

November 10th, 2025

Notice Of Meeting

Councillor J Tinnelly

You are requested to attend the meeting to be held on **Wednesday**, **12th November 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 A Quinn Councillor M Rice

Agenda

- 1.0 Apologies and Chairperson's Remarks
- 2.0 Declarations of Interest
- 3.0 Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol Members to be present for entire item

Items 6 & 7 - Cllrs Hanna, Larkin, D Murphy, S Murphy, Rice and Tinnelly attended a site visit on 23 October 2025.

- 4.0 Minutes of Planning Committee Meetings of 15 October 2025.
 - Planning Committee Minutes 2025-10-15.pdf

Page 1

- 5.0 Addendum List planning applications with no representations received or request for speaking rights
 - Addendum list 12-11-2025.pdf

Page 30

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

6.0 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

REFUSAL

On agenda as a result of the call in process

Cllrs Hanna, Larkin, D Murphy, S Murphy, Rice and Tinnelly attended a site visit on 23 October 2025.

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

Mr Colin O'Callaghan will be present to answer any questions Members may have.

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

Page 31

7.0 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

REFUSAL

On agenda as a result of the call in process

Cllrs Hanna, Larkin, D Murphy, S Murphy, Rice and Tinnelly attended a site visit on 23 October 2025.

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

Mr Barney McKevitt will be present to answer any questions Members may have.

LA07-2023-3646-F.pdf

Page 40

Development Management - Planning Applications for determination

8.0 LA07/2022/1561/F - Lands at 7 Teconnaught Road and to the rear of 5 and 5a Teconnaught Road Loughinisland - New floodlit GAA pitch with spectator stand, welfare facilities, ball stop nets and perimeter fencing; new floodlit 4G multipurpose training area with perimeter fencing; demolition & conversion of existing farm shed to form new changing and storage with roof-mounted solar PV panels; ball wall practice area and children's play area; partial culverting and re-alignment of stream & associated works

APPROVAL

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

LA07-2022-1561-F.pdf

Page 56

9.0 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

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

10.0 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

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

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

Page 100

9. and 10. LA07.2023.3099.O and LA07.2023.3412.O.pdf

Page 110

11.0 LA07/2024/0642/F - 25 Upper Dromore Road, Warrenpoint, BT34 3PW - 1 1/2 storey extension to front, rear and side of existing dormer bungalow, internal remodelling and refurbishment

REFUSAL

On agenda as a result of the call in process

LA07-2024-0642.pdf

Page 112

12.0 LA07/2024/0927/O - 45m SW of 30 Brackenagh East Road,
Ballymartin BT34 4PT - Erection of dwelling and a garage on a
farm

For Decision

REFUSAL

On agenda as a result of the call in process

LA07-2024-0927.pdf

Page 123

13.0 LA07/2024/1303/F - 39 Bridge Road, Burren, Warrenpoint and lands immediately adjacent to and north of No.39 Bridge Road, Burren, Warrenpoint - Erect a dwelling and detached garage in partial substitution to the extant approval granted under LA07/2023/2687/O with access from the public road via an existing & improved access. Construction of a new access to serve an existing dwelling.

REFUSAL

On agenda as a result of the call in process

LA07-2024-1303.pdf

Page 138

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

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Andy Stephens.

LA07.2024.1570.O - Case Officer Report.pdf

Page 148

14. LA07.2024.1570.O.pdf

Page 160

15.0 LA07/2024/0783/F - Lands adjoining and 50m south of 74 Carsonstown Road, Saintfield - Proposed stable building, access 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 Seamus Fay.

LA07-2024-0783-F.pdf

Page 162

15. LA07.2024.0783.F.pdf

Page 173

16.0 LA07/2024/0473/O - Lands contained between 42 and 46 Altnadua Road, Castlewellan - 2 infill dwellings & detached garages

For Decision

Withdrawn at the request of the Planning Department

17.0 LA07/2024/0459/F - Land to the rear of 32 Newcastle Road & adjacent to 7 Burrenwood Road, Castlewellan - Proposed 2no. semi-detached dwellings

20.0	Response to Louth County Council's Pre-Draft Strategic Issues Paper 2027-2033 Louth County Council Notice of Intention.pdf	Page 203
19.0	Historic Tracking Sheet Planning Historic Tracking Sheet - 2025-10-15.pdf	Page 201
	For Noting	
	18. LA07.2025.0482.O.pdf	Page 200
	LA07-2025-0482-F.pdf	Page 194
	Speaking rights have been requested in support of the application by Mr John Young	
	On agenda as a result of the call in process	
	REFUSAL	
18.0	LA07/2025/0482/O - 50m S. of No.32 Tullyah Road, Belleeks, Newry, Co,Down, BT35 7QP - Erection of dwelling and domestic garage in gap/infill site. For Decision	
	17. LA07.2024.0459.F.pdf	Page 192
	Speaking rights have been requested in support of the application by Mr Jason Martin. LA07-2024-0459-F.pdf	Page 175
	On agenda as a result of the call in process	
	REFUSAL	
	For Decision	

20.0

⚠ Appendix A Response to Louth County Council's Pre-Draft Strategic Issues Paper 2027-2033.pdf

Page 206

21.0 Response to Ards and North Down Borough Council's Draft **Plan Strategy**

Page 208

Appendix 1 - Representation Response to ANDBC dPS.pdf

Page 211

Invitees

Cllr Terry Andrews		
Cllr Callum Bowsie		
Cllr Jim Brennan		
Mr Gerard Byrne		
Cllr Pete Byrne		
Cllr Philip Campbell		
Cllr William Clarke		
Edel Cosgrove		
Cllr Laura Devlin		
Cllr Cadogan Enright		
Cllr Killian Feehan		
Cllr Doire Finn		
Ms Joanne Fleming		
Cllr Conor Galbraith		
Cllr Mark Gibbons		
Cllr Oonagh Hanlon		
Cllr Glyn Hanna		
Cllr Valerie Harte		
Cllr Martin Hearty		
Cllr Roisin Howell		
Cllr Tierna Howie		
Ms Catherine Hughes		
Cllr Jonathan Jackson		
Joanne/Noelle Johnston		
Cllr Geraldine Kearns		
Miss Veronica Keegan		
Mrs Josephine Kelly		
Cllr Cathal King		
Cllr Aurla King		
Cllr Mickey Larkin		
Cllr David Lee-Surginor		
Cllr Alan Lewis		
Cllr Oonagh Magennis		
Mr Conor Mallon		
Cllr Aidan Mathers		
Mrs Annette McAlarney		
Cllr Declan McAteer		
Cllr Leeanne McEvoy		
Jonathan McGilly		
Sinead Murphy		
Cllr Selina Murphy		
Cllr Kate Murphy		

Cllr Declan Murphy
Cllr Siobhan O'Hare
Cllr Áine Quinn
Cllr Henry Reilly
Cllr Michael Rice
Mr Pat Rooney
Mr Peter Rooney
Cllr Michael Ruane
Cllr David Taylor
Cllr Jarlath Tinnelly
Cllr Jill Truesdale
Mrs Marie Ward
Cllr Helena Young

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 15 October 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in

attendance in Chamber: Councillor W Clarke

Councillor C Enright Councillor G Hanna
Councillor D McAteer Councillor D Murphy
Councillor S Murphy Councillor A Quinn

Councillor L Devlin

Councillor M Rice

Committee Members in

attendance on Teams: Councillor J Tinnelly

Officials in attendance: Mr C Mallon, Director of Economy, Regeneration & Tourism

Mr J McGilly, Assistant Director: Regeneration
Ms A McAlarney, Development Manager – Planning

Mrs B Ferguson, Senior Planning Officer Mr M Keane, Senior Planning Officer Mr P Rooney, Head of Legal Administration Ms S Taggart, Democratic Services Manager

Ms F Branagh, Democratic Services Officer Mr C Smyth, Democratic Services Officer

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

An apology was received from Councillor C King.

P/102/2025: DECLARATONS OF INTEREST

There were no declarations of interest.

P/103/2025: DECLARATIONS OF INTEREST IN ACCORDANCE

WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

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

MINUTES FOR CONFIRMATION

P/104/2025: MINUTES OF PLANNING COMMITTEE MEETING OF

WEDNESDAY 17 SEPTEMBER 2025

Read: Minutes of Planning Committee Meeting of Wednesday 17 September

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 17 September 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/105/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations

received or requests for speaking rights - Wednesday 15 October 2025.

(Copy circulated)

Councillor Hanna proposed to defer item 24 – LA07/2024/1570/O to a future Committee meeting as the agent had missed the deadline for request of speaking rights due to family illness. This was seconded by Councillor Enright.

AGREED: On the proposal of Councillor Hanna, seconded by

Councillor Enright, it was agreed to defer item 24 – LA07/2024/1570/O to a future Committee Meeting.

On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve the officer

recommendations in respect of the following applications listed on the Addendum List for

Wednesday 15 October 2025:

- 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

P/106/2025: PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2024/1077/O

On agenda as a result of the Call-In Process. Previously tabled 20 August 2025.

Location:

Land 25m west of No 60 Crawfordstown Road, Ballynahinch

Proposal:

2 x Infill dwellings

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Mrs. Ferguson advised that the site had been assessed against Policies CTY 1, 8, 13, 14 and 16, along with retained Policies NH2, NH5 and AMP2. She explained that, in considering whether a substantial and continuously built-up frontage existed in accordance with Policy CTY 8, it was noted that Nos. 76 and 76A were deemed not to benefit from road frontage as they were separated from the laneway by defined curtilages and boundary walls. Similarly, No. 60A, located on the opposite side of the laneway, was also discounted for the same reason. Consequently, only No. 60 was considered to have frontage to the road, and the proposal therefore failed to satisfy the first test of Policy CTY 8.

Mrs. Ferguson further reported that part of the area shown within the indicative site layout did not form part of the actual application site, effectively reducing its overall size. It was confirmed that the proposed plot sizes were not in keeping with the established pattern of development in the locality, where existing dwellings were characterised by large curtilages, spacious gardens, and generous parking provision.

She concluded that the proposal was considered to be contrary to Policies CTY 1, 8, 13 and 14, as it would create a ribbon form of development along the laneway, resulting in a detrimental impact on the rural character of the area.

Speaking rights:

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

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

Mr Kieran Carlin was present to answer any questions Members may have had.

Councillor Hanna asked Mr Carlin for his opinion on the Planning Department's assessment regarding compliance with Policy CTY8 and queried how he believed the proposal met planning policy requirements.

Mr Carlin referred Members to his earlier presentation at the previous Committee Meeting, explaining that the main issue related to the point at which the laneway terminated. He stated his view that the laneway extended to No. 76, whereas the Planning Department considered it to end before that point.

Councillor Larkin clarified that the lane in question continued beyond No. 76 and provided access to another property, and he queried the relevance of this detail to the refusal reasons.

Mrs Ferguson advised that the refusal reasons were linked to Policy CTY8 and the proposed plot sizes, as set out in the Officer's Report.

Councillor Hanna then proposed that the Committee overturn the officer's recommendation and approve the application. He stated that, in his view, the proposal satisfied the requirements of Policy CTY8 in relation to a substantial and continuous built-up frontage, and that it also met Policy CTY14, given that the site sat within a hollow, represented sustainable rural development, and would not harm rural character or result in ribbon or suburban-style development.

This was seconded by Councillor Quinn.

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

FOR: 4
AGAINST: 1
ABSTENTIONS: 1

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Quinn, it was agreed to issue an approval in respect of planning application LA07/2024/1077/O contrary to officer recommendation as contained in the Case Officer Report.

(2) <u>LA07/2023/2230/0</u>

On agenda as a result of the Call-In Process

Location:

55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU

Proposal:

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

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson reminded Members that the application that consisted of a detached singlestorey gate lodge, historically linked to Ballywillwill House, as annotated on historic maps. She advised that following consultation with Historic Environment Division (HED), it was confirmed that the gate lodge was a curtilage structure associated with the listed Ballywillwill House and therefore received the same legal protection under Section 80(7) of the Planning Act (NI) 2011.

Mrs Ferguson confirmed that as no exceptional circumstances had been demonstrated, the retention of the original dwelling for storage did not meet this threshold, and no evidence had been provided to support claims that renovation or extension was unviable. She confirmed that while HED had no objections to the proposal, their remit was to consider the impact on the listed building and took no account of other planning policies that were the remit of the Planning Department. She confirmed that the new dwelling was proposed outside the historical curtilage, within an open field, and lacked justification regarding why the existing curtilage could not accommodate a modest-sized replacement. She concluded that the proposal failed to meet the requirements of Policies CTY1, 3, 13, 14, and 15, as well as Policy NH6 of PPS 2.

Mrs Ferguson noted that as the application was for the retention of a listed building for storage purposes, it followed that any proposed works must be accompanied by listed building application in association with HED.

Speaking rights:

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

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

Mr Declan Rooney was present to answer any questions Members may have had.

Councillor Hanna expressed concern that the Planning Department had made a detailed presentation while the applicant had no opportunity to address the Committee. He queried whether the building in question was listed or merely within the curtilage of Ballywillwill House.

Mrs McAlarney confirmed that the building was listed, as advised by HED, and explained that Planning Policy permitted replacement of a listed building only in exceptional circumstances, which the applicant had not yet demonstrated.

Mr Declan Rooney contended that the original case officer had confirmed the building was not listed, but HED later considered it listed due to its curtilage. He noted that the building proposed for retention was approximately 450m from Ballywillwill House's curtilage. He also stated that the applicant felt they had submitted evidence demonstrating exceptional circumstances, including retaining the building in good condition rather than allowing it to deteriorate.

Mrs McAlarney reiterated the Planning Department's objection, emphasising that HED was a statutory consultee and had stated that the gate lodge should be treated as a listed building. She noted that exceptional circumstances were required for replacement and that alternative options, such as amending the current structure, were available.

Councillor Clarke expressed concern that current policy did not encourage restoration of listed buildings and queried why refusal was recommended when HED had no objection.

Mrs Ferguson noted that while policies support restoration or alteration, CTY3 prohibited replacement except in exceptional circumstances.

Councillor Clarke argued that the proposal retained the building in situ rather than resulting in its loss.

Councillor McAteer accepted the Planning Department's recommendation but queried HED's support for retaining the gate lodge and whether exceptional circumstances could be considered satisfied by retaining the building as storage as he interpreted exceptional circumstances as the building being upgraded and retained alongside the new dwelling.

Mrs Ferguson reiterated that exceptional circumstances had not been demonstrated.

Mr Peter Rooney stated that the applicant's reasoning, that the building was listed, was illogical, as the policy itself dealt with listed buildings. He noted that HED's support did not remove the need for compliance with planning policy.

Councillor Rice asked Mr Declan Rooney to clarify what exceptional circumstances were presented, to which he highlighted retention of the building, constraints from a NI Water pipe, potential bat habitats, and that substantial alterations would undermine the building's listed status. He argued that preserving the building as storage would enhance it and allow the proposed dwelling to proceed without impacting the listed building.

Mrs McAlarney noted that the Planning Department had no evidence of proposed enhancements, and that any such works would require a listed building consent application, which had not been submitted.

Councillor McAteer asked whether the listed building could be incorporated into the new dwelling design, to which Mr Declan Rooney confirmed that a conservation architect had been appointed to address this at the reserved matters stage.

Councillor Clarke asked whether the Committee could request the listed building application to review the proposed design, to which Councillor Larkin clarified that as this was an outline application, design matters would be considered at reserved matters stage.

Mrs McAlarney confirmed that without a listed building application, the Planning Department could not approve the proposal.

Councillor Clarke proposed deferring the application to allow the listed building consent application to be submitted and considered. 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: 6
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke, seconded by

Councillor Hanna, it was agreed defer planning application LA07/2023/2230/O to allow for the submission and consideration of a Listed Building

Consent application.

DEVELOPMENT MANAGEMENT

P/107/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) <u>LA07/2023/3622/F</u>

On agenda as a result of the Call-In Process Previously tabled on 20 August 2025

Location:

Vacant site between No.39 Church Street and No.2 Water Street, Rostrevor

Proposal:

Proposed barbers/hairdressers

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane presented the application, which sought full permission for the construction of a new building to accommodate a barbers and hairdressers, including a barber's area, store, W/C, and staff facilities. He confirmed that the site was located within the settlement limit of Rostrevor, inside the boundary of the Conservation Area and an Area of Outstanding Natural Beauty (AONB), comprising a small vacant plot that had recently been cleared. Mr Keane reminded members that a previous application for an identical proposal on the same site, featuring the same design, had been refused, noting that the current application was effectively a repeat submission.

Mr Keane confirmed that proposals within the Conservation Area were required to preserve or enhance its character, and that there was a presumption against development that failed to do so. He confirmed that it was the opinion of the Planning Department that the proposed building would neither preserve nor enhance the character of the Conservation Area and would have a detrimental impact on adjacent residential properties, and that the Planning Department's position had remained unchanged from the previous refusal.

In relation to residential amenity, Mr Keane advised that the site adjoined Nos. 2 and 4 Water Street, both two-storey residential properties with rear returns. It was considered that the proposed development would have a dominant and overbearing impact on the adjoining dwellings, particularly affecting their rear yard areas and returns due to the proximity of the proposed building, which would also give rise to overlooking concerns.

Speaking rights:

In Support:

Mr John Cole spoke in support of the application, noting that the site had previously accommodated a building, and the proposal aimed to restore the streetscape by replicating the original structure in terms of scale, form, materials, and detailing. He emphasised that the development would enhance the character and appearance of the Conservation Area, replacing an overgrown and neglected site, and would conform to the guidance set out in the Rostrevor Conservation Area document. He stated that the proposal was sympathetic to the surrounding built form, would not cause environmental problems, and would not result in overlooking of neighbouring properties. He also noted that similar single-storey buildings existed alongside two-storey structures in the area, and that a comparable proposal had previously been approved on the site. He concluded that the proposal would restore the site to its historic condition, improve the street scene, and provide local employment.

Following a query from Councillor Rice, Mr Keane advised that the proposal was not in keeping with the character of the area due to a number of issues, those being the narrow width of the site, the overall form design and appearance of the proposal being incongruous with the area and the proposal would occupy the entire width of the site.

Mr Cole stated that the proposal was exactly as was on site previously, despite the tight site, arguing that it would enhance the area as the site had become overgrown and was used for illegal fly tipping.

Councillor Rice queried what the possible adverse impacts on the neighbouring properties would be, given the usual opening hours of a barbers would be less than that of the neighbouring restaurant.

Mr Keane confirmed that while there historically was a building on the site some time ago, a whole suite of Planning Policies had been introduced since then. He noted that residential amenity would be impacted given there was approximately 2m from gable to gable of the residential properties, and the potential of overlooking from the proposal into the ground floor windows of the residential dwellings.

Councillor Rice stated that the neighbours had not objected to the proposal, while Mr Keane confirmed that the Planning Department still had to consider any potential impact on residential amenity, regardless of objections raised.

Mr Cole stated that the usual opening hours of a barbers had less of an impact on the area than the longer opening hours of the nearby restaurant, which he argued would also cause overlooking and that the amenity space of the residential dwellings was not impacted as there were nearby parks and green spaces available for residents within the area.

Following a query from Councillor D Murphy regarding the character of the area, Mr Keane confirmed that while there was a degree of variation in the local buildings, the Planning

Department still had concerns regarding the impact of the proposal with regard to dominance and overlooking.

Councillor Devlin queried the representations received and why they were noted, not as objections, but as concerns, and what potential impact the proposal would have on No. 6 Water Street.

Mr Keane confirmed that the representations received were classed by the Planning Department depending on the content, and those received were in relation to parking within the town, were considered as somewhat neutral, and therefore classed as concerns rather than objections. He also confirmed that the primary concerns related to the impact on the residential amenity of No. 2 and 4.

Councillor Enright queried the recommendation for refusal as the application replaced the street scape of previous years, noting that the proposal should enhance the conservation area, yet seemed to offend modern planning policies. He queried whether there was a way forward that would be agreeable to the area and to the Planning Department.

Mr Keane confirmed that in accordance with PPS6, new proposals must preserve and enhance the conservation area, and while the Planning Department were not opposed to a modern proposal within the site, the current proposed design was not acceptable.

Councillor Tinnelly requested further information with regard to any amendments that had been made since the previous refusal recommendation, to which Mr Cole stated that there had been numerous discussions with the Planning Department and a number of amendments discussed but ultimately an agreement had not been reached.

Councillor Tinnelly noted the agent's efforts to design an acceptable proposal and queried if the Planning Department had offered any input as to what would be acceptable on site, noting that the current state of the site also did not enhance the area for visitors.

Mr Keane reminded Members that the role of the Planning Department was to assess what was tabled as part of an application. He noted that the previous application had been deferred to allow for further consultation with the Planning Department, with several revisions being submitted that were all ultimately unacceptable in terms of policy.

Councillor Tinnelly queried whether a condition could be placed on the application to ensure that it was solely retained as a commercial premises, to which Mr Keane confirmed that the use of the building was not a primary concern of the Planning Department, but rather that the proposal failed a number of planning policies as already outlined.

Councillor Rice proposed to overturn the recommendation to an approval, stating that he believed the building did resemble the local architecture, would be sympathetic to the area, that the removal of the vacant site would be of benefit to the area and that there would be no detriment to the nearby amenities, therefore paragraphs 6.18 and 6.19 of SPPS were satisfied, and all other refusal reasons would fall.

This was seconded by Councillor D Murphy, who stated that he believed the refusal recommendation had been a harsh interpretation of policy, that the proposal would match the character of the area, would not have a negative impact on the conservation area and that PED 9 should be set aside given the fact that the proposal would enhance the area.

10

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

FOR: 9
AGAINST: 2
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by

Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/3622/F contrary to officer

recommendation as contained in the Case Officer

Report.

The Chairperson advised that items 13 (LA07/2023/3099/O) and 13 (LA07/2023/3412/O) would be heard together.

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

On agenda as a result of the Call-In Process

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

The Chairperson stated that the applicant had been unable to attend due to a medical emergency and requested that the items be deferred to a future Committee.

AGREED: On the proposal of Councillor D Murphy, seconded by

Councillor Clarke, it was agreed to defer planning

applications LA07/2023/3099/O and

LA07/2023/3412/O to a future Committee Meeting.

(3) <u>LA07/2024/0295/F</u>

On agenda as a result of the Call-In Process

Location:

Adjacent to and directly SE of 16 Derryoge Road, Newry, BT34 4JR

Proposal:

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

Conclusion and Recommendation from Planning Official: Refusal

Power-point presentation:

Mr Keane outlined the application, noting that the proposal was for a change of house type alongside the re-siting of an already approved farm dwelling. He stated that the relevant policies as contained with the SPPS were CTY 1, 8 and 14, PPS 2, 3 and 21, alongside DCAN 15 and the Banbridge, Newry and Mourne Area Plan 2015.

Mr Keane confirmed that the reasons for refusal were related to the revised siting of the farm dwelling, which would result in ribbon development and a suburban style build up when viewed with existing buildings, while the previously approved location did not have this impact.

Speaking rights:

In Support:

Mr Lynam explained that the applicants had requested a simpler, more affordable dwelling than the extant permission, which was for a complex two-storey farmhouse. On examining the site, he noted that the terrain was flat and sandy, with a filled pit to the rear of the farm buildings, which raised concerns about potential ground instability. He stated that structural issues were observed in an adjoining agricultural building, and a civil engineer had recommended relocating the proposed dwelling at least 35 metres from the rear boundary to mitigate the risk of ground slip.

Mr Lynam stated that the revised proposal utilised the existing farm entrance and access laneway, with the new dwelling positioned close to the existing farmhouse. The design was modest in height and scale, consistent with surrounding single-storey farm buildings, and no further dwellings could be accommodated under CTY 8 infill provisions. He argued that the proposed layout constituted an acceptable farm cluster rather than creating ribbon development and stated that the structural safety requirements justified an exception to Policy CTY 8 and that the proposal should be approved to allow the applicants to develop a safe domestic dwelling on an active farm.

Councillor Devlin queried whether any supporting evidence of the mentioned ground instability and resulting structural issues had been submitted by the applicant, to which Mr Keane confirmed that the agent had referenced the slippage in their Design Access Statement, and later referenced a structural engineer report, however nothing had been received by the Planning Department. He confirmed that the onus was on the application to provide the required information, and that the Planning Department's decision was based on all the evidence and information that had been provided.

Mr Lynam stated that there had been a report prepared in January 2024, and he believed that the Planning Department should have had sight of this, to which Mr Keane confirmed that the Department had conducted a thorough search of all paperwork received, and confirmed that there was correspondence dated January 2025, not 2024, which stated that a report would be submitted in due course, but had not been received to date.

Mr Lynam stated that he had an email from the planning officer in response to his query regarding outstanding items confirming that he would get in touch should there be any outstanding items, and that there had been no further contact since February 2025.

Mr Keane stated that the Planning Department had sufficient information to determine the application, which had been submitted in February 2024 and recommended for refusal in June 2025. He stated that the applicant had some 15 months to submit any supporting evidence relating to ground conditions, and the Planning Department had made a recommendation based on all the documents received.

Following the discussion, Councillor Devlin queried whether it was prudent to defer the application to allow for the submission of the structural engineer report for consideration in relation to the exception clause of CTY8.

Mr Lynam stated that he had a qualification in structures, and his statements should be acceptable to the Committee, further referencing images to highlight compliance with CTY8 in relation to frontage which would not result in ribbon development.

Councillor D Murphy noted the correspondence from the Planning Officer that stated they would be in contact should any further information be required, noting that this could be viewed as a disadvantage to the applicant. He queried the refusal reasons in relation to ribbon development or whether the applicant's view of the proposal as a cluster development was more relevant, and whether there would be a future opportunity for an infill development should this application be approved.

Mr Keane reiterated that the agent had referred to supporting reports, but these had not been submitted and that the Planning Department had sufficient information to determine the application. He confirmed that the refusal reasons were not based on what may result from the development but rather was a classic case of ribbon development.

Councillor Hanna queried why the proposal had not been submitted under CTY10 as an active farm dwelling, to which Mr Lynam noted that the applicant was trying to move the building from the current accepted approved location due to the structural issues that may arise, therefore a change of house type to an already approved planning application was more straightforward.

Councillor Larkin queried why the applicant had not replicated the access arrangements as previously approved and not altered the red line to include the full width of the adjoining field so as to negate the ribbon development argument.

Mr Lynam stated that the access had remained unchanged, following which a discussion ensued regarding the red line boundary. The outcome of which was Mr Lynam stating that the plans had not been altered, and if they had, they were in consideration of health and safety issues in such a small application site and to incorporate some amenity space for the applicants.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that he believed the application was compliant with the exception clause of CTY8 given the potential structural integrity issues, and would cluster with existing buildings. He stated it would also be compliant with CTY14 as it was sustainable development within the countryside and would have no issues with appropriate integration, which could be delegated to officers to

oversee. He stated that the family should be given every opportunity to remain within the area, and this allowed for that opportunity given that they have limited options for an alternative site on the farm land. He noted that there may be a potential for ribbon development with the approval of this application, however this proposal would be an extreme circumstance, and policy should be set aside for consideration of this application.

This was seconded by Councillor Rice.

Councillor Devlin queried whether the documentary evidence was required as justification to allow planning permission on the proposed site.

Mr Rooney stated that the documentary evidence could be made part of the proposal, as the Planning Department should have sight of and time to consider the evidence as mentioned by the applicant. He noted that the evidence had been presented to Committee as something that warranted a reaction but urged caution to allow time for the evidence to be made available as it was being relied upon as an exceptional circumstance to Planning Policy. He stated that Councillors were not qualified to discuss structural issues and while Mr Lynam may be qualified to do so, if there was a second opinion sought it was obviously warranted and should be made available to the Planning Department.

Councillor Devlin noted that there was already a proposer and seconder to overturn the recommendation but stated that from her own perspective, she felt that document would be useful to have sight of.

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

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2024/0295/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.

The meeting did then recess – 11.55am The meeting did then resume – 12.09pm

(4) <u>LA07/2024/0401/F</u>

On agenda as a result of the Call-In Process

Location:

14

Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down

Proposal:

Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.

Conclusion and Recommendation from Planning Official: Refusal

Power-point presentation:

Mr Keane presented the application, noting that site was located in the countryside within an AONB, where the provisions of PPS 21 applied. He explained that Policy CTY 12 of PPS 21, relating to agricultural development, was the key policy test and that a letter had been issued to the applicant in March that had set out the policy context and the Planning Department's concerns, but no further information had been submitted in response. He confirmed that the Department concluded that the proposal was contrary to points A, B, C and D of Policy CTY 12, as it had not been demonstrated that the building was necessary for the efficient operation of the holding, the scale and isolated roadside siting were considered inappropriate, failing to integrate with the rural landscape and adversely affecting the area's natural heritage. He further noted that no evidence had been provided to show that suitable existing buildings were unavailable, and that the proposed shed was not sited adjacent to existing farm structures.

Mr Keane noted that there was an active application for a new dwelling on the holding that would result in the removal of several existing buildings, further undermining the justification for a new structure. He confirmed that the application was recommended for refusal as being contrary to Policies CTY 12 (a–d), CTY 13 (a–c), CTY 14 (a) and NH 6 of PPS 2.

Speaking rights:

In Support:

Mr O'Callaghan stated that the proposal sought only to roof an existing animal handling and isolation pen rather than construct a new building. He explained that the facility was essential for isolating and treating livestock away from the main herd and that the roof would provide necessary shelter for both animals and farm workers. He argued that the location, slightly removed from the main farm, was appropriate given the pen's function and that the modest, low-profile structure would integrate well with the landscape. He also noted that a similar development could be carried out nearby without requiring planning permission and therefore urged Members to apply pragmatic judgement and approve the proposal.

Councillor Enright joined the meeting at this stage - 12.17pm

Councillor Rice queried the current facilities in use for isolating and treating animals, to which Mr O'Callaghan noted that there were facilities near the farm yard that were used, however as some had been earmarked for demolition to allow for a new farm dwelling, it was more important than ever to facilitate isolation further from the farm dwellings.

Councillor Rice then queried why the shed offended planning policy and whether it was solely down to clustering with existing farm buildings.

Mr Keane confirmed that as per the Case Officer Report and his earlier presentation, the application was contrary to CTY12 A, B, C and D in that it had not been evidenced as necessary in its proposed location, the inappropriate scale, lack of integration, adverse impact on the area and had not been sited adjacent to existing farm buildings.

Councillor Rice queried whether the Planning Department accepted that, regardless of essential or necessary, that the farm dwelling required an isolation area for sick or injured animals.

Mr Keane confirmed that the existing farm holding had a number of buildings which negated the need for a further building, that the pen and fields also counted towards isolation areas as per Planning Policy. He queried the need for the proposal when a number of buildings had been marked for demolition to allow for a farm dwelling and queried the need for the proposed farm dwelling at the proposed site when the applicant could site the farm dwelling elsewhere and retain the current agricultural buildings.

Mr O'Callaghan stated that the existing fields and pen did not provide shelter, and that the proposed location was best practice away from the main farm dwellings.

Following a query from Councillor McAteer, Mr O'Callaghan stated that the proposed application had a larger footprint than those buildings which were to be demolished.

In response to a query from Councillor Hanna regarding why the Planning Department believed that the application did not integrate as there was tree coverage within the proposed siting, Mr Keane advised that the existing pen was sheltered behind a hedge, but the proposed pen was 4m high, along the roadside and would be unduly prominent. He reiterated that fields and existing pens provided adequate isolation areas.

Councillor Tinnelly queried whether the application would be recommended for approval if sited within 75m of the farm buildings, to which Mr Keane reiterated that the Planning Department could only consider what had been submitted as part of the application.

Councillor Rice proposed a site visit, which 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: 10 AGAINST: 0 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by

Councillor Hanna, it was agreed to defer planning application LA07/2024/0401/F to allow for a site visit.

As Cllr Enright was absent for the presentations, he was unable to cast a vote.

(5) LA07/2024/1403/F

On agenda as a result of the Call-In Process

Location:

170m south of 4 Curley Road, Newry, BT34 1NU

Proposal:

Replacement of existing dwelling with new dwelling within existing site curtilage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application as located in the countryside, noting that the application was recommended for refusal as no principle for development had been established. He explained that the structure on site comprised the remains of a former building which had partially collapsed. The structure, positioned gable-end to the road, measured approximately 7 metres by 4 metres, with two door openings to the front and no visible window openings, and that the eastern gable peak had collapsed, meaning the building was not intact.

Mr Keane concluded that the remains failed to meet the minimum requirements for a replacement dwelling under Policy CTY 3, as not all external walls were substantially intact.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, supported by Mr Moffett Jr and Snr. He explained that the site contained the remains of a former dwelling that had been damaged during a storm in 2021 when a fallen tree struck an attached outbuilding and the roof of the main structure. The applicant had subsequently cleared the fallen trees and debris, exposing the original stone building, which sat gable-end to the road and partially into a slope at the rear. He stated that the structure retained four external walls, with damage limited to the roof and part of the rear wall, and that the applicant had not altered the integrity of the building. He argued that the proposal met the policy tests for a replacement dwelling under PPS 21 Policy CTY 3, as all structural walls were substantially intact, even if parts appeared obscured by retained ground.

Councillor D Murphy queried whether the building had previously been a dwelling, and requested clarification on the definition of substantial within the policy.

Mr Keane confirmed that the building did have the remains of internal characteristics of a dwelling. He noted that the definition of substantial was not definitive but was taken on a case-by-case basis and as shown within the images contained within the Case Officer Report, that all 4 external walls were not substantially intact.

Councillor Devlin noted that the images used by the Planning Department and those historical images evidenced by the applicant and queried whether any legal independent evidence was available to confirm that the building had previously been a dwelling, further noting that the storm damage should not be a disadvantage to the applicant.

Mr Tumelty confirmed that the applicant had removed a portion of the tin roof and the WC wall following the damage and that this was not an attempt to modify or alter the structure during the processing of the application.

Councillor Hanna noted that storm damage seemed a harsh reason to refuse an application and queried if the structure walls were somewhat rebuilt would the Planning Department recommend approval for the application.

Mr Keane reiterated that the Planning Department could only assess what was visible in front of them, that the storm damage was unfortunate and the Department was merely complying with Planning Policy.

Councillor McAteer queried whether the Planning Department processed the application with the site images from the application date, or whether they considered the impact of the storm damage on the remaining wall structures.

Mr Keane confirmed that the Planning Department processed the application based on what was observed following the submission of the application and it was the opinion of the Planning Department that the application failed policy as it did not have 4 substantial external walls.

Mr Rooney reiterated the opinion of the Planning Department, confirming that they could only consider what was in situ during the processing of the application and not what had been in place in previous years.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that he believed that there was four walls and therefore was compliant with CTY3, the storm damage had been unfortunate and the applicant should not be penalised for that, the application was sustainable development within the countryside but that officers be delegated authority to impose any relevant conditions.

This was seconded by Councillor D Murphy.

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

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/1403/O contrary to officer recommendation as contained in the Case Officer Report.

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

Lunch - 12.51pm

Resume - 1.37pm

(6) <u>LA07/2024/1386/F</u>

On agenda as a result of the Call-In Process

Location:

Approximately 150m NE of No.15 Clontafleece Road, Warrenpoint, Newry BT34 3QS.

Proposal:

4 No. glamping pods & associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application, which was sited in the countryside within an AONB, which directed the Department to processing the application against the tourism policies of PPS16 and PPS2. He explained that the proposal related to a roadside field where the land rose above the road, with plans including a row of ten parking spaces, four plots for the pods, and a central communal area. The site levels indicated that the pods would sit approximately three to five metres higher than the road, and the agent's claim that they were below road level was deemed inaccurate.

Mr Keane stated that, given the elevated and exposed nature of the site, the size and design of the pods, the formal layout, and the reliance on new planting for integration, the development could not be absorbed into the landscape without adverse impact on the AONB setting. He added that the proposal's proximity to a replacement dwelling currently under construction would result in a build-up of development and contribute to ribboning, thereby harming rural character

Mr Keane confirmed that the application was recommended for refusal as it was contrary to CTY1, 8, 13, 14, TSM 6 and 7 and NH6 of PPS2.

Speaking rights:

In Support:

Mr Colin Dalton spoke in support of the application, supported by applicant Ms Catrina Campbell.

Mr Dalton was noted that there were no objections from statutory consultees, no local opposition, and ten letters of support had been received. He stated that revisions to the scheme were submitted in June 2025 but he believed that the Planning Department had not assessed these revisions and the refusal recommendation was based on superseded drawings. He contended that the updated proposal addressed all concerns previously raised, including height, materials, layout, and landscaping. Updated topographical information demonstrated minimal visual impact, with pods set into the lowest part of the site and screened by mature hedging.

Ms Campbell emphasised that the revised design incorporated natural screening, retention and repair of existing stone walls, and additional native planting, including 1,900 new trees to be planted in partnership with the Woodland Trust. The layout reflected traditional clachan patterns, avoided ribboning, and maintained open space between pod clusters. It was further highlighted that the pods were of modest scale (45m² each), sustainably designed with recessive finishes and solar-readiness, and that the development aligned with the Council's tourism strategy by providing high-quality, family-focused accommodation that supported sustainable rural tourism and local economic benefit. She asserted that all technical and environmental issues had been resolved, that the refusal was based on outdated information, and that the proposal fully complied with policy while enhancing the character of the Mournes AONB.

Councillor D Murphy queried the refusal reasons relating to ribbon development and integration as he believed the pods were located some distance from the road and the images had shown a large hedge that would help with integration.

Mr Keane confirmed that a new dwelling had been built to the left of the pods, all of which had frontage to the road. He also noted that the proposed plans suggested that the hedge be moved back to accommodate the required visibility splays. Given the distance from that roadside to the pods, and the elevation of the site, the pods would effectively be sited higher than the road.

Mr Dalton stated that the pods would not be visible from the road, noting that the pods had been relocated from previous designs to further down the hill to ensure they would not be visible from the road. He further stated that since the application had been submitted, the house had been built with the required sight lines in place, and the hedge would not be moved.

Councillor McAteer proposed to overturn the recommendation to an approval for the following reasons:

- He believed that the application was compliant with CTY1 as the tourism gain from the development should allow the development to be sited within the countryside.
- The site was compliant with TSM6 as there would be no adverse impact on the local area, utilising existing natural boundaries and the design features would help integration concerns.
- The site layout amendment was welcomed as the site rose to the rear made the scheme more amenable, therefore TSM7 was satisfied.
- CTY13 was satisfied as the site would not be unduly prominent given the relocation of the pods and the natural boundaries already in place.
- CTY8 should be set aside to allow the application to go ahead as the tourism generated would bring money into the local economy and while the site may protrude into the countryside, it should be permissible.
- NH6 was satisfied as the quality and design of the materials proposed would help the proposal blend into the special character of the AONB, not erode it.

This was seconded by Councillor S Murphy.

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

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED:

On the proposal of Councillor McAteer, seconded by Councillor S Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/1386/F contrary to officer recommendation as contained in the Case Officer Report.

(7) LA07/2023/3646/F

On agenda as a result of the Call-In Process

Location:

100m south of No. 32 Glenvale Road, Croreagh, Newry, Co. Down, BT34 2RF

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

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that the application sought a change of house type to a previously approved dwelling located in the countryside. He explained that the primary issue was whether the previous Outline and Reserved Matters (RM) permissions had been lawfully commenced within the approved timeframe, which would allow a change of house type to be considered. There had been two prior applications for a change of house type: one refused due to lack of commencement and road concerns, and another withdrawn. The agent had been advised that a Certificate of Lawfulness was the correct method to demonstrate commencement but had declined to pursue this.

Mr Keane noted that aerial photographs from 2006, 2009, 2012, 2016, and 2025 showed foundations for a dwelling and garage in 2006, predating the RM approval in 2007 and in a different location from the subsequently approved development. Claims by the agent regarding other garage foundations were unsupported by aerials, building control records, or a Certificate of Lawfulness, and photographs provided were inconclusive. He concluded that the applicant had failed to provide verifiable evidence of lawful commencement. Consequently, the Planning Department based its recommendation on the available evidence and recommended refusal of the application.

Speaking rights:

In Support:

Mr McKevitt spoke in support of the application, noting that the application sought to regularise a development previously granted planning permission and lawfully commenced prior to its statutory expiry. He stated that the Department had refused the application, but argued that the submission provided clear evidence demonstrating that the original

permission had been lawfully implemented. He stated that the site had an established planning history, confirming its acceptability for a detached dwelling and garage and that the photographic evidence from the previous landowner, professional certification of works, and detailed site plans demonstrated that the foundational works were undertaken in accordance with the approved drawings and conditions before the expiry date, satisfying the legal definition of "commencement" under Northern Ireland planning law.

Mr McKevitt stated that there was no statutory requirement for Building Control inspection to verify lawful commencement and that independent professional verification was sufficient, which he argued had been evidenced. He also highlighted that the Planning Department had confused remnants of unrelated earlier site works with the implemented foundations, and that the applicant had offered to expose the foundations for inspection, which the Department had not taken up.

Mr McKevitt concluded that the evidence unequivocally demonstrated lawful commencement, and therefore the refusal was unwarranted and requested that the Committee overturn the officer's decision and grant planning permission, ensuring fairness, consistency with precedent, and adherence to planning law.

Councillor D Murphy queried the conflicting statements from the Department and the agent, to which Mr Keane confirmed that the images submitted from the agent were dated after the expiry of the extant planning permission and no evidence had been submitted to verify that work had began prior to that expiration.

Councillor D Murphy queried the statement from the agent that the Planning Department had not accepted the invitation to be onsite for the exposing of the foundations, to which Mr Keane stated that the Planning Department had enough information to determine the application, and that no evidence had been submitted to support the claim that the work had began prior to the planning permission expiration.

Mr McKevitt argued that he had evidence dated 2010 that evidenced the works had began prior to the permission expiring.

Councillor McAteer queried how the Committee were to verify the date relevant to the evidence submitted and how they were to tell how old the foundations were. He proposed a site visit to see the situation on the ground on site, and for the relevant submitted images to be available at the site visit.

This was seconded by Councillor Devlin.

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

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED:

On the proposal of Councillor McAteer, seconded by Councillor Devlin, it was agreed to defer planning application LA07/2023/3646/F to allow for a site visit.

Cllr Tinnelly left the meeting at this stage - 2.24pm

(8) <u>LA07/2024/0271/F</u>

On agenda as a result of the Call-In Process

Location:

90m NW of No.30 Killowen Old Road, Killowen, BT34 3AD

Proposal:

Farm shed

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that the application was for a farm shed, noting that two detailed objections had been received from an interested party, reiterating concerns that the applicant did not have an established and active farm and that no justification had been provided for siting the shed away from other farm buildings. He advised that a further representation had been received the previous day reiterating the same points.

Mr Keane explained that the site was located in the countryside, and that the proposal had been assessed against Policy CTY12. DAERA records indicated that the farm business had only been allocated to the applicant in 2022, with the lands previously in conacre and used by another farm business until June 2022. Consequently, the proposal failed the initial policy test of being located on an active and established agricultural holding. He also noted that there was recent history of a domestic shed application on the same site, which had been refused due to its siting and size. He confirmed that the proposed location was not adjacent to existing farm buildings but to the rear of an unrelated property, and that no evidence had been submitted to demonstrate that existing storage facilities on other lands were unsuitable or that the shed was essential for the holding, nor were there any health and safety justifications. He concluded that the application was contrary to Policy CTY12 and recommended refusal, in line with the officer's report.

Speaking rights:

In Support:

Mr Colin Dalton spoke in support of the application, supported by applicant Mr Daire Carr. Mr Dalton noted that the case officer had cited the proposal as not on an active and established agricultural holding, arguing that the Planning Department had treated the development as non-agricultural, but in his view, it met the criteria of Policy CTY12, rendering the "essential in a rural location" test irrelevant. He explained that the farm business had been active since 2018, with evidence of land management including gorse clearance, paddock fencing, reseeding, lime and fertiliser application, rebuilding of dry-stone walls, and planting of native hedging. This, he stated, satisfied the six-year requirement for agricultural activity under Policies CTY10 and CTY12, although DAERA registration was not possible due to technical requirements for boundary fencing and handling facilities.

Mr Carr highlighted that the case officer had acknowledged the proposal would not unduly impact the character of the location, would have limited visibility, could integrate into the landscape, and would not create ribbon development, complying with Policies CTY13 and CTY14. No objections had been received from Environmental Health or DfI Roads. He emphasised that the shed was essential for the farm's efficient operation, economic viability, livestock welfare, health and safety, and secure storage of machinery and chemicals. The proposed location used the only existing level farmyard surface suitable for safe operations. The shed was also crucial for planned farm expansion, including increased livestock and self-sufficient winter fodder production.

Finally, Mr Carr clarified what he described as inaccuracies in the case officer's report, noting that no bathroom was proposed, only a welfare toilet that had later been removed, that there had been only one objection which had been addressed through amendments reducing the shed's footprint and ridge height, and that supporting evidence of agricultural activity had been omitted from what he referred to as a biased and misleading report. He concluded that the proposal was necessary, justified, and fully supported by evidence, and that the refusal did not accurately reflect the circumstances or policy compliance.

Councillor Rice requested confirmation that the sole reason for refusal was relating to the need for a DAERA Farm ID, to which Mr Keane confirmed that the proposal was contrary to CTY12, part of which was the requirement to have an active and established farm business for a minimum of six years.

Councillor Rice requested legal opinion, with Mr Rooney advising that the Committee should enter closed session to discuss the legal opinion.

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

Agreed: On the proposal of Councillor D Murphy, seconded by

Councillor Clarke, 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. 5 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings, and the public may, by resolution, be excluded during this item

of business.

Agreed: On the proposal of Councillor Rice, seconded by

Councillor McAteer, it was agreed to come out of closed

session.

The Chairperson advised that Legal Opinion had been provided while in closed session.

Councillor Hanna requested confirmation from the applicant regarding the size of his farm holding and his commitment to farming.

Mr Carr advised that he was a category 3 farmer, farming cattle and sheep. He confirmed that he was an accountant and a part time farmer, but was committed to developing his holding but was unable to commit to purchasing a large amount of machinery if it was going to be exposed to the elements without a farm shed to store it in.

Councillor Hanna queried how someone would get into the farming business with the difficult criteria outlined in the policy, noted that the policy needed to be reviewed to encourage new farmers into the industry and asked if there was anything the committee was able to do to support the applicant.

Mr Keane noted that the Planning Department had assessed the application, along with all the evidence submitted by the applicant, including the omitted photos from the applicant, and advised that the application did not meet the outlined policy requirements.

Councillor Devlin queried Mr Carr's statement that the neighbour had retracted their objection, while Mr Keane had confirmed that a late objection had been received and requested clarification on the statement.

Mr Carr stated that he had an email from the objector stating that they were content with the amended proposal but would not retract their original objection, and that this was the first he had heard of the late objection being received.

Councillor Devlin queried if there were circumstances that would allow a shed to be built on the holding, to which Mr Keane confirmed that the farm ID had been allocated in 2022, and as per policy the requirement was 6 years.

Following a query from Councillor McAteer regarding the element of policy relating to agricultural development of the land, Mr Carr stated that he was ineligible to apply for a farm ID prior to 2022 as the farm did not have the required boundary fencing or isolation facilities for animals, although he had invested heavily in the land clearing gorse, repairing stone walls and erecting wire and post fencing. Mr Carr stated that while he plans to acquire more land, he is ineligible to claim farm payments until he has more land.

Councillor Larkin queried the siting of the shed, behind a neighbouring house and not his own, to which Mr Carr stated that the uphill gradient of the land to the rear of his own dwelling rendered it visible from the road, while the proposed location was flat and ideal for the safe coupling of machinery.

Councillor Larkin proposed to accept the officer's recommendations, noting that it was unfortunate that policy required the active and established farm for six years. 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: 7 AGAINST: 3 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue a refusal in respect of planning application LA07/2024/0271/F supporting officer recommendation as contained in the Case Officer Report.

(9) LA07/2025/0178/F

On agenda as a result of the Call-In Process

Location:

146 Mill Road, Mullartown, Annalong, BT34 4RH

Proposal:

Extension & Alterations to Dwelling including 1 1/2 Storey Side Extension and Roof space Conversion

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that this was a full application for alterations and extensions to an existing single-storey dwelling that included extensions to the front, side, and rear of the property. He noted that while the Planning Department had no objection in principle to an extension, the submitted design was considered unacceptable and that despite advice from officers, no amendments or reductions were made by the agent.

Mr Keane stated that the primary concern related to the side extension, which stepped up from the existing bungalow to appear as a full two-storey element. Mr. Keane stated that its scale, massing, and design were not sympathetic to the existing dwelling and would detract from the character and appearance of the area and that although some mature vegetation provided screening, the roadside position meant the extension would remain visible and appear as a dominant and disproportionate addition to the property.

Mr Keane also noted that the agent had referenced another property at No.41 Mill Road, but explained that example differed as its higher two-storey section was the main element, with a subordinate return to the side—consistent with policy, unlike the current proposal. The application was recommended for refusal as it was contrary to PPS 7 EXT 1 and NH6 of PPS 2.

Speaking rights:

In Support:

Mr Rooney stated that the Planning Department had placed excessive reliance on guidance rather than the actual policy text, which clearly required each proposal to be judged on its own merits. In this case, he said, the modest height increase maintained a stepped roof form, used matching materials, and was largely screened by dense mature vegetation, rendering the extension barely visible from the road and not visually dominant. The footprint increase was only around 5%, which he said could not reasonably be described as disproportionate. He further contended that the Department's insistence that the extension remain below the existing ridge height was not a specific policy requirement and had been afforded undue weight. He cited a Planning Appeals Commission decision (2021/A0120),

where strong boundary screening was accepted as mitigating concerns over scale, a principle he said applied equally in this case.

Mr Rooney stated that the design, scale, and materials were appropriate for the locality and consistent with nearby properties, including stepped ridge and one-and-a-half storey dwellings along Mill Road. The mature screening ensured there would be no significant change in the appearance of the dwelling from public viewpoints or any adverse impact on the wider AONB landscape. He also highlighted that the extension was necessary to meet the applicant's genuine family needs, noting that policy guidance recognised that larger extensions could be acceptable where they modernised rural homes.

Councillor Rice queried whether the Planning Department accepted the applicant's argument that there were similar houses within the area, and that there was significant screening already in place.

Mr Keane stated that there was a mix of houses within the area, but that the similar dwellings were well proportioned and generally aligned with policy. He stated that this proposal was contrary to the Justification and Amplification (J&A) text of the policy. He acknowledged that there was existing vegetation on site that would screen some of the proposal, however as this was a roadside plot and the proposal was larger than the existing dwelling, it would be highly visible.

Mr Rooney stated that the proposal design was common to the area, and that the J&A guidance allowed for a smaller rural property to be increased.

Councillor Hanna queried if the applicant would be happy to accept a condition that the existing screening could not be amended or removed, to which Mr Rooney confirmed that was acceptable.

Councillor Hanna queried the character of the area, noting that he was aware of at least 12 dwellings that were similar to the proposed.

Mr Keane noted that there were a mix of dwellings within the area that generally aligned with policy in terms of proportion, scale and massing, however this proposal did not align with policy and stepping up, as proposed, was consistently resisted in policy.

Councillor Hanna queried whether there was an acceptable height increase that the Department could approve, to which Mr Keane stated that policy J&A stated that the design should be stepped down, not up as was the case in this application.

Councillor Rice proposed to overturn the recommendation to an approval, stating that he believed the design would be sympathetic to the area and would not have any undue impact on the character of the area. He stated that he believed the site's mature boundary would help screen the proposal and help it to comply with policy.

This was seconded by Councillor Hana, with a condition that the existing vegetation not be removed.

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

FOR: 8 AGAINST: 1 ABSTENTIONS:

The proposal was declared carried.

1

AGREED: On the proposal of Councillor Rice, seconded by

Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2025/0178/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.

The meeting did then recess – 3.29pm The meeting did then resume – 3.35pm

(10) LA07/2024/1191/O

On agenda as a result of the Call-In Process

Location:

Immediately N. of 4 Lurgancahone Road, Rathfriland, BT34 5A

Proposal:

Proposed Dwelling and Garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr. Keane stated that the application was an outline proposal for a dwelling and garage located in the countryside, where the relevant policies of PPS21 were applicable and was recommended for refusal as no principle of development had been established.

Mr Keane advised that the applicant sought to justify the proposal under Policy CTY2a of PPS21, which permitted a dwelling within a cluster where all six criteria were met. However, the Planning Department considered that there was no identifiable cluster, no visual entity, and that the proposal did not represent rounding off or consolidation of an existing cluster and as such, the application failed to meet three of the six policy tests under CTY2a and was recommended for refusal.

Speaking rights:

In Support:

Mr Rooney disagreed with the Planning Department's assessment, arguing that the site clearly formed part of a cluster of development around the crossroads, public house, and GAC grounds. He contended that the buildings in the area were not dispersed but concentrated in a recognisable grouping that met the definition of a cluster under CTY2a. He further stated that the cluster appeared as a visual entity within the landscape, being identifiable and well-known due to the presence of the crossroads, GAC facilities, and public

house. While the Department cited a sweeping bend as breaking visual continuity, he argued that continuity was not required by policy and that the bend instead emphasised the sense of place.

Mr Rooney acknowledged that the Department accepted compliance with criteria (c) and (d), as the site was located adjacent to recognised focal points and bounded on two sides by existing development, and he maintained that the proposal also satisfied criterion (e), representing clear rounding off and consolidation of the existing built form rather than encroachment into open countryside. He added that the Department had accepted compliance with criterion (f) regarding residential amenity, and that the proposal also met the requirements of Policy CTY8, as the road did not interrupt the established frontage.

Councillor Clarke queried whether the focal point could be considered the GAA pitch and crossroads, to which Mr Keane stated that the focal point requirement of policy was not in contention.

Councillor McAteer requested clarity on the refusal reasons, to which Mr Keane reiterated that the Planning Department were recommending refusal as the application did not meet three of the required six criteria of CTY2a, those being that there was no identifiable cluster, no visual entity, and that the proposal did not represent rounding off or consolidation of an existing cluster.

Councillor McAteer queried why the Department felt that there was no cluster, to which Mr Keane stated that there was a church and other facilities in the area, but did not create a cluster as the development was sporadic and dispersed.

Councillor Rice proposed to overturn the recommendation to an approval, stating that he believed that the area appeared as a cluster and therefore complied with all six required criteria of CTY2a and did not offend CTY13 and 14.

This was seconded by Councillor McAteer

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

FOR: 10 AGAINST: 0 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by

Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/1191/O contrary to officer recommendation as contained in the

Case Officer Report.

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

29

Agreed:	On the proposal of Councillor Quinn, seconded by Councillor S Murphy, 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. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 — information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.
Agreed:	On the proposal of Councillor Rice, seconded by Councillor McAteer, it was agreed to come out of closed session.
The Chairperson	advised the following had been agreed whilst in closed session:
P/108/2025	COMMUNICATION FROM THE HISTORIC ENVIRONMENT DIVISION – ADVANCE NOTICE OF LISTING
Read:	Communication from Historic Environment Division regarding Advance Notice of Listing (Copy circulated)
AGREED:	It was agreed on the proposal of Councillor Rice, seconded by Councillor McAteer, to note the communication.
P/109/2025:	HISTORIC ACTION SHEET
Read:	Historic action sheet for agreement (Copy circulated)
AGREED:	It was agreed on the proposal of Councillor Hanna, seconded by Councillor Enright, to note the historic action sheet.
There being no f	further business the meeting ended at 3.55pm
Signed:	Chairperson
Signed:	Chief Executive
NB: 53% of dec	isions overturned

Item 5 - Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights — Planning Committee Meeting on <u>Wednesday 12 November 2025</u>

The following planning applications listed on the agenda, have received <u>no representations</u> <u>or requests for speaking rights.</u> 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:

LA07/2022/1561/F - Lands at 7 Teconnaught Road and to the rear of 5 and 5a
Teconnaught Road Loughinisland - New floodlit GAA pitch with spectator stand,
welfare facilities, ball stop nets and perimeter fencing; new floodlit 4G multipurpose
training area with perimeter fencing; demolition & conversion of existing farm shed
to form new changing and storage with roof-mounted solar PV panels; ball wall
practice area and children's play area; partial culverting and re-alignment of stream
& associated works

APPROVAL

- LA07/2024/0642/F 25 Upper Dromore Road, Warrenpoint, BT34 3PW 1 1/2 storey extension to front, rear and side of existing dormer bungalow, internal remodelling and refurbishment REFUSAL
- LA07/2024/0927/O 45m SW of 30 Brackenagh East Road, Ballymartin BT34 4PT
 Erection of dwelling and a garage on a farm
 REFUSAL
- LA07/2024/1303/F 39 Bridge Road, Burren, Warrenpoint and lands immediately adjacent to and north of No.39 Bridge Road, Burren, Warrenpoint Erect a dwelling and detached garage in partial substitution to the extant approval granted under LA07/2023/2687/O with access from the public road via an existing & improved access. Construction of a new access to serve an existing dwelling.
 REFUSAL

-0-0-0-0-0-

Delegated Application

Development Manag	gement 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 Lowe 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:	Note: Within correspondence to the applicant dated 10 th March 2025, the Council requested an amended address referring to a postal address. No further correspondence/information has been received. 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.

ES Requested: No

Consultations:

Dfl 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.

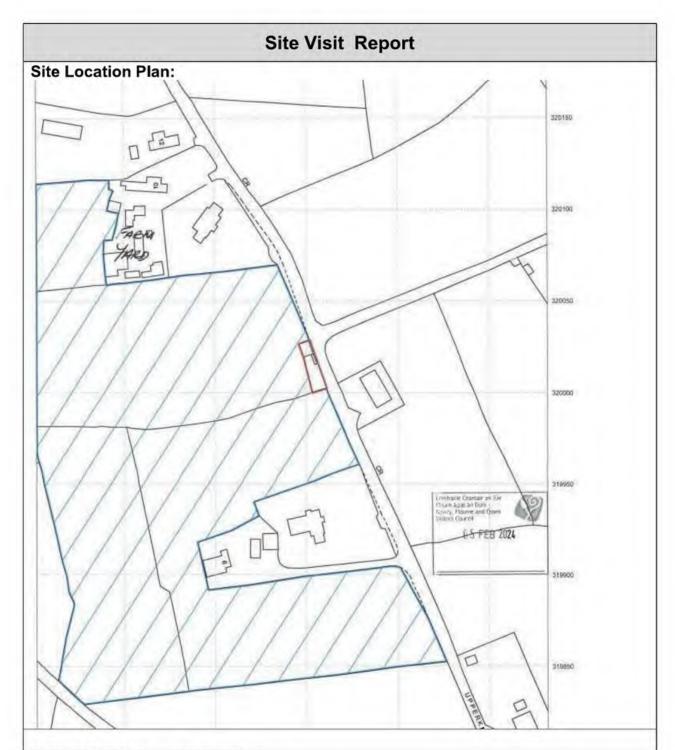
DAERA confirm that the farm holding has been in existence for more than 6 years (from 2010) and that the farm business claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. DAERA advise that the application site is located in field 3/086/070/1B which 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.

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.

Representations: 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: Principle of development (active farm, development opportunities sold off, clustering with farm buildings), rural character and integration, access, natural and built heritage, residential amenity.



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

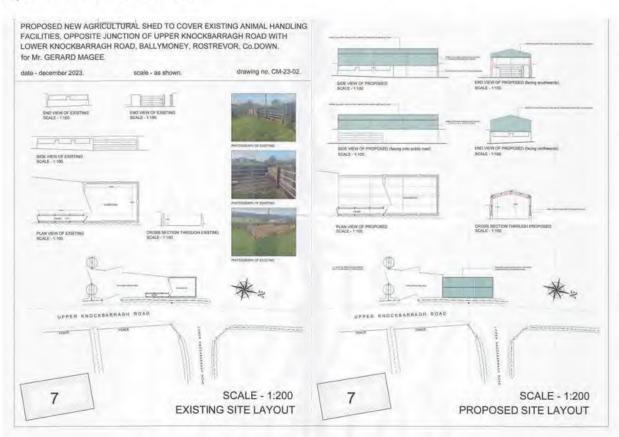
Monument - DOW051:055. The site is in proximity to several designated sites, the closest being Carlingford Lough ASSI 1.7km away and Rostrevor Wood SAC 2.8km away.

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 live-stock. 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

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

39

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

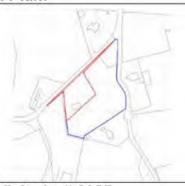
Appointed Officer: A.McAlarney Date:31 July 2025

Delegated Application

Dev	elopment Manag	gement Officer Report
Case Officer: Laura C	'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 Applicant Name and Applicant Nadine 32 Glenvale Road Croreagh Newry BT34 2RF	Address:	Agent Name and Address: Barney Mc Kevitt Mourne House 3 Downshire Close Newry BT34 1FD
Date of last		23 August 2024
Neighbour Notification: Date of Press Advertisement:		
ES Requested: No	B) B 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	16 July 2025
Consultations:		
Representations:	La Comment	
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 being 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/1991/0024Decision: Withdrawal Decision Date: 23

December 1991

Proposal: Site for dwelling house

Application Number: P/1995/0035Decision: Withdrawal Decision Date: 17 March

1995

Proposal: Erection of bungalow

Application Number: P/1997/0922Decision: 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/2003/1488Decision: 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 o 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 heigh 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 precommencement 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 precommencement 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.



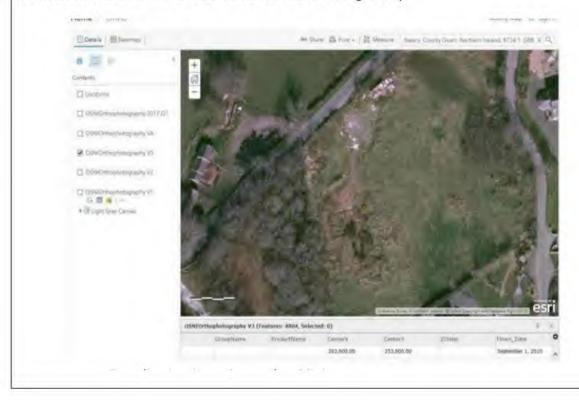
See below the site layout as approved by the reserved matters application (P/2006/1822/RM). The layout approved does not aling with the foundations implemented on site prior to its approval.



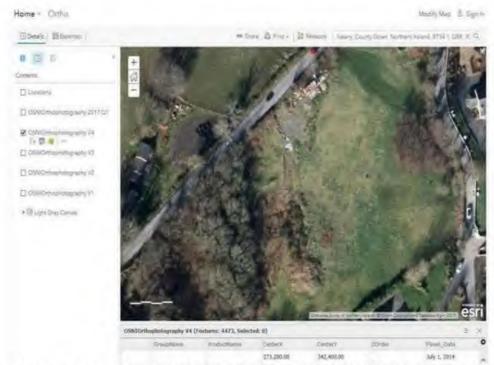
In **October 2008**, aerial imagery available of the site (image below) demonstrates works to the site frontage, hardstanding, groundworks in the centre of the site remain as they were in 2006 (see below image).



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 over grown.



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 corelates 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 nonagricultural 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:

 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 Manageme	ent Consideration	
Details of Discussion:		
Letter(s) of objection/su Group decision:	pport considered: Yes/No	
D.M. Group Signatures		
Date		_

Committee Application

De	velopment Manag	ement Officer Report
Case Officer: Catheri	ne Moane	
Application ID: LA07	/2022/1561/F	Target Date:
Proposal: New floodlit GAA pitch welfare facilities, be perimeter fencing; ne purpose training and fencing; demolition and shed; conversion and existing farm shed to and ancillary storage solar PV panels; ball we children's play area; pre-alignment of swalking/running track level lighting, car process improvements sightline provision for and improved access facilities.	all stop nets and aw floodlit 4G multi- rea with perimeter of removal of 1no farm of 2no form new changing a with roof-mounted wall practice area and partial culverting and stream; community with associated low arking; landscaping; to provide enhanced residential purposes	Location: Lands at 7 Teconnaught Road and to the rear of 5 and 5a Teconnaught Road Loughinisland.
Applicant Name and Address: Loughinisland GAC 7 Teconnaught Road Loughinisland BT30 8QE		Agent Name and Address: 11 Loughinisland Road Loughinisland BT30 9PT
Date of last Neighbour Notification	on:	31 October 2022
Date of Press Advertisement:		17 October 2022
ES Requested: No)	
Consultations: See F	Report	
Representations: No	ne	
Letters of Support	0.0	
Letters of Objection	0.0	
Petitions	0.0	
	0.0	

Number of Petitions of Objection and signatures	
Summary of issues	 The principle of development and suitability of proposed detailing, including impact on the countryside and residential amenity (SPPS and PPS21 Policies CTY1, and PPS8 Policies OS1, OS3, OS7) The impact of the proposed development on natural heritage (SPPS and PPS2); Access, movement and parking considerations including road safety SPPS, PPS3, DCAN15 and DOE Parking Standards) Flood risk, drainage and sewerage considerations (SPPS, PPS15 Revised and PPS21 Policy CTY16)

Site Visit Report

Site Location Plan: The site is located at Lands at 7 Teconnaught Road and to the rear of 5 and 5a Teconnaught Road, Loughinisland.





Date of Site Visit: 25th November 2022

Characteristics of the Site and Area

The site accommodates existing facilities at Loughinisland GAC which is located off the Teconnaught Road. The site also includes new lands which are situated to the east. The lands are currently in agriculture and are approx. 6 ha in size. The lands fall gradually from west to east and would be lower than the existing adjacent properties. The land continues down towards a small stream which runs through the site, then the remaining lands begin to rise gradually then more steeply to the east. There are currently two sheds on the site (one which will be kept for conversion to changing facilities). This part of the site is accessed via an existing laneway which also allows access to the existing pitch and facilities and to neighbouring properties. The main access, however, is further to the north which leads into an existing car park to serve the grounds. The area is rural in character and comprises mainly single houses and farms in the countryside.



Existing clubhouse and facilities



Existing lands and buildings at the site

Description of Proposal

New floodlit GAA pitch with spectator stand, welfare facilities, ball stop nets and perimeter fencing; new floodlit 4G multi-purpose training area with perimeter fencing; demolition and removal of 1no farm shed; conversion and extension of 1no existing farm shed to form new changing and ancillary storage with roof-mounted solar PV panels; ball wall practice area and children's play area; partial culverting and re-alignment of stream; community walking/running track with associated low level lighting, car parking; landscaping; access improvements to provide enhanced sightline provision for residential purposes and improved access to existing club facilities.

Planning Assessment of Policy and Other Material Considerations

The NI Regional Development Strategy 2035 (RDS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Ards and Down Area Plan 2015 (ADAP)

Planning Policy Statements:

PPS2 - Natural Heritage

PPS3 - Access, Movement & Parking

PPS8 - Open Space, Sport and Outdoor Recreation

PPS15 (Revised) - Planning and Flood Risk

PPS21 – Sustainable Development in the Countryside

Further guidance:

DCAN 15 - Vehicular Access Standards

DOE Parking Standards

PLANNING HISTORY

Relevant History

Application Number: LA07/2021/1931/PAN

Decision: PAN Concluded

Decision Date: 10 November 2021

Proposal: The construction of new GAA pitch, training area and ancillary services

Application Number: LA07/2021/0645/PAD

Decision: Application Required
Decision Date: 31 December 2024

Proposal: New GAA pitch, training pitch and ancillary services

Planning

Application Number: R/1976/0289
Decision: Permission Granted
Decision Date: 02 August 1976

Proposal: New Entrance

Application Number: R/1976/0445
Decision: Permission Granted
Decision Date: 24 September 1976
Proposal: Erection of changing pavilion

Application Number: R/2000/0322/O

Decision: Permission Granted Decision Date: 26 May 2000

Proposal: Extension to existing bar & changing facilities

Application Number: R/2004/1274/F

Decision: Permission Granted Decision Date: 12 May 2005

Proposal: Replacement of existing clubhouse with new clubhouse (Amended site

layout).

Application Number: R/2009/0559/F

Decision: Permission Granted Decision Date: 06 January 2011 Proposal: Proposed farm shed

Application Number: LA07/2017/0491/F

Decision: Permission Granted Decision Date: 30 August 2017

Proposal: Erection of community health and well being centre

Application Number: LA07/2019/1600/LDE

Decision: Appeal Dismissed Decision Date: 20 February 2020

Proposal: Existing dwelling

Application Number: LA07/2019/0961/O

Decision: Permission Refused Decision Date: 03 June 2020

Proposal: Proposed Dwelling on a Farm

Application Number: LA07/2020/1514/LDE

Decision: Permission Granted Decision Date: 18 January 2021

Proposal: The existing operation relates to a building constructed before 23 July 2014

Application Number: LA07/2021/0385/F

Decision: Permission Granted Decision Date: 26 July 2021

Proposal: Extension and Renovation to existing Dwelling at 3 Teconnaught Road

Enforcement

Application Number: LA07/2019/0286/CA Decision: Enforcement Case closed

Decision Date: 28-03-2022

Proposal: Alleged part change of use of agricultural building to dwelling

PUBLICITY & REPRESENTATIONS

In line with statutory requirements neighbours have been notified on the 17/10/2022 and again on 26/02/2025. No letters of objection or representation have been received in relation to the proposal to date. The application was advertised in the Down Recorder on 26-10-2022.

Major Development

The application is deemed to be a major development under Section 25 of The Planning Act (NI) 2011 and the Planning (Development Management) Regulations (NI) 2015, given that it comprises recreation/community development where the site area exceeds 1 hectare.

Design & Access Statement

A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is a major development. The Design & Access Statement provides details of the design principles and concepts that have been applied to the development. The agent undertook consideration of the proposal in terms of the design principles and concepts in relation to the size, layout, orientation and appearance. Proposed vehicular access, vehicular and pedestrian circulation, have also been considered.

Development Management Regulations

The development has been considered under The Planning (Development Management) Regulations (Northern Ireland) 2015 falling within Part 7 of the regulations and the site exceeds the relevant threshold in column 2 of the legislation. On this basis the applicant must engage in pre-application community consultation (PACC) and that prior to submission of the application the applicant must give a 'Proposal of Application Notice' (PAN) to the council at least 12 weeks before the application is submitted. When submitted the application was supported by a PACC Report outlining how the process has met the legislative requirements.

Pre-Application Community Consultation (PACC)

A PACC was prepared in accordance with section 27 of the Planning Act (Northern Ireland) 2011, which recognised the legislative requirement for all major applications to undertake at least 12 weeks of community consultation prior to the submission of the planning application.

The regulation requires a pre-application community event to be undertaken prior to submission of the formal submission of the major application. The applicants carried out public consultation by way of information on the club website, press notices and publicity on club social media outlets, liaison with locally elected representatives, engagement with local residents via direct written correspondence and follow up meetings, two stage public consultation events a key stages of design development.

Supporting evidence of this process was submitted as part of this application to demonstrate that this had been carried out in accordance with legislative requirements at the time. This requirement was met under the submission of LA07/2021/1931/PAN

EIA Determination

The proposed development falls within Category 10b Schedule II Development as contained in The Planning (Environmental Impact Assessment) Regulations (NI) 2017. The Council has undertaken a screening exercise under Schedule II and has screened out the development for Likely Significant Impacts and considers that the development does not represent EIA development.

Habitats Regulation Assessment and Impact to European Sites

The 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 which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Summary of proposal

The application seeks full permission for a proposed floodlit GAA pitch with spectator stand, welfare facilities, ball stop nets and perimeter fencing; new floodlit 4G multipurpose training area with perimeter fencing; conversion and extension of existing farm shed to form new changing, ball wall practice area and children's play area; community walking/running track with associated low level lighting, car parking; landscaping; access improvements. The proposal will involve some changes to the layout of car parking and provision of pedestrian walkways (which is a feature now in many GAA club grounds). The main development will be undertaken on the lands to the east of the existing facilities, where there will be playing/training facilities and changing rooms and a play park.

Additional / Supporting Information

- PACC Report
- Design and Access Statement
- · Assessment of Fisheries Potential
- Preliminary Ecological Assessment including badger report
- Ecological survey for bats
- Floodlighting assessment
- Drainage Assessment and Flood Risk Assessment

- Lighting report
- Outline CEMP

Consultations

NIEA Water Management Unit - WMU is content with the proposal subject to Conditions, the applicant noting the caveat and advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.

Inland Fisheries is content for the application to proceed subject to condition.

NIEA Natural Environment Division NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.

DFI Rivers – DfI Rivers have considered the impact of the proposal and have no objections subject to consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.

Environmental Health (NMDDC) - Environmental Health notes the additional information provided and note the agent's response dated 23/04/2024 and have no objections subject to conditions.

Shared Environmental Services (SES) – SES have considered the impact of the proposal and advise provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

NI Water - No objections

Dfl Roads – Dfl Roads has considered the impacts of the proposal and are content subject to approval of Private Street Determination (PSD) Drawings.

Consideration and Assessment

Regional Policy Considerations

The RDS seeks to create healthier living environments and to support healthier lifestyles by facilitating access to a range of opportunities for recreational and cultural activities and by promoting physical recreation as a basis for good health for all.

Planning Act & Development Plan Considerations (ADAP 2015)

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 site occupies land outside the settlement limit in the open countryside. There is no specific policy in the plan that is material to this proposal. There is no conflict with the policies within the Plan.

Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development.

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.

Having regard to The Plan, prevailing planning policy requirements and full list of material considerations above, the determining issues in this assessment relate to the following, with a detailed assessment expanding on each of these considerations below:

- The principle of development and suitability of proposed detailing, including impact on the countryside and residential amenity (SPPS and PPS21 Policies CTY1, and PPS8 Policies OS1, OS3, OS7)
- The impact of the proposed development on natural heritage (SPPS and PPS2);
- Access, movement and parking considerations including road safety SPPS, PPS3, DCAN15 and DOE Parking Standards)
- Flood risk, drainage and sewerage considerations (SPPS, PPS15 Revised and PPS21 Policy CTY16)

The principle of development and suitability of proposed detailing and impact on the countryside (SPPS and PPS21 – Sustainable Development in the Countryside Policies CTY1 and PPS8 (Open Space, Sport and Recreation) Policies OS1, OS3, OS7). The site lies out-with the settlement development limit and the provisions of PPS21 are applicable to this part of the site. Under PPS21 Policy CTY1, planning permission will

be granted for non-residential development in the countryside for outdoor sport and recreational uses in accordance with PPS8. PPS8 policies OS1, OS3 and OS7 are considered the relevant policy tests to be met in order to satisfy both PPS21 CTY1 and PPS8 requirements.

PPS 8 – Open Space, Sport and Outdoor Recreation

Policy OS1 protects opens space and development that would result in the loss of existing open space or land zoned for the provision of open space, will not be permitted. The proposed use is sporting and recreational and therefore there is no conflict with OS 1.

Policy OS 3 – Outdoor Recreation in the Countryside is material to the assessment of the proposal due to the site being located outside the development limit. OS 3 states that proposals will be permitted in the countryside where all the following criteria are met

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

As part of the consultation process NIEA Water Management Unit, Inland fisheries and NED were consulted regarding the proposal and raised a number of concerns regarding the proposal:

- Concerns about the potential impact of the proposed length of culvert on fisheries interests and otters with a recommendation on minimising the length of the structure.
- Potential impact of extensive ground clearance/earthworks on the water environment.
- Run off from car parking areas.
- Management of foul waste.
- The need to adhere to DAERA pollution guidance.
- The value of the watercourse habitat and the hydrological link to designated sites in Murlough Bay.
- The requirement for a CEMP.
- Potential impacts on bats and in particular potential roosting in a mature tree due to be felled which requires 2 bat emergence/re-entry surveys for the subject tree.
- The potential impact of artificial lighting on bats, otters, badgers and other wildlife.
- Potential impact on identified badger setts.

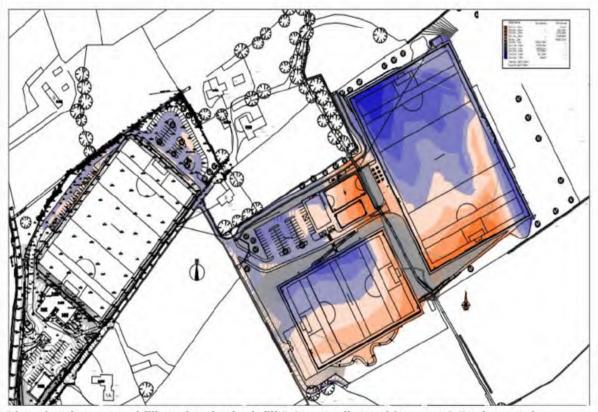
In assessment of these it is noted that the submission of an outline CEMP which seeks to address the issues raised by the statutory consultees. It is noted also that amended proposals involve minimal culverting of the watercourse to safeguard the habitats

identified by the consultees. Environmental protection during the construction works will be delivered through the implementation of a Construction Environmental Management Plan (CEMP) as set out in the Outline CEMP report. The oCEMP sets out how the commitments will be translated into actions in the field and the means by which they will be monitored and verified. A detailed Final CEMP will require to be approved by the Planning Authority and NIEA which will be submitted to ensure effective implementation. Shared Environment Services (SES), Natural Environment Division (NED) and NIEA Water Management Unit and Inland Fisheries have now indicated no objections to the proposals impact on nature conservation there are no issues with regard to archaeology at the site.

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

It is considered that there is no permanent loss of the best and most versatile agricultural land no unacceptable impact on nearby agricultural activities is likely to occur.

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;



Plan showing cut and fill on the site (red=fill 5-6m, grading to blue= cut 6-7m (approx.)

The site is a challenging site to develop given the topography of the site and the undulating landscape which is a feature of the landscape in this area. The development will sit on lands that are lower than the existing road network and lower than the existing properties which are located in close proximity to the grounds. There are currently two sheds on the site, one which is in agricultural use (the other one was also subject to an appeal (dismissed) for an existing dwelling LA07/2019/1600/LDE. The proposal seeks to re-use one of the agricultural buildings and to remodel it to provide changing facilities and ancillary storage which will serve the new facilities. This shed had previously been cut into the site approx. 4m below the existing ground levels and therefore given that the building is already in situ and the minor modifications, there will be no increase in its visual impact. The main pitches will have to be levelled out and there will be cut and fill on site as shown on the plan above. The proposed spectator stand will be cut into the hillside on the eastern side where there is a steep slope. This will, however, form a backdrop which will aid integration of the site into the landscape. Given that the proposal will occupy and extend an existing sporting facility, the Planning Authority in assessment of all the supporting information do not consider the proposal will adversely impact on the visual amenity or character of the local landscape given the existing context. It is considered the development can be absorbed by the landscape.

(iv) there is no unacceptable impact on the amenities of people living nearby;

An assessment of the impact the proposal may have on neighbours of the site has been fully considered. The development is not directly sited behind any of the adjacent properties and therefore there would not be any overlooking into neighbouring properties. Landscaping has already taken place on site, to help both visually and in terms of aiding boundary treatments which help with noise impacts. Environmental Health, who are the competent authority on such matters, have been consulted on the application considering in particular the impact of floodlighting and noise. It has been concluded that there would be no unacceptable impact on the amenity of people living nearby, subject to conditions relating to floodlighting. It is noted that there are no objections to the proposal.

 (v) public safety is not prejudiced, and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

Public safety, particularly in terms of traffic has been carefully considered by DFI Roads (the competent authority) and by planning and it has been concluded that it would not be prejudiced. The proposal has sought to improve the access to the site in terms of the

visibility. The proposal has also been designed so as not to conflict with the traffic access of neighbouring properties. The club will have their own parking management in system if there are matches etc at the facilities.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

The ancillary building for the changing rooms measures approx. 24.3m x 13.7m with an overall height of 5.9m, this is of similar dimensions to the existing agricultural shed which is in situ which measures approx. 19.4m x 13.7m and same height. The proposal will reuse this building and remodel it for changing room purposes. The new terrace and the smaller block of toilets would also have to be considered. In this regard the proposed are considered to be of an appropriate design and size and scale. The new buildings and structures are further away from the public road and views will therefore be more long distance and read with a backdrop of undulating landscape to its rear.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

The needs of disabled people have been taken into account and the site could easily be accessed by other forms of transport other than the car.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

In assessment of the road network and its ability to safely handle the extra vehicular traffic the proposal will generate and whether satisfactory arrangements are provided for access, parking, drainage and waste disposal, DfI Roads have indicated to the Planning Authority that they are generally content subject to final approval of the PSD Drawings.

Policy OS 4 is material to the assessment of this proposal as it is considered to fall within the definition of intensive sport facilities as set out in the policy. OS 4 states that proposals will only be permitted where they are located within settlements. Para 5.37 of Justification & Amplification of OS 4 of PPS 8 states that 'Intensive sports facilities, for the purposes of this PPS, include stadia, leisure centres, sports halls, swimming pools and other indoor and outdoor sports facilities that provide for a wide range of activities. Apart from facilitating sport such facilities often serve as a focus for the community and

are therefore best located in settlements where they can be accessed most easily by a significant local catchment population.' The site is located, outside the settlement limits and therefore exceptions to OS 4 are thereby engaged. Policy states an exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) there is no alternative site within the settlement which can accommodate the development;
- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
- (iii) there is no adverse impact on the setting of the settlement; and
- (iv) the scale of the development is in keeping with the size of the settlement.

In assessment of this the proposal is noted to be site specific in that the current facilities at the existing Loughinisland GAC grounds are located outside the settlement limits, this proposal is to improve existing facilities already at the site. This proposal would have no impact on the nearby settlements of Loughinisland, Drumaness or Annacloy.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

In assessment of the above, taking into consideration, also, input from statutory consultees, it is considered that there will be no unacceptable impact on the amenities of people living nearly, particularly those in proximity to the development providing the mitigating measures are adhered to. The assessment within OS 3 & OS 4 demonstrates that these issues have been considered in detail and that no unacceptable level of

disturbance it anticipated. The Councils EHO have raised no concerns in relation to noise.

Both Shared Environment Services (SES) and Natural Environment Division (NED) have assessed the respective impact on designated sites and the ecology affected by the development and have advised the Planning Authority that subject to conditions they are content that the proposal will have no adverse impact on features of importance to nature conservation. There are no issues with built heritage or archaeology.

It is considered that the proposal takes into account the needs of people with disabilities. The car park has been designed to ensure that it remains on a level contour for ease of access.

An assessment of road safety and the ability of the proposal to accommodate the extra traffic, along with the proposed access, car parking and drainage, it is noted an improved access has been included in amendments to the proposal and that DfI Roads are content with that proposed.

Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities

Despite the potential for noise disturbance from the proposed development as considered above under Policy OS3, the proposal is not considered to constitute a 'noise generating sports and outdoor recreational activities' for the purposes of Policy OS5, having regard to the types of "noise generating" activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

Policy OS7 - The Floodlighting of Sports and Outdoor Recreational Facilities Under Policy OS7, the development of floodlighting associated with sports and outdoor recreational facilities will only be permitted where all the following criteria are met:

- (i) there is no unacceptable impact on the amenities of people living nearby;
- (ii) there is no adverse impact on the visual amenity or character of the locality; and
- (iii) public safety is not prejudiced.

The proposed new floodlights are to be 21.6m and 18.2m in height and have been designed in accordance with the relevant lighting standards. The lighting report indicates efforts have been made to minimise the impact of the lighting on the surrounding area and residential properties. In assessment of that proposed, the Councils Environmental Health Department have concluded that it is acceptable provided it does not operate

between 23:00 hours and 08:00 hours and that it is installed and maintained to achieve levels of light as specified in the Engineered Design, Isaac Sanders.

The proposed floodlighting also needs to be considered in terms of the impact on the natural environment. The amended plans indicate that the floodlighting had been moved as far away from the stream corridor as possible within the tight confines of the site. The floodlighting design and management during the operational phase also seeks to minimise the potential impacts by ensuring that the lighting for the walking/running trail is proposed as low-level lighting to deliver zero light spill. It is also proposed to use the flood lights primarily during the winter months when evening light levels are low (October – March) outside of when bats are most active. It is noted that NED have requested this time to be outside of 22.30 hours. In considering the proposed flood lighting on the site and overall context of the proposed development (conditional to restrictions on the hours of use), the proposed flood lighting would not result in an unacceptable degree of adverse impact on the visual amenity or character of the locality and is acceptable to criterion (ii.). The proposed floodlighting is not considered likely to prejudice public safety in this regard and is acceptable to criterion (iii.)

In summary, following review of all information provided and subject to the necessary planning condition being met, the proposal is considered acceptable to PPS8 Policy OS7.

Natural Heritage Interests (PPS 2, SPPS)

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) as amended. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This assessment is on the basis that the artificial pitch is 4G as stated in the description i.e. not including any rubber crumb. The agent has confirmed in an e-mail of the 06/06/2024 that the proposal will be complaint with EU Regulations regarding materials, in this respect. This conclusion is subject to mitigation measures being conditioned in any approval. This is satisfactory to policies NH1, NH3 and NH4 of PPS2.

Subject to the below recommended conditions, NED are content with the proposal which is considered to be acceptable to Policies NH2 and NH6 in this regard and the relevant requirements of PPS2.

Access, movement and parking and road safety considerations

The following policies are applicable SPPS, PPS3, DCAN15 and DOE Parking Standards. There are improvements to the existing access and parking arrangements at the site. Following an initial assessment by Dfl Roads, further information was submitted. Following further consideration, Dfl Roads offer no objections subject to conditions and PSD. Planning are content there is sufficient incurtilage parking for the proposal and that the information supplied in the P1 form, Question 25 is deemed accurate.

The proposal relates to an extension and reconfiguration of the existing training facilities. The application form suggests that there will be no increase in vehicles to the site as a result of the proposal and therefore no intensification of the access. There are 47 parking spaces at in the south western part of the existing facility and a further 56 parking spaces in the north eastern part of the facility along with a further 58 spaces on the new extension portion, equating to 161 spaces. Provided the proposed development is used in accordance with the proposed use, the existing parking provision is considered sufficient to facilitate the proposed development in accordance with PPS3 AMP7 and DOE Parking Standards.

In summary, following amendments and subject to conditions, the proposal is considered acceptable to PPS3, DCAN15 and DOE Parking Standards.

Flood Risk and Drainage

The following policies are relevant to the proposal (SPPS, PPS15 Revised and PPS21 Policy CTY16)

In assessment of the proposal impact on flooding a consultation was carried out with Dfl Rivers, who have advised the Planning Authority:

FLD1 - Development in Fluvial and Coastal Flood Plains. The Flood Maps (NI) indicates that a portion of the site lies within the 1 in 100-year Strategic Flood Plain of the undesignated watercourse. The Planning Authority have deemed this to be an exception and notes the location of playground does not appear to lie within the extent of the 1 in 100 flood plain as identified. The deeming as an exception has allowed Rivers Directorate to review the Flood Risk Assessment. While not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Flood Risk Assessment and implementation of the

proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors.

(refer to Section 5.1 of Revised Planning Policy Statement 15).

FLD2 - Protection of Flood Defence and Drainage Infrastructure

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse flows along the north-west boundary of the site and then through the site, flowing in a north-west to south-east direction. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Directorate, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

FLD3 - Development and Surface Water

A Drainage Assessment was required as the development is on a site exceeding 1 hectare and it relates to a change of use involving new buildings and or hard surfacing exceeding 1000 square metres. A DA was subsequently prepared and submitted, detailing the use of soil infiltration to drain storm water run-off from the site. A consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973 is required.

FLD4 - Artificial Modification of Watercourses – Under FLD 4 of Planning Policy Statement 15, the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. The Planning Authority is content that this culverting is a necessary element to deliver the proposal. Any culverting approved by the Planning Authority will also be subject to approval from Rivers Agency under Schedule 6 of the Drainage (NI) Order 1973.

As noted, part of the site is within the 1:100 year fluvial floodplain. Some modifications are proposed to the watercourse that bisects the site (culverting and re-alignment). Modelling as presented in the Flood Risk Assessment (JKB, Dec 2024), indicates that all flood waters will be retained within the modified channel.

In respect of the comments on the climate change scenario, it is noted that none of the development works, other than those associated with the re-alignment of the watercourse, take place with a potential flooding area and in this regard, the design of the re-aligned channel makes suitable provision for the worst case scenario in terms of capacity to deal with any potential flood risk.

DAERA's Water Management Unit has the responsibility for the protection of the water environment who having considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained.

The proposal in summary is acceptable to PPS15 (Revised) and PPS21 CTY16 subject to the necessary conditions and relevant guidance (by way of planning informatives) being followed.

PPS21 – Sustainable Development in the Countryside

PPS 21 is applicable given the site lies within the rural area outside the settlement limits. Policy CTY 1 makes provision for proposals of outdoor sport and recreational and refers to PPS 8 – the assessment of which is detailed above, on that basis the proposal is considered to be complaint with CTY 1.

In assessment of policies CTY 13 and 14, it is considered that given the limited views, the modified building for changing facilities and the toilet block would integrate into the countryside. The new pitches are to be located on the boundaries of the existing facilities and while they will be defined by ball stop nets and fencing, these are unlikely to have any significant detrimental impact on the area. Given the set back from the public road network, the proposal can be integrated into the surrounding context and ensure there is no detrimental impact on the rural character of the area.

Summary

On balance, following receipt of additional details, and taking into account all the supporting information, positive consultation responses, no third-party representations, it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, including provisions of the SPPS, ADAP2015, PPS 2, PPS 3, PPS8, PPS 15 (Revised) DCAN 15, DOE Parking standards 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 permitted shall take place in strict accordance with the following approved plans and documents:

Site location plan – P01

Proposed Elevations -fence lighting ball stop - P09

Proposed Site Layout - detailed area A - P04

Proposed Site Layout -detailed area A - P05

Proposed Elevations - terrace & toilet block - P06

Proposed Elevations & floorplans - changing rooms - P08

Levels and Cross Sections P-10

Landscaping Plans GA-01-1/4, GA-01-2/4, GA-01-3/4, GA-01-4/4

Proposed Storm Drainage 1of 4 A667-OCSC-XX-XX-DR-C-0520-S2-P02

Proposed Storm Drainage 2 of 4A667-OCSC-XX-XX-DR-C-0521-S2-P02

Proposed Storm Drainage 3 of 4 A667-OCSC-XX-XX-DR-C-0522-S2-P02

Proposed Storm Drainage 4 of 4A667-OCSC-XX-XX-DR-C-0523-S2-P02

Proposed Foul Drainage A667-OCSC-XX-XX-DR-C-0530-S2-P02

Existing and proposed site access 16-03 P-11B - Amended Access Proposals(PSD)

Proposed Drainage Layout 1 of 3 A667-OCSC-XX-XX-DR-C-0500-S2-P03[1]

Propose Drainage Layout 2 of 3 A667-OCSC-XX-XX-DR-C-0501-S2-P03

Proposed Drainage Layout 3 of 3 A667-OCSC-XX-XX-DR-C-0502-S2-P03

Proposed Drainage Schedule A667-OCSC-XX-XX-DR-C-0510-S2-P02

Proposed Roads Layout 2 of 3 A667-OCSC-XX-XX-DR-C-0701-S2-P02

Proposed Roads Layout 3 of 3 A667-OCSC-XX-XX-DR-C-0702-S2-P02

Proposed Road 1 of 4 A667-OCSC-XX-XX-DR-C-0710-S2-P02

Proposed Road 2 of 4 A667-OCSC-XX-XX-DR-C-0711-S2-P02

Proposed Road 3 of 4 A667-OCSC-XX-XX-DR-C-0712-S2-P02

Proposed Road 4 of 4 A667-OCSC-XX-XX-DR-C-0713-S2-P01

Cut and Fill Layout existing to final surface A667-OCSC-XX-XX-DR-C-0600-S2-P02

Open watercourse sections A667-OCSC-XX-XX-DR-C-0610-S2-P02

Proposed Roads Layout 1 of 3 A667-OCSC-XX-XX-DR-C-0700-S2-P02

CONFIDENTIAL -Proposed Site Layout with Badger Exclusion Zone

Musco report and lighting plan dated 11/09/24

Cover letter from agent dated 17/02/25

Email From Agent Re Artificial Pitch 06 06 2024

Drainage Assessment

Flood Risk Assessment

oCEMP

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

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. **16-03 P-11B** published on **26/02/2025**.

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

4.No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No **16-03 P-11B** published on 26/02/2025. Council Planning hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper safe and convenient means of access to the development.

4. The visibility splays of 2.4metres by 45 metres at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. **16-03 P-11B** published on 26/02/2025, 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 convenience of road users.

5.The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a 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 convenience of road users.

6. No works associated with the development hereby permitted shall commence unless details of the various phases of the site works have been submitted to and agreed in writing by the Planning Authority. The development shall not be carried out unless in accordance with the approved phasing details. The details of the various phases of the site works may be amended subject to prior written agreement by the Planning Authority.

Reason: To facilitate the phased approval of the Final Construction Environmental Management Plan, as required by condition 7.

7. No site works associated with any particular phase of the development hereby permitted shall commence until a final Construction Environmental Management Plan (CEMP) for works within that phase, including the designation of an Environmental Manager for the development, is submitted to and agreed in writing with the Planning Authority. The CEMP shall contain as a minimum all of the mitigation, and avoidance measures to be employed as set out in the outline CEMP including the details provided in informative 1. The CEMP shall also include a Method of Works Statement for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999 and shall detail all necessary pollution prevention measures to protect groundwater and all other elements of the water environment. The CEMP shall be implemented as agreed upon commencement of the development hereby approved. Any further updates to the CEMP shall be made subject to prior written agreement by the Planning Authority. The CEMP shall be submitted at least 8 weeks prior to the commencement of construction.

Reason: To protect the aquatic environment and protected species.

8.As there is an intention to culvert a watercourse, a Construction Method Statement (CMS), for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Planning Authority, for consultation with NIEA and Inland Fisheries, at least 8 weeks prior to the commencement of the works or phase of works. The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal. It should also include detailed methodology, design and layout of culverts and realignment (including bed material).

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and fish species therein.

9. No development should take place on-site until the method of effluent disposal has been agreed in writing with Northern Ireland Water (NIW) or the relevant NIEA discharge consent(s) have been granted.

Reason To ensure a practical solution to sewage disposal is possible at this site and in the interest of public health and to ensure the project will not have an adverse effect on the integrity of any European site

10. No development shall commence until a plan showing a working strip which shall be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development is submitted to and approved by the Planning Authority. Access to and from the maintenance strip should be available at all times.

Reason: To allow access to the watercourse.

11. No development shall commence until details of the drainage system's maintenance and management procedures are submitted to and approved by the Planning Authority, subject to the management procedures shall be adhered therein unless the Council gives its written consent to any variation.

Reason: To ensure adequate maintenance and management of drainage systems.

12. No development shall commence until a consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973 has been submitted to and approved by Rivers Directorate.

Reason: In the interest of public health.

13. The lighting scheme for the development hereby approved shall be designed, installed, operated, and maintained in accordance with the submitted Lighting Assessment (Engineered Design By: Isaac Sanders, File #217092F,11-Sep-24). Light pollution shall be obviated by ensuring adherence to the Institute of Lighting Professional: Guidance Notes for Reduction of Obstructive Light GN:01/21.

Reason: To protect the amenity of neighbouring properties.

14. The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby sensitive receptors.

Reason: To protect the amenity of neighbouring properties.

15. The floodlights shall not be operated between 22:30 hours and 08:00 hours.

Reason: To protect the amenity of neighbouring properties.

16. The lighting plan (dated 11/09/24, completed by Musco lighting) shall be implemented in full in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The lighting shall conform to the mitigation measures outlined in the cover letter, dated 17/02/25 including the use of visors and operational hours.

Reason: To minimise the impact of the proposal on the biodiversity of the site including protected species.

17. No development activity, vegetation clearance, disturbance by machinery, dumping or storage of materials (except for the hand planting of trees and shrubs) shall take place within the badger protection zone until an appropriate Wildlife Licence has been obtained from NIEA. Any proposed tree and hedgerow planting within the badger protection zone shall be carried out using hand tools only under the supervision of a competent ecologist.

Reason: To protect badgers and their setts.

18. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on landscaping plans GA-01-1/4-4/4 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development. 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.

Informatives

- Informative 1 sets out a list of matters that must be included in the final CEMP in line with consultee responses. The CEMP shall include the following:
 - A) Final Construction methodology for the works to the watercourse including the realignment works and the installation of the culverts to include bolted on shelves within the culvert or a dry pass alongside it within the realigned channel to facilitate passage of otters and the reinstatement of the existing steam bed following instalment;
 - B) Additional mitigation measures to avoid adverse impacts to otters to be included in the ecology section of the CEMP;
 - C) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - D) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - E) Environmental Emergency Plan;
 - F) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

· kill, injure or take any wild bird; or

- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- · take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young;

or

disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any

of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

Badgers

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 90569605.

4. Bats.

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence: a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;

- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;
- (i) affect the local distribution or abundance of the species to which it belongs;
- (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young;
- (iii) Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal. If there is evidence of bat activity / roosts on the site, all works should cease immediately, and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.
- Water Management Unit would strongly advise the applicant to contact the NIEA
 Water Regulation Team at industrialconsents@daera-ni.gov.uk at their very
 earliest convenience to discuss the matter of obtaining the relevant NIEA
 discharge consent(s).

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Commercial or Industrial Developments. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Culverting. Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the demolition, construction and operational phases of the development. The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance, paying particular attention to where further information can be found regarding oil storage, incident response (dealing with spills), safe storage - drums and intermediate bulk containers, and the use of oil separators in surface water systems (including the restrictions due to use of detergents).

The following Guidance for Pollution Prevention (GPP) documents provide guidance on good working practices:

- GPP 1: Understanding your environmental responsibilities good environmental practices
- GPP 2: Above ground oil storage tanks
- GPP 3: Use and design of oil separators in surface water drainage systems
- GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer
- GPP 5: Works and maintenance in or near water
- GPP 6: Working on construction and demolition sites
- · GPP 8: Safe storage and disposal of used oils

- GPP 20: Dewatering underground ducts and chambers
- GPP 21: Pollution incident response planning
- · GPP 22: Incident response dealing with spills
- GPP 26: Safe storage drums and intermediate bulk containers
- GPP 27: Installation, decommissioning and removal of underground storage tanks

A full list of these GPP guidance documents can be found at the NetRegs site: https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gppdocuments/

The applicant will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.

NIEA discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

As the development includes excavation of underground structures (e.g. attenuation tanks), then depending on the geological setting, the potential exists for the water table to be encountered during these works which may require dewatering to take place. Authorisation may therefore be required, under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. The applicant should refer to DAERA Standing Advice on Abstractions and Impoundments.

The discharge of water from a dewatering operation will require consent to discharge, under the Water (NI) Order 1999. The discharge of water from an attenuation tank may also require consent to discharge, under the Water (NI) Order 1999. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment. All DAERA Standing Advice is available at: https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries

The applicant should be informed that it is an offence under the Water (Northern Ireland)

Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

- 6. Inconsiderately directed or scaled floodlights can negatively impact on neighbouring residents. The applicant is requested to give due consideration to the location, scale, and direction of any proposed lights as per the Institute of Lighting Professionals- Guidance Notes for the Reduction of Obstructive Light GN01/21 and specifically ensuring compliance.
- Roads Informatives Street Lighting.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfl Roads Street Lighting Consultancy, (Marlborough House Craigavon) The Applicant is advised to contact Dfl Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DFl Roads Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department for Infrastructure to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from DFI Roads in respect of detailed standards required for the construction of streets in accordance with The Private

Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Road's Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact DFI Roads, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Road drainage to be agreed with Private Streets Engineer prior to commencement. Extent of resurfacing to be agreed with the Private Streets Engineer prior to commencement.

Pedestrian Crossing points to be agreed with Private Streets Section.

- This decision relates to planning control and does not cover any other approval 8. which may be necessary under other legislation.
- 9. 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.
- 10. 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 as per conditions above.

Case Officer Signature: C Moane

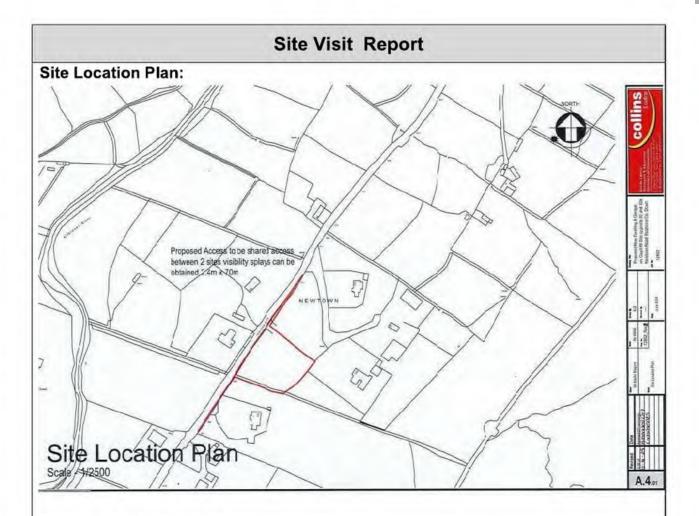
Date: 09 October 2025

Appointed Officer Signature: B.Ferguson

Date: 09 October 2025

Application

Dev	velopment Mana	agement Officer Report
Case Officer: Rhys Da	aly	
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	ALLE ALLE ALLE ALLE ALLE ALLE ALLE ALLE	12 00.10 2021
NI Water – Approved of DFI Rivers – Content of HED – Content it will h NIEA - Refers the Plan Dwellings	vith standard planni vith attached advice ave no impact nning Authority to th	
. (C. C. C	s part of the applica	ation process. No representations have been
Letters of Support	0.0	
Letters of Objection	0.0	
Petitions	0.0	
Signatures	0.0	
Number of Petitions of Objection and signatures		



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 Mournes 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

Summary of Recommendation

The Planning Department recommend refusal.

Reasons for Refusal:

- 96
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal 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

97

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

99

- 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:

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		
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: ES Requested: No	25 th October 2023	

Consultations:

- 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

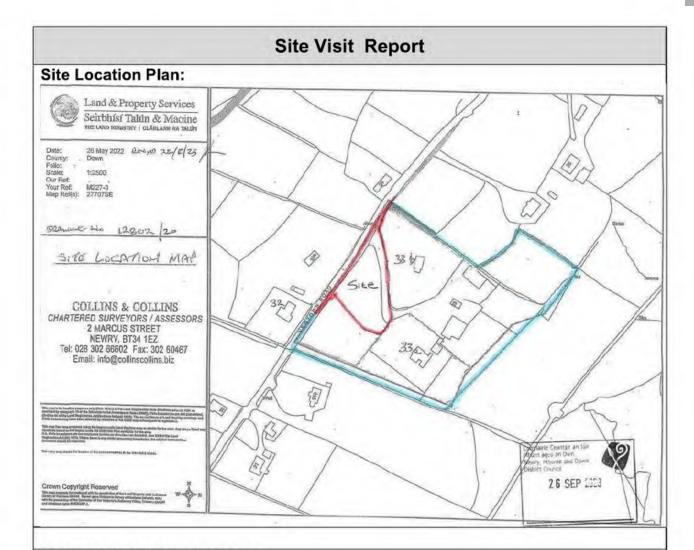
Representations:

6 Neighbours were notified on 3rd 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.



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.

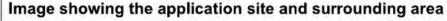
The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway only. The curtilage of this property does not have frontage to the Newtown Road.

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.





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 Mournes 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.

109

Neighbour Notification Checked

Yes

Summary of Recommendation

The Planning Department recommend refusal.

Reasons for Refusal:

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

111

- 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: LA07/2024/0642/F	Target Date:			
Proposal: 1 1/2 storey extension to front, rear and side of existing dormer bungalow, internal remodelling and refurbishment	Location: 25 Upper Dromore Road Warrenpoint BT34 3PW			
Applicant Name and Address: Lionel Humphris 25 Upper Dromore Road Warrenpoint BT34 3PW	Agent Name and Address: David Maxwell Architect Ltd 12 Ballyblaugh Road, Newry, BT34 1RR			
Date of last Neighbour Notification:	18/08/2025 (New amendments submitted there re notification was needed)			
Date of Press Advertisement:	19 June 2024			
ES Requested: No				

Commeltations

Consultations:

No consultees were considered necessary for the following application.

Representations:

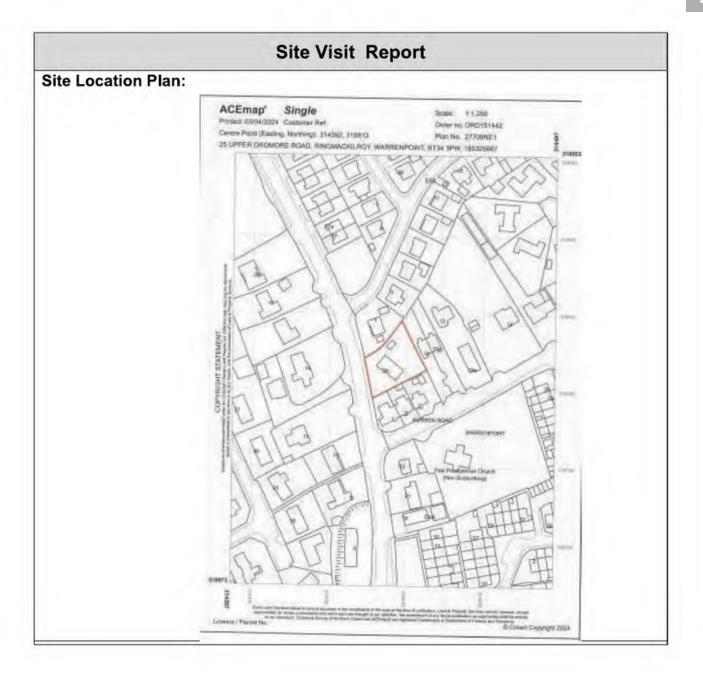
13 neighbours were notified as part application process. 2 representations were received, 1 in objection to the following application and 1 in support.

The supporting representation stated they would be pleased this property will be extended & improved and will be looking forward to seeing the completed project.

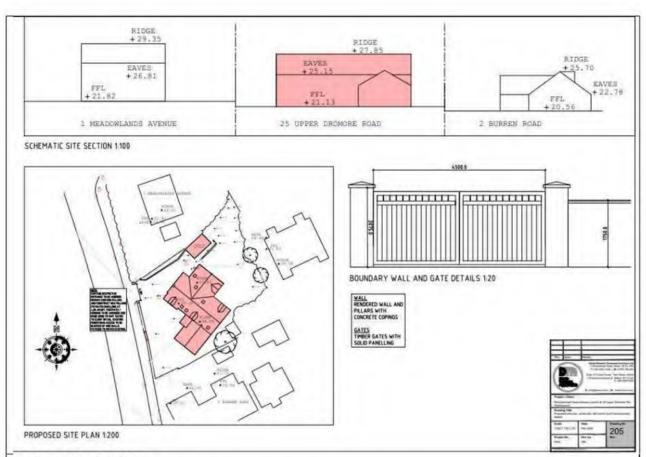
The objection highlighted concern in relation to the proposed works invading privacy with overlooking, block light into their property and that it would be intrusive. All of these points have being taken into consideration when accessing this application.

The agent was notified of the Departments concerns regarding the proposed works to the dwelling including scale, design, dominance and overlooking. The agent submitted plans on 12/08/2025 and this is what the decision is based on.

Letters of Support	1
Letters of Objection	.1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	







Date of Site Visit:

Characteristics of the Site and Area

The application site is located within the settlement development limits of Warrenpoint as defined within the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty.

The site is located just off Upper Dromore Road and comprises a detached dwelling, which primarily appears single storey in form with a modest single upper floor dormer window to the front and rear, with a detached garage to the side. There is a garden to the front and rear and hardstanding for the parking and manoeuvring of vehicles within the site. The site fronts the Upper Dromore Road and shares a common boundary with 1, 2, 3 & 10 Burren Road, and 1 Meadowlands Avenue.

Description of Proposal

1 1/2 storey extension to front, rear and side of existing dormer bungalow, internal remodelling and refurbishment

Planning Assessment of Policy and Other Material Considerations

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 7 (Addendum): Residential Extensions and Alterations

PLANNING HISTORY

Appeals

Application Number: 2003/A395 Decision: Planning Appeal Upheld Decision

Date: 20 July 2004

Proposal: Erection of pair of semi-detached dwellings to replace existing dwelling

Enforcement

Application Number: P/2003/0126CA Decision: Decision Date:

Proposal: Operational Devt

Planning

Application Number: P/1979/0986Decision: Permission Granted Decision Date:

Proposal: SITE FOR BUNGALOW

Application Number: P/1974/0647 Decision: Permission Granted Decision Date: 21

November 1974

Proposal: PROPOSED EXTENSION TO EXISTING BUNGALOW

Application Number: P/1979/1283Decision: Permission Granted Decision Date: 10

January 1980

Proposal: SITE FOR PLAYING FIELDS, CAR PARK AND PAVILION

Application Number: P/1985/0104Decision: Permission Granted Decision Date: 13

March 1985

Proposal: IMPROVEMENTS TO DWELLING

Application Number: P/1987/1364Decision: Permission Granted Decision Date: 17

December 1987

Proposal: Formation of New Access to Dwelling

Application Number: P/1993/1344Decision: Permission Granted Decision Date: 16

February 1994

Proposal: Site for housing development

Application Number: P/1994/0765Decision: Permission Granted Decision Date: 27

September 1994

Proposal: Erection of dwelling

Application Number: P/2002/1714/F Decision: Allowed Decision Date: 15

January 2004

Proposal: Erection of pair of semi-detached dwellings to replace existing dwelling Application Number: P/2006/1685/F Decision: Permission Refused Decision

Date: 22 October 2009

Proposal: Erection of 3 dwellings (reduced scheme)

Application Number: P/2014/0149/F Decision: Permission Granted Decision

Date: 16 April 2014

Proposal: Retention of car repair garage which has been in existence 7.5 years

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 Banbridge, Newry and Mourne Area Plan 2015 as

the Council has not yet adopted a LDP. The site is located within the Warrenpoint settlement development limit. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for the proposed alteration and extension of a dwelling following publication of the SPPS, the retained planning policies are PPS2 Natural Heritage and PPS7 Addendum Residential Extensions and Alterations. These policies will be given substantial weight in determining the proposal in accordance with para 1.12 of the SPPS.

As outlined above there are several elements to this proposal including raising both the eaves and ridge height of the dwelling with the introduction of new upper floor windows, an extension to the front and rear and reconfiguring the internal layout with various new openings and finishes.

PPS 2 Natural Heritage

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, size and scale for the locality and all the following criteria are met:

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

The proposed works are to all parts of the existing dwelling with the ridge being increased, and a front extension and rear extension. The site opens directly onto the road and will be visible approaching the site from both directions on the Upper Dromore Road.

The works to the dwelling are considered to be significant in relation to that pre-existing, however the character of this road is also noted, which includes a varied mix of house types, styles, age, design and finish.

While the site is readily visible and the works proposed are extensive, having account the character of the wider area, on balance, it is considered the siting and scale of the works will not be unduly unsympathetic to the character of this AONB setting, whereby the design and style are in keeping with that found in the area thus are considered to be respectful.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance is also applied. The proposal doesn't involve the removal of any priority habitats. The site is not within any designated sites and is not hydrologically linked to any designated sites. The proposed extension is within the established dwelling curtilage and is domestic in scale and nature extending over, forward and back of that existing, using the garden and driveway area. It is considered therefore the proposals do not offend policy NH5 of PPS2.

PPS7 (Addendum) EXT1: Residential Extensions and Alterations

Policy EXT1 of PPS 7 (Addendum) states that permission will be granted for a proposal to extend or alter a residential property where specific 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;

As stated above the site comprises a detached dwelling at present which largely appears single storey in form with a modest sized dormer to the front and rear.

The works proposed include a major overhaul of this existing dwelling and although comprise an extension, will bear little resemblance to that currently existing.

While the character of the wider area and mix of house types and sizes are noted, the constraints of each site vary.

While there is no objection in principle to alterations and extensions to this property, it is considered the scale and extent of the works are excessive and are unsympathetic to the built form and appearance of the existing property.

The general size of the proposed extension and works to the dwelling is larger than the existing house and will dominate the character of the existing property. The dwellings ridge will be increased by 1.5m by the upper floor extension with the front and rear extension being below the ridge height. An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings. Proposals in an urban context should not overdevelop the site in terms of massing, and plot size.

The extension to the front will extend from the host dwelling building line. This front extension will extend out 6.3m, 8.5m wide and a ridge height of 4.9m. Extensions to the front of a property require great care as the front elevation is often the most visible to public view. This design will upset the architectural integrity of the existing property and have an intrusive effect on the street scene. The extension will extend out from the host dwelling line which is restricted due to the negative impacts on the streetscape along Upper Dromore Road.

The rear extension will have ridge height of 7m comprising 2 floors of accommodation, and although will be set down from the proposed raised ridge and new roof, is effectively higher than that existing, which is again reflective of the size and extent of the works proposed.

The existing finishes on the dwelling will be changed. These finishes consist of concrete roof tiles which match the existing with a flat metal roof over the front porch, and the walls will have new smooth render with small areas of stone cladding and timber. The completed dwelling will have all same finishes when completed which will allow it fit in with the host dwelling.

The detailing in regard to the window openings has also been assessed, to facilitate the integration of an extension or alteration with the existing property, new windows should be aligned to the existing fenestration and match the symmetry of the existing dwelling. The windows on this proposal are not proportionate, comprising various shapes and sizes, however having account the vary urban nature and grain of the area with varied house types and styles, it is considered the design and window detailing will not unduly adversely impact on the character of the area.

(b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

The works proposed include alterations and extensions to the upper floor (raising the roof), with extensions to the rear and front and general refurbishment and internal alterations.

The site fronts the Upper Dromore Road and shares a common boundary with 1, 2, 3 & 10 Burren Road, and 1 Meadowlands Avenue.

The side boundary adjoins the terrace of 1-3 Burren Rd, which comprise a row of 3 modest dwellings whereby the rear gardens of these properties adjoin the side boundary of the application site. The application site enjoys a slightly elevated position above this terrace.

The proposed front extension will extend out from the host dwelling into the existing garden area. Due to the shape of the site and siting and angle of the dwelling, this forward projection will reduce the separation distance between the dwelling and the neighbouring properties to the south of the site (No.s 1-3). This forward projection will be sited very close to the boundary adjoining the terrace, and although will be single storey, its size and height, and elevated nature are such that it is considered will create and result in an unduly dominant feature when viewed from the rear private amenity space of these properties. While it is noted the side gable of this forward extension will only include an en-suite window, it is considered the windows to the front will enjoy direct views into the rear garden of the adjoining properties thereby result in unacceptable overlooking. The layout of the existing dwelling and its spacing to the common boundary has been, whereby it is considered the forward projection and also proposed new ground floor bedroom opening on the side gable as a result of the internal refurbishment will result in unacceptable overlooking. The new stairwell window will have opaque glazing thus will not create any unacceptable impact.

The site also adjoins no.1 Meadowland Avenue to the far side, whereby the side gable of the dwelling will face this northern common boundary with No.1. This boundary is screened by mature trees, thus it is considered there will be no unacceptable impact

on privacy, loss of light or dominance as a result of the proposed works, which include new openings on the side gable as well as the raising of the roof and front and rear extension.

The proposals include a 2 storey return to the rear. The ground floor will serve the family play room with 2 window openings and upper floor the master bedroom with ensuite and dressing room which will have 1 window serving it. Along the rear boundary an existing mature hedge will provide screening for the rear elevation as well as a sufficient separation distance between the proposed works and the rear common boundary, which together will ensure no unacceptable impact will result on the amenity of this property beyond in terms of overlooking, overshadowing or dominant impact. The remaining windows to the front as a result of the works proposed will primarily overlooking the application site and towards the street, with no undue impact resulting.

The side gables of this rear return face towards the terrace of 1-3 and no.1 to either side. The side gable facing no.1 will be blank, while that facing no.1-3 will include glazing on both floors.

It is considered the separation distance of this rear return to the common boundary adjoining no.1-3 is sufficient to prevent any unacceptable overlooking, overshadowing or dominant impact in this urban context.

The works also include alterations to the roadside boundary with the access widened, pedestrian access removed and a new 1.75m high boundary wall, which will replace the existing wall and boarded fencing. Having account the existing site characteristics and character of the area it is considered these works will not result in any unacceptable impact on the areas character.

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;

There is no loss or damage to trees or landscape features which contribute significantly to the local environmental quality as a result of this proposal. All works are proposed within the dwelling curtilage.

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

There will remain adequate space for the applicant to park their vehicles as well for the enjoyment of the garden and normal domestic activities such as storage of bins.

Neighbour Notification Checked

Yes

Summary of Recommendation

The Departments recommends a refusal for this application.

Reasons for Refusal:

121

- 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 scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of property and the surrounding area.
- 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 proposed extension will unduly affect the privacy and amenity of the neighbouring residents within No.1-3 Burren Rd, by reason of overlooking and dominance.

Case Officer Signature: R.Daly

Date: 19 September 2025

Appointed Officer Signature: M Keane

Date: 19-09-25

122

Development Manageme	ent Consideration	
Details of Discussion:		
Letter(s) of objection/su Group decision:	pport considered: Yes/No	
D.M. Group Signatures		

Delegated Application

Development Management Officer Report Case Officer: Rhys Daly				
Proposal: Erection of dwelling and garage on a farm	Location: 45 M South West of 30 Brackenagh East Road, Ballymartin.			
Applicant Name and Address: Brian Rooney 23 Brackneagh East Road Ballymartin BT34 4PT	Agent Name and Address: John Cole 12A Duke Street Warrenpoint BT34 3JY			
Date of last Neighbour Notification:	14 February 2025			
Date of Press Advertisement:	11 September 2024			

Consultations:

Dfl Roads – were consulted as proposed new access for the application. The first consultation they requested further information. The agent submitted amendments and DFl Road were reconsulted and had no objection.

DAERA – Farm business ID has been established greater than 6 years ago and has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years

NI Water - No objection

NIEA - Standard Advice

Historic Environment Division - No objection

Council Environmental Health – Advice in relation to package treatment plant and neighbouring dwellings. Standing advice in relation to farm dwellings.

Representations:

Three neighbouring dwellings have been notified and the application was advertised in the local press and one letters of representation have been received from one address. Key issues are summarised below:

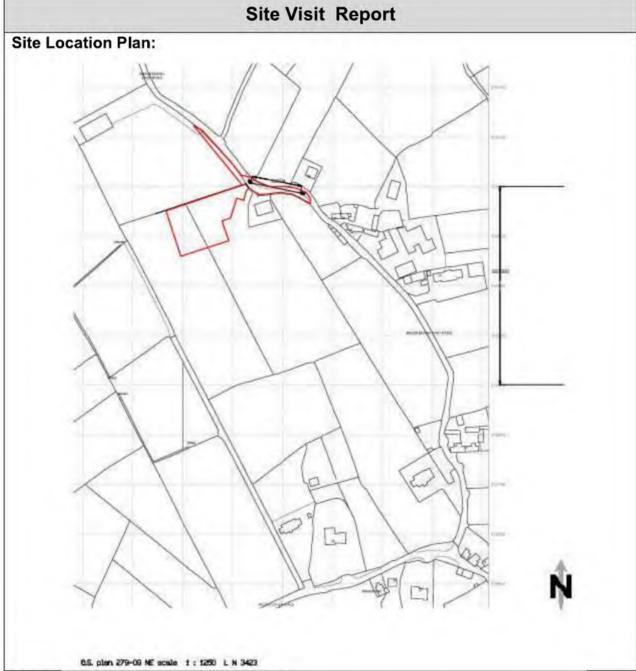
- Green belt location
 - There are currently no greenbelt areas in the countryside of Northern Ireland.
- Flood risk currently on the site and increased risk if developed.
 - The application site is not within an area prone to flood risk.
- Road safety issues relating to site traffic and access located on a corner.
- Attraction of pests particularly flies and may create rat nesting opportunities impacting on the amenity of existing residents.

124

 Control of pests is a developer responsibility and does not fall within the remit of planning.

Another representation in objection to the application. Within this representation they stated the site history, the dwellings causing the splays to be hazards, blocking corner views. All of the above has been considered in the processing of the application and relevant consultations in response to some points raised. The point referring to blocking of view, this is not a material consideration within Planning and therefore cannot be considered in the assessment of this application.

Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	



Date of Site Visit: 30th January 2025

Characteristics of the Site and Area

The application site is located 45m southwest of No. 30 Brackenagh East Road, Ballymartin. This is a countryside location beyond any development limits as identified in the Banbridge/ Newry and Mourne Area Plan 2015 and is within the Mournes AONB as identified in the Plan.

The application site is a section of a larger agricultural field, with the northern boundary defined by a 1.5 metre dry stone wall. The remaining boundaries of the application site are undefined,

however a dry stone wall transects the application site. The topography of the site is largely flat, with the lands falling away gradually to the south and west beyond the application site.

The surrounding location is countryside, characterised by open fields carved up by dry stone walls, single dwellings and farm buildings. The farm group is located over 100 metres to the southeast of the application site and across the Brackenagh East Road to it.

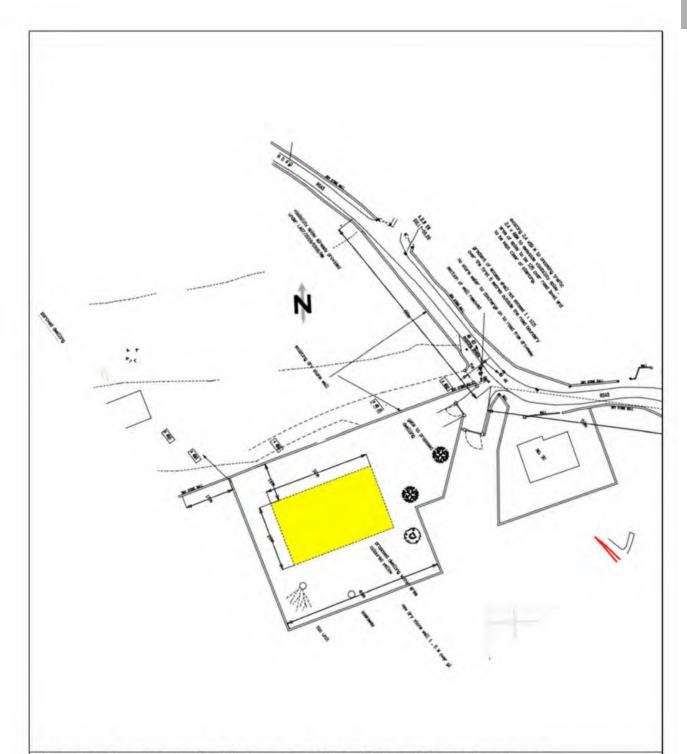


Back to Agenda



Description of Proposal

The application seeks outline planning permission for the erection of a dwelling and garage on a farm.



Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: P/2010/1036/F Decision: Permission Granted Decision Date: 07 November 2011 Proposal: Site for a dwelling on a farm

Application Number: LA07/2015/1204/O

Decision: Permission Granted Decision Date: 05 May 2016

Proposal: Renewal of planning approval P/2012/0867/O for dwelling on a farm

Application Number: LA07/2018/1567/O

Decision: Permission Refused Decision Date: 07 March 2019

Proposal: Site for a off site replacement dwelling and domestic garage

Application Number: LA07/2019/0316/RM

Decision: Permission Granted Decision Date: 24 May 2019 Proposal: Dwelling on a farm

Planning Assessment of Policy and Other Material Considerations

Assessment:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 Planning Policy Statement 6

Planning Policy Statement 3 / DCAN 15

Planning Policy Statement 2

Building on Tradition

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

The site lies within the Mourne AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections to the proposal with regard to the Area Plan and decision making is designated to the retained policies below.

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.

The relevant planning policy for the assessment of this planning application is policy CTY 10 of PPS 21. The policy lists a number of requirements that must be met in order for the principle of development to be established. Firstly, it has been demonstrated by means of the submission of the applicant's farm business ID in consultation with DAERA, that the farm business has been active and established for each of the last 6 years. The second criterion requires that no development opportunities have been sold off the farm holding in the last 10 years. Having thoroughly checked the lands within the farm holding, it does not appear that any such opportunities have been sold off the farm in the last 10 years.

Lastly, the policy requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. In this case, there is a separation distance of over 100 metres (as the crow flies) from the main farm holding and is located on the opposite side of the Brackenagh Road East to the established group of buildings on the farm as shown in fig. 1.



Fig. 1: Application site in relation to established group of buildings on the farm.

In the first instance, it is not disputed that Criterion (c) of policy CTY 10 of PPS 21 states that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings

on the farm or out-farm, <u>and</u> where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s).

It is noted that the applicant has submitted a health and safety statement and supporting statement to support this off-site location. In the supporting design and access statement, it points to the health and safety statement to demonstrate that health and safety reasons for this off site location. It also states fields number 116/5,116/6 and 116/14 are to the rear of a very busy farm yard and would not be a safe access for a dwelling. A house positioned in these fields would not be acceptable to a mortgage lender for finance. Financial conditions for lending are not a material planning consideration and therefore will not be given any weight in overruling the policy requirement for visual linkage or sited to cluster with an established group of buildings on the farm.

The submitted health and safety document breaks down the health and safety hazards into 5 key areas consisting of: livestock movement; farm vehicle traffic; noise and dust; slippery surfaces; and chemical exposure. The document then breaks each hazard down into the corresponding risks, likelihood and mitigation measures. It must be accepted that due to the nature of farming activity, there is a degree of hazard involved and unless the health and safety risks of the farm are exceptional, criterion (c) of Policy CTY 10 requiring the dwelling to have visual linkage or sited to cluster would carry no weight in the assessment of the siting of such dwellings. The risks identified within the health and safety document are generic farm hazards with associated risks that would not elevate the necessity of an off-site replacement any greater than any other application for such a principle of development. The application site as shown in fig. 1 is so far removed from the farm and located across the public road to it that it has no degree of visual linkage and would be read in isolation.

It was pointed out to the agent that this siting location is not appropriate and there are identifiable lands within the farm group that a dwelling could be sited to cluster or visually link with as shown in fig. 2. The agent has explained that in their opinion these lands cannot be safely accessed through the farm based on the health and safety documentation, however the merits of these sites cannot be overlooked in the sense that due to the applicant meeting with criterion (a) and (b) of the Policy, the application site does not visually link, nor is it considered that the indicated health and safety need for this off site replacement is superlative to the policy requirements. It is noted that the consultation response from Environmental Health recommend a 75m separation distance from any farm building not associated with the applicant. This complements the requirements of the policy insofar as not including buildings that are associated with the applicant and therefore does not override the requirements of this policy.



Fig. 2: fields 116/6, 116/5 and 116/14 all provide opportunities to cluster with the established farm group.

It is therefore considered that the principle of development has not been established as the proposal has failed to meet with criterion (c) of Policy CTY 10.

Impact on the Character and Appearance of the Area

It is noted that this application seeks outline planning permission and therefore detailed plans have not been submitted in support of the application. An indicative siting location has been submitted and is shown in fig. 3.

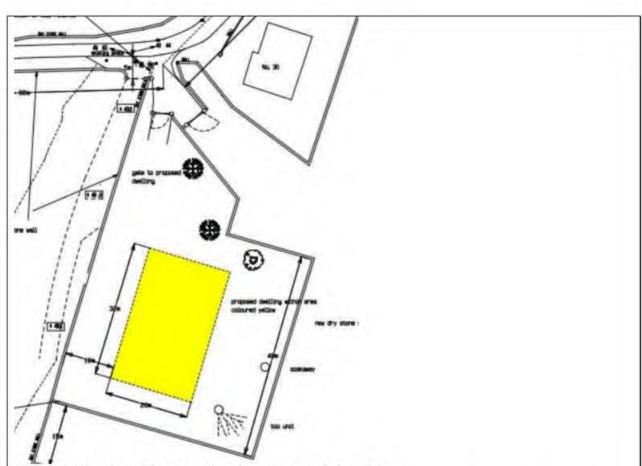


Fig. 3: indicative siting location for proposed dwelling.

It is considered however, that the proposed siting location would contribute towards creating a substantial and built up frontage when read with the existing and approved buildings where development has commenced. As such, the proposed development would add to a ribbon of development along this section of the Brackenagh East Road which would not comply with the requirements of CTY 8 and criterion (d) of CTY 14, while also contributing towards suburban build up, contrary to (b) of CTY14 of PPS 21. This is shown in Fig. 4 below.

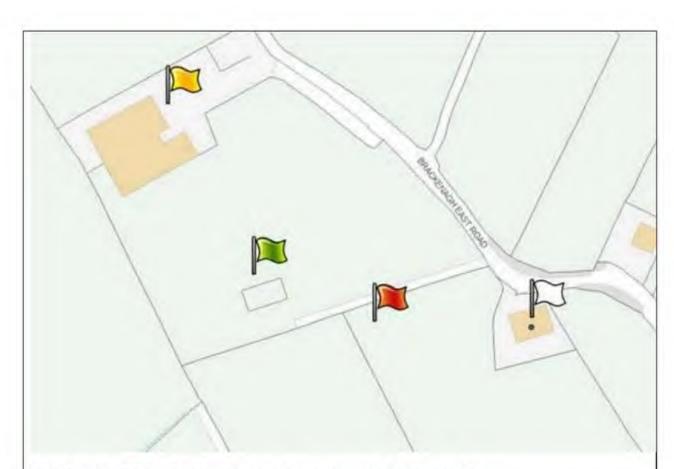


Fig. 3 SCBUF based on existing and commenced buildings. Key:

Existing farm	Commenced	Application site	Existing dwelling
building	dwelling	15.7.1.1.1.1.1.1.1	

It is considered that the development of the application site would have a significant impact on the character of the surrounding location for the following reasons: a dwelling in the application site would not be sited to visually link with the existing farm group; the addition to a ribbon of development resulting in a suburban style build-up of development when viewed with existing and approved buildings. All of which accumulatively do not respect the pattern of development in this countryside location and is unacceptable in this instance. The site is also effectively cut out of a field and will primarily rely on new planting for integration.

Impact on Neighbouring Amenity

It is noted that the abutting dwelling had provided objection to the proposal, with a summary of the key points of objection provided above. It is considered that there is a minimum of 40 metres between the closest point of this dwelling and the indicated siting location of the proposed dwelling. It is not considered that there will be any significant or unacceptable impacts on the amenity of the residents of this neighbouring dwelling due to the separation distances involved and also having account the topography of the landscape. Appropriate care in the window design should be

considered (should the application be granted outline permission) at the reserved matters stage.

PPS 6 Planning, Archaeology and the Built Heritage

The application site falls within the zone of influence for historic feature reference: DOW056:029 – CASHEL. DfC Historic Environment Division were consulted on the proposal and have provided no objection. The Planning Dept have reviewed this response and agree that the proposal will not offend the policies contained within SPPS and PPS 6 archaeological policy requirements.

PPS 2 Natural Heritage

Policy NH 6 of PPS 2 states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality. The policy then lists a number of other essential criteria that must be met. In this case, this is an outline planning application and no indicative plans regarding landscaping, finishes or appearance have been provided. Should outline permission be granted, a number of conditions are recommended to ensure any development within the application site is sympathetic to this location. However as outlined above the siting is considered contrary to various policies contained within CTY13 and CTY14 as well as CTY10, thus is considered contrary to policy NH6 also.

PPS 3: Access, Movement and Parking

DFI Roads were consulted and came back requesting amendments for splays. The agent was notified and submitted the amendments. Re-consultation was issued and there was no objection for the proposal.

RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION Drawing No.: 3423 PL1

Neighbour Notification Checked

Yes

Summary of Recommendation

For the reasons stated above, it is considered that the proposal fails to meet with the policy requirements of CTY 1, CTY 10 and CTY 14 of PPS 21 and NH6 of PPS2 and therefore it is recommended to refuse outline planning permission.

Reasons for Refusal:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being

considered as an exceptional case in that it has not been demonstrated that: the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm, there are other sites available at the group of buildings on the farm; and health and safety reasons do not exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm and No verifiable plans exist to expand the farm business into the adjoining fields.

- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, relies primarily on new planting for integration and therefore would not visually integrate into the surrounding landscape.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal result sin suburban style build up of development when viewed with existing and approved buildings, and will add to a ribbon of development.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY18 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will result in ribbon development.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposal is not sympathetic to the special character of this AONB setting.

Case Officer Signature: R.Daly

Date: 25/09/2025

Appointed Officer Signature: M Keane

Date: 25-09-25

137

Development Managem	ent Consideration	
Details of Discussion:		
Letter(s) of objection/su Group decision:	upport considered: Yes/No	
D.M. Group Signatures		

Delegated Application

Dev	elopment Manag	ement Officer Report	
Case Officer: Elaine E	astwood		
Application ID: LA07/2024/1303/F		Target Date:	
Proposal: Erect a dwelling and departial substitution to the granted under LA07/20 access from the public & improved access. Coaccess to serve an existence of the proposed access.	e extant approval 23/2687/O with road via an existing enstruction of a new	Location: 39 Bridge Road, Burren, Warrenpoint and lands immediately adjacent to and north of No.39 Bridge Road, burren, Warrenpoint	
Applicant Name and A Padraig Cunningham 4 Woodbrook Park Warrenpoint	Address:	Agent Name and Address: Quinn Design & Engineering Services 36 Carrogs Road, Burren, Warrenpoint, BT34 3PY	
Date of last Neighbour Notification:		23 April 2025	
Date of Press Advertisement:		6 November 2024	
ES Requested: No			
		s provided.	
Representations:			
Representations:			
Letters of Support	0.0		
Letters of Support Letters of Objection	0.0		
Letters of Support Letters of Objection Petitions	0.0		
	0.0		



Characteristics of the Site and Area

The application site comprises of a vacant parcel of land located along Bridge Road. A wall is present to the rear of the site with temporary metal fencing towards the road side. The southern boundary with No 37 consists of wooden fencing with the northern boundary undefined. The application site is located outside any defined settlement limits and within the rural area.

Description of Proposal

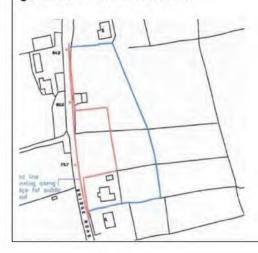
Erect a dwelling and detached garage in partial substitution to the extant approval granted under LA07/2023/2687/O with access from the public road via an existing & improved access. Construction of a new access to serve an existing dwelling.

Planning Assessment of Policy and Other Material Considerations

Planning History

Application Site:

LA07/2023/2687/O- 2 infill dwellings with detached garages and associated siteworks immediately adjacent to and N of no. 39 Bridge Road, Burren. Outline permission granted 1st March 2024.

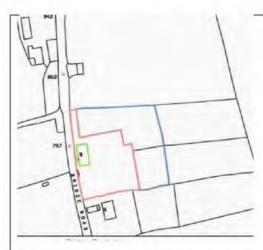




No 39 Bridge Road:

LA07/2020/0984/O- Site for a replacement dwelling and detached garage at. Outline permission granted 25th September 2020.

LA07/2021/0508/F- Erect replacement dwelling and detached garage at 39 Bridge Road, Burren, Warrenpoint. Permission granted 10th September 2021.





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 6: Planning, Archaeology and the Built Heritage
- PPS 21: Sustainable Development in the Countryside
- DCAN 15: Parking Requirements
- · Building on Tradition

Principle of Development

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge /

Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan and is un-zoned. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

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

As the application is for the infill of a site, the relevant policy would be Policy CTY 8 – Ribbon Development. This policy provides the criteria to be met in order to grant permission for an infill site.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (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). This approach will be followed below.

It was determined under LA07/2023/2687/O that there is a substantial and continuously built up frontage along Bridge Road consisting of No 37, 39 and cottage to the north. On balance it was considered the development of the application site and resulting 2 plots will not appear out of character of the pattern of development along this stretch of road. It therefore follows that this application for one dwelling out of two previously approved, is a small gap site within an otherwise substantial and continuously built up frontage.

However, under LA07/2023/2687/O the proposed access to each dwelling was served by two separate accesses running directly from Bridge Road into each site (which was in keeping with the character of this rural area). The proposal now submitted involves relocating the existing access which serves No 39 from the north of the site to the south of the site. It is proposed to reduce the curtilage of No 39 towards the northern corner of the site to allow the access to the new dwelling to be constructed where the access serving No 39 was previously in place. This new access effectively comprises and sweeps across a portion of the existing curtilage of the existing property, and will then result in this existing curtilage being reduced solely to accommodate this new access (which was not previously approved).

The Planning Department advised the principle of using an existing adjoining dwelling in such an arrangement, in order to gain access to a new dwelling is not an acceptable access arrangement in this rural context. Whilst an infill dwelling was previous approved on the site, the Planning Department consider the scheme as proposed is no longer in

keeping with the traditional development pattern in the area, would not integrate with the surroundings and would damage rural character.

The Agent contends that the provision of the visibility splay to the north of the access that has already been approved to serve the approved dwelling on the proposed site requires the removal of 50m of mature hedge to the north of the application site, significant earth works to lower the area adjacent to the public road to 150-250mm above adjacent road level and the construction of a new fence along Bridge Road. The Agent further advised that being able to leave 50m of mature hedge un-touched and not having to undertake significant excavations etc along Bridge Road would allow the proposal at hand to integrate with the surroundings to a better standard than what has been already been approved and that the retention of vegetation will lead to less damage to rural character in the area. It has also been stated that the proposal will result in an improvement to the existing access arrangement to No 39.

This application is in partial substitution to LA07/2023/2687/O and whilst this application may require less removal of hedgerow, the outline approval for the second infill dwelling remains valid and if developed would require the removal of this vegetation to achieve the required visibility splays. The dwelling and access at No 39 received approval under LA07/2021/0508/F and DFI Roads had no objections subject to conditions, it is therefore not a requirement to further improve the visibility splays for this dwelling.

The principle of using the curtilage of an existing adjoining dwelling in order to gain access to a new dwelling is not an acceptable access arrangement and is not typical of the area. The resultant access will sweep into the site from the south which does not respect the existing development pattern as this access arrangement is not evident in the locality. The proposal is considered to be contrary to Policy CTY8 as the proposal does not respect the existing pattern of development along the frontage.

Policies CTY13 & CTY14

Policy CTY13 states that planning permission will be granted for a building in the countryside where is 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.

The proposed dwelling is one and a half storey with a ridge height of 7m above finished floor level. It includes walled dormers, single storey porch and return to the rear which is set down with chimneys on the ridge with internal chimney breasts. The dwelling is of similar design to adjoining No 39, whereby its size, design, scale proportions and appearance are considered appropriate for this rural location and are in keeping with the character of the area. A detached single storey garage s also proposed which is of relatively standard construction. The dwelling will not appear as prominent in the landscape comprising an infill, with built development to either end and a backdrop which together aids integration.

However, as outlined above, the proposed access arrangement is not considered acceptable as it does not integrate with the surroundings, doesn't respect the existing development pattern and does would damage rural character contrary to criterion d of Policy CTY13 and Criterion c and e of Policy CTY14.

Residential Amenity

It is considered the house type proposed, together with its size, layout, levels and spacing to any existing/approved site are such that no unacceptable impact will result in terms of overlooking, loss of privacy, overshadowing or dominant impact.

Policy CTY16

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 application has outlined on the P1 form that a WWTP is the proposed means of disposing sewage. Environmental Health have been consulted and are content with this arrangement subject to condition. It is considered that the application site is of a sufficient size to accommodate the dwelling and garage whilst also achieving sufficient separation distances between the proposed WWTP and adjacent properties. A condition could be attached to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site.

PPS3

DFI Roads have been consulted and are content with the proposal in terms of Planning Policy Statement 3 requirements.

PPS2

The site is currently vacant and does not contain and landscaping features or potential habitats, it is noted further planting is proposed which will assist in the integration of the site while also creating a suitable habitat for various species.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

Reasons for Refusal:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not respect the existing pattern of development along the frontage.

146

- 3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and criterion d of Policy CTY13 and criteria c and e of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - ancillary works do not integrate with their surroundings
 - the proposal does not respect the traditional pattern of settlement exhibited in that area;
 - the impact of ancillary works would damage rural character.

Case Officer Signature: E. Eastwood

Date: 6 October 2025

Appointed Officer Signature: M Keane

/Date: 06-10-25

147

Development Managemen	t Consideration
Details of Discussion:	
Letter(s) of objection/sup Group decision:	port considered: Yes/No
D.M. Group Signatures	
Date	-

Delegated Application

Dev	velopment Mana	gement Officer Report	
Case Officer: Catherin	ne 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 R	eport		
Representations: No	ne		
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 Lands approx.180m NW of 117 Old Belfast Road, Saintfield.



Date of Site Visit: 2nd June 2025

Characteristics of the Site and Area

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.

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.

Description of Proposal

Proposed farm dwelling, garage, and all associated site works

Planning Assessment of Policy and Other Material Considerations

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

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

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

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.

Back to Agenda

Consultations

NI Water - No objections

Dfl 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.

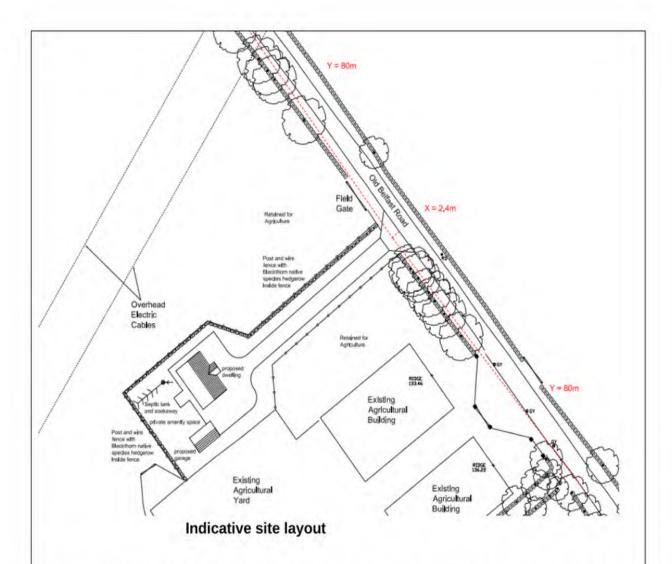
CTY10 also requires compliance with CTY13 and CTY14. The proposal would be considered to be visually linked and sited to cluster with an established group of buildings on the farm, it therefore would comply with CTY 13 part (g). The remaining criterion of CTY 13 and 14 therefore need to be considered.

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' (with18.5m) 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 is 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

Refusal Reasons:

- 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.
- 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.

Informative

The plans to which this refusal relate include: Site location plan 01A

Neighbour Notification Checked	Yes	
Summary of Recommendation - Approval		
Case Officer Signature: C Moane	Date: 05 September 2025	
Annointed Officer Signature: B. Ferguson	Date: 05/09/2025	

159



Ref - LA07/2024/1570/O - Proposed farm dwelling, garage, and all associated site works - Lands located approx.180m NW of 117 Old Belfast Road, Saintfield.

There is no dispute that the applicant has an "active and established" farm business as confirmed by DAERA and the planning history – Criterion (a) of CTY10 is met.

It is also confirmed that there have been no "sell offs" from the farm holding, so criterion (b) of CTY10 is met. Likewise, it is accepted that the development is sited to visually link or cluster with established buildings on the farm, so criterion (c) of CTY10 is met.

Reason for Refusal 1 – 10year test

Policy CTY10 states that - "Planning permission granted under this policy will only be forthcoming once every 10 years".

Officers correctly identify 2no. planning permissions that are material considerations in this case;

- 1 R/2011/0001/F submitted on 16th December 2010, for "Proposed single storey farm dwelling, new vehicular access onto Old Belfast Road, ancillary works and proposed planting", which was granted on 7th June 2012, and became time expired on 7th June 2017 and;
- 2 LA07/2016/0185/F submitted on 9th February 2016, for "Proposed dwelling and garage in substitution of planning approval R/2011/0001/F (located at Old Belfast Road, Saintfield) for a dwelling on a farm under Policy CTY10", which was granted on 22nd March 2019, and becomes time expired on 22nd March 2026.

It is a material fact that the LA07/2016/0185/F was submitted (9th Feb 2016) when the R/2011/0001/F permission was still extant (7th June 2017), and the later application sought to replace the earlier one.

The Council sought to refuse the LA07/2016/0185/F application at Planning Committee on 21st June 2017, indicating that the <u>R/2011/0001/F application was granted planning permission within 10years</u>, and that it would have to be revocated, before LA07/2016/0185/F could be granted.

Revocation is a formal legal process to revoke the previous permission, which is costly for the Council takes a significant period to undertake, and must be justified, as there is the right of appeal. The process is set out at Section 68 of the Planning Act (NI) 2011.

The revocation of R/2011/0001/F did not occur, and the application LA07/2016/0185/F was deliberately delayed and then granted permission on 22nd March 2019, so that R/2011/0001/F had become time expired.

This was the agreed approach with the Head of Planning on behalf of the Council at the time as the most efficient and cost-effective way to address the matter.



AGRICULTURAL | COMMERCIAL | RESIDENTIAL | RETAIL | TOURISM



Consequentially the applicant substituted the earlier permission for the later. It is wrong and a misdirection to suggest that 2no. planning permissions have been granted under this farm number.

The approach adopted engages a well-practiced public and administrative law ground under legitimate expectation – the applicant's legitimate expectation was that the R/2011/0001/F permission was been substituted for LA07/2016/0185/F, with no future disadvantage or prejudice. There is also an issue of administrative fairness, as the applicant has only availed of 1no planning permission since 25th November 2008 – 17 years, when Policy CTY10 clearly indicated they would be entitled to 2no planning permissions. See the judgement in *BCC v PAC {2018} NIQB 17.*

The change of location was only due to the applicant's husband passing away, and the applicant wanting to be located beside her son and other farm buildings on the holding.

Reason for Refusal 2 - Ribbon Development

The PAC has consistently taken the view that if a building does not have frontage to the road, it cannot form part of the existing ribbon of development. **An access is not considered to have road frontage.**

Notwithstanding the material fact that <u>a ribbon does not otherwise exist at this location</u>. The policy seeks development to be **read and cluster with existing buildings** on the farm and the **planning history** is a significant material consideration, as per the 2011 Act.

A building cannot extend the ribbon of development if it does not have road frontage, and if no ribbon exists at this location.

The approach is completely inconsistent with other decisions within Newry, Mourne & Down District Council, and 2no applications - LA07/2024/0143/O and LA07/2025/0594/F on the 8th September 2025, delegated list are identical in terms of their physical layout and arrangement.

Paragraph 1, Section 1 of the Planning Act (Northern Ireland) 2011, seeks the orderly and consistent development of land. The applicants have not been treated fairly and equitably when these other examples are considered. Whilst each site is considered on its own merits or demerits, the examples of this weeks delegated list, have an identical physical relationship and arrangement with the public road as per the subject site.

Consultations & 3rd Party Objections

There is no wider public interest as there are no 3rd party objections and no objections from any of the statutory agencies.



Delegated Application

Dev	elopment Man	agement Officer Report
Case Officer: Sarah M	urray	
Application ID: LA07/2024/0783/F		Target Date:
Proposal: Proposed stable building, access and associated site works		Location: Lands adjoining and 50m south of 74 Carsonstown Road, Saintfield
Applicant Name and A Jonathan Titterington 74 Carsonstown Road Saintfield BT24 7EB	Address:	Agent Name and Address: Colin McAuley 2 Millreagh Dundonald Belfast
Date of last Neighbour Notification:		4 th September 2025
Date of Press Advertisement:		24 July 2024
ES Requested: No		Y TO THE TOTAL T
	es not lie within th vial flood plain. Dr	ditions. ne 1 in 100 year fluvial flood plain not a 1 in 100 rainage Assessment will not be required.
Letters of Support	0.0	
Letters of Objection	0.0	
Petitions	0.0	
Signatures	0.0	
Number of Petitions of Objection and signatures	0.0	



Characteristics of the Site and Area

The application site is a portion cut out of a larger field, located to the south of no. 74 Carsonstown Road, which is the applicant's home. Its eastern and southern boundaries are undefined. Mature vegetation defines the northern boundary and a mature hedge defines the western boundary. The land is relatively flat.

The site lies approximately 330m west of the designated Carsons Dam River. There are several undesignated watercourses which flow into the Carsons Dam River in the vicinity of the application site. The topography of the sites shows it to be elevated above the floodplain associated with the Carsons Dam River and associated tributaries.





Description of Proposal

Proposed stable building, access and associated site works

Planning Assessment of Policy and Other Material Considerations

The site is located within the countryside, outside the settlement limits of Saintfield village, as identified in the Ards and Down Area Plan 2015.

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 8: Open Space, Sport & Recreation
- Planning Policy Statement 15: Planning & Flooding
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

PLANNING HISTORY

No planning history.

SUPPORTING DOCUMENTS

- Application Form
- NI Biodiversity Checklist & Ecological Statement
- Site Location Plan
- Site Survey
- Site Layout & Access Details
- · Floor Plans & Elevations
- Access Details

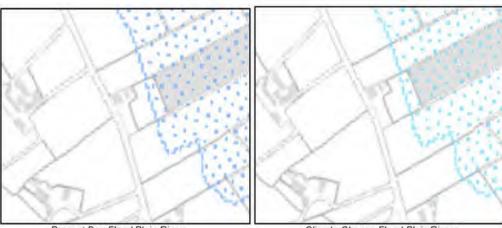
CONSULTATIONS

Following receipt of amended plans DfI Roads are content subject to conditions below:

- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 0535-05 published date 14 January 2025, 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.
- 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.

Dfl Rivers were consulted due to the proximity to fluvial floodplain. In their consultation response they confirm the site does not lie within the 1 in 100 year fluvial flood plain not a 1 in 100 year climate change fluvial flood plain. Drainage Assessment will not be required.



Present Day Flood Plain Rivers

Climate Change Flood Plain Rivers

REPRESENTATIONS

None received.

EVALUATION

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

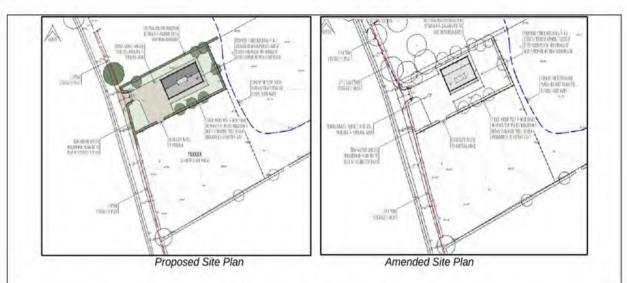
The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements 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.

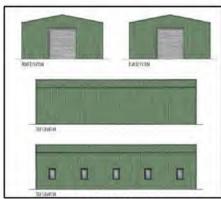
Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

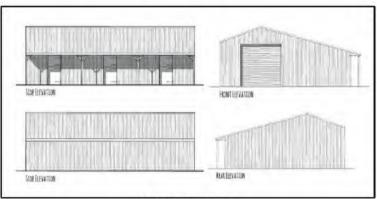
The policy context for the development includes Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. Policy CTY 1 goes on 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. It states that planning permission will be granted for a non-residential development in the countryside in certain circumstances. One of the categories listed for non-residential development under CTY 1 is for outdoor sport and recreational uses in accordance with PPS 8. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14 will also be considered. The proposal is for a 'stable building, access and associated site works'. Amended plans were submitted on 9th July 2025.







Proposed Elevation

Amended Elevations

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals specifically with outdoor recreation in the countryside and the headnote states that "The Planning Authority will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met". The listed criteria refer to impact on visual amenity, conservation features, residential amenity, design, public safety and road safety.

Policy OS 3 relates to the provision of outdoor recreation in the countryside but does not distinguish between recreational facilities for personal use and larger commercial use.

Built Heritage

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

The proposal will not have an adverse impact on built heritage, as none have been identified in the immediate area of the site. An ecological statement has been received which confirms that there would be virtually no negative impact on eth ecology of the area with this proposed development.

Loss of Agricultural

(ii) Land there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

The proposal involves a portion of the larger agricultural field owned by the applicant. On this basis it will not result in the permanent loss of the best and most versatile agricultural land and there will be no impact on nearby agricultural activities.

Visual Impact

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

The amended proposal is for a 10m wide x 13m long building and approximately 4.1m in height. The building accommodates 3 individual stables, a tack room, a store and a fodder store. The external finishes include green corrugated metal. The site fronts on to the Carsontown Road, the existing hedgerow will be removed and replanted to the rear of the visibility splays. New boundaries are proposed on the eastern and southern sides. When travelling along the Carsontown Road southern direction the proposed stable is positioned behind the existing vegetation. The view will not be prolonged and the existing vegetation will screen views of the site.



Google Streetview when travelling north

The most critical view is when traveling north of the Carsontown Road. The proposed building will be prominent in the landscape and could lead to ribboning which would be detrimental to the character, appearance and amenity of the countryside.



Google Streetview when traveling south

Residential Amenity

(iv) there is no unacceptable impact on the amenities of people living nearby;

There are no residential properties in close proximity to this site, other than the application dwelling house at no. 74. The closest dwelling is no. 63 which is 115m away. The proposal will not unduly affect the privacy or amenity of neighbouring residents.

Public Safety

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

The agent has stated in their supporting email that the site is for domestic use only. Dfl Roads have been consulted and offer no objections subject to conditions.

Design

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

The proposal involves the construction of a stable block which is sited on the north western side of this plot. The building size and materials and finishes are described above. This type of building along with materials and finishes are now a prevalent feature in the rural landscape, on this basis the design and scale of the building is acceptable.

Access

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;

The agent states that the development is for domestic use by the applicant.

Road Safety

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

The agent states that the development is domestic use by the applicant. A new access will be created and 3 parking spaces proposed at the site. It is considered that the site will provide the adequate parking and turning arrangements for the site to ensure no parking off-site will occur and vehicles can leave in a forward gear. Dfl Roads have been consulted and offer no objections subject to conditions.

Drainage

The application form indicates that water supply is provided via a mains connection, a soakaway will be used for the disposal of surface water and no septic tank is required.

Planning Policy Statement 21

Policy CTY 8 – Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development. Ribbon development is detrimental to the character, appearance and amenity of the countryside. Policy clarifies that 'Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked'. The agent has argued that the existing and proposed buildings are not visually linked due to the existing mature vegetation. However, it is the Council view that they would have a common frontage and therefore represent ribbon development.

Whilst it is acknowledged that there are considerable flooding issues on the land to the rear, there is also the opportunity to put the proposed stables within the curtilage of no. 74, most notably within the area highlighted yellow below.



The agent advised that this was for health and safety reason due to children playing garden however the council consider this is not in itself a reason to justify ribbon development. Measures could be taken to secure the stables to ensure they are not accessible to the children. The Council are consistently opposed to Ribbon Development contrary to CTY 8.

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

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. A new building will be unacceptable where is lacks long established natural boundaries and relies primarily on the use of new landscaping. Two new boundaries are proposed and new planting will be required for splays therefore it 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. In this case the proposal would create ribbon development and erode the rural character of the area.

PPS 2 - Natural Heritage

Policy NH5 - Habitats, species or features of Natural Heritage Importance

Policy NH5 states that 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. Hedgerows are considered to be a priority habitat, hence an Ecological Statement was submitted and confirms 'There would appear to be virtually no negative impact on the ecology of the area with this proposed development. In fact with the proposed augmenting of the site with additional native hedging and trees the potential habitat and biodiversity value of the site would in fact be increased / enhanced'.

PPS 3 - Access, Movement and Parking

Again, Dfl Roads were consulted as part of the proposal and have no objections subject conditions. It is also considered that sufficient provision has been made parking and turning within the site.

Neighbour Notification Checked	<u>Yes</u> /No	
Summary of Recommendation		
Refusal		
Reasons for Refusal:		

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted,

172

result in the creation of ribbon development along Carsonstown Road and would therefore adversely affect the visual amenity and character of the countryside.

- 2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Furthermore, the proposed building relies primarily on the use of new landscaping for integration therefore would not integrate into this area of the countryside.
- 3. The proposal is contrary to Policy CTY14 of, Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: S Murray

Date: 1st October 2025

Appointed Officer Signature: B. Ferguson

Date: 02/10/2025



Planning Committee 12th November 2025: Statement on Behalf of Mr Jonathan Titterington (The Applicant) Re: Planning Application LA07/2024/0783/F

Description of the Application & Policy Context:

Proposed stable building, access and associated site works on lands adjoining and 50m south of 74 Carsonstown Road, Saintfield.

The starting point for consideration of this proposal is that under the relevant policies – SPPS, PPS21, and PPS8, a proposal for stables in the countryside is acceptable in principle subject to compliance with 8 policy criteria as set out in PPS8. Further, under the SPPS (5.72) "planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance."

The Case Officer's Report confirms that the proposal complies with 7 of the 8 PPS8 criteria. The only criterion in dispute is number (iii) which requires that there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography.

The recommendation to refuse planning permission is primarily based on that consideration.

Proposed Reasons for Refusal (in summary):

- Contrary to Policy CTY8 of PPS21, would result in the creation of ribbon development along Carsonstown Road and would therefore adversely affect the visual amenity and character of the countryside.
- 2. Contrary to Policy CTY13 of PPS21 the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Furthermore, the proposed building relies primarily on the use of new landscaping for integration therefore would not integrate into this area of the countryside.
- Contrary to Policy CTY14 PPS21 the building would, if permitted create or add to a ribbon
 of development and would therefore result in a detrimental change to the rural character of
 the countryside.

I deal with reasons 2 & 3 first as they have a major bearing on whether it can be reasonably argued that the proposal results in ribbon development (reason 1).

Refusal Reasons 2 & 3: PPS21 Policy CTY 13 & CTY 14 - Integration & Rural Character

The scale of the building proposed is very modest and will not negatively impact on rural character. The site was carefully chosen because it sits well below road level and has a well-defined backdrop of mature trees that form the boundary with No. 74 Carsonstown Road. The Case Officer Report confirms that there are no unacceptable visual impacts when travelling from the north and only indicates concerns over impacts from the southern side.





However, as these views above, also from the south, but taken at a different time of the year from the Case Officer view, demonstrate the existing trees and vegetation around No.74 are mature and substantial and the existing roadside hedging which can be retained/or replanted to



the rear of the sightlines can provide more than adequate screening of the proposed development. This is certainly the case in respect of the revised proposals where the stables have been substantially reduced in scale from 5 stables down to 3 resulting in a reduction of 5m in the length of the overall block (from 18m down to 13m). In addition, the ridge height is reduced from 4.6m to 4.1m, and the finished floor level has been dropped so that it sits 3.29m below road level. As a result, only 0.8m of the building will be above road level and would not be visible behind any maintained roadside hedge.

The Case Officer has also confirmed that: "This type of building along with materials and finishes are now a prevalent feature in the rural landscape, on this basis the design and scale of the building is acceptable."

Therefore, the proposal does exactly what PPS8 requires – it uses a combination of existing vegetation and topography to ensure that it does not result in an adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape. The proposals therefore comply with PPS8 and Policy CTY 13 & CTY 14 of PPS21 in that they achieve a high level of integration and cause no demonstrable harm to the rural character of the area.

Reason 1: PPS21 Policy CTY 8 - Ribbon Development

The applicant has a small land holding surrounding No. 74. However almost all of that land is affected by the Q100 floodplain, with the exception of the applicants' domestic side garden and the roadside section of the host field. The side garden is the only private amenity/play space available to the Applicant and his young family and also contains the septic tank for the dwelling. In any event, the presence of an alternative site does not diminish the acceptability of the proposed site which we clearly contend is acceptable, in its own right, in planning policy terms.

The floodplain and constraints in the garden are significant limiting factors on available siting options which has not been afforded sufficient weight in the decision-making process to date. However as established above, despite its roadside location, the stables achieve an extremely high level of integration into the landscape.

It is notable that the Case Office Report indicates that: "The proposed building will be prominent in the landscape and <u>could</u> lead to ribboning which would be detrimental to the character, appearance and amenity of the countryside."

It is well-established in caselaw and PAC decisions that, to constitute ribbon development there must be an awareness of a built-up ribbon of development along a road frontage and PPS21 (para 5.33) confirms that there must also be a visual linkage. That principle of visual linkage has been established by a number of PAC decisions, and this does appear to have been taken into account by the Council. As confirmed in the images above, given the level of mature vegetation along the northern boundary of the site, together with the generous level of physical separation between the subject site and the existing dwelling, alongside the difference in levels, there is no perception of ribbon development or a built-up appearance occurring along the Carsonstown Road as a result of the proposed stables.

The existing dwelling and proposed stables will not be inter-visible with one another. As such the modest stable proposed does not add to or create ribbon development on Carsonstown Road and therefore complies with Policy CTY 8.

Conclusions:

For the reasons set out above, the Council has not applied relevant policy tests correctly. The proposal as submitted complies with planning policy. No demonstrable harm is caused by this modest development and, in that context, planning permission should be granted.

Delegated Application

Development Mana	gement Officer Report		
Case Officer: Fionnuala Murray			
Application ID: LA07/2024/0459/F	Target Date:		
Proposal: Proposed 2no. Semi-Detached Dwellings	Location: Land to the rear of 32 Newcastle Road & adjacent to 7 Burrenwood Road, Castlewellan		
Applicant Name and Address: P McCrickard 32 Newcastle Road Castlewellan	Agent Name and Address: Jason Martin Unit 13 3-5 Woodgreen Road Ballymena		
Date of last Neighbour Notification: Date of Neighbour Note Expiry:	17.09.2024 01.10.2024		
Date of Press Advertisement: Date of Press Ad Expiry:	15.05.2024 30.05.2024		
ES Requested: No			

Consultations:

NI Water was consulted and responded with refusal, subject to the applicant engaging with NI Water. NI Water advise that there are network capacity issues with significant risks of detrimental effect on the environment and detrimental impact on existing properties therefore NI Water recommend connections are curtailed. A wastewater impact assessment is required.

Environmental Health was consulted and responded with no objections.

DFI Rivers was consulted and responded with no objections and no further information required

DFI Roads were consulted several times in relation to the application and upon submission of PSD drawings offered no objections subject to conditions.

Representations:

The application was advertised and neighbours notified as detailed above and to date 3 representations have been received. objections were on the following basis:

Tennent of no 30 believes the development would invade their private amenity space and considers the development to have the potential to overshadow or restrict the natural light that flows into their property. While not a material consideration the objector also notes the loss of the view onto the Mournes.

- The owner/occupier of 1 Wood Grove, Castlewellan also consider the buildings to have the potential to restrict the light to their property. The objector also requests information in relation to height and proximity of the development.
- Occupiers of 7 Burrenwood Road seek confirmation that existing mature hedge between our properties will be maintained – clarification is sought in relation to the boundary treatment in front of their house.

Letters of Support	0
Letters of Objection	3
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	

Summary of Issues: Objections have been raised in relation to the proposal

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question currently serves as a rear garden to 32 Newcastle Road and is a relatively flat piece of ground with a very gentle slope away from the buildings of no 32. The site is bounded to the front with a clad wall and all other boundaries are bounded with maintained hedging and planting and shrubs and two trees. The site is located within existing housing of differing styles and being a mix if single dwellings, and a mix of bungalows and two storey dwellings.

The site is located within the settlement development limits of Castlewellan as defined in the Ards and Down Area Plan 2015. The site is within the Mourne Area of Outstanding Natural Beauty and is located within the band of lands known as the Mourne Foothills. The site is also within an area known to be liable for flooding.

Description of Proposal

Proposed 2no. Semi-Detached Dwellings

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

LA07/2022/0016/F - Proposed 2 Storey Dwelling and Detached Garage and associated Access and Removal of existing Vehicular Access onto Newcastle Road from No 32 Newcastle Road and Creation of new Vehicular Access to serve No 32 Newcastle Road from Burrenwood Road, Castlewellan - Land 10m North East of No 7 Burrenwood Road and 10m Southwest of No 32 Newcastle Road

Castlewellan - Approval - 17.07.2023

R/2011/0216/F - Retrospective application for the prefabricated garage and utility room to rear of house - 1 Wood Grove, Castlewellan, Co Down - approval - 08.12.2011

R/2001/1302/O - Rear of 32 Newcastle Road Castlewellan - approval - 21.02.2002

Consideration and Assessment

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 2 Natural Heritage
- · Planning Policy Statement 3 Access, Movement and Parking.
- Planning Policy Statement 7 Quality Residential Environments
- Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas.
- Planning Policy Statement 15 Planning and Flood Risk
- Creating Places

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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.

The site is within the settlement development limits of Castlewellan as defined in the Ards and Down Area Plan 2015.

The main policy consideration of the assessment of residential development within settlement limits is PPS 7 Quality Residential Environments.

PPS 7 QD1 Quality in New Residential Development states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

Policy also states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Consideration of QD1 Quality in New Residential Development

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

The site is located within an existing garden of no 32 Newcastle Road, Castlewellan and, no 32 is a detached dwelling located on a corner plot facing onto two roads and with a large rear garden which has a vehicular access onto Burrenwood Road. The site is adjacent to no 7 Burrenwoood Road which is a two storey detached dwelling with off street parking and private amenity to the rear of the site. Travelling further into Burrenwood Road are a mix of semidetached dwellings and single storey detached dwellings. Across from the site is a row of two storey terrace dwellings. The site also backs onto the rear of no 30 Newcastle Road, while it is noted that there are a mix of sizes and styles of dwellings located immediately adjacent to the site and within the wider area. There is also a variation of plot sizes within the area. There is an extant permission on the site for one dwelling and taking account the land available, the relationship of the site with dwellings adjacent and the overall character and appearance of the area it is not considered that the site has the capacity to absorb two dwellings at this location taking account of plot sizes, parking and access requirement in terms of the visual impact this will have. Also in terms of character development is generally sequential with larger dwellings and plots on main thoroughfares and development becoming greater density as one moves into developments away from the main public view points, the visual appearance and density of semi detached dwellings here between a detached bungalow and detached two storey dwelling is not in keeping with generalised character. It is not considered that this aspect of policy has been met as the development does not respect the existing surrounding character in terms of plot size, layout and appearance of buildings. The frontage of the site is narrow and the site widens out towards the rear, there is limited room to the front of the site given two accesses are required, the three accesses in quick succession will have a negative visual impact on the overall character and appearance of the street scene at this section of the Burrenwood Road. It is not considered that the development respects the surrounding context and is not appropriate in terms of layout and appearance of buildings and would be considered to be over development of the site.

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

The site currently serves as private amenity to the dwelling known as no 32 Newcastle Road, the site is currently private amenity space being a flat maintained lawn, there are not archaeological features evident or built heritage on the site or immediately adjacent to the site that require consideration. No constraints in terms of locations of consultation zones fall within this site were identified, this aspect of policy will not be impacted upon.

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

Taking account this development is for a pair of semi detached dwellings only there is no requirement for public open space provision.

In terms of private open space the proposed dwellings have a rear amenity space of 100sqm and 120sqm afforded respectively which meets the requirements set out in Creating Spaces. Both areas of rear amenity provided would have an element of overlooking given the separation distance the two dwellings proposed and the existing development. 2m close board fencing is proposed along the rear and majority of the side boundaries of both dwellings, this will result in a 2m fence being erected along the boundary of no 7 Burrenwood Road where at present there is a planted hedge.

There is an excessive reliance on close board timber fencing to provide privacy to both proposed dwellings and there is little ability or space available to soften the use of close board timber fencing with planting. Typically dwellings along this section of road have front gardens along the road with grassed areas to the front of sites and a mix of in curtilage or on street parking. The frontages proposed is a small section of grass and planted area with the majority of the frontage to be car parking and drive.

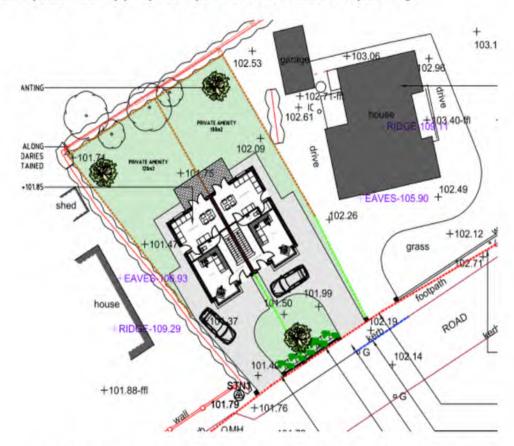
(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development

Taking account of the size of the development it is not feasible to seek any additional local neighbourhood facilities as part of this permission. It is noted that the existing local services will not be detrimentally impacted as a result of the provision of two additional dwellings.

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

DFI Roads are content with the proposed access and parking arrangements following the submission of amended plans. The proposed access arrangements will not have a negative impact on the overall movement pattern of cars, cyclists or pedestrians within the area.

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



The site layout plan demonstrates that each dwelling is being afforded two car parking spaces with the curtilage of the dwelling, no 32 also retains two in curtilage spaces despite the loss of amenity. This aspect of policy has been adequately addressed.

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

A pair of semi detached dwellings are proposed 8.9m in height from ground and 9.6m deep with the two dwellings having an overall width of 11.3m



The proposed house type has some similarities with the surrounding designs of dwellings, the roof form however differs greatly from the surrounding roofs including the pitch and depth of the roof being a far deeper roof pitch, the surrounding dwellings have either hipped roofs or half hipped roof types however the presented dwelling is a pitched roof, gable ended. The design does not go far enough to respect the existing character exhibited in the area. The overall density of the sites is not considered to be comparable to the immediate surroundings and does not draw on the character from the existing area and the dwelling design does not draw on all of the key characteristics of the dwellings in the area, namely the roof form and pitch and appearance and taking account of the 0.8m increase in ridge height from what was approved previously and this submission.

The overall site layout and positioning of drives, increased hard standing and reliance on timber board fencing to provide suitable privacy is considered to have a negative impact on the overall character of the area.

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

Objections have been raised in relation to the proposed dwellings from 3 neighbouring properties. The possibility of overshadowed and being overlooked has been given consideration and it is considered that the dwellings are sufficiently removed from surrounding properties so as to not cause any unacceptable overlooking however it is acknowledged that there will be a degree of overlooking and loss of privacy as a result of the works given the relationship between the existing and proposed dwellings.

7 Burrenwood Road is directly west of the site and the proposed works will have implications on this dwelling, presently there is a low level hedge between the amenity of no 32 and no 7, taking account of the previous planning history on the site and also what can be erected along this boundary of the site under permitted development it is not considered that the works proposed under this application could be considered to be

likely to cause demonstrable harm in terns of overlooking, overshadowing, dominance and loss of light, a 1.8m close board timber fence is proposed along the shared boundary and while this may reduce the level of light into the existing sun room to the rear of no 7 but the building line of the semi detached properties does not extend beyond the main building line of no 7 Burrenwood Road. 1 Wood Grove and 30 Newcastle Road both will likely experience an element of overlooking or loss of privacy however given the rear building line is 11.5m from the rear of the proposed garden and taking account of the position of the proposed dwellings in relation to the position of the existing and proposed dwellings it is not considered that the ability to overlook will be so detrimental so as to cause an unacceptable harm. While it is acknowledged that there is a degree of overlooking and loss of light as a result of the works it is not anticipated that there will be any demonstrable harm as a result of the works onto neighbouring properties.

The relationship between the site and no 32 Newcastle Road lacks privacy however it is noted that no 32 Newcastle Road enjoys little privacy at present given the open views into the site from the road, the public viewpoint.

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

It is not considered that the dwellings will not impact negatively on crime or personal safety within the area and the design goes as far as possible to deter crime. Again considering this development is for 2 dwellings only there are is little scope to impact the crime and personal safety rates within the area.

Consideration of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas

This development is located within an established residential area therefore the Addendum to PPS 7 is considered Policy LC1 states that Protecting Local Character, Environmental Quality and Residential Amenity states that In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area.

The existing density of the area is taken into consideration based on the policy guidance of dwellings per hectare, as this is a small development of two dwellings in an area that has a varied mix of density from larger single dwellings on spacious plots to terrace dwellings on more restricted plots, the density is not clearly defined throughout the development and it is noted that there is a mix of dwelling plot sizes within the area and there are pairs of semis within the existing context. The site does impact on overall

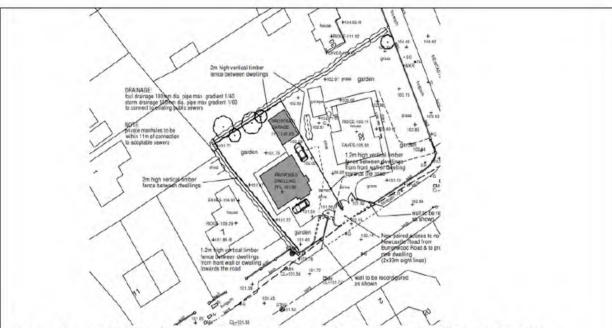
character however it is not considered that the density would be <u>significantly</u> greater than what exists at present within the surrounding context of the area.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

The overall pattern of development is not considered to be respected as a result of this development, it is noted that to the Newcastle Road there are single dwellings on generous sized plots with long rear gardens. Along the Burrenwood Road there is a mix of detached and semi detached dwellings on the side of the road the site is on. The previous permission on the site for a single dwelling was considered to respect the existing character of the area in terms of plot size and presentation to the road given that the plot narrows towards the front of the site along Burrenwood and the development of the site will result in a plethora of accesses in quick procession along this section of the road and it does not respect the existing character of dwellings that have a section of usable amenity to the front of the sites and a rhythm of site frontages of quite uniform pattern.

The jump from larger plots into a pair of semi detached dwellings on a smaller overall plot size to the other pair of semi detached dwellings known as 9 and 11 Burrenwood Road will have a negative impact on the overall character of the area when read within the existing context of the area, semi detached dwellings will appear 'squeezed in' within the site and does not follow the sequential movement away from larger plots into smaller plots away from the main throughfares in Castlewellan. There will also be a reliance on the use of close board timber fencing to provide screening within the site however given the open nature of the site and ability to view into the site the timber fencing will be quite visible and as the site is very restrictive there is limited opportunity to provide screening by way of planting within the site to soften the fencing that will be required to provide privacy and screening.

The previous scheme was deemed acceptable within the context of the surrounding area and did respect the overall character and appearance of the area in terms of layout, appearance, character and detail. This development fails to meet the same requirements and does appear out of character.



Above shows the previously approved scheme for a single dwelling on the site.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

This application seeks permission for 2 dwellings both offering 3 bed – 5 person accommodation, the space standards set out in Annex A indicates that a 3 bed – 5 person two story house should provide 90-95sqm floor space, the development proposed offers approx. 92m floorspace therefore meets the minimum requirement set out in Annex A.

Consideration of PPS 2 Natural Heritage

Taking account of the nature of the ground being currently the curtilage of a dwelling and being maintained garden space and taking account of the proposed works it is not considered any further investigations in terms of NH 2 or NH 5 are required as it does not appear as if there will be any impacts as a result of the works on protected species or habitat. The site is however within the Mourne Area of Outstanding Natural Beauty therefore NH 6 Areas of Outstanding Natural Beauty is considered.

NH 6 states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

 a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. While it is considered that the works is not in keeping with the overall character and appearance of the area in terms of overall character and appearance and overdevelopment of the site it is not considered that the ramifications of the works would result in the key characteristics of the AoNB being impacted upon as a result. The development is not considered to offer unacceptable detrimental impact to the Area of Outstanding Natural Beauty.

 it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.

The works are within the curtilage of a residential dwelling and it is not considered that there are any features of importance or any built features that would be negatively impacted upon as a result of the works. This aspect of policy has not been impacted upon.

- c) the proposal respects:
 - local architectural styles and patterns.

The development does not respect the overall architectural styles and patterns in that the roof form of the dwelling differs from what is consistently found within the area being hipped or half hipped roofing with generally normal or leaning towards the more shallow pitches. This development is a gable ended development with a roof of quite a deep pitch, this element of the design has not been respected.

 traditional boundary details, by retaining features such as hedges, walls, trees and gates.

The boundary details of the site at present is maintained planted hedging and within the wider area the sites are generally defined with low level planted hedges and planting groups or low level block walls or fences, given that this site can be seen into from public view points and there is also the loss of a section of the existing boundary wall to accommodate the two dwellings which will further open up the site there is a reliance on 1.8m close board timber fencing to provide a suitable degree of screening and privacy for each dwelling. The harsh appearance of timber fencing and the reliance of it for boundary treatment does not respect the traditional boundary details exhibited within the area.

· local materials, design and colour.

The proposed finishes of the dwellings are considered acceptable and will not detract from the overall character and appearance of the overall AoNB.

Consideration of PPS 3 Access, Movement and Parking

The proposal seeks two new accesses out onto the public road with individual accesses being proposed to each dwelling and the retention of the existing access serving no 32 Newcastle Road. DFI Roads has responded with no objections in relation to a revised scheme submitted.

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

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

In considering the acceptability of the access arrangements including the number of access points onto the public road consideration is given to the following factors:

- · the nature and scale of the development
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

In terms of the provision of a safe access it is not considered that the works prejudice road safety nor will the works inconvenience the flow of traffic. The Burrenwood Road is not a protected route and it is not considered that the works will have a detrimental impact on any linked protected routes.

Consideration of PPS 15 Planning and Flood Risk

Flooding was identified as a constraint of the site and DFI Rivers was consulted, they have responded to consultation with no objections advising the following:

<u>FLD 1 – Development within Fluvial and Coastal Flood Plains – the site is not identified as lying within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.</u>

<u>FLD 2 Protection of Flood Defence and Drainage Infrastructure</u> - there are no water courses which are designated under the terms of Drainage (NI) Order 1973 within this site.

<u>FLD 3 Development of Surface Water – Flood Maps NI indicates that a minor portion of the sites western boundary lies within an area of predicted pluvial flooding however the site does not exceed the thresholds as outlined in policy FLD 3 and subsequently a drainage assessment is not required.</u>

<u>FLD 4 Artificial Modification of Watercourses – DFI Rivers indicate that this is not applicable to this site based on information provided.</u>

<u>FLD 5 Development in Proximity to Reservoirs – Not applicable to this site.</u>

Flood risk in the climate change scenario

Rivers Directorate advises the planning authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps indicate that the site does not lie within the 1 in 100 year climate change fluvial flood plain or the 1 in 200 year climate change coastal flood plain.

NI Water

NI Water recommended refusal on the basis that there were network capacity issues in locating two dwellings at this location, a Wastewater Impact Assessment has been submitted to NI Water in relation to this application however NI Water advise that the WwIA is not deemed complete until a solution has been agreed upon and deemed deliverable by both NI Water and the developer and as such a solution has not been found and this development is not considered acceptable in principle a refusal is recommended based on the grounds set out by NI Water in relation to capacity. NI Water consider the development at present to pose a risk to the environment and also likely to have impact on neighbouring properties.

Maiabhaur	Notification	Chaokad
Neignbour	Nonneation	Checked

Yes

Summary of Recommendation

Consideration has been given to the application and it is considered that it does not fulfil all the necessary policy requirements and as such a recommendation of refusal is made.

Reasons for Refusal:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) policy QD1 of PPS 7 and Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas in that the proposal would, if permitted, not be in keeping with the overall character of the established residential area, does not respect the surrounding context and is not appropriate to the character by reason of its layout, design and appearance and would if permitted result in unacceptable damage to the local character of the area.
- 2. The proposal is contrary to paragraph 3.8 of the SPPS in that there is no available capacity in the downstream Wastewater infrastructure and it has not been adequately demonstrated that waste water from the development proposed could be adequately dealt with through a developer led solution to achieve a foul connection. In the absence of an alternative method a precautionary approach will be taken where there are significant risks to the environment and existing properties.

Case Officer Signature: Fionnuala Murray

Date: 25 September 2025

Appointed Officer Signature: B. Ferguson

Date: 25/09/2025

Addendum to address NI Water reasons for refusal

The application was considered at Call In Panel on 28th October and it was agreed that the application should be presented at Committee with clarification provided in relation to the NI Water issue prior to said meeting.

1. The proposal is contrary to paragraph 3.8 of the SPPS in that there is no available capacity in the downstream Wastewater infrastructure and it has not been adequately demonstrated that waste water from the development proposed could be adequately dealt with through a developer led solution to achieve a foul connection. In the absence of an alternative method a precautionary approach will be taken where there are significant risks to the environment and existing properties.

The above reason for refusal was included in the original case officer report as a solution has not yet been found between the developer and NI Water in relation to capacity issues and NI Water having recommended refusal. It is noted however that the applicant has submitted a Wastewater Impact Assessment, therefore engagement with NI Water has taken place and the applicant is currently in the process of finding a solution. It is considered this matter could be dealt with by the way of a negative conditions should the application be considered to meet all other policy requirements. The following should be attached to any approval.

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.

 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 1, 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

Applications relying on such conditions in the event of a recommendation contrary to the consultees recommendation are required to be considered by Committee.

In dealing with the NI Water issues through negative condition there is a sole reason for refusal being:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) policy QD1 of PPS 7 and Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas in that the proposal would, if permitted, not be in keeping with the overall character of the established residential area, does not respect the surrounding context and is not appropriate to the character by reason of its layout, design and appearance and would if permitted result in unacceptable damage to the local character of the area.

Case Officer Signature: Fionnuala Murray

Appointed Officer Signature: B. Ferguson

Date: 29.10.2025

Item 17.0 - LA07/2024/0459/F - Land to the rear of 32 Newcastle Road & adjacent to 7 Burrenwood Road, Castlewellan - Proposed 2no. semi-detached dwellings

Contrary to refusal reason 1, the proposal <u>would</u> be in keeping with the overall character of the established residential area, it <u>does</u> respect the surrounding context and <u>is</u> appropriate to the character of the area in that:

- The planning department appear to be limiting the established residential area to just no.32 Newcastle Road and no.s 7-11 Burrenwood Road in terms of their assessment of design and plot layouts. However, immediately opposite the proposed site there is a terrace of two storey dwellings that would have a smaller front garden than the proposed and an overall plot density higher than the proposed. Higher density development is also observed within the Burrenwood Road and the estates that lead off this. The fact that there is a row of terraced dwellings immediately opposite the proposal contradicts the planners assessment that development is sequential with larger dwellings at the entrance to Burrenwood road.
- Contrary to the planners statement regarding the 3 accesses as having a negative visual impact, the access previously approved under application LA07/2022/0016/F had a bellmouth opening with a width of 14.3m. the width of the openings on the proposed accesses totals 10.2m, making the proposal less visually impactful than the previous approval. The distance between the accesses is similar to that expressed along Burrenwood Road.
- Contrary to the planners assessment that the proposal is overdevelopment, the 2no.
 dwellings would respect the building line, have a plot density similar or lower to most
 dwellings in the area, it has a development footprint that is 7m2 less than the previous
 approval (as shown in slide 1) and is less than 2m wider than the previous approval, yet
 it provides 2 dwellings that are aimed at providing affordable, moderately sized homes
 for families.
- The planners have stated that the proposal excessively relies on close board timber fence for privacy, yet the previous approval had an identical boundary proposed and it was deemed acceptable. The proposal retains the boundary vegetation already on site, and contrary to the planners stating that there is little room or space to provide softening of the fencing, this proposal is providing more planting than that previously approved.
- The case officers report states that the roof form differs greatly from the surrounding roofs and that surrounding dwellings have hipped or half hipped roofs. Contrary to this, the terrace dwellings opposite have the exact same roof style as proposed, the previous approval on site has the same roof style, the most recently approved dwellings at the bottom of Burrenwood road have the same roof style as the proposed. In fact, it is clear that hipped roofs and half hipped roofs are the exception here. The proposed roof has a traditional pitch that is common not only in the immediate area, but in the rest of the town and further afield. (Slide 2 shows roof types in the area)

- The case officers report states that the proposed design does not go far enough to
 respect the character exhibited in the area. Contrary to this, along Newcastle Road and
 the entirety of Burrenwood Road and its estates, there are two materials present, Render
 and Red Brick. The proposed design is predominantly render with red brick accents. It
 couldn't be any closer to the character of the area. (see slides 3-5)
- The case officers report states that the proposal meets criterion (a) of policy LC1, which
 relates to density. Contrary to this they have previously stated that it is
 overdevelopment. A proposal cannot respect the density of the area, yet be
 overdevelopment.
- Contrary to refusal reason 1, policy LC1, section (b), the pattern of development is in keeping with the overall character and environmental quality of the established residential area, in that it has already been previously stated that the proposal is similar to the development surrounding it and there is no clear development pattern, with a multitude of house styles and plot sizes in the immediate area.
- A WWIA was submitted to NI Water on the 25/10/2024. NI Water responded with engineering solutions on the 31/01/2025. On the 28/02/2025 a solution was put to NI Water to remove the storm water from the existing property at no.32 Newcastle road to allow for the foul to go into the combined system. It was agreed this could be an acceptable solution subject to checks by the NI Water Clerk of Works, David Jenkins. David inspected the existing system on the 02/04/2025. We initially suggested that the storm water would go to a soakaway, but NI Water requested on the 15/05/2025 that it go to the dedicated Storm Sewer. Due to the distance, we were unsure if this would be achievable and Natalie Pollock of NI Water confirmed on the 23/05/2025 that they would accept a fall of 1in29 to the Storm Sewer. On the 12/06/2025 an updated drawing was provided to NI Water showing the storm water going to the dedicated storm sewer with the requested fall. (see Slide 6)
- We have done everything that has been requested from NI Water to achieve a solution and have proven to them that we can connect the proposed properties without any significant risks to the environment or existing properties. It is unfair that a refusal reason was generated due to the slow processing times of NI Water. We provided the final solution to them over 3 months ago and it meets their requirements. It should also be noted that NI Water are currently upgrading the network outside no.32 Newcastle Road and further along to alleviate issues, with work due to be complete by the end of November. Planning have recognised this and have recanted their initial second refusal reason.
- The proposal would be in keeping with the overall character of the established residential area, it does respect the surrounding context and it is appropriate in character by reason of its layout, design and appearance and would not result in unnacceptable damage to the local character of the area. The proposal can also be constructed and connected to the mains sewer network without significant impact on the environment or existing properties. The proposal therefore meets the policy requirements of the SPPS, PPS7 Policy QD1 and Policy LC1 of the Addendum to PPS7.

Case Officer: Sorcha O'Bei	rne		
Application ID: LA07/2025	/0482/0	Target Date: 27/08/2025	
Proposal: Erection of dwelling and domestic garage in gap/infill site.		Location: 50 S of No.32 Tullyah Road, Belleeks, Newry, Co,Down, BT35 7QP	
Applicant Name and Address Patrick Rooney 32 Tullyah Road Belleeks Newry BT35 7QP	ess:	Agent Name and Address: Collins & Collins 11 Marcus Street, Newry, BT34 1ET	
Date of last Neighbour Notification:		17/07/2025	
Date of Press Advertisement:		28/05/2025	
ES Requested: No		- X-2-11	
DFI Roads – DFI Roads has rat reserved matters stage. Representations: N/A	no objections in princi	ole to this proposal subject to submission of detailed plans	
	0.0		
Letters of Support	0.0		
Letters of Support Letters of Objection			
	0.0		
Letters of Objection	0.0		

	Site Visit Report	
Site Location Plan:		



Characteristics of the Site and Area

The proposed site consists of a large agricultural field along the Tullyah Road, the proposal restricts the curtilage of the site to the Northern portion of the agricultural field. It is located within the ward of Camlough, outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The surrounding area contains a mixture of rural housing and agricultural fields. The character of surrounding dwellings is predominantly 1 or 2 storey detached houses with traditional design elements found in the countryside dispersed along Tullyah Road. The site has agricultural fields located towards the West, dwelling houses are located beyond the Northern and Southern boundary of the agricultural field. The Tullyah Road is found along the Eastern boundary. The site has mature vegetation along the curtilage on the Eastern side.

Description of Proposal

Erection of dwelling and domestic garage in gap/infill site.

Planning Assessment of Policy and Other Material Considerations

Planning Policy

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

Planning History

Application – P/1973/0223 Proposal – Proposed use of land for erection of bungalow Decision – Permission refused Date - 17/12/1973

Consideration and Assessment:

Banbridge/ Newry & Mourne Area Plan 2015

Section 45(1) of the Planning Act (Northern Ireland) 2011 requires all planning applications to take the Local Development Plan into regard, so far as material to the application, and to any other material consideration. 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 proposed development is located outside the settlement limit, situated in the countryside.

Strategic Planning Policy Statement (SPPS)

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

Principle of Development

Policy 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 and that will contribute to the aims of sustainable development. CTY 1 lists a number of exceptions that are acceptable in the countryside. In this instance, the relevant policy provision of PPS 21 in the assessment of this application is CTY 8 for a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage (SCBUF) 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. A SCBUF is understood to be 3 or more buildings along a road frontage without accompanying development to the rear. The gap site identified in this application refers to lands between Nos. 30 and 32 Tullyah Road. The buildings that contribute to the SCBUF in this case are considered to be the dwellings on either side of the proposed site and the detached dwelling and garage at 34 Tullyah Road which is situated North of 32 Tullyah Road site. There are further dwelling buildings situated along the Tullyah Road to the North and South. A site visit demonstrated construction work at 32 Tullyah Road, a mobile home has been erected on this site however as there is no planning history of this it is not included in the determination. Another small metal structure is located behind this site, however as it doesn't share a frontage to Tullyah Road and is not considered a building.

In the assessment of the site in terms of its suitability, a number of measurements have been taken. The first is the size of the gap from nearest point of each building that demarcates the beginning of the gap (140.3metres) as demonstrated in Figure 1, and the second is the plot frontage long the roadside (Figure 2). The whole plot size is 121.2 metres and the proposals plot size is 55.3 metres. The measurements have then been conducted for the frontages of the surrounding buildings to provide an average measurement, indicating the ability (or not) of the site to absorb two dwellings whilst respecting the existing pattern of development.



No 322

SIEE DE LOCATION MAP

Figure 1: Building to building gap of site.

Figure 2: Frontage gap of site.

The average frontage length of each of the buildings along this section of Tullyah Road is 30.6. It is noted that location drawing 13005/1 does not contain the recently built dwellings, therefore the measurements have been taken from OSNI Spatial map. Additionally, following a site visit, it was noted that the proposed plot on drawing 13005/1 has cut off part of the agricultural field to the North, this portion of the site will be included in the measurement for the frontage due to it being part of the continuous frontage needed. The application site has an overall gap of 121.2 metres as seen in figure 4, with an indicative plotting showing site 1 a being 55.3 metres long and site 2 having 55.9 metres (Fig 2). This exceeds the average plot frontage by a minimum of 25.3 metres. It is considered that the plot in this instance is too great and could accommodate a greater number than 2 dwellings as allowed by the policy.



Figure 3: Frontage size of sites

It is considered that the scale of the application site cannot be considered as a small gap site in a substantial and continuously built up frontage. With the average frontage being 30.6 meters and the total site frontage being 121.2 m, this would allow for 3 or 4 houses to fit whilst showing greater respect to the scale and size to the existing character of the buildings in this location which is contrary to this policy. The principle of development has therefore not been established for an infill

opportunity in accordance with CTY 8. The gap is considered a visual break and the application doesn't meet the exception on policy CTY 8 but instead, adds to ribbon development along Tullyah Road.

The application was also assessed under the other relevant policies listed in CTY 1. The application site lacks a focal point and fails to meet with the other requirements to be considered as a cluster under CTY 2a; there is no building to replace under CTY 3; no domestic circumstances have been identified under CTY 6; it does not appear to be required for a non-agricultural business enterprise in accordance with Policy CTY 7; and there has been no farm information submitted to assess the proposal as a dwelling on a farm and there are no farm buildings identified to group with under CTY 10.

Impact on the Character of the Surrounding Area

The application site has a sloping topography which will cause any development on the site to be situated at a higher ground level than Tullyah Road. The mature vegetation and the sloping typography would aid in integration and therefore policy CTY 13 would be met. The two dwellings would not respect the existing pattern of development in the area and would result in a suburban style build-up of development when viewed with existing buildings and would contribute to a ribbon of development.

It is therefore considered that the proposal would have a negative impact on the character and appearance of the surrounding location, contrary to the requirements of policy CTY 14 of PPS 21 and is not acceptable in this instance.

Amenity

The closest occupied dwellings to the application site are No. 30 Tullyah Road. However, as outlined above, the proposal does not comply with the requirements of Policy CTY8, and therefore the principle of development cannot be supported on this site. Notwithstanding this, it is considered that the site could accommodate a dwelling without unduly adversely affecting neighbouring amenity. With the excessively large gap, the site can accommodate dwellings while providing sufficient separation distances with any neighbouring property, to avoid unacceptable overlooking, overshadowing, or loss of light. In addition, proposed landscaping measures, combined with existing vegetation, would help to maintain and protect privacy. No objections have been received from neighbouring residents.

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

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. The proposal involves the creation of a new access onto Tullyah Road. DFI Roads has no objections in principle to this proposal subject to submission of detailed plans at reserved matters stage.

The drawings assessed and considered as part of this application are as follows: 13005/1 &13005/1 Rev A

Summary of Recommendation:

Refusal

Reasons:

For the reasons stated above, the principle of development for an infill opportunity on the application site has not been established and therefore it is recommended to refuse outline planning permission.

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to ribbon development along Tullyah Road and is not considered to represent an exception to the policy.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: Sorcha O'Beirne

Date: 19/09/2025

Appointed Officer Signature: Ashley Donaldson

Date: 19.09.2025

For the Attention of Democratic Services

Subject: Request for Speaking Rights — Planning Application LA07/2025/0482/O (Tullyah Road, Belleeks) at the forthcoming Planning Committee Council Meeting

To: Democratic Services

I, John Young, Collins & Collins (planning agent), request speaking rights at the forthcoming Planning Committee meeting in respect of Planning Application LA07/2025/0482/O — Outline application for the erection of a dwelling and domestic garage on a gap/infill site 50m south of No.32 Tullyah Road, Belleeks (BT35 7QP).

Reason for request I will address the Committee because the officer recommendation to refuse does not, in my professional view, reflect the actual local pattern of development on Tullyah Road and fails to give adequate weight to site-specific circumstances and relevant policy exceptions (SPPS; PPS 21 CTY1, CTY8, CTY14). Members' local knowledge and a site visit are necessary to properly assess whether the proposal integrates with existing built form or would constitute unacceptable ribbon/suburban development.

Matters to be covered

- Local development pattern and comparative plot frontages along Tullyah Road (including No.36 — approx. 52m frontage).
- Rationale for the proposed approximately 50m plot frontage to accommodate a modern dwelling, garage access and adequate amenity without causing harm to character.
- Response to officer concerns under CTY8 and CTY14 and why a site-specific, balanced assessment is required.
- Request for a Committee site visit to view plot sizes, spacing, scale and relationship to neighbouring properties.

Requested arrangements

- Speaking time: 5 minutes (please advise if a different allocation is required).
- Presentation to be delivered by the planning agent, John Young, Collins & Collins.
- Attached map and plan comparisons to be circulated to Members in advance of the meeting and brought for the presentation.

I confirm I will attend the meeting in person and will provide paper copies of the attached map for Members if required. Please advise any further requirements or deadlines for supplementary material.

Yours sincerely

John Young, BSc Hons, AssocRICS

Collins & Collins

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
	PLANI	NING COMMITTEE MEETING - 5 F	EBRUARY 202	5	
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	Application presented to Oct Planning Committee meeting. Addendum list-Recommendation to Approve.	Y
Laboration.	PLAN	NING COMMITTEE MEETING - 20	AUGUST 2025		
LA07/2023/ 2331/F	66 Moss Road, Glassdrumman, 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
	PLANN1	ING COMMITTEE MEETING - 17 S	EPTEMBER 20	25	
LA07/2023/22 30/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 submission of Listed Building consent application	B Ferguson	Awaiting submission of LB consent	N
LA07/2023/30 99/O	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 at request of agent	M Keane	To be tabled at November Committee	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
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 at request of agent	M Keane	To be tabled at November Committee	Y
LA07/2024/04 01/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 to allow for a site visit	M Keane	Site visit held 23/10/25. To be tabled at November Committee	Y
LA07/2023/36 46/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	Deferred to allow for a site visit	M Keane	Site visit held 23/10/25. To be tabled at November Committee	Y
LA07/2024/15 70/O	180m NW of 117 Old Belfast Road, Saintfield - farm dwelling, garage, and all associated site works	Deferred from addendum list	B Ferguson	To be tabled at November Committee	Y

Report to:	Planning Committee
Date of Meeting:	12 November 2025
Subject:	Response to Louth County Council's Notice of Intention to review the Louth County Development Plan 2021-2027 and to prepare a new Louth County Development Plan 2027-2033
Reporting Officer (Including Job Title):	Jonathan McGilly (Assistant Director: Regeneration)
Contact Officer (Including Job Title):	Lois Jackson (Development Plan Manager and Planning Enforcement)

164	m how this Report should be treated by placing an x in either:-			
For c	For decision For noting only x			
1.0	Purpose and Background			
1.1	Purpose The purpose of this report is for Members to note the representation response to Louth County Council's Notice of Intention to commence the review of the Louth County Development Plan 2021-2027 and to prepare a new Louth County Development Plan for the period 2027-2033.			
1.2	Background Louth County Council gave notice of the intention to commence the review of the existing County Development Plan and prepare a new County Development Plan on 23 rd September 2025.			
1.3	A period of public consultation commenced on Tuesday 23 rd September 2025.			
1.4	The closing date for receipt of representations is Friday 21st November 2025.			
1.5	The LDP Team has prepared a response to the consultation (see Appendix A).			
2.0	Key issues			
2.1	The preparation of the new County Development Plan for Louth County Council is to be strategic in nature for the purposes of developing objectives and policies to deliver an overall strategy for the proper planning and sustainable development of the area of the Development Plan and the Core Strategy.			
2.2	In order to stimulate debate and encourage participation in this process Louth County Council produced a Strategic Issues Paper was produced. It is available at the following link: <u>Issues Paper for the Pre-Draft Stage of the Louth County Development Plan 2027-2033 Louth County Council's Online Consultation Portal</u>			
2.3	The publication of the Pre-Draft Strategic Issues Paper marks the beginning of the plan making process and is the first stage of public consultation.			

2.4	It sets out a range of key themes and issues that are considered for inclusion in the new County Development Plan, some of which are transboundary in nature.		
2.5	The response to the consultation notes the approach to transboundary topics in the Issues Paper including Employment and Economic Development; Transport, Connectivity and Movement and Climate Action and Flooding. It identifies areas where further dialogue and engagement would be necessary in the ongoing development of our respective Development Plans.		
2.6	Following the Planning Committee meeting the representation response will be submitted to Louth County Council by the closing date of 21st November 2025.		
3.0	Recommendations		
3.1	It is recommended that the Planning Committee note the content of this report, and the attached representation response: • NMDDC Response to Louth County Council's Notice of Intention to review the Louth County Development Plan 2021-2027 and to prepare a new Louth County Development Plan 2027-2033 (Appendix A).		
4.0	Resource implications		
4.1	N/A		
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)		
5.1	General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes		
	It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations		
5.2	Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision Yes □ No ⊠		
	If yes, please complete the following:		
	The policy (strategy, policy initiative or practice and / or decision) has been equality screened		
	The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation		

Proposal initiating consultation		
Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves		
Consultation period will be 12 weeks		
Consultation period will be less than 12 weeks (rationale to be provided)		
Rationale:		
Due regard to Rural Needs (please tick all that apply)		
Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes □ No ⊠		
If yes, please complete the following:		
Rural Needs Impact Assessment completed		
Appendices		
 Appendix A: NMDDC Response to Louth County Council's Notice of Intention to review the Louth County Development Plan 2021-2027 are prepare a new Louth County Development Plan 2027-2033. 	nd to	
Background Documents		
Louth County Council's Strategic Issues Paper		
	Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves Consultation period will be 12 weeks Consultation period will be less than 12 weeks (rationale to be provided) Rationale: Due regard to Rural Needs (please tick all that apply) Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes □ No ☑ If yes, please complete the following: Rural Needs Impact Assessment completed Appendices • Appendix A: NMDDC Response to Louth County Council's Notice of Intention to review the Louth County Development Plan 2021-2027 at prepare a new Louth County Development Plan 2027-2033. Background Documents	

Comhairle Ceantair

and Down

District Council

an Iúir, Mhúr: agus an Dúin

Newry, Mourne

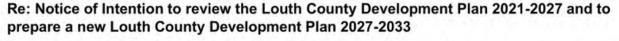
Marie Ward Chief Executive

Date: 4th November 2025

Ref: Louth Pre-Draft Strategic Issues Paper 2027-2033

Mr. Thomas Mc Evoy
Development Plan Review
Forward Planning Unit
Town Hall
Crowe Street
Dundalk
Co Louth
A91 W20C

Dear Mr Mc Evoy,



Representation Response of Newry, Mourne and Down District Council

Thank you for your consultation received via email on 23rd September 2025 with regard to the above. As an adjoining local authority, Newry, Mourne and Down District Council (NMDDC) welcomes the opportunity to comment.

It is noted that the publication of the Pre-Draft Strategic Issues Paper marks the beginning of the plan making process and is the first stage of public consultation. It sets out a range of key themes and issues that are considered for inclusion in the new County Development Plan, some of which are transboundary in nature.

Under the topic of employment and economic development Louth's strategic location along the Dublin-Belfast economic corridor is noted as being a contributing factor in making the County an attractive location for economic investment. NMDDC consider there is opportunity to make reference to the potential this offers for collaboration and growth for both NMDDC and Louth County Council given the strategic location of Newry.

The excellent transport links including the motorway, national roads and inter-city rail line are acknowledged under Transport, Connectivity and Movement which also notes there are a number of travel projects to improve and promote sustainable transport. NMDDC welcomes this and has worked in partnership with Louth County Council on strategic projects such as the Newry-Omeath greenway and the ongoing Narrow Water Bridge.

The target to reduce greenhouse gas emissions by 2030 and the challenge this poses for infrastructure is set out. It is noted that solar, wind, geothermal, hydropower and biomass will be used to help achieve this and that the County has the ability to utilise both land and sea. There is an acknowledgement that it is important to strike a balance between the need for renewable projects and the concerns of the community on which they impact. NMDDC would welcome further dialogue on this issue given the number of cross-boundary designated sites including those at Carlingford Lough (Ramsar, Special Protection Area, Special Area of Conservation, Area of Special Scientific Interest and Marine Conservation Zone).



NMDDC supports the recognition of the fundamental role land use and spatial planning has to play in reducing our carbon footprint. It is noted that the principal risks from climate change to Louth are coastal and river flooding, and coastal erosion with impacts also likely from periods of drought. Given our Council's shared boundary and coastline of Carlingford Lough NMDDC welcomes the assertion that the County Development Plan will support climate action and mitigation measures to assist in adaptation and resilience to the effects of climate change in addition to incorporating the Vision, Objectives and Actions of the County Climate Action Plan.

NMDDC look forward to continuing joint working and engagement with you as we both progress our respective Development Plans.

Yours sincerely

Lois Jackson

Development Plan Manager and Planning Enforcement

Report to:	Planning Committee
Date of Meeting:	12 November 2025
Subject:	Representation Response to Ards and North Down Borough Council's Local Development Plan 2032 - Draft Plan Strategy
Reporting Officer (Including Job Title):	Jonathan McGilly (Assistant Director: Regeneration)
Contact Officer (Including Job Title):	Lois Jackson (Development Plan Manager and Planning Enforcement)

For c	lecision For noting only x
1.0	Purpose and Background
1.1	Purpose The purpose of this report is for Members to note the representation response to Ards and North Down Borough Council's Local Development Plan 2032 - Draft Plan Strategy (ANDBC LDP dPS)
1.2	Background The ANDBC LDP dPS was published for pre-consultation on the 18 September 2025. The pre-consultation period ran from 18 September to the 16 October and no representations could be submitted during this time. Subsequently the formal consultation commenced on Friday 17 October 2025. The closing date for receipt of representations is Monday 15 December 2025.
1.3	As an adjoining council/planning authority with a common boundary, Newry Mourne and Down District Council (NMDDC) is a statutory consultee in the preparation of ANDBC's LDP. In sharing a boundary with ANDBC, this Council has an interest in the content of ANDBC's Draft Plan Strategy (dPS), the first of its two development plan documents.
1.4	The ANDBC LDP dPS has been considered by the Development Plan Team and a representation response has been drafted.
2.0	Key issues
2.1	The Plan Strategy for ANDBC is the first document in a two stage process, the second being the Local Policies Plan. Together these will constitute ANDBC's new LDP.
2.2	The draft Plan Strategy (dPS) follows the publication of ANDBD's Preferred Option Paper in March 2019.
2.3	The ANDBC LDP dPS and supporting documents are available to view and download from the following link: https://www.ardsandnorthdown.gov.uk/LDP-Draft-Plan-Strategy

2.4	As the Council shares a boundary with ANDBC it has an interest in its LDP.
2.5	Consultation and engagement with neighbouring Councils provides the opportunity to:
	 identify cross border issues in the areas of economic development, housing, transport, general infrastructure, and the environment;
	 advise of matters of collective interest including the evidence base which informs the draft Plan Strategy;
	 seek agreement and co-operation, where possible, on cross boundary issues identified; and
	 ensure that regional policy development, local transport plans and joint working is appropriately linked to the decision making role.
2.6	In this respect it is acknowledged that mutual co-operation and constructive engagement through meetings and workshops has taken place between officers from our respective Local Development Plan Teams during the preparation of ANDBC's dPS to identify cross boundary issues and discuss areas of mutual interest.
2.7	The comments expressed in the representation response serve as acknowledgements and highlight areas where there is an aligned policy approach. The response also highlights that further consultation and engagement will be required in the preparation of our respective LDPs. The ANDBC LDP dPS does not give rise to any conflicting areas in the ongoing development of our own dPS.
2.8	Following the Planning Committee meeting and ratification of Committee minutes by the Council at its meeting on 1 December 2025, the representation response will be submitted to ANDBC by the closing date of 15 December 2025.
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the content of this report, and the attached representation response:
	 Representation response to Ards and North Down Borough Council's Local Development Plan - Draft Plan Strategy (Appendix 1)
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes
	It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations

5.2	Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision		
	Yes □ No ⊠		
	If yes, please complete the following:		
	The policy (strategy, policy initiative or practice and / or decision) has been equality screened		
	The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation		
5.3	Proposal initiating consultation		
	Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves		
	Consultation period will be 12 weeks		
	Consultation period will be less than 12 weeks (rationale to be provided)		
	Rationale:		
6.0	Due regard to Rural Needs (please tick all that apply)	7	
6.1	Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes □ No ☒		
	If yes, please complete the following:		
	Rural Needs Impact Assessment completed		
7.0	Appendices		
	Newry, Mourne and Down District Council's Representation Response to Ards and North Down Borough Council's Local Development Plan - Draft Plan Strategy		
8.0	Background Documents		
	Ards and North Down Borough Council's Local Development Plan - Draft Plan Strategy.		

Marie Ward Chief Executive

Date: XXth December 2025

Ref: ANDBC LDP dPS

LDP Team
Ards and North Down Borough Council
Church Street
Newtownards
BT23 4AP

Comhairle Ceantair
an Iúir, Mhúr.
agus an Dúin
Newry, Mourne
and Down
District Council

Dear Sir/Madam,

Re: Ards and North Down Local Development Plan 2032 – Draft Plan Strategy

Representation response of Newry, Mourne and Down District Council

I refer to the publication of your LDP draft Plan Strategy and thank you for the opportunity to comment.

We acknowledge the mutual co-operation and constructive engagement through meetings that have taken place between officers from our respective local Development Plan Teams during the preparation of your dPS to identify cross boundary issues and discuss areas of mutual interest.

In reference to the dPS, and associated documents, the Council notes the development of the Plan objectives to deliver the vision for the LDP and how these are implemented through the spatial strategy, strategic and operational policies.

The Council notes the intention of the spatial strategy to focus growth on Bangor and Newtownards as the principal settlements while consolidating and strengthening the role of lower order settlements and sustaining the Borough's rural communities. The settlement hierarchy entailing 42 settlements across four tiers is also acknowledged.

The Council notes the proposed Strategic Housing Allocation is informed by an employment-led approach and directs the majority of growth (63%) to the principal settlements. In managing the proposed housing supply the Council welcomes the use of phasing which reflects the approach taken in NMDDC.

The Council shares the objective to take a sustainable approach to development in rural areas and ensure that growth does exceed the capacity of the environment. The Council considers the ANDBC Countryside Strategy reflects the approach taken within the NMDDC dPS Countryside Strategy.





The Council notes that while existing designations are carried forward from the existing development plan further work in reviewing existing and future landscape designations will be assessed as part of the Local Policies Plan. Given our shared boundary and transboundary landscape there is a need to ensure that there are no potential issues of adverse impacts arising from landscape designations and the Council would welcome further discussion at the appropriate time.

The dPS brings forward a strategic policy on climate change adaption and mitigation the Council considers that this aligns with the approach set out within the NMDDC dPS both the Strategic Policy SP1 Sustainable Development and Climate Change and GP1 General Policy.

The Council notes the Strategic and Operational Topic Policies and considers that these are not in conflict with those set out in Part two of the NMDDC dPS.

In particular the Council welcomes the approach taken in respect of the undeveloped coast and the identification of the undeveloped coastal zone. The Council considers that this aligns with the approach set out within Policy CO1 of the NMDDC dPS.

The Council notes the accompanying supporting documents, in particular the Technical Supplements, Supplementary Planning Guidance and Sustainability Appraisal.

In conclusion, Newry, Mourne and Down District Council considers that the contents of your draft Plan Strategy documents are not in conflict with the policy approach taken in our own draft Plan Strategy. We look forward to continued consultation and engagement with you on matters of common interest at the appropriate time in our respective work programmes.

Yours faithfully

Jonathan McGilly
Assistant Director Regeneration