



January 4th, 2018

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 10th January 2018** at **10:00 am** in **Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

**Chair: Councillor G Craig**

**Vice Chair: Councillor K Loughran**

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

# Agenda

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## *Committee Business*

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- 1.0 Apologies
- 2.0 Declarations of Interest
- 3.0 Declarations in relation to paragraph 19 of Planning Committee Operating Protocol - Members to be present for entire item

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## *Minutes for Confirmation*

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- 4.0 Minutes of Planning Committee Meeting held on Wednesday 6 December 2017 (To follow)

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## *For Discussion/Decision*

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

 *Addendum list - 10-01-2018.pdf*

*Page 1*

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## *Development Management - Planning Applications for determination*

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- 6.0 LA07/2017/0082/O - Samuel & Rodney Murphy - Dwelling and domestic garage - approx 90m SW of 12 McClenaghans Hill, Newry (Case Officer report attached)

Rec: REFUSAL

 *LA07-2017-0082-O Samuel and Rodney Murphy.pdf*

*Page 2*

- 7.0 LA07/2017/0206/F - James McConnell - Erection of replacement dwelling - 173 Head Road, Annalong (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-0206-F James McConnell.pdf*

*Page 7*

 *Item 7 - submission of support (James McConnell).pdf*

*Page 11*

**8.0 LA07/2017/0545/O - Elaine Binks - Site for dwelling - No. 2 Belmont Lane, Ballyardle, Kilkeel (Case Officer report attached)**

Rec: REFUSAL

 *LA07-2017-0545-O Elaine Binks.pdf*

*Page 15*

**9.0 LA07/2017/0795/F - Mr Laurence Patterson - Replacement dwelling - Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield (Case Officer report attached)**

Rec: REFUSAL

 *LA07-2017-0795-F Laurence Patterson.pdf*

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**10.0 LA07/2017/0976/F - Mr Stephen Campbell - Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works - Lands to the rear of No. 26a-28 Water St., Rostrevor (Case Officer report attached)**

Rec: REFUSAL

- This application is being removed from the schedule at the request of Planners and will be brought back to a future meeting.


 *LA07-2017-0976-F Stephen Campbell.pdf*

*Page 33*

**11.0 LA07/2017/1033/F - Raymond Reid - Erection of dwelling - To the rear of 7a Windmill Road, Newry (Case Officer report attached)**

Rec: REFUSAL

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

 *LA07-2017-1033-F Raymond Reid.pdf*

*Page 46*

 *Item 11 - submission of support (Raymond Reid).pdf*

*Page 53*

**12.0 LA07/2017/1186/F - Wolfhill Developments Ltd - Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road - 4 Lurgancanty Road, Clontifleece, Warrenpoint (Case Officer**

## report attached)

Rec: REFUSAL


 *LA07-2017-1186-F Wolfhill Developments.pdf*

Page 54

### 13.0 LA07/2017/1261/O - Mr Thomas Mageean - Proposed dwelling and garage - Site abutting 20 Junction Road, Saintfield (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-1261-O Thomas Mageean.pdf*

Page 59

 *Item 13 - submission of support (Thomas Mageean).pdf*

Page 64

### 14.0 LA07/2017/1353/O - Rob and Paige Jennings - Demolition of former dwelling and agriculture shed and erection of new replacement dwelling - 97A Crossgar Road, Saintfield (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Rob Jennings, applicant, and Dawson Stelfox of Consarc and Ryan McBirney of Strategic Planning, in support of the application. **(Submission attached).**

 *LA07-2017-1353-O Rob and Paige Jennings.pdf*

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 *Item 14 - submission of support (R & P Jennings).pdf*

Page 82

### 15.0 LA07/2017/1355/F - Sean Murphy - Erect replacement dwelling - 24 Head Road, Kilkeel (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-1355-F Sean Murphy.pdf*

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 *Item 15 - submission of support (Sean Murphy).pdf*


Page 107

### 16.0 LA07/2017/1369/O - Mr J McMaster - Dwelling and detached



**garage for private use - Opposite 15 Ballymaglave Road, Ballynahinch (Case Officer report attached)**

Rec: REFUSAL

 *LA07-2017-1369-O Mr J McMaster.pdf*

*Page 115*

**17.0 LA07/2017/1388/O - Michael & Marion Young - Proposed domestic dwelling and garage - Adjacent to No. 24 Grange Road, Kilkeel (Case Officer report attached)**

Rec: REFUSAL

 *LA07-2017-1388-O Michael and Marion Young.pdf*

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**18.0 LA07/2017/1394/F - Mr B & Mrs A Gibney - Dwelling and garage on a farm - 80m East of 89 Demesne Road, Edendarriff, Ballynahinch (Case Officer report attached)**

Rec: REFUSAL

- A request for speaking rights has been received from Ewart Davis, agent, in support of the application. **(Submission attached).**
- Councillor Andrews has advised of his support for this application.

 *LA07-2017-1394-F Mr B and Mrs A Gibney.pdf*


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 *Item 18 - submission of support (Mr & Mrs Gibney).pdf*

*Page 138*

**19.0 LA07/2017/1444/O - Mr P McAleenan - Infill site for 1 detached dwelling and garage - 32m SW of 96 Newry Road, Benagh, Newry (Case Officer report attached)**


Rec: REFUSAL

 *LA07-2017-1444-O Mr P McAleenan.pdf*

*Page 149*

**20.0 LA07/2017/1627/O - Mr Gerard Donnelly - Proposed 2 No. dwellings on an in-fill site - 20m East of 15 Newry Road and 45m North of 96 Maphoner Road, Mullaghbawn (Case Officer report attached)**

Rec: REFUSAL

 *LA07-2017-1627-O Gerard Donnelly.pdf*

*Page 156*

**21.0 LA07/2017/1635/F - Mr & Mrs Brian Dickson - Replacement of non listed vernacular dwelling with retention of existing dwelling for storage - 7 Bannfield Road, Rathfriland (Case Officer report attached)**

Rec: REFUSAL

- A request for speaking rights has been received from Ewart Davis, agent, in support of the application. **(Submission attached).**
- Councillor Andrews has advised of his support for this application.

 *LA07-2017-1635-F Mr and Mrs Brian Dickson.pdf* *Page 161*

 *Item 21 - submission of support (Mr & Mrs Brian Dickson).pdf* *Page 168*

**22.0 LA07/2017/1788/O - Louise McKeever - Infill site for dwelling and detached garage - Adjacent to and between Nos 3 and 5 Drumboy Road, Culloville (Case Officer report attached)**

Rec: REFUSAL

 *LA07-2017-1788-O Louise McKeever.pdf* *Page 180*

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*For Noting*

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**23.0 December 2017 Planning Committee Performance Reports (Attached).**

 *Item 23 - DECEMBER 2017 Planning Committee Performance Report.pdf* *Page 184*

**24.0 Record of meetings between Planning Officers and Public Representatives (Attached).**

 *Item 24 - Record of Meetings.pdf* *Page 191*

**25.0 December 2017 Appeals and Decisions (Attached).**

 *Item 25 - December 2017 Appeals and Decisions.pdf* *Page 193*

**26.0 Report - Contact from Public Representatives 2 October - 29 December 2017. (Attached).**

 *Item 26 - Contact from public reps - October-December 2017.pdf* *Page 240*

# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@nmandd.org">terry.andrews@nmandd.org</a>
Cllr Naomi Bailie	<a href="mailto:naomi.bailie@nmandd.org">naomi.bailie@nmandd.org</a>
Cllr Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr Robert Burgess	<a href="mailto:robert.burgess@nmandd.org">robert.burgess@nmandd.org</a>
Cllr Stephen Burns	<a href="mailto:stephen.burns@nmandd.org">stephen.burns@nmandd.org</a>
Lorraine Burns	<a href="mailto:lorraine.burns@nmandd.org">lorraine.burns@nmandd.org</a>
Cllr Pete Byrne	<a href="mailto:pete.byrne@nmandd.org">pete.byrne@nmandd.org</a>
Cllr Michael Carr	<a href="mailto:michael.carr@nmandd.org">michael.carr@nmandd.org</a>
Cllr charlie casey	<a href="mailto:charlie.casey@nmandd.org">charlie.casey@nmandd.org</a>
Cllr William Clarke	<a href="mailto:william.clarke@nmandd.org">william.clarke@nmandd.org</a>
Cllr Garth Craig	<a href="mailto:garth.craig@nmandd.org">garth.craig@nmandd.org</a>
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Ms Alice Curran	<a href="mailto:alice.curran@nmandd.org">alice.curran@nmandd.org</a>
Cllr Laura Devlin	<a href="mailto:laura.devlin@nmandd.org">laura.devlin@nmandd.org</a>
Cllr Sean Doran	<a href="mailto:sean.doran@nmandd.org">sean.doran@nmandd.org</a>
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Cllr Glyn Hanna	<a href="mailto:glyn.hanna@nmandd.org">glyn.hanna@nmandd.org</a>
Mr Liam Hannaway	<a href="mailto:liam.hannaway@nmandd.org">liam.hannaway@nmandd.org</a>
Cllr Valerie Harte	<a href="mailto:valerie.harte@nmandd.org">valerie.harte@nmandd.org</a>
Cllr Harry Harvey	<a href="mailto:harry.harvey@nmandd.org">harry.harvey@nmandd.org</a>
Cllr Terry Hearty	<a href="mailto:terry.hearty@nmandd.org">terry.hearty@nmandd.org</a>
Cllr David Hyland	<a href="mailto:david.hyland@nmandd.org">david.hyland@nmandd.org</a>
Cllr Liz Kimmins	<a href="mailto:liz.kimmins@nmandd.org">liz.kimmins@nmandd.org</a>
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Cllr Gareth Sharvin	<a href="mailto:gareth.sharvin@nmandd.org">gareth.sharvin@nmandd.org</a>
Cllr Gary Stokes	<a href="mailto:gary.stokes@nmandd.org">gary.stokes@nmandd.org</a>
Sarah Taggart	<a href="mailto:sarah-louise.taggart@nmandd.org">sarah-louise.taggart@nmandd.org</a>
Cllr David Taylor	<a href="mailto:david.taylor@nmandd.org">david.taylor@nmandd.org</a>
Caroline Taylor	<a href="mailto:Caroline.Taylor@downdc.gov.uk">Caroline.Taylor@downdc.gov.uk</a>
Cllr Jarlath Tinnelly	<a href="mailto:jarlath.tinnelly@nmandd.org">jarlath.tinnelly@nmandd.org</a>
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Suzanne Trainor	<a href="mailto:suzanne.trainor@nmandd.org">suzanne.trainor@nmandd.org</a>
Cllr William Walker	<a href="mailto:william.walker@nmandd.org">william.walker@nmandd.org</a>
Mr Adam Wilkinson	<a href="mailto:adam.wilkinson@nmandd.org">adam.wilkinson@nmandd.org</a>

## Item 5 – Addendum List

### Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 10 January 2018

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

- **Item 6** - LA07/2017/0082/O - Samuel & Rodney Murphy - Dwelling and domestic garage - approx 90m SW of 12 McClenaghans Hill, Newry. **REFUSAL**
- **Item 8** - LA07/2017/0545/O - Elaine Binks - Site for dwelling - No. 2 Belmont Lane, Ballyardle, Killeel **REFUSAL**
- **Item 9** - LA07/2017/0795/F - Mr Laurence Patterson - Replacement dwelling - Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield **REFUSAL**
- **Item 12** - LA07/2017/1186/F - Wolfhill Developments Ltd - Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road - 4 Lurgancanty Road, Clontilleece, Warrenpoint **REFUSAL**
- **Item 16** - LA07/2017/1369/O - Mr J McMaster - Dwelling and detached garage for private use - Opposite 15 Ballymaglave Road, Ballynahinch **REFUSAL**
- **Item 17** - LA07/2017/1388/O - Michael & Marion Young - Proposed domestic dwelling and garage - Adjacent to No. 24 Grange Road, Killeel **REFUSAL**
- **Item 19** - LA07/2017/1444/O - Mr P McAleenan - Infill site for 1 detached dwelling and garage - 32m SW of 96 Newry Road, Benagh, Newry **REFUSAL**
- **Item 20** - LA07/2017/1627/O - Mr Gerard Donnelly - Proposed 2 No. dwellings on an in-fill site - 20m East of 15 Newry Road and 45m North of 96 Maphoner Road, Mullaghbawn **REFUSAL**
- **Item 22** - LA07/2017/1788/O - Louise McKeeever - Infill site for dwelling and detached garage - Adjacent to and between Nos 3 and 5 Drumboy Road, Culloville **REFUSAL**

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<b>ITEM NO</b>	1			
<b>APPLIC NO</b>	LA07/2017/0082/O	Outline	<b>DATE VALID</b>	18/01/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Samuel & Rodney Murphy 19 Clogharevan Road Newry BT35 7BH		<b>AGENT</b>	Collins & Collins 2 Marcus Street Newry Co Down BT34 1AZ
<b>LOCATION</b>	Approx 90m South West of 12 McClenaghans Hill Newry BT35 7BS			
<b>PROPOSAL</b>	Dwelling and domestic garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

1 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 proposed building is a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed building relies primarily on the use of new landscaping for integration;
  - the ancillary works do not integrate with their surroundings;
- and therefore would not visually integrate into the surrounding landscape.

2 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 building would, if permitted, be unduly prominent in the landscape;
  - the impact of ancillary works would damage rural character;
- and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/0082/O**

**Date Received: 23/01/2017**

**Proposal: Dwelling and domestic garage**

**Location:** Approx. 90m South West of 12 McClenaghans Hill, Newry. The application site sits approx. 3.5 kilometres NW of Newry city.

**Site Characteristics & Area Characteristics:**

The application site forms part of an agricultural field. Access into the application site is currently available from Clogharevan Road. Within the application site land levels rise from McClenaghans Hill to reach a peak then fall again as you move towards the SW boundary of the site. Immediately NW of the application site is a large farm complex.

The surrounding area is undulating landscape and rural in character with single dwellings and farm complexes in the immediate vicinity. Further east along Clogharevan Road is a large site operating as an animal protection centre and also a community garden.

**Site History:**

There is no planning history for the application site.

**Planning Policies & Material Considerations:**

- The Strategic Planning Policy Statement for Northern Ireland (2015).
- The Banbridge / Newry and Mourne Area Plan.
- Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside.
- Planning Policy Statement 3 (PPS3) – Access, Movement and Parking.

**Consultations**

There were four consultations issued for this proposal.

- Transport NI – no objection subject to compliance with RS1 form (07/02/2017).



- NI Water – generic response (14/02/2017).
- DAERA – confirmation the farm is active and established (23/02/2017).
- Environmental Health – no objections, advice regarding setback from associated farms (14/02/2017).

### **Objections & Representations**

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 10<sup>th</sup> February 2017. There were no representations received.

### **Consideration and Assessment:**

PPS 21 – Sustainable Development in the Countryside

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

Policy CTY 1 states that a range of different types of development are acceptable in principle in the countryside. This includes farms dwellings provided the proposed development is in accordance with Policy CTY 10.

Policy CTY 10 requires three criteria to be met for planning permission to be granted for a dwelling on a farm:

DARD advised in a consultation response dated 26/23/02/2017 that the farm business ID identified on the P1C form has been in existence for more than 6 years and the business has claimed Single Farm Payment, Areas of Natural Constraint Payment or Agri Environment Scheme Payment in the last year. Criterion (a) of CTY 10 is therefore satisfied.

A history search of the DARD number and fields registered confirms that there have been no dwellings or development opportunities sold off within 10 years and therefore criterion (b) of CTY10 is satisfied.

Criterion (c) of CTY 10 requires that a new farm dwelling is visually linked or sited to cluster with an established group of farm buildings and that access to the dwelling should be obtained from an existing lane. It is considered with appropriate siting conditions a dwelling within the application could visually link with the farm complex, the issues for this site is one of integration.

The policy notes "In such circumstances the proposed site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16".

### **CTY 13, CTY 14 and CTY 16**

CTY 13 assesses the impact the proposal will have on the rural area by reason of design, siting, integration and landscaping. The proposed site lacks established boundaries on three sides and as a result significant landscaping would be required to achieve satisfactory integration for both a dwelling and new access. The topography of the application site would mean the dwelling would be quite elevated when viewed from the west, particularly when travelling east along Clogharevan



Road and as far as Divernagh Road further east of the application site. Within the application site there is an increase in land levels as you move SW to NW then a drop in levels again as you move to McClenaghans Hill. To facilitate the development of a dwelling within the application site it is considered significant ground works would be required for integration and this is unacceptable. Additionally, a new access to be constructed from McClenaghans Hill will run along an existing hedgerow, however due to the topography within the application site and surrounding area, the creation of a new access at this location would be a highly visible feature from McClenaghans Hill, Clogharevan Road and Divernagh Road further east and is considered would not integrate with the surroundings.

CTY 14 assesses the impact the proposal will have on the rural character of the immediate area. It is considered that a new dwelling within the application site and the ancillary works to provide a new access would cause damage to the rural character of the area. While it is possible a backdrop could be provided to the dwelling with the rising land within the application site, without long established boundaries it would remain unduly prominent.

It is considered a dwelling adjacent to the established farm buildings (No. 19 Clogharevan Road) and positioned along the frontage with Clogharevan Road, using an existing access would cluster with the farm complex and would not be a prominent feature and would more easily integrate

Any approval notice would contain a condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is generally in compliance with CTY 16.

### PPS 3 - Access, Movement and Parking

Transportni have confirmed that they are content with the new access, subject to conditions.

### Office Meeting

During a meeting in the Newry Planning Office on 20th June 2017, issues concerning the new access and suitability of the selected application site were discussed with John Young of Collins and Collins. Additionally, on 13<sup>th</sup> October 2017, the Planning Department sent a letter to the agent requesting they address the issues discussed above and respond to the Planning Department within 21 days. No information has been provided. An e-mail was received on the 8<sup>th</sup> November 2017 stating that the applicant would be meeting with the agent on Monday 13<sup>th</sup> November and contact will be made with the Planning Department later that week. No further contact has been made and no further information relating to this proposal has been received.

**Recommendation:**  
Refusal

**Refusal Reasons:**

1. 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 proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, the ancillary works do not integrate with their surroundings.
2. 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 building would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

<b>ITEM NO</b>	<b>2</b>			
<b>APPLIC NO</b>	LA07/2017/0206/F	Full	<b>DATE VALID</b>	08/02/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	James McConnell	10 Olympia Parade	<b>AGENT</b>	Architech Design NI LTD 76 Whitethorn Lane Kinallen BT25 2DL
<b>LOCATION</b>	173 Head Road Annalong Co. Down BT34 4RG			
<b>PROPOSAL</b>	Erection of replacement dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the non-listed vernacular dwelling which it is proposed to replace makes an important contribution to the appearance and character of the locality and it has not been satisfactorily demonstrated that the building is not capable of being made structurally sound and improved.



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

**Application Reference:** LA07/2017/0206/F

**Date Received:** 10/02/2017

**Proposal:** Proposed Replacement Dwelling

**Location:** 173 Head Road, Annalong. The application site is outside the development limits and included in the Mourne Area of Outstanding Natural Beauty as defined by the Banbridge / Newry and Mourne Area Plan

**Site Characteristics & Area Characteristics:**

The application site as defined in red encompasses a derelict dwelling with attached out buildings and an existing laneway connecting to the public road (Head Road). The application site is setback approx. 140 metres from Head Road and is positioned at a lower level due to the topography. The dwelling on site is orientated to face east with agricultural land surrounding on all sides.

The surrounding area is rural in character with surrounding built development comprising of farm complexes and single dwellings and outbuildings.

**Site History:**

There is no recent relevant planning history for the application site.

**Planning Policies & Material Considerations:**

This planning application has been assessed under the Banbridge, Newry and Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS21 - Sustainable Development in the Open Countryside, PPS3 - Access, Movement and Parking, and DCAN 15 - Vehicular Access Standards, and the Building on Tradition Sustainable Design Guide.

**Consultations:**

There were three consultation issued for this proposal.

- Transport NI – no objections (09/03/2017)
- NI Water – generic response (27/02/2017)
- NIEA – outstanding response



### **Objections & Representations**

There were no neighbour notifications required for this application. The proposal was advertised in the local press on 22<sup>nd</sup> February. There were no representations received.

### **Consideration and Assessment:**

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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Annalong village. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

#### **Strategic Planning Policy Statement (SPPS)**

As there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

#### **PPS21 - Sustainable Development in the Countryside**

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3.

CTY 3 - The existing dwelling on site has not been used as a dwelling for a number of years and its condition has deteriorated however it displays all the essential characteristics of a dwelling such as windows, door openings, chimney and the external walls are all intact, the roof of the building appears also to be substantially intact and therefore the building is eligible for replacement under CTY 3.

#### **Non-Listed Vernacular Dwellings**

Under CTY3 the retention and sympathetic refurbishment, with adaption if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Further, 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 not reasonably capable of being made structurally sound or otherwise improved.

Employing the advice set out in Annex 2 of PPS21, we consider the dwelling on site to be a vernacular building and given its location and the extensive views of the building from Head Road and Ballyveaghmore Road it is considered to make a contribution to the appearance and character of this rural area.

The agent had employed Armstrong Taylor Consulting Engineers to carry out a visual inspection of the dwelling on site and provided the Planning Department with a report following this. A further structural survey completed by George Dawson was submitted to the Planning Department. Upon consideration of both reports submitted the Planning Department are of the opinion that while works required to reinstate the building to a habitable standard may be onerous and costly, the building on site is capable of made structurally sound.

CTY13, CTY14 and CTY 16

In terms of CTY13 and 14, the application site sits below the level of the road and a new dwelling would not be prominent feature. The design is considered acceptable for this rural area. As the application is for replacement dwelling it will not further erode the rural character of the area.

It is considered the site could accommodate a septic tank and soak-away. A condition will be added to any decision notice requiring the applicant to apply for consent to discharge from the Council prior to commencement of any development hereby permitted. The proposal is in compliance with CTY16.

With regard to PPS2 Natural Heritage, Policy NH6, the siting if the proposed dwelling will be sympathetic to the locality as it overlaps the footprint of the dwelling it is replacing. There are no adverse impacts on the existing heritage of the area and the design of the dwelling is in keeping with local architectural styles.

NIEA in their consultation response have requested a bat roost potential survey be carried. The agent has been notified of this. Should approval be granted to demolish any of the buildings on site or clearing of the vegetation to the SW of the dwelling be carried out, a bat roost potential survey will be requested and further consultation with NIEA on this will be required.

**Recommendation:**

Refusal

**Refusal Reasons:**

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the non-listed vernacular dwelling which it is proposed to replace makes an important contribution to the appearance and character of the locality and it has not been satisfactorily demonstrated that the building is not capable of being made structurally sound and improved.

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

Newry, Mourne and Down District Council

Planning Committee meeting, 10 January 2018: Proposed Speaking Note

**Proposed Replacement Dwelling: No. 173 Head Road, Annalong.**

Having carefully examined the Planning Committee Report, I consider that the document's assessment of the application lacks sufficient persuasive information or evidence to warrant a refusal of planning permission.

I would ask Members to give careful consideration to the following points before coming to a decision this morning.

1. It is important that Members should have a good understanding of the location, nature and setting of the application site. While the Committee Report (page 1, paragraph 2), indicates that the present dwelling is set back approximately 140 metres from the Head Road, I would point out that it sits 16 metres (the equivalent of a 4-storey building) lower than that road and it lies about 190 metres (the length of 2 football pitches) to the east of Ballyveaghmore Road.
2. I accept that the existing property can be regarded as a vernacular building which the dictionary defines as "*a local style of architecture in which ordinary houses are built*".  
**This particular type of plain two-storey farmhouse is found regularly throughout much of the Northern Ireland countryside and is not confined to the Kingdom of Mourne.**



The existing dwelling at No.173 Head Road

Given the site's down-slope location, its distance from the local road network and the generous scattering of buildings of various types on the long approaches on Ballyveaghmore Road and the Head Road, the existing



semi-derelict dwelling is not a prominent feature and can only be detected with difficulty by deliberately searching for it within the wider landscape.

3. The Committee Report (page 2, paragraph 7) clearly states that the existing vernacular building *"is considered to make a contribution to the appearance and character of this rural area"*. However, Policy CTY 3 of Planning Policy Statement 21, as quoted in the Report's previous paragraph, encourages refurbishment of property in preference to replacement in situations where *"the dwelling makes an important (my emphasis) contribution to the heritage, appearance or character of the locality"*.  
  
Since the Report offers no visual or other form of assessment to demonstrate that the building makes such a contribution to its surroundings, its claim to this effect, as set out in its recommendation (at the bottom of page 3), is not sustainable in my opinion.
4. Even if the Committee were to accept that the dwelling makes an "important contribution" to the area's heritage, character or appearance, the Report (page 2, paragraph 6) refers to the fact that Policy CTY 3 only allows for the replacement of a non-listed vernacular dwelling where the existing property *"is not reasonably capable of being made structurally sound or otherwise improved"*.
5. The applicant, in responding to a request by Planning Service for more information, commissioned two chartered engineering practices to provide independent structural appraisals of the existing dwelling.

The Armstrong Taylor report concludes *"Having assessed the structural repairs necessary to reinstate this property to a safe, habitable condition, we would advise consideration should be given to a complete replacement.....Having carried out our assessment of the property it is our opinion that it is not reasonably practical to make it structurally sound"* (my emphasis).

The Dawson document states *"We are of the opinion in relation to providing an adequate damp proof course and insulation detail to the floor towards the rear, the structure could be compromised and it is therefore not reasonably capable of maintaining structural stability during this operation due to the vibration from the rock removal equipment.*

*Due to this difficulty and the extent of remedial work required to floors, roof and lintols, it is our opinion that consideration should be given to a new replacement dwelling"* (my emphasis).

The authors of the Committee Report have, unfortunately, not informed Members about either of these independent engineering conclusions and, in addition, they have offered no explanation why they have chosen to disregard expert opinion in favour of their own assertion (page 2, paragraph 8) that *"although works required to reinstate the building to a habitable standard may be onerous and costly, the building on site is capable of [being] made structurally sound"*.

6. PLANNING POLICY STATEMENTS ARE CAREFULLY DRAFTED AND IT IS IMPORTANT THAT THEIR WORDING IS STRICTLY ADHERED TO WHEN ASSESSING DEVELOPMENT PROPOSALS.



**Based on a full reading of Policy CTY 3, the critical test rests on a judgement as to whether or not the existing dwelling is REASONABLY CAPABLE of being made structurally sound or otherwise improved.**

As mentioned earlier, the independent engineering appraisals conclude that it is not reasonably practical to make the property structurally sound and that the structure could be compromised during necessary works to provide adequate damp proofing and insulation at ground floor level.

The attached quotation by A&H Nicholson, which compares the costs of conversion with those of constructing a new dwelling (less fitting out) based on the engineers' recommended remedial works, should assist Members in coming to a decision on this particular policy requirement.

7. On a more positive note, the Committee Report concedes (page 3) that:-  
the proposed replacement dwelling would not be a prominent feature in the landscape; its design is acceptable; and its presence and siting would not erode the area's rural character.
8. **Given the Report's unsubstantiated claim that that the existing vernacular dwelling makes an important contribution to its surroundings and its apparent disregarding of expert opinion which has concluded that, from an engineering standpoint, it would not be reasonably practical to make the property structurally sound, I would contend that the recommendation to refuse permission is unjustified in planning terms and is therefore unsustainable.**
9. I would respectfully request that the Committee grants planning permission for the replacement of No. 173 Head Road, Annalong.

B. Allen BA MA MRTPI  
02 January 2018.



### Quotation

27<sup>th</sup> November 2017

Hello James

This quote is based on the drawings provided and 2no. structural report information provided.

- **New build 2400 sq ft** **£151,000**  
 -new substructure  
 -new superstructure including precast floor slabs to 1<sup>st</sup> floor  
 -new roof timbers & covering  
 -minor structural elements ie ridge beam over sun room  
 -all m&e  
 -windows & doors
- **Refurbish existing 900sqft with 1500sqft min. extension** **£225,000-£245,000+vat**  
 -underpinning/stabilizing walls where necessary  
 -removing walls to gable and frontage to allow for new opening heads and rebuild up  
 -removing floors ground & first and necessary propping/safeguards  
 -removing roof covering and replace using same with new membrane and battens plus 20% additional slate  
 -investigate and eradicate damp in walls and existing roof timbers  
 -new ground floor structure  
 -new timber floor to 1<sup>st</sup> floor  
 -insulating existing walls (will encroach into existing rooms which are quite small therefore your extension may need to be larger to account for space lost)

This excludes kitchens, bathrooms and floor / wall finishes. Oak timber trim out will be additional.

The refurbishment quote excludes any surveys that may be required due to infrequent domestic animal habitation and asbestos containment. H&S input will be increased due to the nature of the works.

Andrew Nicholson

A&H Nicholson Limited, 1 Sheemore Crest, Kilkeel, Newry Co. Down, BT34 4FA  
 Telephone: 028 417 69397 email: info@ahnicholson.com VAT Number: 877 3987 47





<b>ITEM NO</b>	<b>3</b>			
<b>APPLIC NO</b>	LA07/2017/0545/O	Outline	<b>DATE VALID</b>	10/04/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Elaine Binks 7 Ardallan Park Warrenpoint BT34 3JA		<b>AGENT</b>	
<b>LOCATION</b>	No2, Belmont Lane Ballyardle Kilkeel BT34 4LA			
<b>PROPOSAL</b>	Site for dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 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 Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility/junction stagger/forward sight distance of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.
- 3 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.
- 4 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 the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, and would instead add to a ribbon of development.
- 5 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 6 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape, would add to the impression of suburban style build up and would add to a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0545/O

**Date Received:** 02.05.2017

**Proposal:** Site for dwelling

**Location:** No2. Belmont Lane, Ballyardle, Kilkeel, BT34 4LA

**Site Characteristics & Area Characteristics:**

The application site is located off the Belmont Lane, Kilkeel. This area is rural in character with a number of outbuildings and rural dwellings. The site is located at No2. Belmont Lane. The application site as outlined in red is triangular in shape with the topography of the land level. It contains an existing semi-detached dwelling, a grassed area and a driveway leading to a detached garage.

The boundaries of the site are defined by a stone wall ranging from 2-3m in high along the northern, southern and eastern boundaries with 2½m high hedgerow along the western boundary. The application site is located outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015.



*Application site*

**Site History:**

LA07/2016/0747/F

Alterations and extension to existing dwelling

Permission Granted: 05.08.2016

**Planning Policies & Material Considerations:**

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 2- Natural Heritage (AONB)

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

AMP 2- Access to Public Roads

AMP 3- Access to Protected Routes

AMP 7 Car Parking and Servicing Arrangements

PPS 6- Planning, Archaeology and the Built Heritage

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY2a – New Dwellings in Existing Clusters;

CTY 8- Ribbon Development

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

**Supplementary Planning Guidance:**

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

**Consultations:**

Transport NI- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (visibility/junction stagger/forward sight distance) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Historic Environment Division: Has no objections to the proposal

NI Water: Has no objections to the proposal

**Objections & Representations**

4 Neighbours was notified on 08.11.2017 and the application was advertised on 19.04.2017. No objections or representations received.

**Principle of Development**



Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no. 2 Belmont Lane (and detached garage), no. 4 Belmont Lane (and outbuilding), no. 6 Belmont Lane (and outbuilding) and no. 8 Belmont Lane (and outbuilding). Officers consider the proposed development complies with criteria 1 of CTY2a

Officers do not consider No.11 Ballyarde Road, Kilkeel and the associated agricultural outbuildings part of the cluster, as the cluster must lie outside of a farm. The below drawing illustrates this with the area highlighted in green what officers consider part of the existing cluster and area highlighted in red constitutes development on the farm.



The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no. 2 Belmont Lane (and detached garage), no. 4 Belmont Lane (and outbuilding), no. 6 Belmont Lane (and outbuilding) and no. 8 Belmont Lane (and outbuilding). Officers consider from the different viewpoints along Belmont Lane and Belmont Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. Although there is a junction south west of the application site, there is no focal point where the actual cluster is located. Therefore the proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The proposal is bounded on the eastern side by no.04 Belmont Lane (and outbuilding), the remaining boundaries are unbounded by other development in the cluster and front on to Belmont Lane and Belmont Road respectively. The site is therefore very exposed and does not have a suitable degree of enclosure. The proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Although this application is an Outline officers feel that any development will fail to integrate into the existing pattern of settlement. Any proposed development along the eastern section of the application would be limited due to the existing dwelling (no.02 Belmont Lane), its detached garage and private laneway to it. The remaining site is very much open and exposed creating a visual intrusion into the open countryside. Its position would significantly alter the existing character of the area. The proposal does not meet the definition and is not considered acceptable in principle against this policy test

The sixth criterion requires that the development would not adversely impact on residential amenity. The particulars of the design and layout of the site are not determined until the Reserved Matters stage. Therefore the impact cannot be determined until then. The proposal therefore complies with this policy test until the design and layout is determined. However the proposal fails to meet all six criteria test of CTY2a and CTY1.

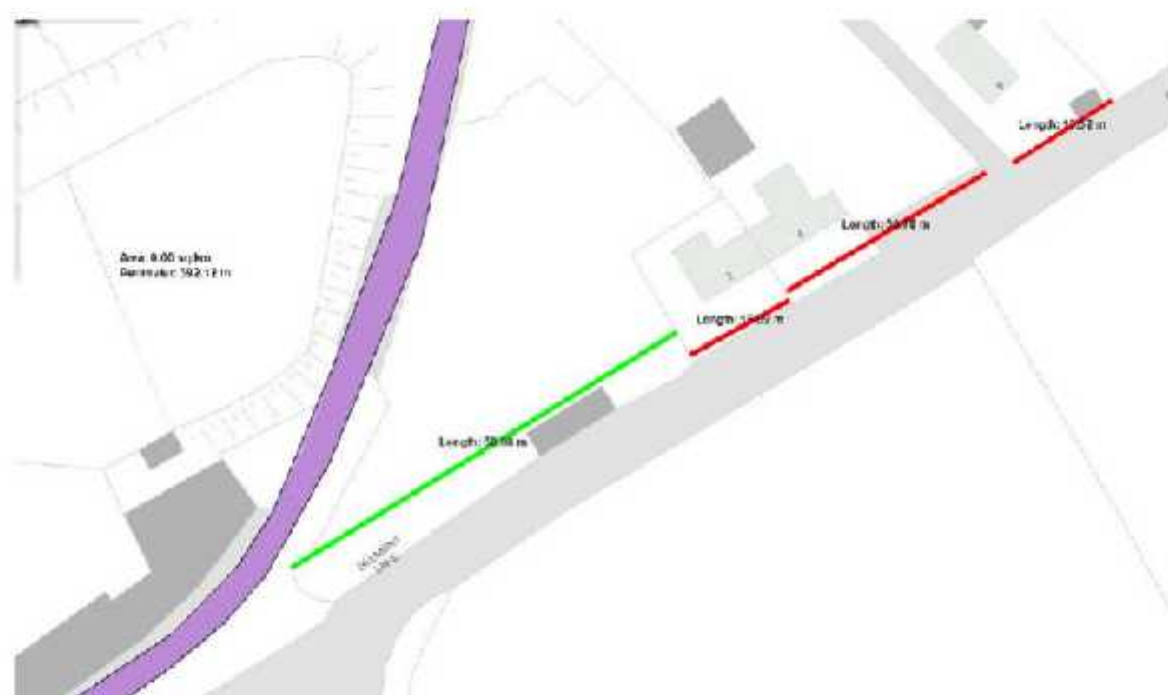
#### CTY 8 -Ribbon Development

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the

frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The application site is located adjacent to No2 & No.4 Belmont Lane which is semi-detached dwellings. No.6 Belmont Lane is located further north east of the application site. Agricultural buildings are located southwest of the application site.

Whilst the site is large enough only to accommodate two dwellings comfortably it does not sit between buildings. The Belmont Road which is a public road is located between the agricultural buildings and application site, therefore is not classified as a continuously build up frontage as illustrated below.



Officers consider that the application site does not constitute a gap site in an otherwise substantial and continuously built up frontage, and the proposal would instead add to a ribbon of development and therefore the proposal fails to meet the policy test of CTY 8.

### Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.



In the opinion of Officers the proposal is a prominent feature in the landscape and is very much open and exposed creating a visual intrusion into the open countryside. Also given its position it would significantly alter the existing character of the area.

### Impact on Rural Character

Policy 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. In this case, a dwelling would be unduly prominent in the landscape, would add to the impression of suburban style build up and would add to a ribbon of development.

### PPS 2 Natural Heritage

The application is within the Mourne Area of Outstanding Natural Beauty and is considered against PPS 2 Natural Heritage, NH6 Areas of Outstanding Natural Beauty. This area is of particular scenic quality and any development should respect the locality and conserve its natural features that add to its attractiveness. This application is outline planning application therefore no design has been put forward, however careful consideration must be given at the Reserve Matters stage with any proposed design to be similar to existing and surrounding buildings and must be of an appropriate design for the locality and sympathetic to the special character of the area.

### Impact on road safety and parking

Transport NI have recommended that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (visibility/junction stagger/forward sight distance) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15. However a safe and well designed access can be achieved onto Belmont Road within the applicant's control. The applicant was invited to address this point and submitted a drawing on 8<sup>th</sup> August, but this was not to scale and cannot be considered. Therefore the proposal remains contrary to PPS 3.

### Conclusion

Refusal

### **Refusal Reasons**

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

2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility/junction stagger/forward sight distance of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.
4. 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 the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, and would instead add to a ribbon of development.
5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
6. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would add to the impression of suburban style build up and would add to a ribbon of development and would therefore result in the rural character of the countryside.

<b>Case Officer Signature</b>	
<b>Date</b>	
<b>Appointed Officer Signature</b>	
<b>Date</b>	

<b>ITEM NO</b>	<b>4</b>			
<b>APPLIC NO</b>	LA07/2017/0795/F	Full	<b>DATE VALID</b>	24/05/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Laurence Patterson Drumnaconnell House 56 Ballynahinch Road Drumnaconnell West Saintfield BT24 7ND		<b>AGENT</b>	The Bowsie Partnership 3 Lower Clay Road Toye Downpatrick BT30 9PL
<b>LOCATION</b>	Drumnaconnell House 56 Ballynahinch Road Drumnaconnell West Saintfield BT24 7ND			
<b>PROPOSAL</b>	Replacement dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling which is proposed to be replaced makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

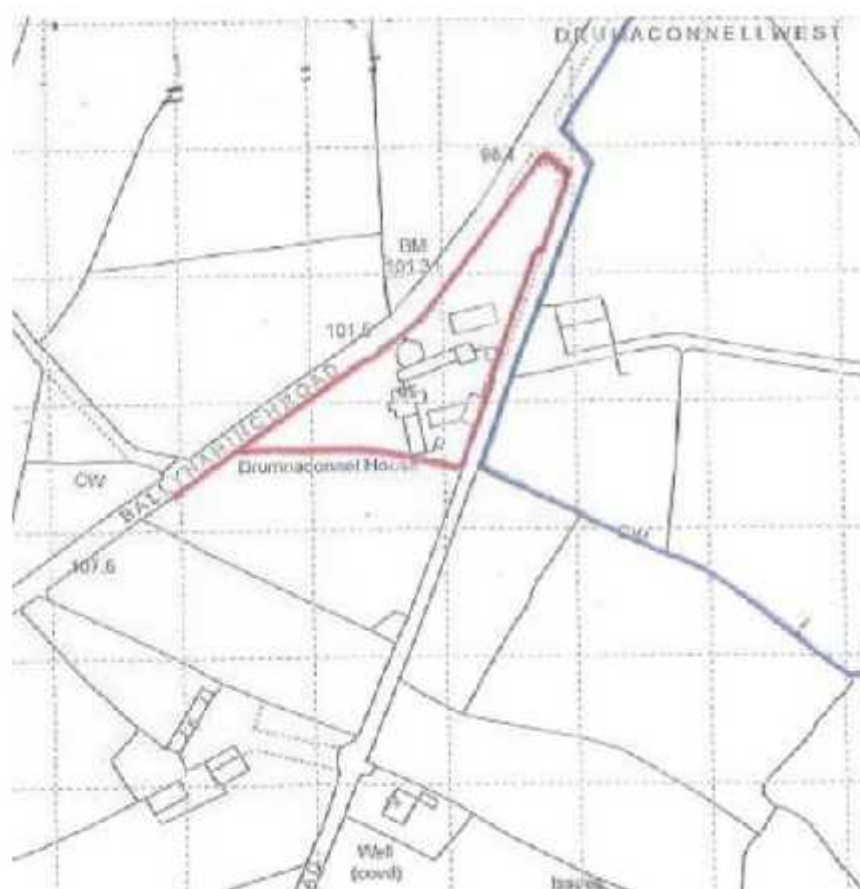
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0795/F

**Date Received:** 24.05.2017

**Proposal:** The application is for full planning permission for a replacement dwelling.

**Location:** The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. The site is less than a mile SE of Saintfield village.





**Site Characteristics & Area Characteristics:**

The application site is located at the junction of two roads, Ballynahinch Road and Drumnaconnell Road. The site accommodates a two storey dwelling (as dwelling is currently being occupied) with attached outbuilding and a number of other outbuildings which form part of a cluster/grouping of buildings. The outbuilding to the north of the site is comprised of nature stone finish, there appear to be two other buildings attached to this building including stables which have a rendered appearance. The outbuildings to the southern part of the site are partly white washed in appearance and partly rendered. The rear of the site opens onto a concrete yard. A dry stone wall surrounds the majority of the site, with the addition of hedging and mature trees in parts.





View from google street

**Site History:**  
No relevant history on the site.



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

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 and supplementary guidance - Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

### **Consultations:**

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

### **Objections & Representations**

In line with statutory requirements two neighbours have been notified on 29.06.2017. The application was advertised in the Mourne Observer and the Down Recorder on 07.06.2017.

### **Consideration and Assessment:**

Strategic Planning Policy Statement

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

Under the SPPS replacement dwellings, there is a tightening of policy whereby the emphasis has moved from 'should' within CTY 3 to 'must'. Replacement dwellings must be located within the curtilage of the original dwelling where practicable....Replacement dwellings must not have a visual impact significantly greater than the existing building.

PPS3 - Access, Movement & Parking

DCAN15 -Vehicular Access Standards

The existing access as shown above is to be closed and a new access opened up further along the Ballynahinch Road. Transport NI was consulted and has no objections to the proposal.

## PPS 21 - Sustainable Development in the Countryside

Policy CTY1 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 replacement dwelling in accordance with Policy CTY 3 is one such case. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14 will also be considered.

### CTY 3

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.

The building to be replaced is currently occupied. The building on the site does appear to exhibit the essential characteristics of a dwelling house. There are a number of different rooms, doors and windows, chimneys on the ridge, and a slate roof. All external structural walls are substantially intact and the building looks to be structurally in tact. It is a two storey dwelling with chimneys at either end of both gables on the ridge. The building is orientated gable on towards the Ballynahinch Road, however access is also gained from the Drumnaconnell Road. The roof consists of Bangor blue slate. Windows to the front elevation and are vertical in emphasis. These windows have been fitted with white PVC window frames. Windows to the side gable towards the rear of the house have a more horizontal appearance. There is a flat roof porch to the front elevation. There is a two storey return to the rear of the dwelling. There is a high solid to void ratio. The building is described as vernacular and along with the grouping of outbuildings represents a good example of a small cluster or clachan style of development.

### Non listed Vernacular Dwellings

The existing dwelling which is subject to replacement is an example of a non-listed vernacular dwelling. Retention of such a dwelling is encouraged under Policy CTY3 'Replacement Dwellings'. The test within PPS 3 is whether the existing dwelling makes an important contribution to the heritage, character and appearance of the locality. The retention and sympathetic refurbishment, with adaptation (if necessary) is encouraged in preference to their replacement. The building appears to be structurally sound and could be capable of improvement. The building is an attractive vernacular building, it is located off the Ballynahinch Road, and commands views from both the Ballynahinch Road and Drumnaconnell I Road . Given its



location it would make an important contribution to the heritage, appearance or character of the locality. See below maps taken from PRONI website, where the dwelling dates from approx. 1900 -1907.



**Layer List** ☆ ✕

Operational Layers

- County Boundaries
- Parish and Townland Boundaries
- Points of Interest
- OSNI 1: 10 000 Metric Scale Irish Grid (1957 - 1986)
- OSNI six inch to one mile Irish Grid - (1952 - 1969)
- OSNI Historical Fifth Edition - (1919 - 1963)
- OSNI Historical Fourth Edition - (1905 - 1957)
- OSNI Historical Third Edition - (1900 - 1907)
- OSNI Historical Second Edition - (1846 - 1867)
- OSNI Historical First Edition - (1832 - 1846)



**Layer List** ☆ ✕

Operational Layers

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- OSNI Historical Fourth Edition - (1905 - 1957)
- OSNI Historical Third Edition - (1900 - 1907)
- OSNI Historical Second Edition - (1846 - 1867)
- OSNI Historical First Edition - (1832 - 1846)



The principle of a replacement dwelling would therefore not be acceptable.

Notwithstanding the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met.

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

-the 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 design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

-all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

-access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Since this is a full application consideration has to be given to the plans submitted for a replacement dwelling.

The proposal itself involves replacing the existing dwelling and an attractive attached outbuilding generally on the same footprint as the existing dwelling. The curtilage of the proposed replacement dwelling would be a similar arrangement to what is presently on site.

The proposed dwelling has two storeys with a ridge height of 8.6m to FFL. A single storey utility room is proposed to the side elevation, with a bay window feature proposed to the opposite elevation. The windows to the front have a vertical emphasis. There is a slight roof projection/dormer to the centre of the front elevation. The main element of the dwelling measures 14.3m in length with a gable depth of 9.9m. The front elevation would be described as being traditional in form, but with a neoclassical feature in the form of a granite portico and step. The materials and finishes include:- walls – rendered (pearl grey colour) with raised window bands and raised plinth (same colour as walls), side return – ‘field’ stone; roof – natural stone slates blue/black; smooth render chimneys with angular clay ridge (blue/black); cream uPVC sliding sash windows and black uPVC panelled front door.

The proposal also involves the closing up of the existing access and the introduction of a new access further SE along the Ballynahinch Road. This involves removing the existing stone wall and rebuilding behind the required sightlines. It also involves a new driveway which would be longer than the existing driveway.

Views of the site would be from Ballynahinch Road coming in both directions and along Drumnacconnell Road in both directions. There are a number of outbuildings which form part of the existing grouping of buildings and these are to remain. Given that the ridge height is similar to the building that is currently present the design has elements that are rural in design, with good solid to void. The building will have an impact on the landscape as it is larger in scale to the building that is being replaced, however, taking into account the attached outbuilding which is also being removed on balance the proposed dwelling, would not have a visual impact significantly greater than that of the existing building and the design would be acceptable.

There are no issues of residential amenity as the closest dwelling to the proposed siting of the replacement dwellings is more than the recommended distance.

Notwithstanding the above the proposal will also be considered under the following policies.

#### 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 is of an appropriate design. The dwelling will be integrated into the landscape, given that it is being replaced in a similar position to the existing dwelling in situ with the view that the proposed

building would not have a visual impact that is significantly greater than the existing dwelling to be replaced.

#### **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. In this case the dwelling on the site would be not unduly prominent in the landscape. A new building sited will not have a detrimental impact to the rural character of the area.

#### **Recommendation:**

Refusal

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling which is proposed to be replaced makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved.

Case Officer Signature

Date

Appointed Officer Signature

Date



<b>ITEM NO</b>	<b>5</b>		
<b>APPLIC NO</b>	LA07/2017/0976/F	Full	<b>DATE VALID</b> 26/06/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Mr Stephen Campbell 45 Fairy Hill, Church Street Rostrevor BT34 3BB	<b>AGENT</b>	Blackgate Property Services Ltd Mourne House 41-43 Downshire Road Newry BT34 1EE
<b>LOCATION</b>	Lands to the rear of No.26a-28 Water Street Rostrevor Co Down N Ireland BT34 3BE		
<b>PROPOSAL</b>	Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works.		

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	1	0
			Addresses	Signatures
			17	18
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that:
  - the applicant has failed to demonstrate that the proposal would create a quality residential development;
  - the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
  - the development fails to protect features of archaeological and built heritage and landscape features.
  - appropriate provision has not been made for parking; and
  - the design of the development does not draw upon the best local traditions of form, materials and detailing
- 2 The proposed development is contrary to Policy NH 5 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
- 3 The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated as a Local Landscape Policy Area under Designation RR09.
- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.

- 5 The proposal is contrary to the SPPS and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Section 80 of the Planning Act (Northern Ireland) 2011 in that the proposal is out of keeping with the character, setting, scale and height of the listed buildings and the surrounding area.
- 6 The proposal is contrary to Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area, its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.
- 7 The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**APPLICATION REFERENCE:** LA07/2017/0976/F

**DATE RECEIVED:** 30.06.2017

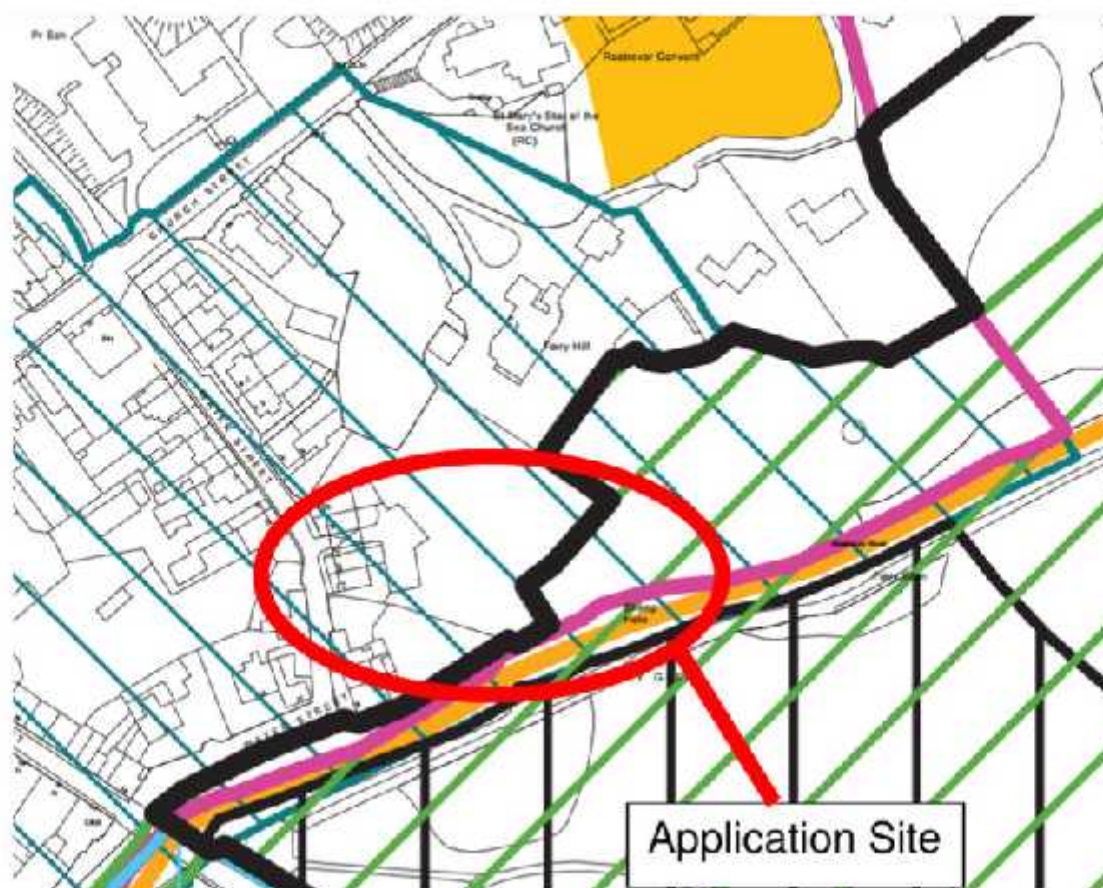
- 1.0. PROPOSAL:** Erection of two semi-detached dwellings with integrated garages, Landscaping and associated site works.
- 2.0. LOCATION:** Lands to the rear of No.26a-28 Water Street, Rostrevor, Co Down, BT34 3BE
- 3.0. SITE CHARACTERISTICS AND PLANNING CONTEXT:**
- 3.1.** The site is situated to the rear of houses fronting onto Water Street, Rostrevor, (Nos26a-28) and adjacent to the Rostrevor River. The application site measures approx. 0.15Ha. The site outlined in red can be defined by two parts with the north western section of the site forming part of the private car park to the residential development (26a-28 Water Street). The remaining site, which is located to the rear and above the car park, is somewhat overgrown with vegetation. The proposed dwellings are located within this area. This part of the site is elevated in comparison to the surrounding dwellings. The site gradually slopes downwards towards the southern/eastern boundary and the Rostrevor River.
- 3.2.** The boundaries of the application site consist of mature trees along the southern, northern and part along the eastern boundaries. The western boundary consists of 1.8m high wooden fence and private archway of the residential development (26a-28 Water Street), to which the application site can be accessed. Directly adjacent and south west of the application site a number of listed buildings are located no(s) 28, 30 and 32 Water Street are Grade B and no.34 is Grade B and directly northeast of the application site is 45-47 Church Street which is Grade B1.
- 3.3.** Part of the southern boundary of the site is bounded by the Rostrevor River, with Kibronney Park located further south. The surrounding area is a mixture of residential, education, open space and outdoor recreation with the Forest Glen Circular walk, listed buildings, river and park within the immediate vicinity, all contributing to the area being a tourist attraction.



*Application site*

- 3.4.** The majority of the site is located within the settlement limit of Rostrevor, as designated within the Banbridge, Newry and Mourne Area Plan 2015, the Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB) and an Area of Archaeological Potential. A small section of the site (far eastern) is located outside the settlement limit and within a Local Landscape Policy Area (LLPA). The site is located within the boundary of a designated conservation area, as also identified in the statutory plan.





Map no.03/18 Rostrevor Settlement limit

#### 4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:

Regional Development Strategy

Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015

Strategic Planning Policy Statement of Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland

##### Planning Policy Statements

PPS 2- Natural Heritage

PPS 3- Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage

Addendum to PS6- Areas of Townscape Character

PPS 7- Quality Residential Environments

PPS 8- Open Space, Sport and Outdoor Recreation

DCAN 8- housing in Existing Urban Areas

PPS12- Housing in Settlements

##### Further Guidance

A Planning Strategy for Rural Northern Ireland (policies DES2 & SP18)

Living Places Urban Stewardship and Design Guide.

Creating Places "Achieving quality in residential developments"- May 2000.

#### 5.0. ADJACENT SITE HISTORY:

**P/1996/0555-** Site for 5 No terraced two storey dwellings-  
Permission Granted: 04.12.1996

**P/1999/0284-** Erection of housing development (5 no. two storey)  
Permission Granted: 05.08.1999

#### 6.0. CONSULTATIONS:

**Environmental Health-** There are no objections in principle to this proposal provided as per submission the development is connected to public sewerage system.

**Rivers Agency-** There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The undesignated 'Rostrevor River' runs along the southern boundary of the site. The site may be affected by other undesignated watercourses of which we have no record.

**Transport NI-** The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

**Historic Environment Division (HED)-** HED Historic Buildings has considered the impacts of the proposal on the buildings and on the basis of the further information provided (18 Oct 2017), advise that the proposals have an adverse impact, on the listed buildings under 6.12 of SPPS (NI) and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning,

**Archaeology and the Built Heritage.** HED Historic Monuments would require additional information from the developer to permit an informed and reasonable planning decision to be taken. A visual impact assessment (to include photomontages) is therefore requested as per Policy BH 3 of PPS 6. If this additional information is not submitted as requested the proposal could prove contrary to policy.

#### 7.0. OBJECTIONS & REPRESENTATIONS:

7.1. 37 Neighbours notified on 14.08.2017 and 04.10.2017 and the application was advertised on 03.07. 2017.

7.2. Five letters of objections have been received from separate addresses in addition 1 petition has been submitted with 17 signatures of which 14 are from

separate addresses. The objectors have raised a number of concerns outlined below:

- Access through car park and archway- Concerns regarding public health and safety.
- Right of way and loss of existing car parking space to create access
- Inaccurate plans- the plans submitted shown 6 car spaces instead of 5 along the north-east all and the southern wall shows 4 car spaces instead of 3.

The issues raised are considered as part of the planning assessment and consideration below.

## **8.0. PLANNING ASSESSMENT & CONSIDERATION**

**8.1.** Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Para 3.4.

**8.2.** RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity if these areas. Therefore while the development is mostly within the settlement area it is considered that the application is contrary to RG8 of RDS in that it would damage the local conservation area for the reasons outlined below.

**8.3.** The SPPS sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3)

It is considered that the proposal is contrary to the principles set out in the SPPS for the reasons set out below.

### **PPS 12- Housing in Settlements**

**8.4.** Planning Control Principle 2- Good design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 below.

### Planning Control Principle 3- Sustainable forms of development.

**8.5.** While the site is within the settlement area, the development would harm the character of the Conservation Area, therefore it is not considered to be a sustainable form of development. There is further consideration of these issues below.



**PPS 7 Quality Residential Environments, Policy QD1**

- 8.6.** Policy QD 1 of PPS 7 states, amongst other things, 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 based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.
- 8.7.** The dwellings proposed are located at lands to the rear of No.26a-28 Water Street; the building would have a height of 7.5m and total width of 19.30m. The proposed dwellings would have a Finish Floor Level (F.F.L) of 10.05 with ridge height of 16.50m. The existing dwellings at No.22-28 Water Street have a FFL of 8.39m and ridge height 17.94m and 28-32 Water Street have a FFL of 7.62 and ridge height of 12.89m. The proposed finishes reflect modern design.
- 8.8.** It is considered that the proposal fails to comply with Policy QD1 of PPS 7 and to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that it does not create a quality and sustainable residential environment. It is also considered that it would result in unacceptable damage to the local character environmental quality of the established residential area. It is also considered that the principle fails to maintain and enhance the distinctive character and appearance of the Rostrevor Conservation Area. In particular the proposal is contrary to criteria A, B, F and G of Policy QD1 in that:
- A) The proposal would have a negative impact on the natural setting, including the Rostrevor River, a designated LLPA. The proposal fails to respect the surrounding context and is not appropriate to the character and topography of the site. The topography of the land is elevated in comparison to adjacent dwellings along Water Street (no(s) 28-32 Water Street). The proposal will also involve excavation of the site to secure access and levels, the provision of unacceptable retaining walls and would visually intrude into the natural setting. It is further considered that the layout, appearance and design detailing of the proposed buildings, landscaping, INTERNAL road/layout, car parking arrangements and hard surfacing areas are inappropriate and fail to respect the surrounding context. The proposed layout also includes 2 access points to further development beyond the application site which would be unacceptable in planning policy terms.
  - B) The proposed development would have a negative impact on the archaeological and built heritage (Full outline of these issues; see 'PPS 6: Planning, Archaeology and Built Heritage' below).
  - F) The location and distribution of the proposed car parking provision, beyond the cutillages of individual dwellings, is inappropriate. .
  - G) The proposed development, in particular the design, location and layout of the dwellings together with the proposed internal access arrangements, car parking and level of hard standings is inappropriate and does not draw upon the best local traditions of form, materials and detailing of the surrounding area. It is also contrary to the principles set out in the 'Rostrevor Conservation Area' booklet: February 1979'.



### **Access and Parking**

- 8.09.** The application proposes to use an existing access from Water Street, used by the residents at 26a-28 Water Street and through a rear parking area. Transport NI was consulted and has confirmed that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 8.10.** The application proposes 6 spaces; a mixture of internal garages, in-curtilage spaces and communal visitors parking. While the amount of proposed parking is satisfactory, it is considered that its location and layout is unacceptable and would not create a quality residential development.
- 8.11.** The proposed layout also includes 2 access points to further development beyond the application site which would be unacceptable in planning policy terms.

### **PPS 6: Planning, Archaeology and Built Heritage, (Policies BH 11 and BH 12)**

- 8.12.** It is considered that the application is contrary to the SPPS and Policy BH 11 of PPS 6 Planning, Archaeology and the Built Heritage. The application is located within Area of Archaeological potential, Historic Environment Division (HED) has stated that the proposed development would have an adverse impact on the following listed buildings:
- HB16/06/032 A- no.28 WATER ST. ROSTREVOR CO.DOWN- GRADE B
  - HB16/06/032 B- no.30 WATER ST. ROSTREVOR CO.DOWN- GRADE B
  - HB16/06/032 C- no.32 WATER ST. ROSTREVOR CO.DOWN- GRADE B
  - HB16/06/032 D- no.34 WATER ST. ROSTREVOR CO.DOWN- GRADE B1
  - HB16/06/005 - FAIRY HILL CHURCH ST. ROSTREVOR CO.DOWN (45-47 CHURCH STREET) - GRADE B1
- 8.13.** Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the buildings and on the basis of the further information provided (18 Oct 2017), advise that the proposals have an adverse impact, on the listed buildings under 6.12 of SPPS (NI) and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
- 8.14.** HED:HB states that the information provided does not consider the proposal is adequately represented in the setting of the listed buildings. HED:HB consider that vegetation cannot necessarily be relied upon to mitigate adverse impacts on the developments.
- 8.15.** The proposal also alters the understanding of the historic setting of the listed buildings, and Fairy Hill especially. Aside from the visual aspect of the

intrusion to the setting, against which mitigation through existing screening is proposed, HED:HB consider the less tangible elements of historic setting are eroded by the proposal.

- 8.16.** HED HB also state that the historic landscape surrounding Fairy Hill has been compromised through previous development; HED:HB considers this additional compromise of the landscape and asset extents would be further detrimental and would cumulatively represent an inappropriate impact on the settings.
- 8.17.** HED:HB also has concerns regarding the visual impact on the setting of HB16 06 032 A-D, 28-34 Water Street and the new proposal's visual permeability. HED:HB states that it remain to be convinced that the proposal will not detract from the prominence of the heritage assets in this setting and will not detrimentally alter the general character of their wider setting. This wider setting includes 31, 33 & 37 Water Street. (HB16 06 031, HB16 06030 & HB16 06 029) respectively.

#### **Policy BH 12 New Development in a Conservation Area**

- 8.18.** It is considered that the application is contrary to the SPPS and Policy BH 12 of PPS 6 Planning, Archaeology and the Built Heritage. BH 12 states that any proposed development within the conservation area will only be permitted where all the following criteria are met:
- (a) the development preserves or enhances the character and appearance of the area
  - (b) the development is in sympathy with the characteristic built form of the area;
  - (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
  - (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
  - (e) important views within, into and out of the area are protected; officers consider that the proposed development would affect the views of the listed building
  - (f) trees and other landscape features contributing to the character or appearance of the area are protected;
  - (g) the development conforms with the guidance set out in conservation area documents.

The proposed development would have a negative impact on the character and appearance of the area and is not sympathetic to the historic setting of adjacent listed buildings or Rostrevor Conservation Area for the reasons previously discussed, including: the proposed design detailing and layout; the

location and level of the proposed buildings which are higher than adjacent buildings, including the listed buildings along Water Street; the proposal will have to rely on existing mature trees to mitigate against adverse impacts on the natural and built setting, some of which are located outside the application boundary. In addition the site had mature trees located throughout the site however some have been cleared.

## **PPS 2- Natural Heritage**

- 8.19.** Policy NH 6 of PPS 2 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. It is considered that the design does not respect the special character of the Area of Outstanding Natural Beauty in regard to location, layout and scale, as outlined above. It is therefore contrary to policy NH6 of PPS 2.

## **Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015 - Designation Policy CVN3 and RR09- Local Landscape Policy Area-Rostrevor**

- 8.20.** The application is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would have a negative impact on the environmental quality, integrity and character of a number of listed buildings with associated views and settings of historical interest and the setting of adjacent Rostrevor River which are designated as a local landscape policy area in the Plan.

## **9.0. RECOMMENDATION:**

- 9.1.** It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

### **Refusal Reasons**

1. The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that:
  - the applicant has failed to demonstrate that the proposal would create a quality residential development;
  - the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
  - the development fails to protect features of archaeological and built heritage and landscape features.
  - appropriate provision has not been made for parking; and

- the design of the development does not draw upon the best local traditions of form, materials and detailing
2. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
  3. The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated in the Local Landscape Policy Area under Designation RR09.
  4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.
  5. The proposal is contrary to the SPPS and Policy BH 11 of PPS 6 Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Section 80 of the Planning Act (Northern Ireland) 2011 in that the proposal is out of keeping with the character, setting, scale and height of the listed buildings and the surrounding area.
  6. The proposal is contrary to Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area. Its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.
  7. The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.



<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

<b>ITEM NO</b>	<b>6</b>			
<b>APPLIC NO</b>	LA07/2017/1033/F	Full	<b>DATE VALID</b>	07/07/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Raymond Reid 7a Windmill Road Newry BT34 2QW		<b>AGENT</b>	Tony McQuade 26 St Malachys Park Camlough Newry BT35 7LG
<b>LOCATION</b>	To the rear of 7a Windmill Road Newry BT34 2QW			
<b>PROPOSAL</b>	Erection of Dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to Paragraph 1.13 of the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.0 metres x 60 metres) cannot be provided in accordance with the standards contained in Development Control Advice Note 15.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2017/1033/F

**Date Received:**

07/07/2017

**Proposal:**

Proposed dwelling

**Location:**

To the rear of 7a Windmill Road, Newry, BT34 2QW

**Site Characteristics & Area Characteristics:**

The site is located within the settlement limits of Newry in an established residential area of varying dwelling styles and design. This area of Windmill Road is primarily characterised with both larger detached and more modest semi-detached dwellings set within relative plot sizes, with those on the eastern side elevated off the road. No.7a, located on the eastern side of Windmill Road is an established bungalow which is elevated away from the road by some 20 metres with substantial amenity space to the front and rear. In addition to an in curtilage driveway, there is an adjacent access which lends to the rear yard of No.7A, also serving No. 7's and 9 Windmill Road. The site boundary encompasses No's 7 and 7A Windmill Road, their curtilage and this existing access. To the rear of No. 7A there is a large concreted area, where the dwelling is proposed to be sited.

**Site history / relevant surrounding history:**

No.7A Windmill Road is the development outcome of historic approval reference P/1982/0411 for the erection of a bungalow. There are no additional records against No's 7, 7A or this site.

In terms of surrounding planning applications, worthy of noting is the approval of outline planning permission for a dwelling (Application reference LA07/2015/0949/O approved on 29/04/2016,) with its to access taken off Windmill Road, a matter conditioned for assessment at Reserved Matters stage.

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS3 'Access, Movement and Parking'

- PPS6 'Planning, Archaeology and the Built Heritage'
- PPS7 'Quality Residential Environments'
- PPS7 Addendum 'Safeguarding the Character of Established Residential Areas'
- DCAN8 'Housing in Urban Areas'
- DCAN15 'Vehicular Access Standards'
- PPS12 'Housing in Settlements'
- PPS15 'Planning and Flood Risk'
- Planning Service (DOE) & Roads Service (DOE 'Creating Places, achieving quality in residential developments')
- DOE Planning Service Parking Standards

### **Consultations:**

#### DfI Transport NI

The proposal is contrary to PPS3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.0 metres x 60 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15. (06/09/2017)

#### NI Water

No objections, standard informatives (23/08/2017)

#### DfI Rivers Agency

No objections in terms of PPS15 requirements, informatives attached (15/09/2017)

#### DfC 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 (22/08/2017)

### **Objections & Representations**

- 8 Neighbouring properties were notified 21/08/2017, statutory notification period ended 04/09/2017;
- Application was advertised in 3 local papers (statutory publication expiry 09/08/2017);
- 0 objections or responses have been received.



**Consideration and Assessment:**

This application seeks full planning permission to erect a dwelling within the curtilage of an existing dwelling within settlement limits. Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The site is located within the settlement limits of Newry (NY01) and an Area of Archaeological Potential (NYAAP01) as identified by the BNMAP2015.

In addition, the site falls within a pluvial surface water flood zone and there is a designated ecclesiastical archaeological site and monument (DOW046:015) located approximately 350m north east of the site. The responses from DfI Rivers Agency and DfC Historic Environment Division have considered there to be no issues in terms of PPS15 and PPS6 respectively regarding these additional designations beyond the BNMAP 2015.

As there are no specific requirements within the BNMAP2015 applicable to this application, the retained policies of PPS7 (including addendum) ,PPS12 and PPS3 will be given substantial weight in determining the principle of the proposal, in accordance with paragraph 1.12 of the SPPS, in addition to the material considerations listed above in terms of assessing the detailed design.

**PPS7 and PPS7 Addendum.**

This area of Windmill Road is considered to be an established residential area. For clarity, 'established residential areas' refers to residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. Under Policy QD1 of PPS7, planning permission will be granted in established residential areas where the proposal will not result in unacceptable damage to the local character, environmental quality or residential amenity of the area.

The proposal involves the erection of a single dwelling in the existing rear yard of No.7A Windmill Road, approximately 19.5m from the existing dwelling and close to the existing rear boundary, which is formed with mature trees reaching approximately 6-8m in height.

Against Policy QD1, there are 9 criteria (a - i) required to be met:

- a) In considering back-land development proposals, Paragraph 4.8 of Policy QD1 advises that analysis of context is particularly important in established residential areas as 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 overdevelopment. In this scenario, No.3 Windmill Road is sited behind No.1 Windmill Road, with the remainder of the dwellings sited along the road side. Given this settlement pattern, a single dwelling would not erode the settlement pattern. The dwelling proposed in terms of scale, proportions, massing and appearance would not erode the character of this established residential area.

- b) DfC Historic Environment Division has confirmed there are no concerns with this proposal against PPS6 archaeological requirements in their consultation response dated 22/08/2017;
- c) The proposed dwelling has two bedrooms included. In terms of amenity space requirements, there is greater than the required space standard of 70 square metres as per the guidance of Creating Places. In addition, the proposed dwelling exceeds the required level of open space behind the rear building line;
- d) Proposed single dwelling in an already established residential area;
- e) Proposed single dwelling in an already established residential area;
- f) Two in curtilage parking spaces are required to serve a two bedroom detached dwelling as outlined in DOE Parking Standards. Though the differentiation of curtilage between No.7A and the proposed dwelling is not clearly defined, this could be achieved within the area around the proposed dwelling, without compromising the parking provision to No's 7 and 7A.
- g) In terms of dwelling design, the plans show the dwelling to measure 10.3m x 6.1m with a ridge height of 4.4m. Proposed materials include the following: flat black concrete tiles, painted timber soffit, u.P.V.C rainwater goods and windows / door frames, and sand / cement rendered walls with smooth rendered bands and plinth. The design of the proposal in terms of form, materials and detailing is appropriate in this context.
- h) In terms of residential amenity, the dwelling would not result in any detrimental impact to surrounding dwellings, given the scale of development and separation distances, with a separation distance of 19m to No.7 Windmill Road, the closest neighbouring property.
- i) Proposed single dwelling in an already established residential area;

The required criteria of policy QD1 are met. Where this is the case, the three criteria of Policy LC1 (which seeks to protect the local character, environmental quality and residential amenity in established residential areas) must also be met. The proposal

would not result in a density significantly higher than the established residential area, and the pattern of development is considered acceptable in terms of the overall character and environmental quality of this established residential area. Criteria c does not apply to this proposal. The proposal is not considered to present any issues against the criteria listed under policies QD1 of PPS7, LC1 of the Addendum to PPS7, or Planning Control Principle 2 of PPS12.

#### Proposed Access

The proposed dwelling seeks to utilise the existing access off Windmill Road serving No's 7, the rear of 7A and No. 9 Windmill Road. Transport NI in their consultation response dated 06/09/2017 advise that the proposal is contrary to PPS3 'Access, Movement and Parking' Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.0 metres x 60 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15 (06/09/2017.)

Given this advice, the agent was made aware of the road safety concerns against the requirements of PPS3 and DCAN15 and was given the opportunity to demonstrate that the required splays can be achieved within the red line or that the applicant could control the land required to meet these road safety requirements.

Following a telephone discussion with the appointed agent regarding the above, a response letter has been received which outlines the existing and proposed scenario and underlying circumstances behind this application, which includes a medical related need. In connection with this need, is the justification that the intended occupier would never be in use of a motor vehicle and as such, the dwelling would not result in any intensification of the existing access. In considering all of this information provided, the Planning Department sincerely sympathise with the family's circumstances, but have to make a decision regarding not only their but other users road safety and cannot guarantee that an additional dwelling would not lead to intensification of this access. For these reasons, the Planning Department cannot set aside road safety legislation or advice of the statutory consultee, Transport NI in this respect.

**Recommendation:** Refusal

#### **Summary recommendation:**

Whilst the proposal meets the requirements in principle against PPS7 and its addendum, PPS3 is afforded the greater weight in this determination, given that road safety requirements cannot be achieved. A written agreement cannot guarantee that there will be no intensification of this access and a prejudice to road safety and other road users.

Whilst not explored, the applicant may wish to consider extending the property at No.7A to meet their requirements if viable as a compromising solution, provided the relevant policy requirements (EXT1 of the Addendum to PPS7 'Residential extensions and alterations') and any additional planning requirements are met.

**Reason for Refusal:**

1. The proposal is contrary to Paragraph 1.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 3, 'Access, Movement and Parking,' Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.0 metres x 60 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

<p><b>Case Officer Signature:</b></p>  <p><b>Date:</b></p>
<p><b>Appointed Officer Signature:</b></p>  <p><b>Date:</b></p>



Item 11 – LA07/2017/1033/F – Raymond Reid – 7a Windmill Road, Newry

I would like to request permission to speak at the next meeting on January 10 to the Planning Committee regarding the recommendation for refusal by the Planning Department. I believe we have a solution on the problem of visibility splays and would like the opportunity to put forward same.

Kind Regards Raymond Reid.

<b>ITEM NO</b>	<b>7</b>			
<b>APPLIC NO</b>	LA07/2017/1186/F	Full	<b>DATE VALID</b>	04/08/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Wolfhill Developments Ltd 4 Lurgancanty Road Clontifleece Warrenpoint BT34 3QW		<b>AGENT</b>	Blueprint Architectural 79 Chapel Road Killeavy Newry BT35 8JZ
<b>LOCATION</b>	4 Lurgancanty Road Clontifleece Warrenpoint			
<b>PROPOSAL</b>	Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to the SPPS, Policy CTY 4 (Criteria b and c) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside and Policy NH6 of PPS 2: Natural Heritage in that the proposed extension and conversion is not sympathetic to the existing building, would have a detrimental impact on the amenity of the adjacent property and would have a detrimental impact on rural character and on the special character of the AONB.



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District Council

**Application Reference:** LA07/2017/1186/F

**Date Received:** 24 August 2017

**Proposal:** Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.

**Location:** Clontifleece Primary School, 4 Lurgancanty Road, Clontifleece, Warrenpoint, BT34 3QW. The site is located approximately two miles north of Warrenpoint.

**Site Characteristics & Area Characteristics:**

The site contains a vacant former primary school, set in a steeply sloping curtilage and surrounded by beech trees. The school building comprises two main blocks: the original two-roomed single storey building with a hipped roof dating from 1839 and a relatively recent two storey block set at a lower level to the south. They are connected by a flat-roofed link. The building is smooth rendered and painted yellow with a natural slate roof and white PVC windows. There is also a temporary mobile to the west of the building. The site is accessed from the Lurgancanty Road at the NE corner and the road curves around the northern edge of the site. The land slopes steeply from north to south. The site is located in a rural area at the edge of the Mournes approximately two miles north of Warrenpoint. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015 and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There is limited development in the surrounding area.

**Site History:**

The original school building was erected in 1839 when Belfast-based Landlord and Banker Narcissus Batt gifted the land and built the school to help educate local children. An extension was approved under application P/1998/1400 to provide a new staff-room, medical inspection room, toilets and stores. The larger two storey extension to provide 2 class rooms, office, toilets, and store was approved under application P/2003/2741/F on 30.06.2004.

More recently the following approvals were granted:

LA07/2016/1435/F - Change of use and conversion into single dwelling, Permission granted 17 January 2017. This application related to the more modern two storey extension to the school house and allows for conversion to a dwelling house.

LA07/2016/1518/F - Change of Use and Conversion into 2 dwellings, Permission granted, 06 March 2017

This permission allows for two separate dwellings on the site. One in the more modern extension to the school house (similar to that approved under LA07/2016/1435/F) and one in the converted old school house building. No significant changes to the exterior of the school house are approved under this application.

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) Banbridge, Newry & Mourne Area Plan 2015

PPS2 – Natural Heritage

PPS3 – Access, Movement & Parking

DCAN15 – Vehicular Access Standards

PPS21 – Sustainable Development in the Countryside

#### **Consultations:**

Transport NI - no objections provided Planning are satisfied that there will be no intensification of use.

NI Water – no objections

Loughs Agency – no objections

#### **Objections & Representations**

1 neighbour notification was issued on the 21 August 2017.

The application was advertised in local papers on 23 August 2017.

No objections or representations have been received in relation to this proposal.

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

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. 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.

Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the conversion of a non-residential building to a dwelling in accordance with policy CTY4. The more recent publication of the



Strategic Planning Policy Statement for Northern Ireland (SPPS) introduces a change to the policy as expressed in policy CTY4. Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

In accordance with paragraph 1.12 of the SPPS, the new provisions of the SPPS must be given greater weight in this case than the retained policy. It is clear that this building is of local importance and historic value, having an original section dating from the 1830s and having been used as a school by the local community until relatively recently (2014). This meets the new higher test of the SPPS for conversion to a dwelling. The principle of conversion of this building to a dwelling has been established under planning approval LA07/2016/1518. However, whereas LA07/2016/1518 met the additional criteria set out in the SPSS and CTY 4, the current proposal fails to meet these criteria as set out below.

The SPSS allows for "sympathetic conversion" "where this would secure its upkeep and retention" with adaption if necessary. The proposal is not considered to be sympathetic to the existing building. The built form, character and architectural features of the building will not be retained and will be almost totally lost. The proposal is to add an entirely new floor to the existing building. As a result the size and scale of the building, roof form and character would be significantly altered from the original. The drawings show raising of the roof, removal of the original slate roof and replacement with man-made slate, loss of existing chimneys and the introduction of a balconies, altered windows and dormers as well as a raised walkway. The proposed extensions – an additional floor and rear return (on the Carrick Road side of the site) would be finished with wet dash render. Cumulatively these alterations would make the building unrecognisable from the original and the overall design and use of materials are not sympathetic to the existing built form. The proposal alters the appearance of the original building to such an extent that it is not considered that the proposal secures its retention.

In addition, the adaptations proposed are not "necessary" as planning approval LA07/2016/1518 demonstrated that the old school house could be converted to a dwelling house (helping secure its upkeep) without the need for the extensions proposed.

The proposal can now be considered against the remaining criteria of policy CTY4 which covers detailed design and site specific issues.

- The proposal meets criteria a in that the building is of permanent construction.
- The proposal fails on criterion b as the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building. It would also have an adverse effect on the character and appearance of the locality due to the loss of a locally significant building and as the proposed altered building would be more prominent than the original and is of a design that is not appropriate in this rural setting.

- The proposal fails on criterion c as the proposed new extensions are not sympathetic to the scale, massing and architectural style and finishes of the existing building.
- The proposal fails on criterion d as the proposal would unduly affect the amenities of nearby residents of the dwelling approved under planning application LA07/2016/1518/F and LA07/2016/1435/F to the south of the site through overlooking and loss of privacy through the introduction of an additional floor with four dormer windows facing this property and in close proximity.
- The proposal meets criteria f and g as the school is connected to existing services which can be re-used. While the access is sub-standard, it will serve much less traffic than when the building was operating as a school. Therefore there will be no intensification of use and no prejudice to road safety or traffic flow.

The existing septic tank is to be used for sewage disposal. This is likely to require an updating of the Discharge Consent for this site. Policy CTY16 states that 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. None of the supporting evidence referred to under policy CTY16 has been submitted. However it would be possible to impose a negative condition that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. It is considered that the proposal would harm the special character of the AONB through the loss of a building that is of importance to the heritage of the local area. The design of the proposed extended building is inappropriate in the AONB.

**Recommendation:**

Refusal

**Refusal Reasons:**

**1. The proposal is contrary to the SPPS, Policy CTY 4 (Criteria b, c and d) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside and Policy NH6 of PPS 2 in that the proposed extension and conversion is not sympathetic to the existing building, would have a detrimental impact on the amenity of the adjacent property and would have a detrimental impact on rural character and on the special character of the AONB.**

**Case officer:** \_\_\_\_\_

**Authorised officer:** \_\_\_\_\_

<b>ITEM NO</b>	<b>8</b>			
<b>APPLIC NO</b>	LA07/2017/1261/O	Outline	<b>DATE VALID</b>	21/08/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Thomas Mageean 20 Junction Road Saintfield BT24 7JU		<b>AGENT</b>	2Plan NI 47 Lough Fea Road Cookstown BT80 9QL
<b>LOCATION</b>	Site abutting 20 Junction Road Saintfield			
<b>PROPOSAL</b>	Proposed dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 3 The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Junction Road.





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**Newry, Mourne  
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District Council

**Application Reference:** LA07/2017/1261/O

**Date Received:** Aug 2017.

**Proposal:** Outline permission is sought for a Dwelling and garage on a farm, on lands abutting 20 Junction Road, Saintfield.

**Applicant:** Mr T Mageean

**Location:**

The lands comprising the application site are located in the countryside off the junction Road, between Saintfield and Crossgar, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting the site. The junction Road is a minor rural road, which is largely rural in character although which includes several dwellings and holdings.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises a roadside field which is rectangular in shaped plot of land. This field adjoins the existing dwelling and curtilage of no.20.

The roadside includes a grass verge and hedgerow, whereby the field levels fall away from the road, and is bounded by scattered planting, post and wire fencing and stone ditch.

The curtilage of no.20 includes the single storey dwelling and a detached garage outbuilding.

**Site history**

A history search has been carried out for the site and surrounds, including farm maps, whereby no relevant history since the publication of the current policy (PPS21) was observed.

**Representations**

No representations have been received to date (17-11-17).

Having account the nature of this application and extent of the red line, neighbour notification was undertaken with a number of properties along the Junction Road in



August 2017, while the application was also advertised in the local press in Sept 2017.

### **Consultees**

Taking into account the location and constraints of the site and nature of this proposal consultation was carried out with Transport NI, NI Water, Shared Environmental Services, Rivers Agency, Environmental Health, and DAERA, as part of this application.

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

### **Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS15, PPS21, and associated guidance.**

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

Policy CTY1 states 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.

Based on the information submitted this application is for the development of a farm dwelling to be considered under policy CTY10 of PPS21.

This is a Outline application for 1 dwelling, whereby a P1 form, P1C form, farm map, site location plan, and supporting have been submitted.

The information submitted indicates the applicant (Mr Thomas Mageean) lives at no.20 Junction Road which adjoins the application site. The owners of the farm business are Mr Thomas Mageean (No.20 Junction Road) and Mr B Mageean (17 Junction Road), whereby the P1C form advises the farm business has been running for generations, a single farm payment is claimed for, and they have a DARD Agricultural Business Number (628688), and that the date of allocation was in excess of 6 years.

DAERA were consulted with this information, who have confirmed the farm business id identified has been in existence for more than 6years, a SAF is claimed, although the applicant is not a formal member of the business.

The current policy test only requires an applicant to have access to an active and established farm business, and does not have to be a formal member, and based on the information available to date including comments from DAERA, it is considered the proposal meets this general policy test, thus the principle of a farm dwelling is accepted.

A history search has also been carried out for the site and surrounds including farm map provided, whereby no relevant planning history associated with this business was observed that would affect this current proposal, since the publication of this policy.

As such it is considered the proposal complies with Points A and B of Policy CTY10 of PPS21.

However, Clarification was sought from the agent regarding the farm business following receipt of comments from DAERA, in respect of Point C of policy CTY10. Further emails were received from the agent in Oct and Nov 2017.

The farm maps provided indicate the farm business is registered to Mr Bernard Mageean of 17 Junction Road, which is located approx 120m north of the applicants home address of no.20. No.17 is located to the far side of the Junction Road accessed via a laneway. As outlined above DAERA have advised the applicant is not a formal member of this business.

For the purposes of the policy test for permitting farm dwellings, it is crucial to understand if the applicants dwelling and associated outbuilding are an established group of buildings on the farm.

From the information available to date, included that submitted by the agent, it appears the buildings associated with this farm business include the dwelling at no.17 Junction Road, a barn along the roadside immediately north of no.20, and approx 90m from the application site, and a grouping of farm buildings and dwelling at no.33 Junction Road, which are located approx 350m west of the application site. The agent has also advised the buildings to the west of no.17 Junction Road are not within the ownership of either Thomas or Bernard Mageean and are not on the farm holding.

The agent is of the opinion the dwelling and outbuilding of no.20 are buildings on the farm as the applicant (Mr Thomas Mageean) is also the owner of the farm business, together with Barney, and that he owns and is responsible for maintaining a significant portion of the farm holding in good agricultural and environmental condition by cutting hedgerows, maintaining ditches, maintaining an agricultural building and maintaining boundary fences, and is an active member of this farm business. Also the applicant owns the barn opposite no.20, which together with the access is located on lands owned, controlled and maintained by the applicant.

While the supporting information is noted, based on the information and evidence available, it is considered the dwelling and outbuilding of no.20 are not buildings on the farm, and while the applicant has access to an active and established farm business, it is considered the location for the proposed dwelling (adjacent to no.20)

is not sited to visually link or cluster with an established group of buildings on the farm.

As such it is considered the proposal fails this aspect of the policy test CTY10.

As this is an Outline application no site layout plan or detailed plans have been submitted. The site outlined in red extends to comprise an entire field which extends from the roadside. This field is located to the east of the dwelling of no.20 and associated outbuilding, whereby it is considered the siting of a dwelling on this site would result in ribbon development, thus is contrary to policy CTY8 and CTY14.

Notwithstanding the above, it is considered the sit outlined in red is large enough to accommodate a dwelling with sufficient provision for parking, turning amenity space, and septic tank and associated soak-aways, while also being located a sufficient distance from any other existing/approved dwelling to prevent any unacceptable impact.

In the event permission is granted it is unlikely the entire field will be included as part of the defined curtilage thus new boundary planting will be required. It is noted this field included boundary planting to either side, which can be retained, whereby it is noted the levels of the field also fall away from the road, whereby it is considered a well designed dwelling will not offend policy CTY13 of PPS21.

However as outlined above, the principle of a dwelling is not accepted, while the proposal is also considered to be contrary to policy CTY8/CTY14.

As such Refusal is recommended.

#### **Recommendation: Refusal**

##### **Reasons:**

- The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.**
- The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Junction Road.**

PREPARED BY SHEILA CURTIN MRTPI

2 PLAN NI  
47 LOUGH FEA ROAD  
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CO. TYRONE  
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**RTPI**

mediation of space · making of place



# Supporting Statement

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**Proposal:** Outline Planning Permission for 1 no. dwelling and garage.  
Policy CTY10

**Site** Lands directly abutting no. 20 Junction Rd. Saintfield, Ballynahinch, County Down BT24 7JU

**Applicant:** Mr. Thomas Mageean

**Date:** August 2017



### [Introduction & Site Location](#)

This Statement is prepared by 2PLAN NI on behalf of the applicant Mr. Thomas Mageean in support of outline planning application for 1 no. detached dwelling and garage. The Statement is intended to be read in conjunction with the associated planning drawings and application forms.

This Statement:

- Provides a description of the site and surrounding area;
- Places the proposed development within its policy context;
- Provides a description of the proposed development.

### Site Context & Description

The proposed development site is identified on the accompanying location map as the field to the immediate east and south east of the roadside cluster at 20 Junction Road. The site is currently accessed via an existing agricultural gate. The topography of the site is undulating sloping in part from north to south and also sloping from east to west. A strong mature tree lined boundary exists between the site and the neighbouring cluster at no. 20 Junction Road. The area around the application site can be described as rural in nature and is characterised by farm and domestic clusters. The topography is generally undulating. The site is in close proximity to the A7 Crossgar Road. The aerial photo below shows the site within the wider context.

Plate 1 –Aerial Image





**Site Context & Description (Cont.)**



Plate 2 – View opposite site travelling along Junction Road.

Plate 3 – View of existing buildings on farm at 20 Junction Road.

Plate 4 – View of proposed site from the roadside.

Plate 5 – View of proposed site.



### Planning Policy Context

As the application site is within the rural area, policy against which the development must be assessed is set out in The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) and Planning Policy Statement 21: Sustainable Development in the Countryside. As the SPPS does not conflict with extant policy PPS21 in respect of Policy CTY10 – Dwelling on a Farm, this statement will demonstrate how the proposed site meets all the requirements of PPS21.

The subject application represents the development of a Dwelling on a Farm and accordingly should be assessed under the policy provisions of CTY10, as follows:

*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 outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will not apply retrospectively and will begin from the date of introduction of this policy; 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.*

*Planning permission granted under this policy will only be forthcoming every 10 years.*

*A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.*

*Draft PPS21 CTY10-Dwelling on Farms*

In line with EU and DARD legislation and for the purposes of Policy CTY10 the following definition of active farming has been provided DOE Planning Service;

*Active Farming under CTY10 of PPS21 refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental*

*condition.*

This proposal for the erection of a farm dwelling we contend is in compliance with the provisions of policy CTY10 Dwellings on Farms. Compliance with each of the criteria under CTY10 are detailed below.

*(a) The Farm Business is currently active and has been established for at least six years.*

The farm business is well established and has been active and owned by the Mageean family for generations. The farm complex comprises 53.82 hectares of good agricultural land. As part of the current application, we submit evidence of the six year requirement in the form of a DARD Business ID number, farm map which details the extent of the farmlands in the ownership of the applicant and his brother Mr. Bernard Mageean.

*(b) No Dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will not apply retrospectively and will begin from the date of introduction of this policy; and*

In compliance with the provisions of section B of CTY 10, no development opportunities or dwellings have been sold off from the farm holding since the introduction of Planning Policy Statement 21.

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

*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).*

*In such circumstances the proposed site must also meet the requirements of CTY13 (A-F), CTY14 and CTY16.*

The proposed site is visually linked and sited to cluster with the existing group of buildings at 20 Junction Road. The proposal will immediately about the cluster of buildings at no. 20 Junction Road, which is the residing property of the applicant and part farm owner Mr. Thomas Mageean.

*(c ) continued...and where practicable, access to the dwelling should be obtained from an existing lane.*

*Own emphasis added.*

The site is currently accessed via an existing agricultural gate, it is envisaged that access to the proposed site will be either via or as close as possible to this existing access point.



No.20 Junction Road, residing  
property of applicant Mr.  
Thomas Mageean.

Plate 6 –Annotated location map.



### The Concept/Proposal

The current proposal is to construct one number dwelling and garage to be sited adjacent to the existing cluster of development surrounding no. 20 Junction Road.

#### Key Principles of Proposal

- **Issues such as orientation, design, finishes, footprint and ridge height can be reserved**
- Direct access from public road.
- Retention and augmentation of established boundary vegetation
- Proposal will respect the privacy and amenity of adjacent properties; **additional boundary planting will be provided where necessary.**

### Conclusion

For the reasons aforementioned above, we contend that the proposal is in accordance with the provisions of Planning Policy Statement 21 and meets the criteria set out in policy CTY 10 Dwellings on Farms.

- The farm business is currently active and has been established for at least six years.
- No dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within ten years of the date of the application.
- The proposal is clearly sited to cluster with an established group of buildings on the farm.
- The proposal therefore upholds the provisions of PPS21 and should be considered an acceptable form of development in the countryside, and approved accordingly.



# SMYTH McILHONE MacMULLAN

ACCOUNTANTS AND TAX ADVISORS

60 MAIN STREET, SAINTFIELD, CO. DOWN, NORTHERN IRELAND BT24 7AB  
T: 028 9751 0770 F: 028 9751 0820 W: [5MMSAINFIELD.COM](http://5MMSAINFIELD.COM)

WS/CO

2 January 2018

## To Whom It May Concern:

Dear Sir

T Mageean  
20 Junction Road  
Saintfield  
Ballynahinch  
BT24 7JU

We confirm that the above named client receives conacre rent from Mr Bernard Mageean in respect of his lands at the above address.

We prepare the accounts for Mr Thomas Mageean which we submit to HM Revenue & Customs.

Yours faithfully

W. SMYTH

PARTNERS: WINSTON SMYTH, MARK FERGUSON BSC (HONS)

<b>ITEM NO</b>	9						
<b>APPLIC NO</b>	LA07/2017/1353/O		Outline	<b>DATE VALID</b>	05/09/2017		
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>						
<b>APPLICANT</b>	Rob and Paige Jennings 43 Woodrow Gardens Saintfield BT24 7WG			<b>AGENT</b>			
<b>LOCATION</b>	97A Crossgar Road Saintfield BT24 7JQ						
<b>PROPOSAL</b>	Demolition of former dwelling and agricultural shed and erection of new replacement dwelling						
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>		<b>SUP Petitions</b>		
	0	0	0		0		
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>	<b>Signatures</b>	
			0	0	0	0	

- 1 The proposal is contrary to 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 Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact, the building has been designed and used for agricultural purposes, and, the access to the public road will prejudice road safety.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 220 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 4 The proposal is contrary to Policy AMP3 (Access to Protected Routes) of Planning Policy Statement 3: Access, Movement and Parking in that the proposal does not meet any of the listed exceptions for permitting an access on to a protected route, and will result in the intensification of the use of an existing access.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference: LA07/2017/1353/O**

**Date Received: Sept 2017.**

**Proposal:** Outline planning permission is sought for the Demolition of former dwelling and agricultural shed and erection of new replacement dwelling, at no.97a Crossgar Road, Saintfield.

Applicant Mr Rob and Paige Jennings

**Location:**

The site is located in the countryside, approx 1 mile south of the edge of the settlement development limit of Saintfield as identified in the Ards and Down Area Plan 2015. It is also noted the Crossgar Road is a Protected Route.

There do not appear to be any other zonings affecting this site. This area is pre-dominantly rural in character, although also includes several dwellings and holdings.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises the dwelling of no.97 and associated outbuildings and curtilage, which comprises a roadside plot along the Crossgar Road. The site is bounded by this Crossgar Road to the East, a field to the south and west and a laneway serving no.93 to the north.

The existing dwelling of no.97 comprises a small detached cottage which fronts towards the Crossgar Road, set behind a roadside wall.

There are 2 outbuildings to the south side of this dwelling, with the subject building for replacement being sited immediately adjacent to the Crossgar Road and sits gable end to this road. This building is constructed in block with pebbledash finish and tin roof, and fronts towards the existing dwelling and includes 2 doors and a window along the frontage. The side gable facing the road is blank, while the opposing side gable includes 1 opening. The rear return also includes a former door and window opening although which have been blocked up. This building includes 2 rooms whereby the form internal doorway link has been blocked up. It is noted the structure has a solid concrete floor, and ceiling, although which appears unstable. There is also electricity serving this building, and there is also a chimney breast, although which does not break through the roof.



The remaining outbuilding is located to the rear of the subject building and includes a large double garage door entrance, again constructed in block and tin.

The main vehicular entrance serving this property is located between the dwelling and outbuildings, although there is also a secondary vehicular entrance to the north side of the dwelling which opens on to the laneway.

### **Site History:**

A history search has been carried out for the site and surrounds whereby the most relevant history observed includes:

LA07/2017/0022F- 97 Crossgar Rd, Vary Condition No 3 from previous approval  
LA07/2015/1085/O- "The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan LA07/2015/1085/01 date stamped 26 October 2015 is demolished, all rubble and foundations have been removed and the site restored in accordance with the details on the approved plans" to "Upon occupation of the new dwelling, the dwelling to be replaced, shall be demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans", Full, Approval, Applicant: Rob and Paige Jennings.

LA07/2016/1633/RM- 97 Crossgar Rd, Off site replacement dwelling, RM, Approval, Applicant: Rob and Paige Jennings

LA07/2015/1085/O- 97 Crossgar Road, Off site replacement dwelling, Outline, Approval, Applicant: Rob and Paige Jennings

### **Consultations:**

Having account the nature of this proposal and constraints of the site and area, consultation was undertaken with Environmental Health, Transport NI and NIW.

### **Objections & Representations**

Having account the red line of the application site, neighbour notification was carried out with no.93, 101 and 100 Crossgar Road in Sept 2017, while the application was also advertised in the local press in Sept 2017.

No representations have been received to date (04-12-17).

**Applicable Policy considerations- RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS6, PPS21, and supplementary guidance including Building on Tradition (A Sustainable Design Guide for NI Countryside).**

As stated above the application site is located outside any designated settlement development limit, therefore the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined.

Having account the content of PPS21 and nature of this proposal it is considered the proposal falls to be considered against Policy CTY3.

Accompanying this Outline application is a covering letter, P1 form, site location plan and existing and proposed site layout plan.

As stated above the site comprises the dwelling and curtilage of no.97 Crossgar Road, whereby Outline permission is sought for a replacement dwelling. The building to be replaced however is not the dwelling of no.97, rather the building coloured green and which is listed as no.97a.

As outlined above in the site characteristics section, this subject building is described as an outbuilding.

It is also noted from the information submitted in support of the previous Outline permission for the previously approved replacement dwelling at no.97 (LA07/15/1085/F), by the same applicant, this subject building was described, by the applicant, as an existing farm building on the site location plan, while the planning statement refers to the house of no.97 and adjacent agricultural outbuildings within its immediate curtilage.

This site history clearly identifies this subject building as an agricultural outbuilding/farm building. The subject building comprises a small single storey structure, which sits gable end to the road and which includes a number of openings, although some of which have been blocked up. In essence the building appears like an outbuilding with 2 doors.

Both an internal and external inspection of the building were carried out in Oct 2017, however the return to the rear was inaccessible due to former openings being blocked up and the overgrown nature of the site.

The condition and characteristics of the structure are outlined above, and based on the information available and site visit, it is considered the subject building is not and never was a dwelling house, rather was an outbuilding associated with the dwelling of no.97.

While it is acknowledged this structure to be replaced is largely intact with all external walls and roof, it is considered it is not a dwelling, rather is used for agricultural purposes (by the applicants own admission), and as such is not eligible for replacement under policy CTY3 of PPS21.

It is not uncommon for an outbuilding to have concrete walls and floors, and electricity supply.

As such the principle of a replacement dwelling is not accepted.

Notwithstanding the above, the site layout plan submitted indicates all existing dwellings within the red line are to be demolished, with a new dwelling erected on the same site as the existing dwelling at no.97.

Planning permission was recently granted to replace the dwelling at no.97 in the adjoining field to the north. It is also noted there are current Transport NI proposals to upgrade this stretch of road.

The covering letter advises the existing vehicular entrance between the dwelling and outbuildings is to be closed, whereby access to the site will be obtained via the existing laneway serving no.93. It is noted this laneway is not outlined in red, and no details of site splays have been provided.

The covering letter and site layout plan indicates the proposed dwelling will front towards the laneway with a rear garden area and existing septic tank provided to the rear. No details of the house type have been provided, however it is considered the site is large enough to accommodate a dwelling with sufficient provision for parking, turning and amenity space, and which is also sited a sufficient distance from any other property to prevent any unacceptable impact. It is also noted the site is low lying and as there are existing buildings on site, a well designed dwelling will not appear unduly prominent in the landscape.

It is also worth noting that when processing the recently approved application for the replacement of no.97, the applicant sought an off-site replacement as this existing site at no.97 was considered too restricted by the applicant to accommodate a new dwelling, yet this new application has now been submitted for a replacement on the site of the existing dwelling of no.97.

However, as outlined above, the principle of a replacement dwelling has not been accepted, thus Refusal is recommended.

Following initial assessment of the case a letter was issued to the agent on 9th Nov advising the application is considered to be fundamentally flawed and is being recommended for refusal, and based on the information available the Planning Authority is of the opinion the subject building is not and never has been a dwelling, and is/was used for agricultural purposes, thus is not eligible for replacement, thus the principle is not accepted.

In response to this the agent submitted a detailed letter, personal testimony from Mr S Cherry, and letter from Dawson Stelfox of Consarc Design Group.

The content of the additional supporting information has been noted and discussed in detail internally, whereby the initial concerns and opinion remain. As outlined above both an internal and external inspection of the buildings was carried out as part of the consideration, whereby a number of photographs were also taken to assist in the assessment and discussion of the case.

The Planning Authority is fully aware of the condition and make-up of the existing structure whereby it is considered a number of the features listed by the agent are not solely specific to dwelling house constructions. Such features include the materials used in the construction of both the walls and roof, RWGs, various openings, concrete floor, electricity supply and fire-place.

Having account the condition and appearance of the building and also comments from the same applicant during the processing of the previous application at no.97 (as outlined above), it is considered the subject building is not a dwelling, but an outbuilding/agricultural building, thus is not eligible for replacement under the current policy provisions.

A Spatial NI search has also been carried out by Council colleagues whereby no records were observed for a property at No.97a. The Council only has records for a property at no.97.

With regards to the access, it is noted there are 2 vehicular entrances serving no.97. The dwelling at no.97 is to be demolished as permission has been granted for a new replacement dwelling in the field to the north. The main vehicular entrance serving this property is located between the dwelling at no.97 and subject building, with an additional entrance located to the far side of the dwelling, which then opens onto a laneway.

Transport NI have been consulted as part of this application who have advised the Crossgar Rd is a Protected Route whereby the application must fall within one of the exceptions listed in policy regarding accesses onto protected routes, otherwise it should be refused.

As outlined above as the principle of replacement is not accepted, it is also considered the proposal is contrary to PPS3, as it does not meet any of the listed exceptions for permitting access on to a Protected Route.

However if the principle of a replacement is accepted the sight splays of 2.4 metres by 220 metres would be required, due to the passage of time since this structure would have been occupied, and as a new entrance is being proposed to serve this structure. However these required splays cannot be provided by the applicant. As such the proposal is also considered contrary regarding this aspect.

Taking into account the above, Refusal is recommended, whereby the principle is not accepted and also due to roads related issues.

### **Recommendation: Refusal**

#### **Refusal reasons:**

- The proposal is contrary to 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.**
- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact, the building has been designed and used for agricultural purposes, and, the access to the public road will prejudice road safety.**
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 220 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.**



**- The proposal is contrary to Policy AMP3 (Access to Protected Routes) of Planning Policy Statement 3: Access, Movement and Parking in that the proposal does not meet any of the listed exceptions for permitting an access on to a protected route, and will result in the intensification of the use of an existing access.**

**PLANNING STATEMENT: APPLICATION REF: LA07/2017/1353/O**

**OUTLINE APPLICATION FOR REPLACEMENT DWELLING CROSSGAR ROAD SAINTFIELD**

### **EXECUTIVE SUMMARY**

**Refusal recommended on basis that:**

1. Building is not and never was a dwelling
2. Building was/is designed and used for agricultural purposes
3. Structure does not exhibit essential characteristics of a dwelling
4. Access to public road will prejudice road safety

**Applicant Case is that:**

1. Case Officer's report and conclusions are fundamentally flawed
2. Key evidence submitted has not been taken into consideration - It appears there has been a determination to refuse the application regardless of the evidence.
3. Case Officer's recommendations are not supported by policy

**Key Planning Policy Tests have been met, notably:**

1. Are all external structural walls substantially intact? **Yes – building has 4 walls, a roof, windows and doors. Case Officer acknowledges this in report yet cites this as a reason for refusal.**
2. Does the building exhibit the essential characteristics of a dwelling? **Yes – Domestic scale, formerly two roomed cottage dwelling with remnants of thatch roof below the tin roof - dating from 18<sup>th</sup> century or earlier, with fireplace, chimney stack, solid floor, timber panelled ceilings. Confirmed by conservation expert Dawson Stelfox – see attached letter.**
3. Was it designed as a dwelling (rather than for agricultural purposes)? **Yes – see above and letter from Dawson Stelfox. Footprint of building predates the currently occupied dwelling on the site and corroborates DL conclusion that original cottage was 18<sup>th</sup> century or earlier.**
4. **Was it previously used as a dwelling?** Yes – exhibits the essential characteristics of a dwelling and written first hand testimony provided from previous owner of property Mr Stephen Cherry, confirming he was born in and lived in this 2 roomed cottage for 4 years.

PPS21 CTY3 is clear in that it includes both existing dwellings and *buildings previously used as dwellings*. As the subject building was previously a dwelling it is eligible for a replacement.

### **Access Considerations**

When a dwelling is eligible for a replacement and has an existing substandard access the relevant policy PPS3 AMP2 requirement is for applicants *'to consider the potential for incorporating improvements to the access in the interests of road safety.'* Improvements have been offered which would improve road safety for all road users. Case Officer has not consulted with TNI in respect of proposed improvements and has pre-emptively recommended for refusal.

### **Conclusion**

As the policy tests have been met I would respectfully request that approval be granted for this outline application with conditions attached pertaining to the size and scale of the replacement dwelling and improvements to the access.

**1. All external structural walls are substantially intact**

The Case Officer's report on P3 acknowledges that the 'structure to be replaced is largely intact with all external walls and roof'.



Photos 1 & 2 – North elevation, eastern & western gables are substantially intact.



Photos 3 & 4 – Internal view of external southern wall with blocked up door and window opening to larger room. External structural wall are substantially intact.



**2. The building exhibits the essential characteristics of a dwelling**

- Chimney breast, fireplace, mantelpiece & gather
- Remnants of original thatched roof (used to provide insulation) & split log collar beam truss
- Remnants of timber panelled ceiling and walling
- Domestic proportioned windows & door openings

The Case Officer's report fails to address the contents of submitted letter from conservation expert Dawson Stelfox who states the following:

*'At first glance it would appear to be a typical early to mid 20th Century agricultural building, but closer examination, especially of the interior, reveals it to be a much older and much more interesting former dwelling.*

*In vernacular typology it is a two room, direct entry dwelling, formerly thatched, built of the local greywacke stone, lime plastered, and lime washed. Remnants of the original thatch and split log collar beam trusses and purlins survive below the later corrugated metal sheeted roof, and from both the layout and the roof structure it is at least 18th Century, possibly earlier.*

*The substantial chimney breast mantelpiece and gather, remnants of the timber boarded ceiling, internal lime plaster and timber wall panelling all reveal that this was quite obviously a dwelling. The original stone walls have been rendered over, windows changed, and the thatch covered over, **but beneath this is clearly an historic structure displaying all the essential characteristics of a dwelling house.***



Photos 6, 7 & 8 – Show fireplace, chimney stack & gather, remaining thatched roof, boarded ceiling and part boarded walls, dividing door between two rooms.



**ROB JENNINGS RIBA ARB**  
**CHARTERED ARCHITECT**

**3. The building was designed as a dwelling (rather than for agricultural purposes).**

**The Case Officers' report states that:**

*"The subject building is not and never was a dwelling house, rather was an outbuilding associated with the dwelling of no.97".*

There is no dispute that the subject building has in recent times been used for agricultural purposes. However the assertion that the building was never a dwelling is clearly at odds with the conservation expert opinion of Mr Stelfox who states that *'In vernacular typology it is a two room, direct entry dwelling'*. The Case Officer's further assertion that the subject building was an outbuilding associated with the dwelling of no.97 is also contradicted by historical maps shown below.

The earliest available OS map (Historical First Edition – 1832-1846) clearly shows a building in the same position as the subject building but the existing occupied house is not yet on the site. This reinforces the view of Mr Stelfox who, based on layout and roof structure, dates the dwelling to at least the 18th Century and possibly earlier and conflicts with the view that the subject building was an outbuilding associated with no.97.

The evidence clearly indicates that the subject building was designed as a dwelling and not for agricultural purposes as stated in the Case Officer's report.

PPS21 CTY3 makes clear *'For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.'* As such if the building was ever used as a dwelling it is eligible for a replacement.



OSNI Historical First Edition – 1832-1846



OSNI Historical Second Edition – 1846 -1862

**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT



OSNI 1: 10,000 Metric Scale Irish Grid (1957-1986)



Current OSNI

#### 4. The building was previously used as a dwelling.

- The physical characteristics of the building indicate the subject building was a dwelling.
- The expert opinion of Mr Stelfox is that the building *'was quite obviously a dwelling'*
- *Historical maps indicate the subject building as the earliest building remaining on the site, predating the house referred to as no.97*
- The written 'first-hand' testimony of Mr Stephen Cherry confirms the building was used as a dwelling who states:

*'My name is Stephen Cherry. I was born at no.97 Crossgar Road, Saintfield. I was born across the yard from the present dwelling house in a small two roomed cottage. This cottage consisted of a living room, kitchen and a bedroom in which I was born. It had a thatched roof. When I was about four years old I moved over to the house which is now the dwelling existing on the site. My Mother and Father both lived here with the family until their deaths. The cottage in which I was born is still in place. The thatch I remember being replaced by an iron roof. This happened when I was at primary school.'*

Mr Cherry has nothing to gain from this application but was kind enough to provide this testimony. He has also provided contact details and is happy for anyone at Council to call to seek verification or further details in relation to his testimony.

**In conclusion the overwhelming evidence presented confirms that the subject building was once a dwelling house and as such under the policy PPS21 CTY3 it is eligible for a replacement.**

#### 5. ACCESS CONSIDERATIONS

The Case Officer's Report states that if the principle of a replacement is accepted the sight splays of 2.4x240m would be required due to the passage of time since the structure was occupied and as a new access is being proposed to serve this structure.

The Case Officer is incorrect in several respects:

1. Firstly, there is no new access being proposed.
2. Secondly, there is no policy requirement to impose current design standards on existing accesses in the case of replacement dwellings. PPS3 Paragraph 5.19 states that:

*'In relation to development proposals for a replacement dwelling in the countryside, where an existing access is available but this does not meet the current standards, the Department would encourage applicants to consider the potential for incorporating improvements to the access in the interests of road safety.'*

In correspondence with the CO we have offered to make improvements to the visibility splays to the existing lane which would significantly improve the safety for all road users on the protected route and the lane. I believe this has not been communicated to TNI and it **would appear that there has been a determination on the part of planning officers to refuse this application regardless of the evidence.**

## CONCLUSION

The evidence shows that the subject building was a modest 2 roomed thatched cottage dwelling dating back to at least 1830 which was lived in up until early 1960s after which it was used as an agricultural store.

- **All external structural walls are substantially intact**
- **The building exhibits the essential characteristics of a dwelling**
- **It was designed and built as a dwelling (rather than for agricultural purposes)**
- **It was previously used as a dwelling**

This application meets the key policy tests for a replacement dwelling and improvements can be made to ensure road safety. As the policy tests have been met I would respectfully request that approval be granted for this outline application with conditions attached to ensure the size and scale of the replacement are appropriate to its setting and that improvements to the access are delivered.

Thank you.

Rob Jennings

RIBA ARB BArch BA(Hons) MSc AEEES



97A CROSSGAR ROAD, SAINTFIELD, BT24 7JQ  
PLANNING APPLICATION LA07/2017/1353/0

PROPOSAL: DEMOLITION OF FORMER DWELLING AND AGRICULTURAL SHED  
AND ERECTION OF NEW REPLACEMENT DWELLING



PHOTOGRAPHIC SURVEY – 11.11.17

**ROB JENNINGS RIBA ARB**  
**CHARTERED ARCHITECT**



Photo 1 – North elevation featuring painted wooden doors, metal framed window, pitched metal roof, cast iron gutter & rendered walls



Photo 2 – North elevation detail featuring metal framed window, pitched metal roof, cast iron gutter & rendered walls



**ROB JENNINGS RIBA ARB**  
**CHARTERED ARCHITECT**



Photo 3 – North elevation featuring painted wooden doors, metal framed window, pitched metal roof, cast iron gutter & rendered walls



Photo 4 – Detail of external wall showing lime render on rubble stone



Photo 5 – Living room in former dwelling with blocked up fireplace, hearth, wooden mantelpiece, concrete floor, painted timber boarded ceiling, blocked up window and door openings to rear.



Photos 6 and 7 – Blocked up fireplace, hearth and chimney stack running up into roof



**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT



Photo 8 – Thatched roof below the metal roof



Photo 9 – Detail of thatched roof above ceiling

**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT



Photo 10 – Painted wooden panelling over connecting door showing power and lighting



Photo 11 – Connecting wooden door between each room



**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT



Photo 12 – Wooden mantelpiece over blocked up fireplace & hearth



Photo 13 – Wooden truss roof with remains of thatched roof

**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT



Photos 14 & 15 – Internal plaster over stonewalls, painted wooded boarded ceiling



Photo 16 – Window opening to smaller room (former bedroom) with painted wooden window frame and wooden lintel



**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT



Photo 17 – Wooden 'A' frame truss with wooden purlins and remains of thatched roof



Photo 18 – Painted wooden ceiling panelling and wooden trusses

**ROB JENNINGS RIBA ARB**  
CHARTERED ARCHITECT

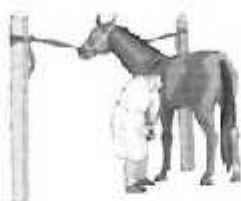


Photo 19 & 20 – Lime plastered internal walls and blocked up doorway between the two rooms



Photo 21 – Concrete floor to main room





The Blacksmiths Shop  
95 Carsonstown Road  
Saintfield

Co. Down  
N. Ireland  
BT24 7ED

11-11-17  
0759 282173

To. Whom it may concern.

My name is Stephen Cherry. I was born in 1956 at 97 Crossgar Road, Saintfield. I was born across the yard from the present dwelling house in a small two roomed cottage. This cottage consisted of a living room/kitchen and a bedroom in which I was born. It had a pitched roof. When I was about four years old I moved over to the house which is now the dwelling existing on the site. My mother and father both lived here with their family until their deaths.

The cottage in which I was born is still in place. The pitch I remember being replaced by an iron roof. This happened when I was at primary school.

Yours. Sincerely



# CONSARC DESIGN GROUP

100

23 November 2017

**Mr. Rob Jennings RIBA**  
43 Woodrow Gardens  
Saintfield  
Co. Down  
BT24 7WG

## BY E-MAIL

Dear Rob,

**Re: Former dwelling at 97A Crossgar Road, Saintfield**

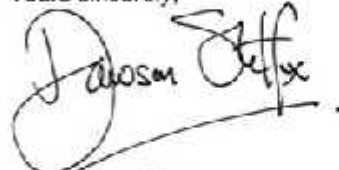
You have asked for our opinion on the above building, in relation to its history and purpose.

At first glance it would appear to be a typical early to mid 20<sup>th</sup> Century agricultural building, but closer examination, especially of the interior, reveals it to be a much older and much more interesting former dwelling.

In vernacular typology it is a two room, direct entry dwelling, formerly thatched, built of the local greywacke stone, lime plastered, and lime washed. Remnants of the original thatch and split log collar beam trusses and purlins survive below the later corrugated metal sheeted roof, and from both the layout and the roof structure it is at least 18<sup>th</sup> Century, possibly earlier. Dendrochronological testing of the roof timber would probably reveal the accurate date. The substantial chimney breast mantelpiece and gable, remnants of the timber boarded ceiling, internal lime plaster and timber wall panelling all reveal that this was quite obviously a dwelling.

The original stone walls have been rendered over, windows changed, and the thatch covered over, but beneath this is clearly an historic structure displaying all the essential characteristics of a dwelling house.

Yours sincerely,



**Dawson Stelfox**  
Consarc Design Group

Our ref.: DS/NH/BCp17

## CONSARC DESIGN GROUP

Architecture  
Quantity Surveying  
Historic Building Conservation  
Interior Design  
Project Management  
Facilities Management  
Stone Conservation Services

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Quality Assured to BS EN ISO 14001  
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Quality Assured to BS OHSAS 18001  
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<b>ITEM NO</b>	<b>10</b>			
<b>APPLIC NO</b>	LA07/2017/1355/F	Full	<b>DATE VALID</b>	01/09/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Sean Murphy 9 Atticall Roaf Atticall Kilkeel		<b>AGENT</b>	Quinn Design and Engineering Services 36 Carrogs Road Kilkeel BT34 3PY
<b>LOCATION</b>	24 Head Road Kilkeel BT34 4HU			
<b>PROPOSAL</b>	Erect replacement dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to policy COU 1 of the Banbridge Newry and Mourne Area Plan (BNMAP) 2015 in that the proposal is detrimental to the unique qualities of the Special Countryside Area, is not of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment and does not consolidate existing development.
- 2 The proposal is contrary to policy NH6 of Planning Policy Statement) 2, Natural Heritage in that the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1355/F

**Date Received:** 14 August 2017

**Proposal:** Erect replacement dwelling

**Location:** 24 Head Road, Kilkeel

**Site Characteristics & Area Characteristics:**

The site is located off the Head Road, Kilkeel in the high Mournes. The site is fairly remote and accessed via a long laneway from the Head Road. The landscape is fairly open with field boundaries defined by dry stone walls.

**Site History:**

No relevant planning history.

**Planning Policies & Material Considerations:**

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland  
Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 2 – Natural Heritage

DCAN15 – Vehicular Access Standards

PPS21 – Sustainable Development in the Countryside

Building on Tradition – Design Guide for Rural Northern Ireland

**Consultations:**

Transport NI – no objections provided the dwelling to be replaced could be occupied at present or following minor modifications

NI Water – no objections

NIEA – no objections

**Objections & Representations**

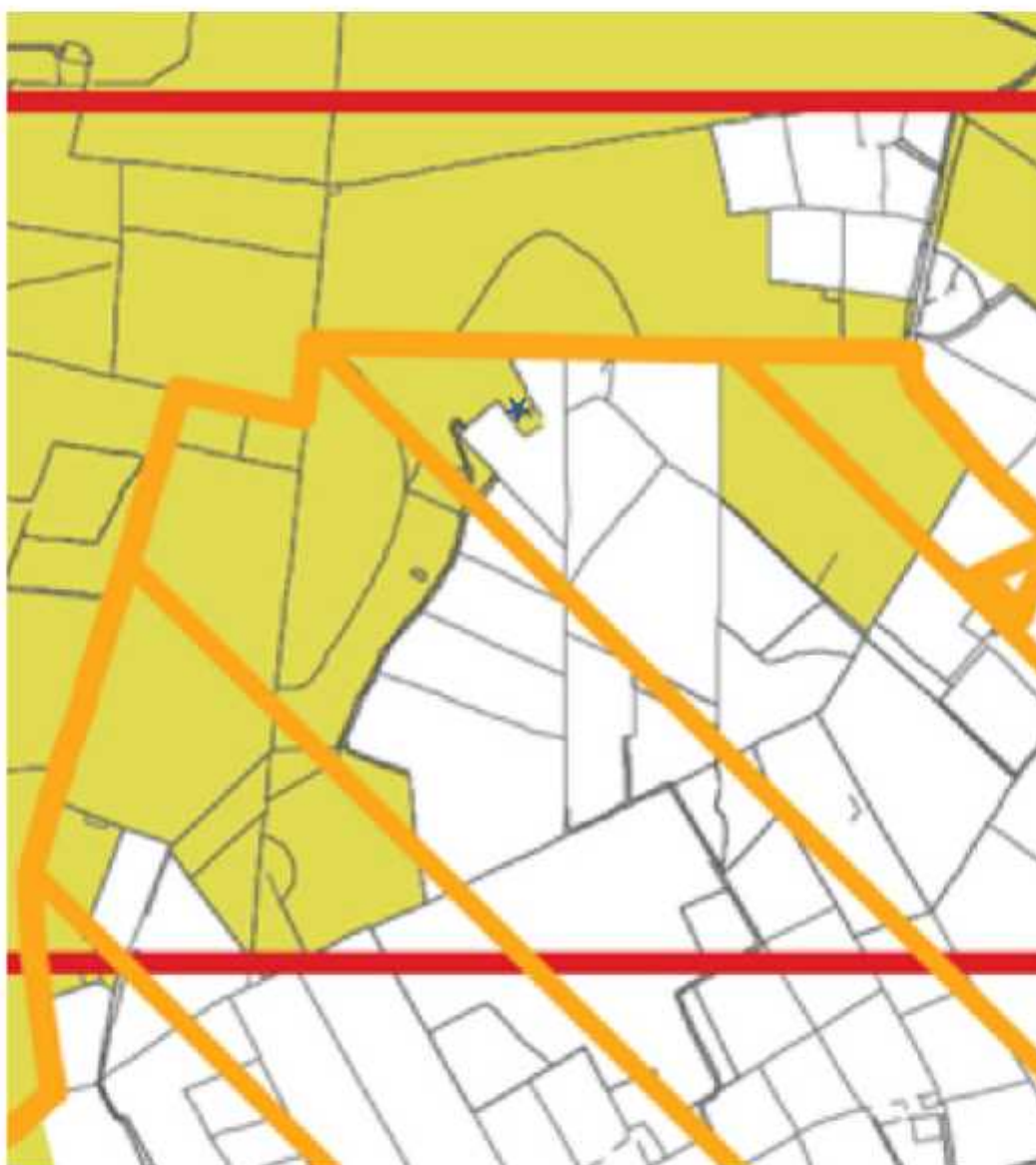
2 neighbour notifications were issued on the 13 September 2017.



The application was advertised in local papers on 20 September 2017.  
No objections or representations have been received in relation to this proposal.

### Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits and within the Mourne Area of Outstanding Natural Beauty. It is also within a **Special Countryside Area (SCA)** as designated in BNMAP 2015 and demonstrated on the map below. The Special Countryside Area is shown in green and the site is indicated by a star.



Paragraph 6.75 of the SPSS notes that, "Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate these areas should be designated as Special Countryside Areas in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development."

The special status of Special Countryside Areas is also noted in the preamble to Planning Policy Statement 21 (PPS 21) which states that the provisions of PPS 21 will take precedence over the policy provisions for certain designations contained in existing statutory and published draft development plans with the exception of five Special Countryside Areas (SCAs). Policy CTY 1 of PPS 21 states that where a SCA is designated in a development plan, no development will be permitted unless it complies with the specific provisions of the relevant plan.

The principle that within Special Countryside Areas, the relevant development plan policy should be applied rather than the provisions of PPS 21 has been well established through planning appeal. For example, within the Newry, Mourne and Down Council Area this principle has been applied at the following appeals: 2011/A0008, 2011A0237 and 2013/A0029. Planning appeal 2013/A0029, for example, dealt with an application for a replacement dwelling at 220 Head Road Annalong. The Commissioner noted that, "Policies within PPS 21 do not apply within SCAs" and went on to apply policy COU 1 of BNMAP 2015, then in draft form as well as relevant policy from the previous area plan.

The relevant policy against which to assess this proposal is therefore Policy COU 1 of BNMAP 2015 which states that,

"Within Special Countryside Areas, planning permission will only be granted to development proposals which are:

- Of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment; or
- The consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape."

No evidence was submitted to indicate that the proposed replacement dwelling is of national or regional importance and as such it fails the first bullet point of Policy COU 1. The small, low, narrow gabled, Mourne stone building is a vernacular structure. The applicant proposes to completely demolish the existing building and erect the appeal dwelling on its footprint. As such, and as the building occupies a relatively isolated position it cannot be said to consolidate existing development in accordance with the second bullet point of Policy COU 1 and therefore the proposal fails on this criterion.

The application site is on an elevated hillside north of Head Road along a gravel laneway that rises to the High Mournes. The curtilage of the dwelling is defined by

dry stone wall boundaries to four sides. It is a sensitive landscape of exceptionally high scenic quality. Head Road runs along the interface between the mountains and the coast and the foothills to its north are considered to warrant protection because of the quality of the landscape, the fact that the sites are elevated and visible from long distances and development pressure. It is considered that the proposed replacement dwelling would detract from this distinctive landscape as the demolition and replacement of the vernacular stone building with the proposed modern building would have an unacceptable detrimental impact on the visual amenity and rural character of the area. The proposed ridge height of 5.5metres appears to be higher than that of the original dwelling and as a result the proposed dwelling would be more prominent in the landscape. Although it is proposed that stone will be salvaged and re-used to build the outer leaf, the use of concrete roof tiles and pvc fascia, soffit etc are not appropriate to this unique setting. (It is noted that PVC windows are in place in the existing dwelling, however it is considered that these detract from the building). The applicant also proposes that the area to the rear of the new dwelling would be sloped up to meet the existing fence, the existing dry stone wall to the east of the site would be moved out to enlarge the curtilage of the dwelling and the gravel driveway will be extended to the west of the site to meet the existing domestic store. Cumulatively these changes along with the new dwelling would have a detrimental impact on the unique qualities of this upland environment. For this reason it is also considered that the proposal does not comply with policy NH6 of PPS 2 in that the proposal would have a detrimental impact on this part of the AONB.

The site also lies within a Site of Local Nature Conservation Importance (NL03/159). Policy CVN1 of BNMAP 2015 states that, "Planning permission will not be granted to development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance." However, NIEA have been consulted on the proposal and have no concerns in relation to nature conservation.



The existing access will be used. Transport NI has no objections provided the dwelling to be replaced could be occupied at present or following minor modifications. A site visit established that the building appears to be occupied at present. Sewerage will be disposed of via a septic tank. Given the separation distances to other dwellings, no unacceptable impact on residential amenity is anticipated.

Amended drawings were requested at validation stage to address discrepancies between the floor plans and elevations provided. It is noted that there is still a discrepancy between the floor plans and elevations provided which do not match in relation to one of the windows, however as the proposal is considered to be unacceptable in principle new drawings have not been requested to address this issue.

**Recommendation:**  
Refusal

**Conditions:**

1. The proposal is contrary to policy COU 1 of the Banbridge Newry and Mourne Area Plan (BNMAP) 2015 in that the proposal is detrimental to the unique qualities of the Special Countryside Area; is not of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment; and does not consolidate existing development.
2. The proposal is contrary to policy NH6 of Planning Policy Statement (PPS) 2, Natural Heritage in that the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

**Case officer:** \_\_\_\_\_

**Authorised officer:** \_\_\_\_\_

# Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Statement in support of planning application  
LA07/2017/1355/F

Proposal: Erect replacement dwelling

Location: 24 Head Road, Kilkeel

Applicant: Sean Murphy

## **Background**

The subject dwelling is single storey with a rusted tin roof over the main body of the dwelling and a slate roof over the eastern most room. The timber windows were replaced approximately 5-6 years ago with new windows which have brown PVC frames. The replacement windows were fitted into the openings without damp proof membranes. The only source of heating is an open fire which is connected to a single chimney on the ridge.

Externally the walls are natural stone. When the application was submitted in August past the roof had no gutter, however the long standing tenant has fitted black uPVC gutter and down pipes in the interim.



Photo showing front elevation.



Photo showing rear elevation.



The previous photo shows that the ground levels to the rear of the dwelling sit well above floor level. This allows moisture to penetrate from the clay into the thick walls of the dwelling.

The dwelling is not connected to the NIE grid. The tenant uses a large diesel powered generator (shown to the left of photo 1) to power a water heater and some basic domestic appliances. As there is no constant electrical supply, the dwelling does not have a fridge or a freezer to store food.

The building has no thermal insulation at all. This means that the heat generated by the open fire escapes easily from the buildings and in doing so creates surface condensation on the ceilings and windows when the warm air touches the cold building elements. Interstitial condensation is also caused inside the thick walls by hot air cooling as it passes through the walls.

Continuous condensation over the years coupled with the thick walls and floors having no damp proof course/membranes has caused damp/mould to occur internally on the walls and roof timbers.

The internal cement floors are only 12mm (half an inch) deep and the walls have been built without foundations on top of clay.

The statement which accompanied the application confirmed that the Housing Executive is willing to grant aid a replacement dwelling on the site. The planning officer who considered the application failed to mention this in the report.

Annex A attached is a letter from the Housing Executive to the applicant dated 15<sup>th</sup> November past confirming that his sketch plans are acceptable. You will see the letter confirms the Housing Executive reference number and refers to a "*Replacement Grant*"

From years of working with the Housing Executive I am acutely aware that the Housing Executive only agrees to grant aid a replacement dwelling in a situation where the existing dwelling is "*un fit*" for occupation and where a renovation would lead to waste of public funds.

Against this background I would hope that the Planning Committee will realise that the subject dwelling is in very poor condition and should be replaced.

### **Visual impact**

The dwelling sits over 700m from Head Road on the lower slopes of Slievenagore. Views from Head Road and some of the connecting roads to the south are long distant. Given the separation distances between the dwelling and public vantage points; its visual impact is greatly reduced.

Its separation from the road network is so great that a road user needs to sit stationary to find the dwelling in the landscape.

### **The Councils Consideration to date.**

The Council have indicated that the dwelling is located in a Special Countryside Area (SCA) and as such have found that PPS21 does not apply.

They have instead considered the application against Policy COU 1 of adopted local area plan.

The officer has advised that

*“Within Special Countryside Areas, planning permission will only be granted to development proposals which are:*

- *Of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment; or*
- *The consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape”.*

The officer has found that the proposal is not of national importance and that it does not amount to the consolidation of existing development. As such the recommendation is one of refusal.

In support of this stance the officer has quoted 3 un-successful appeals, 2011/A0008, 2011/A0237 and 2013/A0029 which proposed development in an SCA.

Appeal 2011/A0008 sought the retention of a dwelling which had been re-built without permission.

Appeal 2011/A0237 sought retention of a building for agricultural purposes.

Finally, 2013/A0029 sought FPP to replace a dwelling which was in a very poor state of repair with no roof, windows or doors. It had only intact walls and an internal fireplace.

### **Can the 3 appeals be used as a precedent when considering this case?**

The planning officer has pointed out that the PAC dismissed the 3 appeals as they were each located in an SCA and did not comply with the relevant policy/policies. The officer is replying on these 3 cases to bolster the recommendation to refuse.

I would point out that the 3 applications which gave rise to the 3 appeals were decided by Planning Service, not the Council.

Secondly, none of the appeals relate to a case where permission was sought to replace **an occupied dwelling** which is located in an SCA.

Against this background the circumstances of this case **are different** from the circumstances of any of the 3 appeal cases quoted. As such I would strongly contend that the 3 appeal cases referred to **DO NOT** set a precedent which could or should be applied to this case.

### **The determining factor.**

Policies such as COU 1 are published for specific reasons; however, in determining this application, the planning committee must weigh the need to protect the SCA against the living conditions, health and well being of a man who lives in a damp ridden, un-insulated house with no central heating and no electrical supply.

### **The design.**

The planning officer has been critical of my design and in particular the proposed use of PVC windows, PVC fascia, barge & soffit along with concrete roof tiles.

These materials were specified to keep the cost of the dwelling as low as possible. For example a roof tile costing 40p will cover the same area of the new roof as a cheap natural slate costing over £1.20. Each roof tile costing 40p can be used as it will have been mechanically formed. In



contract maybe as high as 5% of slates costing £1.20 will be un-suitable for use due to imperfections such as splitting, warping/twisting or excessive thickness.

The officer's remarks are in my opinion diluted when one considers that the dwelling already has PVC windows & gutter and its roof is clad with rusted tin, not natural slate.

The applicant is a stone mason. To ensure the new dwelling retains a rural theme & a link with the past, he is willing to clad the complete front elevation of the new dwelling with stone salvaged from the existing dwelling.

The schedule approved by the Housing Executive permitted a dwelling with a floor area up to 150m<sup>2</sup>. The drawings submitted represent the most compact and cost effective way of providing a new dwelling with a floor area of just under 150m<sup>2</sup>.

The new dwelling will be only 4 feet longer than the existing dwelling and 1m taller. When viewed from 700m away, the increase in length and height will be negligible.

Furthermore when viewed from 700m away, one will most certainly not be able to distinguish the difference between black roof tiles and natural slate.

Lastly, I would contend that black tiles will be more in keeping with the area than the rusted tin which covers most of the existing dwelling.

If the committee feel that a new replacement dwelling is warranted I am more than happy to discuss some design changes with the Planning Department.

## Conclusion

This application seeks to provide the occupant with a modest, modern dwelling.

Whilst it is accepted that the dwelling is located in an SCA the dwelling is none the less a commitment in the landscape.

The new dwelling will not lead to a visual impact significantly greater than that of the existing dwelling.

The Housing Executive only fund a replacement dwelling **after** they have assured themselves that a dwelling is "*un fit*" for occupation.

The 3 appeals quoted are not "*on all fours*" with the circumstances of the subject case and as such do not set a precedent for the consideration for this application.

Respectfully, I contend that the Councils decision to recommend the application for refusal is poorly founded. As such I would ask the members of the planning committee to over turn this recommendation and grant full planning permission.

Alternatively, if the committee members feel that a new dwelling is warranted/acceptable on this site but are not content to approve the current scheme, I am happy to discuss design changes with the planning department.

I would like to thank the Council in advance for the opportunity to speak in support of this application.

Brendan Quinn  
BSc Hon's  
ICIOB

## Annex A. Correspondence from the Housing Executive.





<b>ITEM NO</b>	11		
<b>APPLIC NO</b>	LA07/2017/1369/O	Outline	<b>DATE VALID</b> 05/09/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Mr J McMaster 165 Belfast Road Ballynahinch BT24 8UR	<b>AGENT</b>	C R Design 25 Glennor Crescent Carryduff Belfast BT8 8HW

**LOCATION** Opposite 15 Ballymaglave Road  
Ballynahinch  
BT24 8LX

**PROPOSAL** Dwelling and detached garage for private use

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	1	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 3 The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.



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an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1369/O

**Date Received:** 05.09.2017

**Proposal:** The application is for outline planning permission for a dwelling and detached garage.

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



**Site Characteristics & Area Characteristics:**

The site is a triangular roadside plot located just off the Ballymaglave Road. The NE boundary is comprised of a laneway which serves another existing property and is bounded by well maintained hedging. The site is cut from a larger agricultural field and hence the SE boundary remains undefined. The western boundary is the roadside boundary and consists of roadside hedging. There is a field gate into the site to the northern portion of the site. The land falls in a north to south direction and the land rises from west to east (from roadside towards the laneway).





### Site History:

R/1984/0835 NEAR TO 18 Ballymaglave Road, Ballynahinch. Bungalow And Garage.  
Application Withdrawn.

### History of immediate area

R/2003/0431/F Adj 18 Ballymaglave Road, Ballymaglave South, Ballynahinch, Storage  
shed. PERMISSION GRANTED 27.01.2004

### Planning Policies & Material Considerations:

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

### Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

DAERA – Yes farm is established for 6 years or more, applicant claims SFP or equivalent

### Objections & Representations

In line with statutory requirements four neighbours have been notified on 15.09.2017.  
The application was advertised in the Mourne Observer and the Down Recorder on

17.02.2016. One letter of objection has been received from the occupants of No 18 Ballymaglave Road, I that they deem the application to be contrary to SPPS and CTY 1 of PPS 21 and CTY 8 as the dwelling does not link with any buildings on the farm.

### **Consideration and Assessment:**

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals.

Other than an update in the definition of what constitutes "agricultural activity" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: '*Sustainable Development in the Countryside*' (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

#### 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, P1C form and farm maps, site location plan and road layout have 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 (previously known)) business ID number along with other evidence to prove active farming over the required period.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and the applicant has had a business ID number for more than 6 years, and single farm payment or similar has been claimed within the last 6 years.



The policy, however, allows for other evidence to prove active farming over the required period. No other evidence in terms of receipts/invoices etc were presented.

The total area of land is 14.70 ha. This land is located at Ballymaglave South and Glasdrumman.

On the basis of the above information it has not been demonstrated that the farm business has been active and established for 6 years.

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. Having undertaken a history search of the land owned on the submitted DARD farm maps I am satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10. The applicant has confirmed this under Q5 of P1C form.

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 and 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)".



Aerial view showing buildings at 165 Belfast Road

There are no buildings on the land at Ballymaglave South where the site is proposed to be located, and no other supporting information has been submitted as to why the dwelling requires to be sited at this location, therefore the proposal offends PPS 21 CTY 10 (c), in that there are no buildings to visually link or cluster with.

There do appear to be buildings associated with this farm business and these are located at 165 Belfast Road.(see above photograph taken from Spatial NI).

Accordingly on the basis of the information provided to date for the application site and adjoining fields, this proposal does not appear to comply with point (c) of CTY10.

Policy CTY 13 considers whether the proposal will achieve a suitable degree of integration. The plot is a roadside one and as mentioned previously is cut from a larger agricultural field. Once the roadside hedge is removed to accommodate the access and the lack of defined SE boundary, the only remaining boundary would be the one along the laneway, this, however, would not be sufficient to provide a suitable degree of enclosure for the building to integrate into the landscape. In addition, as this is a 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.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. A dwelling on the site would result cause a detrimental change to a further erode the rural character of the area by resulting in suburban style build up of development when viewed with existing buildings.

Policy CTY16 - In order to comply with this policy the applicant must demonstrate a means of sewerage disposal that will not create or add to a pollution problem. It is considered the site is large enough to accommodate septic tanks and soakaways for a dwelling.

#### Conclusion

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the proposal does not meet with policy.

Recommendation:

#### Refusal

#### Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
  
3. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.

Case Officer Signature

Date

Appointed Officer Signature

Date





<b>ITEM NO</b>	12		
<b>APPLIC NO</b>	LA07/2017/1388/O	Outline	<b>DATE VALID</b> 11/09/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Michael and Marion Young 24 Grange Road Kilkeel	<b>AGENT</b>	Collins & Collins 2 Marcus Street Newry BT34 1AZ

**LOCATION** Adjacent to No. 24 Grange Road  
Kilkeel

**PROPOSAL** Proposed domestic dwelling and garage

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	1	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
  - The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings;
  - The cluster does not appear as a visual entity in the local landscape;
  - The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; &
  - The dwelling would if permitted significantly alter the existing character of the area.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and parking, Policy AMP 2 in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grange Road.
- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings; would not respect the traditional pattern of settlement exhibited in the area; would create a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.



**Application Reference:** LA07/2017/1388/O

**Date Received:** 25<sup>th</sup> August 2017

**Proposal:** Proposed domestic dwelling and garage

**Location:** Adjacent to No. 24 Grange Road, Kilkeel

**Site Characteristics & Area Characteristics:**

The application site is an agricultural field located immediately adjacent to 24 Grange Road, approximately 2.4 miles south-west of the settlement limits of Kilkeel in the Mourne Area of Outstanding Natural Beauty. The boundaries are defined by mature trees and hedgerow.

The site is located at the junction of Grange Road / Benagh Road / Greencastle Pier Road. The Lurganconary Road is located approximately 36m north-east of the road junction in what can be described as a staggered cross-roads. The surrounding area is rural in character. There is a ribbon of development to the north of the site, along the Greencastle Pier Road, consisting of 4 dwellings (numbers 1, 3, 7 & 9 Greencastle Pier Road) a number of associated agricultural sheds/outbuildings and a potential infill site.



Figure 1 – Satellite Image of Application Site



**Site History:**

- P/1992/0077 – Extension to dwelling to form self-contained flat at 24 Grange Road – Permission granted 02.06.1992
- P/1994/1431 – Extension and alterations to dwelling at 24 Grange Road – Permission granted 09.02.1995
- P/2003/1549/O - Private dwelling and detached garage on land opposite nos. 1 & 3 Green Castle Pier Road (& to rear of no. 24 Grange Road) Kilkeel – Permission refused 08.07.2005

**Planning Policies & Material Considerations:**

- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 – Natural Heritage.
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside;
- DCAN 15 – Vehicular Access Standards.

**Consultations:**

**TransportNI:** The proposal is contrary to PPS 3 in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

**Env. Health:** The site is within 75 metres of working farm buildings which are not associated with the applicant. Farms have potential to cause public health nuisances from odour, noise and flies. The applicant should be requested to consider relocation of the proposed dwelling to achieve a minimum separation distance of 75m from the farm buildings, where possible.

**NI Water:** Generic Response

**Objections & Representations**

3 neighbour notification letters were issued and the application was advertised in the local press the week beginning 25<sup>th</sup> September 2017. One letter of support was received from Mary Doran of 3 Greencastle Pier Road on 9<sup>th</sup> October 2017.

### **Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located within the rural area and the Mourne Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS2, PPS3 and PPS21.

The SPPS for Northern Ireland is material to all decisions on individual planning applications, however other than an update on the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its provisions and those of PPS 21 in relation to dwellings on farms. Accordingly the requirements of the policies contained in PPS 21 are material to the assessment of this application.

### **Principle of Development**

Policy CTY1 of PPS 21 indicates there are types of development acceptable in principle in the countryside. One is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. This policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all six of its criteria are met.

The application site occupies a corner plot at the junction of Greencastle Pier Road / Grange Road and has frontage onto both. It is located at a staggered crossroads. There is one dwelling immediately south of the application site – number 24 Grange Road, and four dwellings to the north / north-west with frontage onto the Greencastle Pier Road (No's 1, 3, 7 & 9). Number 1 Greencastle Pier Road is set within a large farm complex and has a number of associated farm and outbuildings to the side and rear. There is no existing development on the opposite side of the staggered crossroads.



Figure 2 - Application Site

A cluster is not defined in Policy CTY2a, but the first three bullet points give an indication of its intended meaning. The initial bullet point requires the cluster of development to lie outside of a farm and to consist of four or more buildings (not ancillary buildings) of which at least three are dwellings. The second bullet point states that the cluster appears as a visual entity in the local landscape and the third is that the cluster is associated with a focal point such as a community building, or is located at cross-roads.

In line with the policy requirements, the ancillary farm/outbuildings at number 1 Greencastle Pier Road cannot be included in the 'cluster' of development. The four dwellings located along this section of Greencastle Pier Road stretch in a linear formation and do not appear as a visual entity in the local landscape given the physical separation and intervening vegetation between numbers 3 and 7. The line of development reads more as a ribbon of development in line with policy CTY8, not a defined cluster.



Figure 3 - Google image illustrating separation distance between numbers 3 and 7 Greencastle Pier Road.

Furthermore, as you can see from the image below, the dwelling house at number 24 Grange Road does not appear as a visual entity in the 'cluster' of development due to the existing boundary treatment of the proposed site – which consists of large mature trees/hedgerow. Although the development is located at a staggered crossroads, it fails to comply with the first two requirements of the policy.





Figure 4 - Number 24 Grange Road does not appear as a visual entity within a 'cluster' of development.

The fourth bullet point requires the identified site to provide a suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. As stated above, the existing development is not considered to be a cluster, and the proposed site is not bounded on at least two sides with other development. The proposal therefore fails to comply with the fourth requirement of the policy.

The fifth bullet point requires the development of the site to 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. There is no cluster of development to be rounded off, and a dwelling on this site would appear as a build-up of development when viewed with existing buildings and would therefore alter the existing character of the area. The proposal fails to comply with the fifth requirement of the policy.

Having regard to the sixth bullet point, the proposed development would not adversely impact on residential amenity.

### **Ribbon Development**

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. A dwelling on this road frontage plot would have common frontage with and visually link with the dwelling at number 24 Grange Road and the outbuildings associated with the farm complex at 1 Greencastle Pier Road. This would create to a ribbon of development as it would extend the development along the road frontage, which would be detrimental to the countryside's character, appearance and amenity.

It is worth noting that the Planning Authority received a number of queries in relation to the development of an infill dwelling on this site from various agents and elected representatives. The Planning Authority consistently advised that this site does not represent a valid infill opportunity and would likely be refused. The policy requires that the frontage be continuously built up (my emphasis). It has been established by the Planning Appeals Commission that if a road intervenes in the line of development, the frontage is not continuous. As Greencastle Pier Road intervenes the line of development it is not considered an infill opportunity.

### **Design and Integration.**

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Given the existing boundaries and vegetation, a suitably designed dwelling could be successfully integrated into the landscape at this location.

### **Rural Character**

Policy CTY 14 of PPS 21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As detailed above, the proposal would create ribbon of development and this would result in a suburban style build-up of development when viewed with existing development. A dwelling on this site would not respect the traditional pattern of development exhibited in the area and would create a ribbon of development. The proposal is considered contrary to criteria (b), (c), and (d) of Policy CTY 14.

### **Sewage**

Policy CTY 16 states planning permission will only be granted for development relying on non mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has indicated that fowl sewage will be disposed with by septic tank. No details have been provided at outline stage however I am satisfied the site could accommodate a septic tank and soak-away subject to obtaining the necessary statutory approvals.

### **Planning Policy Statement 2**

The proposed site lies within the Mourne Area of Outstanding Natural Beauty. Policy NH6 of PPS 2 states planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. There are a number of additional criteria in relation to siting, scale and design. As this is an outline application no details of the proposed design have been submitted.

**Planning Policy Statement 3**

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

TransportNI were consulted and have stated that the proposal is contrary to PPS 3 in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

**Recommendation:**

The proposal fails to comply with the Strategic Planning Policy Statement for Northern Ireland; Policies CTY1, CTY2a, CTY8 & CTY 14 of PPS 21; and policy AMP2 of PPS 3. Refusal recommended.

The agent stated they could supply information which would satisfy the personal and domestic circumstances set out under Policy CTY 6 of PPS 21 should the application not be accepted under CTY2a. However, as a safe means of access cannot be achieved at this location it was not deemed to be expedient to request such information.

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
  - The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings;
  - The cluster does not appear as a visual entity in the local landscape;
  - The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; &
  - The dwelling would, if permitted, significantly alter the existing character of the area.



3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and parking, Policy AMP 2 in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grange Road.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings; would not respect the traditional pattern of settlement exhibited in the area; would permitted create a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.

**Case Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Authorised Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>ITEM NO</b>	<b>13</b>				
<b>APPLIC NO</b>	LA07/2017/1394/F	Full	<b>DATE VALID</b>	11/09/2017	
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>				
<b>APPLICANT</b>	Mr B and Mrs A Gibney 83 Demesne Road Edendarriff Ballynahinch BT24 8NS		<b>AGENT</b>	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED	
<b>LOCATION</b>	80m East of 89 Demesne Road Edendarriff Ballynahinch BT24 8NS				
<b>PROPOSAL</b>	Dwelling and garage on a farm				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>		<b>SUP Petitions</b>
	0	0	0		0
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b> <b>Signatures</b>
			0	0	0   0

- 1 The proposal is contrary to the Strategic Planning Policy Statement 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 3 The dwelling is sited within 75m of a farm building, outside the applicants control/ownership, which has the potential to cause unacceptable public health nuisances from odour, noise and pests.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

Newry, Mourne  
and Down  
District Council

**Application Reference:** LA07/2017/1394/F

**Date Received:** Sept 2017.

**Proposal:** Full permission is sought for a Dwelling and garage on a farm, on lands 80m east of no.89 Demesne Road, Edendariff.

**Applicant:** Mr and Mrs Gibney

**Location:**

The lands comprising the application site are located in the countryside between Seaforde and The Spa, and close to Drumnakelly Landfill site, in an Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015.

This site is low lying, located behind several dwellings, whereby this area is predominantly rural in character.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises a large roughly rectangular shaped plot of land, comprising a field at present. This field is located to the rear of the existing dwellings of no.83, 85, 87 and 89, and is accessed via an existing laneway between no.89 and 91. (No.s 83-91 front and open onto the Demesne Road.

This site is low lying being bounded by no.83-89 to the west, the grounds of the landfill to the east, agricultural building and yard to the north, and fields to the south. It is noted the applicants registered home address is no.83 which includes a detached dwelling (single storey in form, with roof lights, and large shed behind.

**Site history**

A history search has been carried out for the site and surrounds, including farm maps, whereby no relevant history since the publication of the current policy (PPS21) was observed.

**Representations**

No representations in opposition to the proposal have been received to date (01-12-17).



Having account the nature of this application and extent of the red line, neighbour notification was undertaken with a number of properties along the Demesne Road in Sept 2017, while the application was also advertised in the local press in Sept 2017.

### **Consultees**

Taking into account the location and constraints of the site and nature of this proposal consultation was carried out with Transport NI, NI Water, Shared Environmental Services, NIEA, Environmental Health, and DAERA, as part of this application.

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

Environmental Health recommend that a dwelling should be sited a minimum of 75m from farm buildings, due to potential noise, odour and pests from nearby farms. (It is noted the siting indicated is adjacent to a farm building not within the control/ownership of the applicant and which was observed as housing cattle during a site visit in Oct).

As such it is considered the comments from Environmental Health need to be applied in this instance and an appropriate separation distance of at least 75m provided. It is noted the red line of this application permits the applicant relocate the dwelling to comply with this requirement.

The remaining consultees offer no objections in principle.

### **Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS15, PPS21, and associated guidance.**

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

Policy CTY1 states 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.

Based on the information submitted this application is for the development of a farm dwelling to be considered under policy CTY10 of PPS21.

This is a Full application for 1 dwelling, whereby a P1 form, P1C form, farm map, site location plan, site plan and detailed plans have been submitted.

The information submitted indicates the applicant (Mr B and Mrs A Gibney) live at no.83 Demesne Road which adjoins the application site. The owner of the farm business is Mr B Gibney of the same address, whereby the P1C form advises the farm business was established in 2005, a single farm payment is claimed for, they have a DARD Agricultural Business Number (613000), and that the date of allocation was 2005.

DAERA were consulted with this information, who have confirmed the farm business id identified has been in existence for more than 6years, the business entitlements were leased out in 2017.

As advised above a history search has been carried out for the site and surrounds including farm map provided, whereby no relevant planning history associated with this business was observed since the publication of this policy.

In light of the above it is considered the farm business is both active and established for the requisite period, whereby the Planning Authority has no information or evidence to suggest any dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application. As such it is considered the proposal complies with points A and B of policy CTY10.

With regards to Point C of policy CTY10, the site plan provided indicates the dwelling will be located in the North East corner of the field outlined in red.

The applicants home address of no.83 adjoins the site outlined in red, being located to the south west of this same field. It is noted there is a large building to the rear of no.83, which is used for agricultural purposes, which is subdivided and includes several sections. There is a working farm yard to the south side and rear of this shed. It is noted there are 3 separate entrances to no.83 and associated farm, with a driveway to the north end of the dwelling at no.83, which serves the dwelling, with 2 additional entrances to the south side of the dwelling, one of which provides access to the rear of the dwelling, and the other provides access to the farm yard.

The portion of the field to the rear of this farm building and yard is low lying and was observed as being very wet during the site visit. The applicant advised during the site visit this part of the site is a bog, being low lying and adjacent to the watercourse.

As advised above the siting indicated is located to the northern end of this field and away from the existing dwelling and agricultural building of no.83, although is sited adjacent to another agricultural shed and yard area. The agent clarified the applicant does not own this yard or shed. It was also noted there is a smaller shed within the site outlined in red and to the rear of 85-87.

The site plan indicates the proposed dwelling will access via an existing laneway between no.89 and 91.

While it is noted the siting indicated is not immediately adjacent to the existing dwelling and buildings on the farm, it is only approx 100m from these buildings, and only approx 50m from the smaller shed.

The proposed siting indicated does not directly visually link or cluster with the existing buildings on the farm however having account the specific site characteristics it is considered the siting could be considered acceptable if there are no other issues.

These specific site characteristics include the fact the access indicated between no.89 and 91 is the only practical option to gain access to the site, on lands within the applicants control/ownership, as the farm is a working farm with various machinery and cattle being moved. It is not considered practical or reasonable to request the applicant to access through this existing working farm yard area, having account the spacing available, when there is another existing laneway to the far end of this field.

The siting indicated is also adjacent to this access, thus the ancillary works associated with the dwelling will be kept to a minimum.

While the sited outlined in red covers the entire field the extent of the working farm yard and lowest lying portion of the site, adjacent to the watercourse reduces the potential area to satisfactorily locate a dwelling. It is also noted the siting indicated is located away from any existing dwelling thus will not impact on the amenity of these.

It is also noted the site is low lying, with a back drop of a sizeable hill, thus no concerns are expressed regarding compliance with policies CTY13 and CTY14. It is also noted a septic tank is proposed to serve this dwelling, whereby there are sufficient lands to accommodate both this tank and associated soak-aways.

However, as outlined above the Environmental Health Dept recommend that a dwelling should be sited a minimum of 75m from farm buildings, due to potential noise, odour and pests from nearby farms, and this is certainly possible within the red line supplied.

As such, an email was issued to the agent on 26th Oct, advising of the above, and that an amended siting was required.

Further information was received by the agent on 16th Nov, making reference to another similar development approved elsewhere, and raising several points regarding the nature of the applicants business and circumstances. No amended siting was provided or offered.

This supporting information was discussed in detail, whereby it was considered the comments from Environmental Health remain applicable and cannot be set aside. As such refusal is recommended on this basis.

It was also noted the dwelling can be relocated within the red line of the current application to meet the requirements of Environmental Health, whereby no justified grounds are considered to have been provided to set aside these comments. As the dwelling is required to be relocated, it has also been considered there are no site specific circumstances to permit a dwelling on the siting indicated and as such now also fails policy CTY10, as the dwelling is not sited to cluster or visually link with the established buildings on the farm.

As such Refusal is now recommended



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

- **The proposal is contrary to 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.**
  
- **The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.**
  
- **The dwelling is sited within 75m of a farm building, outside the applicants control/ownership, which will cause unacceptable public health nuisances from odour, noise and pests.**

**Re: LA07/2017/1394/F – DWELLING AND GARAGE OF FARM FOR MR & MRS B GIBNEY ON LANDS 80m EAST OF 89, DEMENSE ROAD, EDENDARIFF**

This application is on the 10<sup>th</sup> January 2018 Council List with an opinion to refuse. I submit the following information in support of this proposal.

**1. THE SITE AND PROPOSAL**

This application is sited within a 0.67ha field to the rear of the applicant's farmhouse and yard. It proposes a modest 1,370 sq ft / 127m<sup>2</sup> render finished bungalow standing 6.5m to the ridge. 50m to its rear will be a 34.5m<sup>2</sup> garage finished in matching render and standing 5.2m to the ridge. It is located 50m to the rear of a line of 5 frontage dwellings. As it is at a lower level it will not be seen from Edendariff Road. (See Site Plan, Elevations and Floor Plans)

The proposal is for the Applicant's 42 year old son, Thomas, who has always worked full time in his Father's farm business. Thomas, who lives with his parents, has a partner and child and would like a house of his own. The existing farmyard access is sub-standard but the recent purchase of access splays to the northern lane has opened up the prospect of a CTY10 dwelling on the farm.

**2. CONSULTATIONS**

- Transport NI – No objection
- NI Water – No objection
- Shared Environmental Services – No objection
- DAERA – Has had a Business ID for more than 6 years. Has claimed SFP for more than 6 years
- DFI Rivers – The southern boundary of the site is adjacent to an undesignated watercourse. It does not lie within a 1- 100 year fluvial flood plain. The site layout shows a 5m maintenance strip
- Environmental Health – No objections in principle. INFORMATIVE – Farms have the potential to cause nuisance from odour, noise and pests so the Department recommends a separation distance of 75m. The applicant should be made aware that the occupants of the proposed dwelling may experience noise, odour and pests from the nearby farm

**3. BACKGROUND**

Mr Gibney grew up on a farm and since leaving school has worked solely in farming. He was the second son of a farmer and when his father died inherited no land, only money which he used to buy 83, Demense Road. He has lived at No.83 since 1975 from where he has carried on his agricultural contractor's business. Brendan has held a DARD Business ID since 1975 and was in receipt of Farm Subsidies. Since 2005 he has been in receipt of Single Farm Payments.

His circumstances are unusual in that since the 1980's he has annually taken some 100 acres in conacre, but his sole ownership is the 0.67ha field to the rear of his farmhouse and yard. For 35 years he rented this field but only managed to purchase it in 2010 when a neighbouring farmer retired. This afforded the opportunity for a CTY10 dwelling but investigation showed his existing farm access was sub-standard. To progress the matter he had to buy sight splays for his northern lane.

**4. FARMING ACTIVITY**

Since 1975 Mr Gibney has sub-contracted to the local farming community, normally covering a 15mile radius from his house i.e. as far away as Ballykilbegs, Dunmore, and Castlewellaan, but has

also had clients in Carryduff and Leitrim and Ballyward. He also has his own herd which currently numbers a bull, 17 cattle with 13 sucklers and 6 calves. These are housed in a byre in the yard to the rear of No.83. (See Photo 1)



**Photo 1 – Cattle in Byre**

At the edge of the yard he has 30 black bales with another 100 bales stored on rented land at Drumanaghan Road and a further 70 bales stored at Demense Road on the outskirts of Seaforde. Within his yard he has a workshop where he maintains and services his assorted farm machinery. (See Photos 2 & 3)



**Photo 2 - Machinery Workshop**



**Photo 3 – Machinery Workshop**



Agricultural contracting work is seasonal with the main roles varying from early spring to late autumn. In spring the main tasks are spreading slurry, hedging, ploughing, spraying and sowing. Autumn is the time for harvesting, baling, cutting silage, and again spreading slurry and cutting hedges. Over the years Mr Gibney has assembled a large array of farm machinery (See Appendix 1 which lists 50 items of major agricultural machinery) sufficient to satisfy his work needs throughout the agricultural year. There are insufficient sheds to house all his machinery and the vast majority of it is stored in the open. (See Photos 4, 5, & 6)



**Photo 4 - Open Air Storage**



**Photo 5 – Open Air Storage**



**Photo 6 – Open Air Storage**

Due to experience he knows which equipment he will need in the short term and these are stored beside his main farm sheds with less likely to be needed machinery stored in his overspill yard. (See Photos 7, 8 & 9)



**Photo 7 – Overspill Yard**



**Photo 8 – Overspill Yard**



**Photo 9 – Overspill Yard**

## 5. USE OF HIS OWN 0.67 Ha FIELD

The field lies to the rear of residential properties 83-91 fronting onto Demense Road. Along its western boundary there is a 5m wide hard-cored lane, running from the farmyard in the south for 105m. At the north there is a laneway link between 81 & 91 to Demense Road. The recent purchase of access splays made this a viable access for the proposed new dwelling.

The laneway is the driest part of the field and is used to park agricultural machinery. Some 20m from its north point is a small shed used for storage to which the applicant has added 2 storage containers. This is the basis of his overspill yard, although in practice the entire lane is used for storage.

The field drops down from the laneway to the east boundary close to which is an undesignated stream. In wet weather the centre and east of the field become quite boggy particularly at the south east corner where there used to be a lint hole. ( See attached Photo 10 which was taken after heavy rain) In Mr Gibney's view the field is too wet for a satisfactory housing site.

When the field was purchased in 2010 it was crossed by 3 soakaways serving Nos.89, 87 & 85. These soakaways entail pollution and smell which is not compatible with the new dwelling's siting as suggested by the Case Officer. This suggested siting would also locate the dwelling in the middle of open machinery storage.

Mr Gibney chose the new house siting at the north-east corner of the field where an outcrop of rock ensured there would be no flooding or dampness problems. To him this was a critical point. Also this siting would be convenient to the access link and would not disrupt the established system of open storage along the lane.

## 6. CONCERNS RE SEPARATION DISTANCE FROM NEIGHBOUR'S BARN

**6. 1** The Environmental Health Consultation Reply actually states **no objection in principle** but advises an informative that due to possible odour, noise and pest nuisances it is best to site a minimum of 75m from farm buildings.

In this particular case his son Thomas Gibney, who is a full-time farmer, will occupy the dwelling. Thomas his partner and child at present live with his parents at No.83 which is only 4m from his father's farmyard byres. The proposed dwelling would be 25m from the neighbouring farmer's barn. The layout design indicates a garage sited between the new dwelling and the barn – this would dilute E.H. concerns.

**6. 2** In the vicinity, No.91 Demense Road, occupied by a non-farmer, has an agricultural barn built 14m to its rear.

**6. 3** On 3<sup>rd</sup> November 2017, after hearing Council's concerns, Mr Gibney travelled to Mr Shields of 31 Broomhill Road to undertake silage cutting. Mr Shields informed him that the infill dwelling ( Ref LA07/2016/1393/F ) being constructed within 10m of his very large cow byre was applied for after a positive site meeting with Mr Antony McKay. I can vouch that this in fact was the case as the applicant employed me to walk the site and advise him the day before his site meeting with Mr McKay. As photos 11 and 12 show, Mr Shield's byres are very large and will dwarf the new infill dwelling sited only 10m away. Mr Gibney is concerned that in his case Council have not afforded him equal and fair treatment.





**Photo 11 – Byre within 10m of new dwelling**



**Photo 12 – Byre and new dwelling under construction**

## **CONCLUSION**

Mr Gibney has been a full-time farmer for over 40 years and fully meets the DAERA criteria. His proposal for a house on the farm is for his son Thomas who is also a full-time farmer working with him. Prior to applying Mr Gibney had to purchase sight splays onto Demense Road.

His sole ownership is the 0.67ha field to the rear of his farmhouse and yard. This field is low lying and can become boggy in wet weather and is also crossed by 3 soakaways. Mr Gibney has chosen to site the dwelling in the north east corner where an underlying rock outcrop will ensure no wet weather flooding. It will also mean his farm lane will be free for overspill storage of his machinery.

Councillors will note that the E.H. reply was no objections in principle. A Consultation Reply provides advice to the Planning Authority and it is not mandatory that this advice is implemented. As there are no public safety issues involved perhaps Mr Gibney could be afforded some discretion.

I trust Council will take full account of the points raised.

**APPENDIX 1 – LIST OF AGRICULTURAL MACHINERY**

7 Tractors	1 self-propelled silage harvester
1 Round Baler	1 Umbilical System Slurry Spreader
1 Round Bale Wrapper	1 digger
5 Silage Mowers	1 dumper
4 Silage Trailers	2 Reversible Ploughs
1 Low Loader	1 Cattle Trailer
1 Silage Rake	1 Crop Sprayer
1 Silage Kicker	1 Diesel Bowser
2 Hedge Cutters	3 Slurry Tankers
2 Loading Shovels	2 Dung Spreaders
2 Fertiliser Spreaders	2 Portable Cattle Crushes
1 Pick-up Wagon	2 Compressors
2 Slurry Mixers	2 Concrete Mixers

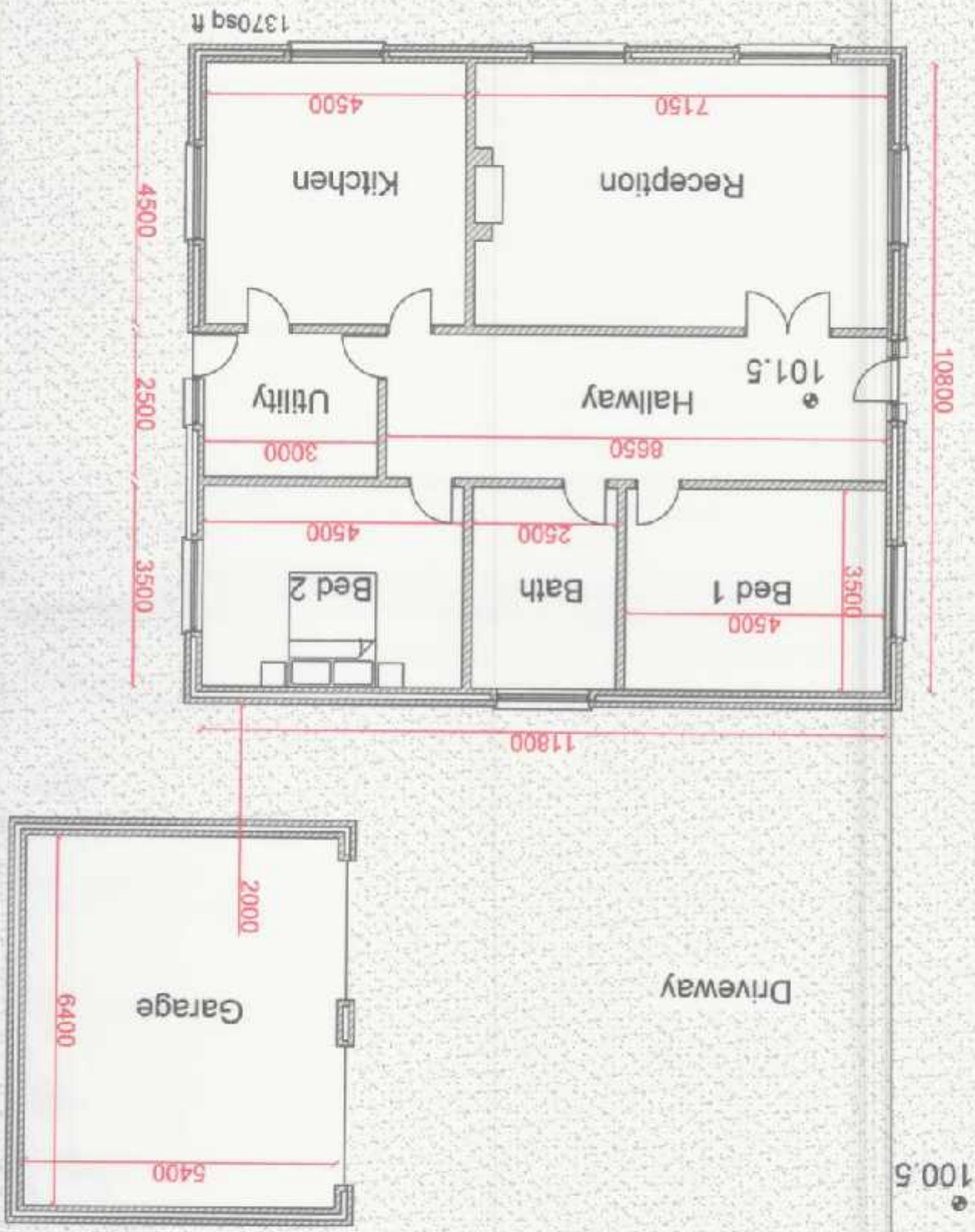


Client	Mr & Mrs Gibney
Project Name	11 SEP 2012
Project No	11 SEP 2012
Project Address	11 SEP 2012
Project Description	11 SEP 2012
Project Status	11 SEP 2012
Project Date	11 SEP 2012
Project Location	11 SEP 2012
Project Contact	11 SEP 2012
Project Notes	11 SEP 2012
Project Drawings	11 SEP 2012
Project Photos	11 SEP 2012
Project Reports	11 SEP 2012
Project Plans	11 SEP 2012
Project Specifications	11 SEP 2012
Project Contracts	11 SEP 2012
Project Agreements	11 SEP 2012
Project Correspondence	11 SEP 2012
Project Meetings	11 SEP 2012
Project Site Visits	11 SEP 2012
Project Inspections	11 SEP 2012
Project Handovers	11 SEP 2012
Project Closeout	11 SEP 2012
Project Archival	11 SEP 2012
Project Review	11 SEP 2012
Project Lessons Learned	11 SEP 2012
Project Feedback	11 SEP 2012
Project Evaluation	11 SEP 2012
Project Reporting	11 SEP 2012
Project Communication	11 SEP 2012
Project Collaboration	11 SEP 2012
Project Innovation	11 SEP 2012
Project Excellence	11 SEP 2012
Project Success	11 SEP 2012
Project Satisfaction	11 SEP 2012
Project Loyalty	11 SEP 2012
Project Reputation	11 SEP 2012
Project Branding	11 SEP 2012
Project Marketing	11 SEP 2012
Project Sales	11 SEP 2012
Project Customer Service	11 SEP 2012
Project Retention	11 SEP 2012
Project Growth	11 SEP 2012
Project Profitability	11 SEP 2012
Project Sustainability	11 SEP 2012
Project Resilience	11 SEP 2012
Project Adaptability	11 SEP 2012
Project Flexibility	11 SEP 2012
Project Scalability	11 SEP 2012
Project Reliability	11 SEP 2012
Project Consistency	11 SEP 2012
Project Quality	11 SEP 2012
Project Efficiency	11 SEP 2012
Project Effectiveness	11 SEP 2012
Project Impact	11 SEP 2012
Project Legacy	11 SEP 2012
Project Future	11 SEP 2012
Project Vision	11 SEP 2012
Project Mission	11 SEP 2012
Project Values	11 SEP 2012
Project Principles	11 SEP 2012
Project Standards	11 SEP 2012
Project Best Practices	11 SEP 2012
Project Innovation	11 SEP 2012
Project Excellence	11 SEP 2012
Project Success	11 SEP 2012
Project Satisfaction	11 SEP 2012
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Project Resilience	11 SEP 2012
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Project Quality	11 SEP 2012
Project Efficiency	11 SEP 2012
Project Effectiveness	11 SEP 2012
Project Impact	11 SEP 2012
Project Legacy	11 SEP 2012
Project Future	11 SEP 2012
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Project Values	11 SEP 2012
Project Principles	11 SEP 2012
Project Standards	11 SEP 2012
Project Best Practices	11 SEP 2012

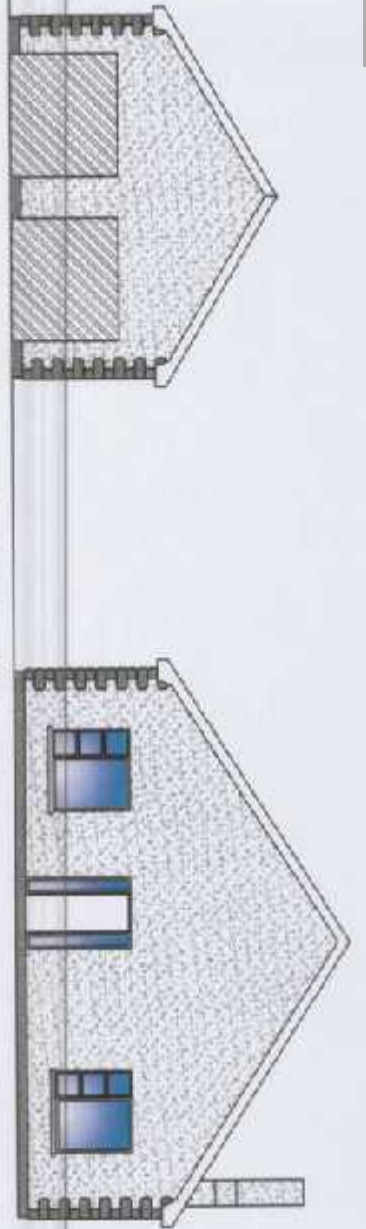
11 SEP 2012



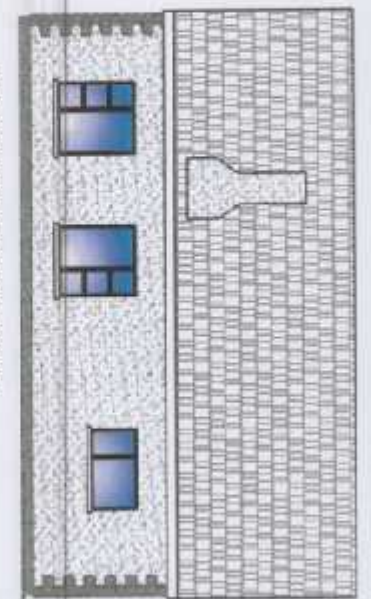




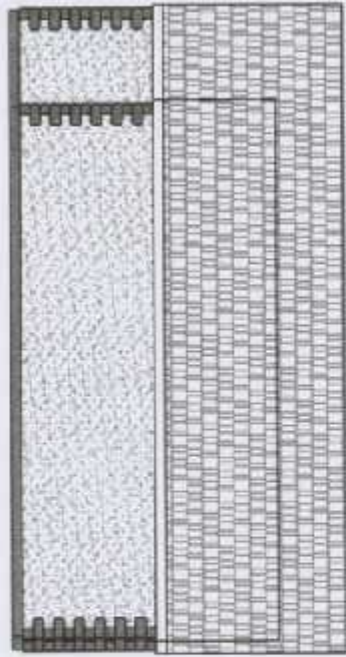
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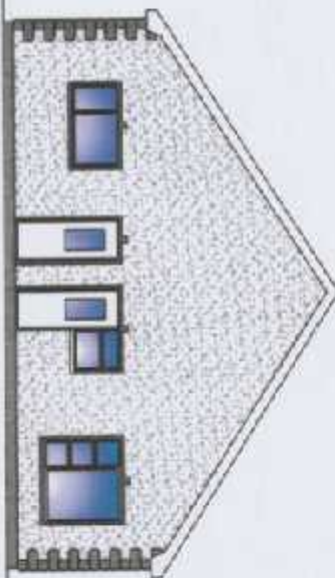
PROPOSED FRONT ELEVATION HOUSE AND GARAGE.



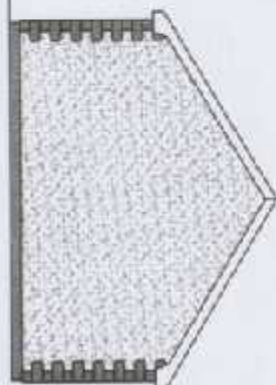
PROPOSED SIDE ELEVATION HOUSE (GARAGE BEHIND NOT VISIBLE)



PROPOSED SIDE ELEVATION HOUSE AND GARAGE.



PROPOSED REAR ELEVATION HOUSE AND GARAGE.



Scale:	1:100	Project Name:	PROPOSED NEW THREE BRN HOUSE AND DOUBLE GARAGE	Date:	15/05/17
Client:	Mr & Mrs [Name]	Address:	[Address]	Project No:	[Project No]
Site:	[Site Description]	Location:	[Location]	Drawn By:	[Name]
Notes:	[Notes]				

**Techniplan Design Ltd**  
 Address: [Address]  








<b>ITEM NO</b>	14			
<b>APPLIC NO</b>	LA07/2017/1444/O	Outline	<b>DATE VALID</b>	25/09/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr P McAleenan 23 Shanrod Road Katesbridge Banbridge BT32 5PG		<b>AGENT</b>	Declan Diamond Architecture 17B Seaptrick Road Banbridge BT32 4PH
<b>LOCATION</b>	32m SW of 96 Newry Road Benagh Newry BT34 2JE			
<b>PROPOSAL</b>	Infill site for 1 detached dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 160 metres) in accordance with the standards contained in Development Control Advice Note 15.
- 2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available on the public road at the proposed access in accordance with the standards contained in Development Control Advice Note 15.



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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1444/O

**Date Received:** 02.10.2017

**Proposal:** Infill site for 1 detached dwelling and garage.

**Location:** 32m SW of 96 Newry Road, Benagh, Newry, BT34 2JE

**Site Characteristics & Area Characteristics:**

The application site is located on the Newry Road, and is situated approx. 32m southwest of 96 Newry Road, Newry. The boundaries of the site are defined by 1 ½m high hedgerow along the road side boundary, the eastern boundary consists of a mixture of mature trees and 1.8m high wall and agricultural buildings. The western boundary consists of 1 ½m high post and wire fence and agricultural building the remaining western and southern boundaries opens on to a larger agricultural field.

The application site is located on fairly level topography with a slight slope upwards towards the south western boundary.

Further agricultural buildings lie north east of the application and no.94 Newry Road. The application site falls outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015 and is located just off a protected route.



*Proposed infill site*

**Site History:**

P/1980/1079

PROPOSED EXTENSION AND IMPROVEMENTS TO DWELLING

Permission Granted: 12.01.1981

**Planning Policies & Material Considerations:**

Relevant Planning Policies and Development Plans relating to the proposal include:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

Planning Policy Statement 3 – Access, Movement and Parking

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

Planning Policy Statement 21 – Sustainable Development in the Countryside

CTY1- Development in the Countryside;

CTY8 – Ribbon Developments;

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

**Consultations:**

Transport NI- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the



safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 160 metres), and if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

The B8 is a protected traffic route and Planning must be satisfied that this application is an exception to the policy. If this is not the case then please re-consult.

NI Water- Has no objections to the proposal.

Environmental Health- Have no objections in principle to this proposal, however advise that Farms have the potential to cause public health nuisances from odour, noise and pests. This department recommends that the proposed dwelling is situated a minimum of 75m from farm buildings. The applicant should be made aware that occupants of the proposed dwelling may experience noise, odour and pests from the nearby farm.

Historic Environment Division (HED) - Has no objections to the proposal.

### **Objections & Representations**

4 Neighbours where notified on 05.10.2017 the application was advertised on 02.10.2017. No objections or representations received.

### **Principle of Development**

The site is not located within a development limit identified within the Banbridge, Newry and Mourne Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside, this includes the development of a small gap site within an otherwise sustainable and continuously built up frontage. The application will be assessed under CTY 1 Development in the countryside, CTY 8 Ribbon Development and CTY 14 Rural Character in terms of design and amenity considerations.

### **CTY 1**

Policy CTY 1 of PPS 21 Development in the Countryside allows for a range of types of development in the countryside and details of there are set out in CTY 1. Planning permission will be granted for agricultural an infill dwelling in accordance with Policy CTY 8.

**CTY 8**

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development:

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In this instance three buildings (one dwelling and two agricultural/ outbuildings), no.96 Newry Road, Benagh is a two storey detached farm dwelling, the outbuilding located directly west of no.96 and the agricultural building located approx. 70m southwest of no.96. All buildings have a clear frontage and access onto Newry Road. The infill in this case is approx. 46.5m is illustrated below with the buildings considered in red;



The site is in keeping with the established pattern of plot size in the vicinity. The proposed site has a plot size of 0.15 hectares. The surrounding plot sizes have been stated below:

No. 96 Newry Road- Area: 0.16ha

No. 94 Newry Road- Area: 0.13ha

No. 109 Newry Road - Area: 0.06ha

Based on these figures the plot size is considered to be capable of accommodating 1 house and detached garage. A proposed dwelling can be conditioned so that it is of a size, scale and can be sited to respect the existing development pattern in compliance with other policy tests. The proposal therefore is considered to qualify as an exception to Policy CTY8 as an infill site.

### **Design and Siting**

It is considered that the proposed site is capable of accommodating a modest size dwelling. Views of the site are relatively limited to a small section of the road. The site area, in terms of frontage and plot size is considered to be similar to surrounding sites and is suitable for the accommodation of a dwelling at this site.

### **Impact on residential Amenity:**

No.109 Newry Road is located directly northwest of the application site. The neighbouring property is situated on similar topography, mature hedgerow is located along the roadside boundary. The building has become somewhat dilapidated.

No. 96 Newry Road is located directly northeast to the application site. The neighbouring property is situated on similar topography with the dwelling located approx. 31m from the site boundary. A number of agricultural buildings are located between the dwelling and application site. In addition a mixture of mature trees and 1.8m high wall is located along the adjoining boundary. Consideration must be given regarding siting of proposed dwelling to protect the residential amenity. Therefore the proposed dwelling would not result in any unacceptable loss of residential amenity to the dwelling.

### **Access and Parking**

The proposal must accord with AMP2 and AMP3 of PPS3. Transport NI has advised that The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 160 metres), and if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.



In relation to Policy AMP 3, the B8 is a protected traffic route however the council are satisfied that this application is an exception to the policy. Officers consider the proposal to be contrary to AMP 2 of PPS 3- Access, Movement and Parking.

### **CTY 13 &14**

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. Given the topography of the site and the surrounding developments it is considered that the proposed development would integrate into the countryside. While the particulars of the design and layout of the site will be determined at the Reserved Matters stage.

In terms of CTY 14 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. There are a number of adjacent dwellings to this site and it has been established that the proposal is in compliance with Policy CTY 8 and will infill the gap site. Therefore it is considered to be in compliance with CTY14.

### **Recommendation**

Officers have recommended the application for Refusal.

### **Refusal Reasons:**

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 160 metres), and if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>15</b>			
<b>APPLIC NO</b>	LA07/2017/1627/O	Outline	<b>DATE VALID</b>	24/10/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Gerard Donnelly 43 Cregganduff Road Cullyhanna Newry BT35 9XA		<b>AGENT</b>	J Lynam RIBA 11 Newry Road Mayobridge Newry BT34 2ET
<b>LOCATION</b>	20 metres east of 15 Newry Road and 45 meters north of 96 Maphoner Road Mullaghbawn			
<b>PROPOSAL</b>	Proposed 2 No. dwellings on an in-fill site			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0

<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>	<b>Signatures</b>
0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 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 the proposal would, if permitted, result in the creation of ribbon development along Newry and Maphoner Roads.
- 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 proposed development is a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed development 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;
  - the buildings would, if permitted create and add to a ribbon of development; and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/1627/O**

**Date Received: 27.09.2017**

**Proposal: Proposed 2 No. dwellings on an in-fill site**

**Location: 20 metres east of 15 Newry Road and 45 meters north of 96 Maphoner Road Mullaghbawn**

The site is located within the countryside and An Area Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

The site is positioned at the junction of the Newry and Maphoner Road. The roadside boundaries of the site are defined by timber ranch style fencing. The red line of the site is cut from a larger agricultural field.

#### **Site History:**

**LA07/2016/1583/O- Proposed dwelling in an existing cluster under Policy CTY2a (Amended proposal)- Withdrawn following a meeting with the Planning Department. At this meeting it was explained that the application was unacceptable as a cluster under policy CTY 2A and that if the proposal was for an infill under CTY 8 this would also be unacceptable and would be recommended for refusal.**

#### **P/2004/0581/O- Site for dwelling & garage- Refusal**

*The proposal is contrary to Policies SP6, HOU8 and DES5 of the Department's 'A Planning Strategy for Rural Northern Ireland' in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape as it is unduly conspicuous.*

*The proposal is contrary to Policies SP6, HOU8 and DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a*



*detrimental change to the rural character of this area of countryside by reason of build up.*

*The proposal is contrary to Policies SP6, HOU8 and DES7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the creation of ribbon development along Maphoner Road.*

*The proposal is contrary to Policies SP12, GB.CPA3 and HOU12 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies within a Countryside Policy Area and the development would not merit being treated as an exceptional case to justify a relaxation of the strict planning controls in this area.*

#### **P/2004/1020/O- Site for dwelling and domestic garage- Refusal**

*The proposal is contrary to Policies SP6, and DES5 of the Department's 'A Planning Strategy for Rural Northern Ireland' in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape by reason of its undue prominence.*

*The proposal is contrary to Policies SP6 and DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build up.*

*The proposal is contrary to Policies SP6 and DES7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the creation of ribbon development along Maphoner Road.*

*The proposal is contrary to Policies SP12, HOU12, GB/GPA 1 and GB/GPA3 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies within a Countryside Policy Area and the development would not merit being treated as an exceptional case to justify a relaxation of the strict planning controls in this area.*

#### **Objections & Representations**

*No. of neighbours notified=12  
No representations received= 0  
Advertise expiry= 23.11.2017*

#### **Consultations**

**TransportNI- no objections RS 1form access to be taken from the Maphoner Road**

**NIW- statutory**

**Consideration and Assessment:**

*The site is located within the countryside context therefore the provisions of PPS 21 will apply to this case. The application has been submitted for 2 no. dwellings on an infill site. The application will be assessed against Policies CTY 1, 8, 13 & 14.*

*An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*

*The application site is positioned on the corner of the junction between the Maphoner Road and the Newry Road. When travelling along the Newry Road the site lies between no. 15 Newry Road and the Maphoner road. West of no. 15 there is another dwelling, no. 13 fronting onto the Newry Road and beyond the Maphoner Road to the opposite side of the site lies a derelict dwelling, no. 99. From the Newry Road, no. 13, 15 and 99 would have frontages onto the Newry Road. However, the policy states that development of a small gap site will only be accommodated within an otherwise substantial and continuously built up frontage. The built up frontage must include a line of 3 or more buildings along a frontage. The site context fails to meet this requirement as the gap is not sited within a continuous frontage as it is clearly broken by the Maphoner Road.*

*When viewing the site from the Maphoner Road, the site is not bounded on either side by buildings. To the right hand side is the Newry Road and to the left hand side an agricultural field and beyond it no. 96. Therefore, when viewed from this angle the site does not constitute a gap site within a substantially built up frontage as defined by policy.*

*As stated in the above site characteristics, the site is positioned at the corner of the junction of the Newry Road with the Maphoner road. The boundaries of the site along the Newry and Maphoner Road are defined by timber ranch style fencing with*

*little to nothing in terms of natural screening. The site would heavily rely on additional landscaping to enable the proposal to successfully integrate on site. The proposal would result in a suburban style build up when viewed with the existing buildings and create a ribbon of development along the Newry and Maphoner Roads. The proposal is also contrary to CTY 13 & CTY 14.*

#### **Recommendation:**

#### ***Refusal***

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

**The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Newry and Maphoner Roads.**

**The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:**

**-the proposed development is a prominent feature in the landscape;**

**-the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;**

**-the proposed development relies primarily on the use of new landscaping for integration;**

**and therefore would not visually integrate into the surrounding landscape.**

**The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:**

**-the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;**

**-the (building) would, if permitted create and add to a ribbon of development;**

**and would therefore result in a detrimental change to (further erode) the rural character of the countryside.**



<b>ITEM NO</b>	<b>16</b>			
<b>APPLIC NO</b>	LA07/2017/1635/F	Full	<b>DATE VALID</b>	24/10/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr and Mrs Brian Dickson 40 The Ferns Hilltown Newry BT34 5WE		<b>AGENT</b>	Eward Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED
<b>LOCATION</b>	7 Bannfield Road Rathfriland Newry BT34 5HG			
<b>PROPOSAL</b>	Replacement of non listed vernacular dwelling with retention of existing dwelling for storage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the non-listed vernacular dwelling which it is proposed to replace makes an important contribution to the heritage and character of the locality and is capable of being made structurally sound and improved.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**  
LA07/2017/1635/F

**Date Received:**  
18/10/2017

**Proposal:**  
Replacement of non-listed vernacular dwelling with retention of existing dwelling for storage

**Location:**  
7 Bannfield Road, Rathfriland, Newry, BT34 5HG

**Site Characteristics & Area Characteristics:**

The site is located approximately 3.5 miles east of Rathfriland in a rural area with no additional classifications, close to the A25 Castlewellan Road. There are a number of existing farm holdings in the vicinity, with No's 14 and 15 Bannfield Road located closest to the site, some 200m to the south west. To add to this context, Cabragh House, a Grade B+ listed 19<sup>th</sup> century neo-classical residence, is located 300m south east of the subject building, with the associated entrance gates, screen and house yard all also listed (Historic Building Reference Numbers HB/16/07/031/A / HB16/07/031/C.) The dwelling to be replaced, 'Mountain View,' is accessed via an elongated laneway and forms part of an existing farm building group, comprising seven buildings in total. From the rear, the dwelling appears as a traditional two storey farm residence, adjoined to one of the associated farm buildings, whilst from the front appears to include some period features, of vernacular value.





### Site history:

A recent application to replace the subject building LA07/2016/0375/F was withdrawn on 18/10/2017 following discussions regarding policy concerns with this proposal. A secondary agent was appointed during this process, with whom which the Planning Department has engaged with prior to receiving the current application to discuss the concerns with this original application.

### Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS 3 'Access, Movement and Parking'
- PPS 6 'Planning, Archaeology and Heritage'
- PPS 21 'Sustainable Development in the Countryside'
- Historic Environment Division 'Historic Buildings of Local Importance A guide to their identification and protection' May 2017
- 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.'

### Consultations:

DfI TNI (29/11/2017):

If the proposed dwelling to be replaced could be reasonably occupied at present or following minor modifications DfI Roads has no further objection to this application.

Environmental Health (27/11/2017):

Standard informatives,

NI Water (08/11/2017):

No objections, standard informatives

DfC HED (27/11/2017):

HED has assessed the impacts of the proposal under Policy BH11 (Development affecting the setting of a listed building) and SPPS 6.12 and has no objections. HED welcome that the non-listed vernacular building is to now be retained as part of the scheme. Historic Monuments is content that



the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Objections & Representations**

- 3 Neighbouring properties notified on 07/11/2017 (No's 7, 14, 15 Bannfield Road) (statutory expiry 21/11/2017)
- Application advertised in 1 local paper on 08/11/2017 (statutory publication expiry 22/11/2017)
- 0 objections or responses have been received.

### **Consideration and Assessment:**

This application seeks full planning permission to replace No.7 Bannfield Road, by retaining the existing dwelling and building a secondary dwelling which forms part of the overall building group. The intention is to utilise the existing laneway access to serve this proposed new dwelling.

Section 45 of the Planning Act (NI) 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 subject site is located within a rural area as identified by the BNMAP 2015. As stated, the site is also in close proximity to a grade B+ residence, Cabragh House (HB16/07/031/A). HED has been consulted and are content that the proposal is satisfactory to PPS6 Policy BH11 requirements in this regard. In addition, their response makes reference to the potential impacts upon Clonduff Presbyterian Church (located approximately 850m west of the site) a Grade B2 listed Building (HB16/07/027) upon which, they are satisfied the proposal would have no impact. HED note that the subject is non-listed vernacular, a point which is considered in more detail below.

As there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, with consideration given to the planning history and pre-application discussions regarding this site.

### **Principle of Development**

Policy CTY1 of PPS21 has provision for replacement dwellings which are in accordance with Policy CTY3. As a starting point, Policy CTY3 requires buildings to exhibit the essential characteristics of a dwelling, and as a minimum, all external structural walls to be substantially intact. In this instance, the external walls of the subject building are all substantially intact and as the building appears, I am satisfied that this is a (former) dwelling.

HED has made reference to this dwelling as being non-listed vernacular, which was evident to the Planning Department upon site inspection. Policy CTY3 encourages

the retention and sympathetic refurbishment (with adaption if necessary) of non-listed vernacular dwellings in lieu of replacement.

Historic Buildings of Local importance are defined in paragraph 6.24 of the (SPPS) as *'a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.'* This definition does not make reference to their visibility from public view or distance from public roads. Arguably therefore, the existing dwelling makes an important contribution to the heritage, appearance and character of this locality, despite its position off the Bannfield Road.

Given this view, under Policy CTY3, permission will only be granted to replace this dwelling where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved. Cognisant of the previous application (reference LA07/2016/0375/F) which was accompanied by a Structural Survey of the building, HED in their response to this report concluded that the structural problems are likely to be insurmountable, requesting the retention and extension of the dwelling.

Whilst the principle of retaining the dwelling is supported as proposed, Policy CTY3 does not make provision for a secondary dwelling where the existing dwelling is considered to make an important contribution to the local area and is reasonable capable of being made structurally sound or improved for residential use. The favourable solution for this site is to retain and sympathetically refurbish the existing dwelling to meet the needs of modern living. In terms of the development principle, the proposal is non-compliant with the requirements of Policy CTY3.

For the purposes of completion, Policy CTY3 also outlines a number of additional criteria to be met by all proposals, provided the principle is acceptable:

- Siting  
CTY 3 requires the proposed replacement dwelling to be sited within the established curtilage of the existing building, unless it is too restrictive or there are demonstrable landscape / heritage benefits to re-locating it. This proposal includes an off-site replacement, with the proposed dwelling sited 34m west of the existing dwelling. The Planning Department do not have any justifiable evidence to support an off-site replacement given the condition of the existing non-vernacular dwelling.
- Size / Scale (CTY13)  
The overall size of the new dwelling should allow it to integrate into the surrounding landscape and should not have a visual impact significantly greater than the existing building. Supporting information by way of photographs have been provided with this application in an attempt to

demonstrate that the proposed dwelling would integrate into the landscape. With a FFL of 49.4m and ridge height of 8.1m, the proposed dwelling would sit at a level of 57.5m. In terms of scale, the primary dwelling block measures (externally) 12.9m in length (with a single storey side extension 5.6m x 5.2m) and 9.6m in width, with a rear two storey return (5.5m x 5.6m) and a simple front storm porch (3.7, x 1.9m) with the upper floor measuring 12.9m x 9.6m.

The critical viewpoints are taken from Bannfield Road, travelling in both directions. When travelling east, there are some concerns that the dwelling would appear prominent given the higher landform, resulting in a greater visual impact than the existing dwelling. However given the proposed landscaping together with the change in land form, it would be difficult to sustain a refusal on the basis of integration. There are no concerns travelling west given the level of natural roadside screening along Bannfield Road.

- The design of the replacement should be of a high quality appropriate to its rural setting. In terms of design, the dwelling proposed comprises a two storey pitched roof dwelling, which incorporates the overall form and massing of a traditional farm dwelling. Openings are vertically proportioned, and chimneys protrude from the ridge as encouraged. The proposed design does not offend the overall context of the site or rural character of the area in terms of Policy CTY13 and CTY14 considerations.

Principally however, the proposed dwelling does not conform to Policy CTY3 in that there is no provision for an off-site secondary dwelling at this farm grouping given the condition and character of the dwelling to be replaced.

#### Access

The proposed dwelling seeks to utilise the existing access laneway off Bannfield Road. Transport NI Has no objections in terms of PPS3 requirements, given there is a valid replacement opportunity in respect of No.7 Bannfield Road.

#### Services / Sewerage

A septic tank and stone soakaways are proposed to dispose of foul sewage and surface water. Whilst not currently the position, the recommended 15m separation distance of the septic tank from the dwelling can be achieved within the red line. Both proposals would be dependent on obtaining the necessary consents from NIEA Water Management Unit, NI Water and any other relevant authority to ensure the requirements of Policy CTY16 are met.

#### Amenity

The proposed dwelling is sited so that it will not adversely affect the amenity of any nearby dwellings. No objections or representations have been received in this regard.



**Recommendation: Refusal**

Whilst there is a valid replacement opportunity in connection with No.7 Bannfield Road, the proposal does not meet the requirements of Policy CTY3 of PPS21 in dealing with the replacement of a non-listed vernacular dwelling which makes an important contribution to the heritage, appearance and character of this area. On the basis of the information provided, the Planning Department are not persuaded that the existing dwelling is not reasonably capable of being made structurally sound or otherwise improved to meet the requirements of modern living. The overall position therefore is that the retention and sympathetic refurbishment, with adaption if necessary is preferential having considered all of the information available in the context of this site.

**Reasons for Refusal:**

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the non-listed vernacular dwelling which it is proposed to replace makes an important contribution to the heritage and character of the locality and is capable of being made structurally sound and improved;

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

**Re: LA07/2017/1635/F – 34m OFF SITE REPLACEMENT OF 7, BANNFIELD ROAD WITH RETENTION OF THE EXISTING NON -LISTED VERNACULAR DWELLING WHICH WILL BE USED FOR AGRICULTURAL STORAGE**

This application is on the 10<sup>th</sup> January 2018 list for Council with an opinion to refuse. I would submit the following information in support of this proposal.

**1. THE SITE**

No. 7, Bannfield Road is a 2 storied farmhouse set within a working farmyard containing 5 barns in current use. No.7 is located 230m up a laneway off the east side of Bannfield Road, which is a 3- 3 ½ metre wide minor road bounded on both sides by 8-10m high trees. These trees preclude views to No.7 and its yard. (See Photos 1-5)



**Photo 1 – Long View to lane access from south**



**Photo 2 – Medium view to lane**



**Photo 3 – Approach to lane**



**Photo 4 – View from north back to lane**



**Photo 5 – Further north views are obscured by a large roadside shed with farmhouse beyond**

The laneway rises steeply up from Bannfield Road for 140m.



**Photo 6 – Travelling up the lane**





**Photo 7 – Further up the lane**

The lane then drops down for 90m towards the farmyard. Neither No.7 or its yard can be seen from Bannfield Road. The Case Officer accepted that the proposed replacement will be well integrated.

## **2. SITE AND SURROUNDS**

As the layout map indicates No.7 is located within the yard but close to its south-east corner. The yard is surrounded by mature 7-8m high trees and rhododendrons so there are very limited views to No.7. (See attached Site Layout Map)



**Photo 7 – View from southern edge of yard**



**Photo 8 – View from centre of yard**



**Photo 9 – View from north-east of yard**

Cabragh House is a listed dwelling and walled yard located some 300m to the north-east of No.7. As the enclosed O. S. extract shows, a large number of single storey vacant wooden chicken houses, some without roofs, lie just outside the enclosed yard. Obviously these chicken houses would disrupt views from Cabragh House to No.7. (See Photos 10 & 11)



**Photo 10 – Wooden Chicken Sheds 100m in front of Cabragh House**



**Photo 11 – Wooden Chicken Sheds**

### 3. PREVIOUS HISTORY

LA07/2016/0375/F applied to demolish the existing 2 storey dwelling and replace in situ. This was submitted 22/3/2016 and withdrawn 16/10/2017.

The applicant commissioned Savage Associates to undertake a structural survey of No.7. This detailed that the house was only 1 room deep and built directly onto the clay. The site was sloping so the front porch and rooms were elevated above the ground but the rear rooms were set 0.5m below ground level. This had resulted in water seepage through the ground floor walls. Rising damp has penetrated through the walls and also affected door lintels and window openings. The ground floor consists of part timber and part solid and due to the dampness all the timber would require to be replaced. The gable end of the dwelling is in poor condition with a crack in the chimney and poorly insulated brickwork. Dry-lining would not prevent water ingress and would only make the rooms smaller.

The report concluded that a surveyor refused to give lending on the property due to its poor condition. Due to the numerous defects and rectification required it would be advisable to rebuild with new construct that would be waterproof and allow for modern improved layout of rooms.

Council planners stated that they were unhappy with replacement but would accept extensions to either side or to the rear.

### 4. POLICY FRAMEWORK

Policy CTY3 of PPS21 provides the policy requirements for Replacement Dwellings with the Case Officer accepting that the SPPS is less prescriptive.

**Re Non- Listed Vernacular Buildings** – Their retention and sympathetic refurbishment will be encouraged in preference to replacement. Proposals involving their replacement will be assessed as follows:-

- Σ If the dwelling makes an important contribution to the heritage appearance or character of the locality permission will only be granted where it is not reasonably capable of being made structurally sound
- Σ 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 retention of the existing structure will be accepted as a store to form an integrated building group. The old dwelling will not be eligible for replacement again

The Savage Associates Structural Report advised that No.7 had no foundations and its rear was set below ground level. This had led to rising damp through walls, structural cracks in the gable and rotting timbers. Necessary remedial action would impact on semi-detached barns. Their advice was that new build was appropriate.

In light of this report the applicant has decided to pursue a 34m off-site replacement retaining the old dwelling integrated into the farmyard group.

### 5. CONSULTATION REPLIES

- Σ Transport NI – No objection
- Σ Environmental Health – No objection
- Σ NI Water – No objection



**Historic Environment Division – Had no objections and welcomed the fact that the non-listed vernacular building was now to be retained as part of the scheme. (See enclosed HED Consultation Reply)**

#### **6. CURRENT PROPOSAL**

The applicants have taken account of Council's reservations regarding an in situ replacement. They have also noted the advice of Savage Associates who advised that extensions to No.7 would be unsatisfactory due to its lack of foundations, rising damp due to ground levels above FFL, the need to replace wooden floors and loft, and the structural faults in the gable. The Dicksons are planning a home for themselves and their 2 children. They have opted for a traditional 2 storey farmhouse sited 34m off site at the south west edge of the farmyard. No.7, which fronts onto the yard, will be retained as a farm store. The proposed dwelling is an acceptable rural design with vertical emphasis windows, dark slate roof and smooth white painted render finish. (See enclosed Elevations and Floor Plans)

When assessing the proposal the Case Officer accepted the house design. Also because of the mature vegetation along Bannfield Road, the 200m setback and the siting some 5.6m below the crest of the field, accepted the dwelling will be well integrated. This location at the west side of the farmyard will mean that the proposal will not be seen from Cabragh House which is 350m distant to the east of the farmyard. As pointed out above, a large number of wooden hen houses are set between the listed building and No.7.

#### **CONCLUSION**

The Dicksons have taken on board Council's concerns about demolishing No.7. Historic Environment Division raised no objections to their proposal and indeed welcomed the retention of No.7 as part of the scheme. In assessing the proposal the Case Officer stated the house design was satisfactory and accepted it would be well integrated. The replacement is sited at the edge of the farmyard and No.7 is retained as part of the overall development scheme. Thus this proposal fully complies with SPPS Para 6:73 and Policies CTY1 & CTY3 of PPS21.



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

**FINISHES SCHEDULE**  
 ROOF - BLUE/BLACK SLATE TYPE  
 ROOF  
 WALLS - SMOOTH RENDER TO TAKE PAINTED FINISH. NATURAL STONE  
 WINDOWS/DOORS - UPVC; PROFILE AND STYLE AS PER ELEVATIONS. COLOUR SLACK  
 RAINWATER GOODS - BLACK UPVC ROUND DOWNPIPES AND HALF ROUND GUTTERS.



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN

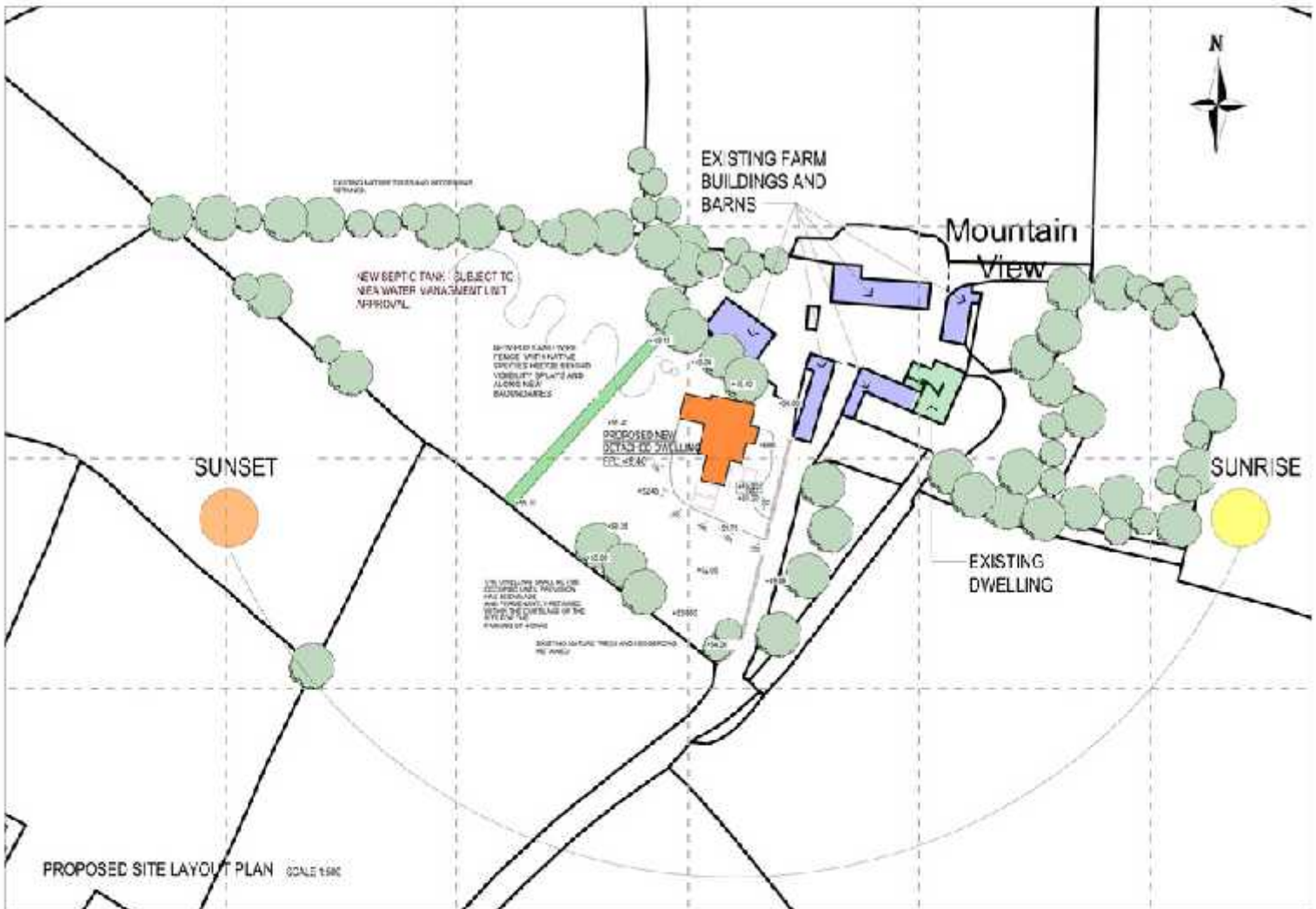
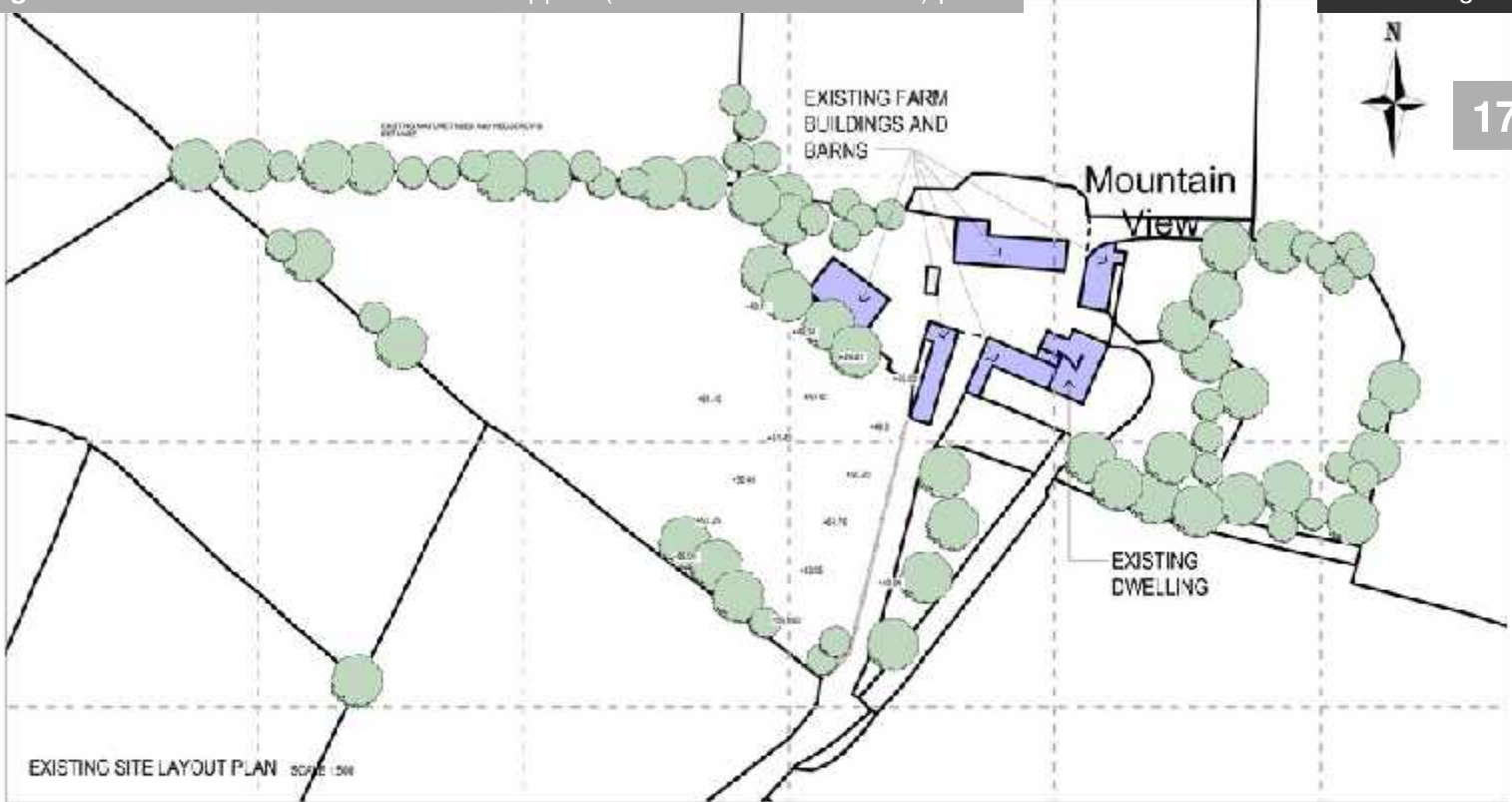


PROPOSED FIRST FLOOR PLAN

1:10  
 PROPOSED NEW DETACHED DWELLING AT 1 BANFIELD ROAD, BATHFRANK, NEWRY CO DOWN FOR MR AND MRS B. DICKSON

Drawing Name  
 PROPOSED PLANS

Drawn by: JMB Date: 16/01/17  
 Checked by: JMB Date: 16/01/17  
 Drawing Scale: 1:50



DATE: 15/10/2018  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1:500  
 SHEET: 011





Department for  
**Communities**  
www.communities-ni.gov.uk

Historic Environment Division  
Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG

Tel: 028 9082 3100  
Email:  
HEDPlanning.General@communities-  
ni.gov.uk

Date: 27 November 2017

Dear Sir/Madam

Planning Application Ref.: LA07/2017/1635/F  
Location: 7 Bannfield Road  
Rathfriland  
Newry  
BT34 5HG

Proposal: Replacement of non listed vernacular dwelling with retention  
of existing dwelling for storage

### **The Planning (General Development Procedure) Order (NI) 2016**

*As amended by The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016*

Thank you for your consultation on the above application, received by DfC on 06/11/2017

Historic Environment Division (HED) has reviewed the details of the application and provides summary comments as follows:

#### **Archaeology and Built Heritage**

Historic Environment Division has assessed the impacts of the proposal under Policy BH11 (Development affecting the setting of a listed building) and SPPS 6.12 and considers it could not sustain an argument against the proposal under these policies.

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. We welcome that the non-listed vernacular building is to now be retained as part of the scheme.

Should you seek further clarification on any of the issues raised in this response, please do not hesitate to contact the HED Planning Team.

Kind Regards

Historic Environment Division

**Issued on behalf of Department for Communities**

## Archaeology & Built Heritage

**Section Reference:** HB16 07 031 A

### Considerations

The application for 'Replacement of non-listed vernacular dwelling with retention of existing dwelling for storage' LA07 2017 1635 F impacts upon the following Listed Buildings:

HB16 07 031 A	Cabra House, Cabra Road Rathfriland	Grade B+
HB16 07 031 C	House Yard, Cabra House Rathfriland	Grade B1
HB16 07 027	Clonduff Presbyterian Church	Grade B2

These are of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.

Historic Environment Division: Historic Buildings (HED:HB) has considered the impacts of the proposal.

Historic Environment Division has assessed the impacts of the proposal under Policy BH11 (Development affecting the setting of a listed building) and SPPS 6.12 and considers it could not sustain an argument against the proposal under these policies.

### Explanatory Note

HED:HB is cognisant of the previous application, LA07 2016 0375 F, to replace this dwelling and while HED:HB are encouraged by the retention of this unlisted vernacular dwelling and farm group, it is not convinced the proposal represents a sustainable solution for the unlisted vernacular buildings.

However, given the relative separation of the proposal site from the listed buildings' settings, HED:HB consider the policies relevant for its consideration do not extend a framework for protection of the buildings at 7 Bannfield Road.

### Extract from PPS6. 9.0 Non-listed Vernacular Buildings - The Importance of Vernacular Buildings

*"The vernacular buildings of Northern Ireland have developed as a response to local economic and social circumstances, using simple styles and largely local materials. They have a natural place in our towns, villages and smaller settlements and help give the countryside its personality. While the Department operates a general presumption in favour of the preservation of buildings listed as being of special architectural or historic interest there is growing concern about the continuing loss of those traditional buildings with historical associations and local character, which are not listed, particularly in rural areas. A report published in March 1998 by the Environment and Heritage Service entitled "A Sense of Loss" highlights the severe decline in the number of rural traditional buildings of Northern Ireland in recent years. Buildings of character*

### Archaeology & Built Heritage

*which display local traditions of architecture and design are an important part of our heritage and regional identity. It is therefore sensible to sympathetically rehabilitate and improve such vernacular buildings, rather than replace them or allow them to fall derelict.*



Second Edition OS map c. 1860.

#### Informatives

1. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.
2. Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development.
3. BS 7913:2013 Guide to the conservation of historic buildings
4. ICOMOS XI'AN - Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas.



LA07/2017/1635/F

MAP SHOWING No.7 BANNFIELD ROAD  
IN RELATION TO CABRAGH HOUSE  
AND WOODEN CHICKEN SHEDS

179



<b>ITEM NO</b>	17			
<b>APPLIC NO</b>	LA07/2017/1788/O	Outline	<b>DATE VALID</b>	21/11/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Louise McKeever 3 Drumboy Road Culloville Crossmaglen BT35 9JQ		<b>AGENT</b>	Karl Sherry 103 Rostrevor Road Hilltown Newry BT34 5TZ
<b>LOCATION</b>	Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen Co Armagh BT35 9JQ			
<b>PROPOSAL</b>	Infill site for dwelling and detached garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>
			0	0
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Drumboy Road.
- 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;
  - the buildings would, if permitted create a ribbon of development;
 and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/1788/O**

**Date Received: 21.11.2017**

**Proposal: Site for infill dwelling and detached garage**

**Location: Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen  
Co Armagh BT35 9JQ**

The site is located within the Countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

The site is located south west of no. 3 Drumboy Road. The site is situated on a slope rising from the Drumboy Road in a north westerly direction. At the time of inspection there was a relatively new large shed on the site. South west of the site beyond an agricultural field there are a number of single storey buildings which gain access via a laneway from the Drumboy Road.

#### **Site History:**

n/a

#### **Objections & Representations**

*No. of neighbours notified=4*

*No representations received= 0*

*Advertise expiry= 21/12/2017*

#### **Consultations**

**TransportNI- awaiting response**

**NIW- statutory**



**Consideration and Assessment:**

*The site is located within the countryside context therefore the provisions of PPS 21 will apply to this case. The application has been submitted for a dwelling on an infill site. The application will be assessed against Policies CTY 1, 8, 13 & 14. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*

*Firstly, it is noted that the buildings annotated on the site location plan do not match the current layout on the ground. From inspection of the site and aerial imagery it is noted that the site area includes a large shed. The shed is not annotated on the drawing nor does there appear to be any planning approval on the site for a shed. The buildings annotated 'C' on the layout map are in fact positioned in the neighbouring field to the north.*

*The application site is positioned between an agricultural field beyond the north eastern boundary and an agricultural field to the south west. Beyond the field to the southern end of the site there are a number of old buildings. These buildings given their positions back from the road do not form frontages to the Drumboy Road. The site is not considered to be a gap within a substantial and continuously built up frontage and would if permitted, result in the creation of ribbon development along Drumboy Road.*

*It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY 13.*

*The proposal would, if permitted create a ribbon of development and would result in a suburban style build-up of development when viewed with existing and approved buildings and therefore is contrary to CTY 14.*

**Recommendation:**

*Refusal*

**Refusal Reasons:**

***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.***

***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 the proposal would, if permitted, result in the creation of ribbon development along Drumboy Road.***

***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;***

***-the buildings would, if permitted create a ribbon of development;***

***and would therefore result in a detrimental change to further erode the rural character of the countryside.***

# Newry, Mourne & Down District Council –

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## 1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263
July	135	957	250
August	166	959	249
September	140	910	243
October	157	935	230
November	163	912	230
December	83	869	230



## Newry, Mourne & Down District Council –

185

### 2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976
July	535	172	73	45	132	957
August	540	170	72	40	137	959
September	488	179	71	35	137	910
October	534	171	63	27	140	935
November	507	175	60	33	137	912
December	461	178	62	38	130	869

### 3. Live applications per Case Officer

Month 2017/18	Average number of Applications
April	67
May	62
June	58
July	50
August	50
September	57
October	58
November	57
December	55

## Newry, Mourne & Down District Council –

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### 4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170
July	149	124
August	140	122
September	174	154
October	162	146
November	178	160
December	118	103

## Newry, Mourne & Down District Council –

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### 5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%
July	660	Approvals (579)	88%
		Refusals (81)	12%
August	800	Approvals (704)	88%
		Refusals (96)	12%
September	974	Approvals (863)	89%
		Refusals (111)	11%
October	1,136	Approvals (997)	88%
		Refusals (139)	12%
November	1,314	Approvals (1,145)	87%
		Refusals (169)	13%
December	1,432	Approvals (1,244)	87%
		Refusals (188)	13%



## Newry, Mourne & Down District Council –

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### 6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758
July	311	142	89	88	61	88	779
August	321	139	93	80	70	88	791
September	326	146	89	80	74	89	804
October	290	167	87	84	75	91	794
November	277	181	91	76	77	99	801
December	281	192	87	80	79	105	824

### 7. Planning Committees 2017/2018

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
26 April	26	19	7
24 May	39	28	11
21 June	34	18	16
19 July	32	20	12
16 & 23	36	19	17
13	16	10	6
11 October	22	13	9
8 November	38	23	15
6 December	28	15	13
<b>Totals</b>	<b>271</b>	<b>165</b>	<b>106</b>

## Newry, Mourne & Down District Council –

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### 8. Appeals

#### Planning Appeal Commission Decisions issued during December 2017

Area	Number of current	Number of decisions	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	24	4	0	4	
Down	8	2	0	2	
<b>TOTAL</b>	<b>32</b>	<b>6</b>	<b>0</b>	<b>6</b>	

**Statutory targets monthly update - up to November 2017 (unvalidated management information)**  
**Newry, Mourne and Down**

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	35	20	64.2	60.0%
May	1	2	110.4	0.0%	149	157	18.0	43.9%	32	46	61.1	56.5%
June	1	2	73.2	0.0%	124	205	19.2	42.0%	32	21	65.3	55.0%
July	1	1	128.4	0.0%	133	141	20.0	41.1%	32	19	113.0	55.0%
August	2	1	248.8	0.0%	146	134	17.1	38.8%	29	28	63.0	39.3%
September	1	-	0.0	0.0%	124	152	19.3	39.5%	42	25	58.8	44.0%
October	0	2	277.7	0.0%	134	151	18.2	41.1%	29	41	33.0	80.5%
November	0	1	186.6	0.0%	127	166	14.2	53.6%	23	9	51.8	66.7%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>6</b>	<b>10</b>	<b>124.9</b>	<b>0.0%</b>	<b>1,075</b>	<b>1,221</b>	<b>17.8</b>	<b>42.8%</b>	<b>257</b>	<b>209</b>	<b>56.0</b>	<b>57.4%</b>

Source: NI Planning Portal

**Note**

1. CLUDS, TPOS, NIMCS and PADS/PAINs have been excluded from all applications figures
2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical"
3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued, proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



## Record of meetings between Planning Officers and Public Representatives 2017-2018

191

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker
04/08/2017	A McAlarney	Colin McGrath
04/08/2017	G Kerr	Cllr David Taylor
15/08/2017	P Rooney G Kerr	Justin McNulty MLA
25/08/2017	G Kerr	Cllr J Tinnelly
06/09/2017	A McAlarney	Cllr Curran
12/09/2017	A McAlarney	Cllr Devlin
15/09/2017	A McAlarney	Colin McGrath
21/09/2017	G Kerr	Cllr David Taylor
05/10/2017	A McAlarney	Colin McGrath (Office staff Carmel OBoyle attending)
05/10/2017	A McAlarney	Sean Doran
6/10/17	A Hay	Cllr Walker + Jim Shannon MP
06/10/2017	A McAlarney	Cllr Walker Jim Shannon
06/10/2017	G Kerr P Rooney	Cllr David Taylor
09/10/2017	G Kerr	Cllr Brian Quinn
20/10/2017	G Kerr O O'Toole	Cllr David Taylor
23/10/2017	G Kerr	Cllr J Tinnelly
24/10/2017	A McKay G Kerr	Cllr J Tinnelly
27/10/2017	P Rooney	Cllr Brian Quinn
31/10/2017	A McAlarney	Cllr Harry Harvey
03/11/2017	G Kerr	Cllr D McAteer
06/11/2017	G Kerr	Cllr G Fitzpatrick

## Record of meetings between Planning Officers and Public Representatives 2017-2018

192

07/11/2017	L O'Hare	Cllr D McAteer
15/11/2017	A McAlarney	Colin McGrath
17/11/2017	G Kerr	Cllr Brian Quinn
20/11/2017	G Kerr P Rooney	Cllr Brian Quinn
24/11/2017	A Davidson	Cllr David Taylor
28/11/2017	A Davidson	Cllr Terry Hearty
01/12/2017	G Kerr	Cllr J Tinnelly
11/12/2017	A McAlarney	Cllr Walker Jim Shannon MLA
18/12/2017	A McAlarney	Cllr W Clarke

## Current Appeals

193

**AUTHORITY** Newry, Mourne and Down

**ITEM NO** 1  
**Planning Ref:** LA07/2016/0381/ **PAC Ref:** 2016/A0185  
**APPELLANT** Mr Matt Burns **DEA** Crotlieve  
**LOCATION** Opposite No. 107 Kilbroney Road  
 Rostrevor  
**PROPOSAL** Proposed farm retirement dwelling

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Written Reps with Site Visit **Date Appeal Lodged** 15/12/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 2  
**Planning Ref:** LA07/2016/0802/ **PAC Ref:** 2016/A0192  
**APPELLANT** Darren O'Hagan **DEA** Crotlieve  
**LOCATION** 60m NE Of 11a New Line Road  
 Hilltown  
 Newry  
**PROPOSAL** Site for dwelling and detached garage

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 30/12/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**



## Current Appeals

194

**ITEM NO** 3  
**Planning Ref:** LA07/2016/0365/ **PAC Ref:** 2016/A0224  
**APPELLANT** Mr And Mrs McCluskey **DEA** Rowallane  
**LOCATION** Lands Between 1 Brae Road And 212 Belfast Road  
 Ballynahinch  
**PROPOSAL** 2no proposed dwelling houses

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 27/02/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 4  
**Planning Ref:** LA07/2016/0477/ **PAC Ref:** 2016/A0226  
**APPELLANT** Mr Caolan Quinn **DEA** Slieve Gullion  
**LOCATION** 50m South-east Of No 106 Carrickgallogly Road  
 Carrickgallogly  
**PROPOSAL** ~~Relook~~  
 Erection of dwelling

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 28/02/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

195

**ITEM NO** 5  
**Planning Ref:** LA07/2016/1212/ **PAC Ref:** 2017/0061  
**APPELLANT** Thomas Grant **DEA** Crotlieve  
**LOCATION** Adjacent & Immediately South Of 20 Ryan Road  
 Mayobridge  
**PROPOSAL** ~~Newry~~  
 Replacement dwelling on farm

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Informal Hearing **Date Appeal Lodged** 06/07/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 6  
**Planning Ref:** LA07/2015/0946/ **PAC Ref:** 2017/A0028  
**APPELLANT** Mark Rice **DEA** Newry  
**LOCATION** Lands Adjacent And North Of No.46 Lower Foughill Road  
 Jonesborough Armagh.  
**PROPOSAL** Proposed retention and extension of existing prefabricated structure to  
 create farm dwelling. (amended description)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Written Reps with Site Visit **Date Appeal Lodged** 10/05/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

196

**ITEM NO** 7  
**Planning Ref:** LA07/2017/0077/ **PAC Ref:** 2017/A0071/F  
**APPELLANT** Gary O'Hare **DEA** Crotlieve  
**LOCATION** Lands Between No. 20B And No. 22 Derrycraw Road  
 Newry  
**PROPOSAL** RT34 1RG  
 Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.  
  
**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Written Reps **Date Appeal Lodged** 24/07/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 8  
**Planning Ref:** LA07/2015/0805/ **PAC Ref:** 2017/A0075  
**APPELLANT** Mr Peter Kelly **DEA** Crotlieve  
**LOCATION** 140 Metres North Of 22 Newry Road  
 Hilltown  
**PROPOSAL** RT34 5TG  
 Retention of dwelling with associated granny flat building, garden shed/ store and ancillary site works as built. (Amended scheme to that approved under P/2012/0052/F)  
  
**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Written Reps **Date Appeal Lodged** 26/07/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

197

**ITEM NO** 9

**Planning Ref:** LA07/2015/1381/ **PAC Ref:** 2017-A0076

**APPELLANT** Mr And Mrs E Kerr **DEA** Slieve Croob

**LOCATION** 154a Downpatrick Road  
Teconnaught  
Ballvabinn

**PROPOSAL** Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works

**APPEAL TYPE** DC- Refusal of Planning Permission

**Appeal Procedure** **Date Appeal Lodged** 27/07/2017

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

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**ITEM NO** 10

**Planning Ref:** LA07/2017/0624/ **PAC Ref:** 2017/A0094

**APPELLANT** Mary Rooney **DEA** Crollieve

**LOCATION** 80A Kilbroney Road  
Rostrevor  
BT34 3R1

**PROPOSAL** Single storey side and rear extension

**APPEAL TYPE** DC - Non Determination of a Planning Application

**Appeal Procedure** **Written Reps** **Date Appeal Lodged** 25/08/2017

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

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## Current Appeals

198

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	LA07/2017/0615/	<b>PAC Ref:</b>	2017/A0096
<b>APPELLANT</b>	Mr Raymond Rice	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Immediately North Of No. 36 Flagstaff Road Newry		
<b>PROPOSAL</b>	Infill Site for 2 No. Dwellings		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	29/08/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2017/0556/	<b>PAC Ref:</b>	2017/A0097
<b>APPELLANT</b>	Francis McGeown	<b>DEA</b>	Croilieve
<b>LOCATION</b>	350m West Of Saval GFC Social Club Fronting Rathfriland Road Newry		
<b>PROPOSAL</b>	Retention of dwelling partly constructed in substitution of previously approved dwelling Ref: Planning No P/2006/0763/F Appeal Ref 2010/A0289		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	30/08/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

199

**ITEM NO** 13  
**Planning Ref:** LA07/2017/0033/ **PAC Ref:** 2017/A0099  
**APPELLANT** Mr John Tumelty **DEA** Slieve Croob  
**LOCATION** Between 18 And 20 Commons Road  
 And 24 Commons Road  
**PROPOSAL** ~~Rallykintler~~  
 Application for outline planning permission for the erection of a single dwelling and garage

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 04/09/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 14  
**Planning Ref:** LA07/2017/0172/ **PAC Ref:** 2017/A0114  
**APPELLANT** SCS **DEA** Newry  
**LOCATION** Lindsay's Hill Approx 60 Metres South East Of 53-55 North Street  
 Newry BT34 1DD  
**PROPOSAL** Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Informal Hearing** **Date Appeal Lodged** 25/09/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

200

**ITEM NO** 15  
**Planning Ref:** LA07/2015/1270/ **PAC Ref:** 2017/A0119  
**APPELLANT** Michael Teggart C/O Agent **DEA** Newry  
**LOCATION** Approximately 70 Metres East Of 51 Ayalogue Road  
 Newry  
**PROPOSAL** Erection of dwelling with detached garage on a farm

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Informal Hearing **Date Appeal Lodged** 28/09/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 16  
**Planning Ref:** LA07/2016/1219/ **PAC Ref:** 2017/A0129  
**APPELLANT** Mr Alan Montgomery **DEA** Downpatrick  
**LOCATION** Approx 60m North Of 21 Downpatrick Road  
 Killough  
 Downpatrick  
**PROPOSAL** Erection of agricultural building

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 02/10/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

201

**ITEM NO** 17  
**Planning Ref:** LA07/2015/0545/ **PAC Ref:** 2017/A0133  
**APPELLANT** Mr P Smith **DEA** Crotlieve  
**LOCATION** 40 Metres South West Of 23a Castlewellan Road  
 Hilltown  
**PROPOSAL** Erection of dwelling and detached garage on a farm

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 04/10/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 18  
**Planning Ref:** LA07/2016/1537/ **PAC Ref:** 2017/A0141  
**APPELLANT** P & T Miskelly **DEA** Rowallane  
**LOCATION** Site Adjacent To 35 Darragh Road  
 Darragh Cross  
 Downpatrick  
**PROPOSAL** Erection of 2no detached houses and associated works

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 11/10/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

202

<b>ITEM NO</b>	<b>19</b>		
<b>Planning Ref:</b>	LA07/2017/0145/	<b>PAC Ref:</b>	2017/A0151
<b>APPELLANT</b>	Cathal Sloan	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Lands Approximately 55 Metres South Of 14 Sandy Brae Attical		
<b>PROPOSAL</b>	Site for dwelling and detached garage at existing cluster of development in the countryside		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	30/10/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>		
<b>Planning Ref:</b>	LA07/2017/0371/	<b>PAC Ref:</b>	2017/A0158
<b>APPELLANT</b>	Kieran And Briega King	<b>DEA</b>	Newry
<b>LOCATION</b>	56a Drumintee Road Meigh Newry		
<b>PROPOSAL</b>	Retention of existing caravan port at rear of dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	07/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

203

<b>ITEM NO</b>	<b>21</b>		
<b>Planning Ref:</b>	LA07/2015/1123/	<b>PAC Ref:</b>	2017/A0161
<b>APPELLANT</b>	Quayside Propoeties Ltd	<b>DEA</b>	Newry
<b>LOCATION</b>	2-3 Sugarhouse Quay Lisdrumgullion		
<b>PROPOSAL</b>	Newry Demolition of remaining parts of building for health and safety reasons		
<b>APPEAL TYPE</b>	DC - Refusal of LB Consent		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	15/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>		
<b>Planning Ref:</b>	LA07/2017/0370/	<b>PAC Ref:</b>	2017/A0165
<b>APPELLANT</b>	Fergal Rafferty	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	16 Ummeracam Road Silverbridge		
<b>PROPOSAL</b>	Newry Retention of two storey projection to southern gable of dwelling, alterations to bay windows at front of dwelling and alterations to window fenestration to side and front elevations of dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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### Current Appeals

**ITEM NO** 23  
**Planning Ref:** LA07/2017/0687/ **PAC Ref:** 2017/A0168  
**APPELLANT** Steven And Diane Campbell **DEA** The Mournes  
**LOCATION** 30m North Of 94 Greencastle Road  
 Killeel  
**PROPOSAL** RT34.4DF  
 Infill site for new dwelling and garage in existing cluster (amended plans)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged**  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 24  
**Planning Ref:** LA07/2016/1647/ **PAC Ref:** 2017/A0169  
**APPELLANT** DBM Contracts **DEA** Newry  
**LOCATION** 20 Metres East Of 6 Daisy Hill  
 Carnagat  
**PROPOSAL** Newry  
 Erection of two dwellings and retention of retaining walls

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 22/11/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

205

**ITEM NO** 25  
**Planning Ref:** LA07/2017/1039/ **PAC Ref:** 2017-A0170  
**APPELLANT** Blackgate Property Developments **DEA** Newry  
**LOCATION** Lands 25 Metres North Of No. 42 Parkhead Crescent  
 Newry  
**PROPOSAL** ~~Go Down~~  
 Erection of detached single storey garage and change of house type 1  
 to include sunroom at plot 1, of previously approved planning  
 application (P/2009/0198/F).  
**APPEAL TYPE** DC - Non Determination of a Planning Application  
**Appeal Procedure** **Date Appeal Lodged**  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 26  
**Planning Ref:** LA07/2017/0375/ **PAC Ref:** 2017/A0177  
**APPELLANT** Mr Declan Kearney **DEA** Slieve Gullion  
**LOCATION** 30m West Of 34 Station Road  
 Adavoyle  
 Killeavy  
**PROPOSAL** Farm Dwelling and Garage  
**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged**  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

206

**ITEM NO** 27  
**Planning Ref:** LA07/2017/0786/ **PAC Ref:** 2017/A0178  
**APPELLANT** Walter Watson **DEA** Slieve Croob  
**LOCATION** 4 Drumnaquoile Road  
 Castlewellan

**PROPOSAL** Replacement dwelling and detached garage

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 04/12/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 28  
**Planning Ref:** LA07/2017/0856/ **PAC Ref:** 2017/A0181  
**APPELLANT** Brian Hollywood **DEA** Slieve Gullion  
**LOCATION** 20 Lough Road  
 Mullaghbawn  
 BT35 9XP  
**PROPOSAL** Proposed change of use from Spa Centre Business to dwelling with  
 some minor renovations

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 06/12/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

207

<b>ITEM NO</b>	<b>29</b>	<b>PAC Ref:</b>	2017/A0186
<b>Planning Ref:</b>	LA07/2017/1174/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Brendan McCartan Esq Approx 18m North Of 156 Downpatrick Road Rallymahinch		
<b>PROPOSAL</b>	Dwelling & garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	11/12/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>	<b>PAC Ref:</b>	2017/A0189
<b>Planning Ref:</b>	LA07/2017/0018/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Rozanna Huq To The South Of 24 Crossgar Road East Crossgar BT30 9ER		
<b>PROPOSAL</b>	Proposed 2no infill dwellings and garages (Amended site plan received re: Site splays).		
<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	11/12/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

208

<b>ITEM NO</b>	<b>31</b>		
<b>Planning Ref:</b>	LA07/2017/1078/	<b>PAC Ref:</b>	2017/AO163
<b>APPELLANT</b>	Clear Channel NI LTD	<b>DEA</b>	Newry
<b>LOCATION</b>	Buttercrane Quay Opposite: Buttercrane Shopping Centre		
<b>PROPOSAL</b>	Newry/ Conversion of existing six sheet display unit incorporated into an existing Adshel Bus Shelter to a six sheet digital display screen		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	15/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>		
<b>Planning Ref:</b>	LA07/2017/0053/	<b>PAC Ref:</b>	2017/E0027
<b>APPELLANT</b>	Joan Henderson	<b>DEA</b>	Croilieve
<b>LOCATION</b>	200m South East Of 21 Levallyreagh Road Rostrevor		
<b>PROPOSAL</b>	Newry/ This application has been submitted to demonstrate that the planning approval P/2010/1299/F has been lawfully implemented		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	13/10/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

Park House  
87/91 Great Victoria Street  
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<b>Appeal Reference:</b>	2017/A0082
<b>Appeal by:</b>	Mr M Byrne
<b>Appeal Against:</b>	The refusal of full planning permission.
<b>Proposed Development:</b>	Dwelling and garage.
<b>Location:</b>	Lands 180 metres north-west of existing farm buildings adjoining No. 28 Ballyclander Road, Downpatrick
<b>Application Reference:</b>	LA73/2015/0714/F
<b>Planning Authority:</b>	Newry, Mourne and Down District Council.
<b>Procedure:</b>	Written representations and accompanied site visit 6 December 2017
<b>Decision by:</b>	Commissioner Alistair Beggs, 18 December 2017

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues are whether the appeal proposal is acceptable in principle in the countryside and whether it is visually linked or sited to cluster with an established group of buildings on the farm.
3. The Ards and Down Area Plan 2015 identifies the appeal site as being in the open countryside, but contains no policies or proposals relevant to the appeal proposal.
4. The appellant is seeking approval for a farm dwelling. As the *Strategic Planning Policy Statement for Northern Ireland 2015* does not introduce a more stringent policy context in respect of such development Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) remains the relevant policy context under which to consider this appeal.
5. Policy CTY1 of PPS21 specifies a range of types of development considered acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these is a farm dwelling in accordance with Policy CTY 10. That policy states that planning permission will be granted for a dwelling house on a farm where three specified criteria (a) to (c) can be met. In this case the Council contend that the appeal proposal does not meet Criterion (c). This requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane. 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 and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s).

6. Paragraph 5.41 of the Justification and Amplification to Policy CTY10 indicates that to help minimise impact on the character and appearance of the landscape (farm) dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation. It will not be acceptable to position a new dwelling with buildings which are on a neighbouring farm holding.
7. The Council's second reason relates to Policy CTY 13 of PPS21 pertaining to the integration and design of buildings in the countryside. Criterion (g) of this policy requires farm dwellings proposed under Policy CTY 10 to be visually linked or sited to cluster with an established group of buildings on the farm.
8. The appellant seeks a dwelling on the appeal lands which front unto Ballyclander Road. The proposed dwelling would be about 105 metres away from the established group of farm buildings at No. 28. The existing farm buildings are set well back from the road and are accessed from a laneway shared with another farm. While the proposal would not use the existing laneway this is not an absolute requirement of the policy, and failure to do so is not a reason in itself to reject a proposal.
9. Given witnessed road speeds and the level of traffic on Ballyclander Road visibility splays below those shown on the submitted plans would be acceptable. However, even with those shown, the vegetation and undulating topography of the area mean that views of the appeal proposal would be limited from the road. Views of the proposed dwelling and the existing farm buildings would be restricted to when at, or close to the proposal's entrance when travelling south. From here there would be a static view or transient glimpses of the proposal with the existing linear form of the farm yard in the background. From these limited views it would be hard to discern the physical separation between the proposed dwelling and the farm buildings.
10. The appellant however also referred to vantage points along the existing lane. When on this lane, close to its junction with Ballyclander Road, gaps in vegetation allow for views across to the appeal site and the existing farm buildings. From here the top of the proposed dwelling's gable end would be visible. However the clear separation of the proposed dwelling from the existing farm buildings would be apparent, and it would not appear as an integral part of the farm building group. From the other vantage point close to the existing farm buildings, the proposed dwelling in a hollow would be visually linked with the farm buildings in the foreground. However, the distance between the two means that the physical separation between them would be readily apparent.



11. I find these two latter views to be critical and it therefore falls to assess if there are exceptional considerations to justify the proposed dwelling's siting. The Justification and Amplification of Policy CTY10 at paragraph 5.42 explains that where an alternative site is proposed under Criterion (c), which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce
12. The appellant contended that there were demonstrable health and safety reasons and verifiable plans to expand the farm business at the existing farm yard group to justify the proposed siting. In terms of the farm's expansion plans a future dairy business is proposed. However, the existence of a farm expansion report, a detailed quote, specification and drawings of a milking parlour and slurry tank do not to my mind constitute contractual obligations. That the expansion plan has been put on hold due to current milk prices and DARD advice does not alter this conclusion.
13. A Health and safety report was submitted from a suitably qualified agricultural health and safety adviser. The existing nature and scale of the appellant's farm at 140 acres, and that of the adjoining farm of 270 acres which uses the same access lane is acknowledged. This report also referred to a number of hazards with the farm operations, particularly within the busy yard area. It strongly recommended a distinct separation from farm work activities and associated traffic, by both distance and fencing for any new family dwelling on the farm. A further report from a structural engineer on the existing slurry storage tank advised that slurry leakage may occur in the future and recommended that considerable (but unspecified) distance is placed between the proposed new dwelling and the existing tank.
14. I have had regard to these reports and to what I saw on site. As with most farms it is important to keep, for example, untrained people and children away from hazardous farm activities, equipment, substances and areas of animal movement. However, it is expected that the appropriate health and safety measures are followed. Also, as suggested by the Council there is potential to site a dwelling off the existing lane which would provide the clustering or visual link with the existing farm buildings required by Criterion (c) - and maintain a safe distance from farmyard buildings, activities and associated elements such as noise dust and smells. Appropriate residential amenity could be provided and suitable fencing and boundary treatment would also assist in keeping potential residents separate from activities and animals. It is accepted that any such dwelling would be using a busy shared farm lane as described by the health and safety report. However, I am not persuaded that the farms' use of the concrete lane renders it unsuitable for residential use. Gates to any dwelling and passing places along the lane would assist in reducing the potential for conflict.
15. The appellant contended that there were similarities between this appeal and appeal 2015/A0184, where the Commissioner accepted the conclusions of the relevant health and safety report. In that case one lane served a farm acreage of similar size to that here. However, the situations are not directly comparable – for example appeal 2015/A0184 considered a situation where farm expansion rendered an



- already approved location for a dwelling impracticable, and from the relevant views it would not be readily apparent that the proposed dwelling would not visually link with an established group of farm buildings. I therefore consider this current appeal on its own merits.
16. I conclude that the appeal proposal does not meet Criterion (c) and cannot comply with policy CTY10 read as a whole. As such the proposal cannot comply with Policy CTY13 as referred to in the Council's second reason for refusal.
  17. The appellant submitted Bank of Ireland Self Building Lending Criteria which indicate that a new dwelling would not be acceptable if it had a shared access with or running through a farm. It was contended that this was typical of high street banks, but this does not address whether more specialised lenders would be accepting of such a situation. It is acknowledged that the applicant lives three miles away from the family farm on which he works daily. However, I am not persuaded on the evidence provided that this causes insuperable difficulties even during calving or around harvest times. It was also contended that the appeal proposal would remove a blind bend on Ballyclander Road, where it was claimed that there had been numerous accidents. However, no formal accident statistics are before me, and in any event and having travelled the road I do not see this to be a significant gain.
  18. The appellant advised that the appeal site was selected following advice from a senior planner in 2014. However, whatever the then officer's advice, the Council's view was established by the refusal of the application. My remit is to consider whether that refusal by the Council is justified. Matters relating to how the application was processed are a matter for the Council and appellant to discuss.
  19. As noted by the appellant consistency in decision making is important, and I was referred to a farm dwelling approved 180 metres from farm buildings at Marshallstown Road, planning approvals LA07/2015/0087 & LA/2016/0120/RM refer. I have seen the relevant site. The Council however made no response to this case, and the information provided does suggest that some reliance was given by the Council to the possibility of agricultural buildings being constructed under permitted development rights on the same lands. However, while I acknowledge this decision this one case does not demonstrate a consistent mis-appliance of policy by the Council which would lead me to consider setting aside the relevant provisions of PPS21. As such the argument of fairness and equity is not sustained
  20. I have considered all the appellant's arguments both cumulatively and individually. However, I do not see them as sufficient to set aside the provisions of Policies CTY 10 and CTY13. As the proposal does not meet the provisions of Policy CTY10 it is not one of the types of development specified as being acceptable under Policy CTY1. Policy CTY1 also states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There was no evidence to demonstrate that the proposal is essential. The proposal is therefore also contrary to Policy CTY1 as noted in the Council's first reason for refusal.
  21. The Department's reasons for refusal are sustained insofar as are set out above.

This decision relates to the following plans stamped refused by the Council on 29 June 2017:

<b>Council Ref:</b>	<b>Scale:</b>	<b>Description:</b>
–	1:1250	Location Map
02	as shown	Elevations & existing & Proposed Site Plans
03	as shown	Planning Information
04	as shown	Planning Information
05	as shown	Existing and Proposed Sectional Elevations & Site Plans

**COMMISSIONER ALISTAIR BEGGS**

**2017/A0082****Attendance**

Council: Ms C Cooney

Appellant: Ms B Byrne, agent  
Mr S Hawthorne, Hawthorne Associates Ltd.  
Mr T Chambers  
Mr P Byrne, appellant's son.

**Documents**

Council: 'A' Statement of Case

Appellant: 'B' Statement of Case  
'C' Comments



# Appeal Decision

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<b>Appeal Reference:</b>	2016/A0166
<b>Appeal by:</b>	Mr Barney Mackin
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Erection of a farm dwelling and garage
<b>Location:</b>	19.3m NE of 27B Derrycaw Road, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2015/1244/F
<b>Procedure:</b>	Written representations and accompanied site visit on 3 May 2017.
<b>Decision by:</b>	Commissioner Pauline Boomer, dated 30 November 2017

## Decision

1. The appeal is dismissed.

## Preliminary Issues

2. The Local Planning Authority (LPA) challenged the accuracy of the address given for the appeal site, stating that it abutted the Four Mile Road rather than the Derrycaw Road. However an official road sign on the end of this road indicates clearly that the public road abutting the appeal site is indeed one of two sections of the Derrycaw Road. I acknowledge that there is confusion with a number of houses on the road with a house No. 27 followed by a different prefix and the appellant's drawing indicates that there is another No. 27b on the opposite side of that road. He provided a number of utility bills for this adjacent dwelling which indicate its proper address to be No. 27b but I am therefore satisfied that the correct address has been submitted and that the appeal is valid.
3. The appellant submitted a revised block plan with his Statement of Case reducing the size of the curtilage of the appeal site. This does not change the substance of the proposal nor does it prejudice third party interests. Accordingly, it is admissible and has been considered as part of the appeal.

## Reasons

4. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and its impact on visual amenity and rural character.
5. The appeal site is located in the countryside and not within any designation in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site,



- contains no provisions specific to this proposal for residential development in the countryside. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and any retained policies regarding issues raised by this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21).
6. Policy CTY1 of PPS21 sets out a range of the types of development which are considered to be acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY10 upon which the appellant relies. Policy CTY10 requires compliance with all of the three listed criteria. The LPA considers that as the appellant does not have an active and established farm business and the proposed dwelling would not be sited within an established group of buildings on the farm, the appeal proposal does not meet criterion (a) and (c). They also consider that the appeal proposal fails to comply with Policies CTY 8, CTY13 and CTY14.
  7. Criterion (a) requires that a farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification text states that the applicant is required to provide the farm's DARD Business ID number along with other evidence to prove active farming over the required period. Failure to have applied for Single Farm Payment is not in itself fatal to the proposal.
  8. The appellant submitted a farm map dated 9 May 2008 with his application which indicates that he at that time was the owner of 1.53 ha incorporating 3 fields (including the appeal site) and had his own Farm Business ID no. 213674. An aerial map dated 15 May 2009 shows the 3 fields plus others in the vicinity and does not make any reference to either the appellant or his son. However in his Statement of Case it is stated that his son Benjamin has been actively farming this holding for many years and he was issued with his own Category 1 DARD Business ID no. 654827 on 22 December 2010. However I note that that letter indicated that the farm business was registered at 27 Riverside Crescent Bessbrook at that time and it is this fact that is the main concern of the LPA.. Recent correspondence from DAERA dated 21 February 2017 confirms that Mr Benjamin Mackin now has the farm registered at 27B Derrycraw Road and confirms both this Business ID no. and his herd no. 422422. However no new farm map has been supplied confirming the land ownership and its association with the new Farm ID No. Herd movement details provided relate to the period 2010-2013. At the time of the site visit the appellant confirmed that he had 3 cows and 1 bull. There was evidence of silage bales piled close to the road with a silage feeder. There are currently no farm buildings on this small holding
  9. The appellant stated that his son currently works as a painter/decorator but wants to concentrate on the farm business. Whilst the appellant helps with the feeding and monitoring of stock, his son is now the registered keeper of stock. It is unclear why if the appellant's son is more active within the farm, the application was submitted in his father's name. Further confusion has been added by references to B Mackin which could refer to either the appellant or his son.

10. I acknowledge that the appellant's son has had his DARD Business ID no. since 2010. However in addition to that, policy requires that other evidence is submitted to prove active farming over the last 6 years (my emphasis). With the exception of some sheep records between 2010-2013, I have not been presented of any other details of stock kept between 2013 and the present and no evidence of the land been maintained or harvested. The appellant argues in his Statement of Case that the LPA should have asked DAERA to confirm the current position but the onus lies with the appellant to provide the relevant information to support his appeal proposal. On the basis of the information presented, I am not satisfied that the appellant has had an active and established farm business over the last 6 years and find that it fails to meet criteria (a) of Policy CTY 10.
11. Criterion (c) of Policy CTY 10 requires that the new building be visually linked or sited to cluster with an established group of buildings on the farm. There are no farm buildings within the 1.53 ha.holding. The only building within the appellant's ownership is his large 2-storey dwelling at no. 27b. Whilst the appellant argued that the dwelling and garage at 27b represented a group of buildings on the farm, it is in fact only a single building with an integral garage. This being the case, it does not represent a group of buildings on the farm and is therefore distinguishable from the other appeals referred to me by the appellant in his Statement of Case. I therefore conclude that the appeal proposal does not comply with criterion (c) of Policy CTY 10.
12. I have found that the appeal proposal does not find support in Policy CTY 10. No persuasive, overriding reasons were advanced as to why the development is essential and could not be located in a settlement. I therefore consider the Council's objection to the proposal in principle and based on Policy CTY 1 to be well founded. The appeal proposal finds no support in Policies CTY1 and CTY10, the first reason for refusal is sustained.
13. The appeal site, as amended, incorporates the central part of a sizeable L-shaped field which wraps around the appellant's home at No. 27B. Located on the northern side of this section of Derrycraw Road, the plot lies immediately east of two large 2-storey dwellings (27B and 27C) with a detached garage, set in extensive curtilages. The land falls away steeply from west to east towards a watercourse which runs along the eastern site boundary. Sited 37-63m back from the road and accessed via a long sweeping drive. It is now proposed to provide a paddock area abutting the road. A single storey dwelling is proposed orientated to the south east with a detached garage to the rear. This is a full application and it is proposed to erect a modest dwelling with a footprint of approximately 160m<sup>2</sup>. Although sited at the most elevated part of the host field, it is proposed to excavate approximately 1.5m to provide a level platform on which to site the dwelling and garage.
14. Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. While ribbon development is not defined in policy, it is taken to mean a row of buildings which have a common frontage onto a road or are visually linked when viewed from that road. Nos. 27 B and 27C represent two detached 2 storey dwellings fronting onto the public road, the latter with a detached garage and whilst the revised block plan indicates that the curtilage of the proposed dwelling would not now

extend to that road, separated by a paddock area, the appellant acknowledged that it would still be visually linked with the two existing properties. The LPA consider that these visual linkages would be most pronounced when approaching the site from the west and I agree that from this aspect, the proposed development would create a ribbon of development for the purposes of Policy CTY 8. In this respect, it would also conflict with Criterion (d) of Policy CTY14 which seeks to ensure that the rural character of an area is not eroded by the creation of such a linear form of development. The appellant refers me to other concentrations of development in the local area including the row of detached cottages to the east and a concentration of development at the junction further west, some of which appears to be long established. However in the absence of full planning histories I am unable to make full comparisons. In any case, the historical pattern in the immediate vicinity does not justify the introduction of another prominent dwelling and garage on an elevated site which would lead to the creation of a new ribbon of development along this particular stretch of the public road. The appeal proposal finds no support in Policies CTY8 and CTY14 and the LPA's objection on grounds of creation of a ribbon of development is well founded. The 2<sup>nd</sup> and 4<sup>th</sup> reasons for refusal are therefore sustained.

15. The LPA also raised objection in respect of Policy CTY 13, relating to the visual impact of the proposal and its failure to satisfactorily integrate into the landscape, in line with the Commission's position in Appeal 2014/A0260. The appeal buildings would occupy the most elevated position within the host field and whilst it is proposed to excavate them into the hill, they would sit prominent in the landscape. Though modest in scale, the proposed dwelling and garage would not blend unobtrusively with its surroundings. Whilst the property at No 27b and its mature vegetation would provide a backdrop when viewed from the western approach, the plot would be dependant upon new landscaping which would take time to mature. The differential in levels would ensure that the roadside hedge which can be retained would not aid integration. Whilst the appellant argued that there are many other exposed sites in the areas with little integration capacity, this does not in itself justify approving the appeal proposal which clearly conflicts with Policy CTY13. Consequently, I find that as the proposal would appear as a prominent feature in the landscape which fails to provide the required level of enclosure, it does not find support in Policy CTY13. The third reason for refusal is sustained.
16. As all four reasons for refusal have been sustained, the appeal must fail.

This decision relates to the following drawings:-

Drg. No. 01 1:25.00 Site Location Plan and 1:500 topography survey date stamped received by LPA on 25 November 2015.

Drg. No. PAC-01:500 site layout / 1:100 site section and 1:100 floor plans and elevations submitted with appellant's Statement of Case.

**COMMISSIONER PAULINE BOOMER**

**2016/A0166****List of Documents**

Planning Authority:-	LPA 1 Statement of Case from Newry, Mourne & Down Council
Appellant(s):-	APP 1 Statement of Case from Appellant with appendices and amended drawings.

**List of Attendances**

Council	Ms Patricia Manley
Appellant:	Mr Barney Mackin Mr S. Hughes





# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0061
<b>Appeal by:</b>	Mr Thomas Grant
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Replacement dwelling in a farm
<b>Location:</b>	Adjacent and immediately south of No.20 Ryan Road, Mayobridge, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2016/1212/O
<b>Procedure:</b>	Hearing on 22 <sup>nd</sup> November 2017
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 11 <sup>th</sup> December 2017

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposed development:
  - is acceptable in principle
  - would create ribbon development
  - result in a detrimental change to the rural character of the area
  - would be able to integrate into the surrounding landscape
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with dwellings in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context for the appeal proposal.
5. Policy CTY 1 of PPS 21 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. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant argued

that the appeal proposal represents a replacement opportunity in accordance with Policy CTY 3 of PPS 21.

6. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling. It adds that, as a minimum, all external structural walls should be substantially intact. Whilst the structure has no roof and has substantial vegetation growing within it, as there is evidence of where the chimney was located, the planning authority did not dispute that it was once a dwelling. Whilst it was not disputed that the gable walls are now substantially intact, it would appear that work has been carried out to these walls. Irrespective of whether there were originally door and window openings or granite heads and sills stolen from the structure approximately 3-4 years ago, there are now only the remnants of front and rear walls in place. I therefore do not accept that all the walls are substantially intact. It was argued by the appellant that all the external walls were substantially intact prior to the submission of the application and that the structure has deteriorated rapidly due to ground movement and increased exposure to the elements. However, the application was submitted just over one year ago and given the extent of the deterioration I am not persuaded that this has been a recent development.
7. Policy CTY 3 also requires that proposals for a replacement dwelling meet five criteria. The planning authority raised concern in relation to the first and second criteria. The first criterion states that the proposed replacement dwelling should be sited within the established curtilage of the existing buildings, 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. Although the existing curtilage of the structure is quite restrictive, as the appellant owns the surrounding lands a modest extension of the curtilage would satisfactorily facilitate a dwelling and work could be done to improve the condition of the rough ground. It was stated that such an extension would cause significant environmental damage and reference was made to the potential loss of wildlife and impact on bats. However no substantive evidence was presented to support the claim that bats are present on the site. A substantial amount of the boundary vegetation could also be retained and new planting could be introduced.
8. It is proposed to locate the dwelling approximately 550m away on a road frontage site to the south of two modest single storey dwellings (Nos. 20 and 22 Ryan Road). As it was argued by the appellant that these two existing dwellings are quite exposed and are poorly integrated, it was suggested that introducing a planting scheme as part of the proposed development would provide a demonstrable landscaping benefit. It was accepted by the parties that the proposed dwelling would have a common frontage with the dwellings at Nos. 20 and 22 Ryan Road. The planning authority also expressed concern that the proposal would be viewed with the buildings to the north-west of No.22 however given the mature intervening vegetation, their separation distance from No.22 and their positioning below road level, there is little awareness of this development from the Ryan Road. The appellant contended that the proposal would not add to the ribbon of development as it could be located behind an existing southern yard, which, together with the dwellings, they considered already constituted ribbon development. The yard area referred to by the appellant however does not contain any buildings and consists of a series of gates which are used as an agricultural storage area. As the proposed



dwelling would be located to the south of the two dwellings at Nos. 20 and 22 it would create a ribbon of development along the Ryan Road which would have an adverse impact on the area which still has a rural character with predominantly dispersed dwellings. The introduction of a planting scheme as part of the appeal proposal would not justify this adverse impact and if the appellant so wished, he could introduce planting independent of this proposal. It is therefore not accepted that there would be demonstrable landscape benefits from the alternative site.

9. The second criterion which all replacement proposals are required to meet under Policy CTY 3 is that the overall size of the new dwelling should allow it to integrate into the landscape and not have a visual impact significantly greater than the existing building. The planning authority expressed concern in relation to level of integration of the proposed dwelling into the surrounding landscape. The boundaries of the proposed site along Ryan Road are defined by post and fencing fencing. The only vegetation to aid the integration of the proposal would be the modest planting along the southern boundary of the dwelling at No.20. A dwelling on the appeal site would rely on new planting which would take a considerable amount of time to mature and the gated yard area would not aid its integration. The proposed site would be unable to provide a suitable degree of enclosure for even a modest dwelling; it would therefore appear as a prominent feature in the landscape. Given that the site where the proposed replacement structure is located is on a minor laneway and is well screened by mature dense vegetation, the visual impact of the proposed dwelling would be significantly greater.
10. As the proposal does not meet Policy CTY 3, the appeal is not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. The second reason for refusal is therefore sustained.
11. Policy CTY 1 also states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No evidence was submitted to demonstrate that there are overriding reasons why the development is essential. I conclude that the proposal is unacceptable in principle and contrary to Policy CTY 1 of PPS 21. Accordingly, the first reason for refusal is sustained.
12. As it has been concluded that the proposed dwelling would result in the creation of ribbon development along the Ryan Road, have a detrimental impact on the rural character of this area and would fail to visually integrate into the surrounding landscape, the third, fourth and fifth reasons for refusal in relation to Policies CTY 8, 13 and 14 of PPS 21 are also sustained.
13. The appellant referred to a dwelling being approved opposite the proposed dwelling on the Ryan Road however as no further details were provided I am not persuaded that he has been treated unfairly.
14. As the five reasons for refusal have been sustained, the appeal must fail.

This decision is based on Drawing 011:2500 site location map stamped received by the planning authority on 12<sup>th</sup> September 2016.

**COMMISSIONER DIANE O'NEILL**

2017/A0061

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**List of Appearances**

Planning Authority (Newry, Mourne and Down District Council):-	Mrs Lisa Grant
Appellant:-	Mr Thomas Grant Ms Tanya O'Hare (appellant's daughter) Mr John Young (Collins and Collins-agent)

**List of Documents**

Planning Authority (Newry, Mourne and Down District Council):-	Statement of Case PA 1
Appellant (Collins and Collins-agent):-	Statement of Case A 2





# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0044
<b>Appeal by:</b>	Cathal Sloan
<b>Appeal against:</b>	The refusal of full planning permission.
<b>Proposed Development:</b>	Partial conversion of existing domestic garage to provide ancillary residential accommodation.
<b>Location:</b>	14 Sandy Brae, Attical, Killeel.
<b>Planning Authority:</b>	Newry, Mourne and Down District Council.
<b>Application Reference:</b>	LA07/2016/1323/F.
<b>Procedure:</b>	Hearing on 18 <sup>th</sup> October 2017.
<b>Decision by:</b>	Commissioner Damien Hannon, dated 12 <sup>th</sup> December 2017.

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are:-
  - whether the proposal is acceptable in principle in the countryside;
  - the impact of the proposal on the character and appearance of the surrounding area and;
  - whether the appellant's personal circumstances outweigh any sustained policy objection.
3. Article 45 of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the relevant statutory LDP and indicates the appeal site as located in the countryside and outside any specific designation. The LDP however, contains no provisions specific to the appeal proposal.
4. Furthermore, there is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21) and the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum).
5. The appellant argued that the proposal falls within one of a range of types of development, set out in Policy GTY 1 of PPS 21 as acceptable in principle in the

countryside, namely an extension to a dwelling in accordance with the Addendum. Although the proposal is not for an extension, it is made clear in the Addendum that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will be considered under its provisions.

6. The appeal site encompasses the curtilage of a residential property comprising a bungalow and a detached building. The detached building was originally approved in 2007 as a garage (P/2006/0769) although this permission was not constructed in accordance with the approved plans. Retrospective permission was granted in 2012 for retention of the building as constructed (P/2010/0552). This permission specified a double garage, hallway, three store rooms and a workshop. The front elevation presented a domestic style door and three windows of domestic design lighting the garage, a workshop and a store. The rear elevation incorporated a door and four windows, all of domestic design. The door and two of the windows opened into the double garage, while the other two windows served two storerooms.
7. The appeal proposal involves:-
  - Conversion and partition of the double garage into a living area and a room annotated as a rear hall (which links to the existing rear hall, as approved).
  - Retention of a storeroom as approved.
  - Conversion of a workshop as approved into a bedroom.
  - Conversion of a storeroom as approved into a bathroom.
  - Conversion of a storeroom as approved into a garage.
  - Replacement of the two garage doors in the western side elevation with a domestic double door and a window.
  - Insertion of a garage door into the eastern rear elevation.
  - Stopping up of the existing access serving the garage doors in the western elevation and the continuation of the existing access to No. 14 to serve the garage door proposed in the eastern elevation.
  - Removal of the existing boundary vegetation to the east of the existing building.
8. Permission is not sought for the change of use of the building to a separate dwelling but rather for the partial conversion of an existing domestic garage to provide ancillary residential accommodation. It is appropriate that I limit my consideration to what is proposed. Furthermore, given that the appeal building and No. 14 would share a septic tank, electricity supply and the use of the same garden area and access, I do not consider that the development as proposed, would involve the creation of a new planning unit. During my inspection it was apparent that some of the proposed alterations had been undertaken and were at an advanced stage. The Council were concerned that the building was capable of occupation as a self-contained dwelling unit. However, a condition could be attached to any approval, requiring the use of the building to remain ancillary to No. 14. Furthermore, the expediency of enforcement action in respect of any future use of the building as a separate dwelling would be a matter for the Council.
9. Policy EXT 1 of The Addendum states that planning permission will be granted for a proposal to extend or alter a residential property where four stated criteria are met. It also states that the guidance set out in Annex A will be taken into account when assessing proposals against those criteria.

10. Criterion (a) requires the scale, massing, design and external materials of the proposal to be sympathetic with the built form and appearance of the existing property and not to detract from the appearance and character of the surrounding area.
11. Paragraph 2.9 of the justification and amplification of Policy EXT 1 states that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. It is added in paragraph 2.10 that planning permission for conversion of an outbuilding will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling.
12. The appellant conceded that the dimensions of the proposed garage would not allow it to accommodate a car and in these circumstances the ultimate use of this room is in doubt. In any case, I do not consider the proposal, involving the conversion of a building measuring 13.4m x 18.5m, providing 248m<sup>2</sup> of floorspace and accommodating a 4m x 8m kitchen and living area to constitute modest scale accommodation. However, notwithstanding the dimensions of the building or the precise use of individual rooms (which could be controlled by condition), the proposal would, because of the sharing of the facilities referred to above, function as subordinate to those of the main dwelling. This guidance contained in paragraphs 2.9 and 2.10 would not therefore be offended.
13. The proposal involves two changes to the external appearance of the building. One is the insertion of a garage door in the western elevation to serve a room that is too small to accommodate a car. This design element would not be visible from public viewpoints and in any case, regardless of its functionality, would be in keeping with a garage building. Consequently, I do not consider this element to be objectionable. The proposal also involves the replacement of the two garage doors in the western side elevation, facing the road, with a domestic double door and a window. I consider that these prominent alterations would, in combination with some of the existing approved design elements, amplify the building's appearance of a residential dwelling to the extent that would cause it to compete with the existing dwelling rather than appear as sympathetic to it. Consequently, I consider the design of the proposal not to be sympathetic with the built form and appearance of the existing property and to detract from the appearance and character of the surrounding area.
14. The proposal conflicts with Policy EXT 1 and does not constitute development ancillary to a residential property in accordance with the Addendum, set out in Policy CTY 1 as acceptable in principle in the countryside.
15. 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.
16. The appellant stated that his son, who currently lives in Australia, suffers from a chronic medical condition that is likely to deteriorate. The ancillary accommodation is needed to accommodate himself and his wife and enable his son and family to avail of No. 14 should medical circumstances in the future necessitate it. The appellant's evidence in this respect was not disputed. However, I am not convinced that the proposed ancillary accommodation is, at present a necessary



response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

17. In this context, the personal and medical circumstances of the appellant do not outweigh the policy objection that I have found sustained. The Council's objection in principle based on policy CTY 1 is sustained and its first reason for refusal is upheld. The Council's objection on grounds of detrimental impact on visual amenity and the appearance and character of the surrounding area is also well founded and its second reason for refusal based on Policy EXT 1 of the Addendum is sustained. As both the Council's reasons for refusal are sustained, the appeal must fail.

This decision is based on the 1:2500 1:500 and 1:100 scale drawing comprising Site Location Map, Site Layout Plan and Existing and Proposed Elevations and Floor Plans received by Newry, Mourne and Down District Council on 31<sup>st</sup> March 2017 and numbered 01 Rev 01 by them.

**COMMISSIONER DAMIEN HANNON**



**List of Appearances**

Planning Authority:-	Mr Gareth Murtagh
Appellant:-	Mr Cathal Sloan Mrs Kathleen Sloan Mr Colin O'Callaghan (O'Callaghan Planning) Ms Seainin Hannah (O'Callaghan Planning)

**List of Documents**

Planning Authority:-	COU 1	Statement of Case
	COU 2	Site Map regarding permission P/2010/0552, submitted at the hearing
	COU 3	Drawing entitled 'Plan, Section and Elevations' regarding permission P/2010/0552, submitted post hearing.
Appellant:-	APP 1	Statement of Case.



# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0090
<b>Appeal by:</b>	Kelbourne Property Limited
<b>Appeal against:</b>	The non-determination of an application for full planning permission
<b>Proposed Development:</b>	Dwelling and associated parking and landscaping
<b>Location:</b>	87E Bryansford Road, Newcastle
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0766/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 15 <sup>th</sup> December 2017
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 28 <sup>th</sup> December 2017

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are:
  - the impact of the proposed development on the character of the locality
  - the adequacy of the amenity space provision
  - the impact of the proposed development on the residential amenity of the adjoining properties at No.2 Bryansford Park and No.87F Bryansford Road.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 is the local development plan for the area where the appeal site is located. The plan identifies the site as being unzoned within the development limit of Newcastle. As the Ards and Down Area Plan does not contain any material policies for dealing with the proposal it must satisfy prevailing planning policy requirements.
4. The relevant policy context for this proposal is provided by Policy QD 1 of PPS 7: Quality Residential Environments which requires that all proposals for residential development will be expected to conform to specified criteria. The planning authority and the objectors contended that the proposal offends against criteria (a), (c) and (h) in that: it would harm the character of the locality through inappropriate layout and scale; no provision was made for private open space; the design and layout would have an unacceptable adverse effect on existing properties residential amenity. Creating Places is also relevant as it contains supplementary guidance on achieving quality in residential developments.

5. The appellant's Statement of Case contained amended landscape and first floor layout plans as well as a noise impact assessment. The objectors claimed that these new documents should not be considered as part of the appeal process as they were not submitted during the processing of the planning application. Although Section 59(1) of the Planning Act (NI) 2011 states that a party to the proceedings is not to raise any matter which was not before the council at the time the decision appealed against was made, Section 59(2) of the Act however states that Section 59(1) does not affect any requirement or entitlement to have regard to the provisions of the local development plan or any other material consideration. The amended first floor layout plan shows a minor revision with the removal of an internal wall and door thus making the study area part of Bedroom 1. The objectors claimed that the appellant could easily change the proposal to a three bedroom dwelling. However, the proposal has always been for a two-bedroom dwelling and it is that which must be considered. This drawing does not significantly alter the nature of the proposal and I am satisfied that no other party would be prejudiced by this amendment. Given that the submitted noise impact assessment documentation provides information to address a draft reason for refusal, it would be wrong not have regard to it as it is material to the consideration of this appeal. However, the amended landscape plan includes the provision of a 2m high close-boarded wooden fence along the entire northern boundary of the appeal site. Whilst the objectors involved in the appeal process know about this proposed amendment other parties, such as those who reside within the existing apartment development at the appeal site, may not and could be prejudiced by this amendment. Therefore it is Drawing 09 1:100 landscape layout received by the planning authority on 19<sup>th</sup> May 2017 that will be considered in this appeal. The objectors also raised a number of concerns in relation to No.87E's apartment development including the processing of its planning application, the subsequent amendment of the proposal and the fulfilment of the landscaping scheme. These are matters for the parties to pursue directly with the planning authority; the appeal will only assess the proposed dwelling.
6. The proposal is for a two storey two bedroom dwelling attached to the northern elevation of an existing block of eight two-bed apartments. Downstairs the proposed dwelling would have a generous kitchen/dining area, utility room, lounge, cloakroom and wc whilst upstairs there would be a considerably sized bedroom, a master bedroom with en-suite, walk-in wardrobe, walk-in hot press, large bathroom and landing. Access is via the Bryansford Road and on site there are twelve car parking spaces; two additional spaces are proposed adjacent to the dwelling. To the west of the appeal site is a modest traditional bungalow (No.87F Bryansford Road) set within a large mature vegetated plot and which has a summer house in the north-easterly section of its rear garden. On the western boundary of the appeal site adjacent to No.87F there is an approximately 2m high close-board wooden fence and mature and young dispersed trees. To the north-east of the appeal site is a further bungalow (No.2 Bryansford Park) which is set within a compact maturely vegetated plot. Along the northern boundary of the appeal site, which is the common boundary with No.2 Bryansford Park, there is a row of 13-15m high mature conifer trees. The southern and eastern boundaries of the appeal site, along the Bryansford Road and the detached dwelling at No.87 Bryansford Road respectively, are defined by mature hedging with the roadside boundary also having a low level stone wall. There is extant full planning permission (R/2014/0271/F) for one block of eight apartments at No.87 located adjacent to



appeal site; this proposal includes the redefining of the boundary between No.87 and 87E to accommodate parking, landscaping and access to No.87.

7. The first draft reason for refusal related to criterion (a) of Policy QD 1 in that it was considered that the layout was inappropriate for the character of the site. In their evidence the planning authority also raised concern in relation to the inadequacy of the separation distance between the proposal and No.2 Bryansford Park and referred to paragraph 7.16 of Creating Places however this section of the guidance seeks to minimise overlooking in order to protect privacy rather than deal with character. The area in which the appeal site is located is generally characterised by detached dwellings within mature vegetated plots. The higher density of the apartments which are located on the appeal site is not representative of that in the general area. The introduction of a dwelling on the appeal site would further increase this density. The fact that it is proposed to lift the crowns of some of the mature trees along the northern boundary to 1.4m height in order to create more space and light is also reflective of the overdevelopment of the site.
8. Concern was expressed in relation to the impact that the development would have on the approximately 13-15m high conifer trees located along the northern boundary. Whilst no substantive evidence was presented to support the claim that the introduction of new planting would adversely affect the existing northern trees, the guidance within paragraph 4.09 of Creating Places recommends as a minimum standard that development should be kept outside the crown spread or half the height of the trees whichever is greater in order to ensure their long-term retention and to help prevent potential amenity problems arising. The dwelling would be outside the crown spread of the trees and whilst it would only be approximately 5m from some of these trees, the appellant's expert's tree constraint plan shows that the development would be outside the tree root protection area (RPA). Whilst the turning area would be slightly within this RPA, it is stated that this area can also be protected using a cellular confinement system.
9. The dwelling would however be constructed on part of the communal amenity space of the apartment development thus reducing the extent of open space contained within the site. Although the apartments have communal open space, the dwelling would not have any private amenity space. Whilst paragraph 5.20 of Creating Places states that it would be acceptable for 1 and 2 bedroom houses on small infill sites to avail of private communal open space, the appeal site is not considered to be an urban infill site. Paragraph 5.20 also goes on to state that the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design context. Irrespective of the argument that communal open space was acceptable for the 2 bedroom apartments, this is a proposal for a sizeable dwelling and given the suburban context of appeal site within an area where dwellings have their own private amenity space, the lack of provision would also be uncharacteristic of the locality. Therefore, although the design and finishes would reflect those of the existing apartment development and whilst views would be restricted from Bryansford Road and additional planting could be introduced within the site, the proposal would have an adverse impact on the character of the area. Accordingly, the first draft reason for refusal and the objectors concerns in relation to this matter are sustained.



10. The second draft reason for refusal related to criterion (c) of Policy QD 1 of PPS 7 in that it had not been demonstrated how the proposed dwelling would be provided with private amenity space. Whilst the existing apartment development may have adequate communal open space and although it would appear contrived to segregate an area of open space for the sole use of the residents of the dwelling, it has already been concluded that the use of this communal area is not appropriate for the appeal proposal. The second draft reason for refusal and the objectors concerns in relation to this matter are sustained.
11. The third draft reason related to criterion (h) of Policy QD 1 in that the proposal would create a conflict with the residential dwelling at No.2 Bryansford Park. The objectors also raised concerns in relation to the impact of the proposal on the privacy and amenity of the residents of No.87F Bryansford Road. I am not persuaded that there would be an increase in noise or disturbance as a result of the development due to the modest increase in parking provision and number of vehicles entering and exiting the site. The area adjacent to the trees could presently be used for recreational activity and slightly increasing this area and its number of users would also not unacceptably impact on the residential amenity of No.2 Bryansford Road. Raising the crown of the northern boundary trees would also not adversely impact the amenity of the residents of No.2 due to their existing fencing and the absence of ground floor windows in the proposed dwelling. In terms of the impact on No.87F Bryansford Road, the proposal would only have a frosted first floor en-suite bathroom window facing this dwelling. Although there would be glass doors and a window on the ground floor, and whilst No.87F has a detached sunroom within the north-easterly section of its rear garden, the set back of the proposed dwelling compared to the bungalow at No.87F and the intervening fencing and planting would help to ensure that the residential amenity of No.87F would not be adversely affected by the development. No substantive evidence was presented to support the claim that additional planting within the appeal site would adversely impact on the existing vegetation located along the eastern boundary of No.87F or that it would produce an unacceptable amount of leaf fall.
12. Paragraph 7.15 of Creating Places however states that in low density development it is good practice to have a separation distance of around 20m or greater between opposing rear first floor windows. Para 7.16 adds that where development abuts private garden areas of existing properties that a separation distance greater than 20m is generally appropriate in order to minimise overlooking and that a minimum of around 10m is appropriate between the rear of new houses and the common boundary. At present the rear northern elevation of the apartment development has a blank wall with no window or door openings. Although the proposed first floor bathroom would have frosted glass, the master bedroom on the northern elevation would not and this would be approximately 8m from the common boundary of No.2 Bryansford Road. It would be approximately 14m from No.2 which, on its southern elevation, has a number of windows and glass doors into a living room area. Whilst the existing trees along the northern boundary could help to protect the privacy of the residents of No.2, a number of justified concerns were also identified in relation to the impact that these conifers have on the property at No.2 Bryansford Park including loss of light, debris and excessive repair of its roof due to their positioning approximately 6m away from the southern elevation of No.2. To condition the retention of this row of trees, which are classified as low quality by the appellant's tree constraints plan, would in itself be detrimental to the residential amenity of the residents of No.2 and would perpetuate a less than ideal

situation. The close proximity of the proposal and the scale of the building that would be created would also have a dominant impact on the residents of the bungalow at No.2 Bryansford Park. Accordingly, the third reason for refusal in relation to criterion (h) of Policy QD 1 and the objectors concerns in relation to this matter are therefore sustained.

13. Irrespective of the supporter's favourable comments in relation to the appellant's character, as the three reasons for refusal and the objectors concerns in relation to these matters have been sustained, the appeal must fail.

This decision is based on the following drawings and document:-

Drawing 01 1:2500 site location map dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing 02 1:500 existing site plan dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing 03 1:100/1:500 proposed site plan dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing 04 1:100 existing elevations dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing 05 1:100 proposed elevations dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing 06 1:100 existing floor plans dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing PAC 1 1:100 proposed first floor plan within the appellant's Statement of Case.

Drawing 08 1:100 proposed ground floor plan dated received by the planning authority on 19<sup>th</sup> May 2017

Drawing 09 1:100 landscape layout dated received by the planning authority on 19<sup>th</sup> May 2017

Landscape and Management Plan dated received by the planning authority on 19<sup>th</sup> May 2017

**COMMISSIONER DIANE O'NEILL**

**List of Documents**

Planning Authority (Newry, Mourne and Down District Council):-	Statement of Case (PA1)
Appellant (MBA Planning-agent):-	Statement of Case (A 1) Rebuttal (A 2) Additional comment including a tree constraint plan (A 3)
Third Parties: Objectors:-	
Mr and Mrs Sloan (No.10 Bryansford Park)	Statement of Case (OB 1) Rebuttal (OB 4)
Mr and Mrs Banford (No.87F Bryansford Road)	Statement of Case (OB 2) Rebuttal (OB 5)
Mr and Mrs Dundas (No.2 Bryansford Park)	Statement of Case (OB 3) Rebuttal (OB 6)
Supporter:- TM Alan Martin (Apartment 3, No.87E Bryansford Road)	Letter on file



# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
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**Appeal Reference:** 2017/A0058  
**Appeal by:** Ms M McKnight  
**Appeal against:** The refusal of outline planning permission  
**Proposed Development:** Dwelling and garage  
**Location:** 40m south of 4 Molly Road Lower, Jonesborough  
**Planning Authority:** Newry Mourne and Down District Council  
**Application Reference:** P/2015/0067/O  
**Procedure:** Informal Hearing on 14 November 2017  
**Decision by:** Commissioner D McShane, dated 11 December 2017.

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside; and its impact on visual amenity and rural character.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the LDP. The appeal site is located within the open countryside outside any settlement development limit designated in the plan. BNMAP offers no specific policy or guidance in respect of the proposed development. I therefore turn to consider other material considerations.
4. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document. The supplementary planning guidance to PPS 21: Building on Tradition is also pertinent to my assessment.
5. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal represents a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a. Should the appeal fail in respect of this policy, the Appellant also argues that the appeal proposal



- would comprise a dwelling on a farm on an alternative site removed from existing buildings on the farm in accordance with Criterion (c) of Policy CTY 10.
6. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster provided six specified criteria are met; the parties dispute the first five. The initial matter to be addressed is whether a cluster of development exists at the location of the appeal site. A cluster is not defined in Policy CTY 2a but the first three bullet points give an indication of its intended meaning.
  7. The initial bullet point requires the cluster of development to lie outside of a farm and to consist of four or more buildings (not ancillary buildings) of which at least three are dwellings. The appeal site, a double road frontage agricultural field, is located north of Finnegans Road and west of Molly Road Lower. It is a matter of fact there are 5 dwellings west of the appeal site on the north side of Finnegans Road (Nos. 7, 9, 11a, 11 and 15) and one dwelling to the south side (No.8). There are two dwellings on Molly Road Lower (Nos. 4 and 5) There is no evidence to indicate that any of these buildings are on a farm.
  8. The second bullet point requires the cluster to appear as a visual entity in the local landscape. The aerial photograph submitted by the Appellant shows the extent of the development at this location. From Finnegans Road travelling west, although No.4 and 5 Molly Road Lower stand on a different road and No.5 is separated from the appeal site by a narrow rural road, the two dwellings would visually link closely with a dwelling on the appeal site. These would in turn visually link with Nos. 8, 9 and 11a; however the distances between the dwellings are significantly greater. On passing the appeal site, there is a sequential awareness of the development beyond to the west, which comprises a mix of bungalows and two storey dwellings standing on large plots; some road frontage while others are set back with substantial, mature vegetation around them. Similarly, travelling from the west, there is a sequential awareness of this line of dwellings; the appeal site only comes into view on passing the dense evergreen vegetation that separates it from No.7. A dwelling on the appeal site would then read along with Nos.4 and 5 Molly Road Lower. Contrary to the view of the Appellant, I do not consider the appeal site to replicate the examples referred to at Paragraph 4.3.0 of Building on Tradition, which show a number of buildings occurring close together and grouped. Notwithstanding the number of existing dwellings in the area and their ancillary buildings, when travelling along Finnegans Road, the form taken by that existing development does not appear as a cluster. Instead it appears as an elongated line of development that stretches over a considerable distance with significant intervening vegetation. As such, the appeal proposal fails to comply with the second bullet point.
  9. The third bullet requires the cluster to be associated with a focal point such as a community building, or to be located at cross-roads. There is no community building at this location. The dictionary definition of cross-roads is "the point at which two or more roads cross each other". The appeal site is located at a junction, however Molly Road Lower terminates where it joins Finnegans Road. A T-junction is distinct from cross-roads, as such the appeal proposal fails to comply with the third bullet point. The Appellant referred me to examples wherein failure to meet the third bullet point had not been fatal to the proposed development if it met all the other requirements of Policy CTY 2a. However, I have already concluded that the appeal proposal fails to meet the second criterion. With

respect to Appeal 2010/0202, it was concluded in the first instance that there was an existing cluster and there were also compelling site specific circumstances that outweighed the failure to meet the third bullet point. On the basis of the evidence submitted, I am not persuaded that the development approved under Ref LA07/2017/0621/O presents a set of circumstances directly comparable with the appeal proposal.

10. Notwithstanding the extent of existing development, I conclude that the appeal site is not within a cluster and so the proposal cannot and does not comply with Criterion four, which requires the appeal site to be bounded on at least two sides with other development in the cluster or Criterion 5, which requires the site to be absorbed into the existing cluster through rounding off and consolidation. The proposal does not comply with policy CTY 2a and the Council has sustained its second reason for refusal.
11. The Council confirmed that it accepts that a dwelling on the appeal site would meet Policy CTY 10 pointing to the clause within Criterion (c), which states that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out farm, and where there are demonstrable health and safety reasons". Notwithstanding this, the proposed site must also meet the requirements of Policies CTY 13, 14 and by implication CTY 8, and CTY 16. The parties do not dispute Policy CTY 16.
12. 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 it is of an appropriate design. The existing mature vegetation along the northern and western site boundaries and higher ground beyond would provide an acceptable degree of enclosure for a dwelling sited in the north western portion of the appeal site. In addition, siting the proposed dwelling to the north west of the site, where ground levels are lower, would overcome any concerns about prominence. The Council has failed to sustain its fourth reason for refusal based upon Policy CTY 13.
13. Policy 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 an area. I have already concluded above that a dwelling sited to the north west of the site would not be prominent in the landscape. However, when viewed with the existing buildings along Finnegans Road, the proposed dwelling, irrespective of scale or siting, would exacerbate the suburban style build up of development and add to an existing ribbon of development. In addition, a dwelling on the appeal site would lead to the creation of a ribbon of development on Molly Road Lower. The appeal development would have a detrimental impact on the character and appearance of this rural area, which is sensitive given its close proximity to the settlement limit of Jonesborough. The Council has sustained its third and fifth reasons for refusal based upon Policy CTY 8 and Policy CTY 14. The fact that there is no site considered appropriate for a dwelling on the farm holding at either the main farm or out farm is not sufficient to outweigh the detrimental impact a dwelling on the appeal site would have on the character of the area.

14. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. No persuasive evidence was submitted to demonstrate that there are overriding reasons why the development is essential. As such I conclude that the appeal proposal is unacceptable in principle. Accordingly, the Council has sustained its first reason for refusal based upon Policy CTY 1 of PPS 21.

This decision is based on the following drawing, date stamped refused on 26 May 2017:-

- Drawing Reference P/2015/0067/01 (amended): Site Location Plan and Indicative Layout (Scale 1:2500)

**COMMISSIONER D MCSHANE**

2017/A0058

**List of Appearances**

Planning Authority:- Ms P Manley (Newry Mourne and Down District Council)

Appellant:- Mr C O'Callaghan (O'Callaghan Planning)

**List of Documents**

Planning Authority:- "LA1" Statement of Case and Appendices

Appellant:- "A1" Statement of Case and Appendices



**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
2/10/17	Cllr L Devlin	Update requested	A McAlarney	Call transferred	2/10/17
"	Cllr C Enwright	Is condition re planting being carried out?	D Watson	E mail sent	3/10/17
"	Cllr T Hearty	When can decision be collected?	A Davidson	Direct e mail	3/10/17
"	Cllr M Carr	Meeting request	P Rooney	Direct e mail	3/10/17
4/10/17	Cllr P O'Gribin	Query re Farm Buildings	A McAlarney	Telephone call	4/10/17
"	Cllr W Walker	Request for meeting	A McAlarney	Direct e mail	4/10/17
"	Cllr T Hearty	Update on application	A Davidson	Direct e mail	4/10/17
5/10/17	C McGrath MLA	Enquiry re meeting?	A McAlarney	Direct e mail	5/10/17
"	C McGrath MLA		A McAlarney	Telephone call	5/10/17
"	Wm Irwin MLAS office	Has application been called in by Councillors?	A Davidson	Call transferred	5/10/17
"	Cllr M Long	Update requested	A McAlarney	Direct e mail	11/10/17
5/10/17	C McGrath MLA	Query	A McKay	Direct e mail	30/11/17
6/10/17	Cllr D Taylor	Discuss 2 x applications	A Davidson	Call transferred	6/10/17
"	Cllr D Taylor	Query for A McAlarney	G Kerr/A McAlarney	At meeting/ e mail	9/10/17 & 11/10/17
"	C McGrath MLA	Query re open space	A McKay	Direct e mail	30/11/17
9/10/17	Cllr D Taylor	Meeting at 4.30pm today	A Davidson	Telephone call	9/10/17
"	Cllr S Doran	Update requested	G Kerr	Direct e mail	10/10/17

**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
10/10/17	Clr G Fitzpatrick	Can Decision go to Committee?	C McAteer/M McIlhorne/G Kerr	Direct e mail	10/10/17
"	Clr G Fitzpatrick	Query what does delegated mean?	G Kerr	Direct e mail	10/10/17
11/10/17	Clr S Doran	Update requested.	G Kerr	Direct e mail	11/10/17
"	C McGrath MLA	Update requested	A McAlarney	Direct e mail	16/10/17
12/10/17	Clr M Ruane	Update requested	G Kerr	A Davidson	12/10/17
"	Clr T Hearty	Update requested	A Davidson	Direct e mail	13/10/17
"	Clr D Taylor	Meeting requested	G Kerr	Direct e mail	16/10/17
13/10/17	Clr R Mulgrew	Update requested	A Davidson	E mail sent	16/10/17
"	Clr P Brown	Update requested	A McAlarney	E mail sent	13/10/17
"	Clr R Mulgrew	Missed call	A Davidson	E mail sent	16/10/17
"	Clr M Carr	Update requested	P Rooney	Direct e mail	16/10/17
17/10/17	C Hazzard MP	Date arranged 25/10/17 @ 3pm	A McKay	L Hannaway/A McKay	17/10/17
"	Clr P O'Gribin	Local Development Plan query	A Hay	E mail sent	17/10/17
"	C McMahon for S Ennis MLA	Update requested	A Davidson	E mail sent	18/10/17
"	Clr A McMurray	Process for getting a TPO?	D Watson	E mail sent	18/8/17

**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
					<b>D</b>
"	Cllr A McMurray	Planning implications?	A McAlarney	E mail sent	19/10/17
"	Cllr P Brown	Hold decision pending potential representation	Planning mailbox	E mail	18/10/17
18/10/17	Cllr Sinead Ennis	_____	Gareth Kerr	E mail sent	18/10/17
"	Cllr P Brown	Enquiry re DEA Councillor representation process	A McAlarney	Direct e mail	18/10/17
"	Cllr W Clarke	Update requested	A McAlarney	Direct e mail	20/10/17
"	C McGrath MLA	Query re conditions.	A McAlarney	Direct e mail	23/10/17
19/10/17	C McGrath MLA	Request for letter	A McAlarney	Direct e mail	20/10/17
"	Cllr G Craig	When will decision issue?	A McAlarney	Direct e mail	20/10/17
23/10/17	Cllr P O'Gribin	General Enquiry	A McAlarney	Call transferred	23/10/17
"	Thomas for J McNulty MLA	Update requested	G Kerr	Call transferred	23/10/17
23/10/17	C Lockhart MLA	Information requested	G Kerr	E mail	1/11/17
24/10/17	Cllr D Curran	Query re planning issue holding up housing development?	A McAlarney	E mail sent	25/10/17
"	Cllr L Kimmons	Local Development query	A McKay	E mail from J Hillen	24/10/17
"	C McGrath MLA	Date for meeting requested	A McKay	Direct e mail	30/11/17



**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
					<b>D</b>
25/10/17	Cllr D Curran	Query re planning issue holding up housing development?	A McAlarney	Telephone call	25/10/17
"	J McNulty MLA	Updates on various applications	P Rooney	Call transferred	25/10/17
26/10/17	Cllr J Tinnelly	Update requested	G Kerr	E mail	26/10/17
"	Cllr G Fitzpatrick	Enquiry about a Planning Application	G Kerr	E mail	26/10/17
"	Cllr G Fitzpatrick	Request for copy file and query re neighbour notification	G Kerr	Direct e mail	27/10/17
"	Cllr P Burns	_____	A Davidson	Msg with Rita	27/10/17
27/10/17	Justin McNulty's Office	_____	A Davidson	Transferred call	27/10/17
27/10/17	Cllr Walker	_____	A McAlarney	E-mail	27/10/17
27/10/17	Cllr P Burns	_____	A Davidson	Telephone call	30/10/17
"	C McGrath MLA	Query re Enforcement case	A McAlarney	Direct e mail	31/10/17
28/10/17	Cllr L Kimmons	Update requested	A Davidson	Direct e mail	30/11/17
30/10/17	Cllr D McAteer	Enforcement contact details?	M McIlhone	Telephone call	30/11/17
"	S Bradley's office	Enforcement query	D Watson	E mail sent	30/10/17
"	Cllr H Harvey	Request to meet	A McAlarney	Direct e mail	31/10/17



**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
31/10/17	Cllr K Loughran	What is decision RL?	M McIlhorne	Telephone call	31/10/17
"	Cllr G Craig	Request for discussion on Decision	A McKay	Direct e mail	1/11/17
2/11/17	C McGrath MLA	Update on Roads meeting	A McAlarney	Direct e mail	2/11/17
"	C McGrath	Update	A McKay	Direct e mail	30/11/17
3/11/17	Brenda from S Bradleys office	Update requested	G Kerr	E mail sent	3/11/17
"	Cllr P O'Gribin	Query on a Newcastle application	P Rooney/A McAlarney	Call transferred/e mail	3/11/17 & 8/11/17
5/11/17	Cllr G Fitzpatrick	Request to discuss application.	G Kerr	Direct e mail	6/11/17
6/11/17	Cllr L Devlin	General Enquiry	A McAlarney	Asked to call	6/11/17
6/11/17	Cllr G Fitzpatrick	Further information	G Kerr	Direct e mail	6/11/17
"	Cllr L Devlin	Site visits 7/11/17	A McKay	E Mail sent	7/11/17
7/11/17	C McGrath MLA	Query re Site visit	A McAlarney	Direct e mail	7/11/17
"	J McNulty MLA	Enquiry	P Rooney	Call transferred	7/11/17
"	Cllr M Ruane	Request to meet	P Rooney	E mail	8/11/17
8/11/17	C McGrath MLA	Further query re Site visit	A McAlarney	Direct e mail	8/11/17
"	Cllr P O'Gribin	Query	A McAlarney	E mail sent	8/11/17
9/11/17	Cllr R Mulgrew	Query	A Davidson	E mail sent	13/11/17
9/11/17	Emma Rogan MLA	Re zoning of land at Annacloy	A Hay	E mail sent	10/11/17
13/11/17	Cllr R Mulgrew	Query	A Davidson	E mail sent	13/11/17

**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
14/11/17	Cllr S Doran	Case officer report requested	J Clarke	E mail sent	14/11/17
"	Cllr G Fitzpatrick	Did a Councillor sign the decision notice?	G Kerr	Direct e mail	14/11/17
"	Cllr W Walker	Re: meeting	A McAlarney	E mail sent	14/11/17
15/11/17	C McGrath MLA	Discuss an application	A McAlarney	Call transferred	15/11/17
"	Cllr R Mulgrew	Query	G Kerr	Call transferred	15/11/17
"	Una for E Rogan MLA	Update requested	A McAlarney	Call transferred	15/11/17
"	Cllr P O'Gribin	Enquiry	A McAlarney/P Rooney	E mail sent	15/11/17
"	Cllr P O'Gribin	Enquiry	P Rooney	Call transferred	15/11/17
16/11/17	Cllr D Taylor	General enquiry	P Rooney/SPTOs - A Davidson 17/11/17	E mail sent	17/11/17
"	J McNulty MLA	Enquiry	P Rooney	Call transferred	16/11/17
17/11/17	C McGrath MLA	Update requested	A McAlarney	Direct e mail	17/11/17
"	Sinead Ennis Office	Re app in Mayo/bridge Roads query passed on phone number of Transport NI	S Trainor		17/11/17
"	Sean Doran Office	update	S Trainor		17/11/17
17/11/17	David Taylor		A Davidson	Call	17/11/17

**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
20/11/17	Cllr R Mulgrew	Update	A Davidson	transferred	7
"	Cllr L Devlin	Further to recent meeting	A McAlarney	Call transferred	20/11/17
"	Cllr S Doran	Query re objections	G Kerr	Call transferred	20/11/17
"	C McGrath MLA	Update requested	A McAlarney	Direct e mail	20/11/17
21/11/17	Cllr D Taylor	Enquiry	G Kerr	Direct e mail	28/11/17
21/11/17	Cllr D Taylor	Update requested	A McAlarney	Call transferred	21/11/17
"	Cllr L Devlin	Enquires about 4 or 5 planning applications	A McKay	E mail sent	21/11/17
"	C McGrath MLA	Update requested	A Hay	E mail sent	21/11/17
22/11/17	Cllr W Walker	Enquiry	A McAlarney	Direct e mail	23/11/17
23/11/17	Cllr R Gibson	_____	A McAlarney	Call transferred	22/11/17
"	Justin McNulty	Enquiry	A McAlarney	Email	23/11/17
"	Cllr A McMurray	Enquiry	P Rooney	Call transferred	23/11/17
27/11/17	W Irwin MLA	Name of case officer?	A McAlarney	Call transferred	23/11/17
"	Cllr M Savage	Neighbour Notification	M McIlhone	Call answered	27/11/17
"	Cllr P O'Gribin	Request for Office	A Davidson	Direct e mail	27/11/17
"			A McAlarney	E mail sent	27/11/17



**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
"	Cllr G Fitzpatrick	meeting Update requested	G Kerr	Direct e mail	7 27/11/17
"	Cllr G Fitzpatrick	Update requested	L O'Hare	Direct e mail	7 29/11/17
28/11/17	Colin McGrath MLA	Update requested	A McAlarney	Call transferred	7 28/11/17
"	Cllr D Taylor	Meeting requested	A McAlarney	Direct e mail	7 28/11/17
"	C McGrath MLA	Update requested	A McAlarney	Direct e mail	7 29/11/17
29/11/17	Cllr S Doran	Query re planning Committee	A McAlarney	Direct e mail	1/12/17
30/11/17	C McGrath MLA	Updates requested	A McKay	Direct e mail	7 30/11/17
1/12/17	C McGrath MLA	Query re varying condition?	A McAlarney-A McKay	Direct email	1/12/17
4/12/17	Cllr S Doran	Update requested	G Kerr	Direct e mail	6/12/17
5/12/17	C McGrath MLA	Update on site visit requested?	A McAlarney	Direct e mail	5/12/17
7/12/17	Cllr S Doran	Query	P Rooney	E mail sent	7/12/17
"	Una for E Rogan MLA	Update requested	A McAlarney	E mail sent	7/12/17
"	Cllr J Tinsley	Update	A McAlarney	Call transferred	7/12/17
7/12/17	Cllr M Ruane	Decision Notice	G Kerr	Direct e mail	7/12/17
8/12/17	Cllr D Taylor	Confirm meeting today at 2pm with A Davidson	M McIlhone	Call answered	8/12/17
11/12/17	Cllr P O'Gribin	Query	A McAlarney	E mail sent	7 11/12/17



**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
					<b>D</b>
"	C McGrath MLA	Update requested	A McAlarney	Direct e mail	11/12/17
"	Clir H Reilly	Enforcement update requested	G Kerr	Direct e mail	11/12/17
"	Clir H Reilly	P/2007/0888/F - Update requested	G Kerr	Direct e mail	11/12/17
12/12/17	Clir L Devlin	Can she use BCC Legal Services?	M McIlhorne/A McKay	Telephone call	12/12/17
"	Clir G Wilson	Update requested	G Kerr	Call transferred	12/12/17
13/12/17	Clir G Fitzpatrick	Update requested	L O'Hare/G Kerr	Direct e mail	19/12/17
"	Clir P O'Gribin	Query	A McAlarney	E mail sent	13/12/17
"	Clir R Mulgrew	Update requested	A Davidson	Direct e mail	13/12/17
"	Clir G Fitzpatrick	Update requested	G Kerr	Direct e mail	14/12/17
"	Clir G Fitzpatrick	Update requested	L O'Hare	Direct e mail	19/12/17
14/12/17	C McGrath MLA	Update requested	A McAlarney	E mail sent	14/12/17
"	Clir R Burgess	Update requested	A McAlarney	E mail sent	18/12/17
"	Clir R Burgess	Updates requested	A McAlarney	Direct e mail	18/12/17
17/12/17	C McGrath MLA	Update requested	A McAlarney	Direct e mail	21/12/17
18/12/17	Clir H Reilly	Update requested	G Kerr	Direct e mail	19/12/17

**CONTACT FROM PUBLIC REPRESENTATIVES - 2 Oct - 29 Dec 2017**

<b>DATE</b>	<b>CALLER</b>	<b>ISSUE</b>	<b>REFERRED TO</b>	<b>MODE</b>	<b>DATE CLEAR</b>
"	C Lockhart MLA	Request to recheck if there is a planning application on site	G Kerr	Direct e mail	19/12/17
19/12/17	Cllr D Taylor	Further to recent discussion	P Rooney	E mail sent	20/12/17
"	C McGrath MLA	Update on amended plans	A McAlarney	Direct e mail	19/12/17
"	W Irwin MLA	Update requested	A Davidson	E mail sent	19/12/17
20/12/17	Cllr A McMurray	Update requested	A McAlarney	Call transferred	20/12/17
"	Cllr D Taylor	Meeting request	A McAlarney	Direct e mail	20/12/17
"	C McGrath MLA	Update requested	A McKay	Call transferred	20/12/17
"	Cllr P O'Gribin	Query re Development Plan	A Hay	E mail sent	