconder to enter into closed session.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor S Murphy, seconded by Councillor Campbell, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Campbell, seconded by Councillor Feehan, it was agreed the Committee come out of closed session.

The Chairperson advised that legal opinion had been provided to the Committee while in closed session.

Power-point presentation:

Mrs Fitzpatrick highlighted the revised case officer report following on from the original presentation to Committee in December 2023, noting in particular two letters in support of the proposal, and 9 objections that had been received that centred around concerns of prominence within the landscape, impact on wildlife, road and pedestrian safety, lack of benefit to the local community and already existing similar services located 4 miles away. She stressed that there was no policy provision for this type of development within the countryside in either SPPS or PPS21, and further concerns had been raised about the impact on the viability of the existing retail facilities within Belleek.

Mrs Fitzpatrick detailed the proposed location being beyond the settlement limit of Belleek, within the open countryside and sited on lands in front of localised rock outcrops and hills, highlighting the attractive backdrop to the settlement. She advised that the proposal was contrary to BL01 of the Area Plan as it was within the countryside, CVN3 as it encroached on a Local Landscape Area and contrary to CTY15 as it would result in an inappropriate urban sprawl. She highlighted that the proposal was also contrary to CTY 1, 8, 13 and 14 as detailed within the Case Officer's Report.

Mrs Fitzpatrick noted that in line with SPPS, retail would be directed to town centres and the development of inappropriate retail facilities would be resisted within policy with the exception of farm shops and shops serving tourist or recreational facilities, and that these exceptions should only be located within an already existing building. She confirmed that the

Planning Department were of the opinion that this proposal was contrary to both of these exception tests. She further highlighted concerns regarding the scale of the retail element of the proposal, stressing that it was much greater than that found within many filling stations within the locality.

Mrs Fitzpatrick noted that in line with policy IC 15 of the Rural Strategy relating to roadside service facilities and filling stations, there was not a necessity to locate roadside services within the open countryside, and that these would be directed to existing settlements unless local circumstances indicated that this would lead to undue hardship. She stressed that a number of filling stations were located within a few minutes' drive of Belleek, and that many other small settlements within the vicinity did not have a filling station, and there was no undue hardship for these residents.

Mrs Fitzpatrick noted that the Planning Department had given consideration to the detailed appraisal of the retail information by Braniff Associates, and their conclusion was that there was no evidence that there was a quantitative need for a store of this scale within Belleek and that there could be an adverse impact on existing retailers in surrounding centres.

Speaking rights:

Mr Colin O'Callaghan thanked Members for the chance to present the application again, stressing that the application was necessary as there were no other suitable or available retail sites within the settlement. He advised that the existing shop within the settlement had since closed, and the applicant was pursuing other development opportunities on the site and therefore the location was not available for this proposal.

Mr O'Callaghan advised that the applicant had presented a supporting retail statement that focused on a five-minute catchment area, stressing the catchment area was kept to a minimum as the area was a small rural settlement, which was the main reason that the applicant had not assessed the retail impact of services outside of the five-minute catchment. He further stressed the economic boost the proposal would bring to the area.

Councillor Hanna queried the source of the data on page 7 of the Case Officer's Report regarding expenditure, the consideration given to the distances to nearby similar retail stores and whether the needs of the village had been taken into account or was the application assessed purely against policy.

Mrs Fitzpatrick advised that the data had been collated by Braniff Associates, detailed the location of the nearest stores within a five-minute drive and confirmed that the Planning Department assessed every application against existing policies and any exceptions catered for within those. She advised that consideration was also given to the population within the settlement and as it was a small settlement, the uses and scale of development needed to be proportionate to the area.

Mr O'Callaghan noted that the applicant had collated data generated by the Henderson Group, who would be servicing the proposed store, arguing that Braniff Associates used data reflective of UK averages and he believed that the impact would be less than as presented within their paper as the applicant aimed to capture 60% of the village trade.

Mr Michael Kerr, an employee of the Henderson Group, stated that the Braniff report did not account for passing trade, which was considered significant for any filling station, arguing that this would lessen the potential negative impact of the proposal on the local area.

Councillor Hanna then queried whether any consideration had been given to the school in the area, arguing that this should be considered as continuous growth for the settlement, and whether the considered catchment areas had included those attending the school which could contribute to the need for the proposal.

Mr O'Callaghan stated that it was the applicant's belief that the catchment area he had considered contained 1100 people, whereas the area plan believed the area contained some 350 people, which highlighted how out of date the area plan was.

Councillor Campbell queried how this larger retail store could be sustained, given that a smaller retail store had recently closed within the area.

Mr Kerr noted that customers' expectations had grown exponentially over the past 20 years, as had the size of local convenience stores. He stressed that a lack of investment, car parking and store size had all contributed to the close of the retail store, and that the proposal was more viable as it had car parking, a hot food element and a large retail space.

Mr O'Callaghan stressed that the existing filling station was located at a junction to the main road and stated that there was no potential for it to grow as any planned improvements would have been resisted by DFI Roads.

Councillor Tinnelly then queried the impact of the proposal on this small filling station, and what consideration the applicant had afforded to them.

Mr O'Callaghan stated that the current proposal was vastly different to the filling station which he stressed did not meet the needs of the village as it only sold fuel.

Councillor Hanna queried the refusal reason relating to prominence as he believed the structure would integrate into the existing landscape.

Mr O'Callaghan noted that the proposal was a single storey structure approximately 7m high on a former quarry site that would be sited below the rock outcrop that would help provide some integration.

Following a further query from Councillor Hanna relating to ribbon development, Mr O'Callaghan stated that the concern regarding ribbon development would be overridden by the economic benefits that the proposal would bring, and that he further believed that the proposal would round off and consolidate the settlement area.

Mrs Fitzpatrick disagreed, reiterating that ribbon development was a stand-alone policy and factors such as economic development did not outweigh the need for the proposal to remain in line with Planning Policies. She further stressed that the proper pathway to expand a settlement limit was through the local development plan, not on a per-application pathway.

Councillor Hanna queried whether exceptional need could override any planning policy, to which Mrs Fitzpatrick reiterated that stand alone policies within PPS21 had to be considered in their own right.

Councillor D Murphy queried refusal reason 10, that it had not been demonstrated there had not been undue hardship caused regarding locations of filling stations, and whether this had been decided based on consultation, previous experiences or planning policy.

Mrs Fitzpatrick confirmed that this was based on policy, previous experience and from the findings from the independent retail assessment.

Councillor D Murphy queried whether the Planning Department had taken into consideration recent events, such as Covid or serious adverse weather when people had been asked not to leave their houses, and where would the people of Belleek get their necessities in situations such as these.

Mrs Fitzpatrick confirmed that this would sit outside the remit of Planning Policy.

Councillor D Murphy proposed to overturn the application to an approval, acknowledging that the proposal was contrary to the Local Development Plan (LDP) but highlighted that the LDP had expired some years ago and had yet to be updated and felt that this was an opportunity not to be missed due to an expired document. He stated that he knew the area well and was aware of a steady stream of passing traffic and believed that the Braniff report had not taken this passing trade into account. He further stated that the people of Belleek had no local shop, and those who couldn't drive were further impacted and this was a material consideration. He acknowledged that ribbon development needed consideration as per policy but stressed that circumstances dictated that this application be approved due to need. He further stressed that he had consideration for the impact on neighbouring businesses but was unsure of the level of impact due to the conflicting information from the data put forward today.

Councillor Hanna seconded the proposal, echoing Councillor D Murphy's sentiments of need in the area and further noted that he believed the application was sustainable development in the countryside and that the former quarry grounds could not be used for any other purpose.

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

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2021/1479/F contrary to officer recommendation as contained in the Case Officer Report.**

DEVELOPMENT MANAGEMENT

P/045/2025: **PLANNING APPLICATIONS FOR DETERMINATION**

(1) LA07/2023/2274/F

On agenda as a result of the Operating Protocol and the Scheme of Delegation

Location:

Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry

Proposal:

Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Keane confirmed this was a major planning application that had been subject to both a PAD and a PAN, and that the Committee had previously considered the application at its meeting of 18 December 2025 where it had resolved to approve the application. He reminded Members that the Council were under direction from the Department of Infrastructure (DFI) to notify them of Committee decision, which it had done so on 7 January 2025. Correspondence had been received on 5 March 2025 confirming that DFI did not intend to invoke their call in powers under Section 29 of the Planning Act (NI) 2011.

Mr Keane outlined that in line with legislative requirements, a Pre Determination Hearing (PDH) was held on 9 April 2025 to allow for all interested parties to address the Committee. He further confirmed that the PDH report should be read alongside the report prepared in advance in of the PDH, the original Case Officer report of September 2024 and addendum report of December 2024.

Mr Keane detailed the proposal site, reminding Members that it was located within the Newry Town Centre, outside of the primary retail core, within the boundary of the conservation area and within an Area of Archaeological Potential, was sited along the protected route of Abbey Way and was proximate to listed buildings, monuments, Newry River and Canal, and a Local Landscape Policy Area.

Mr Keane confirmed that extensive statutory consultation had taken place with a number of departments with no objections being raised in principle to the proposals, subject to conditions which could be found detailed within the Officer's Reports. He further confirmed that some 2600 objections had been received since initially advertised in 2023, with further representations being received in opposition to the proposals from Matrix Planning, Ulster Architectural Heritage and from Mr Tom McEvoy and Mr Paul Lennon. He advised that a further representation had been received from Matrix Planning just before midnight on the eve of the Committee that raised validity concerns.

Mr Keane advised that the representations raised a number of issues such as traffic and parking, need for the proposal, design size and scale of the building, ecology, flooding and drainage aspects alongside procedural issues which he advised had all been outlined in detail within the Case Officer's Reports. He further advised that the validity issue raised late the night prior to the meeting was not a new matter and had previously been considered by the Planning Department.

Mr Keane advised the main planning issues to be considered included the principle of development including area plan designations, impact on the setting of the Newry conservation area, listed buildings and heritage, design, integration, road safety including parking and access and natural heritage.

In respect of the access, movement and parking, Mr Keane advised the building and site were enclosed by the existing road network. He stated the existing vehicular access from Abbey Way would be retained, with a new road layout, whereby the building would be accessed from the Northern end.

In respect of parking provision, Mr Keane confirmed the proposals did not include any specific on-site or in-curtilage parking. Mr Keane set out the parking requirements for the development and outlined that a case was being made by the agents that the parking surveys undertaken in 2023, demonstrated there was an abundance of parking provision which exceeded demand and that there was sufficient existing car parking capacity within Newry city centre at present, notwithstanding the proposals to also provide additional town centre parking. He further outlined that the issue of car parking associated with existing committed developments was also considered as the application progressed.

Mr Keane further clarified the building would accommodate a total of some 215 members of staff who would be relocated from existing Council offices within Newry. Also, that the applicant had confirmed that Newry Mourne & Down District Council operated a hybrid (agile) working policy and would only provide desks for 162 staff (75%). He advised that Transport Assessments and Travel Plans had also been submitted and stated that other issues including bio-diversity, protected species, connection to mains and flooding, noise, nuisance and disturbance had also been fully considered.

Mr Keane summarised the statutory consultations that had been undertaken and received to date, each returning no objections in principle to the proposal, further that DFI Rivers had confirmed that the site was not located within the 1 in 100 Fluvial Floodplain nor in the 1 in 200 Coastal Floodplain. He confirmed that the application had been fully assessed in consideration of the area plan, applicable policy context, consultee responses and also all representations received, including those received since the publication of the addendum reports. He confirmed that the application had been processed in line with legislative requirements and was recommended for approval subject to conditions.

Speaking rights:

In Objection:

Mr Andy Stephens spoke in objection to the application, supported by Canon Francis Brown and Mr Anthony Patterson. He noted his surprise that the application was to be heard as he had highlighted what he believed was a procedural error in his correspondence at 11.55pm the night prior to the Committee Meeting. He stated that, in accordance with Article 3(3)(e) of the Planning General Development Procedure (NI) 2015, this application required a Pre-Application Community Consultation (PACC) report to be submitted with the application, however it was not submitted until 3 July 2024, some 4 months after the application was submitted.

Mr Stephens stated that he did not believe that this had been considered appropriately by the Planning Department and that legislation had not been followed, therefore he believed the application to be invalid and stated that he had nothing further to say on the matter.

In Support:

Mr Mark Priestly spoke in support of the application, supported by Mr Kieran Carlin and Mr Stephen Livingstone. He summarised that Members had heard the presentation to Committee previously and wanted to note the key points in that the project was supported by the Belfast Region City Deal (BRCD) and aimed to rationalise Council estate across Newry to centralise services.

Mr Carlin noted that as discussed previously, the key focal point was the application was supported by policy in that it encouraged a town centre use, encompassing more than just retail and the proposal fulfilled all aspects of the services referenced within planning policy.

Mr Livingstone noted the concerns raised previously regarding parking, stating that the application was compliant with policy AMP7 in that car parking was not a necessity to approve a planning application. He noted that while there was no requirement for Abbey Way to be retained as a car park, the proposal sought to retain some of the available spaces. He also stressed that a core element of the city centre regeneration aimed to encourage footfall, not cars, into the city centre, therefore the Active Travel Plan would help.

Mr Priestly noted that the building design had been through a thorough discussion with multiple consultations, stressing that the design had been tested from several near and far view points as identified by the Historical Environment Division (HED), had been through a ministerial advisory council review and a subsequent presentation to historical buildings.

Councillor Hanna requested clarity on Mr Stephens' statement regarding an invalid application and if it was appropriate that the Committee make a decision on the application at the meeting.

Mr Rooney advised that the issue was not a new one and had been considered as outlined by the Planning Department and deemed appropriate, as had all matters that had been raised within any last-minute submissions. He advised that the Committee was free to make a decision.

Mr Stephens argued that Mr Rooney was fundamentally incorrect, noting that if this was the case then all communication regarding the issue should be publicly available on the Planning Portal, stating that following an EIR request to DFI, he could only find reference to the issue from 18 October 2024. He further stated that the issue could not have been considered as he had only submitted it close to midnight last night, stressing that the late submission was due to a delay in the information being provided by DFI.

Following a request for clarity regarding the application process from Councillor Hanna, Mr Stephens advised that from what he could tell, the applicant had completed a Pre-Application Notification (PAN) in 2019 which classed the application as a local application, however by the time the application was submitted in 2023 the proposed floor space had grown to over 5000 square feet, which should have triggered the classification of the proposal as a major application. He stressed that any major application required a PACC within 12 weeks, however it was some four months from the application submission date before this was submitted. He stressed that although the Planning Department had stated they had considered this issue, and while the PAC was available online, in terms of transparency he could see no communication on the portal that referenced any discussion

on this issue. He reiterated his belief that Council had processed an invalid application due to this procedural error.

Mr Keane advised that following the validation and allocation of the application, the Planning Department had considered that the application fell within the classification of major development and had sought legal advice from Belfast City Council Legal Services. Following that advice, the application was readvertised as a major application, a PACC was completed, and the application progressed from there. He stated that although Mr Stephens had argued that this was a new issue, the Planning Department were aware of the issue and had sought legal advice on how to proceed.

Councillor Hanna queried whether the communication was on the Planning Portal to which Mr Stephens advised that the legislation was mandatory and could not be applied or set aside when it suited.

Councillor Hanna then proposed to defer the application to allow for independent legal advice as the Committee was hearing two opposing versions of the issue.

Chairperson Councillor D Murphy advised that the application was still under discussion and as other Members had indicated their request to ask questions any proposals should be held until later.

Councillor Tinnelly requested clarity regarding the submission of the PACC and any subsequent decisions made regarding requesting legal advice and the implementation of the advice received.

Mr Keane stated the PACC report had not been submitted in March 2023 as the application had been originally classed as a local application. As the application proceeded through validation and allocation, the Planning Department had considered that the application fell within the realms of a major application and subsequently sought legal advice. Following receipt of that legal advice, Mr Keane confirmed that the application had been reclassified as a major application, readvertised and the PACC was requested from the applicant.

Councillor Tinnelly queried Mr Stevens statement that the PAC should have been submitted with the original application and therefore the application was invalid.

Mr Keane quoted Article 3(3)(e) of the legislation of what must accompany an application:

“where the application relates to development belonging to the category of major development by a pre-application community consultation report”

Mr Keane confirmed that the legislation did not require this to be submitted at the outset of the application, and as per legal advice, the application had been readvertised and a PAC subsequently completed and submitted.

Councillor Tinnelly requested clarification on whether it was acceptable to add information to an application retrospectively based on legal advice, to which Mr Keane confirmed the process to date and that legal advice had determined it was appropriate to do so in this instance, however he was unable to speak for all applications as they were reviewed individually.

In advance of a further query from Councillor Tinnelly, Chairperson Councillor D Murphy noted that the debate appeared to be straying into the realms of legal matters and as such, it would be prudent to defer the item until such times as Ms Largey was available to advise on legal matters.

Councillor D Murphy then asked whether Members had any other questions on the application not relating to legal concerns and as there were no further questions, he proposed to defer the application.

Councillor Enright interjected to state that he had seconded Councillor Hanna's original proposal to defer the application, but he felt that he was not being allowed to enter the debate.

Councillor D Murphy reminded Councillor Enright that he had previously declared an interest in the application and had absented himself from the meeting held on 18 December 2024.

Councillor Enright then argued that other Members of the Committee had already expressed an opinion on the application and should not have been partaking in the debate, to which Councillor D Murphy advised Councillor Enright that those Members who had expressed an opinion on the item had declared an interest and were not within the Chamber reminding him that he should have also removed himself from the debate having already declared an interest in the item.

Councillor Hanna seconded Councillor D Murphy's proposal to defer the item.

Councillor Tinnelly requested that the legal advice from Belfast Legal Services be circulated to the Committee, as well as being placed on the portal.

Councillor D Murphy advised that this would be put to Legal Services.

Mr Rooney advised the Committee was getting into the remit of debating the legal advice received, which was not before Councillors, and not a debate for open session. He further advised that this issue had been noticed by the Planning Department some years ago and was therefore not a new issue, but that legal opinion had been sought and the issue remedied with no one being prejudiced on the matter. He reminded the Committee that they were free to make a decision on the application.

Councillor Feehan requested clarity regarding the application and whether it should have initially been submitted as a major application from the outset.

Mr Keane advised that was a matter for the applicant and what they had initially classed the application as local, further stating that a number of applications were submitted daily which fall to the Department to consider and process and once applications were reviewed, the issue unfolded as discussed today.

Councillor Feehan queried whether there was potentially an oversight of the application being classed as a local or a major application, to which Mr Keane advised that on review of the application the square footage of the application should have triggered a major application, stating again that the issue was raised and remedied when this was discovered.

After extensive debate and discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR: 6
 AGAINST: 0
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Hanna, it was agreed to defer planning application LA07/2023/2274/F.**

(2) LA07/2023/2800/O

On agenda as a result of the Call-In Process

Location:

Lands to the rear of Downpatrick Road Strangford, Co Down, BT30 7LZ

Proposal:

Detached dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, noting that a portion of the ground was to be cut from the residential curtilage associated with number 24 Downpatrick Road. She advised that the proposal lay within the settlement limit of Strangford and within the Lecale Area of Outstanding Natural Beauty (AONB) as designated within the Ards and North Down Area Plan.

Mrs Ferguson noted that permission had been sought and refused previously on the site, and although the notional layout differed from the previous, the Planning Department were of the opinion that the site context remained the same and an assessment of the proposal had concluded in no change in opinion. She confirmed that the indicative layout was deemed contrary to criteria A of Policy QD1 of PPS 7 as it would be at odds with the immediate area, and criteria C of QD1 as inadequate provision was made for private open space as an integral part of the development. She further outlined that the siting of the new dwelling within the garden of number 24 would result in a lack of privacy on occupants of both the existing and proposed developments.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, supported by the applicant Mr Cassidy. Mr Tumelty noted that the proposal was similar to dwellings in the area, with the application site also being of a similar size. He stressed his belief was the Planning Department had applied undue weight to the indicative layout, given that this was an outline application and any concerns could be dealt with at the reserved matters stage.

Following a query from Councillor Hanna regarding the application site, Mr Tumelty advised the outline application was within the red line boundary, and the indicative drawing had been copied from the previous application but could be addressed by an architect when the time came to discuss the design of the proposal.

Councillor Hanna queried the amenity space requirement as mentioned by Mrs Ferguson, noting that there did not appear to be much amenity space for the surrounding properties.

Mrs Ferguson advised that the Planning Department had to consider the proposal as submitted.

Councillor Campbell queried the main differences between this proposal and the previously refused application of 2021.

Mr Tumelty advised this proposal included the removal of the shed to allow for additional amenity space, and the proposed drawing was merely an indicative drawing of what could be accommodated on site as an architect had not yet been involved as this was an outline application.

Councillor Hanna proposed to overturn the application to an approval, noting that he believed that with the conditions delegated to ensure the right type of build there would be enough amenity space and with no objections being raised to the outline application, the application should be recommended for approval.

This was seconded by Councillor Enright.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Enright, it was agreed to issue an approval in respect of planning application LA07/2023/2800/O contrary to officer recommendation as contained in the Case Officer Report.**

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

Councillors Quinn and Rice joined the meeting during the above discussion.

(3) LA07/2023/3476/O

On agenda as a result of the Call-In Process

Location:

Lands between 12 and 20 (on private lane) off Raleagh Road, Crossgar

Proposal:

Proposed infill for 2 dwellings, garages and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, noting the relevant policies for consideration were CTY 1, 8, 13, 14 and 16 alongside NH1, 2 and 5, MAP2, BH11, and FLD 1 and 2, due to the environmental constraints and designations within and adjacent to the site. With regard to CTY8, Mrs Ferguson noted the Planning Department was mindful of the high court judgement that reinforced the inherent restrictive nature of CTY8.

Mrs Ferguson confirmed the application site was located within a substantial and continuously built up frontage and the application failed policy when the gap site was considered. She highlighted that the gap measured 157m, with the nearby dwellings having a plot width ranging from 50m to 62m to 78m, the gap site was capable of accommodating more than two dwellings, and therefore the CTY 8 exception clause was not met. This was further supported by Building on Tradition.

Mrs Ferguson further noted that the application failed CTY14 as any development of the site would be visually linked with the adjacent buildings at numbers 12 and 18 and would read as a ribbon of development, causing a detrimental change to the rural character of the area.

Speaking rights:In Support:

Mr William Wallace spoke in support of the application, stating that he believed that CTY8 was fully satisfied. He referenced Building on Tradition and stated that the frontages were compliant with the guidelines referenced within, stating that the proposed frontages were similar to that of the area. He further argued that previous appeal decisions had set a precedent in that frontages did not have to be similar if there was a range of eclectic frontages within the area.

Councillor Larkin queried whether any part of the tree line within the proposal would be retained, given that the Planning Department raised the concern regarding this possibility of a potential visual break. Mr Wallace advised that advice would be taken from an ecologist at the reserved matters stage.

Councillor Larkin further requested clarification on any changes between this and the previous application that had also been for an infill dwelling. Mr Wallace confirmed that the application was the same, however due to the timing of the previous application there was no time to complete a bat survey.

Councillor Larkin requested clarity on why the previous application had been approved under CTY8 yet refused under other planning policies but was not recommended for refusal under CTY8 for this application.

Mrs Ferguson noted that the previous application was some 6 years ago in 2019, and in light of the judicial review that reinforced the restrictive nature of CTY8 the application had been considered afresh and was not deemed to be contrary to CTY8.

Councillor Hanna proposed to overturn the application, stating that he believed CTY8 was satisfied in line with frontage requirements and the proposal would integrate into the area and therefore all other refusal reasons should fall. He further stated that flora and fauna should be conditioned in an attempt to retain the trees as mentioned.

This was seconded by Councillor Tinnelly.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Tinnelly, it was agreed to issue an approval in respect of planning application LA07/2023/3476/O contrary to officer recommendation as contained in the Case Officer Report.**

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

FOR NOTING

P/046/2025: COMMUNICATION FROM DFI REGARDING LA07/2023/2275/DCA

Read: Communication from DFI Regarding Notice of Opinion for LA07/2023/2275/DCA (**Copy circulated**)

AGREED: **It was agreed on the proposal of Councillor Campbell, seconded by Councillor Hanna, to note the communication.**

P/047/2025: COMMUNICATION FROM DFI REGARDING LA07/2023/2225/DCA

Read: Communication from DFI Regarding Notice of Opinion for LA07/2023/2225/DCA (**Copy Circulated**)

AGREED: **It was agreed on the proposal of Councillor Campbell, seconded by Councillor Hanna, to note the communication.**

P/048/2025: HISTORIC ACTION SHEET

Read: Historic action sheet for agreement (**Copy circulated**)

AGREED: **It was agreed on the proposal of Councillor Campbell, seconded by Councillor Hanna, to note the historic action sheet.**

There being no further business the meeting ended at 12.29pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 37.5% of decisions overturned

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0055/O	Target Date:
Proposal: Erection of a farm dwelling	Location: 20m SE of 15 Drummond Road Cullyhanna Newry BT35 0LN
Applicant Name and Address: Gary McCooley 15 Drummond Road Cullyhanna BT35 0LN	Agent Name and Address: Ryan Milligan 32A Bryansford Avenue Newcastle
Date of last Neighbour Notification:	3 April 2024
Date of Press Advertisement:	31 January 2024
ES Requested: No	
Representations: No objections or representations have been received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against all relevant planning policies and any relevant material considerations.	

Site Visit Report

Date of Site Visit: 30/08/2024

Characteristics of the Site and Area

The application site is located outside any settlement limits as defined within the Banbridge /Newry and Mourne Area Plan 2015.

The site is an area of agricultural land on the edge of the public road, the site is part of a large agricultural field. The site slopes quite steeply from the road edge to the north east, the site then becomes relatively flat in the north eastern portion. The roadside boundary and boundary with No 15 are defined by mature hedges, the remaining boundaries are undefined. The site is adjacent to No 15 a modest detached dwelling, adjacent and west of No 15 a few agricultural buildings are set within a small farm yard, the buildings and No 15 form the farm holding.

The site is located within a rural area, although there are a few other properties in close proximity to the site the character of the area remains rural at present.

Description of Proposal

Erection of a farm dwelling.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

PLANNING HISTORY

No relevant planning history on the application site.

CONSULTATIONS

NI Water – No objections.

DFI Roads – No objection.

DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for each of the last 6 years.

NIEA (Water Management Unit) – No objections raised, the response refers to standing advice.

REPRESENTATIONS

The application was advertised on 31/01/2024, two neighbours were notified on 17/03/2023, no representations or objections have been received.

EVALUATION**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in each of the last 6 years. The proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed of, the Council are content from the information available that no development opportunities have been disposed of from the holding and so the proposal meets criteria CTY10b.

The application site is located adjacent and east of associated farm buildings which form the farm holding, it is considered that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm given the existing buildings adjacent to the site. The proposal meets CTY10c in that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm. Policy states that access should be from an existing lane, an existing lane does not provide access to the site, any access points are off the public road with the closest being a residential access to No 15, it would not be considered feasible to provide access to the site via No 15 as this would have an unacceptable impact on the amenity of No

15, in this case there is no suitable existing access to be utilised for the proposed development.

The principle of a dwelling under CTY 10 is considered acceptable given that all criterion are met, policy CTY10 does however state that other relevant policy must be met including CTY13 and CTY14.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

(a) it is a prominent feature in the landscape; or

When travelling west along the public road the site sits on the edge of the road, a section of the roadside boundary will be removed to allow access with the remaining roadside hedge offering little minimal screening to the site. The site is roadside however given the sloping nature of the site it is considered that a modest dwelling located on the lower section of the site could be designed and positioned to ensure it is not prominent.

(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; or

The site is very open due to a lack of established natural boundaries with the result being that a suitable degree of enclosure is not provided to allow a dwelling to integrate. Although when travelling east along the public road the existing buildings on the farm holding will screen the site the opposite will be evident when travelling west as any dwelling on the site will be open to views given the lack of existing natural boundaries and so will not integrate.

(c) it relies primarily on the use of new landscaping for integration; or

As outlined above the application site lacks established natural boundaries, to allow any dwelling to integrate the site would rely primarily on the use of significant new landscaping.

(d) ancillary works do not integrate with their surroundings; or

Ancillary works would be in the form of a new access, it is considered that a sympathetic access including driveway could be designed in a way that would not visually impact on the character of the area, this would be subject to good design on the part of the applicant / agent.

(e) the design of the building is inappropriate for the site and its locality; or

This is an outline application and as such design details are not provided, it is considered that with the including of conditions such as a ridge height restriction to reflect the

adjacent single storey properties a suitable designed building appropriate to the site and locality could be provided.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

Design details are limited at this stage, again it is considered that a suitably designed dwelling could blend with the landform including the sloping nature of the site.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As previously outlined it is considered that a dwelling on this site would be visually linked and sited to cluster with an established group of buildings on the farm.

For the reasons outlined above the proposal is considered to fail criterion b and c, this is due to the site lacking established boundaries that would allow a dwelling to integrate. Any dwelling would be a prominent feature and would require new boundaries to allow integration.

CTY14

CTY 14 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 the area.

A new building will be unacceptable where

(A) It is unduly prominent in the landscape; or

As outlined within the consideration of CTY13 a modest well-designed dwelling could be positioned in the lower area of the site to ensure it is not prominent in the landscape.

(B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or

The site is adjacent to No 15 and associated farm building, when viewed along with these buildings the proposal would result in a suburban style build-up of development. No 15 and the adjacent farm buildings have separate vehicle entrances, the proposed development would see the creation of a further new access, this would further result in a suburban style of development with the cumulative appearance of vehicle accesses.

(C) It does not respect the traditional pattern of settlement exhibited in that area; or

The traditional pattern of development in the vicinity are detached dwellings close to the road edge, the proposal would respect the traditional pattern exhibited in the area.

(D) It creates or adds to a ribbon of development; or

The position of the application site adjacent to No 15 which has a frontage to the road and associated farm buildings which have frontage to the road would add to a ribbon of development along Drummond Road. The site is not considered to be an infill opportunity under CTY8 as it is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

The agent for the application was advised that the Planning Department had concerns that the proposal would add to ribbon development along the public road.

The agent responded that the potential of contributing to ribbon development in association with farm buildings should be evaluated under the principles of CTY10 in conjunction with CTY8. Their response referred to appeal 2019/A0016 where the commissioner established that while the proposal technically contravened Policy CTY8 by contributing to ribbon development along a common frontage, the overriding considerations of Policy CTY10 namely clustering and preserving rural character must also be taken into account. The commissioner also outlined that the proposal would not lead to a detrimental change or erosion of the rural character, as its design and positioning are consistent with the established group of buildings.

Although the Planning Department acknowledge the comments within the above appeal decision it is also noted that this is one appeal decision made by a single commissioner and as such this does not remove the need for applications to adhere to policies CTY 13 and 14 as is clearly outlined as part of CTY10.

A more recent PAC decision 2022/A0114 which is very similar to this case with the site being on the road edge adjacent to farm dwelling and associated farm buildings. The commissioner in this case takes a different view when considering a proposed farm dwelling against CTY14.

The PAC decision states in paragraph 15,

"Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained."

A further example of a decision taken within a PAC decision is within appeal 2019/A0184 which states in paragraph 14,

"Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Compliance with policy CTY10 does not provide an exemption from compliance with other policies. CTY10 refers to the need for a proposal to meet the tests of policies CTY13 and CTY14 and the latter states that development creating ribbon development will be unacceptable. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding."

The Planning Department have considered the information submitted by the agent, however it is still considered that the proposed development will add to a ribbon of development and is contrary to policy.

(E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The main ancillary works would relate to a new access, as such the ancillary works would not damage the rural character.

For the reasons outlined above it is considered that the proposal fails to comply with policy criterion b and d. The proposal would be unduly prominent, result in a suburban style build up and add to a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Neighbour Amenity

A dwelling within the site will not result in an unacceptable impact on any surrounding properties outside the farm holding given the separation distance.

CTY16

Any approval would require the inclusion of negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.

PPS2

The proposal would not result in a significant area of mature vegetation being removed with part of the roadside hedge needing removed to provide a new access. Any new dwelling would include the planting of new boundaries which would benefit biodiversity in the area, it is considered that the proposal would not have a detrimental impact on biodiversity.

Neighbour Notification Checked	Yes
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Summary of Recommendation

The application has been considered against relevant planning policies along with material considerations and for the reasons outlined would be considered unacceptable.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, if permitted, it would add to ribbon development along Drummond Road and does not represent an exception to policy
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for buildings to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would 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 Signature: Wayne Donaldson

Date: 25th March 2025

Appointed Officer Signature: M Fitzpatrick

Date: 26.03.2025

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0891/F	Target Date:
Proposal: Proposed Farm Dwelling and Detached Garage with all associated landscaping and site works	Location: Lands approx. 25m North (West) of 52 Tullymacreeve Road, Mullaghbawn, Newry, BT35 9RE
Applicant Name and Address: Noel Murphy 52 Tullymacreeve Road Mullaghbawn Newry BT35 9RE	Agent Name and Address: Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2AY
Date of last Neighbour Notification:	5 February 2025
Date of Press Advertisement:	4 September 2024
ES Requested: No	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against all relevant planning policies and any relevant material considerations.	

Site Visit Report

Characteristics of the Site and Area

The application site is located outside any settlement limits, as designated in the Banbridge/ Newry and Mourne Area Plan 2015. It lies within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). The area is rural in nature. The residential pattern is characterised mainly by single detached dwellings and agricultural buildings.

The proposed site is an agricultural field and is accessed off the Tullymacreeve Road. It is located to the north of 52 Tullymacreeve Road, Mullaghbawn, a agricultural building is also set to the south of the site. The site slopes gently to the northern boundary which is defined by mature trees and hedges.

Description of Proposal

Proposed Farm Dwelling and Detached Garage with all associated landscaping and site works.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

PLANNING HISTORY

Application Number: LA07/2023/2389/O Decision: Permission Refused Decision Date: 04 March 2024. Proposal: Proposed 1.5 storey farm dwelling and detached garage with all associated landscaping and site works

CONSULTATIONS

NI Water – No objections.

DFI Roads – No objection.

DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for 5 of the last 6 years. The response for previous application LA07/2023/2389/O stated that payments had been claimed for the previous 6 years.

NIEA (Water Management Unit) – No objections raised; the response refers to standing advice.

REPRESENTATIONS

The application was advertised on 04/09/2024, five neighbours were notified on 22/01/2025, no representations or objections have been received.

EVALUATION

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in 5 of the last 6 years. Taking into consideration the response received and the previous response for LA07/2023/2389/O it is seen that the proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed of, the Council are content from the information available that no development opportunities have been disposed of from the holding and so the proposal meets criteria CTY10b.

The application site is located adjacent and north of associated farm buildings which form the farm holding, it is considered that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm given the existing buildings adjacent to the site. The proposal meets CTY10c in that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm. Policy states that access should be from an existing lane, an existing lane does not provide access to the site, any access points are off the public road with the closest

being a residential access to No 52, it would not be considered feasible to provide access to the site via No 52 as this would have an unacceptable impact on the amenity of No 52, in this case there is no suitable existing access to be utilised for the proposed development.

The principle of a dwelling under CTY 10 is considered acceptable given that all criterion are met, policy CTY10 does however state that other relevant policy must be met including CTY13 and CTY14.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

(a) it is a prominent feature in the landscape; or

When travelling along the public road the site sits on the edge of the road, a section of the roadside boundary will be removed to allow for a new access. The site has a mature northern boundary with trees and hedges providing screening of the site when travelling south, the curve in the road and existing development results in views of the site when travelling north being quite limited. The proposal is for a one and a half storey dwelling set back from the road edge, it is not considered that the proposal will be a prominent feature in the landscape.

(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; or

The site has a mature northern boundary which provides screening and will help integrate any proposed dwelling. It is considered that the proposed dwelling will integrate into the landscape due to existing vegetation, the curve of the public road and surrounding development.

(c) it relies primarily on the use of new landscaping for integration; or

The proposal does not rely on new landscaping for integration, as stated the proposal will integrate into the landscape.

(d) ancillary works do not integrate with their surroundings; or

Ancillary works would be in the form of a new access, it is considered that the new access will integrate with the surroundings.

(e) the design of the building is inappropriate for the site and its locality; or

The proposed dwelling is to be one and a half storey in design, the design is quite modern. The proposed design includes two main living areas with a central link, initially the Planning Department had some concerns with the design and had requested that

the design be simplified. The agent has provided supporting information with regards to the contemporary design and highlighted a similar dwelling design approved under LA07/2017/0146/RM, this property is located south of the application site on the edge of the public road. Given the similar house type in close proximity the proposed modern house type is seen as acceptable in this specific case.

The submitted layout drawing shows acceptable access and parking along with a sufficient garden area, proposed boundary treatments are also shown on the layout plan. It is considered that the design, appearance and layout of the proposal are acceptable and will not result in a detrimental impact on the character of the area, the proposed dwelling is seen to draw from examples within Building on Tradition.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The proposal is of a design that will blend with the surrounding area including adjacent dwelling and farm building.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As previously outlined it is considered that a dwelling on this site would be visually linked and sited to cluster with an established group of buildings on the farm.

The proposal is considered to be in line with Policy CTY13 as outlined above.

CTY14

CTY 14 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 the area.

A new building will be unacceptable where

(A) It is unduly prominent in the landscape; or

As outlined within the consideration of CTY13 the proposed dwelling will not be prominent in the landscape.

(B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or

The site is adjacent to No 52 and associated farm building, when viewed along with these buildings the proposal would result in a suburban style build-up of development.

(C) It does not respect the traditional pattern of settlement exhibited in that area; or

The traditional pattern of development in the vicinity are detached dwellings close to the road edge, the proposal would respect the traditional pattern exhibited in the area.

(D) It creates or adds to a ribbon of development; or

The position of the application site adjacent to No 52 and associated farm building along with existing development further south would create a linear form of development and therefore create a ribbon of development along Tullymacrieve Road which is contrary to the requirements of CTY8 and CTY14. The site is not considered to be an infill opportunity under CTY8 as it is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

The agent for the application was advised that the Planning Department had concerns that the proposal would create a ribbon development along the public road.

Comments received from the agent did not directly address the concerns with ribbon development but instead looked to establish that the proposal would integrate.

As previously stated there is a need for applications to adhere to policies CTY 13 and 14 as is clearly outlined as part of CTY10.

PAC decision 2022/A0114 states in paragraph 15,

"Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained."

A further example of a decision taken within a PAC decision is within appeal 2019/A0184 which states in paragraph 14,

"Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Compliance with policy CTY10 does not provide an exemption from compliance with other policies. CTY10 refers to the need for a proposal to meet the tests of policies CTY13 and CTY14 and the latter states that development creating ribbon development will be unacceptable. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding."

The Planning Department have considered the information submitted by the agent, however it is still considered that the proposed development will add to a ribbon of development and is contrary to policy.

(E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The main ancillary works would relate to a new access, as such the ancillary works would not damage the rural character.

For the reasons outlined above it is considered that the proposal fails to comply with policy criterion b and d. The proposal would result in a suburban style build up and add to a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Neighbour Amenity

The proposed dwelling will not result in an unacceptable impact on any surrounding properties outside the farm holding given the separation distance.

CTY16

Any approval would require the inclusion of negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.

PPS2

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB, it is considered that the proposed dwelling is of design and layout that will respect the character of the AONB.

The proposal will not result in a significant area of mature vegetation being removed with part of the roadside hedge needing removed to provide a new access. The proposed dwelling will include the retention of mature vegetation and the planting of new boundaries which would benefit biodiversity in the area, it is considered that the proposal would not have a detrimental impact on biodiversity.

Neighbour Notification Checked	Yes
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Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in

the Countryside in that, if permitted, it would add to ribbon development along Drummond Road and does not represent an exception to policy

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would 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 Signature: W Donaldson

Date: 16/04/2025

Appointed Officer Signature: Maria Fitzpatrick

Date: 28/04/2025

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/3277/F	Target Date:
Proposal: Farm dwelling & attached carport	Location: 285M NORTH OF 40 BALLYHORNAN ROAD DOWNPATRICK DOWN BT30 6RH
Applicant Name and Address: Thomas Turley 11 STRUELL WELLS ROAD STRUELL DOWNPATRICK DOWN BT30 6RL	Agent Name and Address: Brigin Byrne 24 BALLYCLANDER ROAD BALLYCLANDER UPPER DOWNPATRICK DOWN BT30 7DZ
Date of last Neighbour Notification:	2 March 2024
Date of Press Advertisement:	4 October 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • Northern Ireland Water (NIW) • DfI Roads • NMDDC Environmental Health • DAERA 	
Representations: 40 BALLYHORNAN ROAD	
Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none"> • Concerns raised about ownership and visibility splays 	

Site Visit Report

Site Location Plan:



Date of Site Visit: 7th October 2024

Characteristics of the Site and Area

The site is comprised of a 0.65 hectare portion of land north of Nos 38 and 40 Ballyhornan Road Downpatrick. The site is located on elevated land accessed via a private lane serving farm buildings. A plateau area has been cut out of the surrounding rock, creating an open flat space within which the proposed dwelling is to be sited.

The boundaries of the site are comprised of gorse hedges to the south, west and north with the eastern boundary open along its southern portion with more mature hedges and a few trees to its northern section.



The area is rural in character and predominantly agricultural in use. A number of detached single dwellings and farm holdings are dispersed throughout the area. The landscape is typically drumlin in form.

The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015.

Description of Proposal

Farm dwelling & attached carport

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

Application Number: R/1981/0666
 Proposal: REPLACEMENT BUNGALOW
 Decision: Permission Granted
 Decision Date: 22 January 1982

Application Number: R/1989/0320
 Proposal: 2 Offices
 Decision: Permission Granted
 Decision Date: 27 June 1989

Application Number: R/1997/0628
 Proposal: Extension to office accommodation
 Decision: Permission Granted

Decision Date: 22 September 1997

Application Number: R/2005/1452/F

Proposal: Proposed extension to office accommodation

Decision: Permission Granted

Decision Date: 11 February 2006

Application Number: LA07/2019/1697/O

Proposal: Farm dwelling and garage

Decision: Withdrawal

Decision Date: 23 November 2020

Application Number: LA07/2020/1843/F

Proposal: Retention of existing agricultural shed for wintering cattle

Decision: Permission Granted

Decision Date: 20 December 2021

Application Number: LA07/2021/1097/F

Proposal: Demolition of the Existing single Storey office Unit and Construction of a Replacement Office Unit and associated Car Parking spaces on the existing concrete forecourt.

Decision: Permission Granted

Decision Date: 21 March 2022

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application form
- P1c Form
- Design and Access Statement
- Supporting Statement
- Farm Maps
- Site Location Plan
- Access Details
- Site Layout
- Elevations and Floor Plans

CONSULTATIONS

Consultations were carried out with the following bodies

- DFI Roads
- DAERA
- Northern Ireland Water (NIW)
- Environmental Health

REPRESENTATIONS

Owner / Occupier of 40 Ballyhorman Road, has raised concerns about landownership and visibility splays.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 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 Ards and Down Area Plan 2015 as the Council has not

yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks full planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion, it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has not revealed any history for this farm holding other than listed above in the planning history. The proposal therefore complies with Criteria B.

In consideration of Criteria C the proposed dwelling is to be sited north of the applicants' farm buildings circled below.



When travelling along the lane serving the site and buildings the proposed development site appears detached from those buildings given its position beyond the area of gorse between the site and the buildings. The site does not therefore readily appear visually linked or sited to cluster with established buildings, however, it is necessary to travel past these buildings to get to the site. Further to this the site can be read in conjunction with the established buildings when viewed from surrounding roads. While there may be other locations along this lane whereby a dwelling would more readily group with the existing buildings, officers consider a refusal based on this criterion could not be sustained..

The site is considered to be visually linked or sited to cluster with established buildings on the farm.

CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13 – Integration and Design of Buildings in the Countryside

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (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; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

Given the elevated nature of the site, officers consider the site to be prominent in the landscape. The site occupies a position at the top of a sloping landscape, whereby, an area of land has been cut and excavated of rock creating a flat site as pictured above. The applicant has submitted drawings, including levels which indicate to officers that the proposed dwelling, if permitted, will break the skyline. Drawing No 53/A1/03 details the finished ground level of the proposed dwelling to be 11.65, with a maximum ridge height of 19.76. The lands to the rear of the dwelling are shown to be tiered with a maximum level of 14.54. The lands beyond this garden and to the west of the site are shown to have a maximum height of no more than 18.66 (as per the elevational drawing). This would result the roof of the dwelling devoid of backdrop and thereby breaking the skyline.

Officers acknowledge that views will be limited to short distances along Ballyhornan and Slievegrane Roads, however, their briefness would not out-weigh the detrimental impact such siting would have on the rural character of the area. On this basis the application will be recommended for refusal.

In terms of, design, while the dwelling is traditional in form and has good solid to void ratio along with appropriate materials, the proposed height is considered unacceptable for the chosen site. Its two-storey nature on an elevated portion of land is not appropriate for the site or locality a lower elevation dwelling may have avoided this issue and enabled a dwelling to integrate into this difficult landscape more successfully.

Officers note that in assessment of the previous application for a farm dwelling on this site, the case officer stated that *"The proposal would satisfy the requirements of criteria Policy CTY 13 of PPS 21, subject to conditions being attached in relation to ridge height and levels of under build permitted"*. This clearly suggests to current officers that there is concern about the levels of the site and care will have to be taken to ensure any dwelling integrates successfully. The proposal before the Planning Authority in this application has not taken note of that and the application will also be recommended for refusal on grounds of design.

CTY14 – 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.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

In assessment of this policy and further to that discussed in CTY 13, the Planning Authority consider that the proposal does not comply satisfactorily with CTY 14, given it would be unduly prominent in the landscape as discussed above.

Further to this, officers consider that the proposal would if permitted result in ribbon development. Policy CTY 8 clarifies that a ribbon does not necessarily have to be severed by individual accesses not have a continuous or uniform building lines. Buildings sited back, staggered or at angles with gaps between can represent ribbon if they have a common frontage or they are visually linked.

In this case the site shares a common frontage with the agricultural buildings to the south. While there are gaps between the buildings and the site, the linear positioning of the proposed dwelling in relation to the agricultural buildings, with which it seeks to cluster, would result in the creation of ribbon development along the lane which serves the site.

Creation of ribbon development is detrimental to rural character and continues to be resisted. While the proposal may visually link with buildings on the farm and thereby comply with the criteria of CTY 10, such compliance, does not permit the creation of ribbon development. Determining weight cannot be given to the compliance of CTY 10 when the proposal will have a detrimental impact on rural character, on these grounds the proposal must also be recommended for refusal.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. The site is located 6 miles from Strangford Lough ASSI and SPA. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species / habitat, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that;

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it does not comply satisfactorily with the requirements of Policy NH 6. As discussed above, the two-storey nature of the dwelling on this elevated site has not provided a scheme which in terms of siting and scale is sympathetic / appropriate for the character of the AONB. For this reason the proposal will also be refused.

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to the 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 the SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development.
3. The proposal is contrary to the SPPS and Criteria (a) of CTY13 Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted be a prominent feature in the landscape and Criteria (e) in that the design of the dwelling is inappropriate for the site and its locality.
4. The proposal is contrary to the 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 the Area of Outstanding Natural Beauty in general and of the particular locality

Case Officer Signature: C COONEY

Date: 6 December 2024

Appointed Officer: A.McAlarney
Date: 19 December 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Addendum to Case Officers Report

LA07/2023/3277/F

Farm Dwelling

285M NORTH OF 40 BALLYHORNAN ROAD DOWNPATRICK

This application was recommended for refusal by case officers on 19.12.2024 on the grounds that it was contrary to the SPPS and Policies CTY 1, 8, 13 and 14 of PPS 21 and Policy NH 6 of PPS 2.

The application appeared on the delegated list week commencing 20th January 2025 and was subsequently Called In and actioned to Committee.

The proposal however, was removed from the Agenda of the March Planning Committee to enable officers to further consider the representation made by the neighbouring property at No 40 Ballyhornan Road.

This neighbour raised issues regarding the safety of the proposed access and use of his land for visibility splays. He furnished the Planning Department with copies of maps showing the ownership of his land. These plans do indicate that the visibility splays to be used by the applicant in this current application are within the ownership of the neighbouring property.

As such the Planning Authority requested that the applicant amend their ownership certificate from a signed certificate A to C ensuring that all relevant owners of the required splays were notified of the proposal. The agent subsequently served notice on Nos 34, 36 38 and 40 Ballyhornan Road on 13.03.25.

In assessment of the access proposed, officers consulted with DfI Roads, who advised in their consultation response of 22nd July 2024 that they would offer no objections to the proposal subject to conditions that the vehicular access, including visibility splays and forward sight distance are provided in accordance with the approved drawings **PRIOR TO THE COMMENCEMENT OF DEVELOPMENT.**

It follows therefore in the event of an approval, the developer / applicant will be required to put in place the necessary access, splays etc prior to commencing the development of the dwelling. Planning permission would not confer title, therefore, the developer/applicant must have control / permission from the relevant owner of the land required for the access and splays to do so.

During this period of deferral the applicant also submitted amended drawings of the proposed dwelling. These drawings are those uploaded to the portal 19th March 2023. The drawings show a reduced pitch to the dwelling and a reduction in the ridge height of 0.5m (7.8m to 7.3m) as shown below.



Officers also note that gorse vegetation has been shown to rear of the amended drawings, which attempts to convey the dwelling will have a backdrop of vegetation.

Officer do not consider this to be the case. The dwelling is to be positioned on an elevated site which will be apparent in the local landscape when travelling along adjacent roads in the vicinity. Its elevated and exposed nature will mean that any dwelling exceeding single storey will be conspicuous in the landscape and officers are not persuaded by the submitted amendments to change opinion in this regard.

The proposal remains unacceptable in principle and with regard to the issues of ribbon development, integration and rural character as set out in the case officers report.

Recommendation : REFUSAL

The refusal reasons are repeated below for the convenience of readers.

1. The proposal is contrary to the 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 the SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development.
3. The proposal is contrary to the SPPS and Criteria (a) of CTY13 Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted be a prominent feature in the landscape and Criteria (e) in that the design of the dwelling is inappropriate for the site and its locality.
4. The proposal is contrary to the 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 the Area of Outstanding Natural Beauty in general and of the particular locality

Case Officer: C Cooney

Date 18.04.25

Authorised Officer:

Date:

Delegated Application

Development Management Officer Report																																					
Case Officer: Richard McMullan																																					
Application ID: LA07/2024/0307/F	Target Date:																																				
Proposal: Proposed Dwelling and Garage	Location: 6 Church Road, Kilmore Crossgar BT30 9BQ																																				
Applicant Name and Address: McClements Construction Ltd	Agent Name and Address: Tumelty Planning Services 11 Ballyalton Park, Downpatrick, BT30 7BT																																				
Date of last Neighbour Notification:	20 th August 2024																																				
Date of Press Advertisement:	1st May 2024																																				
ES Requested: No																																					
Consultations: NI Water-No objections DFI Roads-No objections NIEA NED-Standing Advice																																					
Representations: Application advertised in local press, 1 st May 2024 & neighbours as below notified:																																					
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7	Occupier	6A KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024																																		
8	Occupier	8 KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024																																		
To date, 18 th April 2025 no objections received.																																					
Letters of Support	0.0																																				
Letters of Objection	0.0																																				
Petitions	0.0																																				
Signatures	0.0																																				
Number of Petitions of Objection and signatures																																					
Summary of Issues:																																					

Assessment against prevailing planning policy considering consultation responses received. Principle of development, design, density, pattern, visual impact, overlooking, dominance, overshadowing, access, ecology etc.

Site Visit Report

Site Location Plan:



Date of Site Visit: 6th March 2025

Characteristics of the Site and Area



View adjacent to 6 Church Road

This site is located upon the northern side of Church Road, Kilmore to the northwest of its junction with the Kilmore and Teconnaught Roads. It consists of what appears to have been the former front garden area of no. 6 Church Road. It is irregular in shape and has an area of approx. 0.1h. Its topography is noted to fall in an east/south eastern direction. Site boundaries are defined via in situ hedging and semi mature trees. A

metal fence is noted defining the northern boundary of the site adjacent to no. 6 Church Road. An existing access is noted serving the site adjacent to the access point of no. 6 Church Road.



View from Church road



Internal site pictures

The area in which the site is located is noted to be residential in nature. Abutting the site dwellings set within mostly generous plots are noted (single storey and with one 1.5 storey dwelling noted). Beyond the development noted abutting the site residential dwellings with a higher density are noted (Church Lane & along the Kilmore Road).

Description of Proposal

Proposed Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

Site within defined settlement limits of Kilmore upon white unzoned lands (Ards and Down Area Plan 2015)

PLANNING HISTORY

Planning Application Number: R/1976/0476

Decision: Permission Granted

Decision Date: 15 September 1976

Proposal: EXTENSION AND ALTERATION

Application Number: R/2001/0226/F

Decision: Permission Granted

Decision Date: 08 May 2001

Proposal: Domestic Garage and Boat Shed.

Application Number: R/2007/0928/F

Decision: Withdrawal

Decision Date: 28 September 2009

Proposal: Replacement dwelling.

Application Number: LA07/2020/0111/F

Decision: Permission Granted

Decision Date: 22 May 2020

Proposal: Extension to dwelling

Application Number: LA07/2022/0338/O

Decision: Application Invalid

Decision Date: 11 April 2022

Proposal: 6 Houses

SUPPORTING DOCUMENTS

P1 application form

Drawings

Design and Access Statement/Design Concept Statement

NI. Biodiversity Checklist (Ayre Environmental Consulting Ltd)

CONSULTATIONS

NI Water-No objections

DFI Roads-No objections

NIEA NED-Standing Advice

REPRESENTATIONS

Application advertised in local press, 1st May 2024 & neighbours as below notified:

Item	Name	Address	Sent Date
1	Occupier	2 CHURCH ROAD KILMORE CROSSGAR BT30 9HR	06/08/2024
2	Occupier	2 KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024
3	Occupier	4 CHURCH ROAD KILMORE CROSSGAR BT30 9HR	06/08/2024
4	Occupier	4 KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024
5	Occupier	5 CHURCH ROAD KILMORE CROSSGAR BT30 9BQ	06/08/2024
6	Occupier	6 KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024
7	Occupier	6A KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024
8	Occupier	8 KILMORE VILLAGE KILMORE CROSSGAR BT30 9HP	06/08/2024

To date, 18th April 2025 no objections received.

EVALUATION

SPPS

Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development.

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

Planning Policy Statement 2 Natural Heritage

Policy NH 1 - European and Ramsar Sites - International

Policy NH 2 - Species Protected by Law

Policy NH 3 - Sites of Nature Conservation Importance – National

Policy NH 4 - Sites of Nature Conservation Importance – Local

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking

Policy AMP 2

Access to Public Roads

Policy AMP 7

Car Parking and Servicing Arrangements

Planning Policy Statement 7 (PPS 7) Quality Residential Environments

Policy QD 1

Quality in New Residential Development

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

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.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

All proposals for residential development will be expected to conform to all of the following criteria:

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) adequate and appropriate provision is made for parking;
- (g) the design of the development draws upon the best local traditions of form, materials and detailing;

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

(i) the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

Policy QD 2

Design Concept Statements, Concept Master Plans and Comprehensive Planning

The Department will require the submission of a **Design Concept Statement**, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.

Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land identified for residential use in a development plan.

For small housing schemes outside sensitive locations, involving the development of a site of up to 0.25 of a hectare or 5 dwellings or less, a short written statement and a diagrammatic layout will generally suffice.

Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas.

Policy LC 1

Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or 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.

Principle



Elevations



Site layout

Planning Policy Statement 7 (PPS 7) Quality Residential Environments

Policy QD 1

Quality in New Residential Development

This application seeks to provide a dwelling and garage adjacent to 6 Church Road, Kilmore. It is noted that the site falls within the defined settlement limits of Kilmore as per the Ards and Down Area Plan 2015. The proposed dwelling is noted to be two storeys having a ridge height of 7.6m and a footprint (main body of dwelling) measuring 11.8m x 9.6 m (113.28m.sq). A small sub-ordinate side return is also noted. The dwelling is to be finished with black roof slates, black upvc windows and smooth rendered walls (white). A detached sub-ordinate garage is also proposed similar in style and finishes to that of the dwelling.

In turn the merits of this application as submitted shall be assessed against prevailing planning policy.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The site is noted to be located within the urban footprint of Kilmore. Adjacent dwellings noted are seen to comprise of several mainly single storey and 1.5 storey dwellings set within quite large plots as follows:



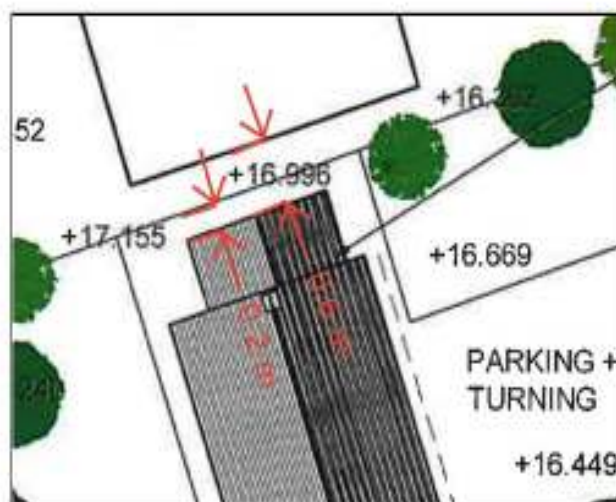
Original Plot sizes.



Proposed plots (0.2h, 0.1h & 0.1h)

This site is seen consist of the former garden area of no. 6 Church Road, Kilmore. As proposed it is considered that the introduction of a 2-storey dwelling within the proposed site would not respect the surrounding residential context. It is considered that it would not be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and its appearance.

This application in essence seeks to provide one of 2 dwellings within the overall site (future development annotated upon site layout drawing), which it is considered would be unacceptable. Considering the local noted context the provision of one dwelling within the overall site, may be acceptable.



Siting

The siting of the proposed dwelling being 0.2m away from the in situ common boundary with no. 6 Church Road and 0.6m away from its side wall (and associated windows) coupled with the 2-storey design as proposed would be unacceptable and contrary to point (a) of PPS 7, representing overdevelopment of the site. Landscaped and hard surfaced area proposed would be acceptable.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

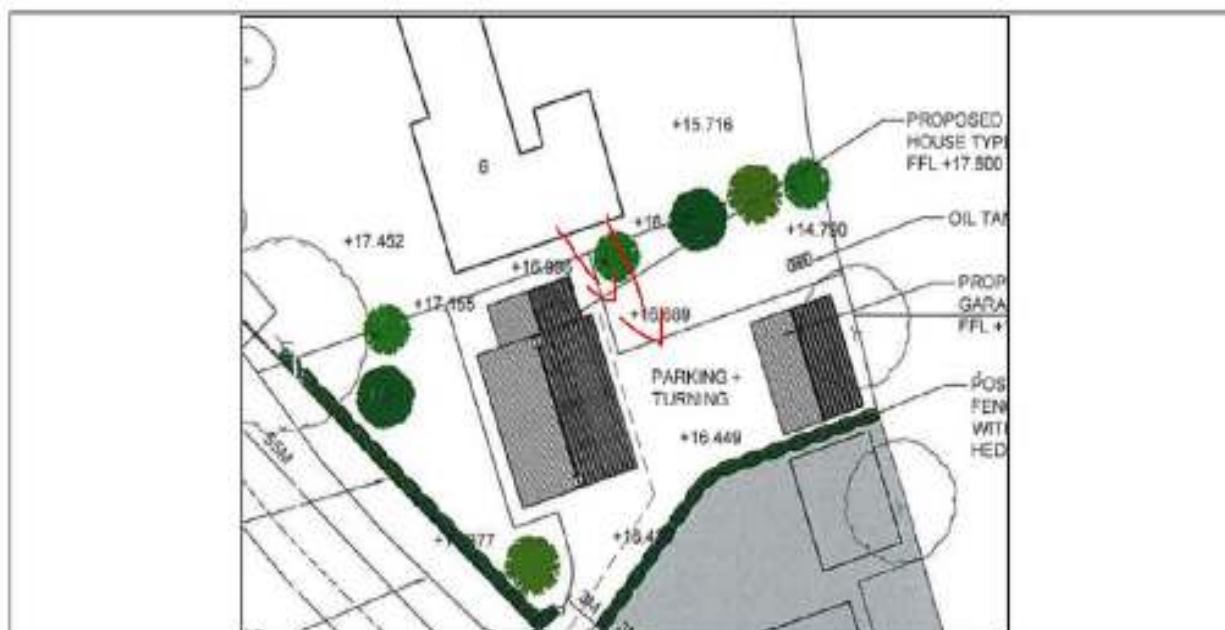
No features of archaeological and or built heritage are noted within the site or within the local area adjacent to it. No landscape features of note are located within the site. In situ site boundary's are noted and can be retained via condition.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The proposed development because of its siting/density/proximity to no. 6 Church Road would not be able to provide a suitable degree of private open space. While approx.. 190m.sq of space is to be provided it would be overlooked directly from windows noted within no. 6 Church Road with inadequate separation distances provided to negate the impacts of same as below:



Side windows overlooking proposed rear amenity space.



Overlooking concerns

As a result, the development is contrary to the requirements of this section of PPS 7. It is noted that landscaping as proposed along site boundaries etc. will soften the visual impact of the development and assist with its integration with the surrounding area.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Given the scale and nature of the development as proposed it is considered that this section of policy would not apply. The development seeks to provide one dwelling within the defined settlement limits of Kilmore, not a housing scheme that would be seen to require to provide additional facilities etc.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

This site is seen to be located within the urban footprint of Kilmore. It is within walking distance of local existing public footpaths, roadways and public transport etc. Occupants can walk and cycle to and from the site if desired. The topography of the site & proposed layout/design is noted and consequently, access can be gained by disabled users/occupants if required. No impacts upon any public rights of ways shall arise.

(f) adequate and appropriate provision is made for parking;

Adequate space shall be provided for the parking and manoeuvring of vehicles within the site including the provision of a garage etc. It is noted that DFI Roads have outlined that they have no objections to the development also.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

It is considered that the design of the dwelling, being a full two storey proposal does not draw upon the best local traditions of form and detailing. The local context abutting the site, is defined mainly via single storey and 1.5 storey dwellings and it is considered that the introduction of a two-storey dwelling as proposed would not respect same. This would be contrary to this section of policy. Proposed finishes and detailing would be acceptable.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

It is considered that the design, layout and siting of the development as proposed would be unacceptable in respect of impacts that would arise regarding no. 6 Church Road. The development as proposed it is considered would lead to issues of concern in respect of **light loss & dominance** in respect of no. 6 Church Road given the proximity of the proposal to same.

An assessment of the house design as proposed shows that no side windows are proposed that will face no. 6 Church Road, therefore no overlooking issues of concern shall arise. Windows proposed facing the annotated 'future development' would overlook the front of this property. Adequate separation distances would exist to negate and concerns in respect of proposed rear windows and established properties to the east of the site. No issues of concern regarding noise or other disturbance would arise. It is considered that no issues of concern in respect of overshadowing of in situ rear amenity space associated with no. 6 Church Road shall arise given the relationship noted between the proposal and 6 Church Road in conjunction with the suns path etc.

(i) the development is designed to deter crime and promote personal safety.

The proposal is in keeping with the requirements of the above policy. Existing site boundaries in conjunction with proposed new ones would provide for a secure development.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

Policy QD 2**Design Concept Statements, Concept Master Plans and Comprehensive Planning**

A small design and access statement/DCS has been provided for consideration.

Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas.**Policy LC 1****Protecting Local Character, Environmental Quality and Residential Amenity**

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or 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.

The size of a home is a key factor in defining who can live there and how they use the property, and this will be particularly important in terms of protecting the character of established residential areas. Whilst a mixture of different types and sizes of houses (including apartments and townhouses) can assist in the creation of balanced communities, it is critical that all new housing units are sufficiently spacious, particularly if they are to prove attractive to families with children on a long-term basis. In recent years, possibly in response to the sharp increases in the cost of development land and property values, there has been an unwelcome trend from some developers towards provision of dwelling units of particularly limited internal floor areas. The Department/Council expects developers to provide adequately sized dwelling units.

It is noted that it is considered that the development as proposed is not in keeping with the requirements of Policy QD 1 of PPS 7.

In turn assessment against policy LC1 of the addendum to PPS 7 is engaged. This proposal seeks to add a new dwelling and garage into what was the garden area associated with no. 6 Church Road. Its submission overall is noted to leave open the

potential for 2 dwellings in total as per the submitted site layout drawing provided which is annotated indicating same.

While a mix of housing densities are noted within the local area it is considered that the introduction of the development as proposed which would have a site area of approx. 0.1h would not respect the noted density of development observed abutting the site. The six plots noted abutting the site are noted to have a range of plot sizes ranging from less than 0.1h to 0.3h, with the original plot size of no. 6 Church Road being noted to be 0.4h. The plot size proposed is noted to be 0.1h (which is in keeping with two adjacent plots.). However, on balance considering the failure of the development against the requirements of policy QD1 of PPS 7 illustrates that it is not in keeping with LC1 (a).

In turn the introduction of the development as proposed, leaving room for another dwelling as annotated it is considered does not respect the pattern of development along this stretch of the Church Road and therefore the scheme is seen to be contrary to point (b) of policy LC1.

The proposed dwelling is noted to be two storey and to provide 3 bedrooms. The internal floorspace of the dwelling measures approx. 221m.sq which exceeds the internal floorspace requirements as indicted within Annex A: Space Standards Table. The development is in keeping with point (c) of policy LC1.

Access and car parking

DFI Roads have been consulted and are noted to offer no objections to the development. Consequently, it is considered that the scheme is in keeping with the requirements of PPS 3 and no issues of concern about road safety shall arise. Access arrangements as proposed are acceptable. Adequate car parking space can be provided to serve the dwelling.

Natural Heritage

A fully filled out NI Biodiversity report (filled out by Ayre Environmental Consulting Ltd) has been provided in support of this application. DAERA NED following consultation direct Council to standing advice. Considering the content of the submitted Biodiversity report, in conjunction with inspection of the site, Council is content that no issues of concern shall arise in respect of any natural heritage features within the site or remote from it. The removal of roadside hedging is noted which is a protected habitat, but assessment of the report provided indicates that it is a species poor section of hedging and its removal can be compensated for via replanting etc. Assessment of the site in respect of bats and badgers is noted within the report, with it being found that no issues of concern shall arise. It is therefore considered that the scheme would be in

<p>keeping with the requirements of the SPPS and PPS 2 and no harm shall arise to any features of natural heritage importance in this instance.</p>	
<p><u>Sewerage</u></p> <p>Foul sewerage is to be disposed off via the mains system. NI Water have been consulted and offer no objections. There is a public foul sewer within 20m of the proposed development boundary which can adequately service these proposals.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p>	
<p>Refusal</p>	
<p>Reasons for Refusal:</p> <p>The proposal is contrary to the SPPS and policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that it would be out of character in this locality and consequently would not respect the surrounding context, in terms of its layout, scale, proportions, massing and appearance.</p> <p>The proposal is contrary to the SPPS and policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that adequate provision has not been made for private amenity space to serve the development.</p> <p>The proposal is contrary to the SPPS and policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that the design of the proposal does not draw upon the best local traditions of form noted adjacent to the site.</p> <p>The proposal is contrary to the SPPS and policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that it would create conflict with adjacent existing properties by virtue of undue light loss and dominance.</p> <p>The proposal is contrary to the SPPS and Policy LC1 of the Addendum to Planning Policy Statement 7 in that it would not respect the density or pattern of development found within the adjacent established residential area.</p>	
<p>Case Officer Signature: R McMullan</p>	
<p>Date: 18th April 2025</p>	
<p>Appointed Officer Signature: Brenda Ferguson</p>	

Date: 18/04/2025

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

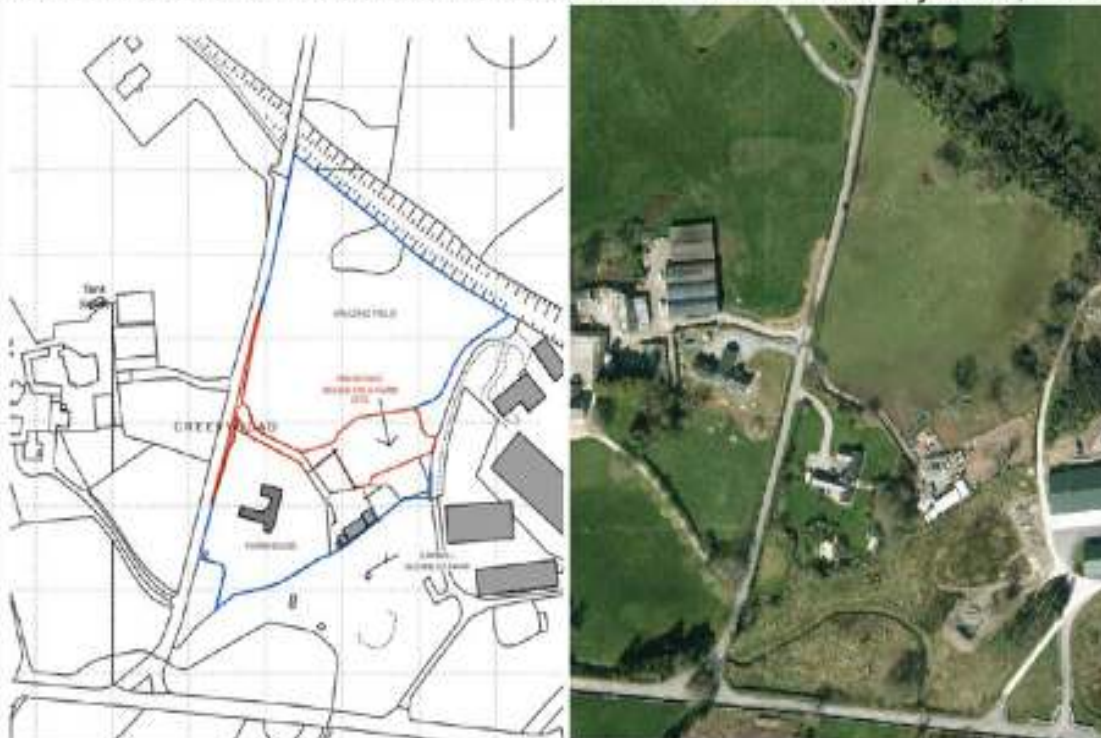
Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/0961/O	Target Date:
Proposal: Proposed outline application for a House on a Farm	Location: Proposed site 70m NE from 3 Creevy Road Crossgar Down BT30 9HX
Applicant Name and Address: James Steele 3 Creevy Road Crossgar BT309HX	Agent Name and Address: Gary Harpur 8 Tullywest Road Saintfield BT247LX
Date of last Neighbour Notification:	08 January 2025
Date of Press Advertisement:	18 September 2024
ES Requested: No	
Consultations: see report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located site 70m NE from 3 Creevy Road, Crossgar.



Date of Site Visit: 4th March 2025

Characteristics of the Site and Area

The site is located off the Creevy road Crossgar and is accessed down an existing laneway which defined by a beech hedge and gives access to a yard area. There is an open fronted shed, which is comprised of block construction and steel beam (internally) and finished externally (partly) with corrugated metal to the walls and roof. The shed contained an old Massey Ferguson tractor and a pile of hay along with other small items like paint tools, ladders, hose, deck chairs that you would find in any domestic shed. Part of this shed was sectioned off as a stable. There was also a smaller wooden building (stables) another wooden building with logs, a shipping type container and a horse box next to a sandschool area.

There are a number of trees present at the site and this area is higher in level than the remaining part of the field (which is separated by a post and wire fence). There were two horses present at the time of the site visit in the remaining part of the field. while no sheep were actually observed, the applicant said they were at the lower part of the field. The wider boundaries of the field to the north were well defined with mature vegetation. No 3 is a single storey dwelling in a sizeable plot which fronts onto Creevy Road with separate access to the site.



Description of Proposal

Proposed outline application for a House on a Farm

Planning Assessment of Policy and Other Material Considerations

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

The proposal has been assessed against the following policies and plans:

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

PLANNING HISTORY

No Planning history on the site – the following are in close proximity to the site.

Planning

Application Number: R/1991/0576

Decision: Permission Granted

Decision Date: 17 July 1991

Proposal: Alterations and extension to 2 dwellings to form 1 Dwelling

Location: 3 & 5 Creevy Road

Application Number: R/1992/0951

Decision: Permission Refused

Decision Date: 26 February 1993

Proposal: Replacement Dwelling

Location: 3 Creevy Road

Application Number: R/1992/0950

Decision: Permission Refused

Decision Date: 26 February 1993

Proposal: Replacement Dwelling

Location: 5 Creevy Road

Application Number: R/1997/0224

Decision: Permission Granted

Decision Date: 24 February 1997

Proposal: Replacement dwelling (pair of semi-detached dwellings replaced by 1 no dwelling)

Location: 3 - 5 Creevy Road

Application Number: R/2000/0472/O

Decision: Permission Granted

Decision Date: 25 August 2000

Proposal: Replacement dwelling (one pair of semi-detached dwellings replaced by one dwelling)

Location: 3 - 5 Creevy Road

Application Number: R/2003/0562/RM

Decision: Permission Granted

Decision Date: 05 September 2003

Proposal: New dwelling and garage.

Location: 3 - 5 Creevy Road

Application Number: R/2005/0082/F

Decision: Permission Granted

Decision Date: 03 November 2005

Proposal: Erection of 6 No. Industrial Units

Location: Lands approx. 115m to the west of no. 47 Ballynahinch Road, Crossgar

Objections & Representations

In line with statutory requirements neighbours were notified 08.01.2025. The application was advertised in the Down Recorder 18.09.2024. No letters of objection or representation have been received in relation to the proposal.

Consultations

NI Water – No objections

DfI Roads – No objections subject to condition and RS1 form

DAERA – claimed payments through Basic Payment Scheme or Agri Environment scheme in each of the last 6 years – No

Is the application site on land for which payments are currently being claimed by the farm business – No

Proposed site located on field 3/113/181/1A is not claimed by any business in 2014.

Environmental Health – No objections in principle – conditions at RM stage

NIEA – Water Management Unit – refer to standing advice

Consideration and Assessment:

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual 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 favour of the provisions of the SPPS.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside.

The policy context for the development includes Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. Policy CTY 1 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.

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 which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, (including what is now a former P1C), out of date farm maps, site location plan, with indicative site layout, have all been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (now known as DAERA) business ID number along with other evidence to prove active farming over the required period. Policy CTY10 does not confer an absolute entitlement to the approval of a dwelling on a farm. The policy is permissively worded but makes it clear that approval will be conditional upon certain criteria being met.

The applicant is Mr James Steele of 3 Creevy Road, Crossgar. The P1 form indicates that the applicant has a DAERA Farm Business Number. Within the agents supporting statement are two DARD maps dated 24/01/2006 and 17/05/2010, showing an applicant reference No and labelled Rep Mr Hugh J Steele (DECD) of 4 Creevy Road Crossgar with one field highlighted which is 2.77ha in size. As this latest map is now 15 years old, up to date maps were requested from the applicant via his agent. The agent indicated that the applicant had been in touch with DAERA, however, because the farm around their home is less than 3 hectares (2.68 H) they do not qualify for grant payments. The

agent also stated that since 2014 they (DAERA) will not issue a farm map if under 3 hectares. The agent claims that the applicants do use other farmlands that they could register and get over 3 hectares and get a DAERA map but this would not be available until mid March. The agent has not submitted any other evidence as to where these lands are. Instead the agent indicated that he did not consider a DAERA farm map was necessary as long as a business farm ID and proof of 'active' farming can be provided. The case officer advised the agent that CTY 10 does allow for other evidence to prove active farming over the required period. A farm business ID was allocated by DAERA on 21/04/2005 and is a Category 1 business as confirmed by DAERA.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and they state that the business ID has been in existence for more than 6 years but the business has not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. No claims have been made in any of the last 6 years. DAERA indicate that the proposed site located on field 3/113/181/1A is not claimed by any business in 2014.

The following evidence has been submitted by the applicant

- Letter from DAERA dated 18/08/2021 – sheep flock Number notification (James Steele 3 Creevy Rd)
- Letter from Single Farm Payment Branch (Mr James Steele 3/5 Creevy Rd) dated 31/10/2008 – total entitlements 2.77ha
- DARD maps – as detailed above dated 24/01/2006 and second map dated 17/05/2010
- DAERA -sheep flock number - James Steele – 3 Creevy Road – no date
- The sheep and goats (Record Identification & Movement) Order NI- annual inventory confirmation dated 08/01/2024 which confirms 1 adult (sheep) and 1 lamb
- Downpatrick Co-operative marketing Ltd – sheep sale _J Steele - 3 Creevy Rd – dated 14/10/2023 indicating lots 15, 16 and 17 which references 4 lamb and 2 ewes at a cost of £622.
- DAERA – Movement document (SG 2) - 2 animals moved to 3 Creevy Rd dated 26-01-2022
- DAERA - Movement document (SG2) - 4 animals moved to 3 Creevy Rd dated 08-11-2021

- James Glover & Sons receipt – showing ewe mix & lactamine and Levafas Diamond Drench (worming) -£60.30 – no address given
- James Glover & Sons receipt – lamb grower/finisher, whole oats, nutribo horse bkt, strong iodine spray – addressed to James Streele 3 Creevy Rd - £52.75
- James Glover & Sons receipt – richey snapp EID series tag (ear tag) lamb grower/finisher feed– addressed to James Streele 3 Creevy Rd - £73.95 dated 18/08/2023
- James Glover & Sons receipt – rolled oats, ewe mix, feedall top dog nugget Nutribo horse blk- £78.50- no name or address dated 21/02/2024
- James Glover & Sons receipt – lamlac lamb milk, lamb colostrum lamb syringe, lamb teat– no address but paid by mastercard - £31.90 dated 15/03/2023
- Handwritten invoice for cutting hedges (£180.00 plus VAT) from David Huddleston addressed to J Steele 3 Creevy Road – *doesn't indicate where this took place*
- Down Veterinary Clinic – penicillin – paid by mastercard £58.27 – *no address or indication of animal treated.*

The following further evidence was submitted on 25-02-2025

- Bernard Mullan Contracts – typed invoice to J Steele 3 Creevy Rd - for cutting rowing silage – approx. 5 acres dated 15-06-2018 £600
- John McIlroy contractor – work carried out £529 – dated 11/06/2018
- Tractomatic – cash sale no address – paid by mastercard £148 – dated 10/07/2018
- Patterson Auto Electrics – invoice to James Steele – Battery and Lucas keys - £99 – dated 31/07/2018
- WM Lindsay – invoice to James Steele – landleveler - £570 – toplink £44.52 both dated 11-09-2018
- Fame Valley Stores – fertilizer – paid by mastercard £22.80
- Quoile Fuels Ltd – invoice to Mr James Steele – gas - £261.44
- Mc Kelvey Bros – invoice to James Steele dated 08/03/2019 – posts and gates and fencing £900.72

Based on the above submission the farm business would have to be active and established for a period of 6 years from the date of submission of the application, so July 2018.

While CTY 10 does not specify the level of agricultural activity, however, what is clear is that it has to be active for the 6 years, there has been a total of 6 animals moved in 6 years on two occasions (Nov 2021 and Jan 2022 (less than 3 months apart). The other evidence does show supplies have been bought, but these also include receipts for their horses and dog which is not sufficient conclusive evidence to demonstrate that there is ongoing farming activity over the required 6 years, the first part of the policy has not been met.

Part (b) requires 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. In the absence of an up-to-date farm map confirming the extent of the holding, it cannot be definitively concluded that no dwellings or development opportunities have been sold off, however, based on the previous maps of the field which comprises 2.77ha, a history search has been undertaken and planning records do not indicate any further permissions being granted within that time frame. This is reiterated in the applicants P1 form where the applicant has stated in the P1 form that no dwellings or development opportunities been sold off from the farm holding within 10 years of the date of this application. On this basis the Planning Authority is satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land within the last 10 years.

Criterion (c) of CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm. This siting requirement is also included in Policy CTY13 'Integration and Design of Buildings in the Countryside'. CTY goes on to state that where practicable, access to the dwelling should be obtained from an existing lane. It goes on to say that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)".

To the south west of the proposed site is the open sided shed, the wooden stable building, the log store and the dwelling at No 3 Creevy Road, which is where the business is registered. While some of these buildings are of a temporary nature, given that only two buildings would be required to meet the test of the policy, then this grouping therefore qualifies as an 'established group of buildings on the farm' as per CTY 10.

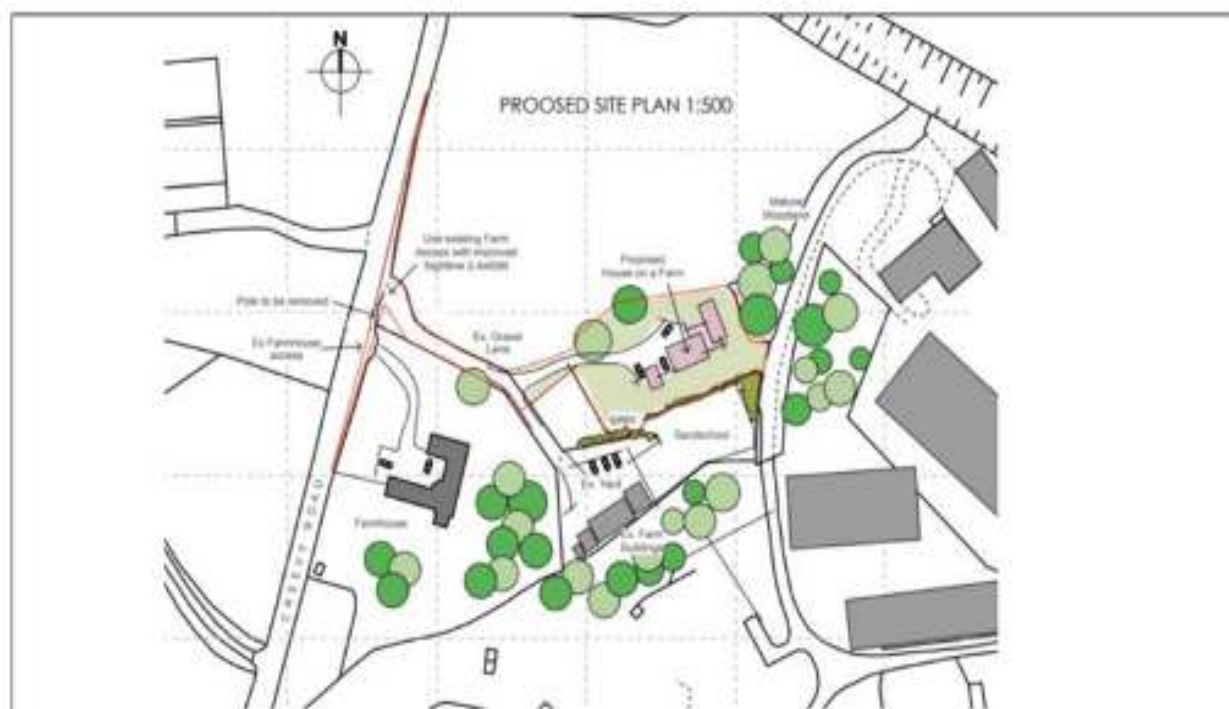
CTY10 for visual linkage or clustering has an inherent proximity test as part of the policy, but it cannot offend CTY8. CTY 8 is clear in that planning permission will be refused for a building which creates or adds to a ribbon of development. CTY10 also requires compliance with CTY13 and CTY14. The proposal would be considered to be visually linked and sited to cluster with an established group of buildings on the farm, it therefore would comply with CTY 10 part c. CTY 13 and 14 therefore need to be considered.

Policy CTY 13 - Integration and Design of buildings in the Countryside

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (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; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.



Indicative site layout

Paragraph 5.72 of CTY13 states that wherever possible access to a new building should be taken from an existing laneway. The proposed new dwelling will be accessed using the existing agricultural access to the site which is currently defined with a beech hedge. There are well matured trees and hedging to the northern site boundary. The proposal is deemed to be visually linked or sited to cluster with an established group of buildings on the farm. The proposal complies with CTY 13.

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.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Policy CTY 8 of PPS 21 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to ribbon development. Criterion (g) of Policy CTY14 'Rural Character' as above also identifies ribbon development as an unacceptable form of development. In D&A of CTY 8 - 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.

Officers are of the view that the proposed development will read with the existing development at No 3 and would undermine the existing rural character of the area and create a ribbon of development. This would be detrimental to the character, appearance and amenity of the countryside.

Policy CTY 16 – Development Relying on Non-Mains Sewerage

The P1 form indicates that the proposal will be served by a biodisc system within land owned or controlled by the applicant as indicated on the site plan. The granting of planning permission does not negate the need that other consents outside of the planning process may be required. A consent to discharge would need to be applied for to DAERA NIEA.

PPS 3 - Access, Movement and Parking

DFI Roads have been consulted and have offered no objections to this proposal subject to the RS1 form. It is also considered that there is sufficient provision within the site for parking. The proposal complies with policy AMP 2.

Impact on Residential Amenity

A dwelling on the site would be positioned a sufficient distance to have no adverse impact on the neighbouring property at No 3.

Conclusion

The principle of development has not been established and is considered unacceptable as it does not comply with CTY 10 part A. The proposal will have a detrimental impact on the rural character of the area.

Recommendation: Refusal

Refusal Reasons:

<p>1.The proposal is contrary to the provisions within the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and CTY10 (part a) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.</p> <p>2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 8 and CTY 14 of Planning Policy Statement 21, in that a new dwelling, if permitted would result in the creation of ribbon development along Creevy Road.</p> <p>Informative The plans to which this refusal relate include: Site location plan P101</p>	
Neighbour Notification Checked	Yes
Summary of Recommendation – refusal as above	
Case Officer Signature: C Moane	Date: 13 March 2025
Appointed Officer Signature: Brenda Ferguson	Date: 14/03/25

Delegated Application

Development Management Officer Report		
Case Officer: Richard McMullan		
Application ID: LA07/2023/2548/O		Target Date:
Proposal: Site for dwelling and domestic garage under CTY2A		Location: Approx 65m South of 54 Manse Road, Crossgar
Applicant Name and Address: Eugene Flynn 45a Killyleagh Road Saintfield BT24 7EH		Agent Name and Address: David Burgess 24 Templeburn Road Crossgar
Date of last Neighbour Notification:		15 th March 2024
Date of Press Advertisement:		12 th July 2023
ES Requested: No		
Consultations: DFI Rivers-No objections DFI Roads-No Objections EHO-No objections NI Water-No objections DAERA WMU-Standing Advice		
Representations: Application advertised in local press, 12 th July 2023 & neighbours as below notified, 1 st March 2024.		
Name	Address	Sent Date
Occupier	50 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	52 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	52A MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	54 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	56 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	61 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	61A MANSE ROADRAFFREYSAINFIELD BT30 9LZ	01/03/2024
Occupier	65 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	67 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	69 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	71 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
No objections received to date, 7 th April 2025.		

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
<p>Summary of Issues:</p> <p>Principle of development (Cluster CTY2a), Roads, Amenity, Rivers (flooding), Natural Heritage etc.</p>	

Site Visit Report

Site Location Plan:



Date of Site Visit: 29th Feb. 2024.

Characteristics of the Site and Area



This site is located upon the southern side of the Manse Road, Crossgar, which is noted to run in an east-west direction along this section of road. Access is gained via an existing access which serves numbers 54 & 54a Manse Road. The site is seen to be located to the rear of and to the south of no's 54 & 54a. It is seen to comprise of a grassed agricultural field which has an area of approx. 0.6h. It is irregular in shape and its topography falls in a southern direction.

The boundaries of the site were observed to be defined as follows:

- Northern- Post and wire fence & in situ outbuildings
- Eastern- Mature hedging
- Southern- Mature hedging

Western- Mature trees/bushes/hedging

The character of the area is seen to be rural. Open agricultural lands are noted to the south of the site. To the north and east of the site several dwellings (and associated outbuildings) are noted fronting onto the Manse Road in a ribbon of development. To the west of the site a further detached dwelling with associated outbuildings and menage are noted, set back from the Manse Road.

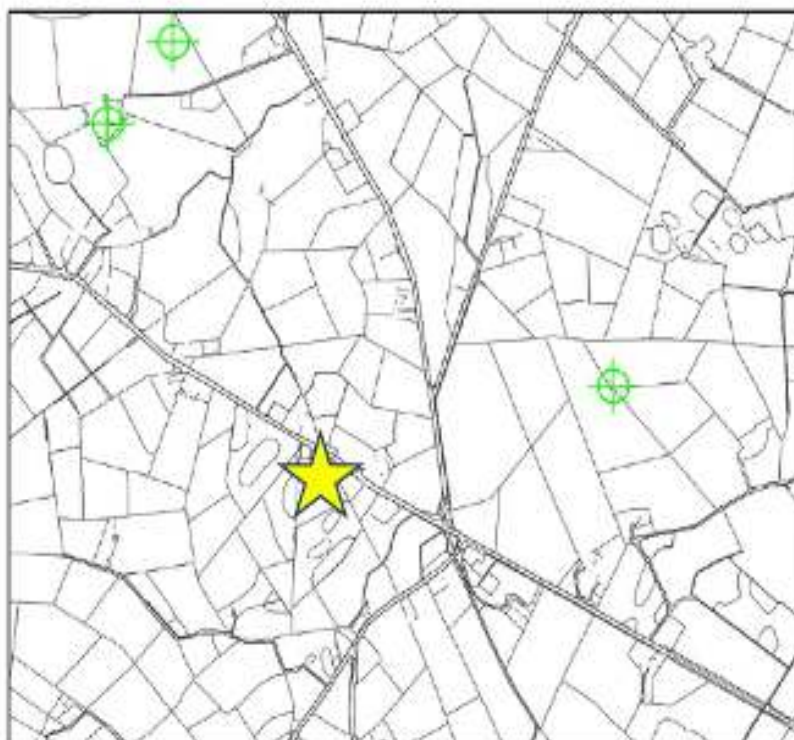
Further to the southeast of the site it is noted that the Manse Road meets the Carrickmannon Road which runs in a north/north western direction away from the Manse Road. In turn approx. 55m further along the Manse Road its junction with the Templeburn Road is noted. Raffrey Presbyterian Church and associated hall are noted adjacent to the aforementioned road junctions.



Raffrey P. Church and Hall (site beyond trees)

Description of Proposal

Site for dwelling and domestic garage under CTY2A

Planning Assessment of Policy and Other Material Considerations

Site within rural context outside of any defined settlements (Ards and Down Area Plan 2015)

PLANNING HISTORY

Planning Application Number: R/1978/0048

Decision: Permission Refused

Decision Date:

Proposal: DWELLINGS

Application Number: R/1981/0342

Decision: Permission Granted

Decision Date: 24 July 1981

Proposal: ALTERATIONS AND IMPROVEMENTS TO DWELLING

Application Number: R/1980/0875

Decision: Permission Granted

Decision Date: 28 July 1981

Proposal: BUNGALOW

Application Number: R/1982/0193

Decision: Withdrawal

Decision Date: 17 May 1982

Proposal: DWELLING

Application Number: R/1983/0561

Decision: Permission Granted

Decision Date: 28 September 1983

Proposal: GARAGE

Application Number: R/1984/0555

Decision: Permission Granted

Decision Date: 25 September 1984

Proposal: EXTENSION TO DWELLING.

Application Number: R/1994/4029

Decision: Permitted Development

Decision Date: 01 July 1994

Proposal: Roofspace conversion

Application Number: R/1999/0233

Decision: Withdrawal

Decision Date: 01 April 2000

Proposal: Site for single storey dwelling (outline) 150m southeast of 64 and opposite 69 Manse Road Raffrey Crossgar

Application Number: R/2000/0213/F

Decision: Permission Granted

Decision Date: 22 August 2000

Proposal: Construction of a 2 storey dwelling, garage & stables

Application Number: LA07/2024/0214/O

Decision: Permission Granted

Decision Date: 24 September 2024

Proposal: Proposed infill dwelling and garage (amended plans)

SUPPORTING DOCUMENTS

Application form

Drawing

Design and Access Statement (Supporting Statement)

N.I. Biodiversity Checklist (Ayre Environmental Consulting Ltd.)

CONSULTATIONS

DFI Rivers-No objections
DFI Roads-No Objections
EHO-No objections
NI Water-No objections
DAERA WMU-Standing Advice

REPRESENTATIONS

No objections received to date, 7th April 2025.

EVALUATION

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

All development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

New dwellings in existing clusters: provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside.

Planning Policy Statement 21

Policy 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.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

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

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- 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 will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

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

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

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; or
 - (c) it relies primarily on the use of new landscaping for integration; or
 - (d) ancillary works do not integrate with their surroundings; or
 - (e) the design of the building is inappropriate for the site and its locality;
- or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
 - (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

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.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Policy CTY 16 – Development Relying on Non-Mains Sewerage

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.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

PPS2 Natural Heritage:

Policy NH 1 - European and Ramsar Sites – International

Policy NH 2 - Species Protected by Law

Policy NH 3 - Sites of Nature Conservation Importance – National

Policy NH 4 - Sites of Nature Conservation Importance – Local
Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance
Policy NH 6 - Areas of Outstanding Natural Beauty

PPS 3

Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

Policy AMP 7 Car Parking and Servicing Arrangements

PPS 15

Revised Planning Policy Statement 15 'Planning and Flood Risk'

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains
Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure
Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains
Policy FLD 4 Artificial Modification of Watercourses
Policy FLD 5 Development in Proximity to Reservoirs

Guidance

Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

Policy CTY 2a New Dwellings in Existing Clusters, defines what constitutes a cluster and sets down very clear guidance on how new developments can integrate with these. The key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

Consideration.

While the supporting information provided has been noted it is considered that the site does not fall within a cluster of development which lies outside of a farm consisting of four or more buildings (excluding ancillary building) of which at least three are dwellings. When viewed from the Manse Road no's 52, 52a & 54 are qualifying buildings for the purpose of policy CTY2a. Noted buildings beside each of the qualifying buildings are seen to consist of a mixture of garages and outbuildings and are therefore discounted. No. 56 which is a dwelling, is not a visible feature that reads with no's 52, 52a & 54 when viewed from the Manse Road and is discounted. It is considered that the site is located to the rear of a ribbon of development running along the Manse Road which includes no's 44, 48, 50, 52a, 52 & 54.

It is therefore considered that the cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open side structures) of which at least three are dwellings.

In turn, Council consider that the development is not part of a cluster that appears as a visual entity within the local landscape. As you travel past the site in a southeastern direction no's 54 & 52 are visually linked only. The topography of the road is then noted to fall and a field is noted between 52 and 52a. Numbers 50 and 52a are visually linked to each other but are not visually linked to 52 and 54 as a result of rising topography and intervening hedging and mature trees. The site is also seen not to be visually linked to no's 50, 52a and 52 & 54 as a whole as a result of the noted undulating topography of the road and strong screening noted in the form of trees and hedging associated with the in situ dwellings. When viewed from the south upon the Templeburn Road there is no cluster of development visible that appears as a visual entity within the local landscape with only scattered piecemeal development being visible.



Views from Templeburn Road

As a consequence, it is considered that the cluster does not appear as a visual entity within the local landscape. The cluster does not present as a collective body of buildings separate from the countryside when viewed from the surrounding vantage points. Consequently, it does not appear as a visual entity in the local landscape

The site and adjacent dwellings are noted to be between 168m-275m west of Raffrey Pres. Church and Hall as illustrated below.



Separation distances

The above outlined separation distances in conjunction with intervening dwellings, rising topography and vegetation result in it being considered that the cluster is not associated with a focal point such as a social/community building/facility. It is also seen not to be associated with a cross roads. No visual linkage is presented on the ground between the presbyterian church and the site. Therefore, it is considered to fail this section of policy CTY2a.

Three of the four boundaries of the site are defined via mature hedging and trees and bushes providing for a suitable degree of enclosure. However, as the site is seen not to fall within a cluster of development it follows that it is not bounded on at least two sides with other development in a cluster. The proposed development/site therefore fails this section of policy CTY 2a.

As Council contend that the site is not contained within an existing cluster of development, there is no scope for rounding off and consolidation to permit the development to be absorbed into an existing cluster. The development would therefore encroach into open countryside. Therefore, the proposal is contrary to this section of policy CTY2a.

Notwithstanding that policy does not support the principle of development in this case, it is considered that no issues of concern would arise with respect to neighbouring amenity levels. Adequate space is available to provide a dwelling that would not adverse impact upon neighbouring existing dwelling by virtue of overlooking, dominance, noise or overshadowing etc.

CTY13 and 14

When viewed from the Manse Road, it is considered that no issues with regards to prominence shall arise. This is because of the degree of set back from the road, falling topography noted within the site and noted trees and hedging observed along the site boundaries and adjacent areas. It is in turn considered that the site consists of long established natural boundaries (hedging etc.) to be able to provide a suitable degree of enclosure for the development to integrate into the landscape. It would not rely upon new landscaping for integration purposes. Given the nature of the sites topography earthworks would be required to provide the development as proposed. As the site is not visible from surrounding public viewpoints it is considered that any such works would therefore be able to integrate into the site and surrounding area. In the event of the principle of development being seen to be acceptable, appropriate conditions relating to existing/proposed levels and FFL's of the dwelling and garage could be utilised. As this application is for outline approval only, no design detail has been provided for consideration. Notwithstanding that the principle of development is seen to be unacceptable, it is considered that a dwelling of appropriate scale, design and massing etc. could blend into the site utilising adjacent vegetation, buildings and the falling topography of the site as noted. Point (g) of policy CTY 13 is not engaged as the development sought is not a dwelling on a farm.

With regards to policy CTY 14 it again is considered that the development would not be a prominent feature within the local landscape. As the site is not highly visible from the local road network it is considered that no issues of concern about the build-up of development shall arise. Considering adjacent developments which are seen to consist of roadside dwellings with a few dwellings being seen to be set back to the rear, on balance to refuse this development as proposed on the basis that it does not respect the traditional pattern of development noted within the local area would not be sustainable. Given the location of the site set to the rear of existing properties, it is seen that no issues of concern regarding ribbon development shall arise. Required ancillary works it is considered (via the use of appropriate conditions) would not damage the rural character of the local area.

Access

The development as proposed proposes to alter an existing access onto the public road network, in this case the Manse Road to the north of the site. DFI Roads have been consulted and offer no objections to the scheme as proposed subject to standard

planning conditions. No issues of concern regarding road safety and/or the movement of traffic shall arise. Adequate space for car parking within the curtilage of the dwelling can be provided. The development is therefore seen to be in keeping with the requirements of PPS 3 Policy AMP 2 Access to Public Roads. As the Manse Road is not a protected route policy AMP3 is not engaged in this instance.

Sewerage

The application proposes to use a septic plant in respect of foul sewerage disposal. DAERA WMU, NI Water and NMD EHO have been consulted and are seen to offer no objections. EHO outline the following within their response:

Environmental Health have reviewed the information provided by the planning service and have no objections to this application in principal. At the subsequent planning stage the applicant should also provide a detailed site plan which includes the location of the proposed dwelling, the septic tank and the areas of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

It is considered that no issues of concern shall arise and the scheme as proposed (single dwelling) would be in keeping with the requirements of policy CTY16 of PPS 21.

Flooding

DFI Rivers outline that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Therefore FLD 1 is satisfied

With regard to FLD 2 it is outlined that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. DfI historic flood maps indicate that the site was traversed by a watercourse, that has likely been culverted. As part of a Full or Reserved Matters application a site layout drawing should indicate if a culvert is present, and the route which it runs through the site.

Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place, but up to 10m where considered necessary.

If a culvert is present, Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip. Rivers Directorate requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a

planning condition. Access to and from the maintenance strip should be available at all times. In the event of approval being granted appropriate conditions can be utilised to address the issues raised in respect of FLD 2.

As the development consists of one dwelling and garage only a drainage assessment is not required. Therefore FLD 3 is satisfied. FLD 4 & 5 are noted to not apply.

Taking the above into consideration it is seen that no issues of concern shall arise in respect of flooding within the site or remote from it. The requirements of PPS 15 are seen to be satisfied.

Natural Heritage

As the site area exceeds 0.5h a N.I. Biodiversity Checklist filled out by an ecologist was requested by Council to support the application. In turn one was provided for consideration, from Ayre Environmental Consulting Ltd. It is noted following consideration of same that no issues of concern shall arise with regard to any features of natural heritage importance either within the site or remote from it. The report concludes by outlining that 'in the absence of identified actual or potential ecological constraints, no further species-specific surveys are considered necessary to inform the application. The current development proposals are therefore determined to comply with the provisions set out within the SPPS [PPS2 NH1-6]. Council are therefore content that no issues of concern shall arise.

EIA

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

This site is not located within a designated area (AONB) however the site area exceeds 0.5h (measures 0.6h) an EIA Screening is required in this instance.

This has been carried out 7th April 2025 and it has been found that an ES is not required.

Conclusion:

Following a full assessment against prevailing planning policy it is considered that this application must move forward recommended for refusal as it is contrary to the SPPS and Polices CTY 1 & CTY2a of PPS 21.

Refusal

Neighbour Notification Checked	Yes
Summary of Recommendation	
Refusal	
Reasons for Refusal:	
<p>The proposal is contrary to the 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 and could not be located within a settlement.</p> <p>The proposal is contrary to paragraph 6.73 of the SPPS and policy CTY2a – New dwellings in existing clusters of Planning Policy Statement 21, Sustainable Development in the Countryside in that:</p> <ul style="list-style-type: none"> -the proposed dwelling & garage is not located within an existing cluster of development which lies outside of a farm and consists of four or more buildings of which at least three are dwellings. -the proposed dwelling & garage is not part of a cluster that appears as a visual entity in the local landscape. -the proposed dwelling & garage is not within a cluster of development that is associated with a focal point such as a social/community building/facility nor is it located at a cross roads junction. -the identified site is not bounded on at least two sides with other development within a cluster of development: and -the development of the site cannot be absorbed into a cluster of development, through rounding off and consolidation as it would, if permitted, visually intrude into the open countryside. 	
Case Officer Signature: R McMullan	
Date: 7th April 2025	
Appointed Officer Signature: Brenda Ferguson	
Date: 11/04/2025	

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Application

Development Management Officer Report	
Case Officer: Michael Tomlinson	
Application ID: LA07/2024/1051/F	Target Date:
Proposal: Conversion and extension to existing Carport, Lounge, Bedroom and Shower Room to 2 Bedroom House. Retention of existing site entrance to serve new dwelling. Formation of a new site entrance to existing main dwelling.	Location: 23 Seafields, Warrenpoint, Newry BT34 3TG
Applicant Name and Address: Margaret O'Hare 23 Seafields Rostrevor Road Warrenpoint BT34 3TG	Agent Name and Address: Tom Delahunt 4 Ferndale Warrenpoint
Date of last Neighbour Notification:	11 March 2025
Date of Press Advertisement:	2 October 2024
ES Requested: No	
Consultations: DFI Consult 08/03/2025 Consult 25/02/2025	
Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 24/02/2025

Characteristics of the Site and Area

The application site is located at no. 23 Seafields, Warrenpoint. This is an urban location within the development limits of Warrenpoint and is within zoning WB11 for housing as identified in Map 3/06a of the Banbridge/ Newry and Mourne Area Plan 2015.

The application site is a section of the wider curtilage of the detached dwelling known as No. 23 Seafields. (Although the entire curtilage of no.23 has been outlined in red). The subject dwelling comprises a two storey structure with an elongated single storey garage and storey and a half annex attached to the south-eastern elevation (rear) of the building at present.

The curtilage of the dwelling is defined by a 1 metre tall rendered wall with an estate railing running along the top of the wall and is quite restricted, bounded by other dwellings along its southeastern and northeastern boundaries. The dwelling is finished in smooth painted render, concrete roof tiles and a red brick plinth and chimney breast. The topography of the application site is flat.

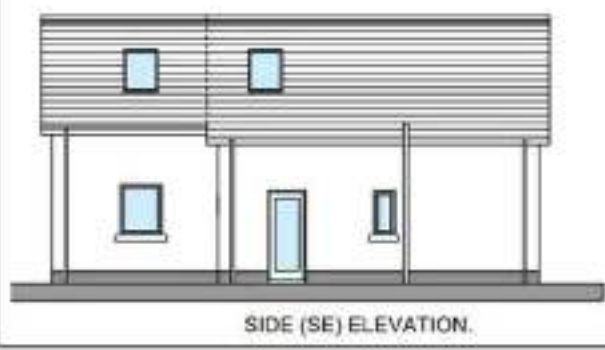
The surrounding development of Seafields consists of large, detached two storey dwellings sited within modest plots creating a distinctive urban grain. The dwellings vary in terms of design and appearance.

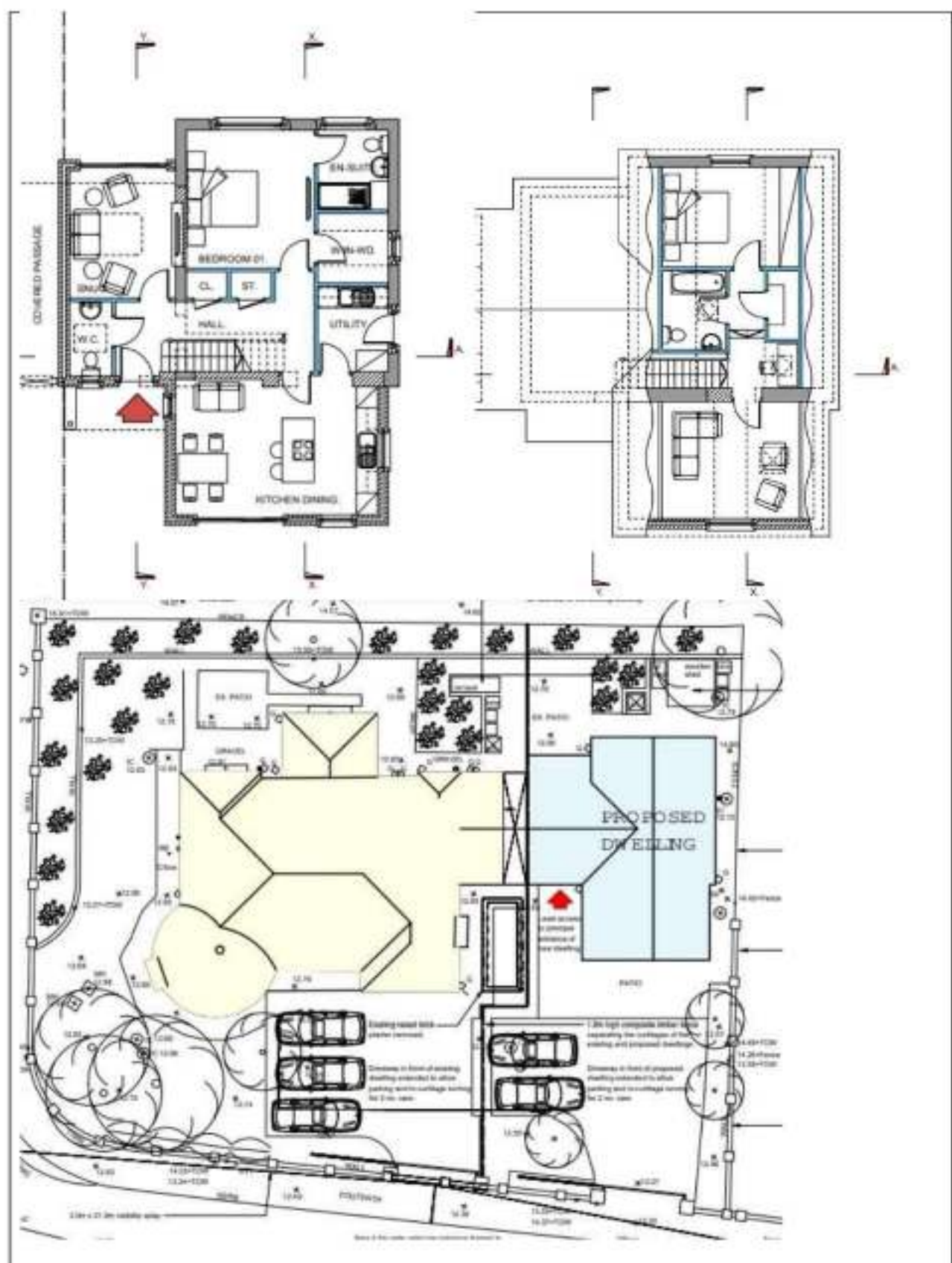




Description of Proposal

The application seeks the conversion and extension to the existing Carport, Lounge, Bedroom and Shower Room to 2 Bedroom House. Retention of existing site entrance to serve new dwelling. Formation of a new site entrance to existing main dwelling.





Planning Assessment of Policy and Other Material Considerations

Planning History

No relevant/ recent planning history.

Representations

Six neighbouring dwellings were notified of the proposal and no letters of representation have been received. The application was advertised in the local press and no wider representations have been received.

Consultations

DfI Roads – No objection, conditions

NI Water – No objection

Assessment

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 7: Quality Residential Environments
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- PPS 12: Housing in Settlements
- Creating Places

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 located within the committed housing zone WB 11 as identified on map 3/06a of the Plan. Committed sites include approved housing sites developed in full or in part since the commencement of the Plan period and sites with planning permission for housing. The Plan does not stipulate key site requirements for these sites as future development will be subject to the conditions attached to the relevant planning permissions. There are no relevant conditions applicable to this application.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

The SPPS sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12.

PPS7 Quality Residential Environments

The relevant planning policy in determining housing development within development limits is PPS 7: Quality Residential Development. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It then lists the criteria required for housing development within development limits. Due to the scale and nature of the proposal, only certain criteria apply to this application.

Scale, Massing and Design

Planning Control Principle 1 of PPS 12 'Increased Housing Density without Town Cramming' advises that: when considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

The existing residential area of Seafields has a clear development pattern of detached dwellings within established curtilages of modest plot sizes, orientated towards the public road. There is quite a spacious urban grain within the development, with each dwelling provided with off street parking and good provision of clearly defined private amenity space. The overall pattern of development exhibited within Seafields also seen in the abutting the Seafields Court development.

The proposal seeks to subdivide the application site as well as the existing dwelling of No. 23 Seafields to create an additional, self-contained dwelling unit. The new dwelling is to be created from the existing one and half storey annex and part of the single storey link section (with extension), with the existing access that currently serves the dwelling to provide access to this new dwelling and a new access to be created for the existing dwelling.

Policy LC 1 of the Addendum to PPS 7 requires that the proposed density is not significantly higher than that found in the established residential area of which is considered to be a calculation of dwellings per hectare. The average plot sizes within the surrounding area (plots for the dwellings known as Nos. 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 21, the application site and 25) is approximately 940sqm, with a range between 1078sqm and 749sqm, with the application site having a plot size of 1033sqm. A rough calculation for area would demonstrate that between 9 and 10 dwellings per hectare is the average. The subdivision of the application site will reduce the plot size of the existing dwelling to 688sqm, whilst creating a 345sqm metre plot for the proposed dwelling, driving up the density to that not witnessed in this section of the Seafields development. Regarding the plot sizes that are below average within Seafields, as it is noted within Creating Places and is standard within developments, a variety of different garden sizes is usually provided to promote choice within developments. This variation in plot sizes is an important visual characteristic in the area.

The subdivision of a plot to create 2 much smaller plots such as that indicated, which will also appear as a pair of semi-detached units, is considered to be entirely out of keeping with the character and grain of this Seafield development, which is a purpose built low density development of detached dwellings on sizeable plots.

In the initially submitted design and access statement, the agent has outlined that the modest extension to the former granny flat does not affect the overall character of the neighbourhood. This however is not the case. The subdivision of this site will create two separate planning units, increasing the plot density to significantly greater density that what is exhibited in the surrounding area. The agent was informed of the Planning Department's position in regards to the impact the proposal would have on the character of the surrounding area and in their response, they have highlighted that the application site is beyond any designated areas such as ATC and CA, using paragraphs 4.8, 4.9 and 4.10 as of the justification and amplification of Policy QD1 of PPS 7 as the guiding principles by which the proposal is acceptable. There is no dispute that the application site falls beyond a designated area, however using paragraph 4.10 as an overarching principle in attempt to demonstrate that concern for local character is only

specific to designated sites is a gross misinterpretation of this entire section of the J&A section of the policy. Paragraph 4.8 states:

'The Department considers that analysis of context is particularly important for infill housing, backland development or redevelopment schemes in established residential areas. While such development can usefully contribute to housing supply, great care will be needed to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas, for example through inappropriate design or over-development.'

Whilst it does not specifically detail ATCs or CAs, this paragraph applies to all established residential areas. The line of argumentation taken by the agent dangerously undermines the remit of the policy and presents the situation whereby all established residential areas must fall under a designated area in order to safeguard the quality of the character of the locality. The impact the subdivision of this site would have will have a visible impact on the character of the area in a way that it will read in relation to the other plots. Creating a precedent in this area could lead to a cumulative impact should this become established practice.

The agent's supporting statement draws upon the apartment buildings at Seafields Avenue to argue about the increased density the proposal would bring about in this section of the development and a certificate of lawfulness for the development of 28no. town houses somewhere in the development. Firstly, the apartment buildings are not a visible element in the character of this section of the development and are set within an abutting development to Seafields. Furthermore, whilst there is a mention of a certificate of lawfulness being granted for 28no. town houses, they have not yet been constructed and there has been no indication as to the location of this permitted development within the wider development. Whilst it is acknowledged that the agent quotes paragraph 4.16 of SPPS in the supporting statement in terms of creating a variety of house types to meet community needs, this is taken on a case-by-case basis. In this case, the merits do not overcome the issue that there will be an unacceptable increase in the density of this section of the Seafields development.

The subject application site seeks to create a new planning unit, separate from the main dwelling. Whilst the personal circumstances outline why the applicant seeks the proposed development over its continued use as an annex section of the existing dwelling, it does not override the issues relating to the impact on the character of the established residential area of Seafields, nor does it justify the increase in density and is therefore considered to be unacceptable.

The amount of useable amenity space that would be created by the subdivision of the site to the proposed new dwelling would amount to 36sqm. This does not include the southeastern access path as this is for access and is not considered to provide any amenity function, but does include the ground of which the existing shed and oil tank are located and are to be retained, as indicated in drawing P01A. Whilst it is indicated in the supporting statement submitted on 17th April 2025 that greater than 40sqm is provided, it has not been suitably demonstrated that this amenity space can all be used. Again, the agent refers to the apartments that rely on balconies to provide amenity space, however this is an inappropriate comparison to make as the mentioned apartments do not exist within this development. The existing dwelling provides the appropriate level of amenity space that does exceed the requirements set out in Creating Places, however the subdivision of the site creates a dwelling that falls short in terms of the minimum requirement set out in Creating Places. Whilst it is acknowledged that Creating Places is a guidance document and not policy, this level of

cramped amenity space, with a separation distance of 6 metres from the rear wall plate to the common boundary with No. 25 Seafields is not appropriate for the site and location.

Policy QD1a of PPS7 requires all proposals for residential development to respect the surrounding context and be appropriate to the character, including in terms of its layout, scale and appearance.

For the reasons already outlined, it is considered the scale of the development proposed, whereby the layout proposed includes the subdivision of this plot into 2, the appearance of which, will present as a pair of semi-detached units, is entirely out of keeping and does not respect the surrounding context and is considered to be entirely out of character within this established development.

Policy QD1 clearly 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.

This proposal is considered to be contrary to this requirement and policy for the reasons stated.

Impacts on Neighbouring Amenity

Criterion (h) of Policy QD 1 of PPS 7 states the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In relation to the footprint of the proposed development, there will be a small forward projection, however no part of the building will come within a closer distance to any abutting neighbouring dwelling than currently exists. It is noted that the separation distance between the subject window and the common boundary with this neighbouring dwelling is 6 metres. The main issue in relation to the proposal relates to the existing bedroom window on the northeastern elevation. At present this window exists above a stairwell and whilst the agent has demonstrated that there is nothing that currently obstructs the view towards No 25 Seafields, this is a secondary light source for an open plan room directly above a stairwell, whereby vantage is limited. The proposal will use this window opening as the primary light source for this room.

It is accepted that in any residential development, a degree of intervisibility will exist from windows and private amenity spaces, however care must be taken to ensure this does not reach an inappropriate level. Fig. 1 below shows the subject window as seen from the rear amenity space of No. 25. Whilst it is acknowledged that this existing relationship demonstrates a degree of the perception of overlooking, the internal arrangement disallows significant actual overlooking with its main purpose to provide light to the stairwell.



Fig. 1 bedroom window as seen from No. 25 rear amenity space.

In the supporting statement dated 17/04/2025, the agent contends that the issue is pre-existing and that there will be no further intensification or exacerbation of the use of the issue of overlooking. With the rearrangement of the upper floor of this room, the window will become a primary opening that will undoubtedly become intensified. It is therefore considered that the relationship that the rearrangement of the upper floor of this building will increase the perception of overlooking to be experienced by the neighbouring dwelling at No. 25 Seafields and is therefore unacceptable.

Access and Parking

Parking Standards sets the required amount of parking to be provided for each type of development. Table 8 of Parking Standards does not provide any guidance in relation to the requirement for in curtilage parking for 2 bedroom semi-detached dwellings. For a 2 bedroom terrace, the minimum requirement is 2 spaces which can be provided in the case of this proposal.

DfI Roads were consulted in light of the application and have provided no objection, subject to a condition regarding to creation and maintenance of visibility splays. It is considered that the proposal is acceptable in terms of the access and parking arrangements.

Provision of Services

NI Water have provided no objection to the proposal. No other statutory consultees have been consulted and no objections have been received from any third parties in relation to the provision of services to the proposal.

Impact on the AONB

Due to the application site being located within the development limits of Warrenpoint, within a largely built up location and the scale and nature of the proposal, it is not considered that there will be any conceivable impact on the AONB.

Loss or Damage to Trees/Landscape

There is no loss or damage to trees or landscape features as a result of the proposed development.

RECOMMENDATION – REFUSE FULL PLANNING PERMISSION**Neighbour Notification Checked**

Yes

Summary of Recommendation

For the reasons outlined above, the proposal fails to meet with the relevant planning policy requirements and other material considerations and therefore it is recommended to refuse full planning permission.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas in that the proposal would, if permitted, not be in keeping with the overall character of the established residential area, does not respect the surrounding context and is not appropriate to the character by reason of its layout, scale, and appearance and would, if permitted result in unacceptable damage to the local character of the area.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposal would, if permitted, result in the density being significantly higher than that found in the established residential area.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy QD 1 of PPS 7, in that the proposal would, if permitted, not provide adequate private open space for amenity incidental to the enjoyment of the dwelling.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD 1 of PPS 7, Quality Residential Environments in that the proposal would, if permitted, result in an unacceptable adverse effect on existing properties in terms of overlooking.

Case Officer Signature: M. Tomlinson

Date: 17 April 2025

Appointed Officer Signature: M Keane

Date: 17-04-25

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2023/3153/F	Target Date:
Proposal: Erection of off-site replacement dwelling, with retention of existing building for agricultural purposes, with alterations	Location: Adjacent to and south of 51A Mayo Road, Mayobridge, Down, BT34 2EZ
Applicant Name and Address: M. Miskelly & J. Sands 23 Tudor Mews Upper Dromore Road Warrenpoint BT34 3TD	Agent Name and Address: O'Callaghan Planning 20 Castle Street Newry BT34 2BY
Date of last Neighbour Notification:	7 th January 2025
Date of Press Advertisement:	22 nd January 2025
ES Requested: No	
Consultations: NIEA – WMU refer Planning Department to Standing Advice. DfI Roads – no objections to the proposal. HED – Historic Buildings has assessed the dwelling to be replaced and determines that it will not be taken forward for a full listing survey. However, the dwelling appears on the OSNI Historical Map 3rd Edition 1900 -1907 and may be of local interest. Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. NI Water recommends approval.	
Representations: No representations have been received to date.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: Principle of development, off site location, house type, integration and rural character, ribbon development, amenity, landscaping and access and parking.	

Site Visit Report

Site Location Plan:



Date of Site Visit: June 2024

Characteristics of the Site and Area

The site is within the rural countryside outside any development limit as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The application site is within the Mourne Area of Outstanding Natural Beauty.

The site outlined in red comprises two parcels of land, one an agricultural field and the other containing a roadside cottage.

There are three openings on the front elevation of the cottage and three chimneys on the ridge. A modern flat roof extension has been added to the rear. Finishes include natural roof slates, timber windows and plastered walls. The cottage is accessed off a private laneway that also

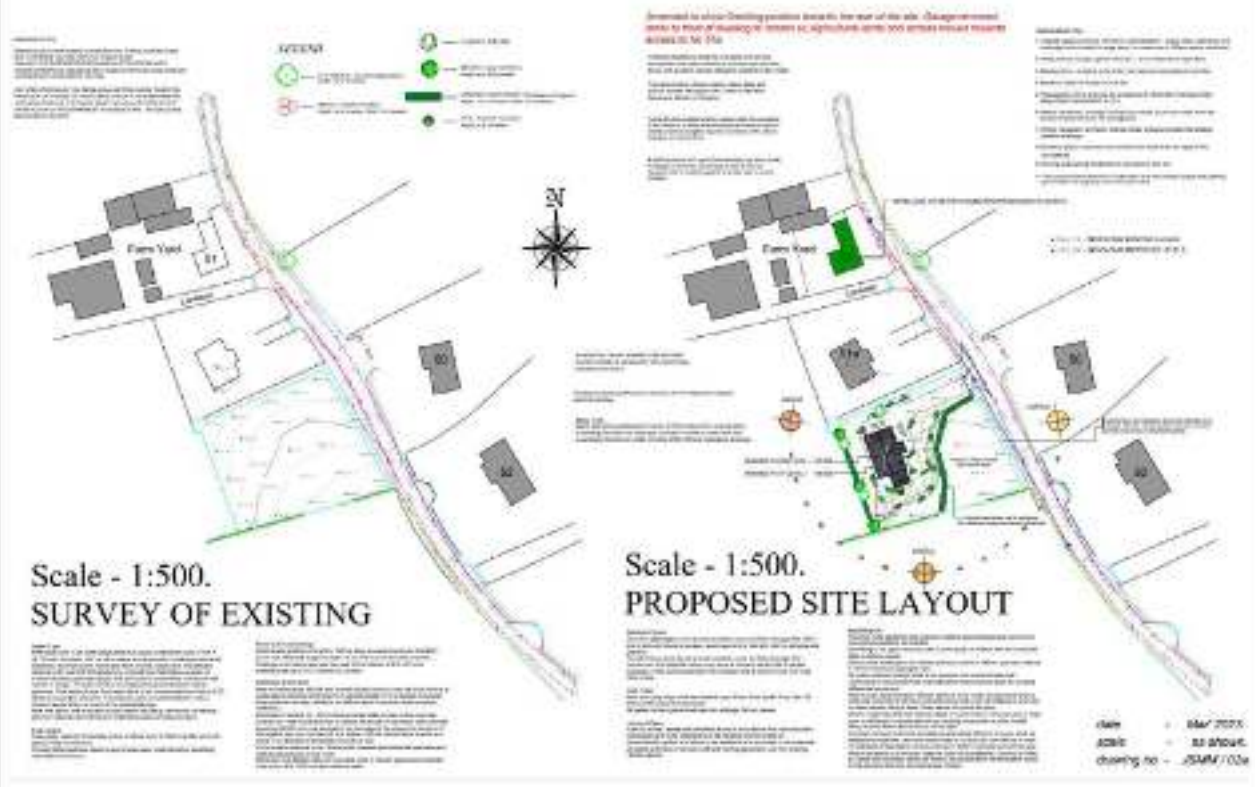
leads to a farm yard and buildings to the rear. A low white wall rendered wall defines the cottage's boundaries.

The agricultural field, south of the application building, slopes upwards in a southerly direction, however drops downwards to the rear of the site in a westerly direction. The land is well maintained and defined by hedgerow and fencing.

The area is rural in character with most of the development comprising roadside detached dwellings and farm holdings.

Description of Proposal

The proposal involves the erection of a replacement dwelling approx. 45m south of the existing dwelling. The existing dwelling is to be retained for agricultural purposes with alterations to existing openings. The proposed dwelling is 1 1/2 storeys with a ridge height of 7.5m above FFL. Proposed plans are shown below.



date - Mar 2023
scale - 1:500
drawing no - JSM/02

PROPOSED NEW "OF SITE" REPLACEMENT DWELLING, WITH DETACHED GARAGE ADJACENT TO and SOUTH OF 51a MAYO ROAD, MAYOBRIDGE, Co.DOWN, for MICHELLE MISKELLY & JOHN SANDS.

Architectural drawings for the proposed new dwelling. The drawings include:

- PROPOSED FIRST FLOOR LAYOUT SCALE 1:100**: A detailed floor plan showing the layout of the main house and an adjacent detached garage.
- PROPOSED SECOND FLOOR LAYOUT SCALE 1:100**: A detailed floor plan for the second floor.
- SECTION FIRST FLOORING SCALE 1:100**: A cross-section of the first floor.
- PROPOSED REAR ELEVATION (without Garage) SCALE - 1:100**: A perspective drawing of the rear of the house.
- PROPOSED WEST ELEVATION (without Garage) SCALE - 1:100**: A perspective drawing of the west side of the house.
- PROPOSED EAST ELEVATION (without Garage) SCALE - 1:100**: A perspective drawing of the east side of the house.
- PROPOSED FRONT ELEVATION (without Garage) SCALE - 1:100**: A perspective drawing of the front of the house.
- PROPOSED SIDE ELEVATION (without Garage) SCALE - 1:100**: A perspective drawing of the side of the house.
- PROPOSED GARAGE ELEVATION (without Garage) SCALE - 1:100**: A perspective drawing of the detached garage.
- PROPOSED GARAGE FLOOR LAYOUT SCALE 1:100**: A floor plan for the detached garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: Another cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A third cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A fourth cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A fifth cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A sixth cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A seventh cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: An eighth cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A ninth cross-section of the garage.
- PROPOSED GARAGE SECTION SCALE 1:100**: A tenth cross-section of the garage.

Architect: JSM/AC
 Scale: as shown
 Working to: JSM/AC

PROPOSED NEW "OF SITE" REPLACEMENT DWELLING, WITH DETACHED GARAGE ADJACENT TO and SOUTH OF 51a MAYO ROAD, MAYOBRIDGE, Co.DOWN, for MICHELLE MISKELLY & JOHN SANDS.

Architectural drawings for the existing dwelling. The drawings include:

- PROPOSED REAR ELEVATION SCALE 1:100**: A perspective drawing of the rear of the existing house.
- PROPOSED SIDE ELEVATION SCALE 1:100**: A perspective drawing of the side of the existing house.
- PROPOSED FRONT ELEVATION SCALE 1:100**: A perspective drawing of the front of the existing house.
- PROPOSED SIDE ELEVATION SCALE 1:100**: A perspective drawing of the side of the existing house.
- PROPOSED FLOOR LAYOUT SCALE 1:100**: A floor plan for the existing house.
- SECTION LINE A-A SCALE 1:100**: A cross-section of the existing house.
- PROPOSED REAR ELEVATION SCALE 1:100**: A perspective drawing of the rear of the proposed house.
- PROPOSED SIDE ELEVATION SCALE 1:100**: A perspective drawing of the side of the proposed house.
- PROPOSED FRONT ELEVATION SCALE 1:100**: A perspective drawing of the front of the proposed house.
- PROPOSED SIDE ELEVATION SCALE 1:100**: A perspective drawing of the side of the proposed house.
- PROPOSED FLOOR LAYOUT SCALE 1:100**: A floor plan for the proposed house.
- SECTION LINE A-A SCALE 1:100**: A cross-section of the proposed house.

Architect: JSM/AC
 Scale: as shown
 Working to: JSM/AC

Planning Assessment of Policy and Other Material Considerations

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 21: Sustainable Development in the Countryside
- DCAN 15: Parking Requirements
- Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

PLANNING HISTORY

P/1987/1456 - Permission Granted - Extension and alterations to dwelling

EVALUATION

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside any settlement limits as designated on the above Plan. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

The principle of development is established under PPS 21: Sustainable Development in the Countryside, Policy CTY 3 – Replacement Dwellings. This policy provides the criteria to be met in order to grant permission for a replacement dwelling.

Planning permission will only be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

All structural walls are fully intact. The dwelling exhibits the essential characteristics of a dwelling as shown on the photo below.



The Policy goes on to provide guidance regarding non-listed vernacular dwellings and advises that:

"The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group."

In relation to defining what constitutes the vernacular, and in particular rural vernacular dwellings it advises that: "Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local 'folk tradition'. Such vernacular buildings will have been typical, i.e., of a common type in any given locality and will lack the individualistic and 'educated' design features that characterised international fashions in formal architecture during the same period." Annex 2 of PPS 21 provides guidance on what constitutes a rural vernacular dwelling.

The characteristics and age of the existing dwelling are noted. The comments from HED HM are also noted. Whilst the dwelling does exhibit several of the characteristics listed in Annex A, it is only visible when travelling directly in front of the site. There are limited long distant views given the existing vegetation, bend in the road and undulating surrounding topography. The modern addition to the rear of the building is also noted. For those reasons, it is considered

that the dwelling does not make an important contribution to the heritage, appearance or character of the locality and therefore the demolition of the building is accepted.

The first criterion of Policy CTY 3 requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Paragraph 6.73 of the SPPS also allows for off-site replacements on an alternative nearby location where there are demonstrable benefits for doing so.

The proposed dwelling is to be sited approx. 40m south from the established curtilage of the existing building. The policy makes an exception for an off-site location if the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling. Additional drawings have been provided (for information purposes) to attempt to demonstrate that the existing curtilage is restricted and off-siting is therefore justified.



Additional information has also been provided to support the offsite location, including the following:

- Not able to get a mortgage due to proximity to active farm and use of shared laneway;
- Insufficient space to provide access, parking and turning and private amenity space to rear;
- Proximity to active farm – odour and health and safety risks
- Heritage benefits - wishes to retain the building as an example of traditional local architecture.

Policy CTY 3 states that an offsite replacement will only be considered where the curtilage is so restricted that it could not reasonably accommodate a **modest sized dwelling**.

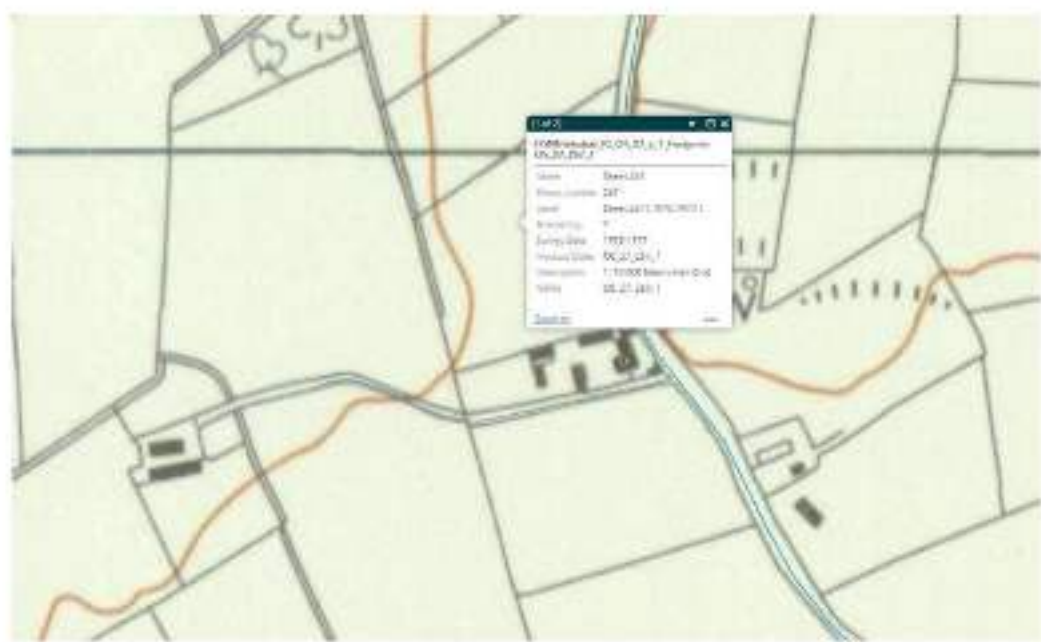
The proposal seeks to replace the modest single storey dwelling with a footprint of approximately 108m² with a larger 4-bedroom dwelling. The extent of the existing curtilage of the cottage is difficult to ascertain as it sits directly adjacent a farm yard, with no rear boundary in place. The supporting information suggests that the extent of the curtilage is shown in orange below and therefore there is no space for private amenity, access, parking and turning.



I would disagree with this. The curtilage as shown on historical maps (1905-1957) is shown below.



Farm buildings have then been erected within and immediately adjacent to the curtilage as seen below on a map dated 1975-1977.



Furthermore, a curtilage measuring approximately 566sqm can be considered reasonable whilst not impacting the accessibility of the adjacent farm buildings, as shown below, which is also similar to the red line boundary provided by the applicant.



Notwithstanding that, there is also the option of demolishing adjacent buildings or incorporating them as part of the proposed dwelling, as these are within the blue line and thus under the control of the applicant. In light of the potential to enlarge the existing curtilage slightly to the north/west, I am satisfied that it would be capable of accommodating a modest sized dwelling as policy dictates.

The proposed curtilage originally extended to 0.2hectares. A reduced curtilage was submitted following concerns relayed by the Department. The proposed curtilage now extends to approx. 0,1 hectares.

Other reasons provided by the applicant to justify the re-siting have been outlined above. Mortgage concerns fall out with the scope of this application. Furthermore, no persuasive evidence has been provided to demonstrate that the applicants would be impacted by this concern should the proposed dwelling be sited in the established curtilage.

During the site visit, it was observed that the adjacent farm buildings and farm yard is in use by the applicant's father. Details of farming activity have been provided as well as an annotated layout of the farm whereby livestock sheds and slurry tank are, at the closest point, approx. 13m from the dwelling.

However, the proposal seeks to replace a dwelling on a farm with the potential to enlarge the existing curtilage with control over the adjacent farm yard and buildings, which subsequently offers an opportunity to increase separation distances and introduce buffer planting. I am satisfied that a suitably designed dwelling could be accommodated here with some minor adjustment without detriment to residential amenities of the occupants.

Finally, reference has been made regarding the applicant's intention of retaining the existing building for heritage benefits and thus requiring an off-site location for a new dwelling. The applicant has made reference to the fact that the building is an example of traditional local architecture. The vernacular characteristics of the cottage has been mentioned above, whereby Policy CTY 3 makes reference to the preference of the retention and sympathetic refurbishment, with adaptation, if necessary, of non-listed vernacular dwellings in the countryside rather than their demolition. Whilst the Planning Department accepts the demolition of the building as addressed above, if the applicant wishes to retain the building for heritage benefits, Policy CTY 3 requires the existing building to be sympathetically incorporated into the layout of **the overall development scheme**, for example as ancillary accommodation or a store, to form an integrated building group, or alternatively retained, refurbished and continued to be lived in, without the need for a replacement. The existing cottage is approx. 40m from the proposed dwelling. Due to the separation distance and intervening existing dwelling, the existing building cannot be sympathetically incorporated into the layout of the overall development scheme. Whilst the existing cottage reads as part of an overall farm group, the proposed siting of the dwelling will appear as a standalone dwelling and will not read with the farm group but will instead extend the ribbon along Mayo Road to the south. The applicant has referred to ribboning in supporting information. Whilst initially stating that the demolition of the building will reduce the appearance of ribboning, plans were amended to retain the existing cottage. The proposed curtilage was also reduced whereby the driveway fronts onto the road, with the dwelling set back.

Para 5.33 of the J&A of Policy CTY 8 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. The proposal has common frontage with the existing buildings to the north and would be visually linked. There would be an awareness of a linear form of development extending into the open countryside, creating a suburban form of development which would be detrimental to the rural character of the area. The proposal is also contrary to Policy CTY 8 and criteria (b) and (d) of Policy CTY 14.

It is thought that the existing curtilage of the cottage is large enough to accommodate a modest sized dwelling designed specifically for this plot, with adequate amenity space and parking available, especially if extended to the north/west slightly, or incorporating existing adjacent traditional farm buildings. If the applicant wishes to retain the existing dwelling, the proposal should incorporate the dwelling into the overall scheme through restoration and repair of the existing structure and through the blending in of extensions and possible new builds.

As such, the site is not unduly restrictive and it is considered that a dwelling could be designed to suit its particular layout, thus criterion (a) is not met. As there is no clear demonstration of betterment in terms of landscape, access or amenity benefits, it is considered that the alternative siting is contrary to criterion (b). The Planning Department acknowledges that the development of a greenfield site may be less problematic but this does not justify setting aside policy objections. The Department does not accept the applicant's argument that the proposed off-site replacement is the only viable option available.

Policy CTY 3 goes on to state that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. The SPPS tightens policy stating "replacement dwellings must not have a visual impact significantly greater than the existing building" as opposed to "would not have" used within PPS21 Policy CTY3. The design should also be of a high quality appropriate to its rural setting and have regard to local distinctiveness.

The proposed dwelling has a 14m front elevation with a single storey side projection extending it to 18.5m, a 7.5m ridge height and gable depth of 9.3m with the front porch extending it to 11m. Some existing roadside vegetation requires to be removed to facilitate the proposed access. The proposal also includes the retention of the existing dwelling. The site is visible on approach in both directions along Mayo Road, albeit for a short section of the road; more visible travelling north towards the site given the fact the development extends the ribbon. From Mayo Road, the existing cottage, given its roadside location, is apparent; however its visual impact is minimal, given its small scale, traditional design and form characteristic of the Mourne and siting within a farm group. Although the size, scale and massing of the proposed dwelling is not dissimilar to adjacent properties, the siting away from the farm group and isolation from the existing dwelling and unacceptable extension of development into the extremely attractive natural landscape of the Mourne Area of Outstanding Natural Beauty means that the proposal would have a significantly greater visual impact than the existing dwelling.

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Supplementary guidance on the assessment of Replacement Dwellings is contained in section 05.

Para 5.2.1 of BoT states that "the replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits." Para 5.4.0 goes on to state that "replacement projects will tend to be most successful where they defer to the form and shape of the building they are replacing."

Building on Tradition also provides design elements that should be avoided for development in the countryside which include complex roof shapes, complex house shapes, large scale, ridge lines that are excessively high relative to the eaves, mix of gable widths and chimney breasts that project from gables.

The proposed dwelling has a pitched roof, a vertical emphasis and would use appropriate materials. Whilst the two-storey porch would typically be inappropriate in this rural setting, consideration is given to the existing dwellings within the locality, whereby the proposed design would not appear out of character. Notwithstanding that, the Department still considers that the proposed dwelling is not appropriate to the site given the visual consequences it would give rise to.

Regarding the final two criteria, including the availability or provision of necessary services and access to the public road, which will not prejudice road safety or significantly inconvenience the flow of traffic, NI Water have no objections and advised that there are services located within 20m of the proposed development boundary which can adequately service the proposal. The applicant is proposing a new access onto the public road. DfI Roads consultation response raised no objection subject to conditions for the provision of adequate visibility splays. Surface water is to be disposed of on site stone sumps and foul sewage is to be disposed of via a private septic tank (subject to NIEA consent). The location of the septic tank has been shown on plans whereby sufficient separation distance between the tank and proposed and existing properties can be achieved. The proposal is compliant with Policy CTY 16.

The proposal is contrary to Policy CTY 3. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There are no overriding reasons why the development is essential. Accordingly, the proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of PPS 21.

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. 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.

The critical views are when travelling north and south along Mayo Road towards the application site. From this approach there are transient medium to short range views of the site, with the existing vegetation screening the site approaching in a northerly direction, and existing development screening the site approaching in a southerly direction.

The proposed dwelling is sited in line with adjacent dwelling No. 51 with its ridge height higher than the adjacent dwelling (approx. 1m). Whilst the proposal would have a greater visual impact than the existing dwelling and the siting adds to the ribbon along Mayo Road, owing to the

landscape and existing vegetation and buildings, the dwelling would not appear as a prominent feature in the landscape. The existing fence and hedgerow along road frontage to be retained, with only a minor portion removed to provide new access. The existing south and rear boundaries are also to be retained. Whilst a new hedgerow is to be planted to define a smaller curtilage, long established natural boundaries along the field perimeter are to be retained which will provide a suitable degree of enclosure for the dwelling.

Paragraph 4.11 requires the safeguarding of residential environs. There is adequate separation distance between the proposed dwelling and adjacent properties to prevent any impact on residential amenity. The Department acknowledges the applicants concerns regarding proximity to a farm if the dwelling was to be sited within the established curtilage. The proposal seeks to replace a dwelling on a farm with the potential to enlarge the existing curtilage with control over the adjacent farm yard and buildings, which subsequently offers an opportunity to increase separation distances and introduce buffer planting. I am satisfied that a suitably designed dwelling could be accommodated here with some minor adjustment without detriment to residential amenities of the occupants.

Planning Policy Statement 2 refers to natural heritage. The proposal involves minor alterations to the existing building and removal of a small section of hedgerow. There are no European or Nationally designated sites in proximity of the site. The site is within an Area of Outstanding Natural Beauty. Assessment as per NH 6 of PPS 2 has been covered above. The site is not hydrologically linked to any sites. A Biodiversity Checklist and Ecological Statement have been given in support of the application whereby it has been recommended that a bat emergence survey should be carried out. The applicant has now chosen to retain the building with minor alterations (replaced existing window openings with doors), rather than demolish it. No other works to the window are proposed. The building will be used as part of the farm holding. Given the change in circumstances and the fact the building is to be retained with minor alterations, no further surveys are required. The applicant is reminded that if the building is to be demolished in any future applications, all supporting ecological information should be submitted for further consideration.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal, as per the assessment above.

Reasons for Refusal:

1. The proposal is contrary to 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 countryside and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been demonstrated that:

- (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling; and
- (b) an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
3. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed replacement dwelling, if approved, would have a visual impact significantly greater than the existing building.
4. The proposal is contrary to Policies CTY 8 and CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed replacement dwelling, if approved, would result in:
- the addition of ribbon development along Mayo Road;
 - the creation of a suburban build-up of development when viewed
 - with existing buildings.
5. The proposal is contrary to Policy NH 6 of Planning Policy Statement 21: Sustainable Development in the Countryside in the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the locality.

Case Officer Signature: Eadaoin Farrell

Date: 17 April 2025

Appointed Officer Signature: M Keane

Date: 17-04-25

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING - 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial unit comprising creche and associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	M Fitzpatrick	Readvertisement Aug 24 following amended proposal description. Under consideration.	N
PLANNING COMMITTEE MEETING - 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castleweilán - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	B Ferguson	Amendments received and considered, issued under delegated authority as approval as concerns resolved.	Y
PLANNING COMMITTEE MEETING - 5 FEBRUARY 2025					
LA07/2022/1602/F	To the rear and immediately NE of 7-9 Queen Street Warrenpoint - Proposed 4 no. 3 bedroom semi-detached dwellings with in curtilage parking with access onto Queen Street	Deferred to allow the agent to work with Planning Department to provide further information	M Keane		N
PLANNING COMMITTEE MEETING - 2 APRIL 2025					
LA07/2021/0869/F	NE of 81 Ardglass Road, Ballywooden, - Downpatrick - Proposed 5 No. glamping pods, associated car parking	Deferred for a site visit	P Manley	Site visit attended 11/03/25. To be tabled at June Committee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	and site works with hard and soft landscaping.				
	PLANNING COMMITTEE MEETING – 30 APRIL 2025				
LA07/2023/2274/F	Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry - Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.	Deferred	M Keane	To be tabled at a future Committee Meeting	N
LA07/2023/3277/F	285m N of 40 Ballyhornan Road, Downpatrick, Co. Down BT30 6RH - Farm dwelling & attached carport	Deferred	A McAlarney	To be tabled at 28 May 2025	Y
LA07/2024/0055/O	20m SE of 15 Drummond Road Cullyhanna, Newry, BT35 0LN - Erection of a farm dwelling.	Deferred	M Fitzpatrick	To be tabled at 28 May 2025	Y