

October 13th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 15th October 2025** at **10:00 am** in **Council Chamber, Downshire Civic Centre, Downpatrick.**

Committee Membership 2025-26

Councillor M Larkin **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor C Enright

Councillor C King

Councillor D McAteer

Councillor D Murphy

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies & Chairperson's Remarks

2.0 Declarations of Interest

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

Item 6 & 7 - Cllrs Clarke, Hanna, Larkin, McAteer, Quinn & Rice attended a site visit on 17 September 2025

4.0 Minutes of Planning Committee Meetings of 17 September 2025.

 *Planning Committee Minutes 2025-09-17.pdf*

Page 1

5.0 Addendum list – planning applications with no representations received or requests for speaking rights

 *Addendum list - 15-10-2025.pdf*

Page 11

Development Management - Planning Applications for determination (with previous site visits)

6.0 LA07/2024/1077/O - Land 25m west of No 60 Crawfordstown Road, Ballynahinch - 2 x Infill dwellings

For Decision


REFUSAL

On agenda as a result of the call-in process.

Cllrs Clarke, Hanna, Larkin, McAteer, Quinn & Rice attended a site visit on 17 September 2025.

In line with Operating Protocol, no further speaking rights are permitted on the application.

Mr Kieran Carlin will be present to answer any questions Members may have.

 *LA07-2024-1077-O - Case Officer Report.pdf*

Page 12

7.0 LA07/2023/2230/O - 55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU – Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works

For Decision

REFUSAL

On agenda as a result of the call-in process.

Cllrs Clarke, Hanna, Larkin, McAteer, Quinn & Rice attended a site visit on 17 September 2025.

In line with Operating Protocol, no further speaking rights are permitted on the application.

Mr Declan Rooney will be present to answer any questions Members may have

[LA07-2023-2230-O - Case Officer Report.pdf](#)

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Development Management - Planning Applications for determination

8.0 LA07/2025/0600/F - Unit 14 & 14A Grove Shopping Centre 77 Market Street Downpatrick BT30 6LP - Alterations to existing shop units including changes to shopfronts, and change of use for the sale of hot and cold food and drink for consumption both on and off the premises (sui generis), and for the retail sale of bakery products, snacks etc

APPROVAL

On agenda as a result of the Operating Protocol

[LA07-202-0600-F.pdf](#)

Page 50

9.0 LA07/2024/0227/RM - Immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry, BT34 2NB-Two Storey Dwelling

APPROVAL

On agenda as a result of the Operating Protocol

[LA07-2024-0227.pdf](#)

Page 63

10.0 LA07/2024/1272/F - 1-2 Newry Street, Warrenpoint, BT34 3JZ - Proposed change of use from ground floor shop units to office

space and bar/restaurant/takeaway

APPROVAL

On agenda as a result of the Operating Protocol

[LA07-2024-1272.pdf](#)

Page 71

11.0 LA07/2022/1602/F - To the rear and immediately North East of 7-8 Queen Street, Warrenpoint - Proposed 4 no. 3 bedroom terraced dwellings with in-curtilage parking with vehicular access onto Queen Street

APPROVAL

On agenda as a result of the Operating Protocol

[LA07.2022.1602.pdf](#)

Page 89

[LA07-2022-1602 Addendum.pdf](#)

Page 102

12.0 LA07/2023/3622/F - Vacant site between No.39 Church Street and No.2 Water Street, Rostrevor - Proposed barbers/hairdressers

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr John Cole.

[LA07-2023-3622.pdf](#)

Page 113

[12. LA07 2023 3622 F.pdf](#)

Page 122

13.0 LA07/2023/3099/O - Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ - New dwelling with detached garage on gap/infill site.

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr John Young

[LA07-2023-3099-O - Case Officer Report.pdf](#)

Page 124

14.0 LA07/2023/3412/O - Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ - New dwelling with detached garage on gap/infill site

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr John Young

1 LA07-2022-3412-O - Case Officer Report.pdf

Page 138

13. and 14. LA07.2023.3099.O and LA07.2023.3412.O.pdf

Page 148

15.0 LA07/2024/0295/F - Adjacent to and directly SE of 16 Derryoge Road, Newry, BT34 4JR - Proposed change of house type and re-siting of a dwelling on a farm originally approved under permission LA07/2020/0265/F

For Decision

REFUSAL

On agenda as a result of the call in period

Speaking rights have been requested in support of the application by Mr Joe Lynam and Ms Jodie Goss.

1 LA07-2024-0295-F - Case Officer Report.pdf

Page 150

15. LA07 2024 0295 F in support.pdf

Page 157

16.0 LA07/2024/0401/F - Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down - Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.

For Decision

REFUSAL

On agenda as a result of the call in period

Speaking rights have been requested by Mr Colin O'Callaghan in support of the application.

1 LA07-2024-0401-F - Case Officer Report.pdf

Page 158

17.0 LA07/2024/1403/O - 170m south of 4 Curley Road, Newry, BT34 1NU - Replacement of existing dwelling with new dwelling within existing site curtilage

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Gerry Tumelty, supported by Mr Moffett Jr and Snr.

16. LA07-2024-1403.pdf

Page 169

17. LA07.2024.1403.O in support.pdf

Page 181

18.0 LA07/2024/1386/F - Approximately 150m NE of No.15 Clontafleece Road, Warrenpoint, Newry BT34 3QS - 4 No. glamping pods & associated site works

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Colin Dalton, supported by Catriona Campbell.

LA07-2024-1386.pdf

Page 183

18. LA07 2024 1386 F.pdf

Page 199

19.0 LA07/2023/3646/F - 100m south of No. 32 Glenvale Road, Croreagh, Newry, Co. Down, BT34 2RF - Change of House Type of rural detached dwelling and detached domestic garage in substitution of implemented planning application P/2006/1822/RM, additional landscaping and associated site works

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Barney McKeivitt

[LA07-2023-3646.pdf](#)

Page 201

[19. LA07 2023 3646 F.pdf](#)

Page 217

20.0 LA07/2024/0271/F - 90m NW of No.30 Killowen Old Road, Killowen, BT34 3AD - Farm Shed

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested by Mr Colin Dalton and Mr Daire Carr in support of the application.

[LA07-2024-0271.pdf](#)

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[20. LA07 2024 0271 F.pdf](#)

Page 235

21.0 LA07/2025/0178/F - 146 Mill Road, Mullartown, Annalong, BT34 4RH - Extension & Alterations to Dwelling including 1 1/2 Storey Side Extension and Roof space Conversion

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Declan Rooney & Mr Liam Milling

[LA07-2025-0178.pdf](#)

Page 237

[21. LA07 2025 0178 F.pdf](#)

Page 249

22.0 LA07/2024/1191/O - Immediately N. of 4 Lurgan Cahone Road, Rathfriland, BT34 5AX - Proposed Dwelling and Garage

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by John and Ashleen McComish

[LA07-2024-1191.pdf](#)

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23.0 LA07/2024/0724/F - 38 Merrion Avenue, Newcastle, BT33 0BJ - Proposed Front Porch Extension, Rear / Side Extension & Repositioned Vehicular Access.

For Decision

REFUSAL

On agenda as a result of the call in process

LA07.2024.0724.F.pdf

Page 265

24.0 LA07/2024/1570/O - 180m NW of 117 Old Belfast Road, Saintfield - farm dwelling, garage, and all associated site works

For Decision

REFUSAL

On agenda as a result of the call in process

LA07.2024.1570.O - Case Officer Report.pdf

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Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

25.0 Communication from the Historic Environment Division - Advance Notice of Listing

For Decision

This matter is deemed to be exempt under paragraph 3 of part 1 of schedule 6 of the Local Government Act (2014) - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

HB16 21 032.pdf

Not included

HB16 21 032 DC Report.pdf

Not included

HB16 21 032 Location Map.pdf

Not included

For Noting

26.0 Planning Historic Action Sheet

Planning Historic Tracking Sheet - 2025-09-17.pdf

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Invitees

Cllr Terry Andrews
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Cllr Callum Bowsie
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Fionnuala Branagh
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Cllr Jim Brennan
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Mr Gerard Byrne
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Cllr Pete Byrne
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Cllr Philip Campbell
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Cllr William Clarke
.....
Edel Cosgrove
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Cllr Laura Devlin
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Cllr Cadogan Enright
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Cllr Killian Feehan
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Cllr Doire Finn
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Ms Joanne Fleming
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Cllr Conor Galbraith
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Cllr Mark Gibbons
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Cllr Oonagh Hanlon
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Cllr Glyn Hanna
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Cllr Valerie Harte
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Cllr Martin Hearty
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Cllr Roisin Howell
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Cllr Tierna Howie
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Ms Catherine Hughes
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Cllr Jonathan Jackson
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Joanne/Noelle Johnston
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Cllr Geraldine Kearns
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Miss Veronica Keegan
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Mrs Josephine Kelly
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Mrs Sheila Kieran
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Cllr Cathal King
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Cllr Aurla King
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Cllr Mickey Larkin
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Cllr David Lee-Surginor
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Cllr Alan Lewis
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Cllr Oonagh Magennis
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Mr Conor Mallon
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Cllr Aidan Mathers
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Mrs Annette McAlarney
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Cllr Declan McAteer
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Ms Carol McClean
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Cllr Leeanne McEvoy
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Jonathan McGilly
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Cllr Declan Murphy
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Cllr Kate Murphy
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Cllr Selina Murphy
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Sinead Murphy
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Cllr Siobhan O'Hare
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Mr Pat Rooney
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Mr Peter Rooney
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Cllr Michael Ruane
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Donna Starkey
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Cllr Jill Truesdale
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Mrs Marie Ward
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Cllr Helena Young
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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 17 September 2025 at 11am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

Councillor G Hanna	Councillor C King
Councillor D McAteer	Councillor S Murphy
Councillor A Quinn	Councillor M Rice
Councillor J Tinnelly	

Officials in attendance: Mr J McGilly, Assistant Director: Regeneration
 Ms A McAlarney, Development Manager – Planning
 Mrs B Ferguson, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Ms F Branagh, Democratic Services Officer
 Mr C Smyth, Democratic Services Officer

Officials in attendance via Teams:

Mr P Rooney, Head of Legal Administration

P/090/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Byrne, Enright and D Murphy. Councillors Clarke, King and Quinn were reported to be late.

P/091/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/092/2025: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

Items 6 & 7 - Cllrs Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025.

MINUTES FOR CONFIRMATION

P/093/2025: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 20 AUGUST 2025

Read: Minutes of Planning Committee Meeting of Wednesday 20 August 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 20 August 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/094/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 17 September 2025. **(Copy circulated)**

Councillor Rice proposed to defer item 12 – LA07/2024/0295/F as the agent was on leave and had missed the deadline for submission of speaking rights. This was seconded by Councillor Hanna.

Councillor Tinnelly proposed to defer item 13 – LA07/2024/0401/F as the agent was on leave and had missed the deadline for submission of speaking rights. This was seconded by Councillor Hanna.

AGREED: **On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to defer item 12 – LA07/2024/0295/F to a future Committee Meeting.**

On the proposal of Councillor Tinnelly, seconded by Councillor Hanna, it was agreed to defer item 12 – LA07/2024/0401/F to a future Committee Meeting.

On the proposal of Councillor Rice, seconded by Councillor S Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 17 September 2025:

- **LA07/2023/2348/O** - Lands immediately adjacent to and northwest of No 4 Tullynaval Road, Cullyhanna, BT35 0PZ - Proposed Housing Development
APPROVAL
- **LA07/2025/0533/F** - Bessbrook Community Centre, Mill Road, Bessbrook, BT35 7DS - Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access ramps and railings to building exterior.
APPROVAL
- **LA07/2022/1397/O** - Lands adjacent to and east of 4, 6 & 8 Shore Road, Killyleagh - Residential Development of 1 no. detached dwelling

APPROVAL

- **LA07/2023/3411/O** - Lands approx. 160m SE of 337a Rathfriland Road, Ballyward, Castlewellan. - Proposed site for the erection of a detached off-site replacement dwelling and proposed retention of existing old building for domestic/agricultural storage use.

REFUSAL**P/095/2025: PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

The Chairperson advised that as there was not a quorum following the site visit, the application would have to be deferred to a future Committee meeting.

(1) LA07/2023/3099/O and LA07/2023/3412/O

On agenda as a result of the Call-In Process.
Previously tabled 23 July 2025.

Location:

Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ
Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ

Proposal:

New dwelling with detached garage on gap/infill site.
New dwelling with detached garage on gap/infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Councillors Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to defer planning applications LA07/2023/3412/O and LA07/2023/3099/O to a future Committee Meeting.

DEVELOPMENT MANAGEMENT**P/096/2025: PLANNING APPLICATIONS FOR DETERMINATION****(1) LA07/2025/0100/F**

On agenda as a result of the Call-In Process

Location:

28 Chestnut Grove, Newry, BT34 1JT

Proposal:

28 Chestnut Grove, Newry, BT34 1J

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application and noted that while the Planning Department had no objection in principle to the proposed development, concerns remained regarding the design, layout, scale and appearance of the proposal. He confirmed that the scheme included a front projection, extensions to both sides of the dwelling, and an extension to the rear. He advised that the agent had been asked to reduce the forward projection and lower the ridge heights of the side extensions to comply with policy, but these amendments had not been made.

Mr Keane further advised that Mr Tumilty's rebuttal referred to a number of comparable examples within the area and stated that further discussion on these could be facilitated if required.

Councillors King and Quinn joined the meeting during the above presentation – 10.25am**Speaking rights:**In Support:

Mr Mark Tumilty spoke in support of the application. He stated that the Planning Department's request to reduce the size of the proposal would result in a design that was out of keeping with the character of the area. He referred to nearby dwellings at Nos. 14, 18 and 27 Chestnut Grove, which were of the same height as the proposal, and further noted that Nos. 14, 26 and 67 had similar front projections. He argued that the recommendation for refusal demonstrated a lack of consistency in the application of planning policy.

Councillor McAteer requested clarity from the Planning Department regarding the evidence presented by Mr Tumilty. In response, Mr Keane advised that Mr Tumilty had referred to six examples which the Planning Department had reviewed. He explained that there was no planning history for four of the sites, which potentially constituted breaches of planning enforcement and therefore could not be taken into consideration. He stated that one example had been completed in 2006, prior to the publication of the PPS7 addendum, which now recommended refusal of such proposals. The final example, completed in 2017, related to an alteration to an existing dwelling rather than an extension to the original footprint and had been assessed under a different policy. Mr Keane confirmed that while there may be circumstances where planning policy could justifiably be set aside, however he stated that this case was not considered to be one of them.

Councillor McAteer requested further information on the sites with no planning history. Mr Keane confirmed that those cases would be referred to the enforcement team to action, if necessary. He further clarified that the Planning Department could only take account of approvals with planning history when assessing an application and could not consider what was in situ without approval.

Councillor McAteer requested Mr Tumilty's opinion on the lack of planning approval.

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

Agreed: On the proposal of Councillor S Murphy, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. 1 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information relating to any individual – and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

(2) **LA07/2024/0548/F**

On agenda as a result of the Call-In Process

Location:

364 Newry Road, Newry, BT34 4SF

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Councillor Rice proposed that the application be overturned to an approval. He stated that he believed Policies CTY 1, 3 and 13 were satisfied and further advised that the proposed location had comparable landscaping and integration requirements to the Planning Department's preferred location. He confirmed that, being familiar with the area, he considered the proposed development to reflect the established pattern of development. This was seconded by Councillor Hanna.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/0548/F contrary to officer recommendation as contained in the Case Officer Report.

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

(3) LA07/2022/1239/O

On agenda as a result of the Call-In Process

Location:

Site adjacent and to the NE of 23 Rathcunningham Road, Toye Downpatrick

Proposal:

Proposed new 2 storey dwelling including landscaping and car parking

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, confirming that no statutory consultees had raised objections. She reported that one objection had been received following neighbourhood notification and had been addressed within the case officer's report. She advised that the application had been assessed against Policies CTY 1, 8, 13, 14 and 16.

Mrs Ferguson reminded Members of the restrictive nature of Policy CTY 8, which required a substantial and continuously built-up frontage, with a gap capable of accommodating no more than two dwellings and with no development to the rear. She explained that as No. 23 was sited further back from the road, it was considered to represent development to the rear. She further advised that the proposal site formed part of the garden amenity space of No. 23, which itself had frontage to the road, and confirmed that the Planning Department were therefore of the opinion that no infill opportunity existed.

Speaking rights:

In Support:

Mr David Donaldson spoke in support of the application, stating that all the requirements of Policy CTY 8 had been satisfied, and maintained that the proposal would not contribute to or create ribbon development. He disputed the Planning Department's assessment of No. 23 as development to the rear, stating that the property was accessed by a separate laneway located to the south of its front garden, and not by the gates shown in the case officer's report.

Mr Donaldson further referenced a number of Planning Appeals Commission (PAC) decisions which, he contended, supported the proposal. He emphasised that Policy CTY 8 did not preclude approval of an infill opportunity in circumstances where there was no accompanying development to the rear.

Councillor Hanna requested clarification on what constituted the substantial and continuous built-up frontage, to which Mr Donaldson outlined that it comprised Nos. 19, 19a, 21, the gap which the Planning Department had regarded as the garden of No. 23, and No. 23 itself. He confirmed that further round the bend of the road were further buildings that included a mixture of houses, outbuildings and converted cottages.

Councillor McAteer, it was agreed to come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

P/097/2025: REVIEW OF OPERATING PROTOCOL

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Review of Operating Protocol. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to reject the amendments to items 9 and 12 and to approve the proposed amendments to items 23 and 61 of the draft revised Operating Protocol.**

It was also agreed to approve the proposed amendments to the Scheme of Delegation.

P/098/2025: AUDIT ACTION PLAN UPDATE

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Audit Action Plan Update. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Larkin, seconded by Councillor Hanna, to note the Audit Recommendations update as outlined at section 2.2 of the officer's report, and that a threshold of decisions overturned was discussed and it was agreed not to set a threshold.**

FOR NOTING

P/099/2025: DFI DRAFT TRANSPORT STRATEGY 2035 CONSULTATION

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Enforcement Quarterly Update Report. **(Copy circulated)**

AGREED: **It was agreed on the Proposal of Councillor Larkin, seconded by Councillor McAteer, to note the report issued to DFI draft Transport Strategy 2035 Consultation.**

P/100/2025 ENFORCEMENT QUARTERLY UPDATE REPORT

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Enforcement Quarterly Update Report. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Larkin, seconded by Councillor McAteer, to note the contents of the report.

P/101/2025: **HISTORIC ACTION SHEET**

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

AGREED: It was agreed on the proposal of Councillor Larkin, seconded by Councillor McAteer, to note the historic action sheet.

There being no further business the meeting ended at 12.25pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 42% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 15 October 2025

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:

- **LA07/2025/0600/F** - Unit 14 & 14A Grove Shopping Centre 77 Market Street Downpatrick BT30 6LP - Alterations to existing shop units including changes to shopfronts, and change of use for the sale of hot and cold food and drink for consumption both on and off the premises (sui generis), and for the retail sale of bakery products, snacks etc
APPROVAL
- **LA07/2024/0227/RM** - Immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry, BT34 2NB-Two Storey Dwelling
APPROVAL
- **LA07/2024/1272/F** - 1-2 Newry Street, Warrenpoint, BT34 3JZ - Proposed change of use from ground floor shop units to office space and bar/restaurant/takeaway
APPROVAL
- **LA07/2022/1602/F** - To the rear and immediately North East of 7-8 Queen Street, Warrenpoint - Proposed 4 no. 3 bedroom terraced dwellings with in-curtilage parking with vehicular access onto Queen Street
APPROVAL
- **LA07/2024/0724/F** - 38 Merrion Avenue, Newcastle, BT33 0BJ - Proposed Front Porch Extension, Rear / Side Extension & Repositioned Vehicular Access.
REFUSAL
- **LA07/2024/1570/O** - 180m NW of 117 Old Belfast Road, Saintfield - farm dwelling, garage, and all associated site works
REFUSAL

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Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/1077/O	Target Date:
Proposal: 2 x Infill Dwellings	Location: Land 25m metres west of No 60 Crawfordstown Road (formerly known as 74 Crawfordstown Road) Ballynahinch, BT24 8LZ
Applicant Name and Address: Morgan Morrison 76a Crawfordstown Road Ballynahinch BT24 8LZ	Agent Name and Address: Kieran Carlin Suite 1 Bamford House 91 - 93 Saintfield Road Belfast BT8 7HL
Date of last Neighbour Notification:	9 May 2025
Date of Press Advertisement:	7 May 2025
ES Requested: No	
Consultations: see report	
Representations: Yes Joe & Angela Marcus – objects John Nicholl - objects	
Letters of Support	0.0
Letters of Objection	2
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at Land 25m metres west of No 60 Crawfordstown Road (formerly known as 74 Crawfordstown Road) Ballynahinch.



Date of Site Visit: 4th March 2025

Characteristics of the Site and Area

The application site comprises an irregularly shaped plot which is accessed off an existing laneway off Crawfordstown road serving a number of other properties. To the west of the site are two detached properties (76 & 76A). To the north is a detached dwelling on the opposite side of the laneway (60A). Within the site are foundations of a replacement dwelling and to the east is a detached dwelling and garage (60) with associated curtilage. The site contains some scrub vegetation along the eastern boundary and partly along the northern boundary which fronts onto the laneway. The former dwelling on the site has since been demolished, with some soil heaps on the site.

The site lies outside any settlement limit and is therefore located in the countryside.



Description of Proposal

2 x Infill Dwellings

Planning Assessment of Policy and Other Material Considerations

The application site is located outside any settlement development limits as designated by the Ards and Down Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

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;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside

- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

PLANNING HISTORY – on site

Application Number: LA07/2023/2426/O

Decision: Application Withdrawn

Decision Date: 30 April 2024

Proposal: 1 x Infill Dwelling

Application Number: LA07/2016/0037/F

Decision: Permission Granted

Decision Date: 13 May 2016

Proposal: Replacement Dwelling with original dwelling structure retained for store.

Application Number: LA07/2021/0560/F

Decision: Permission Granted

Decision Date: 02 July 2021

Proposal: Renewal of planning permission LA07/2016/0037/F replacement Dwelling with original dwelling structure retained for store.

No 76A

Application Number: LA07/2022/0028/F

Decision: Permission Granted

Decision Date: 25 April 2022

Proposal: Single storey extension to rear of dwelling

Application Number: LA07/2023/3105/F

Decision: Permission Granted

Decision Date: 08 May 2024

Proposal: Proposed single storey rear extension to dwelling (reduction in size from approval LA07/2022/0028/F)

Consultations:

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form

Environmental Health– No objections

NIEA Water management Unit – refer to standing advice

NIEA Natural Environment Division NED – no objections

Objections & Representations

In line with statutory requirements neighbours have been notified on 12.02.2025 and again 25.04.2025. The application was advertised in the Mourne Observer on 02.10.2024 and again 07.05.2025 (Expiry 21.05.2025) (location description was amended). Two letters of objection have been received to date. Both letters have been read in full and the following is a summary of the main points of objection which include:

Neighbour at No 60A

- Previous application: Neighbour would be pleased to see the site being developed; the site having lain vacant since they moved to the area in 2015. However, squeezing two dwellings into the infill site seems disproportionate and excessive, having regard to current Planning Policy, the average area of adjoining sites and the outcome of previous planning applications. They reiterate the reasons behind the previous application which was withdrawn on the basis of being recommended for refusal.
- Site access – increase in traffic
- Amenities – add to difficulties with water pressure
- Privacy – should be maintained if the site is developed, existing vegetation had been uprooted.

Neighbour at No 60

- When applications were made in 2016 and 2021, they raised no objections, as they fully accepted that a suitable application for a single replacement dwelling should be passed.
- In both applications of 2016 and 2021, for a single replacement dwelling, there are stipulations that a second house should not be built on this site.
- They question the claim in the current application in part 4.2, where it states in relation to appendix A,“and another with a footprint of approximately, 160 square meters, similar to the property east the site, Plot 1”. Plot 1 being their house, number 60, is approximately, 211 square meters, not 160 square meters.
- In the current application for an in-fill site with two houses, they question the statement “the development would still nonetheless be in-keeping with the surrounding plots”.
- They question the claim “The proposal will be modest in scale”, they believe that building two houses on a site that has already been passed for planning, as being only large enough for one house, is not in keeping within the “existing built form”.
- Contrary to CTY14 - building of two houses, so close to each other, and so close to the existing properties, will further erode the rural character of the area.
- The proposed building of two properties, on a site which the applicant admits in their application is “smaller than the average of the adjacent properties”, would greatly reduce the level of privacy afforded.

- Concerned that building another two houses, who will draw water from the same supply, will further reduce the pressure of the supply to their property.
- Increase in traffic - They are greatly concerned that the building of an additional two houses, will further increase the risk for all users of the lane way.
- As there is no sewage service to this area, any new dwelling will be required to install and maintain a septic tank and discharge effluent. They are greatly concerned that the building of two houses could double the risk of the contamination of their well.

Consideration and Assessment:

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

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. 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. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted.

PPS 21

Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed,

the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The agent indicates that the proposed site is located along a private laneway (still Crawfordstown road address) and adjacent to No. 60 to the east, No. 60a to the north and No. 76 and 76a to the west, with 4 x residential dwellings, 2 x garages and 1 x garage/outbuilding on the Crawfordstown Road. The agent puts weight on the fact that under planning application Ref. LA07/2023/2426/O (which was withdrawn – recommended for refusal), the Officer confirmed that the policy requirement for a continuous and built-up frontage of three or more buildings was met. The circumstances now, however, on the ground are different, in that the old replacement dwelling (which was used as the 'bookend' building on the previous application has since been demolished. Dwellings No 76 and 76A have both defined curtilages surrounded by block walls, which separates their gardens from the laneway and accessed only by respective driveways.



No 76A showing the wall defining their curtilage – this is reinforced by their own planning application showing the red line set back from the laneway - below.



red line set back from the laneway – previous application LA07/2022/0028/F



Wall surrounding the garden of No 76

As confirmed by the PAC (below), an access driveway alone does not constitute frontage to the road and the visibility of a building from the road is not part of the infill policy test. Therefore, No's 76 and 76A cannot be counted towards sharing the same lane frontage as the subject site. The laneway continues past the wall of No 60A, albeit, it is reduced in size to a narrower track and this indicates that No 60A is located on the opposite side of the laneway, so therefore it too has to be discounted.

Planning appeal (2020/A0058) and its decision which relates to the planning assessment for infill dwellings contained with CTY-8 of PPS21, dealt specifically as to whether a

dwelling house in a similar arrangement to this application, constituted as buildings with substantial and continuously built-up frontage, as envisaged by the policy. The commissioner stated; "Whilst it is accepted that visibility of a building from the road is not part of the policy test for infill development, an access driveway alone does not constitute frontage to the road".

As the aforementioned dwellings cannot be counted for the purposes of the policy, then it follows that it does not have common frontage to the laneway (Crawfordstown road), there is no line of three or more buildings to constitute a substantial and continuously built up frontage, as envisaged by the policy. Accordingly, there is no gap or infill opportunity. As there is no substantial and continuously built up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the PAC) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.

Notwithstanding the above and in the interests of conclusiveness, to be clear, in total, there are only two buildings east of the subject site (at No 60) that have frontage to the road but none to the west.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.



Indicative layout

It is noted that the area **circled yellow** above does not actually form part of the site (and is quite misleading, so in effect the site is smaller than what is indicated above). The sites surrounding the application site all contain generously sized dwellings with large gardens and ample room for parking and manoeuvring of vehicles. It is considered that the size of the two plots are not in keeping with the pattern of development in the wider area and would therefore be at odds with the character of the surrounding area.

Foundations in relation to LA07/2021/0560/F for Replacement Dwelling with original dwelling structure retained for store. It is noted that there is no certificate of lawful development for these foundations, nor is there a requirement for such as long as the permission has been implemented correctly and within the correct timeframe.

The agent, however, has indicated that they are not relying on any aspects of the previously approved replacement dwelling. He indicates that this application for two infills will supersede the previous replacement dwelling permission and both dwellings will be subject to their own design at reserved matter stage. He indicates that, if

approved, the implementation of the infill dwellings would make it physically impossible to complete the replacement dwelling.

CTY 16 – Development relying on non mains sewerage.

The application form initially indicated that both dwellings would be served by the mains sewer. Consultation with NI Water indicates this proposal is not within the catchment of any existing NIW Wastewater Treatment Works and as a result, NIW do not have a WwTW to serve this development. NI Water indicate that the closest foul sewer is over 1400m away and private treatment is recommended.

CTY 16 ensures that new developments will not create or add to a pollution problem. As indicated above – Both sites will now rely on septic tanks to service the dwellings. There would be sufficient room within the land in red for a septic tank and soakaways. The granting of planning permission does not negate the need for other consents outside of the planning process. A consent to discharge will be required from DAERA (NIEA). This would be subject to a condition on any planning approval.

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

Policy CTY 13 requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. As this is an outline application the specific siting and design would be determined at the Reserved Matters stage. Case officers note the site benefits from a planting to the south, and east. Whilst there would have to be some ancillary works there would be sufficient landscaping to provide a satisfactory backdrop for dwellings of low elevation, similar to the developments to the west. There would be limited views of the site from the main Crawfordstown road, given its set back off the main road. This is an outline application and design details are not available to assess at this stage. The proposal would comply with Policy CTY 13 subject to suitable conditions.

Policy CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' 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. It sets out five circumstances where a new building would be unacceptable. Given the above, it is deemed that the application site would result in a suburban style build-up of development when viewed with existing buildings and create a ribbon of development. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14 read as a whole and the related provisions of the SPPS.

PPS 2 – Natural Heritage

The proposed development is not situated within 100m of any nationally or internationally designated sites. The closest designated site is Bohill NNR c.1.7km southwest. The site is not within 50m of any local sites of nature conservation importance. The proposal complies with policies NH1-3 of PPS 2.

A biodiversity checklist was submitted by an ecologist as part of the application. NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats

NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found. Compensatory planting of native species hedgerow along all new boundaries is considered to be an acceptable replacement habitat and this would be secured by condition. The proposal is therefore considered acceptable in this regard.

The proposal complies with Policies NH 2 and 5 of PPS 2.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DfI Roads were formally consulted and responded with no objections to this proposal, subject to the access being constructed in accordance with RS1 of 2.0m x 80m visibility splays. The access arrangements are considered to be acceptable.

Conclusion

Having carefully considered the relevant policy, and considered all material considerations including the site's history and the objector's comments, the proposal does not meet with the criteria as set out in CTY 1, CTY 8, CTY 14 of PPS 21 and refusal is recommended.

Recommendation: Refusal**Reasons for Refusal:**

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 the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 8 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a line of 3 or more buildings in a substantial and built-up frontage and it would, if permitted, result in the creation of ribbon development along Crawfordstown Road.

Neighbour Notification Checked

Yes

Summary of Recommendation - Refusal

Case Officer Signature: C Moane

Date: 30th May 2025

Appointed Officer Signature: B.Ferguson

Date: 30th May 2025

Delegated Application

Development Management Officer Report	
Case Officer: Richard McMullan	
Application ID: LA07/2023/2230/O	Target Date:
Proposal: Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works.	Location: 55m east of 29 Clonvaraghan Road, Castlewellan, BT319JU (Amended description).
Applicant Name and Address: Erin Wright 73 Cairn Grove Kilcoo Newry	Agent Name and Address: Declan Rooney Planning Permission Experts 32a Bryansford Avenue Newcastle Bt33 0lg
Date of last Neighbour Notification:	14 th May 2025
Date of Press Advertisement:	13 March 2024
ES Requested: No	
Consultations: NI Water -No objections DAERA WMU -No objections NMD EHO -No objections DAERA NED -No objections HED (Buildings) -No objections DFI Roads -No objections	
Representations: Application advertised in local press 15 th March 2023 & 13 th March 2024. Neighbours notified 12 th April 2023 & 26 th Feb. 2024. Additional neighbour notified 14 th May 2025. No objections received to date 11 th June 2025.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Principle of development (replacement of listed building/dwelling), built heritage (listed buildings), natural heritage, access etc.

Site Visit Report

Site Location Plan:



Date of Site Visit: 13th Feb. 2024 & 10th June 2025.

Characteristics of the Site and Area



This site is located upon the eastern side of the Clonvaraghan Road, Castlewellan. Access is gained via an existing concrete driveway which serves the site, numbers 19,

29 & 31 Clonvaraghan Road and Ballywillwill House which is located at the end of the driveway approx. 430m NE of the site.



The site is at a lower level than the Clonvaraghan Road. It is set back from the road approx. 80m. It is located upon the southern side of the driveway it abuts. The site (as per submitted red line) is roughly rectangular in shape with an area of approx. 0.10h in size. Its topography is noted to fall slightly in a southern direction from the laneway to the rear of the site & also in an eastern direction across the front.

Within the site a detached single storey building is in situ. The main body of the building has a rectangular footprint with a few returns emanating from same. The building has no roof with a chimney stack being noted. The walls of the building are seen to be substantially intact being made from stone. Window and door openings are noted in place. Windowsills, quoins and decorative detailing around the front door of the building were noted.

The building within the site is seen to be located in the north western corner of an open grassed field. The boundaries of the site were noted to be defined as follows:

Northern- Undefined/post & wire fencing.

Eastern-Undefined

Western-Adjacent mature trees/bushes

Southern-Undefined



Driveway leading to and past site

The site is located to the southeast of the defined settlement limits of Clonvaraghan within open agricultural lands. The character of the area is mixed. Residential development within Clonvaraghan is noted to the north west/west of the site. To the north west, west and south of the site open agricultural lands are noted. Ballywillwill House (Grade B1) is noted to the northeast of the site. The building which is the subject of this application is noted to be a gate lodge associated with Ballywillwill House, which is annotated upon maps as below:



1838-1862



Current

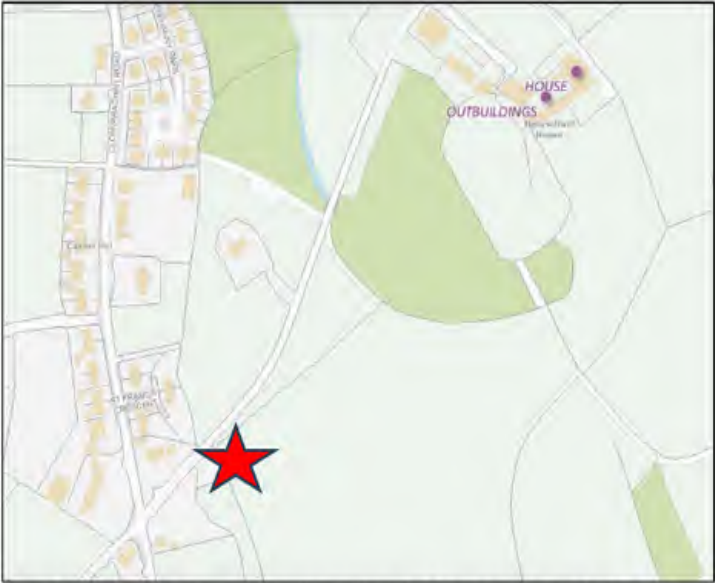
Description of Proposal

Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works.

Planning Assessment of Policy and Other Material Considerations



Site is located to the east of the defined settlement limits of Clonvaraghan within a rural context. It is within an AONB (Ards and Down Area Plan 2015).



Site comprises Gate Lodge of Ballywillwill House which is listed (Grade B1)

PLANNING HISTORY

Planning Application Number: R/1988/1053

Decision: Withdrawal

Decision Date: 07 April 1989

Proposal: Conversion of outhouse buildings to 6 flat units and amenities, new entrance lobby to main house at rear

Application Number: R/1988/1052

Decision: Permission Granted

Decision Date: 07 June 1989

Proposal: Alterations and change of use of the existing Ballywillwill House to a christian retreat centre, together with the conversion of outhouses to six flats units and associated accommodation

Application Number: R/1992/0776

Decision: Permission Granted

Decision Date: 02 April 1993

Proposal: Extension and renovation to Gate Lodge and change of use to self catering accommodation.

Application Number: LA07/2021/2160/O

Decision: Permission Granted

Decision Date: 19 October 2022

Proposal: Farm dwelling and garage with associated site works.

SUPPORTING DOCUMENTS

Application form

Drawings

Design and Access Statement

NI Biodiversity Checklist & Extended Ecological Statement Report (ATECNI Ltd).

Supporting/rebuttal statement

Bat emergence survey report (Aulino Wann & Associates)

CONSULTATIONS

NI Water-No objections

DAERA WMU-No objections

NMD EHO-No objections

DAERA NED-No objections

HED (Buildings)-No objections

DFI Roads-No objections

REPRESENTATIONS

No objections to date 11th June 2025.

EVALUATION



SPPS

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It reflects the Environment Minister's expectations for delivery of the planning system. It has been agreed by the Northern Ireland Executive and it is judged to be in general conformity with the Regional Development Strategy 2035.

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy. Any relevant supplementary and best practice guidance will also continue to apply.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

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

Replacement dwellings: provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;

Protected Species

The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Built Heritage

The planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

Listed Buildings

Listed buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 21:

Policy CTY 3 – Replacement Dwellings

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. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.

All Replacement Cases

In addition to 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.

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the *replacement of a listed dwelling unless there are exceptional circumstances*

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

Policy CTY 14 – Rural Character

Policy CTY 15-The Setting of Settlements

Policy CTY 16 – Development Relying on Non-Mains Sewerage

PPS 2 Natural Heritage:

Policy NH 2 - Species Protected by Law

Policy NH 6 – Area of Outstanding Natural Beauty

PPS 3 Access, Movement and Parking

Policy AMP 2 Access to Public Roads

Policy AMP 3 Access to Protected Routes

PPS 6 Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building

Consideration:

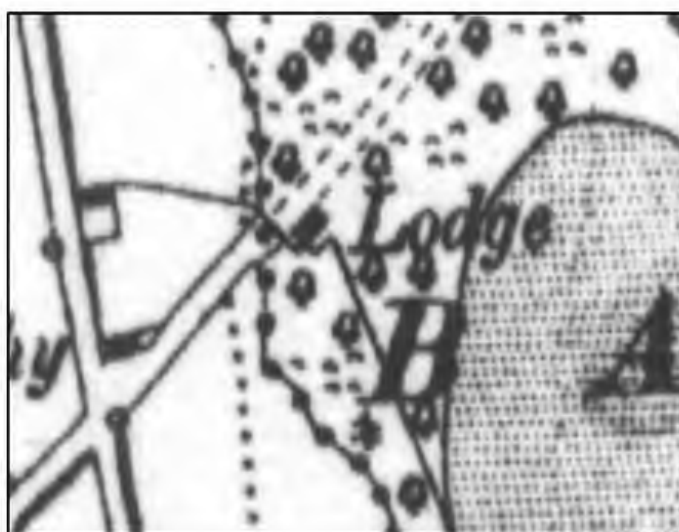
Principle

The building subject of this application is considered to exhibit the essential characteristics of a dwelling (chimney stack, fenestration, decorative quoins & windowsills etc.). All external walls are seen to be substantially intact also. Historical maps and information from HED illustrate that it is a gate lodge associated with Ballywillwill House. Therefore, Council is content that the building subject of this application *is a dwelling house for the purposes of policy.*

In turn it is noted that this application seeks to replace the dwelling immediately to the south-east of the building currently in situ (with the retention of the dwelling to be replaced as a store). This proposed siting is considered to be outside of the established/historical curtilage of the gate lodge as illustrated below via several historical maps.



1838-1862



1900-1932



1916-1957



1952-1979



1957-1986



Current map (with established curtilage in red)



Current site aerial image

The proposed siting is seen to be outside of the curtilage of the dwelling/gatelodge subject to this application. Policy states that replacement dwellings **must** be located within the established curtilage *where practicable*, or at an alternative position nearly *where there are demonstrable benefits in doing so*. An assessment of the planning supporting statement provided with the application finds no reasons having been provided for the siting of the 'replacement dwelling' remote from the established site curtilage. No demonstrable benefits have been outlined in respect of the proposed siting either.

As this application seeks outline permission only, in the event of approval being granted relevant conditions relating to size/ridge heights etc. could be utilised to ensure that the new dwelling does not have a visual impact significantly greater than the existing dwelling. It is noted that a concept plan has been provided which illustrates that the dwelling to be replaced has a footprint of approx.. 59m.sq with the new dwelling illustrated as having a footprint of approx.. 115m.sq. The ridge height is also seen to be illustrated as being slightly higher than the gate lodge, with a lower FFL. HED are seen to be content with this detail as provided. On balance it is therefore considered that the new dwelling will not have a visual impact significantly greater than the dwelling that is to be replaced. Further detail would be provided in the event of approval at Full/R. Matters stage.

In turn, following detailed consultation with the Dept. of Communities Historic Buildings Unit, it is seen that the gate lodge dwelling is a curtilage structure of HB18/16/001A-Ballywillwill House **and therefore is afforded the same protection as Ballywillwill House itself under Section 80(7) of the Planning Act (NI) 2011.**

HED Historic Buildings consider the gate lodge at 55m east of 29 Clonvaraghan Road, Castlewellan to be a curtilage structure of HB18/16/001A - Ballywillwill House and therefore afforded the same protection as Ballywillwill House itself under Section 80 (7) of The Planning Act (NI) 2011. HED advises that Listed Building Consent (LBC) is required for any changes to its layout or fabric under Section 85 of the same legislation. Please refer to Image 1 below.

Section 80(7) of The Planning Act (NI) 2011 states the following:

(7) In this Act "listed building" means a building which is for the time being included in a list compiled under this section; and, for the purposes of the provisions of this Act relating to listed buildings, the following shall be treated as part of the building—

*(a) any object or structure within the curtilage of the building and fixed to the building;
(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st October 1973.*

It is noted that the SPPS outlines that *Planning permission will not be granted for the **replacement** of a listed dwelling unless there are **exceptional circumstances***; As a result of the above comments/status of the building subject of this application the agent was made aware of same and that Council contended that to replace the dwelling would be unacceptable as no exceptional circumstances have been provided in respect of same.

The agent in turn is noted to have provided a response to the above concerns, 8th May 2024, following up upon an email sent, 3rd April 2024. Council have considered the contents of same in conjunction with HED comments regarding the status of the building and find no supporting information to remove concerns as raised in respect of the replacement of a building/dwelling that is listed. It is noted that the agent within their rebuttal concludes with the following:

*'It is our considered opinion that the dwelling to be replaced is its own independent unit which does not fall within the listed curtilage of Ballywillwill House. **We do not consider the building to be listed by way of association with Ballywillwill House.** If the planning authority and HED stick to their assertion that the building is listed, we are of the opinion the Planning Authority are acting unreasonably by applying an exceptional policy test to justify its replacement, given that we are proposing to retain the building and not demolish it. This approach is clearly supported by the policy provisions of PPS 6. Furthermore, the proposed retention of the building to preserve its historic and architectural interest should be treated as an exceptional planning gain. This has already been welcomed by HED, and we would respectfully request the planning authority reconsider their stance and look favourably on the development proposal.*

An assessment of the agent's rebuttal outlines the following:

A-Disagrees that the building is listed (*Council considering comment from HED are content that it is listed by association with Ballywillwill House*).

B-Ambiguity/inconsistency between PP21/PPS 6 (*Council note that HED are content with the proposed new dwelling adjacent to the gate lodge regarding PPS 6 policy requirements. However, contend that PPS 21 is a planning policy that does not fall to HED to decide upon*). HED advise that the building is listed which Council have considered, in turn engaging the exceptional test as noted within the SPPS and Policy CTY 3).

C-Building will continue to deteriorate, renovation/restoration may be impossible/ financially unviable (*No supporting information has been provided to support this and on its own it would not be an exceptional circumstance*).

D-Not possible to extend/renovate to provide suitable accommodation (*no evidence has been provided to support this and on its own it would not be an exceptional circumstance*).

E-Any extension would result in the loss of the essential character of the building (*any works to the gate lodge by way of extension would be required to gain planning approval and LBC so as to ensure that they would be acceptable*).

F-Extending to the rear not feasible due to NI Water Foul Sewer (*potentially a side extension to the western side of the building could be provided to overcome this issue*).

This application seeks to **replace** the dwelling via the SPPS and Policy CTY 3 of PPS 21. Council acknowledge that this application is unique in that it seeks to replace the dwelling *but also to retain it* (as a store). However, **by seeking its replacement** policy CTY 3 is engaged (in conjunction with the SPPS) which clearly outlines that the replacement of a listed building is **only acceptable in exceptional circumstances**. Considering the information as provided within this application it is considered that no exceptional circumstances have been provided that would outweigh Councils concern in respect of the replacement of a listed building as per the SPPS and Policy CTY 3 of PPS 21.

PPS 21

As outlined previously, the proposed siting of the new dwelling is outside of the established curtilage of the dwelling that is to be replaced into an open field. No supporting information has been provided outlining that the curtilage of the dwelling is so restricted that it could not reasonably accommodate a modest sized dwelling, or that it has been shown that the proposed siting would result in demonstrable landscape, heritage, access or amenity benefits.



Proposed site in open field.

As this application seeks outline permission only no detailed drawings have been provided apart from an indicative site layout drawing. In the event of approval being granted relevant conditions can be utilised in respect of the potential size/design of the new dwelling (footprint/ridge height etc.). Although concerns with regards to integration may arise given the nature of the site boundaries via policy CTY 13 of PPS 21. All required services it is considered can be provided without significant adverse impacts upon the local environmental or local character. The development seeks to utilise the existing access (with modifications) and DFI Roads are seen to offer no objections to same. Council is therefore content that the development would not prejudice road safety or sig. inconvenience the flow of traffic etc.

Access

DFI Roads have been consulted and are noted within their last consultation response to offer no objections to the scheme as proposed (with alterations to the existing access proposed). Council is content that the development therefore complies with the requirements of PPS 3 policy AMP 2. Policy AMP3 is not engaged as the Clonvaraghan Road is not a Protected Route.

Built Heritage

The Dept. for Communities HED unit have outlined that they have no objections (conditional) to the development as proposed. They outline the following:

HED Historic Buildings has considered the effects of the proposal on the listed building and on the basis of the information provided give the following advice:

- *HED Historic Buildings considers the proposal satisfies the policy requirements of Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions.*

We welcome the retention of the gate lodge. We note the proposed dwelling sits in close proximity to the gate lodge and, in this instance, are supportive of the proposal as it ensures the ongoing viability of the gate lodge. Any planning application submitted for this site should clearly show any works proposed to the gate lodge.

HED Historic Buildings request to be consulted on any future planning applications submitted for this site.

HED Historic Buildings are seen to be content that the provision of a new dwelling within proximity to the Gate Lodge is acceptable in respect of the SPPS and PPS 6 BH 11, which considers the potential impacts of development *upon the setting of a listed building*. While council acknowledge this, it is also contended that this does not satisfy the requirements of the SPPS and Policy CTY3 which clearly outlines that 'planning permission will not therefore be granted for the replacement of a listed dwelling unless there are **exceptional circumstances**'. As assessed previously the circumstances in this case on balance do not outweigh policy objections to the principle of development.

Natural Heritage

DAERA NED have provided standing advice in respect of the development as proposed. Council is content with this in conjunction with the ecological information provided (NI Biodiversity Checklist & Extended Ecological Statement Report (ATECNI Ltd) & Bat emergence survey report (Aulino Wann & Associates). It is considered that the development will not result in any harm to any noted interests of natural heritage importance within the site or remote from it including bats, badgers and/or designated sites etc. The development is in keeping with the requirements of the SPPS and PPS 2 Natural Heritage.

Integration/Character (CTY13/14)

Given the nature of the site and its topography it is considered that no issues in respect of prominence shall arise in this instance. It is noted that only one of four site boundaries is defined via mature landscaping. The front, rear and side (eastern) boundaries are currently undefined/defined via post and wire fencing only.

When viewed from the laneway passing the site this would result in issues of concern with respect to the integration of the development as proposed. While the western site boundary is comprised of mature trees it is considered that on balance the site lacks long established boundaries/is unable to provide a suitable degree of enclosure for the development as proposed (which sits within an open field). Consequently, it would rely upon new landscaping for the purposes of integration.

Given the nature of the site, it is considered that required ancillary works could be provided to integrate into the site/surrounding area (utilising appropriate conditions regarding existing/proposed levels and FFL's etc.). As this application seeks outline approval only no detailed design detail has been provided apart from a site layout drawing. In the event of approval being forthcoming HED conditions as requested in conjunction with appropriate planning conditions could ensure that a dwelling of appropriate size and design is provided. The development is seen to extend out into an open field which lacks sufficient boundaries. When viewed from the laneway there is a flat open backdrop to the development as below which would result in the development being contrary to point (f) of policy CTY13. Point (g) of policy CTY 13 is not engaged in this instance.



As Council contend that the principle of development in this instance is unacceptable, it is therefore found that the development would result in a suburban style build-up of development when viewed with existing buildings (gate lodge and dwellings within defined settlement limits of Clonvaraghan to the west of the site) noted within proximity of the site. Further to this the provision of the dwelling would in turn not respect the pattern of development noted within the local area which mainly consists of dwellings within the defined settlement limits of Clonvaraghan fronting onto the Clonvaraghan Road. It is noted that one dwelling to the north east of the site fronts onto the laneway, but as the principle of development is considered to be unacceptable in this case, on balance the provision of same would also not respect the pattern of development either.

To provide a dwelling as proposed within this application, fronting onto the laneway to its north, as per the dwelling that is to be replaced which is considered to be unacceptable in principle as previously outlined would result in the creation of a ribbon of development along this stretch of the laneway. Both buildings would be visually linked when viewed from the laneway (with both fronting onto same) which would be

contrary to point (d) of policy CTY 14 of PPS 21. No concerns with regards to point (e) of policy CTY 14 shall arise.

Setting of Settlements (CTY 15).



Site visually linked to defined settlement of Clonvaraghan

When viewed from the laneway that passes the front of the application site it is seen that the gate lodge building reads with development that is located within the defined settlement limits of Clonvaraghan (which is seen to be at a higher level than same/the site). The proposed replacement dwelling would in turn be visually linked to the gate lodge and also the development noted within Clonvaraghan. This in turn would be considered to be contrary to policy CTY15 of PPS 21 as it would mar the distinction between the defined settlement and the surrounding rural/countryside area.

AONB

The proposal would fail to conserve or enhance the character and features of the AONB.

As the proposal is unacceptable in principle. For reasons outlined above, it would be detrimental to the rural character of the area and hence by extension to the AONB.

The proposal is contrary to NH6 of PPS 2.

Waste

NI Water, DAERA WMU and NMD EHO unit offer no objections to the development as proposed. It is seen that mains water shall be utilised. Sewerage shall be disposed of via a septic tank.

EIA Regulations

As the site is within an AONB an EIA Screening is required in this instance.

This has been carried out 9 th June 2025 and it has been found that an ES is not required.	
Neighbour Notification Checked	Yes
Summary of Recommendation	
Refusal	
Reasons for Refusal:	
<p>The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the dwelling to be replaced is a listed building protected under Section 80 (7) of The Planning Act (NI) 2011 and no exceptional circumstance have been provided to justify its replacement.</p>	
<p>The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside as the proposed new dwelling is not sited within the established curtilage of the dwelling to be replaced and it has not been demonstrated that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;</p>	
<p>The proposal is contrary to the SPPS and policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside as the site lacks long established natural boundaries, being unable to provide a suitable degree of enclosure for the development to integrate into the landscape, relying primarily on the use of new landscaping for purposes of integration. It also fails to blend into the site due to its lack of a backdrop.</p>	
<p>The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would result in the suburban style build up of development when viewed with existing buildings; it does not respect the pattern of development exhibited in the area and it would create a ribbon of development along the laneway.</p>	
<p>The proposal is contrary to the SPPS and policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would mar the distinction between the defined settlement of Clonvaraghan and the surrounding countryside.</p>	
<p>The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the proposal fails to conserve or enhance the character and features of the AONB.</p>	

Case Officer Signature: R McMullan
Date: 11 th June 2025
Appointed Officer Signature: Brenda Ferguson
Date: 16/06/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

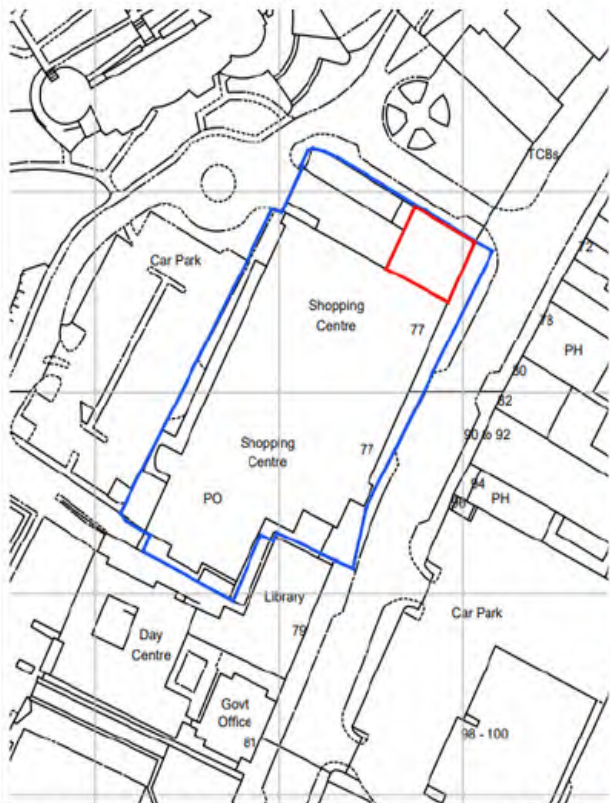
Date _____

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2025/0600/F	Target Date:
Proposal: Alterations to existing shop units including changes to shopfronts, and change of use for the sale of hot and cold food and drink for consumption both on and off the premises (sui generis), and for the retail sale of bakery products, snacks etc.	Location: Unit 14 & 14A Grove Shopping Centre 77 Market Street Downpatrick BT30 6LP
Applicant Name and Address: Harry Dougherty 19 Malone Park Belfast BT9 6NJ	Agent Name and Address: Paul Gillespie Lynden Gate 50 Knockbreda Road Belfast
Date of last Neighbour Notification:	1 August 2025
Date of Press Advertisement:	25 June 2025
ES Requested: No	
Consultations: See Report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at Unit 14 & 14A Grove Shopping Centre 77 Market Street Downpatrick.



Date of Site Visit: 12th September 2025

Characteristics of the Site and Area

The site is located at the end unit of the Grove Shopping Centre on Market Street in Downpatrick, which includes a number of units which are either accessed directly onto market Street or within the centre itself. This unit has direct access onto Market Street which opens onto a pedestrian footpath and guard rail which runs along the side of the footpath. The unit also fronts onto the side street which leads to the St Patricks centre.

Description of Proposal

Alterations to existing shop units including changes to shopfronts, and change of use for the sale of hot and cold food and drink for consumption both on and off the premises (sui generis), and for the retail sale of bakery products, snacks etc.

Planning Assessment of Policy and Other Material Considerations

The site is located with the town centre of Downpatrick and within the Primary Retail Core Proposal BH 26 as per the Ards and Down Area Plan 2015.

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Ards and Down Area Plan 2015

The site is located within the town centre of Downpatrick and within the Primary Retail Core as designated within the Ards and Down Area Plan 2015.

Associated Guidance

DCAN 15 Vehicular Access Standards

DCAN 4 - Restaurants, Cafés and Fast Food Outlets

Parking Standards

PLANNING HISTORY

A planning history search has been carried out for the site and surrounds, where it is noted there have been previous applications for signage and changes of use within the Grove Centre with the most relevant below.

Application Number: LA07/2017/1876/F

Decision: Permission Granted

Decision Date: 08 February 2018

Proposal: Subdivision of existing retail unit to form Units no's 14 and 14A, with associated alterations to existing shop fronts

Application Number: R/1978/0616

Decision: Permission Granted

Decision Date: 18 October 1979

Proposal: proposed access improvement

Application Number: R/2000/0374/F

Decision: Permission Granted

Decision Date: 29 January 2001

Proposal: Refurbishment/redevelopment of existing shopping centre to include alterations and extensions to 9 retail units and new front façade

Consultations:

DFI Roads – No objections - on the basis that the existing car park to the rear of the site will be utilised for this proposal to prevent road safety issues in relation to vehicles parking on the road to attend the site.

NI Water – Refusal – WWIA assessment has been submitted – see further report

NIEA Water Management Unit – refer to standing advice

Environmental Health – No objections subject to conditions

DFI Rivers – No objections

Historic Environment Division (HED) – No objections

Objections & Representations

In line with statutory requirements neighbours have been notified on 18.07.2025. The application was advertised in the Down Recorder on 25/06/2025. No objections or letters of support have been received in relation to the proposal to date.

Principle of Development

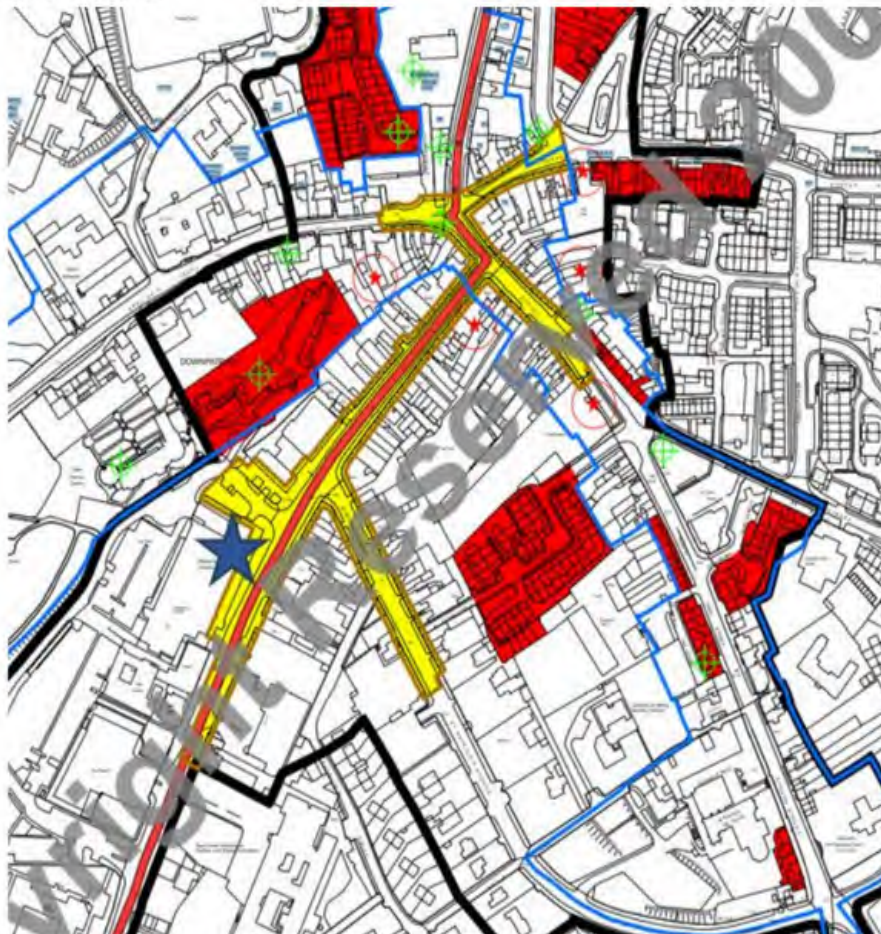
Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP). In it the site lies within the settlement limit and town centre of Downpatrick. The site also lies within the Primary Retail Core (PRC).

The Strategic Planning Policy Statement for NI (SPPS) is material to all decisions on individual planning applications and sets out the prevailing regional planning policy for town centres. The SPPS recognises at Paragraphs 4.11 and 4.12 that there are a wide range of environment and amenity considerations, including noise, visual intrusion, general nuisance and waste management, which should be taken into account by planning authorities when managing development. Supporting good design and positive place making is one of the core planning principles of the SPPS (Paragraphs 4.23 - 4.36).

ADAP (Ards and Down Area Plan 2015)

This site is located within the 'Town Centre' and 'Primary Retail Core' (PRC) of Downpatrick as identified on the Area Plan. The primary retail core is located within the Town Centre which also has been identified on the plan and the purpose of the Retail

Core is to allow control to be exercised over development inside that area to ensure the continuance of a compact and attractive shopping environment, offering both choice and convenience. It states that proposals within PRCs will be assessed in the context of prevailing regional planning policy and other relevant policies contained in the relevant settlement sections.



Map 3/002h Downpatrick town centre from ADP 2015-site shown by star

Proposal

The proposed development seeks a change of use Under the provisions of The Planning (Use Classes) Order (Northern Ireland) 2015, and it would be considered a sui generis use.

The proposal's layout will provide a ground floor sit in and takeaway area with rear kitchen and toilet area. Hot food for consumption on and off the premises will also be facilitated. There are some minor changes to the external frontage in terms of windows with some minor changes to the rear elevation.

SPPS

The Strategic Planning Policy Statement aims to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complimentary functions consistent with the Regional Development Strategy.

Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities and notes that they provide a wide variety of retailing and related facilities including employment, leisure and cultural uses. This is an acknowledgment that town centres are places with a mix of uses and activities which has also been advanced in the ADAP. Paragraph 6.271 of the SPPS goes on to set out regional objectives for town centres and retailing. These include to secure a town centres first approach for the location of future retailing and other main town centre uses and protect and enhance diversity in the range of town centre uses appropriate to their role and function. Such 'town centre uses' are notated as including cultural and community facilities, retail, leisure, entertainment and businesses.

There are a variety of sui generis uses in the immediate vicinity including other hot food takeaways, sandwich shops and cafes along Market Street. There are other vacant retail units in the immediate vicinity. The ground floor unit within the Grove Centre is small in scale. It is considered that its change of use to for the sale of hot and cold food and drink for consumption both on and off the premises would not displace significant amounts of retail floorspace nor would it result in a proliferation or clustering of non-retail uses at street level.

DCAN 4

DCAN 4 recognises that restaurants, cafés and fast-food outlets complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors, and they also support tourism. Considerations include noise disturbance, smells, fumes, litter, refuse, traffic considerations and car parking issues. DCAN 4 indicates that preferable locations for this general category of businesses include district centres and local centres and confirms that the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important consideration in determining planning applications. "Preventative measures can be taken through the development control process for by example restricting opening hours and dealing with the technical aspects of noise and fume attenuation" Reference is made to the fact that local councils also have an important reactive role to play and have extensive regulatory control especially in relation to food and hygiene aspects. Matters such as the form and siting of filtering

and extraction equipment can be controlled by way of standard planning conditions, which mitigate the impact of developments that would otherwise be rejected.

Environmental Health were consulted with regard to the proposal and required further information. The agent indicates that that the only cooking done in Greggs is via ovens and there is no oil cooking / deep fat frying. Environmental Health have advised that o occupants of nearby commercial premises may suffer intermittent disturbance and loss of amenity as a result of noise and odours arising from activities associated with the proposed development. Cooking odours are an unavoidable consequence of hot food bar, this is mitigated by way of conditions. On balance when account is taken of the prevailing uses in the area and given that there are no residential properties in close proximity, it is deemed that this proposal will have no greater impact.

Policy DES 2 of the PSRNI

This policy requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. There are only minor external changes proposed and the application would comply with policy DES 2.

PPS 3 – Access, Movement and Parking

PPS 3 sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking.

The proposal is a change of use of an established unit within the primary retail core of Downpatrick. DOE Parking Standards advises that such a proposal would require 1 space per 5 m² NFA. This results in a requirement of 5 spaces, however, consideration must be given to the previous retail use. As the site is set within the primary retail core and there is a level of on- street car parking coupled with council owned car parks to facilitate the primary retail core of the town, and this is for the re-use of an established unit, then flexibility can be shown in this instance. The Planning Authority notes that the

previous retail use relied solely on on-street parking. It is considered that traffic and car parking can also be accommodated through the use of existing on street parking. There are designated spaces outside the premises and a council owned car park to the rear of the Grove Centre.

DfI Roads were consulted regarding the proposal and would have no objection to this proposal on the basis that the existing car park to the rear of the site will be utilised for this proposal to prevent road safety issues in relation to vehicles parking on the road to attend the site. The proposal complies with AMP 7 of PPS 3.

Archaeology and Built Heritage

HED have been consulted and HED (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.

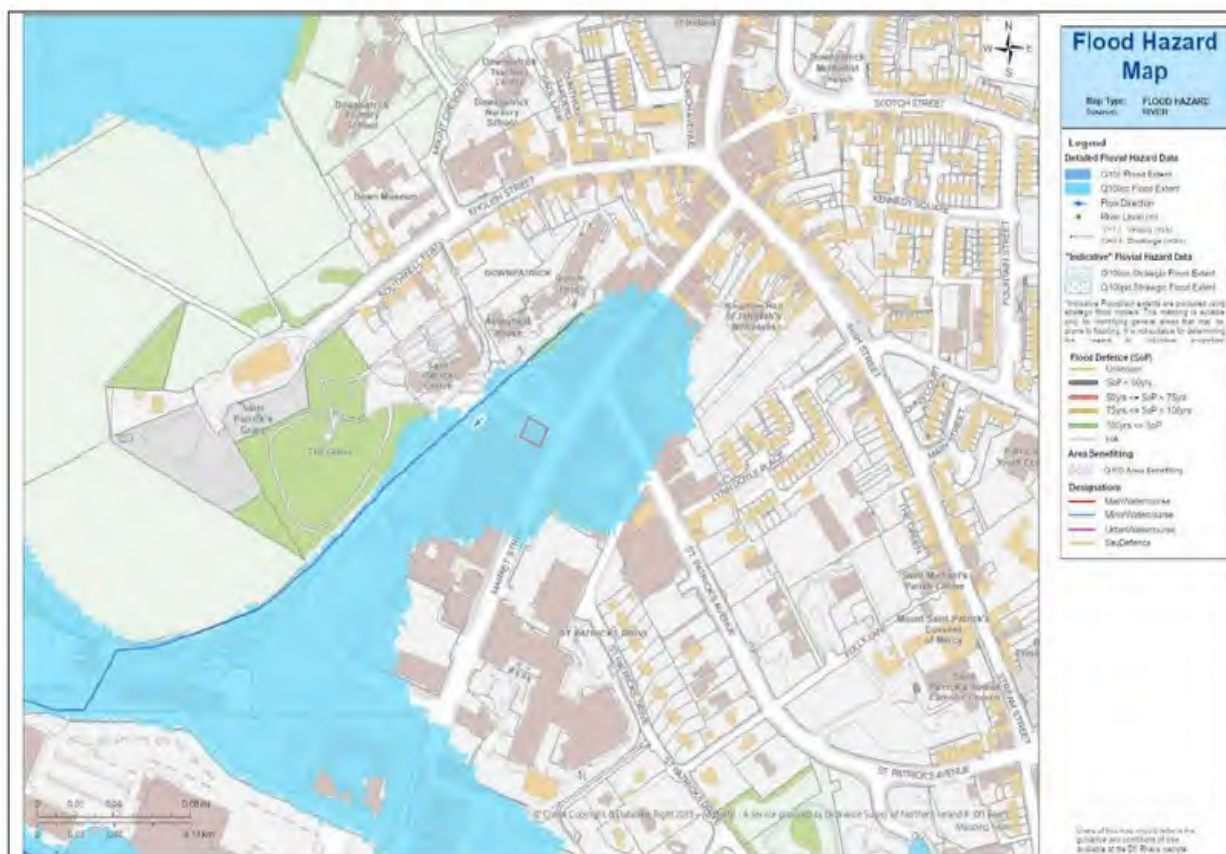
HED Historic Buildings were also consulted and advise that it is sufficiently removed in situation and scale of development from the listed asset as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Flood Risk

DFI Rivers have been consulted with regard to the proposal and PPS 15 (Revised) is relevant to the proposal.

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicates that the site lies wholly within the 1 in 100-year fluvial flood plain.

Under revised PPS 15 FLD 1, no development is permitted within the fluvial flood plain except through meeting one of the exceptions listed under the exceptions heading of FLD 1 or overriding regional importance. This is the remit of the Planning Authority to grant such an exception. It is deemed an exception under FLD 1 under Minor development given it is bringing a vacant premise back into use – existing footprint which isn't extending and is being altered for change of use. While there would be intensification of the unit given that it is currently vacant and had a previous retail use, this aspect can then be dealt with by way of the flood mitigation measures being provided within the FRA.



FLD2 – Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site based on the information provided. The site may be affected by undesignated watercourses of which Rivers have no record. In the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water – For this application a Drainage Assessment will not be required. While a Drainage Assessment is not required but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere. This will involve acquisition, from the relevant authority, consent to discharge storm water run-off from the site.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

DFI River have no objection to the proposal.

Other material considerations

NI Water have confirmed that there is available capacity at the Waste Water Treatment works, however, an assessment has indicated network capacity issues. This establishes

significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. NI Water have therefore requested a Wastewater Impact Assessment. Upon submission of the WWIA, NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. The agent has submitted a WWIA in September 2025. Any approval therefore would be subject to a negative condition on any decision notice, that prohibits the commencement of development until NIW have agreed to a connection.

The application is subject to Planning Committee agreement on imposition of a negative planning condition to address NIW concerns.

Economic Consideration

Paragraph 3.3 of the SPPS states that in making planning decisions there is a need to ensure economic considerations are accorded appropriate weight. Paragraph 4.18 continues that a modern, efficient and effective planning system is essential to supporting the Executive and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region. Planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities.

In assessment of this it is considered that as the sui generis proposal is considered to be an appropriate use within the surrounding area. It will continue to support local employment and the economy during both construction and operation. It is considered therefore that the proposal is compliant with the requirements of the SPPS.

Summary:

After consideration of all relevant planning policies and material considerations this proposal satisfies the requirements of the policies. It is therefore recommended that this application is approved subject to conditions.

Recommendation:

Approval

The plans considered in this application include:

Site location plan – 25-04-L1
site layout plan – 25-04-B1
Block Plan – RNTH- S6861-01BP REV E
Proposed floor plan – 25-04-PL1
Existing and proposed plans 25-04-PL3

Draft Conditions

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:
Site location plan – 25-04-L1
Site layout plan – 25-04-B1
Block Plan – RNTH- S6861-01BP REV E
Proposed floor plan – 25-04-PL1
Existing and proposed plans 25-04-PL3

Reason: To define the planning permission and for the avoidance of doubt.

3. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

4. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 3, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

5. The premises shall operate only between the hours of 06:30 and 21:00 Monday to Saturday and 08:30 and 21:00 on Sundays.

Reason: In the interest of public health.

6. No cooking of food involving deep fat frying, griddles, or open-flame processes shall take place on the premises. All cooking shall be limited to oven-based baking and reheating processes.
Reason: In the interest of public health.
7. The kitchen extraction system shall incorporate an **Ozone-based odour neutraliser (Xtract 2100™ or equivalent)** installed in accordance with the manufacturer's specifications, as detailed in the supporting documentation. The system shall be designed and maintained to achieve the effective neutralisation of cooking odours and shall be serviced regularly in line with the manufacturer's maintenance guidance.
Reason: In the interest of public health.

Informatives

1. CLEAN NEIGHBOURHOODS AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011. The applicant is advised to ensure that all plant and equipment used in connection with the development (such as telephony equipment and vehicle alarms) is so situated, operated and maintained as to prevent the transmission of noise to residential premises.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval subject to conditions

Conditions/Reasons for Refusal:

Case Officer Signature: C Moane

Date: 08 October 2025

Appointed Officer Signature: B. Ferguson

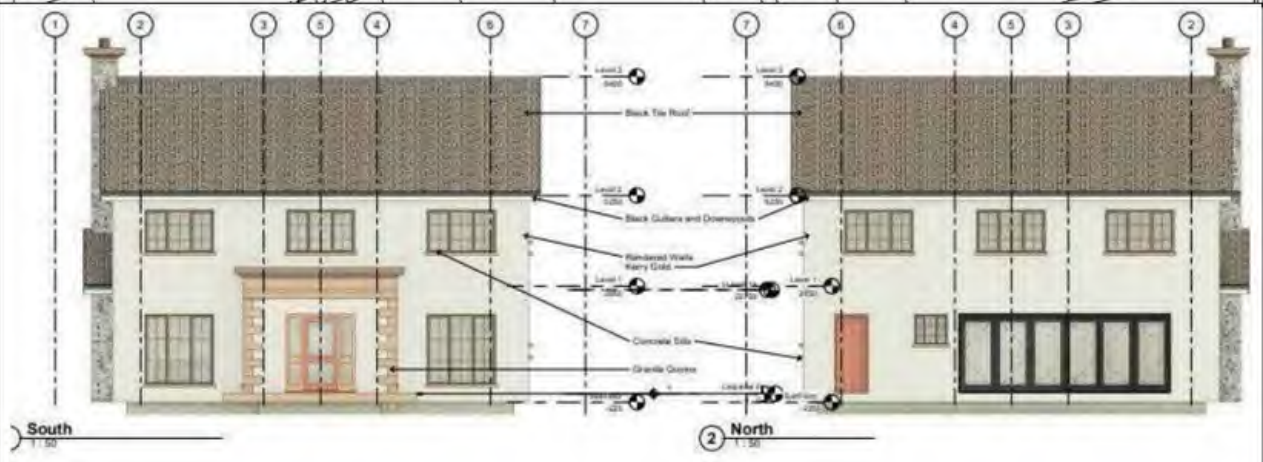
Date: 08 October 2025

Application

Development Management Officer Report	
Case Officer: Rhys Daly	
Application ID: LA07/2024/0227/RM	Target Date:
Proposal: Two Story Dwelling	Location: Immediately adjacent to and North of 32 Bettys Hill Road Ballyholland Newry BT34 2NB
Applicant Name and Address: James McQuillan 30 Bettyshill Road Newry BT342NB	Agent Name and Address: James McQuillan 30 Bettyshill Road Newry BT342NB
Date of last Neighbour Notification:	21 November 2024
Date of Press Advertisement:	15 May 2024
ES Requested: No	
Consultations: DFI Roads – Objected to the application NI Water – Content with the application with standard conditions	
Representations: 1 neighbour notified as part of the application process. No objections have been received to date.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan:



Date of Site Visit: 03/02/2025

Characteristics of the Site and Area

The application site is located in the countryside area outside the settlement of Ballyholland approx. 2.5 miles east of Newry City Centre. The surrounding area is predominantly rural with a number of single dwellings dispersed throughout the area. The application site itself is cut out of a larger roadside agricultural field. It is adjacent and north of No. 32 Betty's Hill Road, Ballyholland, which is a two storey dwelling. No. 34 Betty's Hill Road, a large two storey dwelling is located adjacent and south of No. 32. Further south and adjacent to No.34 is No. 36 Betty's Hill Road, a single storey dwelling with outbuildings. 65m to the north is a laneway which serves No. 30 Betty's Hill Road, Ballyholland. No. 30 Betty's Hill Road is set back from the roadside with its laneway providing frontage to the road. To the west and opposite is the junction of Commons School Road.

Description of Proposal

Two Storey Dwelling

Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge/Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS) (2015)
- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3 Access, Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

Planning

Application Number: LA07/2020/1084/O Decision: Permission Granted Decision Date: 11 March 2021

Proposal: Site for 2 storey infill dwelling

EVALUATION

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of Ballyholland as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.

PPS21- Sustainable Development in the Countryside

The principle of constructing a dwelling on site has already been accepted through the outline planning application (LA07/2020/1084/O). The outline was initially recommended for refused by the Planning Department, however was subsequently overturned at Planning Committee, with permission then granted. The application currently under consideration seeks reserved matters approval for the dwelling. Those matters reserved include the siting, design, external appearance of the dwelling and garage as well as details relating to access and landscaping. The acceptability of those reserved matters are considered below together with other considerations material to this application.

The RM submission is valid whereby the red line is the same as the red line approved at outline stage. No restrictions were placed on the ridge height or underbuild at outline stage.

The proposed development will be assessed against the Strategic Planning Policy Statement and Policies CTY 13 and CTY14 of PPS21 which refer to rural character and integration. Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be development to integrate the new building(s) within the local context.

Critical views of the site are when travelling along Bettys Hill Road in a northerly and southerly direction. Also views are from the Commons School Road. The proposed dwelling is 8.4 metres above the finished floor level. The maximum under build at any point of the dwelling is 300mm. The FFL of the proposed dwelling is 52.50. Given the compliance with CTY 8 in terms of the principle of development, the site has existing development to the north with a 1 ½ storey dwelling, and to the south with 2 storey, 1 ½ storey and single storey dwellings. Existing vegetation also sufficiently encloses the plot with mature hedging along the south and eastern boundaries. The site will be enclosed by a proposed planting of native trees and shrubs to aid with integration. The existing hedging mentioned above is to be retained. The established building line along this side of Bettys Hill Road is staggered and almost patternless. Given this, the proposed siting within the plot does not harm the character of the area.

The linear and simple form of the dwelling is reflective of the rural location. Whilst there are some suburban features including the external chimney breast and the window fenestration, regard needs to be given to the dwelling immediately south of the site, No. 32 whereby a refusal could not be sustained on these design features, given the existing house types within the built up frontage.

The materials proposed to finish the dwelling include smooth render walls which are to be painted cream; a flat black roof tile/slate. The rainwater goods, black fascia and soffit and window framing to be black uPVC. The external doors are to be composite finished black. The front porch is to be rendered with granite quoins. The materials are similar to those used on the existing dwellings adjacent to the site and are therefore considered unoffensive and acceptable.

In summary it is considered that the proposal complies with the Strategic Planning Policy Statement and Policies CTY13 and CTY14 of PPS21.

Policy CTY 16- Development relying on Non-Mains Sewerage.

Planning permission will only be granted for development relying on Non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

The information submitted indicates the dwelling will be served by a septic tank, whereby it is considered there are sufficient lands within the control/ownership of the applicant to accommodate this tank and associated soakaways, while also being sited a sufficient distance from any property.

Access

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 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.

DFI Roads have considered the access unacceptable as the provision of the required visibility splays are not within the red line boundary. DFI Roads require splays of 2m by 45m as requested at Outline stage. At outline stage 2 separate red lines were provided, one showing the required splays and one not, whereby the latter plan was included on the decision notice.

The red line submitted at RM stage is the same as that approved at Outline stage and while the splays are not included, crucially they are effectively achievable and provided for on both the near and off side through a combination of the site frontage, separate entry way and extent of ownership. It is therefore considered the granting of permission in this instance would not prejudice the safety and convenience of road users.

The objection from DFI Roads however is noted.

Amenity

It is considered that there is adequate separation distance between the new dwelling and the nearest neighbouring dwelling, No. 32 Bettys Hill Road of approx. 31m gable to

<p>gable. It is considered this separation distance, the dwelling layout and relationship with adjoining property is sufficient to prevent any unacceptable impact in terms of overlooking or loss of privacy or any overshadowing, loss of light or dominant impact. It is also noted no objections or representations have been received.</p>	
<p>Planning Policy Statement 2 Natural Heritage The application site is not within any Areas of Outstanding Natural Beauty. No ecological concerns were identified at outline stage. No buildings or mature trees are to be removed. A new hawthorn hedge is to be planted along the north and east boundary.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation The Department recommend approval Note: As there is an objection from a statutory consultee the application is required to be presented to Planning Committee in line with the scheme of delegation.</p>	
<p>Conditions: 1. The development to which this approval relates must be begun by whichever is the later of the following dates:- i. The expiration of a period of 5 years from the grant of outline planning permission; or ii. The expiration of a period of 2 years from the date hereof.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>2. During the first available planting season after the occupation of the building for its permitted use, native species trees shall be planted along the northern boundary of the site in accordance with drawing No. A-210 Rev B. All other hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise, during the first available planting season following the occupation of the dwelling hereby approved. Reason: To ensure the development integrates into the countryside.</p> <p>3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape</p> <p>Informatives:</p> <p>1. This Decision Notice relates to drawing numbers: U09-A140Rev2, A-410RevA, A-210RevB, A-310RevA, U09-A130Rev1, U09-A120, U09-110RevA and U09-100RevA.</p>	
<p>Case Officer Signature: R. Daly</p>	
<p>Date: 2 July 2025</p>	

Appointed Officer Signature: M Keane
Date: 02-07-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2024/1272/F	Target Date:
Proposal: Proposed change of use from ground floor shop units to office space and bar/restaurant/takeaway (Amended Description)	Location: 1-2 Newry Street, Warrenpoint, BT34 3JZ
Applicant Name and Address: Connaire Mc Greevy Unit 1 Milltown Industrial Estate Warrenpoint BT34 3FN	Agent Name and Address: John Cole 12A Duke Street Warrenpoint BT34 3JY
Date of last Neighbour Notification:	29 August 2025
Date of Press Advertisement:	27 August 2025
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • DFI Roads • Historic Environment Division • NI Water • Northern Ireland Environment Agency (NIEA)- Water Management Unit (WMU) • Environmental Health 	
Representations: None received	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:N/A (No reps received)	

Site Visit Report

Site Location Plan:

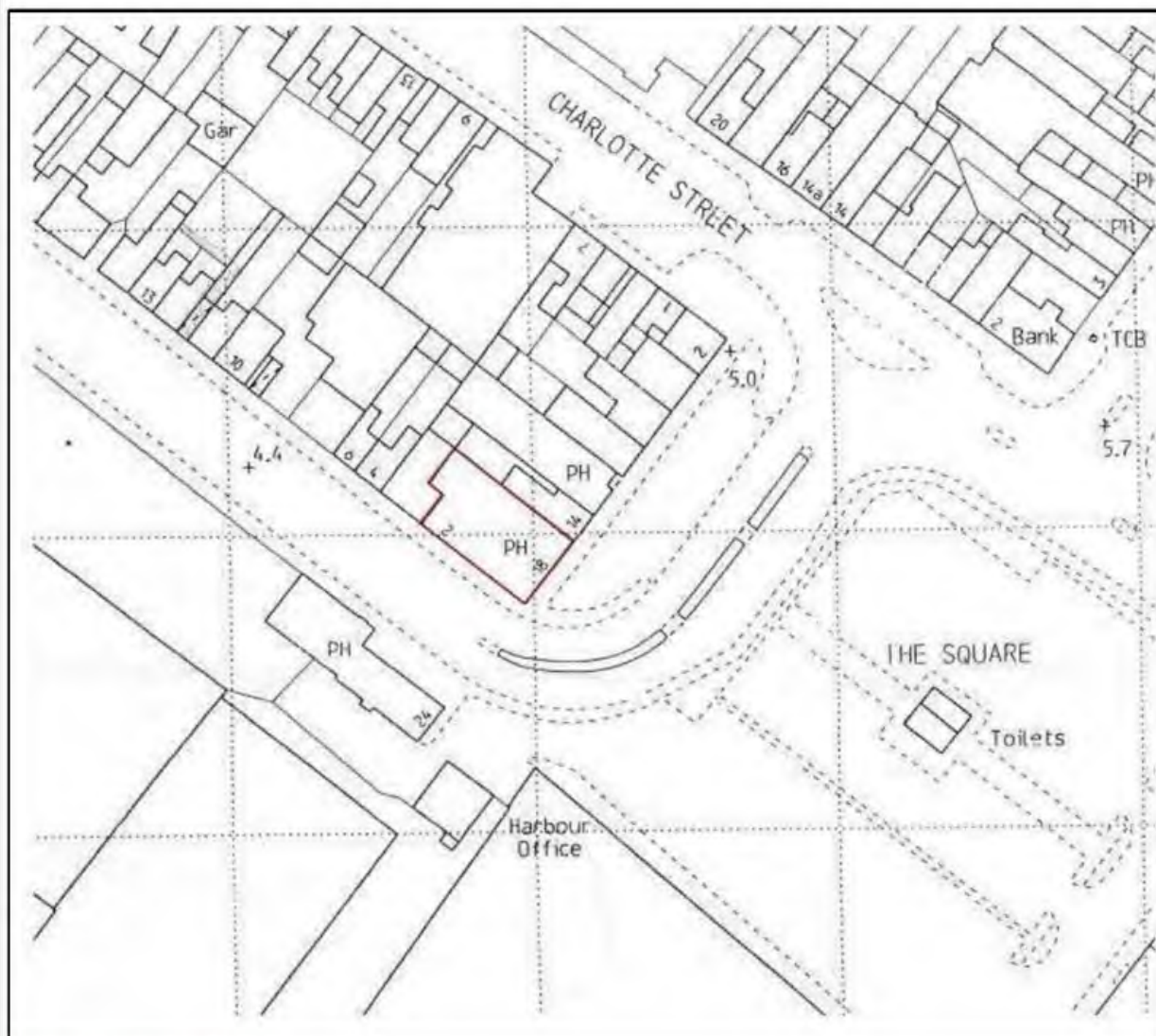


Figure 1- Site Location Plan

Date of Site Visit: 04.03.2025

Characteristics of the Site and Area

The application site is located at 1 & 2 Newry Street Warrenpoint. This is an urban location which is located within the settlement limits of Warrenpoint as identified in Map No. 3/06a and is within the town centre limits and area of townscape character as identified in Map No. 3/06b of the Banbridge, Newry and Mourne Area Plan 2015. The application site consists of a former commercial space with provision for 2 no. shop units on the ground floor and office accommodation on the first floor. It is important to note that there is an extensive history of uses at this premises which will be discussed later in this report.

The application site comprises a dual-fronted building. The rear two-storey section faces Newry Street and is subordinate to the 2.5-storey element, which fronts the Square in Warrenpoint with its gable end also addressing Newry Street. The building is finished in smooth painted render, with a roof of grey slates, cast iron gutters, double-glazed hardwood windows, and hardwood timber shopfronts.

The site is located within the Town Centre, an area defined by a mix of commercial, residential, and community uses. It occupies the end of a terrace predominantly made up of 2–2.5 storey buildings, arranged to front onto The Square or the adjoining streets. Along the terrace facing The Square, uses include a residential property immediately adjoining the site, as well as a public house, solicitor's office, beauty salon, and hot food takeaway. The terrace fronting Newry Street similarly accommodates a mix of uses, including a bookmaker, a block of apartments/residential units, and a commercial premises, with another public house situated directly opposite. The building itself fronts both Newry Street and The Square, with access available from each street.



Figure 2- View of Application Site From Newry Street



Figure 3- View of Application Site From Square

Description of Proposal

The application is seeking full planning permission for the conversion of the ground floor shop units to office space and a bar/restaurant/takeaway area. There are no external changes to the building proposed and all the of alterations and works will relate to the interior of the building. The existing and proposed detailed plans are shown below:



Figure 4- Side Elevation



Figure 5- Front Elevation

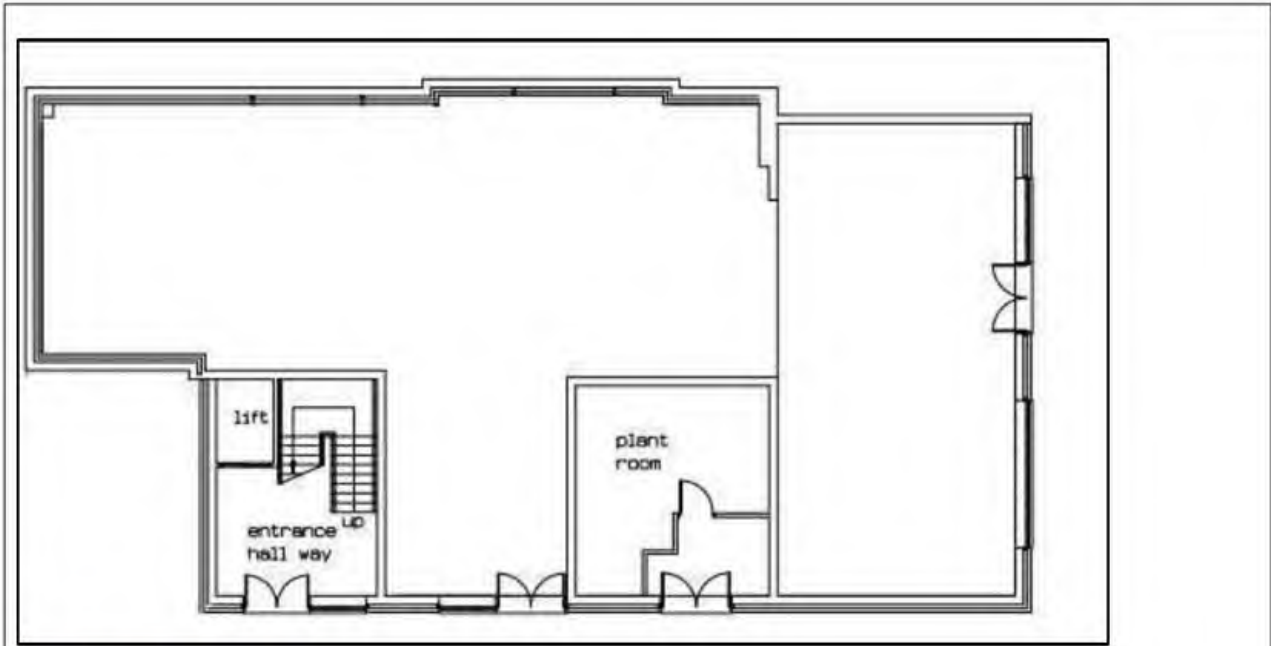


Figure 6- Existing Ground Floor



Figure 7- Proposed Ground Floor Plan

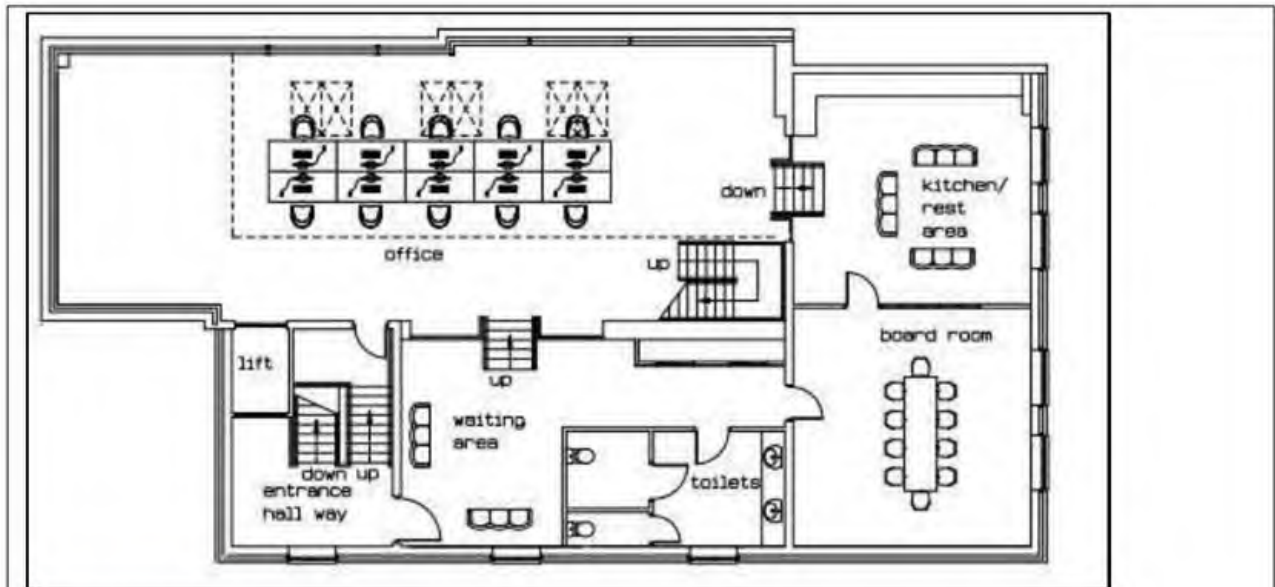


Figure 8- First Floor to Remain Untouched

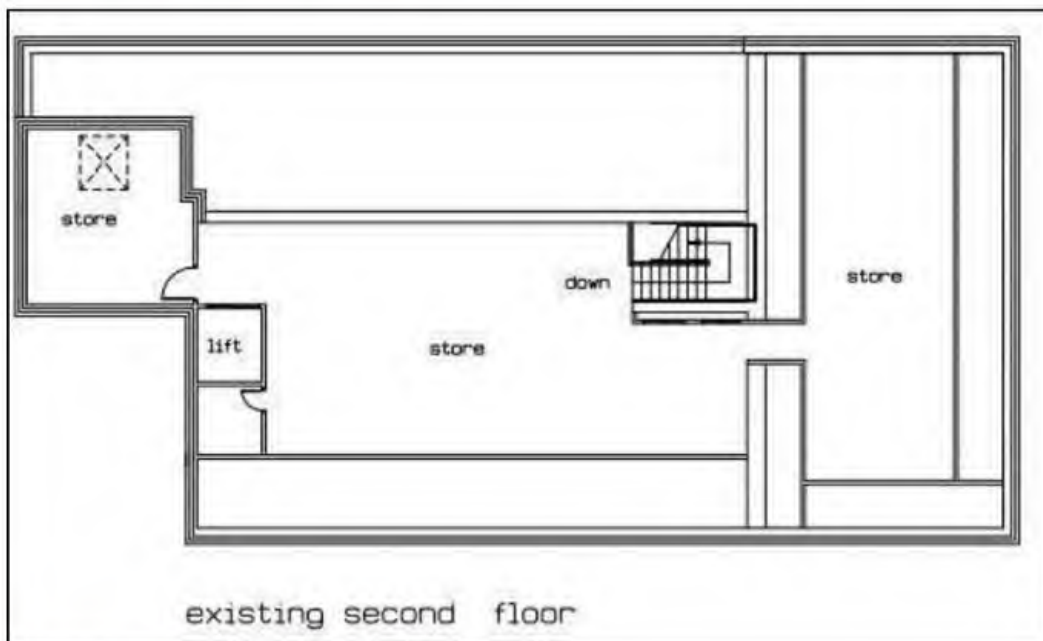


Figure 9- Second Floor to Remain Untouched

Planning Assessment of Policy and Other Material Considerations

This proposal will be assessed against the following policy and guidance:

- Banbridge, Newry and Mourne Area Plan 2015
- Regional Development Strategy
- Strategic Planning Policy Statement for Northern Ireland 2015
- PPS 2- Natural Heritage
- PPS 4- Planning and Economic Development
- PPS 3- Access, Movement and Parking
- PPS 6- Planning, Archaeology and The Built Heritage
- DCAN 4- Restaurants, Cafes and Fast Food Outlets.

PLANNING HISTORY

The planning history for the application site is listed below, as noted earlier in this report there is an extensive history at the site in relation to licensed premises, with the application site formerly known as the Ulster Hotel, the Donmir Inn and more recently known as Jack Ryan's Bar. An application was approved in May 2013 to change the use of this building from licensed accommodation to 2 no. shop units with office space above.

Application Number: P/1976/0936
Proposal: Proposed Extension To Existing Hotel
Decision: Permission Granted
Decision Date: 14 January 1977

Application Number: P/1988/1495
Proposal: Extensions and alterations to Public House
Decision: Permission Granted
Decision Date: 18 February 1989

Application Number: P/1991/0183
Proposal: Proposed first floor extension to public house to provide function room and toilets
Decision: Permission Granted
Decision Date: 20 August 1991

Application Number: P/1996/1022
Proposal: Retention of projection first floor bay window
Decision: Permission Granted
Decision Date: 08 November 1996

Application Number: P/2007/0772/F
Proposal: Demolition of existing licence premises and function room and erection of new licence premises with 7 no. apartments (amended plans / reduced scheme).
Decision: Permission Granted
Decision Date: 25 June 2010

Application Number: P/2009/1462/F
Proposal: Proposed alterations to existing licensed premises to accommodate off-sales
Decision: Permission Granted
Decision Date: 18 February 2010

Application Number: P/2013/0077/F

Proposal: Change of Use from Licence Premises and Function Room to two no. ground floor shop units, ancillary accommodation and first floor office including partial demolition of Newry Street gable wall and front wall facing The Square and redevelopment and alterations to include new pitch roof

Decision: Permission Granted

Decision Date: 07 May 2013

Application Number: LA07/2024/0851/F

Proposal: Proposed four dormer windows

Decision: Permission Granted

Decision Date: 11 June 2025

The history of the wider area is listed below:

Application Number: P/1987/0162

Proposal: Alterations and extension to dwelling

Decision: Permission Granted

Decision Date: 09 April 1987

Application Number: P/1987/4098

Proposal: Extension and Improvements to Dwelling

Decision: Permitted Development Decision

Date: 25 August 1987

Application Number: P/1988/1320

Proposal: Erection of 1.8M satellite dish

Decision: Permission Granted

Decision Date: 08 December 1988

Application Number: P/1994/0125

Proposal: Alterations to front elevation of turf accountants office

Decision: Permission Granted

Decision Date: 08 June 1994

Application Number: P/1998/1580

Proposal: Environmental Improvements (Phase 2) including repaving, planting and alterations to street lighting

Decision: Permission Granted

Decision Date: 08 November 2001

Application Number: P/2014/0159/F

Proposal: Replacement of existing paving with high quality stone kerbs and stone paving, semi mature tree planting and supply and installation of street furniture, signage, street lighting and feature lighting

Decision: Permission Granted

Decision Date: 09 May 2014

Application Number: LA07/2020/1411/F

Proposal: Proposed retention of existing beer garden and extension to existing beer garden.
(amended proposal)

Decision: Permission Granted

Decision Date: 20 January 2021

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Design and Access Statement
- Site Location Plan
- Site Layout Plan
- Proposed Elevations
- Proposed Floor Plans
- Existing Floor Plans
- Existing Elevations

CONSULTATIONS

The following consultations were undertaken as part of assessing this application:

- Environmental Health- No objection in principle subject to the applicant contacting Environmental Health prior to works opening to ensure compliance with food safety legislation. Should the applicant intend to provide live entertainment in the proposed bar/ restaurant an entertainment licence must be applied for from Newry, Mourne & Down District Council.
- DFI Roads- No objections.
- NIEA WMU- No objections refer to standing advice.
- NI Water- Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. Having informed the agent of NI Waters position regarding the proposed development they have confirmed that the applicant has engaged with NI Water to resolve the issue through the submission of a waste water impact assessment, the agent also supplied the reference number of this engagement DS94582.
- HED- Content no objections.

REPRESENTATIONS

Six neighbouring properties were notified and public notice was given in the Newry Reporter

in October 2024. Following receipt of amended plans and changes to the development description the application was readvertised and neighbours renotified in August 2025. No representations have been received in respect of this planning application.

EVALUATION

Environmental Impact Assessment

As the proposal is within a designated area (Mournes AONB) it falls under Schedule 2 category 10b of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council as determined through an EIA screening on 30th September 2025 that an Environmental Statement was not required, a copy of the EIA screening determination is retained on file, with the agent was also notified of this.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 6.267 to 6.292 sets out the policy requirements for town centres and retail developments. The text highlights that town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live work and visit them. The SPPS aims to support and sustain vibrant town centres across NI through the promotion of established town centres as the appropriate first choice location of retaining and other complementary functions. As previously noted, the site is within the designated town centre.

The regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses with an office and café/bar/restaurant considered a main town centre use. The proposal does not conflict with the designation in the area plan as a complementary service and the proposed use is considered acceptable at this location. The change of use would not have a negative impact on the vitality of the town centre. This use is considered compatible with the surrounding land uses as neighbouring properties are mixed use, including retail, offices, cafes, bars etc. It is evident the ground floor of this subject building which has been vacant for a considerable amount of time, coupled with its previous uses as licensed premises is acceptable for its location. The office element of this proposal is also deemed acceptable at this location having also considered the most recent grant of permission on the site P/2013/0077/F approved the second floor of this building for office use and therefore there use of such is established. The proposal does not include external works to the building. There are no public safety or road safety issues associated with this proposal. Whilst in managing development within ATCs, the SPPS directs that new development will only be permitted where it will maintain or enhance the overall character of the area and respect its built form (para 6.21.) The proposal is in principle, acceptable to the requirements of the SPPS in relation to town centres and ATCs, however the acceptability of the proposed detailing will be assessed in more detail against the Area Plan and prevailing policy requirements, as considered below.

Banbridge, Newry and Mourne Area Plan

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 application site is located within the settlement limits of Warrenpoint/Burren (WB01) and Warrenpoint Town Centre (WB28), as identified by the BNMAP 2015 Map 3/06a and 3/06b.

Additionally, it is also located within an Area of Townscape Character (ATC) (WB34) and the Mourne AONB.



Figure 10- Extract from BNMAP Map 03/06b

Page 78 of BNMAP notes that the town centre boundary is designated to include a wide range of commercial and non-commercial uses reflective of the main business activity area in which the application site is located in as identified by the above-mentioned maps. Part of the site is in existing commercial use (First floor) as approved under P/2013/007/F and does not form part of this application however is a material consideration, while the remaining ground floor of the application site was approved as retail space under the same application but lay vacant since, prior to this it was in use as a licensed premise (Jack Ryan's Bar) and has a long history of established use a licensed premise as discussed above. There are no particular land use zonings or key set requirements set out within the Area Plan for this site and the proposed

commercial use is considered acceptable in principle with the requirements of zoning WB01 (Warrenpoint/Burren Settlement Limits) and WB28 (Warrenpoint Town Centre). Plan zoning WB01 further directs that development proposals within the Town Centre designation will be processed in accordance with prevailing planning policy, which in this case will include PPS 4 and PPS 6. Designation WB34 sets out the key features of the ATC which are to be taken into account when assessing development proposals within this ATC. It notes that The Square consists of buildings mainly two-storey with pitched slated roofs, plastered walls with raised plaster quoins, string courses and moulded window surrounds. It also notes that where Newry Street joins Charlotte Street are an integral part of the Square. It can be considered that this change of use will not be out of keeping with the established uses in the immediate area. The detailed policies to assess the impact on the ATC are set out within the PPS6 Addendum and will be discussed in further detail later in this report.

As noted above it is considered that the proposed use is acceptable in principle with the requirements set out in this plan; the below assessment will focus on the requirements of prevailing policy against the proposal.

PPS 4 Planning and Economic Development

PPS 4 sets out the Department's planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. It seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development. For the purposes of this policy, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004. The office space element of this application will therefore fall under Class B1: Business Use - (a) as an office other than a use within Class A2 (Financial, professional and other services).

Due to its town centre location '*Policy PED 1 - Economic Development in Settlements*' is applicable, in where it states development proposals for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre, it is considered that the application complies with the requirements of PED 1. The policy sets out that proposals must also meet the requirements of PED 9, therefore an assessment of such will take place below.

A proposal for economic development use, in addition to the other policy will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

As outlined in the preceding sections, the Planning Department considers the proposed change of use from two retail units (A1 Shops) to office accommodation (B1a Business) and licensed premises (Sui Generis) to be compatible with the surrounding land uses. The site's planning history, together with its current and former uses, further demonstrates that the proposal aligns appropriately with the established pattern of development in the area.

(b) it does not harm the amenities of nearby residents;

As part of the consultation process, Environmental Health was consulted and raised no objection to the proposal. Although residential properties are located in the immediate vicinity, the development is not expected to adversely impact residential amenity due to its location within the town centre, nature and scale and subject to conditions.. It is also of note that no objections have been received from neighbouring properties.

(c) it does not adversely affect features of the natural or built heritage;

The application site is located in close proximity to listed buildings in which HED were consulted throughout the application process, they have offered no objection to the proposal and do not consider it to have a negative impact on such buildings. The application sites location within the ATC is also noted and will be assessed under PPS6.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The application site is not in an area of known flood risk following a review of the DFI Flood Maps and it is not considered that the proposal will exacerbate flooding in the area.

(e) it does not create a noise nuisance;

As noted above Environmental Health have been consulted in light of this and offered no objection to the proposal.

(f) it is capable of dealing satisfactorily with any emission or effluent;

The applicant is engaging directly with NI Water in respect of the sewage disposal associated with the proposal through the submission of a Waste Water Impact Assessment. The Planning Department are content that the necessary engagement is taking place and can negatively condition any grant of permission accordingly.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

With the nature of such proposal and its town centre location there is no modifications proposed to the existing road network and as such this criterion does not apply.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

DFI Roads raised no objections to the proposal, comments did state this was on the basis that planning are content that no vehicular access is required. The Planning Department are content that no formal vehicular access is required and that parking arrangements will remain as existing. It is considered that given the town centre location adequate parking provisions are in place for the proposed use. This will be further discussed under PPS3.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The Town Centre location of the application site ensures that the above requirements can be met.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

As discussed above there are no external alterations proposed as part of this development with all of the works taking place inside. It is not considered that the proposal will have any negative effects on biodiversity due to its town centre location.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

Due to the site layout and location, there will be no outside storage areas in the view of the public and no boundary treatments are proposed.

(l) is designed to deter crime and promote personal safety; and

As the proposal involves the creation of 2no. new units' access from Newry Street and the Square is proposed separately into each unit and through the internal alterations proposed they will be completely separated. This will promote personal safety and deter crime.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Due to the town centre location of this proposal this criterion does not apply.

Having considered the requirements of PED 1 and PED 9, the proposal is compliant with all the relevant criterion set out in the respective policy.

PPS 6 Planning, Archaeology and Built Heritage

As noted above the application site was located within close proximity to listed buildings and historic monuments. HED were consulted and have provided no objection noting the negligible impact of the proposal on these sites. This response has been reviewed and having account the nature of the proposal (Change of use) and extent of works proposed, it is considered therefore that the application will not have any significant influence on any historical sites or listed buildings.

PPS 6 Addendum- Areas of Townscape Character

Policy ATC 2, as set out in this addendum, outlines the requirements for all new development within an Area of Townscape Character (ATC). It states that proposals will only be approved if they preserve and enhance the character of the building and respect the established built form of the area. In relation to this proposal, it is considered that these criteria are met. The development maintains and enhances the character of the existing building, with no external changes to the building proposed. The built form of the area remains unchanged, and there is no negative impact on the character of the ATC. The proposal does not involve the removal of any trees, archaeological or other landscape features which contribute to the distinctive character of the area and overall, presents no concerns in relation to Policy ATC2 of PPS6 Addendum.

PPS3 Access, Movement and Parking

The proposal does not propose involve any new accesses onto Newry Street or The Square and the existing pedestrian accesses will remain insitu. As mentioned above there are no changes proposed to the parking provision for this proposal, DFI Roads have been consulted on this basis and have offered no objections to this proposal. The Planning Department are satisfied that the parking requirements for this proposal can be accommodated through on and off-street parking, due to the town centre location of the proposal and the historical use and associated requirements, thus is considered acceptable and is in compliance with the requirements of PS3.

PPS2 Natural Heritage

Policy NH6 outlines the requirements for development within AONBs. There are no external works proposed, ensuring no harm to the character or setting of the AONB. As such, the proposal is considered to comply with criteria a–c of Policy NH6. Additionally, there are no other relevant policies within PPS2 applicable to this proposal.

DCAN 4: Restaurants, Cafes and Fast Food Outlets.

The purpose of this DCAN is to provide general guidance on proposals for restaurants, cafés, and fast-food outlets. It recognises that such uses can complement the primary shopping role of town centres by broadening the range of facilities available to both residents and visitors. In assessing this application against the requirements of the SPPS and DCAN 4, the Council has considered matters including noise and disturbance, impact on residential amenity, odour and fumes, refuse and litter, traffic and parking, as well as the design and appearance of the ground floor. The proposal is not considered to result in any loss of amenity to neighbouring properties, and Environmental Health, who were consulted as part of the decision-making process, have raised no objections.

While it is acknowledged that the proposed ground floor use is not retail, regard has been given to the existing retail permission previously granted on the site, as well as the building’s established history of use as a licensed premises. The Council is satisfied that the proposal, either individually or cumulatively, would not undermine the character, vitality, or viability of the town centre, nor would it result in a loss of retail provision. As no external or internal alterations are proposed, there is no potential impact on the character or appearance of the area or the ATC. Furthermore, the proposal does not give rise to any concerns regarding public safety or road safety.

The drawings considered as part of this application are as listed below:
3435 PL FP

Neighbour Notification Checked	Yes
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Summary of Recommendation

Having taken the above into consideration it is considered that the proposal is in line with the requirements of the Area Plan, SPPS and prevailing planning policy. This application is recommended for approval subject to conditions.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council.

Reason: To ensure the appropriate foul and surface water drainage of the site.

3. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No. 2 has been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site

Case Officer Signature: Fergal Connolly

Date: 30 September 2025

Appointed Officer Signature: M Keane

Date: 30-09-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Committee Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2022/1602/F	Target Date:
Proposal: Proposed 4 no. 3 bedroom semi-detached dwellings with in curtilage parking with access onto Queen Street	Location: To the rear and immediately North East of 7-9 Queen Street Warrenpoint
Applicant Name and Address: John Allen 4 Oak Grange Warrenpoint BT34 3TL	Agent Name and Address: Bernard Dinsmore Chartered Architect 19 Spring Meadows Warrenpoint BT34 3SU
Date of last Neighbour Notification:	26 th April 2024
Date of Press Advertisement:	26 th October 2022
ES Requested: No	
Consultations: DfI Roads Environmental Health NIEA NI Water DfI Rivers NIE Loughs Agency	
Representations: Two representations have been received from Nos. 3 and 4 Great George's Avenue. Main points of concerns are: <ul style="list-style-type: none"> • Loss of privacy • Vehicular access and intensification of Great George's Avenue 	
Letters of Support	0
Letters of Objection	2
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: Principle of development, density, siting and layout, design, access and parking, amenity and landscaping.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 22nd April 2024

Characteristics of the Site and Area

The application site is within the settlement development limits of Warrenpoint as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is also within Warrenpoint Area of Townscape Character and Mourne Area of Outstanding Natural Beauty.

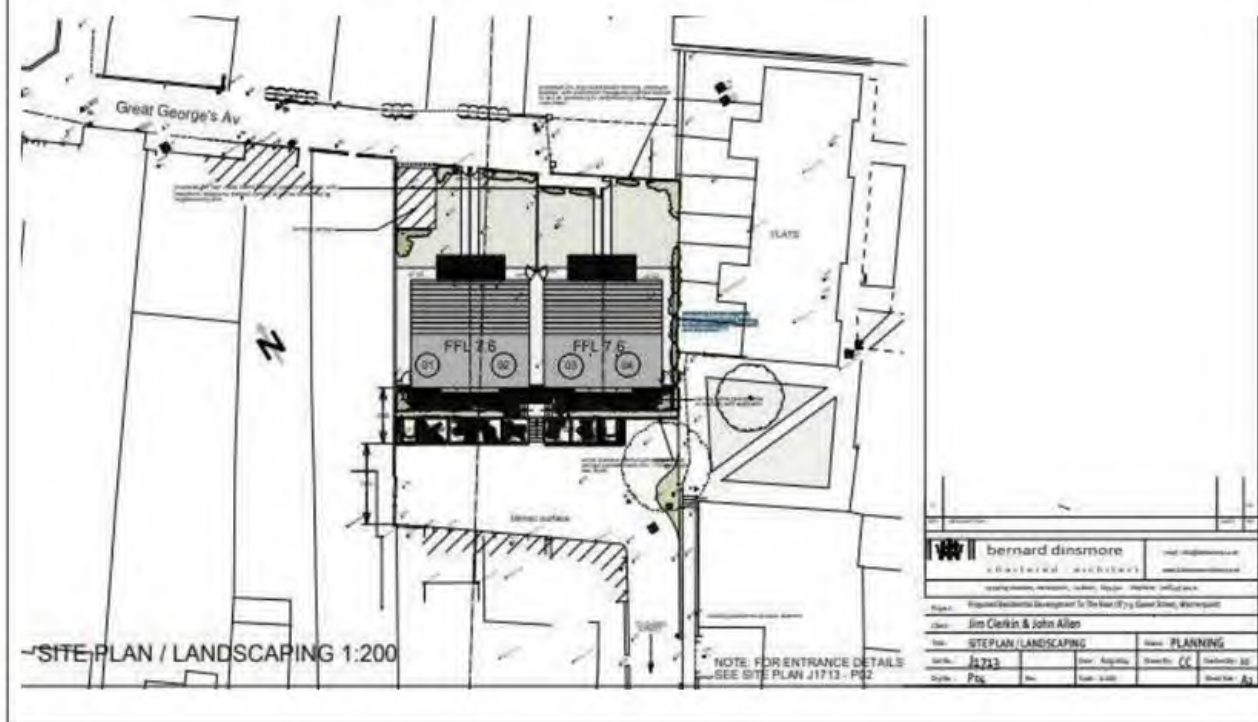
The red line boundary comprises a portion of land to the rear of 7-9 Queen Street that can be accessed from Great George's Avenue and Queen Street (Protected Route). The site consists of areas of hardstanding, a dense overgrown scrub garden with a mature sycamore tree, and two fire-damaged ancillary buildings. The site slopes downwards from Great George's Avenue but is at a higher level than Queen Street. The north western boundary, common boundary with No. 6 Queen Street, is defined by a block wall. The south eastern boundary, abutting Parkside, is defined by wall/fence/hedgerow. A retaining wall and steps are to the front of the site onto the Right of Way off Queen Street.

The immediate area is characterised by 2 and 3 storey terrace buildings of mixed uses, predominantly residential at this end of Queen Street.

Description of Proposal

The proposal involves the erection of 4 no. 3 bedroom semi-detached dwellings with in curtilage parking with access onto Queen Street. The dwellings will have a ridge height of 7.8m

from FFL. Proposed finishes include blue/black roof slates/tiles, finely textured rendered walls, uPVC windows and aluminium RWGs. Access and in-curtilage parking are to the front of the dwellings, off Queen Street. 2 spaces per dwelling are to be provided. 2 x 45m visibility splays are achievable onto Queen Street with the shared laneway to be upgraded and a minimum 4.8m wide for the first 10m. Rear gardens with pedestrian access onto Great George's Avenue is also part of the proposal. Landscaping/boundary treatments include the erection of a 2m high close board fence with hedgerow planted behind to act as screening along the rear gardens and eastern boundary of the site. The proposed plans are shown below.





Planning Assessment of Policy and Other Material Considerations

- Regional Development Strategy (RDS)
- Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015
- Strategic Planning Policy Statement of Northern Ireland (SPPS)
- Planning Strategy for Rural Northern Ireland (PSRNI)
- **Planning Policy Statements**
 - PPS 2 – Natural Heritage
 - PPS 3- Access, Movement and Parking
 - PPS 6 Addendum – Areas of Townscape Character
 - PPS 7 - Quality Residential Environments
 - PPS 7 Addendum – Safeguarding the Character of Established Residential Areas
 - PPS 15 – Planning and Flood Risk
- **Further Guidance**
 - DCAN 8- Housing in Existing Urban Areas
 - DCAN 15 – Vehicular Access Standards
 - Parking Standards
 - Creating Places, Living Places Urban Stewardship and Design Guide.
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards

PLANNING HISTORY

- P/1985/0552 – 7 Queen Street Warrenpoint - Change of use from living accommodation over shop to sauna room and gym – Refused

- P/1987/0126 – 7 Queen Street Warrenpoint – Internally illuminated fascia sign – Approved
- P/1993/0805 – 9 Queen Street Warrenpoint – Alterations to dwelling – Approved
- P/1996/0941 - Opposite 3 & 4 Great Georges Avenue Warrenpoint – Site for 2 dwellings – Refused

SUPPORTING DOCUMENTS

- Application form
- Drawings - site location map, site plan (existing and proposed), floor plans and elevations, landscaping plan
- Design and Access Statement
- NI Biodiversity Checklist
- Ecological Statement

CONSULTATIONS

- DfI Roads – No objections subject to conditions
- Environmental Health – No objections
- NIEA - Content that the proposal is unlikely to have any significant impact on natural heritage features.
- NI Water – Recommended refusal. Whilst there is a public foul sewer within 20m of the proposed development boundary, a high level assessment has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed. A WWIA application was submitted to NI Water in June 2023 and remains under consideration. The applicant has satisfactorily demonstrated engagement with NI Water for a resolution, therefore the Department can proceed with negative conditions, if approval was to be granted.
- DfI Rivers – No objections
- NIE – No objections
- Loughs Agency – No objections

REPRESENTATIONS

Two representations have been received from Nos. 3 and 4 Great George's Avenue. Main points of concerns are:

- Loss of privacy
- Vehicular access and intensification of Great George's Avenue

EVALUATION

Planning Act and Development Plan Considerations

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The site is located within the development limit of Warrenpoint. The Area plan is silent on the land use for this area however The Plan Strategy and Framework confirms development proposals within the settlement development limits will be considered in the context of all prevailing regional planning policy and with any relevant Plan Policies and Proposals.

SPPS, PPS7, PPS7 (Addendum) Safeguarding Established Residential Areas, PPS 7 (Addendum) Areas of Townscape Character, PSRNI, Creating Places, DCAN 8 and DCAN 11, PPS3, Parking Standards and DCAN15, PPS 2 and PPS 15.

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for residential dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

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

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

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.

The application site is within the development limits of Warrenpoint and is also within Warrenpoint Area of Townscape Character. WB 34 states the key features of the area which will be taken into account when assessing development proposals, including the key features of Queen Street. The BNMAP notes that Queen Street has a fine brick bank building, semi-detached urban villas and bay fronted terrace that overlook the Town Park opposite. In ATC's housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. The application site is within a primarily residential part of the ATC designation.

Policy ATC 2 of PPS6 relates to new development in an ATC. It states that the Department will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area. Policy DES2 of PSRNI requires development proposals to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Policy SP18 promotes high standards of siting and design within towns and villages.

The proposed development includes the demolition of the existing building on the site and 4 new two storey properties. The buildings sit to the rear of Queen Street. The FFL of the dwellings is 7.6, which is over 2.5m higher than buildings along Queen Street and the access laneway and parking area. External steps and a balcony over the parking area provides access to the front of the dwellings. The rear of the properties and private amenity space to the rear is at a similar level to Great George's Avenue. The size and scale of the new buildings individually are similar to adjacent development, both within and outside the ATC.

Protecting the existing character of ATC's is paramount when assessing housing proposals in ATC's and great care should be taken for proposals involving backland development.

This part of the ATC has strong street frontage with two and three storey, predominantly terraced, form of development with ancillary development to the rear.

Both buildings sited side by side are almost the full width of the site. The introduction of development of this scale in the historic garden area of a residential plot would be out of keeping with the surrounding context and that observed in the ATC. While there is currently a

substantial outbuilding within the site, the size, scale and ancillary nature of said building is not comparable to that proposed. The derelict condition of the building is also noted.

A fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment. DCAN 8 indicates that backland development on plot depths of less than 80m is unlikely to be acceptable. In this case, the depth of the plot is less than half of this.

Whilst the demolition of the existing building is considered acceptable in reference to Policy ATC 1 of APPS 6 in that it is considered that the building does not make a positive contribution to the character of an Area of Townscape Character, the redevelopment proposed is not appropriate as it does not respect the surrounding context, particularly in relation to the layout and would result in overdevelopment.

Whilst the appearance of the buildings, with the exception of the materials proposed would not offend the character of the ATC, the parking arrangements, in particular the balcony over the parking area and appearance of the hard surfaced area to the front is not appropriate as it does not respect the surrounding context.

The development would not maintain or enhance the character of the ATC. It is also important to note the presence of development at a similar or higher density in proximity to the site, this is outside the ATC and does not form part of the character of the ATC.

The site is within Mourne Area of Outstanding Natural Beauty. For the reasons outlined above, given the siting and scale (backland development), the development is inappropriate for this part of the AONB and the proposal would be contrary to Policy NH6 of PPS2.

A Biodiversity Checklist and Ecological Statement was submitted and consultation issued to NIEA whereby NED is content that the proposal is unlikely to have any significant impact on natural heritage features.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites.

Given the number of dwellings proposed, provision of public open space and local neighbourhood facilities is not a policy requirement. Notwithstanding that, the location is within Warrenpoint town, close to existing shops, schools, places of worship, restaurants, GPs etc and directly adjacent a park. Private open space to the rear is proposed, approx. 60sqm per unit which is considered acceptable.

The movement pattern supports pedestrians and cyclists as respecting the right of ways. Access to public transport in proximity to the proposed dwellings. Level access into the dwellings is provided to the rear, off Great George's Avenue. Traffic calming measures are not required.

Parking Standards indicates that there is a requirement of some 9-10 spaces for the

proposed development (4 no. 3 bedroom semis). Two spaces per units are proposed. Given the urban context and proximity to public transport links, I am satisfied that sufficient parking has been provided. DfL Roads raised no objections subject to conditions in the final response.

The application site is not located within the fluvial or coastal flood plain. There are no watercourses within or abutting the application site. As such, the development would not impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. A Drainage Assessment is not required as the proposal does not exceed the thresholds with FLD 3. The proposal does not involve the artificial modification of a watercourse. The site is not within the potential flood inundation area of a "controlled reservoir". The proposal complies with Policies FLD 1-5 of PPS 15.

The proposed dwellings are adjacent to a number of existing residential properties. Creating Places states that in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. The guidance also indicates that where development abuts the private garden areas of existing properties, a separation distance of greater than 20m will generally be appropriate to minimise overlooking with a minimum of around 10m between the rear of new houses and the common boundary. It goes on to state that great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Where such development abuts the private garden areas of existing properties, a minimum distance of around 15m is recommended between the rear of the apartments and the common boundary.

While a reduction from 20m may be acceptable in certain circumstances, it is clear from the guidance in Creating Places that where there are living rooms on upper floors, or where development abuts private garden areas, great care is needed to protect residential amenity of adjoining properties.

The rear elevations of the units are between 9-10m from the rear boundary. A private laneway abuts the rear boundary, with detached dwellings directly north of the laneway. These dwellings are accessed from the laneway and therefore the rear elevation faces towards to the front gardens of these properties, namely Nos. 2, 3 and 4 Great George's Street Avenue. Given the similar levels of the proposed development and the properties referred to alongside the separation distances, I am satisfied these properties will not be impacted to an unacceptable level in terms of overlooking, loss of light, loss of privacy or dominance.

No. 6 Queen Street abuts the north western boundary. Unit 1 sits approx. 1.3m from this common boundary. No GF gable windows are proposed. One FF gable window is proposed; however, this window will serve a bathroom and will be fitted with obscure glazing. For this reason, I am satisfied that there will be no unacceptable overlooking of No. 6 Queen Street from the proposed dwellings. Plans do not include levels for No. 6, and given the overgrown condition of the site, I am unable to conclude if the development would impact the amenity of No. 6 given the limited separation distance.

Apartments within Parkside abut the application site to the southeast. Again, one FF gable window is proposed; however, this window will serve a bathroom and will be fitted with obscure glazing. For this reason, I am satisfied that there will be no unacceptable overlooking of THE development with Parkside from the proposed dwellings. Levels indicate that the dwellings and development within Parkside are on similar levels. Unit 4 will be approx. 1.5m from the rear

boundary of the apartment block within Parkside. As such, a 7.8m high gable wall will only be 1.5m from the private amenity space serving the existing apartments and only 5/7.5m from the rear elevation of the apartment block. The view as existing is shown below.



Whilst there is an existing building on site along this common boundary which is to be demolished for the development proposed, the size and scale of the semis is greater than the existing structure. Given the limited separation distance, I am not satisfied that the proposal will not impact the amenity of the adjacent apartment block in terms of overshadowing, loss of light and dominance.

The front elevation is approx. 12m from the rear boundaries of Nos. 7-9 Queen Street. The dwellings will have a FFL approx. 3m higher than those properties along Queen Street. The current relationship between the site and the development along Queen Street is shown below.





Despite the difference in levels, the separation distances between the front elevations of the proposed units and the rear boundaries of Nos. 7-9 Queen Street, alongside the existing intervening development and large rear returns, are sufficient to prevent any unacceptable impact on the amenity of Nos. 7-9 Queen Street in this inner urban area.

Two no. representations have been received from Nos. 3 and 4 Great George's Avenue. Main points of concerns are:

- Loss of privacy
- Vehicular access and intensification of Great George's Avenue.

As outlined above, the Department has no concerns regarding loss of privacy of the properties along Great George's Avenue. The vehicular access is via Queen Street. The plan shows pedestrian access only via Great George's Street. Concerns were also raised regarding bin storage. Environmental Health raised no objections in a final consultation response.

The application site is located along a key and link transport corridor (including designated arterial routes) within Warrenpoint (large town) and therefore is exempt from Policy LC 1 of APPS 7 Safeguarding the Character of Established Residential Areas.

Neighbour Notification Checked

Yes

Summary of Recommendation

Recommended for refusal. The Department advised the Agent of concerns regarding the no. of units proposed whereby the proposal constituted overdevelopment. No amendments to the proposal have been received. The Agent/applicant advised that it was not economically feasible to development the site with a reduced no. of dwellings; however, this is not a planning matter. The proposal fails to comply with (a), (g) and (h) of Policy QD 1 (PPS7), Policy ATC 2 (aPPS6) and Policies DES 2 and SP18 of PSRNI.

Reasons for Refusal:

The Proposal is contrary to The SPPS (Paras 3.8 and 6.21,) Policy ATC2 of PPS6 Addendum: Areas of Townscape Character and Designation WB34 of The Banbridge Newry and Mourne Area Plan 2015 in that the development does not maintain or enhance the overall character or respects the built form within the Area of Townscape Character.

The proposal is contrary to The SPPS (Paras 4.11 and 6.137) Policy QD 1 (Criteria A, G and H) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Policies SP18 and DES2 of the Department's Planning Strategy for Rural Northern Ireland, DCAN8 and Creating Places, as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:

- The development does not respect the surrounding context and is inappropriate to the character of the site in terms of layout, appearance of buildings and hard surfaced areas;
- The design of the development does not draw upon the best local traditions of form;
- The design and layout will create conflict with adjacent land uses in terms of overlooking, loss of privacy, dominance, loss of light, overshadowing, noise and general disturbance which will harm the living conditions of existing residents;
- The proposed density is significantly higher than that found in the established residential area;
- The pattern of development is not in keeping with the overall character and environmental quality of the established residential area;
- The design and layout constitute overdevelopment of the site resulting in a detrimental impact to the local character, environmental quality and amenity, and no exceptional circumstances have been outlined to permit development within an Area of Townscape Character.

The proposal is contrary to the SPPS (Paras 6.186 - 6.188), Policy NH6 of Planning Policy Statement 2: Natural Heritage (PPS2) in that the proposal is of an inappropriate design for this locality and:

- the siting and scale of the proposal is unsympathetic to the special character of the AONB.

Case Officer Signature: Eadaoin Farrell

Date: 19 December 2024

Appointed Officer Signature: M Keane

Date: 19-12-24

Committee Application

Addendum - Development Management Officer Report	
Case Officer: Elaine Eastwood	
Application ID: LA07/2022/1602/F	Target Date:
Proposal: Proposed 4 no. 3 bedroom terraced dwellings with in curtilage parking with vehicular access onto Queen Street	Location: To the rear and immediately North East of 7-9 Queen Street Warrenpoint
Applicant Name and Address: John Allen 4 Oak Grange Warrenpoint BT34 3TL	Agent Name and Address: 19 Spring Meadows Warrenpoint BT34 3SU
Date of last Neighbour Notification:	4 th September 2025
Date of Press Advertisement:	10 th September 2025
ES Requested: No	
Consultations: Following the Planning Committee meeting dated 5 th February 2025, the application was deferred and amended plans submitted. One further consultation to DfI Roads was required. DfI Roads offer no objections subject to conditions.	
Representations: Following the Planning Committee meeting dated 5 th February 2025, the application was deferred and amended plans submitted. One letter of objection and three letters of support were submitted in response to the amended scheme. The letters of support welcomed the development in that it will make use of a vacant site that is impacted by anti-social behaviour and rats and will provide much needed housing whilst fitting in with the surrounding area. The letter of objection referred to the processing of the application regarding deferral from the Planning Committee, suitability of the site for residential development, lack of detail regarding boundaries and the rear pedestrian access on Great George's Avenue (GGA). An amended landscaping plan has been submitted, clearing outlining all boundaries and landscaping plans. The access from Great George's Avenue is pedestrian only which is not thought to harm the amenity of existing residents along GGA.	
Letters of Support	3
Letters of Objection	1
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	0
<p>Summary of Issues: The original scheme involved the erection of 2 sets of semi detached properties. The Planning Department considered the proposal to constitute overdevelopment whereby the proposal failed to comply with (a), (g) and (h) of Policy QD 1 (PPS7), Policy ATC 2 (aPPS6) and Policies DES 2 and SP18 of PSRNI. The application was referred to Planning Committee following the 'call-in' process whereby Councillors decided to defer the application back to Officers to allow the agent to work with Planning Department to provide further information.</p> <p>An amended scheme has been submitted. The scheme is now for the erection of a terrace of 4 properties. GLs have also been reduced whereby the FFL of the properties has been reduced by 2.1m and GL of the rear amenity space has been reduced by approx. 1.4m. The pitched roof has been changed to a hipped roof.</p> <p>The original and most recent schemes are shown below.</p>	

Site Visit Report

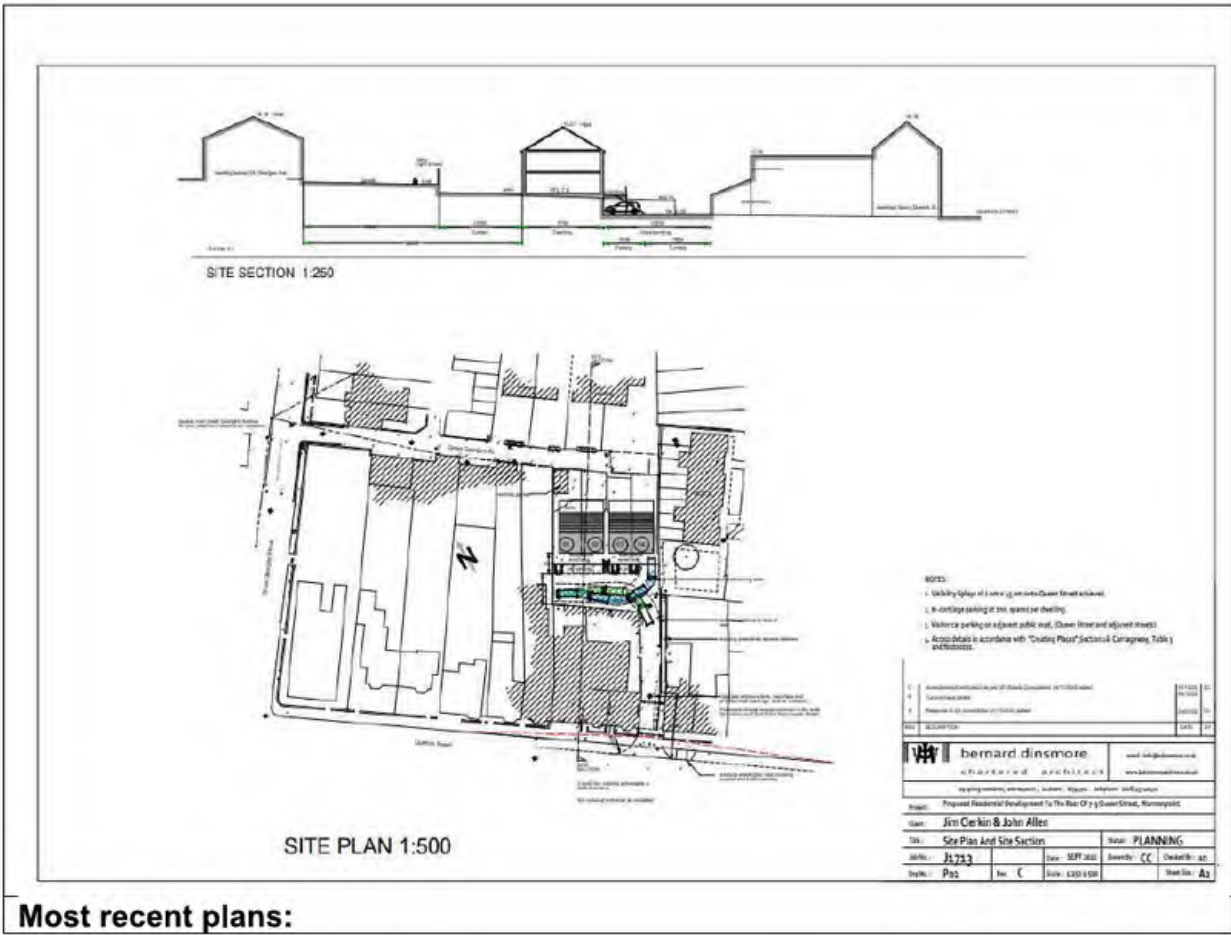
Original plans:

The architectural drawings include:

- FRONT ELEVATION:** A two-story building with a dark roof, multiple windows, and a central entrance.
- SIDE ELEVATION (top):** A side view of the building showing a gabled roof and a small porch area.
- SIDE ELEVATION (middle):** A side view showing the building's profile and a ramp or staircase on the right side.
- PROPOSED FLOOR PLAN (showing ground and first floor):** A detailed cross-section showing the interior layout, including rooms, stairs, and structural elements.
- REAR ELEVATION:** A two-story building with a dark roof, multiple windows, and a central entrance, similar to the front elevation.

On the right side of the drawings, there is a vertical column containing:

- Project information (Title, Date, etc.)
- Scale information
- North arrow
- Legend
- Revision table
- Professional seal and signature area



Most recent plans:

FRONT ELEVATION

SIDE ELEVATION

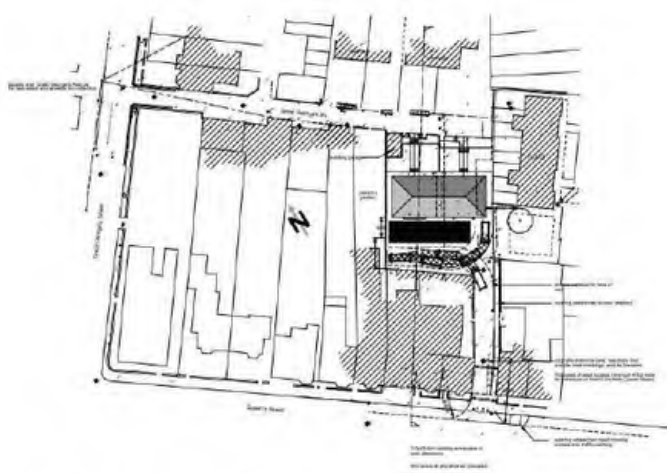
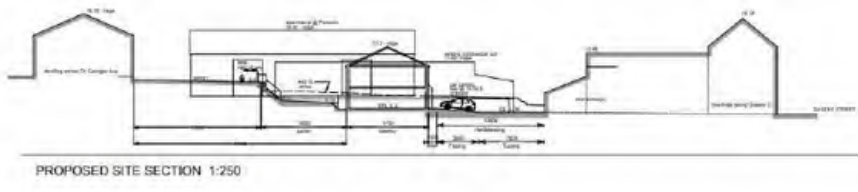
REAR ELEVATION

SIDE ELEVATION

PROPOSED FIRST FLOOR PLAN

NOTES:
 1. THIS DEVELOPMENT IS PROPOSED TO BE A 2-STOREY BRICK BUILDING WITH GABLE ROOFS AND BRICK WALLS WITH TRADITIONAL WINDOW AND DOOR PLACEMENT.
 2. MATERIALS TO BE USED SHOULD BE APPROVED BY THE LOCAL AUTHORITY.
 3. THE PROPOSED DEVELOPMENT IS PROPOSED TO BE A 2-STOREY BRICK BUILDING WITH GABLE ROOFS AND BRICK WALLS WITH TRADITIONAL WINDOW AND DOOR PLACEMENT.

bernard dinsmore		CONSULTANTS	
PROPOSED DEVELOPMENT: PLANNING			
DATE:	2023	REVISED:	2023
BY:	REV:	DATE:	2023



NOTES:

1. All parking spaces are to be provided in accordance with the relevant standards.
2. All parking spaces are to be provided in accordance with the relevant standards.
3. All parking spaces are to be provided in accordance with the relevant standards.
4. All parking spaces are to be provided in accordance with the relevant standards.

DATE:	2023	REVISED:	2023
BY:	REV:	DATE:	2023

bernard dinsmore
 CONSULTANTS

Client: **Jim Clerk & John Allen**

Title: **Proposed Site Plan And Site Section** | Item: **PLANNING**

Ref: **J1733** | Rev: **01/2023** | Drawn: **CC** | Checked: **AP**

Characteristics of the Site and Area

The application site is within the settlement development limits of Warrenpoint as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is also within Warrenpoint Area of Townscape Character and Mourne Area of Outstanding Natural Beauty.

The red line boundary comprises a portion of land to the rear of 7-9 Queen Street that can be accessed from Great George's Avenue and Queen Street (Protected Route). The site consists of areas of hardstanding, a dense overgrown scrub garden with a mature sycamore tree, and two fire-damaged ancillary buildings. The site slopes downwards from Great George's Avenue but is at a higher level than Queen Street. The north western boundary, common boundary with No. 6 Queen Street, is defined by a block wall. The south eastern boundary, abutting Parkside, is defined by wall/fence/hedgerow. A retaining wall and steps are to the front of the site onto the Right of Way off Queen Street. A laneway runs along the rear of the site which forms part of Great Georges Avenue.

The immediate area is characterised by 2 and 3 storey terrace buildings of mixed uses, predominantly residential at this end of Queen Street. Great Georges Ave includes 2 storey semi-detached dwellings also.

Planning Assessment of Policy and Other Material Considerations

- Regional Development Strategy (RDS)
- Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015
- Strategic Planning Policy Statement of Northern Ireland (SPPS)
- Planning Strategy for Rural Northern Ireland (PSRNI)
- **Planning Policy Statements**
 - PPS 2 – Natural Heritage
 - PPS 3- Access, Movement and Parking
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 - PPS 7 Addendum – Safeguarding the Character of Established Residential Areas
 - PPS 15 – Planning and Flood Risk
- **Further Guidance**
 - DCAN 8- Housing in Existing Urban Areas
 - DCAN 15 – Vehicular Access Standards
 - Parking Standards
 - Creating Places, Living Places Urban Stewardship and Design Guide.
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards

EVALUATION

As outlined above, the original scheme involved the erection of 2 sets of semi detached properties. The Planning Department considered the proposal to constitute overdevelopment whereby the proposal failed to comply with (a), (g) and (h) of Policy QD 1 (PPS7), Policy ATC 2 (aPPS6) and Policies DES 2 and SP18 of PSRNI. The application was referred to Planning Committee following the 'call-in' process whereby Councillors decided to defer the application back to Officers to allow the agent to work with Planning Department to provide further information.

An amended scheme has been submitted and the drawings are shown above. The scheme is now for the erection of a terrace of 4 properties. GLs have also been reduced whereby the FFL of the properties has been reduced by 2.1m and GL of the rear amenity space has been reduced by approx. 1.4m. The amended scheme will now be assessed against the reasons for refusing the original scheme.

Policy QD 1 of APPS 7, criteria (a), (g) and (h), Policy ATC 2 of APPS 6, Policies DES 2 and SP18 of PSRNI and Policy NH 6 of PPS 2:

The application site is within the development limits of Warrenpoint and is also within Warrenpoint Area of Townscape Character. WB 34 states the key features of the area which will be taken into account when assessing development proposals, including the key features of Queen Street. The BNMAP notes that Queen Street has a fine brick bank building, semi-detached urban villas and bay fronted terrace that overlook the Town Park opposite. In ATC's housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. The application site is within a primarily residential part of the ATC designation. The site is also within the Mourne Area of Outstanding Natural Beauty.

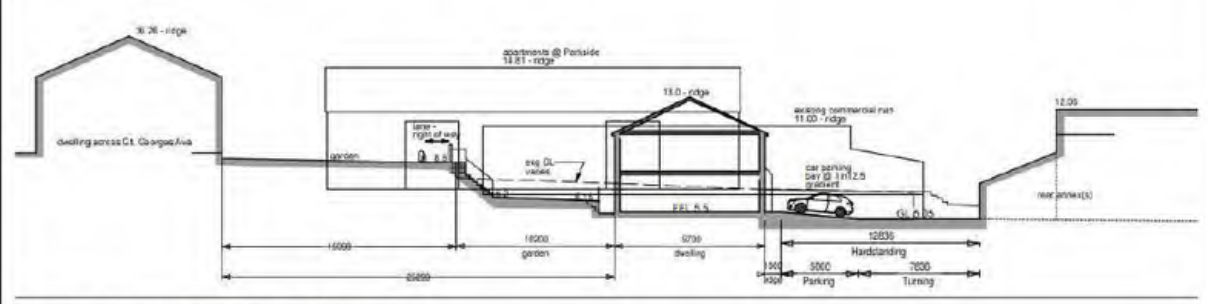
Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area. The Department will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area.

Protecting the existing character of ATC's is paramount when assessing housing proposals in ATC's and great care should be taken for proposals involving back land development.

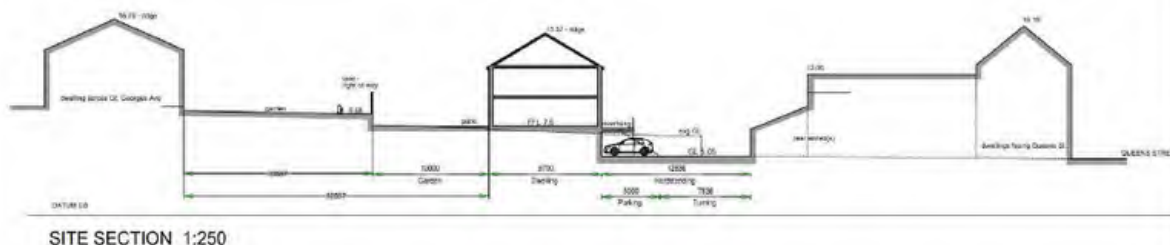
This part of the ATC has strong street frontage with two and three storey, predominantly terraced, form of development with ancillary development to the rear.

The terrace sits to the rear of Queen Street. The FFL of the dwellings is 5.5, which is just over 0.5m higher than the buildings along Queen St and the access laneway and parking. The previous scheme had a FFL 2.5m higher than the buildings along Queen St, therefore the FFL is to be reduced by 2m. This is achieved by lowering the GL as indicated on the section below. The original section is also shown below.

Amended Scheme



PROPOSED SITE SECTION 1:250

Original Scheme

The parking is to the front of the new properties, at GL. Steps to the rear lead to the rear gardens which are approx. 2.4m lower than the right of way to the rear. Steps up from the rear garden then provide a pedestrian access onto GGA.

The size and scale of the new terrace is similar to the original scheme (2 sets of semis) in terms of occupying the plot and footprint. The scheme has not been amended to reduce the overall size and scale of the buildings, but rather focused on engineering works to lower the GL to subsequently lower the eaves and ridge height and remove the balcony element.

The Department acknowledges that while actual size is a factor, perceived size is influenced by spatial characteristics. Whilst the building does largely occupy the width of the site, the change of form of the building and lowering of GLs and subsequently FFLs reduces the perception of over development and cramming.

A fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment. DCAN 8 indicates that backland development on plot depths of less than 80m is unlikely to be acceptable. In this case, the plot is less than half of this.

Backland development is characteristic of this laneway given the presence of No. 4B Great George's Avenue which is located to the rear of to the rear of Nos. 4/4A Queen Street and was granted approval in 1990 for the conversion of a garage to a self-contained flat. No. 4B sits within its own established curtilage which has a depth of approx. 15m.

Given the changes outlined above and having considered the inner urban town centre location and existing developments and densities along Queen St, Parkside and Great Georges St, which includes terraced units on narrow plots; on balance, the Department cannot sustain a refusal for a density and terrace of 4 no. properties. While a row of 3 may be considered more appropriate even when aligning with the terraced units in front of No.7-9, it is considered the site can accommodate the terrace of 4 proposed, without resulting in any demonstrable adverse impact on the setting or character. The sites location and limited impact it has from public viewpoint is also noted.

The Department welcomes the removal of under croft car parking and stepped entrance. The change of materials to include natural slates, timber and aluminium is also welcomed and appropriate to the ATC. The use of red brick is prevalent in the ATC, including several properties along Queen St. Overall, it is considered the contemporary mews houses now

proposed respect the built form of the area and complement and maintain the local character of the area.

The amended scheme complies with criteria (a) and (g) of Policy QD 1 (APPS 7), Policy NH 6 (PPS 2), Policy ATC 2 (APPS 6), and Policies DES 2 and SP18 (PSRNI).

The original scheme warranted concerns regarding residential amenity given the scale of the development proposed and topography. The main concerns relate to the Parkside development and the development along Queen St.

No. 6 Queen Street abuts the north western boundary. Unit 1 sits approx. 1.5m from this common boundary. No GF gable windows are proposed. One FF gable window is proposed; however, this window will serve a bathroom and will be fitted with obscure glazing. For this reason, I am satisfied that there will be no unacceptable overlooking of No. 6 Queen Street from the proposed dwellings. It is also considered the lowered GL and hipped roof, together with existing planting will ensure no unacceptable impact on No. 6 in terms of overshadowing, dominance or loss of light.

Apartments within Parkside abut the application site to the southeast. Again, one FF gable window is proposed; however, this window will serve a bathroom and will be fitted with obscure glazing. For this reason, I am satisfied that there will be no unacceptable overlooking of the development with Parkside from the proposed dwellings. Levels indicate that the dwellings will have a FFL approx. 1.5m lower than the adjacent apartment block. Unit 4 is approx. 1.6m from the rear boundary of the apartment block and approx. 7.5m from the rear elevation of the block. The ridge of the terrace will sit 1.8m below the ridge of the apartment block. The hipped nature of the roof reduces potential impact on the development either side.

The Department is satisfied that the changes to the scheme alleviates concerns regarding the amenity of the residents of the apartment block and no unacceptable impact will result in this inner urban setting. The pre-existing site circumstances, built form and conditions are also noted.

The front elevation is approx. 12m from the rear boundaries of Nos. 7-9 Queen Street. The dwellings will have a FFL approx. 0.4m higher than those properties along Queen Street. Given the similar FFL and the separation distances between the front elevations of the proposed units and the rear boundaries of Nos. 7-9 Queen Street, alongside the existing intervening development and large rear returns, the Department is content that the amenity of No. 7-9 Queen St is protected in this urban context.

The proposal complies with criterion (h) of Policy QD 1 APPS 7.

Consultations

Following the submission of amendments, one further consultation was issued to DfI Roads who offer no objections to the proposal.

Previous consultations issued are listed below:

- NIEA - Content that the proposal is unlikely to have any significant impact on natural heritage features.
- NI Water – Recommended refusal. Whilst there is a public foul sewer within 20m of the proposed development boundary, a high level assessment has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed. A WWIA

<p>application was submitted to NI Water in June 2023 and remains under consideration. The applicant has satisfactorily demonstrated engagement with NI Water for a resolution, therefore the Department can proceed with negative conditions, if approval was to be granted.</p> <ul style="list-style-type: none"> • Dfl Rivers – No objections • NIE – No objections • Loughs Agency – No objections. <p>As outlined above, a statutory consultee (NI Water) is recommending refusal whereby the Planning Department is now recommending approval. In line with the Scheme of Delegation, this application will be determined by the Planning Committee.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation Approval, as per assessment of amended scheme above. Drawing nos. L01A, P02F, P03E and P04B.</p>	
<p>Conditions:</p> <ol style="list-style-type: none"> 1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit 2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Site layout plan L01A & P02 F, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 4. All hard and soft landscape works as indicated in Drawing No.P04B shall be carried out in accordance with the approved details and the appropriate British 	

Standard or other recognised Codes of Practice. The proposed planting associated with each unit shall be completed during the first available planting season following occupation of the unit it serves. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council.

Reason: To ensure the appropriate foul and surface water drainage of the site.

6. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 5, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

7. The first floor gable end bathroom windows shall be fitted with obscure glazing prior to these units coming into use which shall be permanently retained thereafter.

Reason: To protect the amenity of adjoining residents.

Case Officer Signature: E. Eastwood

Date: 30/09/2025

Appointed Officer Signature: M Keane

Date: 30-09-25

Delegated Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2023/3622/F	Target Date:
Proposal: Proposed barbers/hairdressers	Location: Vacant site between No.39 Church Street and No.2 Water Street, Rostrevor
Applicant Name and Address: Derek McConville 86 Newry Road Kilkeel BT34 4ES	Agent Name and Address: John Cole 12A Duke Street Warrenpoint BT34 3JY
Date of last Neighbour Notification:	15 th January 2025
Date of Press Advertisement:	13 th December 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • Environmental Health: No objections subject to the following hours of operation, 0900 to 1800 Monday to Thursday and Saturday And 0900 to 2000 on Friday. • HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. • HED (Historic Buildings) considers the proposal satisfies the policy requirements of Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland 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, subject to conditions. It has also commented that the impact of the Proposal on the Conservation Area is a matter for the Council to consider. • NI Water recommend approval. • DfI Roads has no objections in principle to this proposal on the basis that planning are content that there is no vehicular access to this proposal and there is no requirement for off street parking. 	
Representations: Two no. representations have been received. Jack Gray, of 6 Water Street Rostrevor queried parking provision. Peter Quinn, of The Old School House, outlines concerns regarding parking provision, proximity of the new building to his property and the proposed demolition and rebuild of the boundary wall which would impact existing sight lines. The concerns will be discussed in further detail below.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

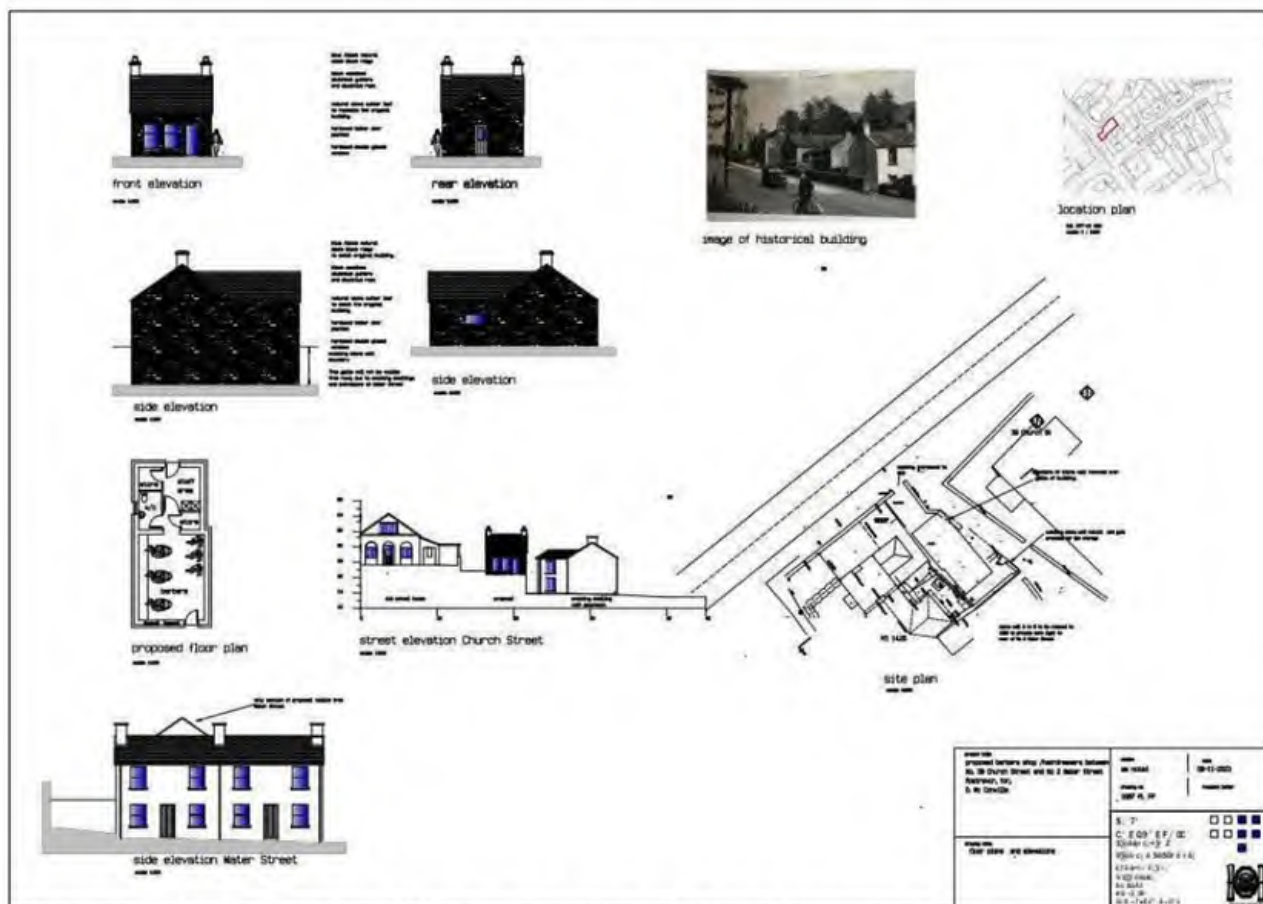
The site is narrow, linear and restrictive in form. The northwestern frontage, to Church Street, is 4 metres in width, increasing in width to approx. 8 metres to the rear and it measures some 14 metres in length. The site is vacant and has been cleared of vegetation. The site abuts the common boundaries of No 2 and 4 Water Street to the southwest. The northeastern boundary is formed by a narrow laneway, which provides an access to a building to the rear. There is an existing restaurant adjacent to the site on the opposite side of the laneway. The application site sits approximately 3m above the adjacent ground level at Water Street.

The site is within the statutory development limit (SDL) of Rostrevor, Rostrevor Conservation Area, the Mourne Area of Outstanding Natural Beauty and an Area of Archaeological Potential as designated in the Banbridge, Newry and Mourne Area Plan 2015. The immediate area comprises a mix of small-scale community, residential and commercial uses. It is located within the vicinity of a number of listed buildings, including St Mary's Church (NE), Old School House (N) and St Bronagh's Church (SW).

Description of Proposal

The application seeks for permission for the erection of a single storey building on a vacant site for use as a barbers/hairdressers.

The building is designed to mimic a dwelling house and measures 10.9m (length) by 5m (width) with a ridge height of 5.3m from FFL, with an under building. The building will be finishes in blue/black natural roof slates, black aluminium gutters and RWGs, timber windows and doors and natural stone. The building will fill the entire width of the site.



Planning Assessment of Policy and Other Material Considerations

The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- Rostrevor Conservation Area Booklet
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

PLANNING HISTORY

- P/1987/0495: Site for shop. Granted 07.10.1987.
- LA07/2020/1864/F: Proposed Barbers Shop / Hairdressers. Refused 8th September 2023.

No changes have been made to the scheme refused above.

EVALUATION

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site is located within the development limit of Rostrevor as designated on the Banbridge, Newry and Mourne Area Plan 2015 and is within the Rostrevor Conservation Area, referred to and identified in the Area Plan, an Area of Archaeological Potential and the Mourne Area of Outstanding Natural Beauty. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

The proposed commercial use is considered acceptable in principle, given its location within the settlement boundary on Whiteland and the mixed nature of adjacent uses. The proposal does not, however, comply with relevant regional planning policy, for the reasons set out below.

Design, scale and mass

Strategic Planning Policy Statement (SPPS).

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.

As stated, the application site is within the Rostrevor Conservation Area. Para 6.29 of the SPPS states that these are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Paras 6.18 – 6.20 specifies how development proposals in Conservation area, such as this, should be considered. Para 6.18 puts an onus firmly on the planning authority, in managing development within a Conservation Area, to enhance the character of a Conservation Area or to preserve its character or appearance where an opportunity to enhance does not arise.

There is a general presumption against the grant of planning permission for development in conservation area which conflicts with this principle. This should only be relaxed for matters in the public interest. Para 6.19 of the SPPS requires that development proposals should, amongst other things be sympathetic to the characteristic built form of the area; respect the characteristics of adjoining buildings by way of its scale, form materials and detailing; not result in environmental problems such as noise, nuisance or disturbance; and conform with the guidance set out in published Conservation area guidance.

The Planning Department considers that the application does not comply with 6.18 and 6.19 of the SPPS in that its form and design would not preserve and enhance the character of the Conservation Area and would have a detrimental impact on adjacent residential properties, for the reasons outlined below

Rostrevor Conservation Area

Rostrevor was designated a Conservation Area in February 1979. Amongst other things, the Conservation Area Booklet describes the features of the Conservation Area and provides a developer's brief for the designated area, which includes the application site. It requires new buildings to take account of the character of their neighbours and which, in mass and outline, should continue the rhythm of a street scene. Of particular relevance to this application, the designation booklet highlights that roof lines have tended to reflect street levels resulting in an interesting skyline. It requires that any development within the village core should normally reflect the proportions, fenestration and roof pitch of existing buildings and be, in general, two-storeys high. New dormer windows should be traditional in style.

The Conservation Area Guide advises:

'New buildings will be required to take account of the character of their neighbours. They should, in mass and outline, continue (where applicable) the rhythm of a street scene. The Village Core is comprised of mainly two storey buildings, mostly terraced, with various groupings of buildings indicating the various stages of its development and growth. Buildings are generally of simple rectangular form with a pitched roof and gabled ends. Any development within the village core should reflect the proportions, fenestration and roof pitch of existing buildings and be, in general, two storeys high.'

Paragraph 6.19 of the SPPS is amplified by Policy BH 12 of Planning Policy Statement 6 (PPS 6) 'Planning Archaeology and the Built Heritage' which deals with 'New Development in a Conservation Area'. It states that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all of 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;
- f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- g) the development conforms with the guidance set out in conservation area documents.

The proposed building measures 5.3 m in height from finished floor level with underbuilding, 10.9 m in length from front to rear elevation, with a width of 5m fronting onto Church Street. As stated previously, the building has been designed to meet the specific site constraints and will fill the entire width of the site. Its frontage is restricted by the width of the site and, as a result, it will appear constricted and very much at odds with the prevailing building form within the Conservation Area.

The total dimensions of the proposed building are also restricted due to the scale of the application site and the proximity of the adjacent properties. As a result, it will appear cramped, on the site, and appear at odds with the traditional settlement pattern along Church Street.

The main elevation to Church Street presents as a narrow, single storey building with a pitched roof. The narrow width, dictated by the site constraints, is out of keeping with adjacent properties. In total, the overall form of the proposed building is totally incongruous in the immediate townscape and street scape and is considered visually unacceptable in the

townscape setting. The fact that the application site is located within a designated Conservation Area, reinforces its unacceptability in design terms.

While it is acknowledged that the dominant materials have been selected in an attempt to imitate earlier styles of dwellings within the Conservation Area, the overall scale, form and detailing of the proposal, due to the restricted nature of the site, does not respect the immediate context or its established character and appearance.

In this context, the proposal is also considered to be not in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal is also not in accordance with Policy BH 12 of PPS 6, criteria (a), (b), (c) and (g), as referenced above.

The site is also within the designated Mourne Area of Outstanding Natural Beauty (AONB). Policy NH6 of Planning Policy Statement 2 (PPS2), 'Natural Heritage', which deals with development within AONBs, sets out the requirements to be met for all new development in these areas. For reasons considered above, the proposal is not considered to respect or conserve the features of importance to the character and appearance of the landscape or the locality, (in this case, the Conservation Area) in that the proposed layout, size and design are considered inappropriate for this locality. The Proposal is therefore contrary to criteria a), b) and c) of Policy NH6.

Access, Movement and Parking

The proposal seeks to utilise existing public parking provision within Rostrevor to satisfy the development's parking requirements. Published parking standards indicate that the proposal requires 3 in-curtilage parking spaces, however, no spaces are provided. The Department acknowledges the two representations received which raise parking concerns.

A Transport Assessment Form has been submitted in support of the application whereby the applicant has answered 'no' to the criteria in Part A:

- Residential comprising 10 or more units
- Non-residential with a gross floor area of 500 square metres or more
- Likely to generate 30 or more vehicle movements per hour
- Likely to generate 5 or more freight movements per day.

Policy AMP 7 of PPS 3 deals with car parking and servicing arrangements. It requires that development proposals provide adequate provision for car parking and appropriate servicing arrangements. The policy states that a reduced level of car parking provision may be acceptable to serve a proposal in certain circumstances including: where it forms part of a package of measures to promote alternative transport modes; if it is in a highly accessible location well served by public transport; where it would benefit from spare capacity in nearby public car parks or adjacent on street car parking, where shared car parking is available; and where flexibility would assist in the conservation of the built or natural heritage.

The Planning Department acknowledges the need to ensure appropriate car parking generally and also acknowledges the demands that are placed on existing on-street and public car parking provision in Rostrevor, as highlighted within the representations. While it is strongly considered that the proposal, if developed would not 'assist in the conservation of the built or

natural heritage' for the reasons already outlined, on balance, however, it is considered that flexibility and a reduced car parking requirement is justified in this instance. This is based on the nature and scale of the proposed use. It is considered that it should not result in a significant and prolonged increase in demand for parking.

In the light of the above, it is considered that the application is in general accordance with Policy AMP7 of PPS 3 and Policy QD1(f) of PPS 7 in that, given the specific nature of the proposed use and all relevant material considerations, an adequate and appropriate provision is available for car parking to serve the proposed development.

In regards to the proposed works to the boundary walls, DfI Roads raised no objections to the proposal. There are no major works proposed to the boundary wall at the front portion of the site along the private laneway onto Church St with the remains of the stone wall at the middle of the site to be removed to facilitate the new building. At the rear portion of the site, the existing stone wall is to be rebuilt and a gated access onto the private laneway for bin storage.

Impact on Residential Amenity

The proposed site sits almost 3m above the finished floor level of No 2 and No 4 Water Street which are residential properties. The proposal will create a large blank uninterrupted wall abutting the rear boundaries of those 2 homes dominating and enclosing their amenity space. The rear of these residential properties is the only private amenity space afforded to residents of these homes. The proposal will also attract more people to the site resulting in further overlooking of these residential properties. It is considered that, due to its restricted nature and its relationship with those adjoining properties, the application site does not have the capacity to accommodate the proposed building and use. The proposal is considered contrary to Policy PED 9 of Planning Policy Statement 4: Planning and Economic Development Criterion (b) in that it would harm the amenities of nearby residents for the reasons stated above.

Natural and Built Heritage

As previously mentioned, the application site is within an Area of Archaeological Potential and adjacent several listed buildings.

HED:HM advise that the proposal meets PPS6 and SPPS archaeological policy requirements. HED:HM considers the proposal satisfies the policy requirements of Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland 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, subject to conditions. It has previously stated that the impact of the proposal on the Conservation Area is a matter for the planning authority to consider. The Planning Department has serious concerns about the impact of the proposal on the Rostrevor Conservation Area.

Policy NH 2 of PPS 2 states that, "Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account."

Policy NH 5 of PPS 2 states that, "Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable, adverse impact on, or damage to known:

- priority habitats;
- priority species”.

Policies NH 1, 3 and 4 state that planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on local, national and international sites.

The Planning Department is of the opinion that the proposed development is not in conflict with the requirements of Policies 1-5 of PPS 2, given the site condition – absent of any buildings and mature vegetation. There are no watercourses within the site. Connection to mains sewerage is proposed. NI Water offer no objections.

The application site is not in proximity to any designated site, the closest being Carlingford Lough ASSI, 0.5km away.

Other Matters.

The Planning Department has fully assessed all information and documents submitted, by the Agent, in support of this application. All factors raised have been fully considered, but are of insufficient weight to overcome or set aside the significant planning concerns raised by the Planning Department in its report. In particular,

- The future appearance of the site is purely a matter of proper management and maintenance. This would be an unreasonable and inappropriate basis to permit the development of the site, contrary to planning policy and in a manner detrimental to the character of the immediate area, including the Conservation Area.
- The reference to the previous planning history and a previous dwelling on the site is insufficient justification to allow the proposed development on the site. The site circumstances and context have significantly changed in the interim and consequently limited weight can be attached to these matters. The matters referred to also pre-date prevailing planning policy, which has been formulated in the public interest, to protect the existing character of the area and the residential amenity of existing residents. Determining weight must be attached to the current circumstances on the site and prevailing planning policy considerations.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal, as per the assessment above.
Drawing no. 3387 PL FP

Reasons for Refusal:

1. The proposal is contrary to Para 6.18 and Para 6.19 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH 12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would not, if permitted, preserve or enhance the character of Rostrevor Conservation Area, as is also required, by statute, under Article 104 (11) of the Planning Act (Northern Ireland) 2011, in that:
 - it is not in sympathy with the characteristic built form of the area in terms of layout, design, width and scale;

- its scale, form, width, layout and detailing does not respect the characteristics of adjoining buildings; and
 - it does conform with the guidance set out in the published Rostrevor Conservation Area booklet;
2. 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 its relationship to adjoining buildings;
 3. The proposed development is contrary to Paragraph 6.187 of the Strategic Planning Statement for Northern Ireland (SPPS) and Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that:
 - the design, size and scale of the proposal is not appropriate to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality;
 - it would not respect local architectural styles and patterns due to its size, siting and scale.
 4. The Proposal is contrary to Policy PED 9 Planning Policy Statement 4, Planning and Economic Development in that the proposal would harm the amenities of nearby residents due to dominance and overlooking.

Case Officer Signature: Eadaoin Farrell

Date: 9 September 2025

Appointed Officer Signature: M Keane

Date: 09-09-25

Cole Partnership
Architecture and Project Management
12A Duke Street Warrenpoint
Co.Down BT34 3JY

122

Proposed barber's shop/ hairdressers between No.39 Church Street and No.2 Water Street Rostrevor.
Ref: LA07/2023/3622/F

This is a planning application for a single storey barbers/hairdressers located at Church Street Rostrevor within the Rostrevor Conservation area.

Under SPPS para 6.18 and 6.19 development in a conservation area should have regard to 'enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise'— at present the land is a vacant site in the centre of the conservation area of Rostrevor. There is absolutely nothing to preserve on site. This gives rise to the opportunity to enhance the character and the appearance of the street scape at this location.

The proposal is for a single storey building which will match the building that was previously on site. The proposal which meets the guidance set out in Rostrevor Conservation guide will only enhance the street scape in this part of Rostrevor instead of leaving a vacant site which has become overgrown and has become a dumping ground for rubbish in the centre of the village. The case officer refers to design guide for Rostrevor Conservation area which states 'Any development in the village core should normally reflect the proportions, fenestration and roof pitch of existing building and be in general two storeys high' We would note there are single storey buildings adjacent to two storey buildings within the conservation area of Rostrevor, along Water Street (which the conservation guide refers to) and at Horner's Lane. The policy states proposals should generally be two storey, the policy does not say proposals must be two storey. Given that there are other single storey buildings adjacent to two storey buildings in the conservation area of Rostrevor and the fact that the original building on site was a single storey building adjacent to two storey buildings the proposal would be returning the street scape to what it was and fitting in with the character of the area.

Para 6.19 sets out a number of criteria which are applicable to this site, it must be 'sympathetic to the characteristic built form of the area; respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing; not result in environmental problems such as noise, nuisance or disturbance; protect important views within, into and out of the area; protect trees and other landscape features contributing to the character or appearance of the area; conform with the guidance set out in any published Conservation Area design guides' The proposal is sympathetic to the built form of the area, the area of the proposal has not changed significantly from the early 1900's, the proposal is to restore the site to what it was historically which would certainly be sympathetic to the built form of the area. The proposal is to construct a building matching exactly what was previously on site, the proposal will match the original building in relation to scale, form, materials and detailing, this would undoubtedly respect the characteristic of the conservation area of Rostrevor.

The proposal will not result in environmental problems it will only improve the environment of the area. The site currently is overgrown, a dumping ground for waste and breeding ground for vermin. A new building here will remove all of these issues from the village centre. The view would be drastically improved instead of having a vacant site in the centre of the village it will be restored to what it was historically with a single storey building. There are no landscape features to retain and the finishes, style and form of the building conform to the Rostrevor Conservation guide. The form of the proposal resembles the single storey building that was previously on site, the proposal would enhance the street scape and return it to what it previously was.

DES 2 of Planning Strategy for Northern Ireland sets out at the beginning that development proposals in towns and villages must 'make a positive contribution to the character of the area surrounding in terms of design, scale, and use of materials' The proposal is to develop a vacant site within the conservation area of Rostrevor. There had previously been a building on the site, which had fallen into disrepair and was partly removed by a previous owner. The site was overgrown with vegetation and rubbish gathered in the site. It is eyesore on the street scape. The design matches the previous building and meets the applicable guidance set out in Rostrevor Conservation Area document in that the building is of simple rectangular form with pitched roof and gable ends. The scale of the proposal resembles what was previously on site.

The materials match exactly what is set out in the Rostrevor Conservation Area document in terms of slate roof, painted hardwood up and down sliding sash windows. The external finish matches the original building. We would note that the adjacent restaurant has recently received approval for a flat roof terrace with frameless glass guarding and cedar cladding all of which are out keeping with the conservation area, in contrast all the finishes and details in this proposal meet guidelines set out in the Rostrevor Conservation Guide. A similar proposal was approved under P/1987/0495 using the Rostrevor conservation guide, which was published in 1979, the same guidance which is being used for the current application. The case officers report states that the department does not afford any weight to the expired approval from 1987 but will apply policy from the Rostrevor Conservation Guide published in 1979.

The case officers report states that the proposal will fail policy PED 9 of PPS 4 in that the proposal will harm amenities of nearby residents. The reports states that the proposal of the 'will also attract more people to the site resulting in further overlooking' A glance at the proposed floor plans shows that there is only one window in the proposal, to the front elevation, we fail to see how there can be any 'overlooking' into neighbouring properties when there are no windows overlooking the neighbouring properties. We would note that should the approved first floor veranda extension to the adjoining restaurant be completed and no building constructed on the proposed site anyone sitting on the veranda will be overlooking the rear amenity space of No 2 Water Street.

The proposal is developed on the site of a former building which will enhance the area. The form, materials, and detailing match the existing buildings in the area and the guidance set out in the Rostrevor Conservation Guide. The built form matches other single storey buildings adjacent to two storey buildings in the conservation area. The proposal resembles the local architecture in terms of styles and patterns. There physically cannot be any overlooking of the adjacent dwelling as there are no windows in the side walls. The proposal will match exactly what was previously on site.

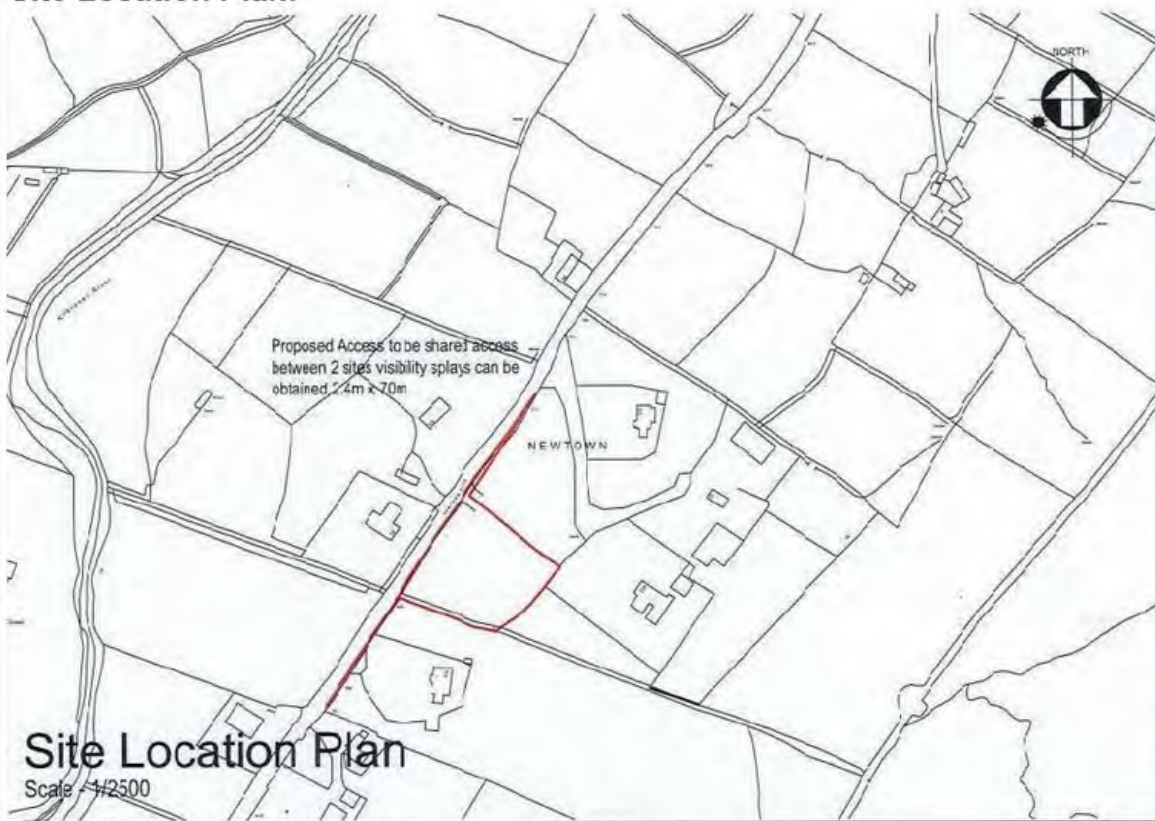
The proposal was previously presented to planning committee where it was proposed and voted on that there should be a building on this site, which was to be agreed at a meeting with the planning department. A large number of plans and alternative elevations were presented with no agreement. This vacant site in the middle of Rostrevor is an eyesore and the proposal which will be restored to its original state will bring the conservation area back to what it once was and provide employment and enhance the streetscape.

Application

Development Management Officer Report	
Case Officer: Rhys Daly	
Application ID: LA07/2023/3099/O	Target Date:
Proposal: New dwelling with detached garage on gap/infill site	Location: Directly opposite no. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ (amended address)
Applicant Name and Address: Martin McGinn 33 Newtown Road Rostrevor BT34	Agent Name and Address: John Collins 11 Marcus Street, Newry BT34 1ET
Date of last Neighbour Notification:	21 June 2024
Date of Press Advertisement:	12 June 2024
ES Requested: No	
Consultations: DFI Roads – Following a second consultation, Roads have no objections with conditions NI Water – Approved with standard planning conditions DFI Rivers – Content with attached advice for the Department HED – Content it will have no impact NIEA - Refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings Environmental Health – No objection to the proposal subject to the submission of details at RM stage.	
Representations: 7 neighbours notified as part of the application process. No representations have been received to date.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan:



Approved Drawing of Site
 in Compliance with Part 2 of
 the Planning (Amendment) Act 2005
 and the Planning and Development Act 2000
 as amended.

Date: 05/06/2024
 Drawn by: [Name]
 Checked by: [Name]
 Scale: 1:2500 (Site Plan)
 Drawing No: A.4.01

Date of Site Visit: 05/06/2024

Characteristics of the Site and Area

The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty and a Local Landscape Policy Area.

The application site is located within a field accessible via a field gate off a private laneway which sits along the Newtown Road. The red line boundary comprises the southern portion of a larger sloping field, which falls downwards towards the Newtown Road. The site is bounded by a hedgerow along the road side and a wooden fence along the eastern boundary. The northern boundary is currently undefined.

The size, scale and form of the neighbouring dwellings is varied. The lane also gives access to a farm which consists of multiple sheds and a concrete yard.

Description of Proposal

New dwelling with detached garage on gap/infill site

Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 15 Planning and Flood Risk
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

Planning

Application Number: LA07/2023/3412/O Decision: Decision Date:

Proposal: New dwelling with detached garage on gap/infill site.

Application Number: P/2001/0066/O Decision: Permission Granted Decision
Date: 14 March 2001

Proposal: Site for replacement dwelling.

Application Number: P/2003/2857/O Decision: Permission Granted Decision
Date: 14 April 2004

Proposal: Site for replacement dwelling

Application Number: P/2007/0997/F Decision: Permission Granted Decision
Date: 10 September 2008

Proposal: Erection of replacement dwelling.

Application Number: P/2010/0414/F Decision: Permission Granted Decision
Date: 31 January 2012

Proposal: Retention of former dwelling to be used as farm office with storage

Application Number: P/2010/0252/F Decision: Permission Granted Decision
Date: 02 February 2012

Proposal: Retention of agricultural building

Application Number: P/2009/1554/F Decision: Permission Granted Decision
Date: 23 June 2012

Proposal: Erection of farm dwelling and domestic garage.

EVALUATION

Banbridge/Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The Site is within a Local Landscape Policy Area.

Policy CVN 3 of Area Plan

Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character.

LLPAs are designated to help protect the environmental assets within or adjoining settlements. They include:

- archaeological sites and monuments and their surroundings;
- listed and other locally important buildings and their surroundings;
- river banks and shore lines and associated public access;
- attractive vistas, localised hills and other areas of local amenity importance; and
- areas of local nature conservation importance, including areas of woodland and important tree groups.

The application site is within Designation RR 09 Local Landscape Policy Area Rostrevor. Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed as the following:

The Kilbroney, Rostrevor and Ghann river corridors including associated mature vegetation providing local wildlife habitats and nature conservation interest and the hills and woodland surrounding the settlement including that inside the Kilbroney Park.

A PEA was submitted which concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided.

The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east.

The proposed development is not likely to negatively impact the Local Landscape Policy Area.

Strategic Planning Policy Statement

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

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 infill dwellings if they meet the criteria set out in CTY8.

CTY 8 – Ribbon Development

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

The application site is located within an agricultural field just off the Newtown Road. The field sits directly opposite 32 Newtown Road. 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. Immediately SW of the application site lies an agricultural field that has frontage to the Newtown Road. There are no buildings within this field. NE of the red line boundary lies the northern portion of the agricultural field that is under consideration for the erection of an infill dwelling under LA07/2023/3412/O. Further to the SW of application site, beyond the field, there is a large detached dwelling and garage that has frontage to the Newtown Road. A ranch style fence denotes the curtilage of this dwelling, whereby a gap exists between the dwelling and detached garage and the southern boundary of the subject field.

The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway. The curtilage of this property does not have frontage to Newtown Road. In order for a building to have road frontage, the plot on which it

stands must abut or share a boundary with that road, footpath or lane. Whilst the application site has frontage to the laneway, it is on the other side of the laneway to No. 33b. As the application site is at the junction of the laneway with Newtown Road, there are no buildings with frontage to the laneway to the north. There is no continuous built-up frontage along this stretch of road, thus the proposal therefore fails the initial policy test.

The below images is satellite image of site and the surrounding area.



Policy CTY8 states *“Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to*

simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings."

The Planning Department have considered the characteristics of the site and do not consider the infilling of this site as acceptable given the reason outlined above, whereby the site provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

While it is noted there has been pressure for building along this road, it is clear from a site visit and inspection of the grounds there is no substantial and continuous built up frontage to infill a gap. There is no policy to support the principle of development in this instance.

The proposal does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

Policy CTY13 – Integration and Design of Buildings in the Countryside

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

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

The application has been presented as an outline application and therefore no detailed design has been provided. The site is open to public view when travelling along the Newtown Road in both directions. Long distant views of the site are also from the adjacent Kilbroney Road that runs parallel to the Newtown Road. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on an elevated position comparable to the public road.

The surrounding landform comprises significant natural and built features immediately adjacent to the site and would provide a backdrop to the proposed development. The proposed development would not be at odds with these existing features, which would

allow the development to integrate into the surrounding landscape. It is considered that a single storey dwelling with a low ridge height would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The degree of enclosure provided by the existing built and natural features then means that the proposed development does not rely primarily upon new landscaping to aid integration. The surrounding built and natural features also provide a significant backdrop to the proposed development which then allows that it would not be a prominent feature in the landscape.

Policy CTY14 Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

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

As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that a dwelling on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road.

CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed to serve this development, with surface water disposed to an underground stratum. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-away whilst maintaining sufficient separation distance between the existing dwellings and proposed dwelling. The proposal appears to conform to Policy CTY 16. As per Environmental Health's response, if approval was granted, fully detailed drawings showing the location of the plant should be submitted at RM stage for consideration.

Residential Amenity

It is considered that there is sufficient space to accommodate a modest sized dwelling and maintain acceptable separation distances to avoid any unacceptable loss of light or overshadowing of the neighbouring dwellings. Careful design can also prevent any unacceptable overlooking of adjacent properties. No objections from neighbouring properties had been received as part of this application.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

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. DFI Roads were consulted in relation to the proposed development. DFI Roads have offered no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

PPS 2 Natural Heritage

There are currently no built structures on site. Adjacent habitats include areas of bare ground, residential buildings with gardens, grasslands and hedgerows. The site is located approximately 600m northeast of Rostrevor, in a semi-rural environment. The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long-established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east. The site has good linear connectivity within the wider landscape, via hedgerows, watercourses and woodland which are all present in the local area. Proposed works are for the erection of a new dwelling with detached garage and all associated site works.

The closest designated sites are the Western Mourne and Kilfeaghan Upper ASSI, located 1101m east of the site which is not hydrologically connected to the site. Hydrological connections are likely to exist between the site and Carlingford Lough ASSI/SPA/RAMSAR site via the unnamed watercourse running through the northern site boundary.

A PEA was submitted for consideration. The PEA concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided. In this case, if light spill onto any retained hedgerow with trees cannot be kept below 1 Lux, a bat activity survey will be required in accordance with NIEA/BCT Guidelines.

The application site is within an Area of Outstanding Natural Beauty. Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three specified criteria are met. Criterion (a) requires the siting and scale of the proposal to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. This is an outline application and no floor plans or elevations have been submitted. Whilst a dwelling on this site would benefit from the surrounding landform which comprises significant natural and built

features and would provide a backdrop to the proposed development, development on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road. Thus, the proposed siting would be unsympathetic to the special character of the Mourne AONB.

PPS 6: Planning, Archaeology and the Built Heritage

Kilbroney House, which is a Grade B listed building (HB16/06/011), is located along Kilbroney Road. HED HB were consulted given the possible associated views of the development which may harm the setting of the listed building. HED HB confirmed that that the development is sufficiently removed in situation and scale of development from the listed asset as to have negligible impact thus complying with Policy BH 11 of PPS 6.

PPS 15: Planning and Flood Risk

The development does not lie within the 1 in 200 year coastal flood plain. In relation to the watercourse bounding the site to the south west, due to its small catchment size, the watercourse present has not been modelled and hence has no associated 1 in 100 year fluvial flood plain shown on DfI Flood Maps (NI). However, this does not mean that there is no associated flood risk with this watercourse. Rivers Directorate would advise it is the applicant’s responsibility to appoint a competent professional to assess the flood risk and to mitigate the risk to the development and any impacts beyond the site.

Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained along the existing watercourse, but up to 10m where considered necessary. Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip.

As this is an outline application, no floor plans or site layout plan has been submitted for consideration. As per Policy FLD 3, if the new buildings/hardstanding exceeds 1000sqm a Drainage Assessment is required. The submission of a DA can be conditioned if permission was to be granted.

Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. As this is an outline application, no site layout plan has been submitted. If outline approval was to be granted, a fully detailed site layout plan should be submitted for consideration.

Neighbour Notification Checked	Yes
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Summary of Recommendation	
The Planning Department recommend refusal.	

Reasons for Refusal:	
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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 does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
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, result in a suburban style build-up of development when viewed with existing buildings.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB.

Case Officer Signature: R.Daly

Date: 29 April 2025

Appointed Officer Signature: M Keane

Date: 29-04-25

Written Submission for Speaking Rights

Planning Committee Meeting: 23 July 2025 Application: LA07/2023/3099/O Site: Directly opposite No. 32 and 33B Newtown Road, Rostrevor, BT34 3BZ

1. Introduction

This submission addresses planning application **LA07/2023/3099/O** for a new dwelling and detached garage on a gap/infill site opposite No. 32 and 33B Newtown Road, Rostrevor. The officer recommendation for refusal is noted, but new evidence—specifically an amended map demonstrating an expanded curtilage for **No. 33B**—warrants reconsideration. This evidence fundamentally alters the site's contextual relationship with the proposed development, resolving key objections related to spatial constraints and visual impact.

2. Critical Error in Original Curtilage Depiction

The original application inaccurately represented the curtilage boundary of **No. 33B**, as shown in the attached amended map. The corrected curtilage extends **18% further northwest** than initially documented, encompassing a historically maintained garden area and established hedgerow. This error misrepresented three material factors:

- **Site Density:** The original assessment claimed the development would create "overdevelopment" by exceeding 40% site coverage. The amended curtilage reveals a 22% larger buffer zone between No. 33B and the proposed dwelling, reducing effective density to 30%—within Policy CTY2A guidelines for rural settlements.
- **Visual Harmony:** Officer report cited "disruption to streetscape cohesion." The expanded curtilage demonstrates seamless integration with existing boundaries, allowing the new dwelling to align with the staggered building line of Newtown Road, preserving the area's "loose cluster" character.
- **Ecological Impact:** The original map omitted a mature hedgerow within No. 33B's curtilage. This feature, now correctly shown, provides natural screening and habitat connectivity, mitigating ecological fragmentation concerns.

3. Policy Compliance Supported by Amended Evidence

3.1 Gap Infill Justification

Policy CTY2A permits infill development where sites are "physically well-related to existing dwellings." The amended map confirms the site lies within the **established curtilage network** of Nos. 32, 33A, 33B, and 34, forming a contiguous residential grouping. This negates the "isolated development" refusal rationale, as the proposal now demonstrably "completes a logical settlement pattern".

3.2 Amenity and Access

- **Privacy:** The larger curtilage increases the separation distance between No. 33B and the proposed dwelling from 8m to 14m, eliminating overlooking risks. First-floor

windows can now be oriented northward, avoiding direct sightlines into adjacent gardens.

- **Access:** Newtown Road's existing carriageway (6.5m width) accommodates construction traffic without requiring highway modifications, as confirmed by Section 58 of the Highways Act 1980.

4. Design Mitigation and Community Benefit

- **Heritage Sensitivity:** The amended curtilage includes a 19th-century stone boundary wall (pre-1948), now protected under Article 45 of the Planning Act. The design avoids any impact on this feature, with a 2m setback ensuring preservation.
- **Sustainability:** Rainwater harvesting and native-species landscaping (using the hedgerow for screening) align with the Council's Climate Emergency Declaration (2023).

5. Conclusion and Request

The amended map substantiates that the original refusal grounds stemmed from factual inaccuracies. With the curtilage corrected, the proposal:

- Complies with Policies CTY2A, PPS7, and SPPS Design Principles;
- Preserves residential amenity and streetscape cohesion;
- Enhances biodiversity through retained hedgerows.

We urge the Committee to **overturn the refusal recommendation** and approve LA07/2023/3099/O, contingent on standard conditions (materials matching, boundary retention).

Attachments:

1. Amended Site Plan (Curtilage of No. 33B, dated 10/07/2025)

Signed




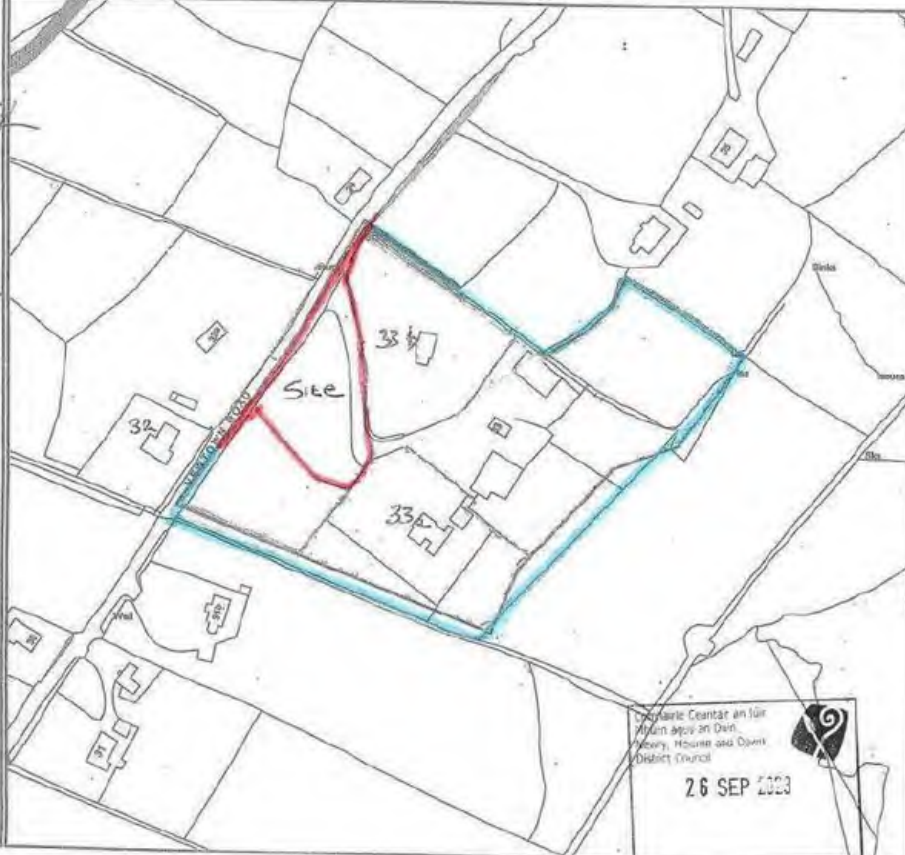
John Young, BSc Hons, AssocRICS
Collins & Collins

Application

Development Management Officer Report	
Case Officer: Rhys Daly	
Application ID: LA07/2023/3412/O	Target Date:
Proposal: New dwelling with detached garage on gap/infill site.	Location: Directly opposite No 32A and adjoining 33a and 33b Newtown Road, Rostrevor, BT34 3BZ' (Amended Address)
Applicant Name and Address: Martin McGinn 33 Newtown Road Rostrevor BT34 3BZ	Agent Name and Address: Collins & Collins 11 Marcus Street Newry BT34 1ET
Date of last Neighbour Notification:	3 rd October 2024
Date of Press Advertisement:	25 th October 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • NI Water – No objections to the proposal • DFI Roads – No objections to the proposal • NIEA- Refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings 	
Representations: 6 Neighbours were notified on 3 rd October 2024. The application was advertised in the local press on the 11th October 2023. No representations received to date.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: As set out above this is an outline application and therefore no details, elevations or finishes have been submitted nor are required as part of this application. These matters would be assessed at reserved matters stage. The main objective of this application is to establish the principle of the development on the application site.	

Site Visit Report

Site Location Plan:

 <p>Land & Property Services Seirbhís Talmáin & Maoin THE LAND INDUSTRY / CLÁRLANN NA TALMÁIN</p> <p>Date: 28 May 2022 <i>2022 25/5/22</i> County: Down Folio: Scale: 1:2500 Our Ref: Your Ref: M227-3 Map Ref(s): 27707SE</p> <p><i>Drawing No 12202/20</i></p> <p style="text-align: center;"><u>SITE LOCATION MAP</u></p> <p style="text-align: center;">COLLINS & COLLINS CHARTERED SURVEYORS / ASSESSORS 2 MARCUS STREET NEWRY, BT34 1EZ Tel: 028 302 86602 Fax: 302 60467 Email: info@collinscollins.biz</p> <p><small>This map is the final product of a site visit. It is not a legal document. It is not to be used as evidence in court. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.</small></p> <p><small>Copyright Reserved</small></p>	 <div style="position: absolute; bottom: 10px; right: 10px; border: 1px solid black; padding: 5px;"> <p style="font-size: small;">Agairle Ceantar an tOgáin Newry, Mourne and Down District Council</p> <p style="font-size: large; font-weight: bold;">26 SEP 2023</p> </div>
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Date of Site Visit: 05/06/2024

Characteristics of the Site and Area

The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty and a Local Landscape Policy Area.

The application site is located within a field accessible via a field gate off a private laneway which sits along the Newtown Road. The red line boundary comprises the north eastern portion of a larger sloping field, which falls downwards towards the Newtown Road. The site is bounded by a hedgerow along the road side and a wooden fence along the eastern boundary. The south western boundary is currently undefined.

The size, scale and form of the neighbouring dwellings is varied. The lane also gives access to a farm which consists of multiple sheds and a concrete yard.

Description of Proposal

New dwelling with detached garage on gap/infill site.

Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

No relevant history on the site. There is currently an application under consideration to the south of the site; reference LA07/2023/3099/O.

SUPPORTING DOCUMENTS

The P1 form was submitted along with relevant drawings and maps. A biodiversity checklist was also submitted.

EVALUATION

Banbridge/Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The Site is within a Local Landscape Policy Area.

Policy CVN 3 of Area Plan

Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character.

LLPAs are designated to help protect the environmental assets within or adjoining settlements. They include:

- archaeological sites and monuments and their surroundings;
- listed and other locally important buildings and their surroundings;
- river banks and shore lines and associated public access;
- attractive vistas, localised hills and other areas of local amenity importance; and
- areas of local nature conservation importance, including areas of woodland and important tree groups.

The application site is within Designation RR 09 Local Landscape Policy Area Rostrevor. Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed as the following:

The Kilbroney, Rostrevor and Ghann river corridors including associated mature vegetation providing local wildlife habitats and nature conservation interest and the hills and woodland surrounding the settlement including that inside the Kilbroney Park.

A PEA was submitted with the application which concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided.

The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east.

The proposed development is not likely to negatively impact the Local Landscape Policy Area.

Strategic Planning Policy Statement

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

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 infill dwellings if they meet the criteria set out in CTY8.

CTY 8 – Ribbon Development

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

The application site is located within an agricultural field just off the Newtown Road. The field sits west of 33b Newtown Road. 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. NE of the application site lies an agricultural field that has frontage to the Newtown Road. There are no buildings within this field. SW of the red line boundary lies the remaining portion of the agricultural field that is under consideration for the erection of an infill dwelling under LA07/2023/3099/O. SW of that there is another field, with a large detached dwelling and garage that has frontage to the Newtown Road located beyond this field. A ranch style fence denotes the curtilage of this dwelling, whereby a gap exists between the dwelling and detached garage and the southern boundary of the subject field.

The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway only. The curtilage of this property does not have frontage to the Newtown Road.

There are no buildings to either the north or south sides of the application site with frontage to the Newtown Rd, thus there can be no gap site to infill.

In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane.

In respect of the laneway (aside from the Newtown Rd), whilst the application site has frontage to the laneway, it is located on the other side of the laneway to No. 33b. As the application site is at the junction of the laneway with Newtown Road, there are no buildings with frontage to the laneway to the north.

There is no continuous built-up frontage along this stretch of road or laneway, thus the proposal therefore fails the initial policy test.

Image showing the application site and surrounding area



Policy CTY8 states *“Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.”*

The Planning Department have considered the characteristics of the site and do not consider the infilling of this site as acceptable given the reason outlined above, whereby

the site provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

While it is noted there has been pressure for building along this road, it is clear from a site visit and inspection of the grounds there is no substantial and continuous built up frontage to infill a gap. There is no policy to support the principle of development in this instance.

The proposal does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

Policy CTY13 – Integration and Design of Buildings in the Countryside

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

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

The application has been presented as an outline application and therefore no detailed design has been provided. The site is open to public view when travelling along the Newtown Road in both directions. Long distant views of the site are also from the adjacent Kilbroney Road that runs parallel to the Newtown Road. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on an elevated position comparable to the public road.

The surrounding landform comprises significant natural and built features immediately adjacent to the site and would provide a backdrop to the proposed development. The proposed development would not be at odds with these existing features, which would allow the development to integrate into the surrounding landscape. It is considered that a single storey dwelling with a low ridge height would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The degree of enclosure provided by the existing built and natural features then means that the

proposed development does not rely primarily upon new landscaping to aid integration. The surrounding built and natural features also provide a significant backdrop to the proposed development which then allows that it would not be a prominent feature in the landscape.

Policy CTY14 Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

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

As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that a dwelling on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road.

CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed to serve this development, with surface water disposed to an underground stratum. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-away whilst maintaining sufficient separation distance between the existing dwellings and proposed dwelling. The proposal appears to conform to Policy CTY 16.

Residential Amenity

It is considered that there is sufficient space to accommodate a modest sized dwelling and maintain acceptable separation distances to avoid any unacceptable loss of light or overshadowing of the neighbouring dwellings. Careful design can also prevent any unacceptable overlooking of adjacent properties. No objections from neighbouring properties had been received as part of this application.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

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. DFI Roads were consulted in relation to the proposed development.

DFI Roads have offered no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

PPS 2 Natural Heritage

There are currently no built structures on site. Adjacent habitats include areas of bare ground, residential buildings with gardens, grasslands and hedgerows. The site is located approximately 600m northeast of Rostrevor, in a semi-rural environment. The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east. The site has good linear connectivity within the wider landscape, via hedgerows, watercourses and woodland which are all present in the local area. Proposed works are for the erection of a new dwelling with detached garage and all associated site works.

The closest designated sites are the Western Mourne and Kilfeaghan Upper ASSI, located 1101m east of the site which is not hydrologically connected to the site. Hydrological connections are likely to exist between the site and Carlingford Lough ASSI/SPA/RAMSAR site via the unnamed watercourse running through the northern site boundary.

A PEA was submitted for consideration. The PEA concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided. In this case, if light spill onto any retained hedgerow with trees cannot be kept below 1 Lux, a bat activity survey will be required in accordance with NIEA/BCT Guidelines.

The application site is within an Area of Outstanding Natural Beauty. Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three specified criteria are met. Criterion (a) requires the siting and scale of the proposal to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. This is an outline application and no floor plans or elevations have been submitted. Whilst a dwelling on this site would benefit from the surrounding landform which comprises significant natural and built features and would provide a backdrop to the proposed development, development on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road. Thus, the proposed siting would be unsympathetic to the special character of the Mourne AONB.

Neighbour Notification Checked	Yes
Summary of Recommendation	
The Planning Department recommend refusal.	
Reasons for Refusal:	
<ol style="list-style-type: none"> 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 does not represent a small gap site within an otherwise substantial and continuously built-up frontage. 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, result in a suburban style build-up of development when viewed with existing buildings. 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB. 	
Case Officer Signature: R.Daly	
Date: 29th April 2025	
Appointed Officer Signature: M Keane	
Date: 29-04-25	

Written Submission for Speaking Rights

Planning Committee Meeting: 23 July 2025 Application: LA07/2023/3099/O Site: Directly opposite No. 32 and 33B Newtown Road, Rostrevor, BT34 3BZ

1. Introduction

This submission addresses planning application **LA07/2023/3099/O** for a new dwelling and detached garage on a gap/infill site opposite No. 32 and 33B Newtown Road, Rostrevor. The officer recommendation for refusal is noted, but new evidence—specifically an amended map demonstrating an expanded curtilage for **No. 33B**—warrants reconsideration. This evidence fundamentally alters the site's contextual relationship with the proposed development, resolving key objections related to spatial constraints and visual impact.

2. Critical Error in Original Curtilage Depiction

The original application inaccurately represented the curtilage boundary of **No. 33B**, as shown in the attached amended map. The corrected curtilage extends **18% further northwest** than initially documented, encompassing a historically maintained garden area and established hedgerow. This error misrepresented three material factors:

- **Site Density:** The original assessment claimed the development would create "overdevelopment" by exceeding 40% site coverage. The amended curtilage reveals a 22% larger buffer zone between No. 33B and the proposed dwelling, reducing effective density to 30%—within Policy CTY2A guidelines for rural settlements.
- **Visual Harmony:** Officer report cited "disruption to streetscape cohesion." The expanded curtilage demonstrates seamless integration with existing boundaries, allowing the new dwelling to align with the staggered building line of Newtown Road, preserving the area's "loose cluster" character.
- **Ecological Impact:** The original map omitted a mature hedgerow within No. 33B's curtilage. This feature, now correctly shown, provides natural screening and habitat connectivity, mitigating ecological fragmentation concerns.

3. Policy Compliance Supported by Amended Evidence

3.1 Gap Infill Justification

Policy CTY2A permits infill development where sites are "physically well-related to existing dwellings." The amended map confirms the site lies within the **established curtilage network** of Nos. 32, 33A, 33B, and 34, forming a contiguous residential grouping. This negates the "isolated development" refusal rationale, as the proposal now demonstrably "completes a logical settlement pattern".

3.2 Amenity and Access

- **Privacy:** The larger curtilage increases the separation distance between No. 33B and the proposed dwelling from 8m to 14m, eliminating overlooking risks. First-floor

windows can now be oriented northward, avoiding direct sightlines into adjacent gardens.

- **Access:** Newtown Road's existing carriageway (6.5m width) accommodates construction traffic without requiring highway modifications, as confirmed by Section 58 of the Highways Act 1980.

4. Design Mitigation and Community Benefit

- **Heritage Sensitivity:** The amended curtilage includes a 19th-century stone boundary wall (pre-1948), now protected under Article 45 of the Planning Act. The design avoids any impact on this feature, with a 2m setback ensuring preservation.
- **Sustainability:** Rainwater harvesting and native-species landscaping (using the hedgerow for screening) align with the Council's Climate Emergency Declaration (2023).

5. Conclusion and Request

The amended map substantiates that the original refusal grounds stemmed from factual inaccuracies. With the curtilage corrected, the proposal:


- Complies with Policies CTY2A, PPS7, and SPPS Design Principles;
- Preserves residential amenity and streetscape cohesion;
- Enhances biodiversity through retained hedgerows.

We urge the Committee to **overturn the refusal recommendation** and approve LA07/2023/3099/O, contingent on standard conditions (materials matching, boundary retention).

Attachments:

1. Amended Site Plan (Curtilage of No. 33B, dated 10/07/2025)

Signed

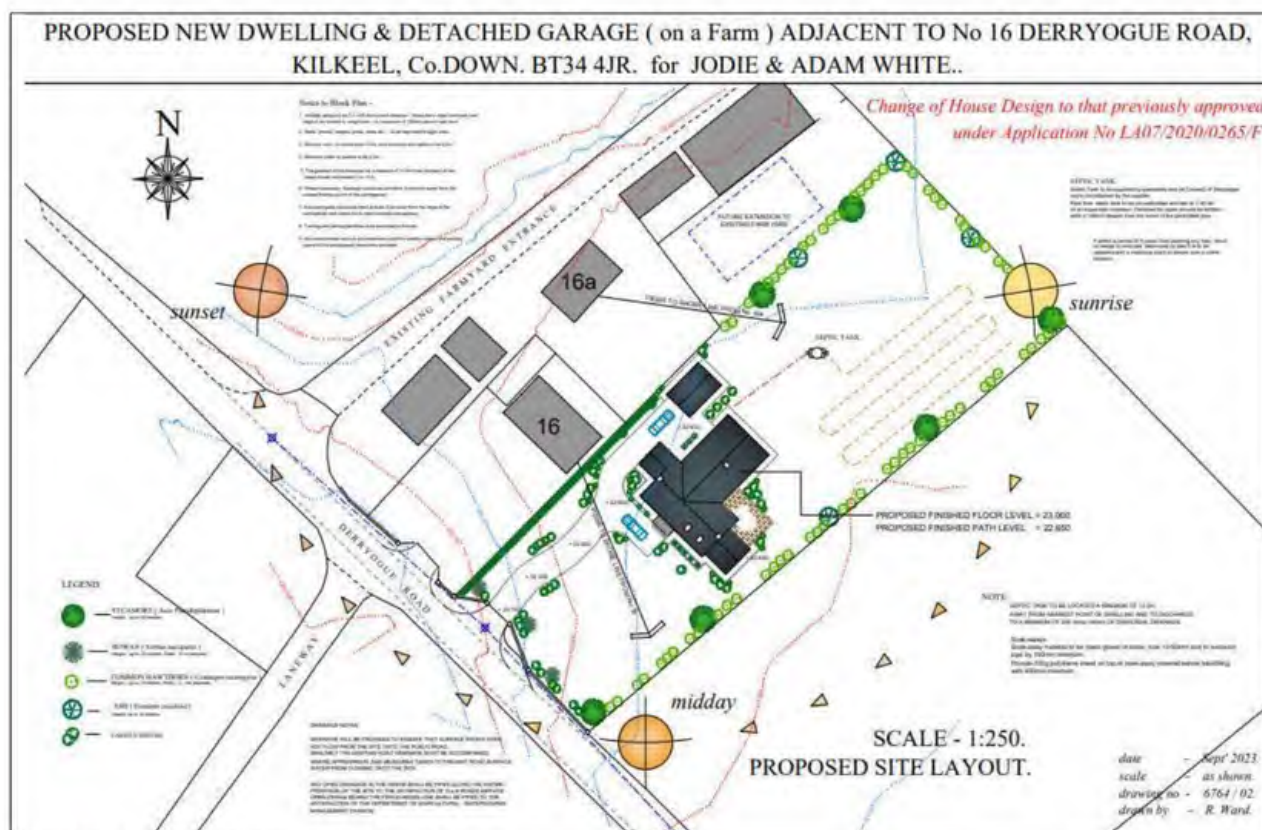


John Young, BSc Hons, AssocRICS
Collins & Collins

Application

Development Management Officer Report	
Case Officer: Rhys Daly	
Application ID: LA07/2024/0295/F	Target Date:
Proposal: Proposed change of house type and resiting of a dwelling on a farm originally approved under permission LA07/2020/0265/F	Location: Adjacent to and directly south east of number 16 Derryoge Road, Newry, BT34 4J
Applicant Name and Address: Adam & Jodi White Goss 16 Derryogue Road Kilkeel BT34 4JR	Agent Name and Address: Joseph Lynam 11 Newry Road Mayobridge Newry
Date of last Neighbour Notification:	22 nd May 2025
Date of Press Advertisement:	30 th April 2025
ES Requested: No	
Consultations: DFI Roads – No objections to the proposal. NI Water – Recommend approval.	
Representations: 5 neighbours were notified as part of the application process, no objections or representations have been received to date.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: Principle of development has been established under Policy CTY 10, as per the previous application. This application considers the re-siting of the approved dwelling and change of house type.	





Date of Site Visit: 30/01/2024

Characteristics of the Site and Area

The application site is a roadside field located adjacent and south west of 16 Derryogue Road. The site includes a portion of land within a larger agricultural field. The site is defined by existing hedgerows on the roadside boundary, the northern boundary is defined by the adjacent single storey farm dwelling No. 16 and several farm outbuildings. The rear boundary is defined by existing hedgerows which define the field boundary.

Description of Proposal

Proposed change of house type and resiting of a dwelling on a farm originally approved under permission LA07/2020/0265/F

Planning Assessment of Policy and Other Material Considerations

The planning application will be accessed against the following policies:

- The Strategic Planning Policy Statement
- The Banbridge, Newry and Mourne Area Plan 2015
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 21 Sustainable Development in the Countryside
- DCAN 15 Vehicular Access Standards

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

PLANNING HISTORY

Planning

Application Number: LA07/2020/0265/F Decision: Permission Granted Decision

Date: 24 June 2020

Proposal: Proposed farm dwelling

EVALUATION

Planning Application LA07/2020/0265/F has already established the principle of a dwelling on the application site. This application will take into consideration the re-siting of and change of design of the new dwelling.

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside of the development limits Kilkeel and located within the Mournes AONB. There are no specific polices in the plan relevant to the determination of the application which directs the decision maker to the operational polices of the SPPS and the retained PPS 21.

Strategic Planning Policy Statement (SPPS)

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

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds. Building on Tradition refers to farm dwellings and advises that in order to reduce the impact of a new building in the countryside, new buildings are required to be "visually linked", or sited to cluster with an established group of buildings on a farm.

PPS 21 – Sustainable Development in the Countryside

Policy CTY1 states a range of development that can take place and is considered acceptable in the countryside. This includes farm dwellings if they meet the criteria set out CTY 10; criteria A and B have been met in previous application. Criterion C will require reassessment due to the re-siting of the new dwelling. This criterion requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practical access from the same lane. The proposed re-siting is considered to cluster and be visually linked with existing farm buildings and original farm dwelling at 16 Derryogue Road, when viewed from critical viewpoints

along Derryogue Road. The farm business is registered to no.16 The access has been deemed acceptable by DFI Roads The proposed site therefore meets the requirements of criterion c.

CTY 13, CTY14 and CTY 8 will also be considered within this application.

CTY 8 – Ribbon Development

The new siting of the dwelling brings the dwelling and entire curtilage closer to Derryogue Road, with the curtilage extending to the roadside, thus creating ribbon development along the road which is detrimental to the character, appearance and amenity of the countryside and creates and reinforces a built-up appearance to the road. Ribbon development has consistently been opposed and will continue to be unacceptable. The proposed re-siting of the dwelling is contrary to Policy CTY 8.

CTY 13 and 14 - Integration and Rural Character

I consider the proposed site reads well with the existing farm grouping from surrounding vantage points. Additional planting will be needed for the new splays and where part of hedgerow is to be removed, this is acceptable. I do not consider the site to rely primarily on new landscaping for integration as roadside planting is to be retained where possible. New planting is proposed for along the rear and the southern boundary, as the site is cut out of a larger agricultural field, this is acceptable. The proposed dwelling is 5.8m ridge height. I consider the proposed dwelling to fit in well with the surrounding area as there many house types in the vicinity ranging from single storey, one and half storeys and full 2 storeys.

However, whilst the proposed re-siting clusters and is visually linked with buildings on the farm, the siting will create a ribbon of development along the road alongside No. 16 and shed to the northwest. Travelling in both directions along Derryogue Road towards the application site there would be transient views of these existing buildings and the proposed dwelling, with a sequential awareness of the development fronting the road. As a result, it would add to the suburban style build-up of development at this part of the Derryogue Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. This position has been accepted by the PAC under 2022/A0114.

CTY 16 Development relying on non-mains sewage

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 outlined on the P1 form that a septic tank is the proposed means of disposing sewage. NI Water were consulted, and no concerns were raised. The installation of a treatment plant is subject to NIEA consent. The site layout plan shows the position of the tanks whereby sufficient separation distance remains between existing and proposed dwellings to avoid any unacceptable impacts in terms of odour and noise.

Amenity

I am content that the proposed site is an adequate separation distance from existing dwellings and it is not likely to affect any neighbouring residents in terms of overlooking, overshadowing or dominance.

It is noted the site will be immediately adjacent to no.16 however having account the siting of the dwelling, in relation to the siting of the dwelling at no,16, together with the spacing and layout of the dwelling proposed, it is considered it will not result in any unacceptable impact or loss of amenity. It is also noted the levels proposed will respect existing.

PPS 2 Natural Heritage

As stated above, the site is within Mourne Area of Outstanding Natural.

Policy NH6 of PPS 2 requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

Derryoge Road is a minor rural road which is also relatively low lying in the local landscape, whereby views of this roadside site are relatively short term.

A dwelling on this site will be clearly visible from its surrounds and will add to the ribbon of development along this road frontage.

Having account the site history, existing character and low lying nature of the site, it is considered this site and locality can accommodate a dwelling of this size, scale, and design without appearing unduly prominent. This has been accessed above.

Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

The site comprises an agricultural field which is enclosed by a hedgerow at present. The proposals will result in the loss of the roadside hedge for access and visibility purposes although compensatory planting is proposed throughout the site. Having account the current condition of the roadside hedge and site constraints, it is considered the proposed development is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. No features were observed

Neighbour Notification Checked

Yes

Summary of Recommendation

The application is contrary to CTY 8 and CTY 14 of PPS 21 and therefore refusal is recommended.

Reasons for Refusal:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1, CTY8 and CTY 14 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 Derryogue Road and does not represent an exception to policy.**
- 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 development would, if permitted, result in a suburban style build-up of development when viewed with existing buildings.**

Case Officer Signature: R.Daly

Date: 5th June 2025

Appointed Officer Signature: M Keane

Date: 05-06-25

**SPEAKING NOTES TO PROPOSED CHANGE OF HOUSE TYPE AND POSITION TO DWELLING ON A FARM
APPROVED UNDER REFERENCE LA07/2020/0265/F FOR MR. ADAM WHITE & MS. JODI GOSS.
APPLICATION LA07/2024/0295/F**

When the Practice was commissioned by the Applicants it was on the basis that the extant Planning Permission was for a dwelling which was beyond their budget. The extant Planning Permission - LA07/2020/0265/F – was for a relatively complex asymmetric dwelling over two levels in three sections approved as a Dwelling on a Farm. Our commission was to design an architecturally simpler dwelling and garage within budget.

When we examined the farm yard and lands, we found that as expected the terrain was flat and predominantly sandy. Further research revealed that to the rear of the farm buildings (to the north east) there is a filled dump which seems to have formerly been a sand pit. We could find no record of the depth of the excavated pit but generally in the locality these were in excess of 10 metres in depth. The excavations seemed to be in proximity of the boundary of the extant Planning Permission. We immediately were concerned at the possibility of slip within the lands pertinent to the extant Permission. On examination of the adjoining portal frame agricultural building, we found significant sheer structural cracking in the blockwork indicating movement. A second opinion was sought from Mr. Sean Callan, Chartered Civil Engineer, who advised to move the proposal at least 35 metres from the rear boundary. Clearly the high potential for subterranean movement had been missed by all parties up to this point. To satisfy the structural requirements for safe foundation design to the dwelling would involve piling to below the depth of the adjoining filled dump to ensure no ground slip below the building. This would not protect the garden areas. There is a very significant factor of safety requirement differential in structural foundation design between agricultural buildings and domestic dwellings.

We had to then consider the relocation of the proposal. The extant Permission allowed for the provision of a new entrance onto the Derryogue Road and an access laneway. Our proposal utilised same and the proposed dwelling was shown in relative proximity to the existing farm house as per drawing 02. All of the farm buildings are accessed from the farm entrance to the north west. The existing farm house is modest in area and elevation. The proposal is also modest in height as shown on drawing 03a and is in close proximity to the existing dwellings. During the course of the Application a number of Approvals, which we were involved in, were brought to the attention of the Planning Department which had dwellings of similar distances from the farm buildings.

Essentially the Department considers that under CTY 8 the proposal if allowed would create Ribbon Development of an urban nature. The buildings along the Derryogue Road consist of a small single storey unit, clearly a farm building (photograph 08) and the existing single storey farm house. The proposal would then be adjacent. All structures are single storey. It is important to note that the proposed siting does not allow for any further dwellings under the infill possibility of CTY 8 as the distances to other buildings on either side of the farm cluster are too great to accommodate infill under the policy. We consider that the building grouping is an acceptable cluster and that other farms in the area have much larger numbers of buildings in their clusters.

Summary.

We consider that the difficulties in this proposal arise with the structural issues pertinent to the proximity of the extant Permission to the filled dump which was not recognised by the parties. Clearly the Applicants are entitled to an Approval on the active farm. The safety of the domestic structures and the occupants are of paramount importance. Accordingly, we are of the opinion that these safety issues should allow for the instigation of an exception to Policy CTY 8, that the proposal should be allowed in the indicated position and the Application should be Approved.

J. Lynam R.I.B.A. Chartered Architect

J. Lynam B.Sc. (Hons.) Arch., Dip. Advanced Arch. Studies, Arb. R.I.B.A.

07/10/2025

Delegated Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2024/0401/F	Target Date:
Proposal: Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.	Location: Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down
Applicant Name and Address: Gerard Magee 10 Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down	Agent Name and Address: Gerard Magee 10 Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down
Date of last Neighbour Notification:	27 th January 2024
Date of Press Advertisement:	8 th May 2024 <i>Note: Within correspondence to the applicant dated 10th March 2025, the Council requested an amended address referring to a postal address. No further correspondence/information has been received.</i> <i>Section 3(2)(b) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that an application for planning permission shall contain the postal address of the land to which the development relates or, if the land in question has no postal address, a description of the location of the land. Upon review, it is determined that the site address provided by the applicant is sufficient to allow members of the public to clearly identify the site.</i>
ES Requested: No	
Consultations: DfI Roads consider the application unacceptable as submitted. Insufficient detail is available on transportation issues and additional information is required. Environmental Health request confirmation of the distance between proposed agricultural shed and dwelling not associated to the farm whereby it is recommended that proposed farm buildings are situated a minimum of 75m from dwellings not associated to the farm.	

<p>DAERA confirm that the farm holding has been in existence for more than 6 years (from 2010) and that the farm business claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. DAERA advise that the application site is located in field 3/086/070/1B <u>which has not been claimed for BPS by any business. Upon review of the farm maps, there is no field 1B. The site would have been part of field 1A. The Planning Department assume this is a typing error by DAERA.</u></p> <p>HED (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.</p>	
<p>Representations: No representations received to date.</p>	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
<p>Summary of Issues: Principle of development (active farm, development opportunities sold off, clustering with farm buildings), rural character and integration, access, natural and built heritage, residential amenity.</p>	

Site Visit Report

Site Location Plan:



Date of Site Visit: January 2025

Characteristics of the Site and Area

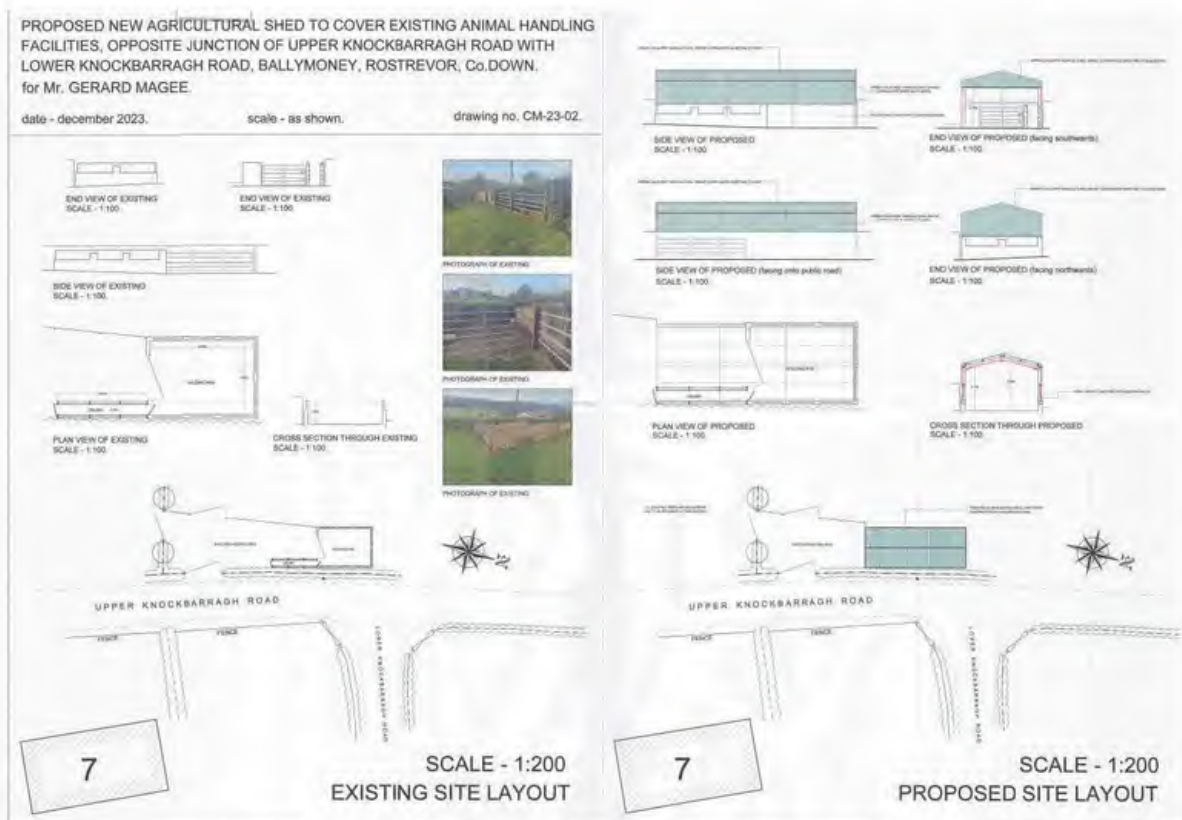
The application site is within the rural countryside, outside any settlement development limits and within an Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The development falls within the consultation zone of a Scheduled

Monument - DOW051:055. The site is in proximity to several designated sites, the closest being Carlingford Lough ASSI 1.7km away and Rostrevor Wood SAC 2.8km away.

The red line boundary is rectangular in shape, comprising a roadside holding pen and crush. The red line boundary is cut out of a larger agricultural field that slopes upwards in a north-westerly direction. The site is bounded by a combination of a field entrance and hedgerow along its roadside and southern boundaries. The western boundary is bounded by an agricultural metal gate and a post and wire fence. The northern boundary is defined by the holding pen. The farm yard is NW of the site, approx. 85m away and comprises the principal farm dwelling, and several farm buildings.

Description of Proposal

The application seeks full permission for the erection of a new agricultural shed to shelter existing animal/stock handling facilities for the sole purpose of inspection and treatment of animals. The plans indicate that the footprint/walls of the crush and holding pen are to be used with the walls extended higher and a roof erected over the top. Plans are shown below.



Planning Assessment of Policy and Other Material Considerations

- The Regional Development Strategy for Northern Ireland 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- PPS2 - Natural Heritage

- PPS3 - Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS 21 – Sustainable Development in the Countryside
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside (BOT)

PLANNING HISTORY

Relevant planning history includes;

North of application site, dwelling known as No. 8 Upper Knockbarragh Road:

P/2014/0680/F - Erection of one and a half storey dwelling on a farm – Permission granted, January 2015.

LA07/2019/0526/F - Proposed minor changes to existing approved dwelling, to include relocation of proposed entrance and the addition of a detached garden store/boiler -Permission granted, August 2019.

North of the application site, adjacent No. 8 Upper Knockbarragh Road:

LA07/2025/0769/F - Construction of new farm dwelling, car port and garage along with associated site works and landscaping – Under consideration.

Directly south of application site:

P/2014/0461/O - Proposed domestic dwelling on a farm (under CTY 10 of PPS 21) – Permission granted, December 2014.

EVALUATION

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The application site is outside any development settlement limits as designated in the BNMAP 2015, the principle of development is established under PPS 21: Sustainable Development in the countryside, Policy CTY 12 – Agricultural and Forestry Development.


Paragraph 5.56 of PPS 21 states that for the purposes of Policy CTY 12, the determining criteria for an active and established business will be as set out in Policy CTY 10 of PPS 21, which requires that the farm business is currently active and has been established for at least 6 years.

Consultation with DAERA has confirmed that the farm holding is currently active and has been active and established for the last 6 years whereby the farm business ID was allocated in 2010 and subsidies have been claimed in the past 6 years. DAERA advised that the application site is located in field 3/086/070/1B which has not been claimed for BPS by any business. Upon review of the farm maps, there is no field 1B. The site would have been part of field 1A. The Planning Department assume this is a typing error by DAERA. Nonetheless, this element of Policy CTY 12 is therefore satisfied.

Policy CTY 12 of PPS 21 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria.

Limited supporting information has been submitted alongside the application. The farm maps submitted indicate that the farm holding comprises approx. 20 hectares of land, with the majority of the land located at the main farm holding at 10 Knockbarragh Road. From my on-site observations, I note that the main farm comprises a number of existing buildings – several smaller, older farm buildings to the east of the farm yard and 3 larger sheds to the west of the farm yard appearing to be constructed sometime between 2018 and 2024. Within 2 of the larger sheds, I observed the keeping of livestock and the 3rd larger shed is being used as a silo. The smaller, older sheds were used for storage.



Application site 

As outlined in the history section above, a planning application has been submitted for the erection of a new farm dwelling. This farm dwelling is proposed to be sited within the farm yard and involves the demolition of 5 of the smaller, older buildings.

No further information regarding farming activities is available to the Planning Department. Whilst the Planning Department accepts that that a covered pen may have benefits, such as providing cover to the animals, and would be convenient, the Department is not persuaded that in this case it is necessary given that a simple pen was used previously, would offer the same function and would work just as well as a covered pen. In the evidential context provided, it has not been demonstrated that the development is necessary for the efficient use of the holding. Accordingly, the proposal fails to comply with criterion (a) of Policy CTY 12. The applicant was afforded the opportunity to submit further information to satisfy criterion (a). No further information has been received to date.

Criteria (b), (c) and (d) refers to the size, scale and integration of the proposed building and potential impact the building may have on the natural or built heritage. The roadside location is acknowledged. The site is within an Area of Outstanding Natural Beauty. The current pen does not make any impact in the landscape and is barely discernible. The current proposal would be a visible structure when travelling along Upper Knockbarragh Road in both directions and from various viewpoints along Lower Knockbarragh Road and Drumreagh Road. New buildings should be sited beside existing buildings on the farm. In this case, the farm is registered to the applicant's home address at 10 Upper Knockbarragh Road which is located within the farm yard comprising several farm buildings. Given that the proposal is sited approx. 85m from the

farm holding, the proposed building would therefore not be sited beside the existing farm buildings listed above as required by policy.

Policy CTY 12 goes on to state that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons.

As per the assessment above, it is concluded that the proposed shed is not essential for the efficient functioning of the business for the reasons given. It has not been demonstrated why the proposal could not be accommodated at the main farm holding. Moreover, given my conclusion that a simple pen, as used previously, would offer the same function, I am unconvinced that a covered pen is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. The exceptional test of Policy CTY 12 is therefore not met.

Policies CTY 13 and 14 of PPS 21 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 and does not cause a detrimental change to, or further erode the rural character of an area. The shed takes the form of a rectangular plan form with a pitched roof. The shed will have a ridge height of 3.8m above GL, will be 13.4m in length and 5.5m in depth. The design and appearance of the shed making use of green corrugated sheeting provides the appearance of an agricultural building in a countryside location.

Whilst the shed is of an appropriate design and is similar to the agricultural buildings located across the Council district, travelling in both directions along the Upper Knockbarragh Road, I consider the proposed shed to be a prominent feature in critical short distance views owing to the roadside location, separation from the farm holding and lack of well-established natural boundaries on the ground and consequent lack of enclosure for the building.

Long distance views from the Lower Knockbarragh Road and Drumreagh Road are not detrimental given the rising land to the rear which provides a backdrop. Given the above, it is considered the proposed development would not visually integrate into the landscape and would be a prominent feature in the landscape, contrary to criteria (a), (b) and (c) of Policy CTY 13, (a) of CTY 14, criteria (b), (c) and (d) of Policy CTY 12 and Policy NH 6 of PPS 2.

Criterion (e) of Policy CTY 12 refers to the amenity of neighbouring dwellings. The new shed is less than 75m from No. 7 Upper Knockbarragh Road. This dwelling is outside of the farm holding. The shed is to be used to shelter existing animal/stock handling facilities. The Environmental Health Department referred to guidance whereby farm buildings should be sited at least 75m away from dwellings outside the farm holding. However, given the small scale nature of the building, the existing holding pen on ground and intended purpose of the shed for the short term inspection and treatment of animals, it is considered that there will not be a significant impact on this neighbouring dwelling.

As outlined above, the site is in proximity of several designated sites. The drawings indicate that the shed will be used as a covered holding pen. There is nothing to demonstrate that the building will be provided with a slatted floor and slurry tanks for the long-term housing of livestock. It is considered that should planning permission be granted, the shed will only be used for the inspection and treatment of animals and not for the housing of livestock and this matter can be controlled by means of condition.

The proposal seeks to utilise an existing agricultural gated access into the field. Dfl Roads were consulted and raised concerns with the proposal whereby works to the access are required – the provision of 2.4m x 70m visibility splays. Dfl Roads, in their response, do not consider an agricultural access as a vehicular access and therefore a new access is required with the provision of 2.4m by 70m visibility splays. Whilst the Department acknowledges Roads’ comments, consideration must be given to the fact there is an existing holding pen and crush at this location, which is being served by the existing agricultural access. The proposal involves the erection of a roof over the pen. As such, the Department does not consider the proposal to warrant the need for a new access as requested by Dfl Roads.

Neighbour Notification Checked	Yes
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Summary of Recommendation
 Refusal, as per assessment above.
 The Department issued a letter to the applicant in March 2025 relaying concerns with the proposal. The applicant was afforded the opportunity to address the concerns/submit additional information, however no further information has been received to date.

Reasons for Refusal:
The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that:

- **The building is not clustered with an established group of farm buildings on the agricultural holding;**
- **It has not been demonstrated that a new building is necessary for the efficient functioning of the farm;**
- **There is no persuasive evidence that a building at this location is necessary for the efficient functioning of the farm.**

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 12 and 13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building fails to integrate into the landscape as the site is unable to provide a suitable degree of enclosure for the building

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building would be a prominent feature in the landscape

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside and Policy NH 6 of Planning Policy Statement 2: Natural Heritage, in that the building would have an impact on the natural heritage whereby the site is within an Area of Outstanding Natural Beauty and

the siting of the shed is not considered sympathetic to the special character of the Area of Outstanding Natural Beauty.

Case Officer Signature: Eadaoin Farrell

Date: 30th July 2025

Appointed Officer: A.McAlarney

Date:31 July 2025

LA07/2024/0401/F - Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals. Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor

- The description of this application refers to a new agricultural shed. In reality, the proposal involves putting a tin roof over an established cattle crush and animal holding area. The area is used at present for holding, testing, inspecting, and treating animals. It can also hold animals in isolation from the main herd or flock. As an isolation facility this base is, of necessity, away from the farm. It allows sick, injured or diseased animals to be isolated from the main group of animals to minimise the spread of sickness or disease.
- The existing facility has a number of limitations, stemming from the lack of shelter: shelter for humans tending to animals in the facility (i.e. farmers / vets etc.); and shelter for animals lying out, isolating from the main herd or flock.
- The refusal reasons give an impression of a fundamentally flawed proposal. However, in practice, the issues stem from the fact this shelter is not sited beside the main farm grouping, approx. 80 metres away. Officers' expectation is that the main farm is the natural place to place new sheds. However, that does not account for the need to isolate animals, away from the main herd or flock.
- We ask Members to be pragmatic and to exercise their judgement in this case. We would point out that rather than suggesting the applicant reconsider the proposal and consider siting beside the main grouping, the applicant would not even have needed planning permission to site it there. But that would not have been appropriate hence it was not considered.
- A family member has applied for a farm dwelling, within the main farm grouping. In order to comply with policy, the farm dwelling is to be positioned where ordinarily someone would want a new shed in the event of later expansion. We believe that an allowance has to be made for future farm expansion.
- Since this application was submitted, the applicant's family have actually demolished a number of older outbuildings around the main farm. The farm emphatically does not need a new isolation facility at the main group. That would defeat its very purpose.
- Another reason we ask Members to apply their own judgement is because the main farm grouping is set at the top of a hill. This site is located at the bottom of the hill. This modest new shelter will blend much more sympathetically with the surrounding landscape than a building would at the top of the hill. We urge you to balance the policy's preference to cluster with new buildings, against the reality that this location is visually preferential.
- We also ask Members to have regard to the applicant's fallback position i.e. the position to which they can revert in the event this application is refused. In short, the applicant could carry out this development 30 metres across from where it is proposed, without needing planning permission even. It would be in the middle of the field then, with less enclosure. Put simply, the refusal of planning permission would serve no useful purpose as the applicant could carry out development that would be less sensitive than what is actually proposed, without needing permission.
- Under the Planning Act, the decision-maker is required to have regard to the development plan, and to "all material considerations". A "material consideration" is anything that is relevant to the proposal at hand. The applicant's legal fallback position is one such material consideration. The fallback position here is that the applicant could carry out similar development within the same field, and not require planning permission. If he did, the existing crush could remain and that would entail more significant development than what is currently proposed.
- While the fundamental concern is that this proposal is away from the existing farm grouping, we would emphasise that for the holding to function efficiently it requires a facility in which a

sick or injured animal can be kept away from the remainder of the herd in order to minimise the spread of disease.

- The planning department are not convinced that a covered pen is essential and believe that the existing pen offers the same utility. It fails to see any demonstrable health and safety benefits. We ask you how it could be that a pen or a crush with no roof could function in the same way as one with a roof?
- This shelter is required not only for animals lying out, but also for vets and others attending the farm. A sick animal that is exposed to the elements is at risk of further decline in its health.
- Others attending an open pen are likely to require shelter from the elements, an important asset on any farm – particularly if a farmer is attending to animals in the pen (otherwise he would have to travel back to the main farm for shelter).
- The shed has been described as prominent despite having a ridge height of only 3.8m.
- There is another anomaly with this refusal: the policy that is purportedly offended is concerned with the impact of new buildings. But this is a shelter more than a building. It is open sided.
- Whereas it is stated that the proposal offends Policies CTY 12 and 13 of PPS 21, because it purportedly does not integrate with its surroundings, the shelter is of low elevation. It is not prominent and it does not occupy a ridge top or sky line position (which it would, if it was sited to cluster with the main farm). It is set behind an established hedge line and close to a tree line. As per the guidance offered in Building on Tradition, the applicant has looked to a site with two boundaries in situ.
- It is suggested the proposal will have an impact upon the natural heritage of the area. However, the fourth refusal reason, which cites this, fails to articulate whether the impact will be significant or not. For the avoidance of doubt, it is not.
- The siting of the shed is deemed not to be sympathetic with the AONB. Again, we ask Members to apply their own judgement in this regard: we ask is the development really so un-sympathetic that it must be refused, and how could this be the case if planning permission would not even be required to carry out the same development albeit 30 metres back in the field from where it is currently proposed.
- Officers concede that the long-distance views are not detrimental, and note the site's backdrop of rising ground. This is in fact sufficient to surpass the requirements of Policy CTY 13 of PPS 21.
- This application has been referred to the Committee for a rounded, balanced and holistic discussion that will ultimately involve a judgement call. This is a finely balanced matter, one that calls for an approach that is not slavishly adhering to planning policy and one that calls for a quorum of members applying their discretion and relying upon their own judgement rather than doctrine.
- The exercise of judgement by members is required here because the issue of "necessity" only comes into play for developments that are sited away from farm groupings. This proposal involves the alterations to an existing pen that is 83 metres from the farm grouping. Permitted development rights allow the construction of new buildings up to 75m from farm groupings. This is only 8m further away, so it is a matter of planning judgement as to whether or not this site is "away from the farm" and whether the "essential" test even applies.
- We ask members to ask an explanation how a proposal that is 83 metres away from a farm grouping is purportedly contrary to NH 6 of PPS 2, and would impact on the heritage of the AONB, when the applicant could have potentially erected a shed up to 75m away from the existing grouping AND retained the existing crush.
- We invite Members to visit the site themselves to determine if the proposal would be prominent in the landscape or not. If necessary, the applicant would also consider a slight reduction in the size of the shelter.
- We would like to thank you for your consideration in this matter.

Delegated Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2024/1403/O	Target Date:
Proposal: Replacement of existing dwelling with new dwelling within existing site curtilage.	Location: 4 Curley Road, Newry, BT34 1NU
Applicant Name and Address: Colin Moffett 22A Ringbane Road Newry BT341NN	Agent Name and Address: John Harkness 5 Gransha Road Newry
Date of last Neighbour Notification:	1 April 2025
Date of Press Advertisement:	27 November 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • DFI Roads • Environmental Health • Historic Environment Division • Northern Ireland Environment Agency- Water Management Unit & Natural Environment Division • NI Water 	
Representations:	
No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: N/A	

Site Visit Report

Site Location Plan:



Figure 1 Site Location Plan

Date of Site Visit: 21st March 2025

Characteristics of the Site and Area

The site is located off the Curley Road Newry approx. 150m south of No.4 Curley Road, which is within the rural countryside outside any development limit as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015), there are also no environmental designations associated with the site.

The application site consists of the ruins of a derelict building, set within was once an agricultural field however the ground has been disturbed and cleared considerably in parts. A mobile home and a small platform structure under construction was noted on site during the site visit.

The site is bounded on 3 sides by sparse hedgerow with trees scattered throughout it, there is no boundary between the site and the Curley Road. The surrounding location is characterised by detached dwellings of varying designs and finishes, agricultural buildings and fields.



Figure 2- View of site from Curley Road travelling north

Description of Proposal

The application is seeking outline planning permission for a replacement dwelling within existing site curtilage.

Planning Policy & Material Considerations:

The application has been assessed against the following policies and guidance:

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

PLANNING HISTORY

A history search has been undertaken for the site and is listed out below:

Enforcement:

Application Number: LA07/2025/0063/CA
Proposal: Unauthorised mobile home.

The above mentioned enforcement case has since been closed as the identified breach has been removed and remedied.

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Design and Access Statement
- Biodiversity Checklist
- Ecological Statement
- Site Location Plan

CONSULTATIONS

Having taken account of the nature of this proposal and the onsite constraints and surrounds, consultation with the following bodies was undertaken:

- Northern Ireland Water- No objections standard conditions
- DFI Roads- No objections
- Historic Environment Division- No objections
- Northern Ireland Environment Agency- Water Management Unit (WMU) & Natural Environment Division (NED)- WMU have no objections, NED- No objection subject to conditions.
- Environmental Health- No objection

REPRESENTATIONS

One neighbouring property was notified and no representations have been received in respect of the application. Public notice was given in the Newry Reporter in November 2024 and no wider public representations have been received.

EVALUATION

Banbridge, Newry and Mourne Area Plan 2015:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

The application site is located on unzoned lands within the countryside. There are no specific policies that directly apply to this proposal.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015:

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 PPS 2, PPS3 and PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 21 - Principle of Development:

PPS 21 Sustainable Development in the Countryside is the relevant planning policy in determining the principle of development for this proposal. Policy CTY 1 gives a number of opportunities for housing development in the countryside. One such opportunity is for the replacement dwelling in accordance with Policy CTY 3.

Policy CTY 3:

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 and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

The subject building has got an opening on the southern (front) elevation that is consistent with a dwelling and the remains of a fireplace can be seen internally on the western gable wall and can therefore satisfy the policy insofar as it appears as a building previously used as a dwelling. A site visit was conducted on the 21st March 2025 in which a thorough visual inspection was carried out by the case officer to determine the condition of the building.

The southern (front) elevation which is the principal elevation and is orientated towards the public road (Curley Road). Along this elevation there is evidence of what was once a door opening and the wall appears to be substantially intact, there was no window openings noted on any elevation of the building. The northern (rear) elevation and western (side) gable all appear to be fully intact. The eastern (side) gable wall has collapsed in on itself as shown in Figure 6 below, this has also restricted access to the remaining part of the building.



Figure 3- Southern and Western Elevations Intact



Figure 4- Northern elevation intact



Figure 5- Western gable intact



Figure 6- Collapsed eastern elevation

The extent of disrepair observed on-site indicates that the building cannot be deemed substantially intact. As a result, it fails to meet the minimum requirement for a replacement dwelling under Policy CTY 3, which outlines that all external walls must be substantially intact—a condition not met in this case and such fails the policy test set out in CTY 3. It is therefore considered that the principle of development for a replacement dwelling under Policy CTY 3 has not been established.

Recent appeal decision 2024/A0036 (Feb 2025) is also relevant whereby the Commissioner outlined and reaffirmed the policy requirements that ALL external walls must be substantially intact (notwithstanding that subject building exhibited other essential characteristics of a dwelling). This appeal was dismissed.

The agent was informed via email on the 1st April 2025 that the condition of the building does not meet the minimum requirement for replacement and was allowed an opportunity to provide additional comments. In an email dated 7th April 2025 the agent responded by claiming that they have handled two similar replacement dwellings to this one which had both been granted permission therefore a precedent had been set. After reviewing the two cases provided by the agent, it is therefore considered that the cases are not directly comparable to the subject application and carries no weight in determining this application.

For completeness, the application site has been evaluated against the remaining policies of PPS 21 for a dwelling in the countryside. It does not form part of an existing cluster under Policy CTY 2a, nor does it qualify as a small gap site within a substantial and continuously built-up frontage under Policy CTY 8. Regarding the other exceptions outlined in Policy CTY 1, no additional information was requested from the applicant or agent to demonstrate the need for the dwelling under Policies CTY 6, 7, or 10, in order to avoid unnecessary expense for the applicant and to prevent further delays in processing the planning application.

Policy CTY 13, 14 and 16

The application seeks outline planning permission; therefore, indicative siting is not required at this stage. However, it is considered that a suitably designed dwelling could be accommodated within the site while remaining compliant with Policies CTY 13 and CTY 14 of PPS 21. Due to the site's open nature along the western boundary adjacent to the public road, it is visible when traveling in both directions along Curley Road. However, existing landscaping along Brae Road which runs to the south of the site limits views primarily to those passing directly by. Consequently, if outline planning permission was to be granted, conditions regarding siting, ridge height, and proposed landscaping would be necessary to ensure the development integrates with the surrounding countryside and preserves the area's rural character.

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed. There is ample land within the red line boundary and within the proposed curtilage to accommodate this tank and associated soakaways without impacting the amenity of existing and future residents. This proposal is not contrary to CTY 16. The installation of a septic tank is subject to NIEA consent which would be conditioned to this effect.

PPS 3: Access, Movement and Car Parking

It has been noted in the application form that access to the site is to be taken from an existing access within the application site, however this will require alteration. DfI Roads has been consulted in light of this application and have recommended the applicant to submit an amended application form (access and parking arrangements) to state construction of a new access, as DfI Roads are of the opinion that there is no existing vehicular access to this dwelling. They also requested in their response for the applicant to submit an amended site location map with the red line extended in both directions to the edge of the public road to include all lands needed to create the required sight visibility splays of 2.0m x 45m. Roads were consulted following receipt of an amended site location plan and amended application form stating that a new access was to be constructed and have provided no objection at this outline stage.

PPS 2 Natural Heritage:

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

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has

been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species, and condition of the application site and associated boundaries, an extended ecological statement was recommended to assess the following:

- NI Priority Habitats (hedgerows);
- Badger & Otter activity;
- The potential of the site for smooth newts & nesting birds and;
- The potential of mature trees and buildings for roosting bats (Bat Roosting Potential Assessment).

NI Priority Habitat Assessment (Hedgerow)

It was concluded that the proposed development would involve the loss of rank vegetation assessed as having limited conservation value. It was recommended that any further loss of vegetation should be replaced with like for like compensatory planting. NED were consulted on this and noted that any hedgerow to be removed should be appropriately compensated for.

Badger & Otter Activity

The potential impact of the development on otters was assessed as 'Low'.

Evidence recorded from the survey carried out on site indicated that the future development of the site may have a direct impact on badgers due to a badger sett identified at the application site. As a result of this NED were consulted and, in their response, outlined, they had no objection to the proposal however they provided conditions to be included on a grant of approval for consideration at reserved matters stage.

Smooth Newts & Nesting Birds

The vegetation and derelict cottage within the site has potential for nesting birds. It is recommended that any further clearance of vegetation or demolition of the building should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive. Should this prove impracticable/impossible, then any such works scheduled within the bird nesting season should be preceded by a pre-work nesting inspection and/or breeding bird survey by a suitably experienced ecologist.

The survey notes that the future development of the application site is unlikely to have a direct impact on smooth newts since no areas of standing water or suitable newt habitat were identified within proximity to the site.

Bat Roosting Potential Assessment

The proposed development is unlikely to have an impact on foraging, commuting and roosting bats and no further detailed bat surveys are recommended prior to the demolition of the derelict building.

Following consultation with NED and based on the surveys carried out and the information provided the proposal is in compliance with PPS 2.

PPS 6 Planning, Archaeology and Built Heritage:

<p>The Development falls within the consultation zone of an archaeological site (DOW041:060 – RATH). HED were consulted in light of the outline proposal and have provided no objection. It is considered therefore that the application will not have any significant influence on any historical sites and complies with the requirements of PPS 6.</p> <p>Summary:</p> <p>It is considered the proposal fails the policy test for replacement dwellings whereby the principle is considered unacceptable and contrary to policy.</p> <p>The drawings considered as part of this assessment are as follows: 01B</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>For the reasons outlined above, the principle of development has not been established on the application site and therefore it is recommended to refuse outline planning permission.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that all external structural walls of the dwelling to be replaced are not substantially intact. 	
<p>Case Officer Signature: Fergal Connolly</p>	
<p>Date: 8th August 2025</p>	
<p>Appointed Officer: M Keane</p>	<p>Date: 08 Aug 2025</p>

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Committee Schedule of 15th October 2025

Planning reference: LA07/2024/1403/O

Proposal: Replacement of existing dwelling with new dwelling within existing site 170m South Of 4 Curley Road, Lisnaree, Newry

Applicant: Mr Moffett

Recommendation: Refusal

Refusal Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that all external structural walls of the dwelling to be replaced are not substantially intact.

Site and surroundings.

The site is located South of No4 Curley Road, Newry, currently existing on the site is former dwelling which suffered from the fall of trees during a storm in 2021 which brought the tree down on top of an attached outbuilding believed to be a outside wc which serviced the dwelling , this storm not only brought the tree down on the building to the side of the dwelling but it damaged the tin roof of the dwelling and resulted in it been blown over as can be seen from photographs in the officer's report.

The applicant subsequently went on site and removed the damaged stone wc and removed the remaining trees which were on the site thus exposing the stone walled structure, the dwelling sits gable to the road as can be seen from the site map with the rear wall dug into a gentle slope and retaining the ground around the rear wall. It is only on entering the dwelling via the front door that one can see that the ground to the rear wall is set at a higher level. The photograph of the building accompanying this report shows that the structure has four intact walls with damage caused by the fallen tree to the roof and rear wall. My client states that he did not interfere with the integrity of the structure rather he removed the damaged wc and fallen trees in the area which were loaded on to a trailer and removed as shown in officer's report.

Refusal Reason 1.

The development of a replacement dwelling under Policy CTY3 of PPS21 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is for a replacement and its meets with criteria and is compliant with SPPS and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1.

Refusal Reason 2

The applicant contend that contrary to the officer's recommendation all internal wall are

intact and when viewing the dwelling from within the structure it can be seen that the rear wall which retains the ground is only damaged by the timbers and tin which were destroyed by the wind and fallen tree. It has to be noted that an inspection of the site would show that the timbers and tin are still attached to the masonry walls thus confirming that all the external structural walls are substantially intact. From the external view, as per the photos in the Case Officer's report, the walls may seem somewhat compromised or lacking, however this is because external ground is being retained by some of the walls making it appear that the walls, or part of them, are missing – they are simply hidden by the ground they are retaining externally. Internal inspection will show that the walls are, in fact, structurally intact. It is like a Ha-Ha wall where the wall can only be seen from one side. See photographs below of original dwelling prior to wind and tree damage and site today.



Policy Considerations.

The proposal is assessed against the local development Plan ie Banbridge, Newry & Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015, PPS21, Policy CTY3.

Other Agencies _ The proposed site meets with other considerations by other consultees and agencies -

Northern Ireland Water- No objections standard conditions

DFI Roads- No objections

Historic Environment Division- No objections

Northern Ireland Environment Agency- Water Management Unit (WMU) & Natural Environment Division (NED)- WMU have no objections subject to conditions.

Environmental Health- No objection

No objections from neighbours or the publicity process.

Conclusion

The site as chosen complies with the requirements of a replacement dwelling under Policy CTY3 of PPS21, the applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development.

Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2024/1386/F	Target Date:
Proposal: 4 Nr. Glamping Pods & Associated Site Works	Location: Approximately 150m North East of No.15 Clontafleece Road, Warrenpoint, Newry BT34 3QS
Applicant Name and Address: Catriona Campbell Clontafleece Road Burren Newry BT34 3QS	Agent Name and Address: Ryan Toal 40-41 the Mall Newry BT34 1AN
Date of last Neighbour Notification:	3 April 2025
Date of Press Advertisement:	20 November 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none"> - DFI Roads - Environmental Health - NI Water - Northern Ireland Environment Agency- Water Management Unit (WMU) - Historic Environment Division (HED) 	
Representations:	
10 letters of support for this application have been received and will be discussed later in this report.	
Letters of Support	10
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: All letters of support outline the benefits of such proposal for the local area in terms of tourism promotion.	

Site Visit Report

Site Location Plan:



Figure 1- Site Location Plan

Date of Site Visit: 21st March 2025

Characteristics of the Site and Area

The application site is located on the Clontafleece Road Burren approx. 35 meters east of No.10c Clontafleece Road which is currently under construction. The site itself which is located within the rural countryside outside any development limit as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015) with the nearest settlement of Burren located approx. 1km from the site. The area is of typical rural character and predominately agricultural use. The site is within the Mourne Area of Outstanding Natural Beauty (AONB).

The application site consists of an agricultural field which slopes gently from its highest point in the north eastern corner to its lowest in the south western corner. As mentioned above the site is adjacent to No.10c which is currently under construction. An existing access is currently constructed to serve the dwelling under construction which separates it from the application site. The application site is bounded to the north and east by stone wall and hedgerow, while the southern boundary is defined by mature hedging. A laneway leading to 2 no. sheds and a dwelling runs alongside the eastern boundary of the site also. The western boundary of the site is currently undefined and leads into the adjacent property under construction. The surrounding

area is characterised by detached dwellings of varying designs and finishes, agricultural buildings and fields.

Description of Proposal

The proposal seeks full planning permission for the erection of 4 No. 2 bedroom glamping pods with a height of 4.3m above finished floor level (FFL) and associated site works including landscaping and 10 no. parking spaces, as shown in the below site layout.



Figure 2-Site Layout Plan

Information:

Following initial assessment, the Planning Department contacted the agent by email on 18th June 2025 to raise concerns regarding the initial proposal and submitted plans. These concerns related primarily to the principle of development at the application site in that as proposed it was considered that it would be in contrary to the requirements of Planning Policy Statement 16 Policy TSM6 with particular reference to criterion a, b, d and e of Policy TSM 6. It was also noted to the agent that no schedule of finishes was included on the drawings submitted and that in order to help assess the proposal these should be submitted along with any amended plans. The agent responded on the 26th June 2025 with information which included a revised site layout plan, updated pod designs including new floor plans and elevations, CGI images showing the pods in relation to viewpoints along the Clontafleece road and a planning statement addressing the concerns raised by the Planning Department. It is

these revised plans and information that this assessment has been based on and will be referenced throughout this report.

Planning Policy and Material Considerations:

The application has been assessed against the following policies and guidance:

- Regional Development Strategy 2035
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 21: Sustainable Development in the Countryside
- PPS 16: Tourism
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 3: Access, Movement and Car Parking
- PPS 2: Natural Heritage
- DCAN 15 Vehicular Access Standards

PLANNING HISTORY

Planning

The planning history for the application site and immediate surrounding area is listed below:

Application Number: P/2005/1050
Proposal: Site for holiday cottage
Decision: Invalid - Application Returned
Decision Date: 16 June 2005

Application Number: P/2005/2105/F
Proposal: Erection of holiday cottage
Decision: Permission Refused
Decision Date: 16 August 2006

Application Number: LA07/2022/1061/F
Proposal: Replacement dwelling & retention of existing dwelling to be used as domestic storage (amended description)
Decision: Permission Granted
Decision Date: 25 April 2023

Application Number: LA07/2023/3039/DC
Proposal: Discharge of Condition 7 of planning approval LA07/2022/1061/F
Decision: Condition Discharged
Decision Date: 01 December 2023

Application Number: LA07/2023/3040/DC
Proposal: Discharge of Condition 11 of planning approval LA07/2022/1061/F
Decision: Condition Partially Discharged
Decision Date: 01 December 2023

Application Number: LA07/2024/1185/F
Proposal: 4 Nr. Glamping Pods & associated site works
Decision: Application Invalid
Decision Date: 17 October 2024

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Design and Access Statement
- Site Location Plan
- Site Layout Plan
- Proposed Elevations
- Proposed Floor Plans

CONSULTATIONS

Having taken account of the nature of this proposal and the onsite constraints and surrounds, consultation with the following bodies was undertaken:

- Northern Ireland Water- No objections standard conditions.
- DFI Roads- No objections.
- Historic Environment Division- No objections.
- Northern Ireland Environment Agency- Water Management Unit (WMU) & Natural Environment Division (NED)- WMU have no objections with conditions.
- Environmental Health- No objections.

REPRESENTATIONS

One neighbouring property was notified as part of the neighbour notification process, the application was also advertised in the Newry Reporter on the 20th November 2025. As noted above 10 letters of support were received in respect of this planning application. The general content of these letters of support were all very similar in nature in that they outlined the positive aspects of the proposal in terms of promotion of tourism in the Warrenpoint, Mourne and South Down area and also the impact this would have. They also highlighted the need for such accommodation noting there is currently a lack of this in the area. These comments have been considered by the Planning Department and will be discussed throughout the report.

EVALUATION

Environmental Impact Assessment

As the proposal is within a designated area (Mourne AONB) it falls under Schedule 2 category 10b of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council as determined through an EIA screening on 19th August 2025 that an Environmental Statement was not required, a copy of the EIA screening determination is

retained on file, with the agent was also notified of this.

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. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS. Within the SPPS Paragraph 6.255 sets out the aim in relation to tourism development which is to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment.

The main considerations in the determination of this application relate to; principle of development, integration and rural character, tourism, residential amenity, access and environmental matters.

Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. It goes on to state that planning permission will be granted for tourism development in accordance with the TOU policies of the PSRNI. However, those policies have since been superseded by the provisions of Planning Policy Statement 16 – Tourism (PPS16).

It follows that if the development complies with the relevant provisions of PPS16 it will comply with Policy CTY1 of PPS21. The proposal comprises 4 No glamping pods for tourism purposes and therefore PPS 16 -Tourism will be a relevant consideration.

PPS 16 Tourism:

Proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access, and road safety. Policy TSM6 of PPS16 states *“Planning permission will be granted for a new holiday park ...where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development and the location, siting, size, design, layout and landscaping of the park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.”*

The proposal is for 4 tourist glamping pods. Each pod will be single storey in nature and have a maximum height of 4.3m with an internal floor space 45m². Pods will be provided with individual decking areas. The proposed floor plans and elevations of the pods are shown below in Figures 3 & 4.

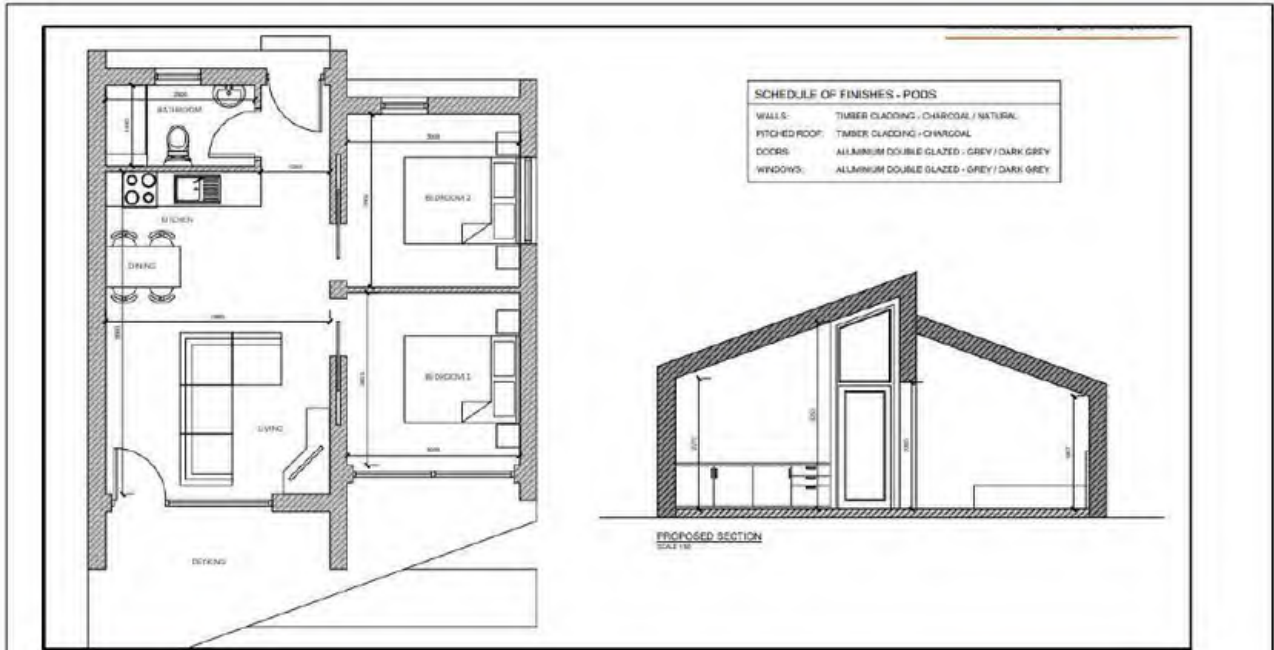


Figure 4- Proposed Floor Plans

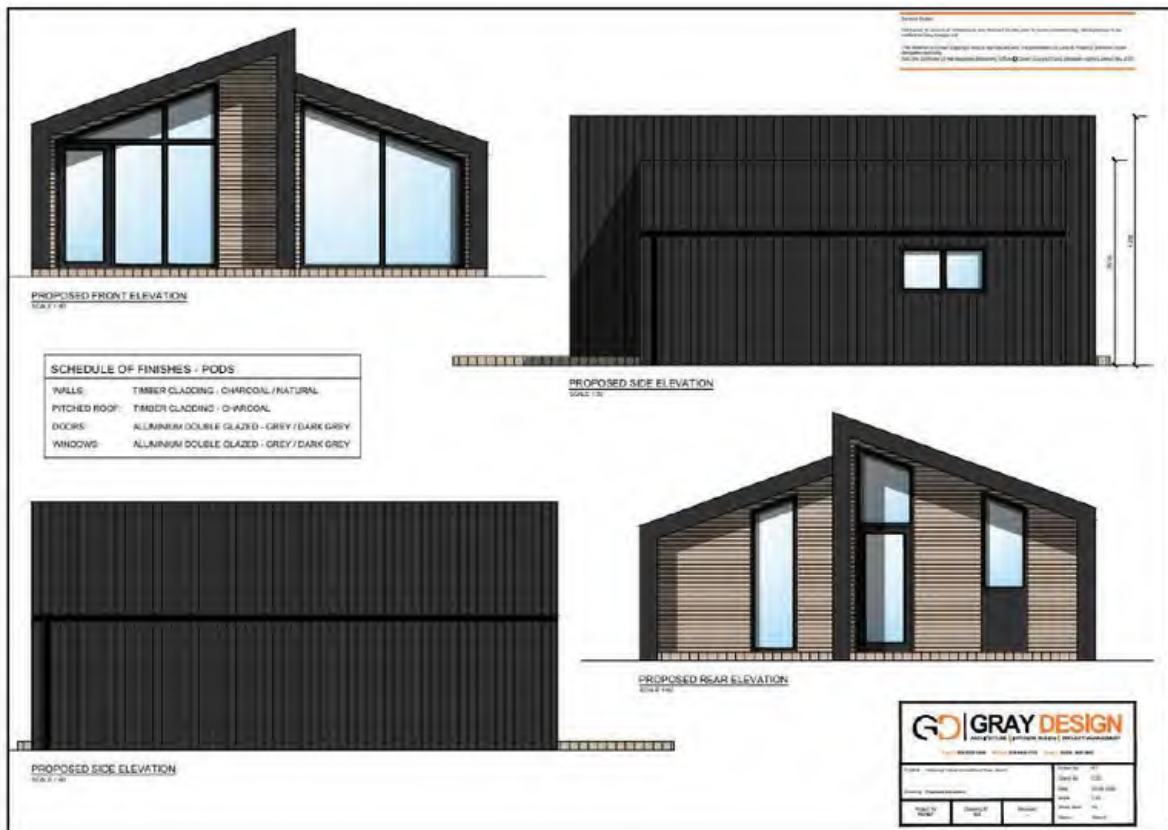


Figure 3- Proposed Elevations

PPS 16 requires proposals for holiday park development to be accompanied by a layout and landscaping plan which has been provided and will be subject to criteria A-G as discussed below.

(a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;

The applicant has provided a layout plan (above) which shows that the pods will be accessed off a laneway and will be setback approx. 30m to the first pod from the Clontafleece Road. The site on which the pods will sit is at a higher level than the Clontafleece Road and will also sit at a higher level than the access road into the site as the application site rises considerably from the Clontafleece Road and throughout the site as discussed above. The pods will have a FFL ranging from 154.50 to 157.00 again demonstrating the rising elevation within the site. As noted above, the pods will stand at 4.3m in height. The external finishes include the walls finished with a charcoal timber cladding on both side elevations with natural timber cladding to the front and rear, the pitched roof will be finished with a charcoal timber cladding also with both the windows and doors finished in grey/dark grey aluminium double glazed windows and doors. A formal parking area will be formed to the south of the pods comprising a row of 10 spaces. As noted above the application site is currently bounded to the north and east by stone wall and hedgerow, while the southern boundary is defined by mature hedging. The western boundary of the site is currently undefined and leads into the adjacent property under construction. A laneway leading to 2 no. sheds and a further dwelling runs alongside the site on the eastern boundary.

The surrounding area would be considered rural in nature with development sparsely located off the Clontafleece Road. It is mainly characterised by agricultural fields and buildings with some dwelling houses located in the surrounding area of differing designs and types. Given the existing land uses identified the higher land levels, the high-level height of the pods, the overall design and layout and siting and the remaining site levels considered with the existing and proposed boundary vegetation, the works are considered contrary with this section of policy as it is considered that the surrounding area does not have the capacity to absorb the proposed development and would cause an adverse impact on visual amenity and rural character.

(b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;

As demonstrated on the site layout plan submitted and also from conducting a site visit it is acknowledged that there is some level of existing vegetation and screening at the application site through the boundaries on the north, east and south. However, from review of the plans submitted the Planning Department consider that effective integration into the existing landscape could not be secured by the existing features and this is noted from the site layout plan submitted that the proposed development is relying on proposed landscaping to soften the visual impact and integrate into the surrounding area and it could not be considered that the planting proposed would qualify as discrete groups of trees as noted in the policy. It is noted that the level of planting proposed would not be a common feature in this area as a review of the surrounding area does note the presence of some trees however these are quite intermittent throughout the landscape and not as formalised as what is proposed. The Planning Department consider that the proposal is reliant on proposed planting and vegetation to

effectively integrate into the surrounding area and as such contrary to this criterion of the policy.

- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;***

The proposed site layout indicates that each pod will have an amenity area associated with each unit. In addition, there are areas of open grassed space included within overall development. Parking provision is to the front of the pods (south) and is considered sufficiently separated from the closest neighbouring dwelling to mitigate any negative impacts on the adjacent amenity area.

- (d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;***

The proposed layout of the pods is arranged around a central circular area with six narrow paths radiating from the circular area connecting it to each pod and other pathways within the site. Each pod will have its own 'decking area' to the front which will be accessed by its own private laneway which will be accessed by the central area which is also connected to the car park as shown in Figure 2. Additional landscaping between each pod is proposed which includes a 0.8m high hedge. Although the pods are in one location and their separation is quite uniform, the overall siting is still considered to be very formal in the overall layout and is heavily reliant on new planting to integrate them into the surrounding landscape. The Planning Department consider the proposal to be contrary to this policy requirement.

- (e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;***

As set out above, the overall design of the development is not considered to be appropriate for the site or the locality. The proposed layout, scale, and appearance of the pods, together with the associated ancillary elements such as the internal paths, car parking areas, and landscaping, do not reflect or reinforce the established local character. The design lacks reference to traditional forms, locally distinctive materials, and detailing that contribute to the area's identity. As a result, the proposal would appear incongruous within its setting, eroding the character and visual quality of the locality and failing to respect the best local traditions of form, materials, and detailing.

- (f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;***

In terms of environmental assets, no constraints were identified in regard to archaeological or built heritage interests. The proposal intends to use the existing topography to integrate the development. The existing boundary vegetation is to be retained with additional planting within the site proposed. The surrounding landscape is a highly scenic area located within the Mourne AONB, the impact on this will be considered later within the report. It is considered that the proposal complies with this criterion of the policy.

(g) Mains water supply and sewerage services must be utilised where available and practicable;

Northern Ireland Water (NI Water) have advised that there is a public water main within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water will be required to obtain approval to connect. In respect of sewerage services, the applicant intends to use an on-site waste-water treatment. WMU were consulted on this basis and they offered no objection to the application however noted the need for the applicant to apply for a discharge consent. In the event of any grant of permission a condition would be placed to this effect. The Planning Department are content the application is in compliance with this criterion of the policy.

TSM 7 Criteria for Tourism Development

In addition to the above criteria, proposals for tourism use will be subject to the following design criteria:

Design Criteria

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

Given the rural location of the site, access to public transport is not considered determining. Efforts have been made within the proposal however, to make provision for those with impaired mobility by providing ramped access to each pod. The proposal will not impact on any existing public rights of way.

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

The layout, building design and landscaping are not considered to be of good quality and they are not sympathetic to the surrounding area. It has not been shown that the proposal can integrate into the surrounding area and is heavily reliant on proposed landscaping to help with this. The design of the pods is not considered to be modest and unacceptable in this location. There is no flood lighting involved. The proposal is considered to be contrary to this criterion.

(c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;

As noted earlier in this report the Planning Department consider the boundary treatments proposed not appropriate as a means of enclosure. There are no areas of outside storage shown on the site location plan. The proposal is considered to be contrary to this criterion.

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

It is the developer's responsibility to ensure the appropriate drainage would occur in the event of an approval.

(e) is designed to deter crime and promote personal safety;

As detailed above each pod will have its own decking area to the side. The pods will be accessed via their own path that would promote personal safety and deter crime as required in TSM 7.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context

Not applicable to this scheme.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

As discussed above the proposal is considered unacceptable in the rural area. Surrounding land uses comprise of residential, agricultural and tourist accommodation. The chosen location is off a minor road. The use of the existing landform does not assist to screen the new development. Considering the small-scale nature of the proposal however the reliance on proposed planting does not allow for strong integration and will not ensure that the landscape quality will not be compromised.

(h) it does not harm the amenities of nearby residents;

As noted above the surrounding area is considered rural and development with particular reference to residential dwellings is limited. To the immediate west of the proposed development a dwelling approved under LA07/2022/1061/F was under construction at the time of the site visit, the nearest occupied dwelling is approx. 220m to the south east of the proposed development,

In terms of potential noise impact and anti-social behaviour, the scale of the park is noted whereby four no. 2 bedroom pods are proposed. The maximum no. of visitors at the site at any one time is 16 adults and the size and layout of the proposed holiday park would not lend itself to large groups of over 16 people. Whilst the separation distances and intervening vegetation which acts as a sound barrier are satisfactory in preventing unacceptable amenity impacts, it is not considered that in the event of any approval of this development that there would be undue harm caused on the nearby residents. Environmental Health were consulted in relation to the proposed development and offered no objection.

(i) it does not adversely affect features of the natural or built heritage;

There are no features of natural or built heritage which would be adversely affected by this proposal. Further assessment of this is below under PPS2.

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

The applicant would be responsible for obtaining the relevant consents from appropriate authorities regarding water connection, discharge and drainage. NI Water have been consulted and advised there is a public water main within 20m of the proposed development boundary which can adequately service these proposals.

(k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(n) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(o) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21

DFI Roads had been consulted regarding the proposal and in their final response received on the 9th April 2025, they had offered no objection to the proposal subject to compliance with conditions. The Clontafleece Road is also not a protected route, the Planning Department are content the proposed development in respect of the above criterion.

On account of the above, the proposal is therefore not considered to be in compliance with TSM 6 & 7 of PPS 16 for the reasons outlined above and therefore the principle of development cannot be established at the application site.

PPS21- Sustainable Development In the Countryside

Policy CTY 1 sets out the range of development that which in principle are considered to be acceptable in the countryside and would contribute to sustainable development. As this proposal is located within the countryside weight must be given to the requirements of PPS21 and CTY 1. As the proposal is considered to be contrary to the policy requirements of PPS16 the proposal therefore is also contrary to the requirements of CTY 1 of PPS 21 as there are no overriding reasons as to why the development is essential in this rural location.

The design, layout and ancillary works of the proposal are considered to not integrate into the landscape with the topography of the site, natural boundaries ensuring the site has a sense of enclosure. The proposal will therefore contribute to ribbon development along this section of the Clontafleece Road. Given their positioning and levels within the application site the pods would

read with the existing buildings along the common frontage of this road. As noted above the existing surrounding land uses and the character of the area does not contribute towards the acceptability of pod accommodation at this location. The proposal therefore is considered to have a detrimental impact on the rural character of the area and consequently is contrary with policies CTY 13, CTY 8 and CTY 14 of PPS 21. It is also important to note that this application has not been submitted as a farm diversification scheme and as such has not been assessed under CTY 11.

CTY 16- Development Relying on Non-Mains Sewers

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed. There is ample land within the red line boundary and within the proposed curtilage to accommodate this tank and associated soakaways without impacting the amenity of existing and future residents. This proposal is not contrary to CTY 16. The installation of a septic tank is subject to NIEA consent which would be conditioned to this effect.

PPS 6 Planning, Archaeology and Built Heritage

The Development falls within the consultation zone of (DOW051:075 - NON-ANTIQUITY) HED were consulted in light of the outline proposal and have provided no objection. It is considered therefore that the application will not have any significant influence on any historical sites and complies with the requirements of PPS 6.

PPS 3 – Access Movement & Parking

The proposal intends to use an existing laneway to access the Pods. In assessment of this, and as per the above, DFI Roads have been consulted to advise on the road safety nature of this proposal. In response they have advised the Planning Department that they have no objections subject to conditions.

PPS2- Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment. In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2. It was noted during the site visit that in particular to the access proposed at the site there had already been some hedgerow removed along with trees felled for the works that were ongoing at the dwelling under construction adjacent the application site. It is acknowledged the proposals will result in the loss of roadside planting to provide the access and associated visibility splays. The proposal does not result in the loss of any existing vegetation along the remaining boundaries as it is proposed to maintain and enhance these as shown in the Site Layout Plan submitted.

As mentioned above the application site does lie within the Mourne AONB and therefore the provisions of NH6 will apply here, NH6 notes that planning permission for a new development will only be granted where it is of an appropriate design, size and scale for the locality. As mentioned under the assessment of PPS 16 TSM 6 & 7 earlier in this report it is not considered that the proposal is of an appropriate design, scale and size for the locality and therefore it is not considered appropriate in this AONB location. The proposal is therefore contrary to Policy NH6 of PPS 2.

As the proposal in its current form is contrary to the policy requirements of PPS 2, 16, 21 it is recommended to refuse this planning application.

The drawings considered as part of this assessment are as follows:
100 B, 101 A, 102 D, 103, 104, 105

Neighbour Notification Checked

Yes

Summary of Recommendation

It is recommended to refuse planning permission for this application for the below reasons.

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no over-riding reasons to justify that the development is essential in this rural area.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy TSM 6 of Planning Policy Statement 16, in that it has not been demonstrated that:
 - The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
 - Effective integration into the landscape has been secured primarily through the utilisation of existing natural or built features and does not integrate with the surrounding area;
 - The layout of proposal is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping.
 - The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy TSM 7 of Planning Policy Statement 16, in that it has not been demonstrated that:
 - the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

- appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
 - it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
4. 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:
- It is a prominent feature in the landscape;
 - It relies primarily on the use of new landscaping for integration;
 - The design of the building is inappropriate for the site and its locality.
5. 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 development will be a prominent feature in the landscape;
 - the development does not respect the traditional pattern of settlement exhibited in that area;
 - the development creates a ribbon of development.
6. 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.
7. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB.

Case Officer Signature: F. Connolly

Date: 18/08/2025

Appointed Officer Signature: M Keane

Date: 18-08-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Appeal Speaking Notes

Applicant: Catrióna Campbell

Ref: LA07/2024/1386/F

Proposal: 4 glamping pods, Clontafleece Road

Opening Summary - No objections from Roads, NIEA, HED, NI Water, Environmental Health
 No local opposition - 10 letters of support, - Comprehensive revisions submitted June 2025
 Officer report failed to assess revised scheme -Refusal based on outdated information

Key Issue: Officer Report Outdated - Revisions addressed height, materials, layout, landscaping

Report relied on superseded drawings - Refusal reasons don't reflect actual proposal
 Updated topography and layout show minimal visual impact

Policy Compliance Overview - CTY1 - Principle: Rural tourism & farm diversification supported

PPS16 TSM6: All siting, layout, design criteria satisfied - PPS21 CTY13/CTY14: Visually integrated, no harm to rural character

PPS2 NH6/LDP LA2: Small-scale, sympathetic AONB development - SPPS 6.255: Sustainable rural tourism

Height & Visual Impact (TSM6a) - Officer quoted 4.3m without considering site levels
 Site has 2.5m fall - pods bunkered at lowest point -Effective roadside height: 1-2m above hedgerow

4m mature hedge provides natural screening -30m setback from road - no skyline break
 Matte black finish - recessive, non-reflective -Revised CGIs show limited visibility

Landscape Capacity (TSM6a) -Clontafleece Road already has ~22 rural buildings within 650m

Predominantly farm-based/clustered pattern -Strong natural enclosure from topography & vegetation

4 single-storey pods = modest addition -Area has capacity to absorb development

Integration (TSM6b)

Existing stone walls & hedgerows provide coverage

Native planting for biodiversity enhancement

Dead/dying trees replaced

Woodland Trust planting 1,900 trees on 0.8 hectare field (Autumn 2025)

Reinforces local field pattern

Similar to 6 recently approved developments using new planting

Layout (TSM6d) - Four pods in two small clusters

Reflects traditional clachan patterns

Avoids suburban linearity

Maintains open space between clusters

Applicant willing to accept conditions for minor adjustments

Design Quality (TSM7)

Professionally designed, sustainably constructed

Existing stone walls & hedges retained/repared

No suburban fencing

Follows Building on Tradition guidance

Matches two nearest buildings - consistent palette & shape

Black finish & simple pitched roofs = continuity

CTY13 & CTY14: Rural Character

Pods not prominent - reduced by topography & hedging
 Clustered siting respects traditional settlement patterns
 Avoids ribboning
 Black finish & pitched roofs match nearby buildings
 Follows Building on Tradition guidance

CTY8: Ribbon Development

30m setback from Clontafleece Road - Oriented perpendicular to road
 Uses existing driveway - no new access - No continuous frontage with roadside dwellings
 Maintains rural field pattern & open character

AONB Compliance (NH6/LA2)

Small-scale, recessive, natural materials
 Stone walls reinstated, hedges managed, native planting
 Compact design (45m² each) = low energy demand
 Solar panel ready for renewable power
 Permeable gravel parking & native planting
 Conserves & enhances Mournes AONB character

Personal Motivation

Mournes integral to family life
 Want to share experience while protecting the area
 Create small, sustainable project for visitors

Professional Background

Career marketing Ireland's leading destinations
 EPIC Museum, Wildlands Adventure Park, Midleton Distillery
 Combining marketing expertise with passion for Mournes

Alignment with Tourism Strategy

NMD Tourism Strategy goals:
 Position NMD as leading tourism destination
 High-quality 4-5 star accommodation
 Attract high-spend, quality visitors
 Sustainable, nature-based experiences
 Outdoor & adventure tourism
 Private sector investment benefiting communities
 Summit Club delivers exactly this model

Market Context

50% of recent glamping approvals = standard 10k pods
 Not designed with families in mind
 This proposal offers quality, family-focused alternative

Closing Summary

Comprehensive revisions addressed all concerns
 Officer report outdated - didn't assess actual proposal
 No technical, environmental, or public opposition
 Fully compliant with all relevant policies
 Delivers Council's tourism vision
 Small-scale, sustainable, privately funded
 Benefits local community & protects AONB character

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/3646/F	Target Date:
Proposal: Proposed Change of House Type of Rural Detached Dwelling House and Detached Domestic Garage in Substitution of Implemented Planning Application (P/2006/1822/RM), Additional Landscaping and Associated Site Works (amended plans)	Location: 100 Meters South of No. 32 Glenvale Road, Croreagh, Newry City, Co. Down, N. Ireland, BT34 2RF (amended address)
Applicant Name and Address: Kieran Madine 32 Glenvale Road Croreagh Newry BT34 2RF	Agent Name and Address: Barney Mc Kevitt Mourne House 3 Downshire Close Newry BT34 1FD
Date of last Neighbour Notification:	23 August 2024
Date of Press Advertisement:	16 July 2025
ES Requested: No	
Consultations:	
Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: April 2025

Characteristics of the Site and Area

The application site forms a road side plot on the southern side of the Glenvale Road. It has been cut out from a larger agricultural field. There is evidence within the site of ground works having been undertaken given the presence of spoils of land, these however have become overgrown and any trenches in place are undetectable.

The roadside boundary is comprised of a grass verge and post and wire fencing. Trees are located along the western boundary whilst the southern and eastern boundaries are undefined.

Access to the site is available via an existing field gate. The site sits below the level of the road and slopes downward in a north to south direction.

The site is positioned 3km north of Newry and is outside any settlement limits. The surrounding area is rural in character and development comprises of single dwellings and their associated outbuildings. Approx. 200m west of the site is Shanlieve Quarry.

Description of Proposal

Proposed Change of House Type of Rural Detached Dwelling House and Detached Domestic Garage in Substitution of Implemented Planning Application (P/2006/1822/RM), Additional Landscaping and Associated Site Works (amended plans)

Planning Assessment of Policy and Other Material Considerations

This application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015.
- Building on Tradition Sustainable Design Guide.
- PPS3 Access, Movement and Parking.
- PPS2 Natural Heritage
- PPS 15 Planning and Flood Risk

- PPS21 Sustainable Development in the Countryside.

PLANNING HISTORY

Planning

Application Number: P/1991/0024 Decision: Withdrawal Decision Date: 23 December 1991

Proposal: Site for dwelling house

Application Number: P/1995/0035 Decision: Withdrawal Decision Date: 17 March 1995

Proposal: Erection of bungalow

Application Number: P/1997/0922 Decision: Permission Granted Decision Date: 17 January 1998

Proposal: Site for Dwelling

Application Number: P/2000/2034/O Decision: Permission Granted Decision Date: 23 January 2001

Proposal: Site for Dwelling and Garage.

Application Number: P/2002/1910/O

Decision: Permission Refused Decision Date: 03 June 2003

Proposal: Site for dwelling and garage

Application Number: P/2003/1488 Decision: Application Invalid Decision Date: 20 May 2004

Proposal: Erection of dwelling and garage

Application Number: P/2004/1247/O Decision: Permission Granted Decision Date: 21 October 2004

Proposal: Site for dwelling and garage

Application Number: P/2006/1822/RM Decision: Permission Granted Decision Date: 14 September 2007

Proposal: Erection of dwelling and garage

Application Number: LA07/2018/0656/F Decision: Permission Refused Decision Date: 24 January 2019

Proposal: Proposed erection of Dwelling and Garage.

Change of house type from previous approval P/2006/1822/RM

Application Number: LA07/2019/1034/F Decision: Withdrawal Decision Date: 16 September 2019

Proposal: Proposed new dwelling and detached garage

The information above indicates there has been previous outline and reserved matters approval on the application site for “*Proposed Erection of Dwelling and Garage*” under application ref’s. P/2004/1247/O and P/2006/1822/RM. Outline approval was granted on the **12th October 2004** and Reserved Matters was approved on the **10th September 2007**. In line with the time conditions imposed, the permissions expired on the **11 October 2009**.

It is important to note at this stage that planning application LA07/2018/3656/F was submitted back in May 2018 for “*Proposed erection of Dwelling and Garage. Change of house type from previous approval P/2006/1822/RM*” within this same application site. In assessment of this, the application was refused by the Planning Department as it had not been demonstrated that development had commenced in line with the previous approvals to keep the permissions alive. The previous case officer noted the following:

- *“Building Control records confirmed there was no record of the works undertaken at the application site and no inspections took place. The evidence submitted by the applicant includes a written statement made by the applicant outlining the works which were undertaken on the site and an invoice detailing excavation works for the application site. However, there are no dated photographs showing the works detailed in the invoice and applicant’s statement. In the absence of dated photographs, building control records and aerial imagery showing the works after approval of the reserved matters application on 10 September 2007 it is difficult to give weight to the applicant’s evidence”*

A further application was submitted in 2019, planning ref LA07/2019/1034/F for “*Proposed new dwelling and detached garage*”, prior to a recommendation being made on this application it was withdrawn.

SUPPORTING DOCUMENTS

- Full set of plans
- Design and Access Statement
- Supporting statement including the following:
 - Copy of the outline and reserved matters design notices and stamped approved drawings (P/2004/1247/O and P/2006/1822/RM)
 - DOE Planning correspondence in relation to commenced development
 - Two planning appeal decisions in regards to applications made under Section 170 of the Act.
 - Google Earth imagery dated 11 April 2010
 - Tom Smyth Chartered Surveyor Certificate of Inspection
 - Contractors Invoice

CONSULTATIONS

- DFI Roads – No objection subject to conditions. (28/08/2024)

- DFI Rivers - A undesignated watercourse flows along the western boundary of the site. It is essential that a working strip with a minimum width of 5m from the top of the bank is provided. DFI Rivers request that the working strip is shown on a site layout plan with cross sections through the working strip included on this drawing, with levels to O.D. Belfast and that this drawing is included in the Decision Notice / Approval of Planning Permission if the application is approved. (29/08/2024)
- NI Water – Approve with standard conditions. (09/08/2024)

REPRESENTATIONS

Neighbour notification and advertising of this planning application was undertaken in line with the statutory requirements. There were no representations received. A new dwelling was under construction opposite the application site however at the time of inspection it was not yet completed or occupied.

EVALUATION

The current application seeks a change of house type for a dwelling and garage approved previously approved under P/2006/1822/RM.

The house type proposed will be single storey and centrally positioned within the application site with the garage set to the rear. See proposed layout plan below.



During the processing of the application, it was necessary to seek amended drawings from the agent in light of discrepancies with the proposed layout and the red line. Amended plans were received on the 3rd July 2025 and the assessment below is of this amended layout.

The dwelling will resemble a “T” shape footprint. It will be single storey, standing at a maximum height of 6m above the GFL with first floor accommodation within the roof

space. The proposal also includes a double garage set to the rear, standing at 6m to the ridge, with an external stair case for access to the converted roof space.

External finishes will include smooth render plaster, granite stone finish, blue/black slates, black/grey aluminium windows, hardwood doors and aluminium rain water goods. See below proposed dwelling and garage plans:



Principle of Development

Within the Supporting Statement the agent advises that *"From the evidence provided significant works have taken place on the application site which meet all of the pre-commencement requirements of the planning legislation requirement, i.e. the works carried out on the site do amount to significant works in connection with the construction or in the course of the erection of significantly one of the proposed buildings"*.

As further indicated by the agent within the Supporting Statement, there is a discrepancy with the wording of conditions imposed on the outline and reserved

matters decision notice in regards to the provision of a safe access. Condition 3 on the outline approval read as follows:

- The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and shall be retained and kept clear thereafter.

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

The condition on the reserved matters required the access to be in place prior to the commencement of any works hereby approved. Conditions imposed on a reserved matters approval cannot materially deviate from or be more onerous to those included on the outline decision notice. In light of this, the provision of the access is not a pre-commencement requirement, rather it is to be implemented prior to the occupation of the dwelling in line with the wording on the outline decision notice.

Further to the above, the Planning Department must be satisfied that works have been commenced within the application site in line with the previous approval to establish the principle of development on this site.

The agent was advised by the Planning Department in June 2025 via email correspondence that the correct method to establish lawful commencement of a permission is by making an application under Section 170 of the Act which makes provision for certificates of lawfulness of proposed use or development to support his case of commenced development.

The agent responded to advise that he is aware of the legal status a Certificate of Lawfulness confers, however, such a certificate application is not a statutory requirement for demonstrating commencement and that evidence provided demonstrates that development began in accordance with the approved permission, within time, and in compliance with relevant conditions.

Section 170 of the Act is discretionary regarding whether people make such applications, however given such a statutory vehicle exists, it is practical to use such a route to certify lawfulness.

On inspection of the application site in April 2025 it was evident that some form of ground works had previously be undertaken, however these had become overgrown and it was difficult to determine whether these ground works related to the approved dwelling or garage under the reserved matters application or other works (see below photos). Within the case officer report for the 2018 application, the case officer noted the ground to be of a similar state.



Photos taken of the site in April 2025



A review of the aerial photography available of the application site since 2006 has been undertaken below, as was done in the previous application, LA07/2018/0656/F, whereby the case officer attempted to uncover any evidence of works undertaken within the site in line with the previous approval to establish the principle of development. The aerial imagery of the application as below was in **May 2006**, this

however was prior to the submission of the reserved matters application which came later in September 2006.



See below the site layout as approved by the reserved matters application (P/2006/1822/RM). The layout approved does not align with the foundations implemented on site prior to its approval.



In **October 2008**, aerial imagery available of the site (image below) demonstrates works to the site frontage, hardstanding, groundworks in the centre of the site remain as they were in 2006 (see below image).



Aerial imagery from **September 2010** (image below) shows that no further work was undertaken and the site has become more overgrown).



Aerial imagery from **July 2014** (image below) shows the site has become quite overgrown.



The most recently aerial imagery of the site from **January 2025** (image below) demonstrates the site in a similar condition to the last image from 2014 with much of it now overgrown with grass.



As per the previous assessment in 2018, Building Control records confirmed there was no record of the works undertaken at the application site and no inspections took

place. The evidence submitted by the applicant includes an invoice detailing excavation works for the application site.

Photographs have also been included with this application dated either the 22nd or the 23rd January 2009. The photos dated 22/01/09 show a corner trench dug out and those dated 23/01/09 show concrete within the trench and blocks on top. Attached with the photos is a Certificate of Inspection signed by Thomas Smith, a chartered surveyor. Within the certificate it has been detailed that Thomas attended the site on the 22/01/2009 to inspect the setting out of the access arrangement, sight visibility splays and proposed portion of the detached garage foundations. He further re-inspected the excavation of the foundations for a portion of the detached garage on the following day (23/01/2009). He certified the foundations had been excavated to firm formation and that it had been completed to a satisfactory depth below existing ground level.

The photographs, while helpful with providing dates, are considered of limited assistance given it cannot be determined these images relate to this application site. No location is provided within the information of the photographs, only a date and file path name. Further, the Planning Department are unable to determine where the foundation was constructed within the application site and if its position correlates with the approved positioning of detached garage as advised.

The evidence in the form of aerial imagery available of the site does not support the information provided. There is no indication in the 2010 imagery of any corner foundation in place where the detached garage was approved. Even in the imagery from 2020 when clearance of vegetation took place within the site, the foundations that were visible in the 2006 imagery are still detectable in 2020, but nothing visible where the garage was approved. It is therefore difficult to give weight to the applicant's evidence when aerial imagery does not support it.

The agent had advised he would arrange for an excavator to uncover the foundation, this offer was not taken up on by the Planning Department as there was considered sufficient information available to make a determination on this application.

The Planning Department cannot be certain that a foundation was in place within the site in accordance with the previous approval and therefore cannot conclude the principle of development remains on this site.

The principle of development on this site will be assessed against the relevant policies in PPS 21, which includes CTY 1, CTY 13 and CTY 14. PPS 21 Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes dwellings in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a; The proposal is not located at an existing cluster in accordance with CTY2a. This policy is not applicable.
- a replacement dwelling in accordance with Policy CTY 3;

- the conversion of a non-residential building to a dwelling in accordance with CTY 4; The proposal cannot be assessed against CTY 3 and CTY 4 as there is no existing building on site to be replaced / converted.
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6; No supporting information has been submitted in relation to this application regarding long term reasons or any site specific reasons for this development in relation to the personal / domestic circumstances of the applicant. Therefore this policy is not applicable.
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7; The proposal is not associated with a non-agricultural business enterprise therefore this policy is not applicable.
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; The proposal does not represent a gap site in accordance with CTY 8 as there is no gap located along the road frontage.
- a dwelling on a farm in accordance with Policy CTY 10 The proposal is not associated with a farm business therefore this policy is not applicable.

CTY13 and 14 – Integration and Rural Character

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area.

On assessment of the proposal and on considering the previous approval, the new dwelling and garage design and repositioning are considered acceptable on this site. The dwelling and garage are to remain low level. The dwellings front elevation is quite traditional in its appearance. The large glazed eastern elevation will be most visible on approach to the site from the west, however it is not considered offensive to the rural character and examples of feature glazing are found within the Building on Tradition Guide.

External finishes are considered satisfactory in this rural location. The new dwelling and garage would not be a prominent feature in the landscape given their low level and the level change within the site. New planting in the form of trees and hedging is proposed along all new and existing boundaries to aid the new developments integration. It is likely the proposed dwelling and garage could blend within the landscape due to its design and with the established vegetation to the east.

PPS3 – Access, Movement and Parking

Consultation was undertaken with DFI Roads on the proposed access arrangements. In their response, DFI Roads advised of no objections to the arrangement subject to compliance with condition. The condition can be attached to any future approval.

PPS15 – Planning and Flood Risk

A undesignated watercourse flows along the western boundary of the site. DFI Rivers in their consultation response has advised under 6.32 of the policy it is essential that a working strip with a minimum width of 5m from the top of the bank is provided. DFI

Rivers request that the working strip is shown on a site layout plan with cross sections through the working strip included on this drawing, with levels to O.D. Belfast and that this drawing is included in the Decision Notice / Approval of Planning Permission if the application is approved. DFI Rivers requests that the working strip is protected from impediments including tree planting, hedges, permanent fencing, sheds, land raising, permitted development rights or future unapproved development by way of a planning condition. Clear access and egress must be provided at all times.

Should approval be recommended for this application, these details can be requested by way of condition.

PPS2 Natural Heritage

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

On inspection of the application site and on considering the development proposed in light of the previous approvals, it was not considered development of the site would require additional survey information in regards to protected and priority species. The site has been cleared of vegetation with only grass regrowing. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

The site is not located within an Area of Outstanding Natural Beauty, Policy NH 6 is therefore not engaged in this instance.

Conclusion

Whilst it is considered that the changes proposed to the dwelling to include its redesign and repositioning of the garage would not be detrimental to the character of the area and would be acceptable, having considered the information provided, the Planning Department is not satisfied that sufficient evidence has been submitted to illustrate that substantial works began prior to the expiration of the planning permission. The previous permissions have now expired and the proposals do not meet any of the listed exceptions of current policy, and the principle is therefore not established. Accordingly, **Refusal** is recommended

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

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

Case Officer Signature: Laura O'Hare

Date: 28 August 2025

Appointed Officer Signature: M Keane

Date: 28-08-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Ref : LA07/2023/3646/F

Proposal : Change of House Type of rural detached dwelling and detached domestic garage in substitution of implemented planning application P/2006/1822/RM, additional landscaping and associated site works

1. Introduction and Context

- 1.1 This submission is made on behalf of the applicant in support of the above planning application, which seeks to regularise a development previously granted planning permission and lawfully commenced prior to the statutory expiry date. The Council's planning department has refused the application; however, we respectfully request that the Planning Committee reconsider this decision in light of the clear and substantive evidence provided demonstrating that the permission was lawfully implemented.
- 1.2 The development site has a well-documented planning history that confirms its **established acceptability in principle**. Previous permissions at this location have recognised the suitability of the site for a detached dwelling and garage. The current proposal seeks only to affirm and complete a development which had already been **lawfully commenced within the permitted timeframe**.

2. Planning History and Lawful Implementation

- 2.1 The previous planning permission for this site was **implemented in full prior to its statutory expiry date of 11 October 2009**. The applicant has obtained and submitted **dated photographic evidence** from the previous landowner which clearly demonstrates that substantive works were undertaken in accordance with the approved drawings and conditions of that permission.
- 2.2 Those works included **foundation excavations and construction activity** directly related to the approved detached domestic garage. Importantly, these works were completed in full compliance with the planning decision certificate and the statutory requirements of commencement as set out under the Planning Order (Northern Ireland) 2011, as applicable at that time.
- 2.3 **A professional certification of works** has been provided, accompanied by photographic and plan-based evidence. This documentation collectively establishes that the previous permission was lawfully implemented prior to expiry, satisfying the legal definition of "**commencement**" as recognised in Northern Ireland planning law.

3. Verification and Building Control Considerations

- 3.1 It is essential to note that there is **no statutory requirement for Building Control inspection** in order to establish lawful commencement of development. The Department of the Environment's own guidance makes no reference to any mandatory role for Building Control in confirming commencement of works to implement planning permission.
- 3.2 In this case, **independent professional verification** has been provided in lieu of any Building Control record, and such verification carries equivalent evidential weight. The submission includes:
 - A professional inspection certification confirming that foundational works were undertaken in accordance with the approved permission.



- Dated photographic records showing the works being carried out.
- Corresponding plans accurately identifying the location and extent of those works.

3.3 This evidence provides a credible and sufficient basis for concluding that the permission was lawfully commenced.

4. Distinction Between Earlier Works and Implemented Foundations

4.1 The Planning Department appears to have conflated remnants of other **pre-existing site works not related in any way to any permission** with the subsequent implemented foundations. The applicant has been clear that while some historic works from an earlier development phase remain visible, these are **entirely separate** from the foundational works carried out to implement the permission in question.

4.2 A detailed site plan was submitted clearly indicating the precise position of the garage foundation implemented under the relevant approval. The applicant specifically offered to expose these foundations for inspection by the Planning Officer to confirm their existence and authenticity. Unfortunately, this offer **was not taken up by the Council planning department**, despite repeated requests.

4.3 Our client's position has consistently been that any excavation should be carried out **in the presence of the Planning Officer** to ensure full transparency and to prevent any doubt regarding the provenance or timing of the works. This approach was intended to facilitate a fair and conclusive assessment, not to withhold evidence in any way.

5. Conclusion and Recommendation

5.1 The evidence presented unequivocally demonstrates that:

- A. The site had an established and accepted planning history.**
- B. The approved development was implemented in accordance with the planning permission and within the statutory period.**
- C. Independent professional and photographic evidence verifies the lawful commencement.**
- D. The applicant acted transparently and cooperatively, offering direct inspection opportunities that were not taken up by the Council.**

5.2 On this basis, the refusal of this application is **unwarranted**. The Planning Committee is therefore respectfully requested to overturn the officer's decision and grant planning permission in recognition of the lawful implementation and continuing validity of the original planning approval.

5.3 This approach ensures fairness to the applicant, consistency with planning precedent, and integrity in the application of lawful commencement principles within the Northern Ireland planning framework.

Delegated Application

Development Management Officer Report	
Case Officer: Elaine Eastwood	
Application ID: LA07/2024/0271/F	Target Date:
Proposal: Farm Shed (Amended plans submitted)	Location: 90m NW of No. 30 Killowen Old Road, Killowen, BT34 3AD
Applicant Name and Address: Daire Carr 30 Killowen Old Road Killowen BT34 3AD	Agent Name and Address: Colin Dalton Gray Design 40-41 THE MALL Newry BT34 1AN Newry
Date of last Neighbour Notification:	20 th May 2025
Date of Press Advertisement:	17 April 2024
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • <i>NIEA</i>- Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content provided the applicant refers and adheres to the relevant standing advice and subject to the caveat contained in the explanatory note • <i>DAERA</i>-The farm business has not been active and established for 6 years. The farm ID was allocated on 07/06/2022. The farm business does not claim payments through any scheme. The farm business identified on the P1C is a category 3 status that is not entitled to claim area based payments. Proposed site located in field 3/082/071/1B was not claimed by any business from 2022 to 2024. • <i>Environmental Health</i>- Content subject to conditions. • <i>DFI Roads</i>- No objections in principle. • <i>DFI Rivers</i>- No objections. • <i>Lough's Agency</i>- No objections subject to conditions. • <i>Shared Environmental Services</i>- Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. There are no viable hydrological links or other pathways for effect on any European/Ramsar sites during construction. Foul water discharge will require 	

Consent to Discharge authorisation by NIEA WMU under the Water (NI) Order 1999. Due to the nature/scale of the proposal there can be no conceivable effects on any European/Ramsar sites

Representations:

Letters of Support	0.0
Letters of Objection	2
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Summary of Issues: One objection was received on 2nd July 2024 and was amended on 25th May 2025. Concerns raised within the objection are briefly summarised below:

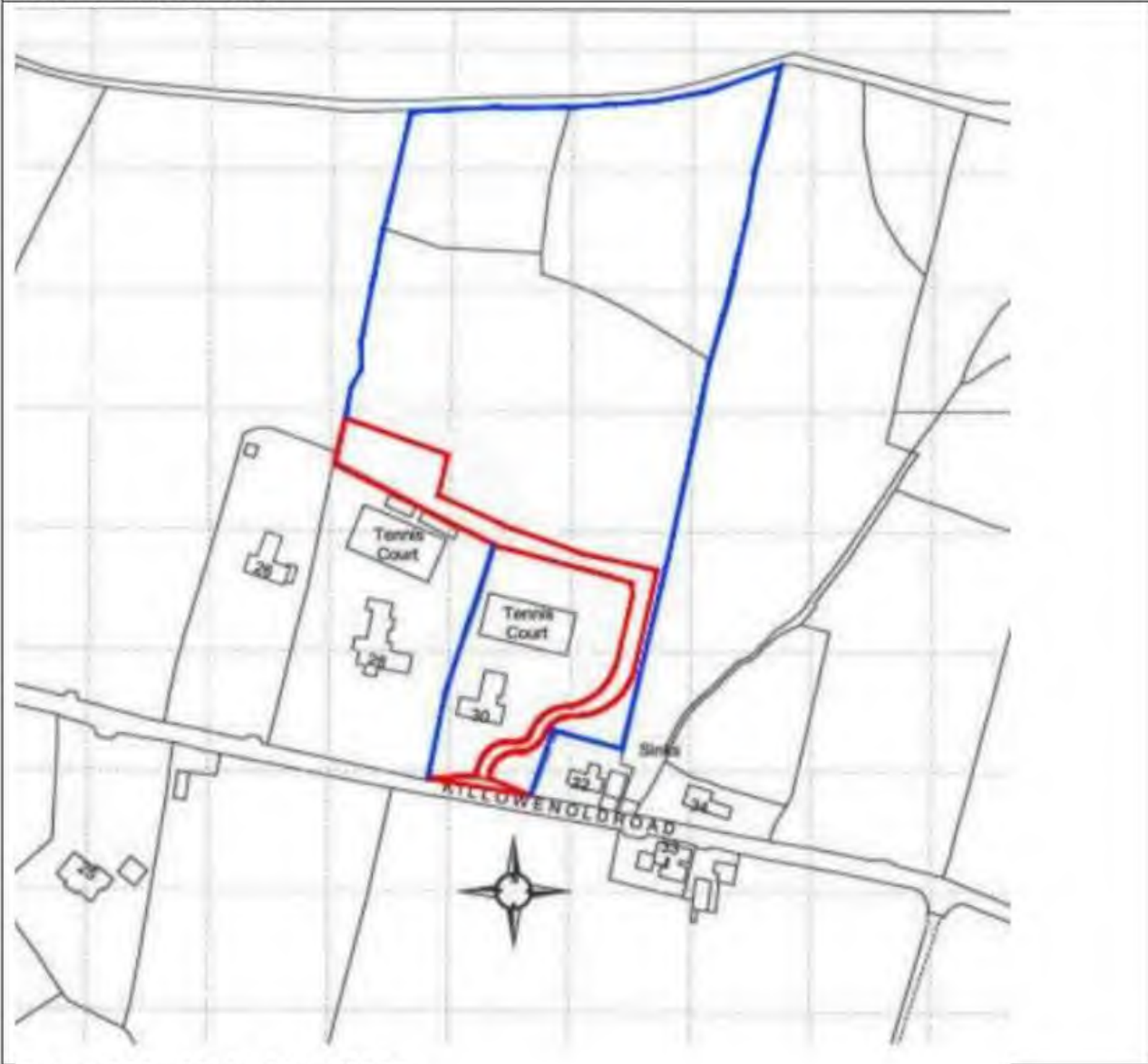
- The previous refusal on the site was for a “Proposed domestic storage and sheds including extension of existing curtilage and associated siteworks” [referred to hereafter as “domestic storage shed”. The current proposal is for a “farm shed”. The location and scale of the “domestic storage shed” were rejected as being over dominant and over-bearing to the Applicant’s neighbours. The location, scale and character of the “farm shed” have been virtually retained. We consider that any process which would not take account of similarities between two such proposals would be irrational and open to later challenge on that basis.
- Either there is no “farm dwelling” and the application falls for refusal on that basis (given that there are no existing farm or forestry building per the requirements of the policy) or the Applicant’s proposed shed is not situated beside the existing “farm buildings” with no reasons to support its exceptional placement elsewhere, so falls for refusal on that basis also.
- The Applicant is required to traverse the entire holding of 30 Killowen Old Rd by car to access this part of the site by a common driveway, therefore we do not accept that this is the only vehicle access point. We do not consider that the Applicant has demonstrated to the required exceptional standard why the naturally relied upon integration principle has been disregarded given the ample space elsewhere closer to the “farm dwelling” to place a shed, nor has the Applicant demonstrated to the required standard any other reason why the placement of the proposal at the immediate boundary of another dwelling of different ownership is essential for the functioning of the business or that there are health and safety reasons to support such a placement. We consider that the proposed location crucially fails the policy test taking into account the other more favourable areas on the site closer to the “farm dwelling”, and the lack of exceptional reasons why it ought to be placed elsewhere.
- The structure is proposed to be located immediately beyond our northern property boundary and stretches 21m in length. The ridge height is 6.5m high and the whole building will sit at least a further 1m above the existing ground level [where our

dwelling is located] due to cut and fill. Not only does this result in a serious loss of amenity to our property, but we consider that the proposal is therefore not capable of compliance with the requirement that it blends in “unobtrusively” into the landscape as described by the policy.

- While the proposal is of a common agricultural typology, the scale of the proposed shed means that a reliance on newly planted screening will be ineffective.
- If it was accepted that the Applicant intends to operate a functioning farm requiring the scale of the proposal, we do not accept that the facts provided by the Applicant provide adequate justification of this. For example, the farm holding to which the application refers is 2.41 Ha. We understand that there are a small number of livestock – including a few sheep and a few llamas. It does not appear that the Applicant himself lives permanently on the site or owns the “farm dwelling” (although he does appear to give 30 Killowen Old Road on the Application form as his permanent address). The average number of vehicles at the premises on a daily basis is listed as “one”. The number of persons attending the premises daily is also given as a projected “one” (since it is accepted that there are no employees at present). No justification is given as to why three large tractors and a shed with a gross area of 230 m² and looming ridge height are required on the figures provided.
- The Applicant’s farm was established only three short months after the previous planning rejection. This new proposal for a “farm shed” bears striking resemblance to the “domestic storage shed” in terms of location, scale, size and character. Scrutiny must be applied to the timeline of events leading up to the swift change of purpose including the Applicant’s attempt to distance himself from the refusal (by his denial of any awareness of similarities between the two proposals) and his submission of the new proposal alongside the explicit terms of the refusal that the previous domestic shed was not befitting of a rural context.
- The proposal’s inappropriate location and its overbearing size results in a serious loss of our residential amenity at 28 Killowen Old Road. The length and ridge height of the Applicant’s proposal, such a building will be unacceptably over dominant and obtrusive to our dwelling and the surrounding landscape, as was the previously refused proposal made under a different purpose/policy.
- The proposal will have an adverse impact on the natural heritage, in this instance the setting at the edge of the Mourne Mountains. The land profiling works have required significant cut and fill on land that currently forms a gentle slope between the mountainside and the lough. (This attribute is additionally protected by the Local Landscape Policy KW02). We consider that based on the particular facts of this case that our rights are also engaged under Article 8 ECHR.

Site Visit Report

Site Location Plan:



Date of Site Visit: 22/01/2025

Characteristics of the Site and Area
 The application site relates to a parcel of land located to the rear of No 28 Killowen Old Road. The site is accessed via the existing entrance to the dwelling at No 30, there is a recently constructed laneway leading from No 30 around the dwelling to lands to the rear. At the time of the site visit there were large mounds of stone and soil at the site along with a car, tractor and trailer. The site was separated from the remainder of the agricultural field by wire and post fencing. The site is located outside any defined

settlement limits and within an Area of Outstanding Natural Beauty. The site is adjoined to the west by Special Countryside Policy Area, but it does not encroach into this area.

Description of Proposal

Farm Shed (Amended plans submitted)

Planning Assessment of Policy and Other Material Considerations

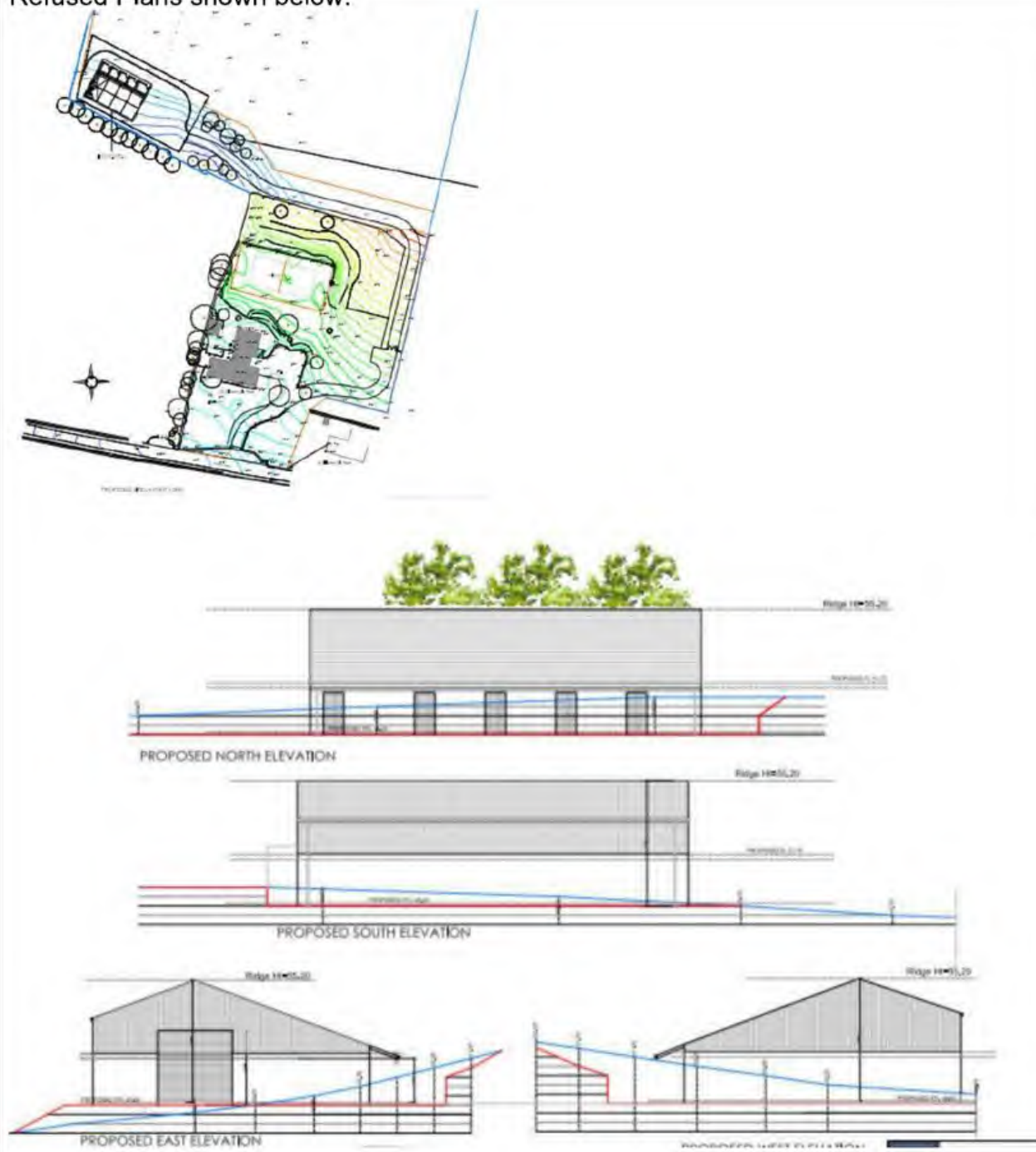
Planning History-

Relevant planning history is outlined below.

- *LA07/2021/0444/CA-* Alleged unauthorised landscaping/ extension of curtilage at 30 Killowen Old Road. Case closed 30/08/2023.

- *LA07/2021/1186/F-* Proposed domestic storage and sheds including extension of existing curtilage and associated site works at 30 Killowen Old Road, Rostrevor, Newry, BT34 4AD. Permission refused 22nd March 2022. Reasons for refusal:
 1. The proposal is contrary to the policy provisions of 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.
 2. The proposal is contrary to the SPPS, Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside, Policy EXT 1 of Addendum to PPS 7: Residential Extensions and Alterations and Policy NH 6 of Planning Policy Statement 2: Natural Heritage in that the extension to curtilage and associated development cannot be justified and cannot be accommodated in the landscape without detriment to rural character.
 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT 1 in that: a) the scale and massing of the domestic store in its proposed siting is not sympathetic with the built form and appearance of the existing property and would not be considered as subordinate to; b) it will unduly affect the privacy or amenity of neighbouring residents.

Refused Plans shown below:



Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking

- PPS 21: Sustainable Development in the Countryside
- DCAN 15: Parking Requirements
- Building on Tradition

Banbridge/ Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015.

There is no significant change to the policy requirements for agricultural development in the countryside following the publication of the SPPS, 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.

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration.

PPS21 Sustainable Development in the Open Countryside

Policy CTY1 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. This application seeks permission for a farm shed under Policy CTY12.

On 20th March 2025 the Planning Department wrote to the Agent and advised of concerns with the proposal:

"Policy CTY12 requires the farm business to be active and established for at least 6 years. I spoke to the applicant during my site inspection and he advised he has been farming the lands since 2022 and acknowledged this could be an issue with this application when I explained the policy to him. DARD have also confirmed that the farm business has not been established for 6 years with the business ID allocated in 07/06/2022, in accordance with what the applicant detailed to me.

The conversation with the applicant is at odds with the invoices and information supplied with the application. It is noted that within the information provided there are copies of Summary of Single Application for 2017-2022 relating to a different farm ID, farm owner and address than the farm business details submitted with the application.

There are fundamental concerns that the application is not on an active and established farm holding, whether the shed is therefore necessary. The Planning Department request clarification on how the application meets each of the criterion set out within

Policy CTY12. Please provide details of the location of the '3 different locations off-site' where the applicants farm machinery is stored."

In response on 11th April 2025 the Agent provided correspondence from the applicant providing information regarding the agricultural business and farming activity and details of where farm equipment is currently stored. Amended plans were also provided removing a proposed bathroom and reducing the size and scale. The information submitted will be considered below.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it demonstrates that:

- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- b) in terms of character and scale it is appropriate to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

Assessing the proposal against this criterion:

- a) Para 5.56 states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. DAERA have confirmed that the farm ID was allocated on 07/06/2022. The farm business does not claim payments through any scheme. The farm business identified on the P1C is a category 3 status that is not entitled to claim area based payments. Proposed site located in field 3/082/071/1B was not claimed by any business from 2022 to 2024.

The application was submitted with the following information:

- Document entitled '30 Killowen Old Road- Farm Costs'/
The details submitted include costs to vendors on:

- 30/09/2019
 - 01/10/2019
 - 03/06/2020
 - Sept-19
 - 13/06/2021
 - 17/08/2021
 - 15/06/2021
 - 30/08/2022
 - 30/08/2022
 - 30/08/2022
 - 20/12/2022
 - 24/11/2022
 - 01/06/2023
 - 23/02/2023
 - 09/01/2024
 - 31/01/2024
- Invoice dated 30/09/2019 sold and delivered to Cash Account Hilltown.
 - Invoice dated 01/10/2019 to Darragh Carr
 - Invoice dated 03/06/2020 to Darragh Carr Killowen Road
 - Invoice dated 19/05/2020 sold and delivered to Cash Account Hilltown
 - Invoice dated 28/09/2019 to Seamus Carr (no address).
 - Invoice dated 13/06/2021 to Darragh Carr Old Killowen Road.
 - Invoice dated 17/08/2021 to Darragh Carr Old Killowen Road.
 - Invoice dated 15/06/2021 delivered to Cash Account Hilltown.
 - Invoice dated 23/04/2022. No name or address visible.
 - Invoice dated 30/08/2022 to Daire Carr Killowen.
 - Letter for labour and digger. No name or address of who invoice is addressed to or from.
 - Document for landscaping works completed at 30 Old Killowen Road for Daire Carr. No name or address of author.
 - Invoice dated 21/11/2022 to Daire Carr at 20 Killowen Old Road.
 - Invoice dated 01/06/2023 addressed to D Carr for landscape works at 30 Killowen Old Road.
 - Invoice dated 23/02/2023 to Darragh Carr Old Killowen Road.
 - Invoice dated 09/01/2021 addressed to D Carr at 30 Killowen Old Road.
 - Invoice dated 31/01/2021 to Daire Carr at 30 Killowen Old Road.
 - Copy of Summary of Single Application 2022 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form.
 - Copy of Summary of Single Application 2021 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form
 - Copy of Summary of Single Application 2020 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form.

- Copy of SAF 2019 Completed Online on 8th April 2019 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form.
- Copy of SAF 2018 Completed Online on 13th April 2018 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form.
- Copy of SAF 2017 Completed Online on 26th April 2017 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form.
- Copy of SAF 2016 Completed Online on 24th April 2016 from DAERA to Messers G and N McGivern of 33 Killowen Old Road to a different farm business ID to that supplied on the application form.

These costs and invoices appear to relate mostly to costs incurred as a result of vendors supplying and operating on lands rather than demonstrating that the farm business has been active and established for 6 years. The details provided relating to Messers G and N McGivern of a different farm business are of no assistance to the assessment of the application. The Planning Department raised concerns regarding whether the farm business was active and established.

In response, the information provided by the applicant confirms that his parent purchased 30 Killowen Old Road and adjoining farmland in 2018. Prior to the purchase of the land the McGivern brothers have farmed this land since 1972 and they own bordering fields. It was stated:

"At the time of purchase, we had plans to fence our boundary, reclaim the gorse land, re-seed it and reinstate the stone wall at the top of our farm (a boundary shared with DAREA Forestry) over the coming years. We agreed with the McGivern's at the time that we would proceed with these works in a phased basis. We also agreed that until such times that we wanted to set-up a farm business of our own, we would allow them to graze the lands and claim single farm payment on the land, therefore keeping folio 3/082/071/1/B (1) listed as one of their fields within their farm business while they paid us a nominal rent. We agreed with the McGivern's that we would take one cut of hay off the fields annually, which we sold each year. We indicated to the McGivern's in 2018 that it would be approx. four or five years before we would apply for our own farm number and business ID and end our lease agreement with the.... The farmland was in active agricultural use (breeding and rearing commercial cattle and sheep) under the McGivern's farm business, from 1972 to June 2022. In June 2022, I was issued my DEARA Farm Business ID in my name and the land has continued to be farmed and agriculturally active".

The justification goes on to state:

"My father has worked in agribusiness for thirty-six years, and I have worked for one of the largest farmers in the country over a six-year period and as a child I worked weekends at my uncle's farm. As a family, we have always had a keen interest and involvement in agriculture. I, with my family, have actively been

involved in agricultural activity on this farm for a period of seven years. It is correct that my farm number & ID has only been issued for just under three years, since June 2022 – for reasons outlined above. We have been agriculturally active on this land since 2018 and purchased livestock including sheep and cattle since our farm, flock and herd numbers were issued.”

On the basis of the information provided, the subject lands were leased in conacre with another farm business farming the lands and claiming single farm payment on the land. This is supported by DAERA's confirmation that the farm business was established in 2022 and the application site was not claimed by any business from 2022-2024. Whilst the applicant may have been employed by a farmer for over a six-year period and the subject lands have been farmed by a different farm business, this does mean that the farm business established in 2022 has been active and established for at least 6 years for the purposes of policy.

Undated photos have been provided along with the following commentary:

1. Removal of Gorse and preparation for re-seeding. (Pics. A-C) (30th March 2019, 3rd Sept 2019, 31st August 2019)
2. Boundary Fencing the land. (Pics. D-F) (5th May 2018, 25th August 2019, 25th April 2020).
3. Re-seeding (spraying, rotavating, spreading lime & fertiliser, re-seeding). (Pics. G&H) (24th April 2020)
4. Development of farm access road & internal fencing of the land creating four paddocks & wildflower/fruit tree circle. (Pics I&J) (4th March 2023, 25th July 2022)
5. Spraying and topping the field (Pics K&L) (29th June 2023, 24th August 2023).
6. Planting 0.25 acres of fruit trees & wildflowers. (Pic: M&N) (8th January 2023, 1st May 2024)
7. Re-instatement of Burma wall, originally built in 1851. This boundary is shared by DAREA Forestry, who refused to contribute to the cost, but we needed to make it stockproof (Pics. O-Q) (8th January 2024, 26th July 2024, 23rd July 2024)
8. Installation of native planting to screen neighbouring glamping pods. (Pic: R) (9th January 2024)
9. Development of animal shelter. (Pic S) (11th December 2024)

It is not considered that photos submitted are sufficient to demonstrate the farm business identified on the P1C form has been active and established for at least 6 years.

The proposal fails to meet criterion a of Policy CTY12.

- b) The proposed shed has been amended during the processing of the application, the reduced scheme has a footprint of 17m x 11m and a ridge height of 4.5m is now proposed. It is considered that the low ridge height combined with the siting

to the rear of existing properties along Killowen Old Road would ensure that it would not unduly impact on the character of the location.

- c) From public viewpoints, the proposal would have limited visibility and whilst lacking natural landscaping, the proposal could integrate into the local landscape.
- d) There are no features of built heritage in the locality. The proposal is for storage only and will not impact on any natural heritage.
- e) The proposed shed is located to the rear of No 28 which is not associated with the farm business.
- f) Environmental Health have reviewed the application and have advised they have no objections subject to conditions that any feed materials being stored are dry / compound feeds and not silage, no animals are to be housed, any farm machinery is for storage and the premises are not being used as a commercial repair end of life facility. If this application were to be approved, it would be subject to conditions to ensure the proposal would not have detrimental impacts on residential dwellings outside the holding.

The application proposes a new building. The Design Access and Concept Statement states: *"This farm shed will house the following equipment / supplies for the farm:*

- *Animal feed hopper*
- *Bale Grab*
- *Cattle trailer*
- *Fertilizer*
- *Fertilizer spreader*
- *Hedge Trimmer*
- *Power Harrow*
- *Roller*
- *Round bale lifter*
- *Sheep Trailer*
- *Small Trailer*
- *Stone Burier*
- *1Nr working Tractor*

See photos below of these items which some are currently on the farm and some are currently stored off-site due to no farm buildings, it is essential for the farm business to be viable that this machinery is stored on-site as it is currently in 3 different locations off-site".

The Planning Department sought confirmation on the location of the 3 different locations off-site. The applicant advised that sheds temporarily stored equipment over the winter in the following locations:

1. 3 Attical Bog Road, Attical, Kilkeel.
2. 11A Grinan Lough Road, Newry.

3. 27 Slievenaboley Road, Dromara

Assessing the proposal against the remaining three criteria:

- There are no farm buildings located at the application site which could be used.
- The design and materials are acceptable.
- The proposal represents the first building on the holding, the third requirement to be sited alongside existing farm buildings cannot be achieved.

Accordingly, the exceptional test of Policy CTY12 is therefore engaged.

Policy CTY12 states that, exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons. It has been established that there are no buildings on the holding.

The applicant is in receipt of a Category 3 Business ID number from 2022, it has been determined above that the applicant has failed to demonstrate that the farm business has been active and established for a minimum period of 6 years. No information on why the existing arrangement using other storage facilities is no longer viable has been submitted. No persuasive evidence has been provided to demonstrate this building is essential on the holding. No health and safety reasons have been provided.

The proposal is contrary to Policy CTY12 in that the proposal is not on an active and established agricultural holding and it has not been demonstrated that it is necessary to the efficient use of the agricultural holding, essential for the effective functioning of the business and the proposal is not sited beside existing farm buildings.

Policies CTY13 and CTY14

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 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.

As detailed above, the proposed building has a low ridge height and the siting to the rear of existing buildings will ensure it does not appear as prominent in the landscape and a suitable degree of enclosure can be provided. The design of the building is typical of this type of development. The proposal will not add to or create a ribbon of development and the access will use an existing access arrangement. The proposal is considered to comply with Policies CTY13 and CTY14.

PPS3- Access, Movement and Parking

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will

not prejudice road safety. DFI Roads have been consulted and are content with the proposal and have not suggested any conditions.

PPS2- Natural Heritage

The application site is within an Area of Outstanding Natural Beauty, as such Policy NH 6 is applicable, the design and siting of the proposal is considered acceptable and will not impact on the character of the AONB. The application does not involve the removal or loss of any landscaping or potential habitats.

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. There are no viable hydrological links or other pathways for effect on any European/Ramsar sites during construction. Foul water discharge will require Consent to Discharge authorisation by NIEA WMU under the Water (NI) Order 1999. Due to the nature/scale of the proposal there can be no conceivable effects on any European/Ramsar sites. In the event of an approval, it will be conditioned that no livestock is housed in the shed at any time.

Local Landscape Policy Area

The site is located within LLPA Killowen West. Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below:

- Rising landform from coast towards Mournes, with significant trees as backdrop;
- Listed building on Killowen Road framed by trees, with its views and setting;
- Shoreline and associated landforms, vegetation and views.

Policy CVN3 states that within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out in Volumes 2 and 3 of the Plan. It is not considered that the size and scale of the proposal would impact on any of the characteristics of the LLPA.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to Para 6.73 of 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 Para 6.73 of of the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not on an active and established agricultural holding and it has not been demonstrated that it is necessary to the efficient use of the agricultural holding, essential for the effective functioning of the business and the proposal is not sited beside existing farm building.

Case Officer Signature: E. Eastwood

Date: 4 September 2025

Appointed Officer Signature: M Keane

Date: 04-09-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Refusal Reasons:

1.*is essential in this rural location and could not be located within a settlement.*

2. ... *the proposal is not on an active and established agricultural holding and it has not been demonstrated that it is necessary to the efficient use of the agricultural holding, essential for the effective functioning of the business and the proposal is not sited beside existing farm building.*

At the heart of this refusal is the fact that the case officer has stated that **“the proposal is not on an active and established agricultural holding**

However Regarding **point one** the committee will agreed that the planning department have treated this as a non-agricultural development. It is our opinion that it does meets CTY 12 criteria , making the "essential in rural location" threshold irrelevant, - If point 2 below is accepted then reason for refusal Nr 1 no longer applies

Regarding point two.

In the case Officer Report it confirms that the farm business has been established for at least six years (cut-out from the report below). However, the Planning Officer has given that the farm is “not on an active and established agricultural holding” as a reason for refusal.

On the basis of the information provided, the subject lands were leased in conacre with another farm business farming the lands and claiming single farm payment on the land. This is supported by DAERA's confirmation that the farm business was established in 2022 and the application site was not claimed by any business from 2022-2024. Whilst the applicant may have been employed by a farmer for over a six-year period and the subject lands have been farmed by a different farm business, **this does mean that the farm business established in 2022 has been active and established for at least 6 years for the purposes of policy.**

The applicant has supplied invoices and evidence to prove he has been agriculturally active on this farm since 2018, fulfilling the six-year requirement for planning policy CTY10 and CTY12, the case officer stated that some of this evidence was **“vendors supplying and operating on the lands rather than demonstrating that the farm business has been active and established for 6 years.”** The applicant has removed gorse, fenced paddocks, re-seeded through a multi-step process of spraying, rotavating, spreading lime and fertiliser and rebuilt original dry-stone walls and planted native hedging. The policy states, 5.39 *For the purposes of this policy ‘agricultural activity’ 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.* Therefore we are of the opinion that this demonstrates that the farm has been active for 6 years, however this cannot be confirmed by DARD as in order to get the farm business ID there is a requirement that the lands require boundary fencing and handling facilities etc, see presentation of photos of farm.

The case officer stated the following regarding the design and siting of the farm shed;

- **“would not** unduly impact on the character of the location”
- “From public viewpoints, the proposal would have limited visibility and whilst lacking natural landscaping, the proposal **could integrate** into the local landscape”
- “The proposal **will not add** to or create a ribbon of development and the access will use an existing access arrangement. The proposal is considered to comply with Policies CTY13 and CTY14.”Further more there have been no objections from Environmental Health, Dfi Road Service

Necessary for the Essential use of the Agricultural Holding The proposed farm shed is essential for the holding's efficient operation and economic security. Current reliance on remote, off-farm storage makes the farm financially unviable. Renting

external sheds for machinery, equipment, and feed results in excessive travel and lost time, severely compounding operational and financial difficulties. Crucially, the lack of on-site storage prevents the business from realising vital cost savings through the bulk purchasing of supplies like feed and fertilizer, which is economically damaging.

As a necessary long-term investment, the shed will directly drive profitability by reducing costs. It will cut capital expenses by protecting high-value assets (e.g., the tractor), extending equipment life and lowering repair costs. More importantly, it unlocks bulk purchasing power; for instance, buying bull nuts in tonne bags instead of bags offers a saving of 5p/kg, alongside reduced delivery costs for larger orders.

The shed will increase efficiency and reduce labour costs by streamlining daily logistics. Securing this on-farm storage is vital for achieving operational control, releasing stalled investment, and enabling the farm's continued expansion toward economic security.

Essential for the Effective Functioning of the Farm

The increasing herd size makes storing essential supplies like feed, medicine, and vaccines in off farm rented sheds impractical and unsafe for livestock welfare, necessitating on-site availability for timely animal care. The chosen location utilises the only existing hard, level farmyard surface, which is critical for farm safety by enabling the secure coupling of implements. Crucially, the shed will significantly improve Health & Safety by providing secure, on-site storage for hazardous chemicals, fertilizer, and power tools, and offering a dedicated, sheltered area for the safe repair and maintenance of machinery. The shed is vital for Security, offering secure storage and concealment for high-value equipment to protect assets, such as frequently targeted trailers, from theft.

Vision for Growth

The farm is pursuing a strategic expansion and upgrade, aiming to acquire more land and elevate its registration from Category 3 to a Category 1 farmer. This has involved approaching neighbouring farmers to sell land and actively monitoring local farm sales. This growth is fuelled by a pivot to specialising in high-value Pedigree Highland Cattle and Valais Blacknose Sheep, which will significantly boost the farm's financial viability. A core operational goal is self-sufficiency through on-site winter fodder production. Therefore, the proposed farm shed is essential for storing both the necessary machinery and harvested winter feed. This structure is critical to achieving the farm's goals of growth, economic stability, and agricultural self-sufficiency

Clarification on misleading Case officers Report

1. There was never a bathroom proposed in the farm shed, there was a toilet for farmworker welfare - which was removed from the design.
2. There was one objection to the proposed shed (25th June 2024, which was uploaded to the planning portal 9 months later on 20th March 2025), which was amended (6th May 2025). There were not two objections.
3. There has been an abundance of evidence supporting the agricultural activity which has taken place on the farm from 2018. This included a detailed breakdown of costs (amounting to tens of thousands in investment) and detailed supporting evidence and pictures which have been omitted from the case officers report.

Clarification on Objection

1. Following receipt of the single objection to the Farm Shed, the proposed design was amended upon consultation with the neighbouring objectors, the amended plans included a reduction in length from 21m to 17m, this resulted in a reduction in the proposed area of 44sqm (20%), from 231sqm to 187sqm.
2. The ridge height was also reduced from 6.5m to 4.5m, a reduction of 2m (30%).
3. The objectors confirmed that they would not object to the proposal following the reduction in ridge height and length – this is not clear in the Case officers Report.

Application

Development Management Officer Report	
Case Officer: Aoife McAteer	
Application ID: LA07/2025/0178/F	Target Date:
Proposal: Extension & Alterations To Dwelling including 1 1/2 Storey Side Extension and Roofspace Conversion	Location: 146 Mill Road, Mullartown, Annalong, BT34 4RH
Applicant Name and Address: Hugh Laurence & Maria Rodgers c/o Liam Milling Architectural Design 40 Corcreaghan Road Kilkeel Newry BT34 4SL	Agent Name and Address: Liam Milling 40 Corcreaghan Road Kilkeel Newry BT34 4SL
Date of last Neighbour Notification:	29 May 2025
Date of Press Advertisement:	12 March 2025
ES Requested: No	
Consultations: It was not necessary to issue any consultations on this application due to its minor domestic nature and having account the site constraint	
Representations: Two neighbours were notified of the proposal on the 14th of May 2025. The proposal was also advertised in the local press on the 12th of March 2025.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:

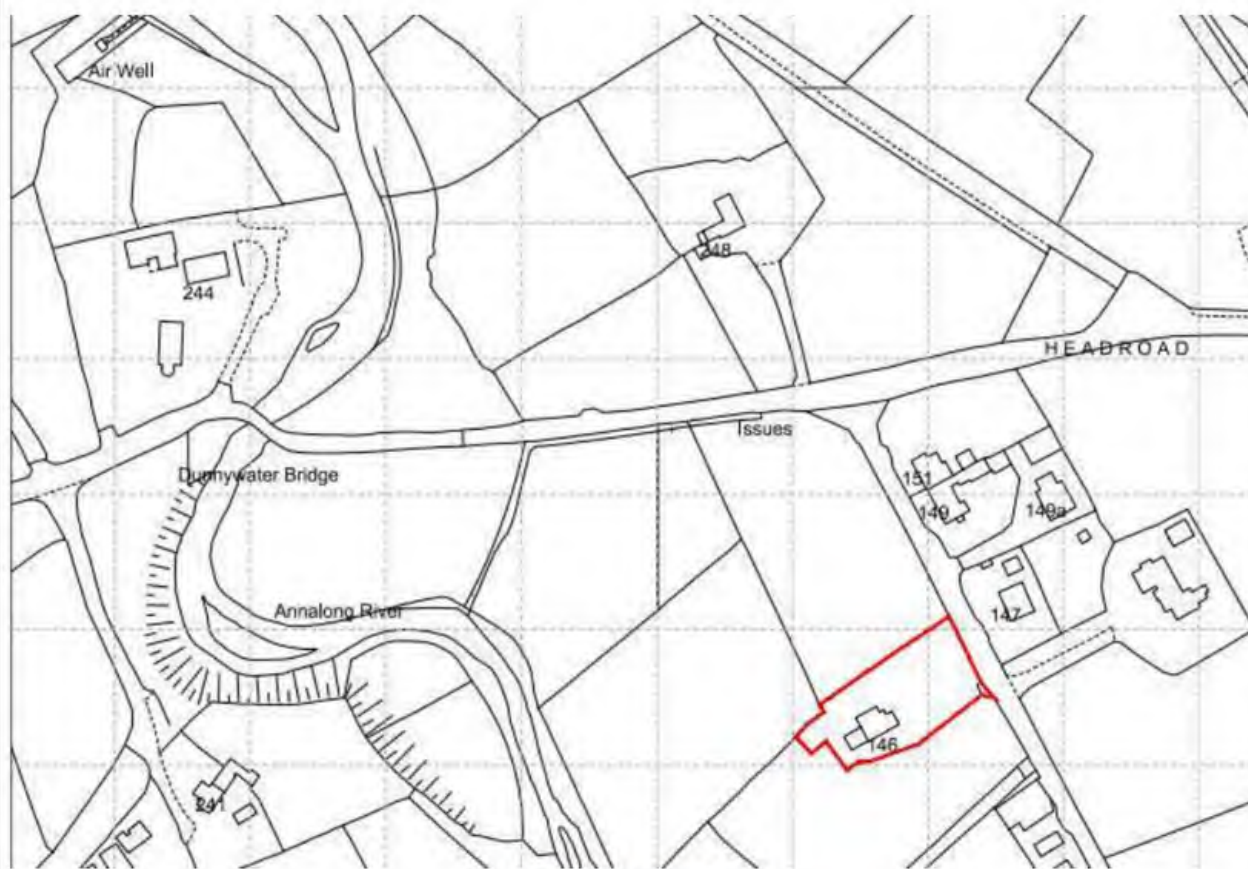


Figure 1 Location plan

Date of Site Visit: 20/06/2025

Characteristics of the Site and Area

The application site is located at number 146 Mill Road Mullartown, a rural area situated north of the Annalong settlement area, as defined within the Banbridge, Newry and Mourne Area Plan 2015.

The site contains a detached bungalow and is situated on the western side of Mill Road. The site is surrounded by mature hedgerow on the eastern and northern site boundaries with some views on to the dwelling when approaching from the south and north of Mill Road and when driving along Head Road. Dwellings along this road are diverse in design, form and material, although are well proportioned. The site benefits from off road parking which could accommodate five+ parking spaces. The external façade displays pebbledash with tiles. The dwelling benefits from amenity space to the front, sides and rear of the site.

The main dwelling is a single storey bungalow with an attached garage/storage. The dwelling is residential in appearance whilst the garage/store appears ancillary and displays a rural appearance with agricultural roofing sheets. The garage is used for domestic purposes.



Figure 2 Front of dwelling



Figure 3 Rear of dwelling

Description of Proposal

Extension & Alterations to Dwelling including 1 1/2 Storey Side Extension and Roofspace Conversion



Figure 4 Proposed Plans and Elevations

Planning Assessment of Policy and Other Material Considerations

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policies Statement (SPPS)
- Addendum to Planning Policy Statement 7 (aPPS7)
- PPS2

PLANNING HISTORY

Planning

Application Number: P/1993/0996 Decision: Permission Granted Decision Date: 13 December 1993

Proposal: Alterations to dwelling

Application Number: P/1999/0158 Decision: Permission Granted Decision Date: 14 April 1999

Proposal: Extension and alterations to dwelling

Note: The design and access statement submitted in support of this application refers to the extant planning application P/99/0158. The previously approved application was determined by the Department of Environment. The PI Dept does not place considerable weight on these previous decisions which were determined under different policy nor is the Council bound by such decisions.

SUPPORTING DOCUMENTS

The required documents have been submitted with the application form.

CONSULTATIONS

It was not necessary to issue any consultations for this application.

REPRESENTATIONS

No representations have been submitted with this application.

EVALUATION

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations indicate otherwise. The application site is located to the north of Annalong and lies beyond its settlement limits. The Banbridge/Newry and Mourne Area Plan contains no policies relating specifically to the application site or the proposal for an extension to a dwelling.

The policy context is provided by the first Addendum to the Planning Policy Statement 7- Quality Residential Environments (PPS7), entitled 'Residential Extensions and Alterations' (The Addendum). Policy EXT 1 of the Addendum to the Planning Policy Statement 7 is applicable for all residential extensions. Policy states that any extension should be subordinate in scale and similar in style to the existing property, taking account of materials and the local character of the area.

Following initial assessment and internal discussion, correspondence was issued to the nominated agent (18th July) advising the proposals were considered unacceptable and would require amendments.

The PI Dept considered that there was no objection in principle to an extension in this position however the plans are contrary to policy EXT1 (a) which stipulates that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property. As such it was considered the plans would need to be amended so that the extension is set down and subordinate to the host dwelling.

The agent responded on the 18/08/2025 providing a rebuttal produced by the Planning Permission Experts consultants, in support of the application.

No revisions or reductions were made. The application and report is therefore based on the original plans submitted.

Scale, Massing and Design

(A) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

The proposed extensions to the dwelling are as follows:

- First floor rear extension (over existing single storey rear return)
- Roof extension to include first floor accommodation of main dwelling
- Replacement of garage (attached to side) with two storey side extension
- Replacement front porch
- Single storey side extension

The application proposes a replacement porch which would project to 1.2m from the front elevation. The porch would have a pitched roof form to match the existing and would be in keeping with the character and appearance of the host dwelling.

A single storey side extension would partially infill the eastern side of the house and the extension would align with the host dwellings side elevation to form a boiler room. The layout of accommodation within the dwelling is to be altered.

The application also proposes a roof extension to the main dwelling to provide accommodation at first-floor. The first floor would contain habitable accommodation comprising of three bedrooms, two bathrooms and a lounge. The roof form would be raised by 0.2m and would be pitched to match the host dwelling and would be in keeping with the character of the host dwelling. The extension would be considered a modest extension which does not significantly alter the appearance of the host dwelling and would not be harmful to the visual amenity of the dwelling nor character of the area.

The application also proposes the removal of the attached garage/store to the side, to be replaced by a two-storey side extension which would contain an open plan living room/dining/kitchen area at ground floor and lounge/bedroom at first floor. This side extension would project to 7.8m in height and would therefore project to 1.3m higher than the existing host dwelling. The existing site comprises a single storey dwelling with an attached garage/store which has no internal access to the host dwelling and clearly reads as subordinate and ancillary in nature to the host dwelling. The proposed two storey side extension would result in this element projecting to 1.3m above the host dwelling and thus, when looking on to the dwelling, would appear as the main element of the house with the host dwelling reading as subordinate and appearing as an extension. Therefore, proposed two storey side extension would significantly alter the appearance of the host dwelling and would be considered harmful to the visual amenity of the dwelling and character of the area.

The proposed two storey side extension would project, above and beyond the host dwelling and would not be considered acceptable. The extension would not be considered a subordinate nor proportionate addition to the host dwelling and would represent a prominent visual addition to the dwelling which would be harmful to the character of the dwelling and the local area. Therefore, the proposal in this context would be considered inappropriate and would result in an intrusive addition to the local area.

The agent submitted a rebuttal which stated that the dwelling is 'barely visible from any public vantage point'. A site visit was completed on the site and photos were taken from Mill Road (heading south towards the site) and from Heads Road (approaching Mill Road). Additional photos were also screenshot from google maps on Mill Road (heading north towards the site) See below.



Figure 5 Photo taken from Mill Road



Figure 6 Photo taken from Head Road



Figure 7 2023 Google Maps screenshot from Mill Road



Figure 8 2023 Google Maps screenshot from Mill Road

The photos clearly demonstrate that the dwellings roof is visible from public vantage points along Mill Road and Head Road. Should the proposed be approved the dwelling would become significantly more visible when viewed from Mill Road and Head Road with the proposed two storey side extensions roof appearing as more prominent and overpowering the main dwelling.

The PL Dept has no objection in principle to an appropriately sized extension in this location. The agent was requested to reduce the ridge line, thus ensuring the extension appears as an ancillary addition to the host dwelling, but did not make any changes.

Paragraphs A6 of the Addendum to PPS7 set out important design considerations for Extensions incl roof extensions. Paragraph A6 stipulates that;

'An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property, although it is accepted that on occasion a larger extension may be required - for example to facilitate the renovation and upgrading of a small rural dwelling to meet modern amenity standards. It will not usually be appropriate to allow an extension to project above the ridge line of the existing dwelling and this will be especially important where uniform building height is part of the street scene.'

The proposal due to its height would dominate the host dwelling and would not respect its scale. The PI Dept acknowledge the need to modernise rural dwellings and update them in line with modern amenity standards and provide sufficient accommodation however the scale of

the extension would disregard the character of the host dwelling. The site is modest and there are alternative solutions to creating additional accommodation on this site which would not result in the original dwelling appearing as the subordinate addition. Therefore, the proposal in this context, due to its size, scale, massing of the extensions would be considered inappropriate.

As set out above, these concerns were raised with the agent, however no reduction was made to the ridge height. The Planning Dept has no objection in principle to appropriately sized alterations and extensions, however those currently proposed are considered unacceptable for the reasons stated. Having account the size of the works proposed the proposals as submitted are unacceptable and contrary to the provisions of EXT1 of aPPS7.

The proposed materials of the proposal are considered appropriate, all new windows are aligned to the existing fenestration and match the symmetry of the existing dwelling. The materials proposed are render, stone and concrete tile with black rain goods.

Impact on Privacy and Amenity

(B) The proposal does not unduly affect the privacy or amenity of neighbouring Residents

The dwelling is set back from the closest neighbouring dwelling to the south No. 142 by approx. 78m, which would be a sufficient distance to ensure no harm in overlooking, overshadowing, loss of light or dominant impact. The proposed balcony similarly would be set back from No. 142 by approx. 92m and would have no harmful impact on residential amenity.

The dwelling is set back from the closest neighbouring dwelling to the south No. 147 by approx. 55m which would be a sufficient distance to ensure no harm in overlooking, overshadowing, loss of light or dominant impact. Additionally mature boundary treatment is located along the sites eastern boundary which obscures the dwelling from No. 147's view.

There are no neighbouring dwellings to the north or west of the site.

Landscaping

(C) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality;

The proposal will not cause loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Private Amenity Space / Access and Parking

Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles

PPS 2 NH6: Areas of Outstanding Natural Beauty

NH6- Areas of Outstanding Natural Beauty Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design,

<p>size and scale for the locality and all the following criteria are met:</p> <p>a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and</p> <p>b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and</p> <p>c) the proposal respects:</p> <ul style="list-style-type: none"> · local architectural styles and patterns; · traditional boundary details, by retaining features such as hedges, walls, trees and gates; and · local materials, design and colour. <p>Having regard for the above policy, it is acknowledged and considered the materials respect and complement the existing building, however the scale and design of the 2 storey side extension are unsympathetic to the host property, and special character of this AONB setting and locality, and are considered contrary to the provisions of NH6 of PPS2 for the reasons previously stated.</p>	
Neighbour Notification Checked	Yes/No
Summary of Recommendation: Refusal	
Conditions/Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to the SPPS and the Addendum to Planning Policy Statement 7: Policy EXT 1 Residential Extensions and Alterations, in that the height, scale, massing and design of the proposed alterations and extensions are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area. 2. The proposal is contrary to policy NH6 of PPS2 Natural Heritage, in that the scale and design of the 2 storey side extension is unsympathetic to the host property, and special character of this AONB setting and locality 	
Case Officer Signature: A. McAteer	
Date: 4th September 2025	
Appointed Officer Signature: M Keane	
Date: 04-09-25	

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Speaking Rights | Extension to 146 Mill Road, Annalong | LA07/2025/0178/F

Dear Committee Members,

The application before you today seeks permission for extensions and alterations to an existing dwelling, including a 1.5-storey rear extension and roof space conversion at 146 Mill Road, Annalong.

It has been recommended for refusal by the Planning Department as they do not consider it to comply with Policy EXT 1 of the addendum to PPS7, in that the height, scale, massing and design of the proposed alterations and extensions would be unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area. They also consider it unsympathetic to the character of the Mournes AONB, contrary to Policy NH6 of PPS2.

In justifying the Department position, they have relied heavily on a guidance document, however this guidance is clear that each application should be judged on its own merits, taking account site specific circumstances. In this case, while the extension extends above the existing dwelling, the height increase is modest, it maintains the stepped roof form, utilises similar materials, the extension is barely discernible from the roadside, screened behind dense hedging and trees. As such, it is not visually dominant in the landscape. The ground floor footprint uplift equates to only ~5% of the existing dwelling, which cannot reasonably be described as disproportionate. **The extension is considered sympathetic to the host dwelling** and the Departments instance on reducing the extension to below the existing ridge height is not a policy requirement, therefore is being afforded disproportionate weight in this assessment.



Figure 1 – View of the application site when travelling northward along the Mill Road



Figure 2 – View of the application site when travelling south along the Mill Road

In our view, the Department are placing greater weight to the guidance of Policy EXT1, rather than the policy text itself. The J&A text is clear that each site must be assessed on its own merits, with each application raising site specific issues and permission will depend on the particular circumstances on the site and surroundings. The Guidance text accepts that it does not cover all site-specific circumstances. As a result, we feel that the Department have not afforded these material considerations their appropriate weight in this assessment. The characteristics – being the fact it is already well enclosed by mature trees/vegetation, and is modest in appearance – ensure that the proposed extension will be **sympathetic to the dwelling, and will not have a detrimental impact on the character of the area**, in accordance with criteria (a) of Policy EXT 1.

This approach is supported by the planning appeals commission, whereby in appeal decision **2021/A0120**, the Commissioner gave significant weight to the fact that the dwelling was **“barely visible from the road due to existing buildings and vegetation,”** concluding that screening

Speaking Rights | Extension to 146 Mill Road, Annalong | LA07/2025/0178/F outweighed concerns over scale. The same principle applies here: mature vegetation and set-back siting ensure that the proposal does not detract from local character. On this basis, we feel that the proposal fully complies Policy EXT 1 of aPPS7.

In terms of the 2nd refusal reason, Policy NH6 requires that proposals be of an appropriate design, size and scale for the locality, and that they respect local architectural styles, boundary features, and materials. This application meets that test. The proposed materials have been accepted as appropriate in the officer's report, and the form reflects local precedents, stepped ridges and 1½-storey dwellings with dormer arrangements are common along Mill Road. The site's **exceptional screening** means that there will be no material change in how the dwelling is experienced from the public road. Any roof glimpses that exist now will remain limited and fleeting; they will not alter the wider landscape character of the AONB.



No.41 Mill Road – Similar house type with stepped roofline.

The extension is also a direct result of a **genuine family need**. The applicant is planning on moving home from England with his family, and the existing 2-bedroom dwelling is unsuitable. Therefore, the additional footprint created from the rear extension will provide the additional living space and facilities required for modern, functional family life while maintaining a sympathetic rural design. The guidance which the Department rely on in refusing this application also acknowledged that larger extensions are acceptable where they help bring a small rural home up to modern day living standards. We urge the committee members to consider

To conclude, we believe the Department has not given enough consideration to the specific circumstances of this site. The very guidance they have relied on makes clear that not all situations are the same, and that every application should be judged on its own merits. This is because it would be unreasonable to apply the same restrictions to a rural property surrounded by mature screening as to a house in an urban setting that is more open and visible to the wider area.

The enclosing mature trees and vegetation and modest extension, utilising appropriate materials ensure that the proposal is sympathetic to the overall characteristics of the dwelling and the surrounding area, therefore in compliance with Policy EXT 1 of aPPS7. The PAC have accepted that existing mature boundaries can outweigh any issues relating to scale and massing.

The extension is a necessary response to the applicant's family circumstances, therefore we request that the Planning Committee afford these material considerations their appropriate weight and overturn the case officers recommendation.

Delegated Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2024/1191/O	Target Date:
Proposal: Proposed Dwelling and Garage	Location: Immediately North of 4 Lurgancahone Road, Rathfriland, BT34 5AX
Applicant Name and Address: John McComish 60 Carn Valley Rathfriland BT345GA	Agent Name and Address: Declan Rooney 32a Bryansford Road Newcastle
Date of last Neighbour Notification:	20 March 2025
Date of Press Advertisement:	23 October 2024
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • DFI Roads • Environmental Health • NI Water • Northern Ireland Environment Agency- Water Management Unit (WMU) 	
Representations:	
No representations from neighbours or from third parties have been received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: N/A	

Site Visit Report

Site Location Plan:



Figure 1- Site Location Plan

Date of Site Visit: 7th March 2025

Characteristics of the Site and Area

The application site is located at the junction between the Lurgan Cahone Road and the Newry Road, No. 4 Lurgan Cahone Road is located immediately south of the application site. The application site is within the rural countryside outside any development limit as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015), there are also no environmental designations associated with the site.

The application site comprises an existing agricultural field, with the land gently sloping southwards from the northern boundary along the Newry Road toward No. 4 Lurgan Cahone Road to the south. The northern and western boundaries are marked by post-and-wire fencing and vegetation, while the eastern boundary is lined with mature trees and a well-established hedgerow. To the south, the site is enclosed by a close-boarded fence adjoining No. 4 Lurgan Cahone Road. The application site is located adjacent to St Patricks Drumgath GAC and Johnny Arthurs Public House. The development pattern in the immediate area is characterised by a mixture of single storey and two storey buildings.

Description of Proposal

The proposal is seeking outline planning permission for a dwelling and garage.

Planning Policy & Material Considerations:

The application has been assessed against the following policies and guidance:

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

PLANNING HISTORY

A planning history search has been undertaken for the application site which is detailed out below:

Application Number: LA07/2023/2772/O

Proposal: Site for 1no. Dwelling & garage within an existing cluster.

Decision: Application Withdrawn

Decision Date: 18 January 2024

A search of the surrounding area was also carried out with the details listed out below:

Application Number: P/1987/0903

Proposal: Extension and Alterations to Dwelling

Decision: Permission Granted

Decision Date: 22 September 1987

Application Number: P/1996/0726

Proposal: Erection of toilet blocks

Decision: Permission Granted

Decision Date: 07 October 1996

Application Number: P/2005/0819/O

Proposal: Site for dispersed rural community housing development

Decision: Permission Refused

Decision Date: 21 October 2005

Application Number: P/2007/1588/F

Proposal: Erection of changing room complex (incorporating existing changing rooms) new changing rooms and function room.

Decision: Permission Granted

Decision Date: 16 April 2008

Application Number: LA07/2018/0875/F

Proposal: Proposed upgrade of existing grass training pitch to 3g/4g pitch with associated fence enclosure and ball stops.

Decision: Permission Granted

Decision Date: 19 October 2018

Application Number: LA07/2018/1835/F

Proposal: Floodlight for approved 3g/4g pitch

Decision: Permission Granted

Decision Date: 09 August 2019

Application Number: LA07/2024/0352/F

Proposal: Proposed walking track, handball alley and spectator stand.

Decision: Permission Granted

Decision Date: 19 May 2025

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Supporting Planning Statement
- Site Location Plan
- Concept Site Plan

CONSULTATIONS

Having taken account of the nature of this proposal and the onsite constraints and surrounds, consultation with the following bodies was undertaken:

- Northern Ireland Water- No objections standard conditions.
- DFI Roads- No objections in principle to this proposal.
- Environmental Health- In their initial response dated 23rd April 2025 concerns were raised in regards to the proposal and adjacent GAA facility. However, these concerns were addressed by the agent and a final response was received from Environmental Health dated 18th July 2025 offering no objection to the proposal.
- Northern Ireland Environment Agency- Water Management Unit (WMU)- No objections referred to standing advice.

REPRESENTATIONS

Six neighbouring properties were notified and no representations have been received in respect of the application. Public notice was given in the Newry Reporter in November 2024 and no wider public representations have been received.

EVALUATION

Banbridge, Newry and Mourne Area Plan 2015:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located on unzoned lands within the countryside. There are no specific policies that directly apply to this proposal.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015:

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 PPS 2, PPS3 and PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 21 - Principle of Development:

PPS 21 Sustainable Development in the Countryside is the relevant planning policy in determining the principle of development for this proposal. Policy CTY 1 gives a number of opportunities for housing development in the countryside. One such opportunity is for a new dwelling at an existing cluster of development providing all the criteria of Policy CTY 2a are met. The agent cites Policy CTY2a within the supporting information submitted.

Policy CTY 2a:

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that the criteria set out within the policy are met. The six-criterion set out within the policy are listed below and will be assessed as such.

'The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings'

The application site in question is not connected to a farm and is not situated close to one, there are four or more buildings in the wider area, No. 2 (Dwelling), No. 108 (Dwelling), No. 106 (Public House), No.107 Newry Road (Dwelling), No. 108 Newry Road (Dwelling), No. 4 Lurganachone Road (Dwelling) and No.100 Newry Road (St Patricks GAC Clubhouse). While it is noted there are several properties in this wider area, the dispersed nature and siting of these is such that they are not considered to constitute a cluster of development for the purposes of this policy. It is considered the proposal fails this policy test.

'The cluster appears as a visual entity in the local landscape'

There are effectively 3 separate roads in the immediate vicinity of the site, the Lurganachone Road, along which the application is located, the main Newry Road, which runs along the side boundary of the site and also the Old Newry Rd.

The existing built development in this wider area is sporadic and dispersed in nature, sited along parts of each of these roads, whereby it is considered the existing development does not present or appear as a coherent or recognisable visual entity within the local landscape.

Furthermore, the sweeping bend in the road beyond the junction with the Old Newry Road serves to interrupt and diminish any perception of visual continuity. It can be considered that the proposal is not compliant with this criterion of CTY 2a.

'The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads'

Notwithstanding it is considered there is no cluster of development, it is noted this area includes a focal point with regards to the sites location adjacent to St Patricks Drumgath GAC

clubrooms and pitches, the application site is also adjacent to Johnny Arthurs Public House, both of these buildings can be considered as a social/community building. The site is also located immediately adjacent to a cross-roads where the Newry, Glenhone and Lurganahone Roads all meet as shown in the below screenshot. It can be considered that the proposal is compliant with this criterion of CTY 2a.



Figure 2- Location of cross- roads

'the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster'

The identified site is situated directly north of No. 4 Lurganahone Road and immediately west of St. Patrick's Drumgath GAC grounds. The shared boundary with St Patricks is defined by mature trees and established hedgerows, effectively enclosing the site on its eastern and southern sides as illustrated in Figure 1. Notwithstanding the Lurganahone Rd and Newry Rd adjoin the remaining boundaries, it can be considered compliant with this criterion of Policy CTY 2a.

'Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside' and

It is not considered that the proposal would serve to round off or consolidate the existing development, given its location and relationship to surrounding development. As previously stated, it is considered there is no cluster of development. Rather than being absorbed into a cluster, the proposal would extend the form of dispersed development in a manner that significantly alters its established character. The development would appear to constitute a visual intrusive encroachment into the countryside, owing to the specific characteristics of the application site. It is also considered that the application site currently serves as an important visual break in the existing environment. Accordingly, the proposal is not considered to comply with this criterion of Policy CTY 2a.

'Development would not adversely impact on residential amenity'

It is not considered that the development will adversely impact on the existing residential amenity. The closest occupied dwelling to the proposal is No.4 Lurgancahone Road which is located immediately south of the application site, the site in question is large enough to accommodate the dwelling, private amenity space, parking and turning area without having a detrimental effect on No.4 Lurgancahone Road. It is noted that this is only an outline planning application and matters relating to design and siting would be submitted in further detail at that stage. Based on the information available it is considered the proposal is compliant with this criterion of Policy CTY 2a.

Taking into consideration the above assessment it is important to note that the development as proposed does not comply with all of the criterion of Policy 2a therefore the principle of development cannot be established onsite. An email was sent to the agent dated 7th August 2025 outlining the concerns the planning department had in relation to the principle of development under Policy CTY 2a, it was also pointed out to the agent the application site would not qualify as an infill opportunity under Policy CTY 8. The agent responded on the 20th August 2025 rebutting the points made by the Planning Department however this has not altered the assessment of the Planning Department and it does not consider the application site to lie within a genuine cluster of development, and it does not read as a cohesive visual entity within the local landscape. Furthermore, it is considered that a new dwelling on this site would neither round off nor consolidate existing development, as evidenced by the resulting gap that would remain within the frontage. In the interests of completeness an assessment of CTY 8 will be considered below:

CTY 8

CTY 8 Ribbon Development CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

A substantial and continuously built-up frontage is defined as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. It is noted CTY8 is a restrictive policy, whereby recent appeal decisions and case law are also material considerations.

The Planning Department do not consider the application site to be a genuine gap within an otherwise substantial and continuously built-up frontage in that the Lurgancahone Road to the west of the application breaks the frontage between the application site and No.106 Newry Road to the west. Having taken this into consideration it can be considered that the principle for an infill dwelling at this site cannot be established and would not meet the exception outlined within this policy as it would contribute to ribbon development.

As it has been noted that the principle of development cannot be established under CTY 2a or CTY 8, however an assessment of the remaining planning and environmental considerations will be undertaken.

CTY 13 - 'Integration and Design of Buildings in the Countryside'

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

- (a) 'it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;'*

In assessment of the above, it is considered that a suitably designed dwelling could not integrate into the site and would become a prominent feature within the existing landscape. The application site at present provides a visual break within the landscape and the erection of a dwelling on such would be inappropriate for such reason. The application site is bounded to the east and west by long established natural boundaries however the northern boundary alongside the Newry Road does not provide a suitable level of existing screening making it viewable from this section of road, in addition to this the southern boundary with No.4 is currently a wooden fence and would be reliant on new landscaping for integration and amenity purposes. Criterion d) and e) would be assessed further at Reserved Matters stage as detailed plans do not need to be submitted for an outline application, however the development as proposed is contrary of a), b), and c) of CTY 13.

CTY 14 – Rural Character

This policy 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. A new building will be unacceptable where:

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

As outlined above, the proposed dwelling is not considered to round off or integrate with the surrounding environment due to its location and relationship to existing development. Instead, it would appear as a prominent and intrusive feature in the landscape, eroding the rural character of this part of the countryside. The proposal would contribute to a suburban-style build-up of development along this stretch of the Newry Road, undermining the established rural setting. Furthermore, as noted in the assessment of CTY 8, development on this site would appear to add to an existing ribbon of development. The proposal is therefore contrary to criteria (a), (b), and (d) of CTY 14.

CTY 16 Development Relying on Non-Mains Sewerage:

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed. There is ample land within the red line boundary and within the proposed curtilage to accommodate this tank and associated soakaways without impacting the amenity of existing and future residents. This proposal is not contrary to CTY 16. The installation of a septic tank is subject to NIEA consent which would be conditioned to this effect.

PPS 2 Natural Heritage:

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

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

In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is noted a section of roadside planting may require removal to accommodate a new access and associated splays, however in the event permission is granted, compensatory replacement dwelling can be conditioned to ensure the continuation of natural habitat.

It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

PPS 3: Access, Movement and Car Parking

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The applicant intends to utilise the existing field gate that serves the site already. As set out above DFI Roads were consulted in relation to the proposed development and have no objection to the access as presented subject to provision of visibility splays. The application is considered to comply with PPS 3.

Amenity

The nearest occupied dwelling is No.4 Lurganahone Road immediately south of the application site. It is considered that there is ample in curtilage space for a dwelling to be sited on without impacting on neighbouring amenity, and I am satisfied those plans could be submitted at Reserved Matters stage which would achieve an acceptable separation distance between the proposed site and neighbouring property, which would avoid unacceptable overlooking, overshadowing or loss of light. Proposed landscaping conditions would also assist in providing and protecting privacy.

<p>Drawings: The drawings considered as part of this application are as follows: 25306SW</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>As outlined above it is recommended to refuse this application for the following reasons:</p>	
<p>Conditions</p> <ol style="list-style-type: none"> 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 CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no cluster of development and there is no visual entity of a cluster of development in the local landscape. 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development of the site could not be absorbed into the existing cluster through rounding off and consolidation and would significantly alter its existing character. 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 represent a small gap site within an otherwise substantial and continuously built-up frontage. 5. 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: <ul style="list-style-type: none"> - It would become a prominent feature in the landscape; - 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; and - It relies primarily on the use of new landscaping for integrating. 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: <ul style="list-style-type: none"> - it is unduly prominent in the landscape; - it results in a suburban style build-up of development when viewed with existing and approved buildings; and - it adds to a ribbon of development. 	

Case Officer Signature: Fergal Connolly

Date: 11th September 2025

Appointed Officer Signature: M Keane

Date: 11-09-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

The Planning Department have recommended this application for refusal as they consider the application fails to comply with Policy CTY 1, CTY2a, CTY 8, CTY 13 and CTY14 of PPS21

In terms of Policy CTY2a, there are 6 criteria a proposal must meet. The LPA consider that the application fails 4 of those:

Criteria a: the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

The Planning Department concluded that there is no cluster of development and that the site does not form a visual entity within the landscape. We strongly disagree with this assessment. In their case officer's report, it is acknowledged that there are four or more buildings; however, they argue that because these are dispersed, they cannot be considered a cluster. We disagree. The buildings are not dispersed but instead are clearly concentrated around the crossroads, the public house, and the GAC grounds. While we accept that there are additional buildings further afield, there remain at least four or more buildings immediately surrounding the site, which reinforces the presence of a cluster, and compliant with the first element of Policy CTY2a.



Criteria b: the cluster appears as a visual entity in the local landscape;

In terms of the entity, the presence of a public house, crossroads, and a GAC pitch clearly provides this cluster with a degree of prominence within the landscape, thereby establishing a clear visual entity. For anyone who has travelled this road, the area is easily recognisable and well known. While the Case Officer suggests that a sweeping bend reduces visual continuity, we would highlight that continuity is not a requirement for establishing an entity, nor is it referenced in either policy or guidance. Beyond this bend, in a north-western direction, there are no buildings; therefore, whether or not it continues the cluster is immaterial to this assessment. In any case, the bend arguably serves to draw further attention to the cluster of development, reinforcing its entity in the landscape. Accordingly, the proposal is consistent with the second element of Policy CTY2a.

Criteria c: the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The Department have accepted that the area includes a focal point with regards to the sites location adjacent to St. Patricks Drumgath GAC pitches and clubrooms, and adjacent to Johnny Arthurs Pub. The Department also accept that the site sits adjacent to cross roads. As a result, **this criterion has been met.**

Criteria d: the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The Planning Department have confirmed that **the proposal complies with this criterion.**

Criteria e: development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside'

As the Department do not consider there to be a cluster, they have therefore concluded that the proposal fails this element of the policy, and have concluded that it would extend the form of dispersed development in a manner that

significantly alters the character of the area. The further highlight that the development would constitute visual encroachment into the countryside.

This assertion that the proposal would extend development and encroach into the countryside is incorrect. The site is clearly defined - bounded to the east by the GAC pitches, to the south by an existing dwelling, and to the west by the public house. In these circumstances, the proposal represents a clear example of rounding off development, as it does not encroach into the open countryside and will not alter the established character of the area.

Criteria f: development would not adversely impact on residential amenity

The Department have accepted that it meets this criteria of Policy CTY2a.

Policy CTY 8: Ribbon Development

The Department does not consider the site to be located within a SCBUF, on the basis that the road along the western boundary 'breaks' the frontage. However, it's been accepted by the PAC, Planning Department and Planning Committee that roads/lanes in the frontage do not necessarily mean it breaks the continuous frontage. In appeal decision **2019/A0038**, the Commissioner disagreed with the council's view that a lane broke the frontage and concluded instead that the appeal site represented a small gap site within the frontage. Similarly, on the ground in this case, the built form reads as one continuous frontage, and it is therefore considered to fall within a SCBUF, thus the Departments concerns relating to CTY 8 and CTY 14 are addressed.

The Case Officer has argued that the proposal conflicts with criteria (b) and (c) of CTY13 (relating to enclosure and landscaping). However, within their own assessment under CTY2a, they acknowledge that the site benefits from a suitable degree of enclosure - specifically noting effective boundaries to the east and south, and later confirming mature boundaries to the west.

To conclude, the approval of this application will ensure that the applicants can remain close to their family home on Lurganahone road, to assist with their elderly mother, whilst also ensuring the can remain heavily involved in their community, through their help with the football GAA club. Notwithstanding this, the proposal is policy compliant as it sits within an existing and well-defined cluster of development, which already includes more than five dwelling plus other buildings. Contrary to what officer's claim, these buildings are not dispersed across the landscape but grouped closely around the pub, GAC facilities, and the crossroads. Together, they form a clear and recognisable cluster within the local area.

The site is well enclosed and visually contained, as acknowledged by the Department. The proposed dwelling would 'round off' this existing cluster, without changing the character of the surrounding area.

Importantly, the proposal also meets the requirements of Policy CTY8. The presence of lanes does not break the road frontage, as long as the buildings appear as part of one continuous frontage — a point consistently accepted by the Planning Appeals Commission, the Department, and this Committee.

As the proposal aligns with Policy CTY8, it naturally also satisfies Policies CTY13 and CTY14.

We therefore respectfully ask the Committee to give these material considerations their proper weight and approve the application.

Delegated Application

Development Management Officer Report	
Case Officer: Sarah Murray	
Application ID: LA07/2024/0724/F	Target Date:
Proposal: Proposed Front Porch Extension, Rear / Side Extension & Repositioned Vehicular Access.	Location: 38 Merrion Avenue, Newcastle, BT33 OBJ.
Applicant Name and Address: Catherine Anna Smyth 38 Merrion Avenue Newcastle BT33 OBJ	Agent Name and Address: Michael Smith 139 Ballydugan Road Downpatrick BT30 8HG
Date of last Neighbour Notification:	21 st August 2025
Date of Press Advertisement:	10th July 2024
ES Requested: No	
Consultations: DfI Roads were consulted and responded: <ul style="list-style-type: none"> • 6th January 2025 - unacceptable as submitted; • 29th January 2025 - unacceptable as submitted; • 29th May 2025 - unacceptable as submitted; • 12th June 2025 - DfI Roads have no objections to this proposal, with conditions. 	
Representations: 6 letters of objections were received, it is understood they all originate from no. 36 Merrion Avenue which adjoins the site to the north. Following receipt of amended plans and re neighbour notification 3 further letters were received from 36 Merrion Avenue.	
Letters of Support	0.0
Letters of Objection	9
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: Principle of development, site history, design, materials, detailing, overlooking, visual impact, amenity, parking, biodiversity etc.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 12th May 2025

Characteristics of the Site and Area

The application site consists of a two-bedroom single storey detached dwelling house located on a corner site between Merrion Avenue and Golf Link Drive. To the front and side the boundaries are marked by a low rendered wall. Vehicle access exists at present to the side and pedestrian access to the front.



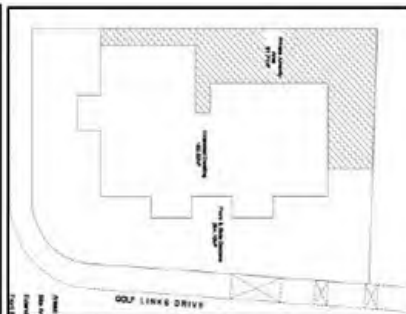
To the rear is a fence and the boundary with no. 38 is marked by a mature hedging. The topography of the land is largely flat. It is located within the settlement limit for Newcastle and within the Mourne AONB.

Description of Proposal

Proposed Front Porch Extension, Rear / Side Extension & Repositioned Vehicular Access.



Existing Site Layout



Proposed Site Layout



Amended Site Layout



Proposed Ground Floor



Proposed First Floor



Amended Ground Floor



Amended First Floor

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement
- Ards and Down Area Plan 2015
- Planning Policy Statement 6: (Addendum): Areas of Townscape Character
- Planning Policy Statement 7: Addendum Residential Extension

PLANNING HISTORY

Application Number: R/1997/0221

Proposal: Porch

Decision: Permission Granted Decision Date: 22 June 1997

SUPPORTING DOCUMENTS

- Application Form
- Details & Site Areas - 24-06-03
- Site Location Plan - SLM01
- Site Layout - 24-06-SLP
- Existing Plans & Elevations - 24-06-01
- Proposed Plans & Elevations - 24-06-02B
- Revised Site Layout Plan - 24-06-09
- Revised Location Plan - SLM01 rev A
- Revised Site Areas - 24-06-03C
- Revised Proposed Plan, Cross Sections & Elevations - 24-06-02D

CONSULTATIONS

- 6th January 2025 - unacceptable as submitted;
- 29th January 2025 - unacceptable as submitted;
- 29th May 2025 - unacceptable as submitted;
- 12th June 2025 - DfI Roads have no objections to this proposal, with conditions.

REPRESENTATIONS

10 letters of objection received as summarised below:

- Overdevelopment of the site;
- Loss of visual amenity (Dominance especially from conservatory)
- Loss of views of the Mournes;
- Privacy, three skylights overlooking garden and conservatory;
- Reduce Value;
- Overshadowing, especially of conservatory;
- Reduced amenity space for no. 38;
- Loss of wildlife;
- Inadequate parking for 4 bedroom house;
- Traffic generation and road safety;
- Extension designed so can be used as 2 separate units. Concern for short term let;
- Noise and disruption during building works.
- Negative impact on physical and mental health of residents of no. 36.

- Inappropriate scale, out of character for the area;

Following receipt of amended plans and re neighbour notification * further letters were received:

EVALUATION

Planning Policy Statement 7: Addendum Residential Extension policy EXT 1. Residential Extensions and Alterations. Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Concern was raised in relation to the original proposal, as the proposed rear extension was considered to be large, prominent and to dominate the host property. The proposal has been amended and while represents a reduction in scale, is still unacceptable in terms of scale, massing and design. As can be viewed below the proposed porch on the front elevation has minimal impact on the dwelling or the surrounding area.



However, the rear extension is problematic due to its scale. Policy states that the 'height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property'. Due to the length of the proposed rear extension and the proposed ridge height it is not considered subordinate and there is concern it dominates the character of the existing property.



Policy clarifies that 'Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Neighbouring occupiers should not be adversely affected by a sense of being 'hemmed in' by an extension'. Whilst the amended plans are an improvement it is my professional opinion that the outlook from no. 36 Merrion Avenue will be adversely impacted by dominance.

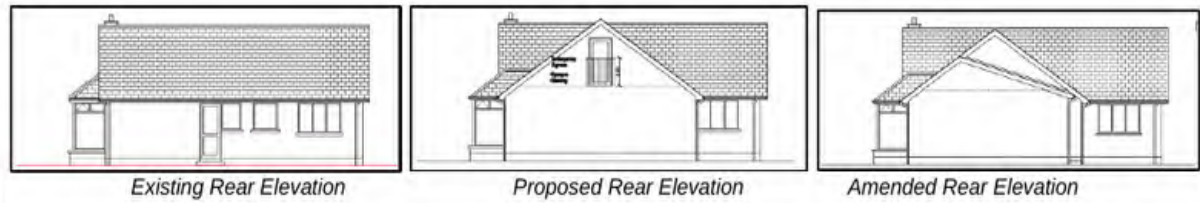


In terms of residential amenity, there is considered to be no adverse impact. The amended plans have only ground floor windows which will be largely screened by the existing boundary.

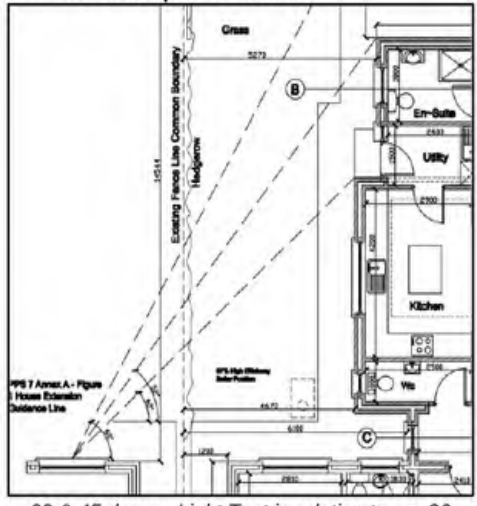


Boundary with no. 36

In relation to no. 4 Golf Links Drive there is considered to be no adverse impact in terms of overlooking. Especially considering the side elevation of no. 4 is blank.



In terms of loss of light or over shadowing there will be no adverse impact on any neighbouring property, the 60 degree angle test has been added in relation to the closest windows on no. 36 and has been complied with.



60 & 45 degree Light Test in relation to no. 36

The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Creating Places suggests that around 70 sqm of private open space is recommended. The amended proposal allows for 98sqm. Therefore it is considered sufficient space remains within the curtilage of the property for recreational and domestic purposes. As the proposal includes a repositioned vehicular access, DfI Roads have been consulted. Following receipt of amended plans which show provision of two in curtilage car parking spaces DfI Roads are content and have recommended conditions. Creating paces suggest that a 4-bedroom detached property should have 2.75 car parking spaces. Whilst I acknowledge there is opportunity for on street parking at this location it is not ideal considering the narrowness of the streets. It is considered that a smaller extension with less bedroom would be more appropriate.

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

Neighbour Notification Checked	<u>Yes/No</u>
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Summary of Recommendation

Refusal

- Conditions/Reasons for Refusal:**
1. The proposal is contrary to SPPS and Addendum to PPS 7 Residential Extensions and Alterations EXT 1 (a) in that the scale and massing of the proposed extension are not sympathetic with the built form and appearance of the existing property and therefore will have a detrimental visual impact on the host dwelling and the locality.
 2. The proposed rear extension, by reason of its scale and positioning, would appear dominant and overbearing when viewed from the rear of No. 36 Merrion Avenue. As a result, it would have an unacceptably harmful effect on the quality of the outlook from this residential property, contrary to Policy EXT 1 (b) of the Addendum to PPS 7.



Case Officer Signature: S Murray

Date: 9th September 2025

Appointed Officer Signature: B.Ferguson
Date: 09/09/2025

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/1570/O	Target Date:
Proposal: Proposed farm dwelling, garage, and all associated site works	Location: Lands located approx.180m NW of 117 Old Belfast Road, Saintfield, BT24 7DF
Applicant Name and Address: Joyce Graham 95 Carsonstown Road Saintfield BT24 7ED	Agent Name and Address: Andy Stephens Saba Park 14 Balloo Avenue Bangor BT19 7QT
Date of last Neighbour Notification:	13 June 2025
Date of Press Advertisement:	1 January 2025
ES Requested: No	
Consultations: See Report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report	
<p>Site Location Plan: The site is located at Lands approx.180m NW of 117 Old Belfast Road, Saintfield.</p>	
 <p>The map shows a plan view of the site area. A red line indicates the proposed site boundary, which is a narrow strip along the south-east corner of a larger field. The field is bounded to the north by Oughley Road and to the east by Old Belfast Road. Existing agricultural buildings are shown as grey rectangles within the field. The map also shows a blue line representing a boundary or road to the west and south of the site.</p>	 <p>An aerial photograph showing the site area. The site is a narrow strip of land along the south-east corner of a large agricultural field. The field is green and brown, indicating different crops or stages of growth. There are several buildings, including a large blue-roofed structure, and a road (Old Belfast Road) running along the eastern boundary of the site.</p>
<p>Date of Site Visit: 2nd June 2025</p>	
<p>Characteristics of the Site and Area</p> <p>The site is cut from a larger agricultural field. The wider field falls from the north corner of the site to the south-east where the farm sheds are located. The site is situated on the Old Belfast Road. Further north is the junction with Oughley Road. The proposed site is the south east corner within this larger agricultural field close to the existing sheds. The southern boundary is defined by a post and wire fence and the remaining boundaries are undefined. There is a hedge and some trees along the boundary shared with the Old Belfast Road. The southern boundary is shared with agricultural buildings and is defined partly by a post and wire fence.</p> <p>The site is within the countryside outside the settlement limits of Saintfield and is located close to the boundary of Lisburn and Castlereagh Council (LCCC). The area is associated with agricultural land and detached dwellings. The settlement pattern within this rural area is dispersed.</p>	
<p>Description of Proposal</p> <p>Proposed farm dwelling, garage, and all associated site works</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The application site is located outside the settlements in the open countryside, as designated in the Ards and Down Area Plan 2015.</p>	

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

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

Guidance

Building on Tradition
DCAN 15

PLANNING HISTORY

Enforcement

Application Number: R/2008/0181CA

Decision: Decision Date:

Proposal: Operational Devt

Planning

Application Number: R/2010/0600/F

Decision: Permission Granted

Decision Date: 03 October 2011

Proposal: Retrospective planning application for 2 No agricultural sheds and ancillary works.

Other relevant history

Application Number: R/2011/0001/F

Decision: Permission Granted

Decision Date: 03 October 2011

Proposal: Proposed single storey farm dwelling, new vehicular access onto Old Belfast Road, ancillary works and proposed planting.

Location: lands between No. 120 and No. 57 Old Belfast Road Saintfield

Application Number: LA07/2016/0185/F

Decision: Permission Granted

Decision Date: 22 March 2019

Proposal: Proposed farm dwelling

Location: 70m south east of 1 Rowallane Close Saintfield

Objections & Representations

In line with statutory requirements neighbours were notified 30.05.2025. The application was advertised in the Down Recorder 01.01.2025. No letters of objection or representation have been received in relation to the proposal.

Consultations

NI Water – No objections

Dfi Roads – No objections subject to condition and RS1 form

DAERA – claimed payments through Basic Payment Scheme or Agri Environment scheme in each of the last 6 years – Yes

Is the application site on land for which payments are currently being claimed by the farm business – Yes

Proposed site is located in field 3/039/102/1A which was claimed for FSTP in 2025 by the business listed in the application form.

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

Consideration and Assessment:

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

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

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

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

development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

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

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

The applicant is Mrs Joyce Graham (Orlock) has an address at 95 Carsonstown Road, Saintfield. The P1 form indicates that the applicant has a DAERA Farm Business Number and that she completely owns the farm business.

The farm maps indicate the business ID with a total of 26.47 hectares and fields in the Townlands of Lessans and Leggygowan. A farm business ID was allocated by DAERA on 24/10/2011 and is a Category 1 business as confirmed by DAERA.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and they state that the business ID has been in existence for more than 6 years and the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. DAERA indicate the proposed site is located in field 3/039/102/1A which was claimed for FSTP in 2025 by the business listed in the application form. The first part of the criteria has been met.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The applicant has stated in the P1 form that no dwellings or development opportunities been sold off from the farm holding within 10 years of the date of this application and this is repeated again in the supporting statement. A search of planning records on the farm lands do not indicate any sell offs. There is no real change (apart from the amalgamation of two fields) in the DAERA map submitted with this application and the DAERA Map dated 2019 as submitted with the LA07/2016/0185/F. On this basis the Planning Authority is satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land within the last 10 years.

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

To the south east of the proposed site are the two large buildings which were approved under R/2011/0001/F, given that only two buildings would be required to meet the test of the policy, then this grouping therefore qualifies as an 'established group of buildings on the farm' as per CTY 10. Given the siting of the proposed dwelling, it is deemed that it would meet criteria c in that a dwelling on the site would be visually linked and sited to cluster with the group of sheds at the site.

Policy CTY10 also states that "Planning permission granted under this policy will only be forthcoming once every 10years". There are two relevant planning permissions R/2011/0001/F granted on 7th June 2012, and LA07/2016/0185/F, granted on 22nd March 2019, which have been permitted under this farm business number. While the earlier permission R/2011/001/F was extant at the time of submission of LA07/2016/0185/F, it was never substituted nor was it revoked. By the time LA07/2016/0185/F was approved the previous application had then expired. On that basis two farm dwellings have been granted in 10 years since the introduction of PPS21 but only one has been built (at Rowallane Close Saintfield). To comply with policy CTY 10 then the applicant could apply again in March 2029.

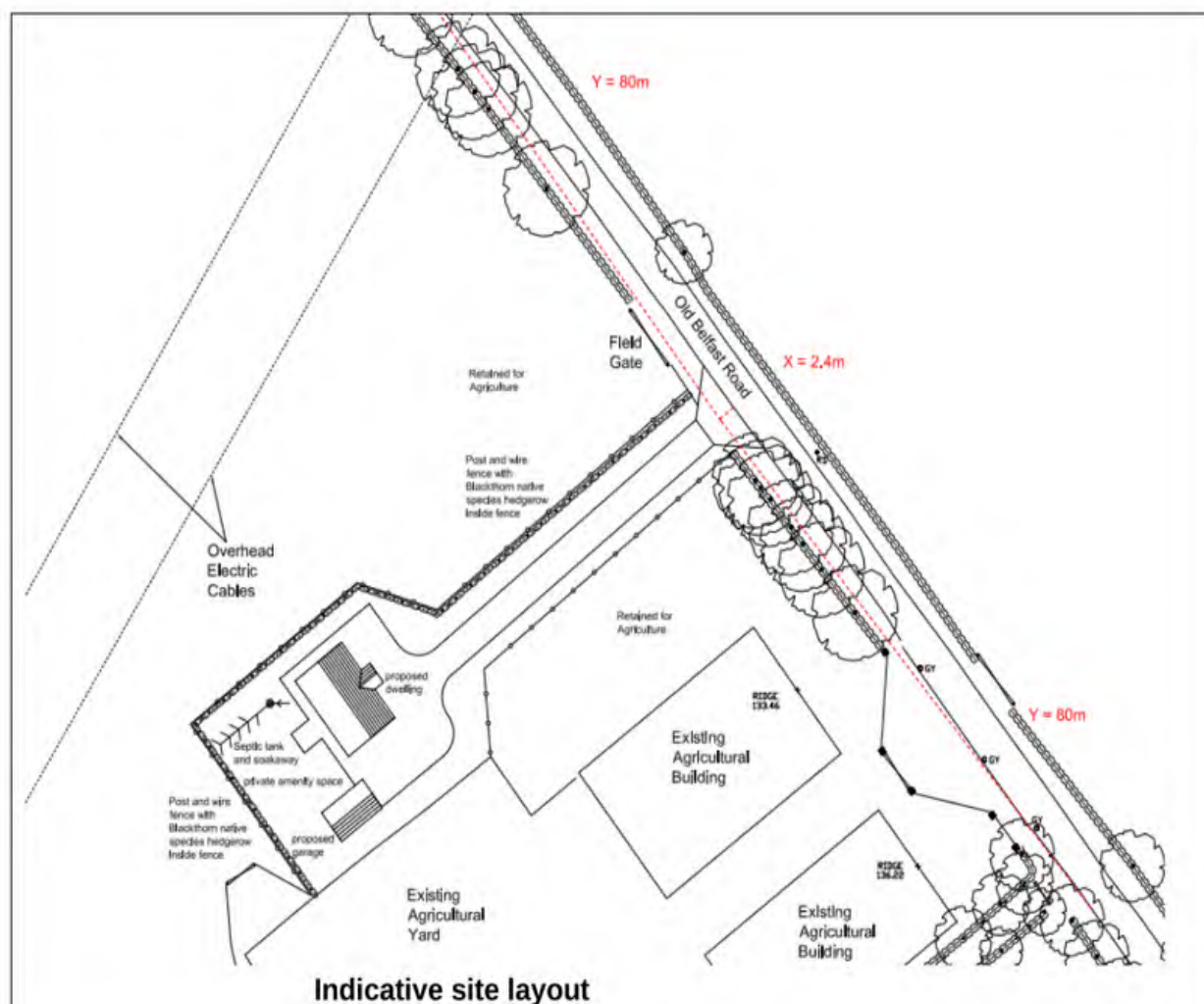
CTY10 also requires compliance with CTY13 and CTY14. The proposal would be considered to be visually linked and sited to cluster with an established group of buildings on the farm, it therefore would comply with CTY 13 part (g). The remaining criterion of CTY 13 and 14 therefore need to be considered.

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

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

A new building will be unacceptable where:

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



Paragraph 5.72 of CTY13 states that wherever possible access to a new building should be taken from an existing laneway. The proposed new dwelling will be accessed using a new laneway. Given that it may not be appropriate to take an access through the existing yard area, the access could run along the side of the most northerly shed, however, a separate access is proposed which runs through the existing field, given that the site layout plan includes an area to be 'retained as agriculture' (with 18.5m) which separates the existing agricultural shed from the proposed new access.

The site proposed is in an open field which does not benefit from any boundary definition in terms of vegetation to aid its integration. The critical views are mainly when travelling along the frontage of the site along Old Belfast Road. The site would be screened when travelling in a NE direction, by the existing roadside agricultural sheds and the associated vegetation along the frontage (it is not clearly on the plan if these trees would be impacted by the creation of visibility splays of 2.4m x 80m). When travelling from the opposite side the low hedge along the front of the field allows views of the open field and while the dwelling would be set back and there would be some backdrop to the rear, the

lack of any established boundaries means that the site is unable to provide a suitable degree of enclosure for the proposal to integrate it into the landscape. The proposal is contrary to CTY 13.

Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

A new building will be unacceptable where:

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

CTY10 for visual linkage or clustering has an inherent proximity test as part of the policy, but it cannot offend CTY8.

Although Policy CTY8 is titled 'ribbon development', it allows for an exception and for the purposes of the policy, a substantial and built-up frontage is defined as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. CTY 8 is clear in that planning permission will be refused for a building which creates or adds to a ribbon of development. The agent does not seek to engage the exceptional clause within Policy CTY8 but has advanced the case that the proposed site is located beside the existing group of farm buildings under control of the applicant and indicates that it would be sufficiently close to form an integral part of the established group of buildings on the applicant's family holding, when viewed from the vantage point on the existing public road network. He states that there is a clear visual and physical relationship and linkage to existing buildings and yard, which would accord with Criterion (c). He indicates that ribbon development is not a determining factor in this proposal as the site does not have frontage onto the Old Belfast Road, so criterion (d) of CTY 14 is not engaged.

Policy CTY 8 of PPS 21 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to ribbon development. Criterion (g) of Policy CTY14 'Rural Character' as above also identifies ribbon development as an unacceptable form of development. In D&A of CTY 8 - A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line.

Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Officers are of the view that the proposed development will read with the existing shed development and would undermine the existing rural character of the area and create a ribbon of development. This would be detrimental to the character, appearance and amenity of the countryside. The proposal is contrary to CTY 14 part d. While the previous approval (R/2011/0001/F) showed the dwelling closer to the public road and was deemed to be acceptable at this time, this viewpoint has changed since the 'Hyde' judgement which was published in January 2014. While the Hyde case referred to different policies and their inter-relationship, the relevant points for this application are that neither Policy CTY 1 nor CTY 10 are self-contained and as policies CTY 13 and CTY 14 set out the criteria for judging the acceptability of new buildings in the countryside, they are therefore relevant.

Policy CTY 16 – Development Relying on Non-Mains Sewerage

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

PPS 3 - Access, Movement and Parking

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

Impact on Residential Amenity

A dwelling on the site would be positioned a sufficient distance to have no adverse impact on any the neighbouring properties.

Conclusion

Taking into account all material considerations including the history of the site the principle of development has not been established and is considered unacceptable as it does not comply with CTY 10, CTY 13 and CTY 14. The proposal will have a detrimental impact on the rural character of the area.

Recommendation: Refusal	
<p>Refusal Reasons:</p> <p>1.The proposal is contrary to the provisions within the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and CTY10 in that planning permission has already been granted for a dwelling on a farm under LA07/2016/0185/F and under this policy, planning permission will only be forthcoming once every 10 years.</p> <p>2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY8 and CTY 14 of Planning Policy Statement 21, in that a new dwelling, if permitted would result in the creation of ribbon development along Old Belfast Road.</p>	
<p>Informative The plans to which this refusal relate include: Site location plan 01A</p>	
Neighbour Notification Checked	Yes
Summary of Recommendation - Approval	
Case Officer Signature: C Moane	Date: 05 September 2025
Appointed Officer Signature: B. Ferguson	Date: 05/09/2025

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING - 5 FEBRUARY 2025					
LA07/2022/16 02/F	To the rear and immediately NE of 7-9 Queen Street Warrenpoint - Proposed 4 no. 3 bedroom semi- detached dwellings with in curtilage parking with access onto Queen Street	Deferred to allow the agent to work with Planning Department to provide further information	M Keane	Amended scheme now received for formal review and reconsideration.	N
PLANNING COMMITTEE MEETING – 23 JULY 2025					
LA07/2023/30 99/O	Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ - New dwelling with detached garage on gap/infill site.	Deferred to allow for a site visit	M Keane	Site visit held 21 August 2025. To be tabled at September 2025 Committee. Deferred due to lack of quorum, retabled at October Committee	Y
LA07/2023/34 12/O	Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ - New dwelling with detached garage on gap/infill site.	Deferred to allow for a site visit	M Keane	Site visit held 21 August 2025. To be tabled at September 2025 Committee. Deferred due to lack of quorum, retabled at October Committee	Y
PLANNING COMMITTEE MEETING – 20 AUGUST 2025					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2024/1077/O	Land 25m west of No 60 Crawfordstown Road, Ballynahinch - 2 x Infill dwellings	Deferred to allow for a site visit	B Ferguson	Site visit to be arranged. Site visit held 17/09/25, to be tabled at 15 Oct Committee meeting.	Y
LA07/2023/2230/O	55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU – Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works	Deferred to allow for a site visit	B Ferguson	Site visit to be arranged. Site visit held 17/09/25, to be tabled at 15 Oct Committee meeting.	Y
PLANNING COMMITTEE MEETING – 20 AUGUST 2025					
LA07/2023/3412/O -	Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ, - New dwelling with detached garage on gap/infill site.	Deferred due to lack of quorum following site visit	M Keane	To be tabled at future committee meeting	N
LA07/2023/3099/O -	Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ - New dwelling with detached garage on gap/infill site.	Deferred due to lack of quorum following site visit	M Keane	To be tabled at future committee meeting	N
LA07/2024/0295/F	Adjacent to and directly SE of 16 Derryoge Road, Newry, BT34 4JR - Proposed change of house type and re-siting of a dwelling on a farm originally approved	Deferred	M Keane	To be tabled at October Committee	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	under permission LA07/2020/0265/F				
LA07/2024/ 0401/F	Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down - Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.	Deferred	M Keane	To be tabled at October Committee	Y
LA07/2023/ 2331/F	66 Moss Road, Glasdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	Withdrawn by the Planning Dept	B Ferguson	Deferred for further consideration	N