

**ITEM NO** 13  
**APPLIC NO** LA07/2016/0428/O  
**COUNCIL OPINION** REFUSAL Outline **DATE VALID** 4/6/16

**APPLICANT** Mr and Mrs Mark McKinley C/O Cole Partnership  
**AGENT** Cole Partnership  
 12A Duke Street  
 Warrenpoint  
 BT34 3JY  
 028 4175 3679

**LOCATION** To the rear of No. 68 Newry Road  
 Hilltown  
 BT34 5TG

**PROPOSAL** Proposed dwelling on a farm

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	0	0	0	0	Addresses	Signatures	Addresses	Signatures
	0	0	0	0	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3 in that the proposal does not fall within the exceptions listed relating to new accesses onto Protected Routes.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - the building would, if permitted add to a ribbon of development;
  - and would therefore further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/0428/O

**Date Received:**

06/04/2016

**Proposal:**

Proposed dwelling on a farm

**Location:**

To the rear of No.68 Newry Road, Hilltown, BT34 5TG

**Site Characteristics & Area Characteristics:**

The site is located approximately 0.9 miles west of Hilltown along the B8 Newry Road in a rural area out with settlement limits as identified by the Banbridge / Newry & Mourne Local Area Plan 2015. The area comprises mainly agricultural land and single houses, with a dispersed settlement pattern amid undulating landscape. The site is located adjacent to the rear of No. 68, an established bungalow with detached garage and forms part of a larger field. The eastern portion of the site abuts an existing laneway off the Newry Road. There is currently a dwelling under construction on the western portion of the same field, adjacent to the site boundary. Further west sits No.70A, a two storey traditional style cottage and No. 70 a traditional single storey cottage. There are also a number of bungalow dwellings in the area, dispersed on the opposite side of the road and which are visible from the site.

The site itself, dips slightly from the northern boundary towards the mid-point where it levels off. Boundaries are currently well defined on three sides; to the north and roadside by mature hedgerow and a sparse layer of mature trees, whilst the eastern boundary, comprising mature hedgerow and a wire and timber post fence, wraps around the curtilage of No.68 where it forms a laneway boundary of densely laid trees and indigenous hedgerow. The southern and rear site boundary comprises a wire and post fence with dense mature trees set behind, which provide natural screening to the south. There is currently no boundary along the western portion of the site between the adjacent dwelling under construction.



**Site History:**

There have been no previous applications on this specific site; however there are applications which are relevant to this assessment, shown below:

**Relevant surrounding site history:****No.68:**

P/1986/0332 – Farm retirement bungalow, approved 09/05/1986

P/1984/1011 – Farm retirement bungalow, approved 08/07/1985

**Dwelling currently under construction on adjacent site:**

P/2013/0259/F – Change of house type from existing approved application, approved 02/07/2013

P/2011/0245/F – Replacement dwelling (of No.70) approved 25/03/2012

**No.70A:**

P/1999/1797/F – Conversion and extension of existing agricultural building to form new dwelling, approved 01/06/2000

**No. 70:**

Original farm dwelling

**Planning Policies & Material Considerations:**

The planning policies and material considerations relevant to the proposal include:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015
- PPS 3 Access, Movement and Parking
- PPS 21 Sustainable Development in the Countryside
- 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside
- 'Dwellings in the Mournes' A Design Guide

**Consultations:**

- **Transport NI** – A consultation response dated 21 June 2016 advises the following:
  - I. The proposal is contrary to Planning Policy Statement 3 Access Movement and Parking, Policy AMP2, in that, if permitted, would prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 160 metres,) in accordance with the standards contained in the Department's Development Control Advice Note 15.
  - II. The B8 is a Protected Traffic Route and Planning must be satisfied that this application falls within the exceptions listed in the policy relating to new accesses onto Protected Routes. If this application does not fall within the exceptions listed, then it should be refused.
- **NI Water** – Generic response received
- **Environmental Health** – No objections, subject to conditions
- **DAERA DARD Direct** – have confirmed that the Farm Business has been in existence for more than 6 years and has claimed Single Farm Payment in the last 6 years.

**Objections & Representations**

2 Neighbours notified 09/05/2016

No objections / representations received

**Consideration and Assessment:****Banbridge / Newry & Mourne Area Plan 2015**

The site is located out with settlement development limits as identified by the Banbridge / Newry and Mourne Area Plan 2015. It is also within the designated Mourne Area of Outstanding Natural Beauty. In addition, the site is located off the B8, a protected route as indicated on Countryside map 3/01 of the Local Area Plan.

**SPPS**

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

**PPS 21 Sustainable Development in the Countryside**

PPS21 Policy CTY1 states that a number of developments are acceptable in principle in the countryside. This includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

**Criterion (a) requires that the farm business is currently active and has been established for at least 6 years.**

DARD Direct in their consultation response dated 11/05/2015 have confirmed that the relevant farm business ID 617459 has been in existence for more than 6 years and has also claimed Single Farm Payment, Less Favoured Area Compensatory Allowances or Agri. Schemes in the last 6 years. This information is sufficient to satisfy criterion (a.)

**Criterion (b) seeks to confirm that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.** For clarity, para.5.40 states that 'sold-off' refers to any development opportunity disposed of from the farm holding to any other person including a member of the family. The provision of this criterion only applies from the introduction of draft PPS 21 in November 2008.

From the relevant history retrieval, the dwelling currently under construction (approved under applications P/2013/0259/F and P/2011/0245/F) is a development opportunity on the holding which was approved after November 2008.

A letter dated 03/06/2016 was sent to the agent requesting the submission of evidence in the form of either Solicitor / Land Registry documentation to prove this dwelling has not been sold off and remains in the ownership of farm business reference 617459. A letter response from the agent dated 17/06/2016) was received on 20/06/2016 which includes a line from the agent stating that no land or development opportunities have been sold off the farm. This is not considered sufficient evidence to satisfy the above request.

In addition, a check with Land and Property Services was conducted by the Case Officer on 12/08/2016 which shows the land on which this dwelling currently being constructed is registered to Mr Bernard Smith from 25<sup>th</sup> May 2016. Mr Bernard Smith is not an owner on the farm business which is registered to Messrs P and K Smith.

Given that no legal evidence has been provided, the application fails to meet criterion (b).

**Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm.** In this case, the established group of buildings on the farm is considered to be the cluster of No's 70, 70A farm buildings. No. 70 is due to be demolished prior to occupancy of the dwelling currently being constructed, through this cluster will remain. The proposed site is a considerable distance from this established group of buildings and although would visually link with No.68, would not be visually linked or sited to cluster with the established group of buildings on the farm.

### PPS3 Access, Movement and Parking

The provision of this dwelling would require the construction of a new access onto the public road. Under Policy AMP2, 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;*

Transport NI have advised the proposal is contrary to this criteria as if permitted, would prejudice the safety and convenience of road users since it would not be possible with the application site to provide an access with visibility splays (of 2.4 metres x 160 metres,) in accordance with the standards contained in the Department's Development Control Advice Note 15.

- b) *The proposal does not conflict with Policy AMP3 to Protected Routes.*

AMP3 (Consequential Revision) notes that planning permission will only be granted for a development proposal involving access onto a Protected Route in the following (relevant) circumstances:

Where a farm dwelling would meet the criteria set out in CTY10 and access cannot be reasonably obtained from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route – as outlined above, the proposal fails to meet the policy criteria CTY 10 (b) and (c ). Additionally, the adjacent laneway access off the Protected Route is out with the site boundary.

Transport NI in their consultation response have advised if the proposal does not fall within the exceptions listed then it should be refused. It is considered as the proposal does not meet the criteria set out in PPS 21 CTY 10 and it cannot make use of an existing vehicular access onto the Protected Route and therefore fails to meet the exceptions of Policy AMP3 (Consequential Revision.)

**Recommendation:** Refusal

#### Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, in that, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 160 metres,) in accordance with the standards contained in the Department's Development Control Advice Note 15.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3 in that the proposal does not fall within the exceptions listed relating to new accesses onto Protected Routes.

3. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:

(b) Other development opportunities have not been sold off from the farm holding within 10 years of the date of the application); Please note this provision will only apply from 28 November 2008 and will not apply to opportunities sold off before that date.

(c) The proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/0428/O

**Date Received:**

06/04/2016

**Proposal:**

Dwelling on a farm

**Location:**

To the rear of No.68 Newry Road, Hilltown, BT34 5TG

**Addendum to Case Officer's Report**

Following recommendation for refusal and prior to this application being presented to the Planning Committee, the agent submitted additional supporting information on 13<sup>th</sup> September 2016 which included an amended 1:500 site plan. This amended plan includes an extension of the red line to enable the required visibility splays. Transport NI was subsequently re-consulted as a result of the above submission. A statutory response was received from Transport NI (dated 18<sup>th</sup> October 2016) which states there are no objections in principle to the proposal, though Planning must be satisfied the application falls within the exceptions listed in the policy relating to new accesses onto Protected Routes. To consider if this application is an exception, the additional information submitted is of relevance and significance:

A Solicitor's Letter dated 5<sup>th</sup> September 2016 confirms that land on the farm holding was transferred to Mr.B.Smith (who is not a registered owner of the farm holding) on 25<sup>th</sup> May 2016. PPS21 Policy CTY10 criterion (b) requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of this application. For clarity, this includes both prior to and after the submission of a planning application. 'Sold off' means any development opportunity dispersed of from the farm holding to any other person, including a family member. The transfer of land to Mr.B.Smith on 25<sup>th</sup> May 2016 for the replacement of No.70 Newry Road is therefore a development opportunity which has been sold off within 10 years of the date of the application, which is contrary to criterion (b) of policy CTY10 within PPS21.

Under PPS 3 Policy AMP3 Access to Protected Routes (Consequential Revision,) permission will only be granted for a farm dwelling proposal involving access onto a

Protected Route where it meets the criteria set out in PPS 21 CTY10 and access cannot be reasonably obtained from an adjacent minor road. In this instance, the proposal does not meet CTY10 (b) and there is an adjacent access laneway which is not included in the proposal. It therefore fails to be considered an exception under PPS3 Policy AMP3 and as such fails to meet Policy PPS3 'Access, Movement and Parking.'

The original assessment of this application finds the proposal contrary to policy CTY10 (c) in that the new dwelling would not visually link with an established group of buildings on the farm. The supporting information submitted contends that the proposal would form a cluster with the other farm buildings. In consideration of this, it is felt that the proposal would only visually link with No.68 as per the Case Officer's original report. However given that there are two buildings i.e. the dwelling and the garage, this would be considered a group of farm buildings. In this regard, the refusal reason against CTY10 (c) can be removed.

The submission notes that greater weight is given to CTY10 than CTY13 and CTY 14 in the original assessment of the proposal. As this is an outline application, the primary consideration under this assessment is the principle of development. However, the subsequent policies CTY8, CTY13 and CTY14 and CTY16 of PPS21 also apply. Were this proposal to satisfy the policy requirements of CTY 10 and PPS3, the requirements of CTY8, CTY13, CTY14 and CTY16 would also need to be met.

Policy CTY8 assesses whether this proposal would read together with existing or approved buildings and accesses to create or add to a ribbon of development. It is considered that a dwelling on the proposed site would add to the ribbon of development of No.68, the newly built replacement of No.70, No 71A and the associated agricultural sheds to the rear. This would result in the erosion of the rural character of the area.

Policy CTY13 assesses how successfully a new development would integrate into the rural landscape. The site has three existing boundaries and is screened from the road when travelling west from Hilltown along the Newry Road. The site benefits from the fact that it would visually cluster with No.68. The critical views in this case are travelling east towards Hilltown. Existing road-side trees help to screen the site, though it is likely that these would need to be removed for access and visibility requirements given the positioning of the proposed access. Additional roadside landscaping would therefore be required in addition to along the western boundary of the site which is currently absent.

Policy CTY14 assesses the impact this proposal will have on the rural character of the area. A dwelling on this site and associated access when viewed collectively with No.68, the dwelling under construction, No 70A and the associated farm buildings would result in a suburban style of build-up of development along this Road. As mentioned above, this would add to a ribbon of development, thus further eroding the rural character of the area.

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

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Planning Policy Statement 3 'Access, Movement and Parking' Policy AMP3 in that the proposal does not fall within the exceptions listed relating to new accesses onto Protected Routes.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) 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:
  - Other development opportunities have not been sold off from the farm holding within 10 years of the date of the application
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - The building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - The building would, if permitted add to a ribbon of development;
  - And would therefore result in a detrimental change to (further erode) the rural character of the countryside.

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

<b>ITEM NO</b>	<b>24</b>			
<b>APPLIC NO</b>	LA07/2016/0896/O	Outline	<b>DATE VALID</b>	6/29/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Gregory Glenny 319a Newry Road Kilkeel BT34 4SE		<b>AGENT</b>	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY 028 417 53679
<b>LOCATION</b>	Adjacent and south of 319a Newry Road Kilkeel BT34 4SE			
<b>PROPOSAL</b>	Proposed dwelling on a farm			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years and it has not been demonstrated that other dwellings or development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
- 2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays of 2.4 metres x 160 metres, in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3 in that the proposal does not fall within the exceptions listed relating to accesses onto Protected Routes.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0896/O

**Date Received:** 29/06/2016

**Proposal:**

Proposed dwelling on a farm.

The applicant seeks outline planning permission to erect a dwelling on a farm.

**Location:**

Adjacent and south of 319a Newry Road, Kilkeel, BT34 4SE.

The site is located in a rural area and accessed from a laneway off the A2 Kilkeel / Newry Road. The site is located approximately 4 miles west of Kilkeel.

**Site Characteristics & Area Characteristics:**

This rural site is accessed from a concrete lane off the Newry Road. The A2 Kilkeel/Newry Road which the lane accesses is a protected route. The site is currently an agricultural field used for grazing. The boundaries of the site are all comprised of mature hedging with trees sparsely located at different points along the northern and western boundaries. The gradient of the site gently increases to the east.

The site is located outside of settlement development limits, as defined by the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned, however it does lie within the Mourne Area of Outstanding Natural Beauty. Two historic monuments are located in close proximity to the site: DOW 055:021 (rath) and DOW 055:053 (enclosure). To the north of the site is a ribbon of three dwellings and a farmhouse (no.319 Newry Road) with outbuildings is located south-west and adjacent to the site. Part of an area of garden belonging to no.319 Newry Road, runs alongside a section of the western boundary of the site. The farm building south-west of the site has the lower half its walls finished in smooth concrete and the upper sections of the walls and the roof are finished in corrugated tin. The site enjoys views over Carlingford Lough.

**Site History:**

The following planning applications have been submitted on this site:

1. P/2004/2274/O – Site for dwelling and garage – Granted 13/09/2006.
2. P/2008/0729/F – Erection of dwelling and garage – Withdrawn 19/05/2011.

**Planning Policies & Material Considerations:**

The application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- DCAN 15 – Vehicular Access Standards.
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 21 – Sustainable Development in the Countryside
- The Building on Tradition Sustainable Design Guide.

**Consultations:**

The following consultation responses have been received regarding this planning application:

1. NI Water – 07/07/2016 – Generic response.
2. Historic Environment Division – 25/07/2016 – Content the proposal is satisfactory to the SPPS and PPS 6 archaeology policy requirements.
3. DAERA – 26/07/2016 – No Farm Business ID has been given and the business does not claim DAERA support.
4. Transport NI – Proposal contrary to Policy AMP 2 of PPS 3 as it would prejudice the safety and convenience of road users as visibility splays of 2.4m by 160m cannot be provided.

**Objections & Representations**

This planning application was advertised in the local press on 08/07/2016 and in total, seven neighbours were notified of the application by letter. Six of the letters were sent by post, and as the address of property was not able to be obtained so a letter to this dwelling was delivered by hand. No letters of objection, or any other representation, were received regarding this planning application.

**Consideration and Assessment:****Banbridge / Newry and Mourne Area Plan 2015**

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 under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement development limits, the site is unzoned and is inside the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the plans that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21. The impact of the development on the AONB will be considered under PPS 2.

**PPS 21 – Sustainable Development in the Countryside**

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

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

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

Criterion (a) requires the farm business to be currently active and to have been established for at least 6 years. DARD advised in a consultation response dated 26/07/2016 that there is no Farm Business ID associated with this application which has been established for more than 6 years and claiming either the Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment Schemes, which is the main means used to determine if the farm is active.

Within the P1C forms of the application, Mary Orma Annett is identified as the owner of the active farm business although the farm boundary maps of Messrs T E & M Nicholson (Farm Business ID 604624) were submitted with the application. Within the P1C form it is identified that Mrs Annett has let out her ground in conacre for 11 months of the year, for a number of years, to Messrs T E and M Nicholson. Although Mrs Annett may be the landowner, the active farmer is Messrs T E and M Nicholson which means that Messrs T E and M Nicholson would have to use of their Farm Business ID for the principle of a farm dwelling to be established. Messrs T E and M Nicholson's Farm Business ID however is not eligible for a dwelling on a farm as '*planning permission will under be granted under this policy will only be forthcoming once every 10 years*' and a farm dwelling was recently approved under Messrs T E and M Nicholson's Farm Business ID through planning application LA07/2016/0961/O on 27/09/2016. The agent was contacted on 22/08/2016 by letter and it was raised that, using the evidence on file, Messrs T E and M Nicholson were the active farmers of the site and not Mrs Annett. No response was received from the agent and a further letter seeking clarification was sent on 03/10/2016 and again no response was received.

Overall this planning application fails to satisfy criteria (a) of Policy CTY 10 in that it has not been demonstrated that the farm business is currently active and established for at least six years.

Criterion (b) requires that no dwellings or development opportunities have been sold of the farm holding since 25th November 2008. The application was not accompanied with full details of land owned by the farm. The farm maps of Messrs T E and M Nicholson with Farm Business ID 604624 were submitted but are not relevant to the determination of this planning application. As details of lands owned by Mrs Annett, through whom the applicant is attempting to obtain a dwelling on a farm, have not been received, it is not possible to ascertain if any dwellings or development opportunities have been sold off the farm holding within 10 years of the date of the application. Therefore this planning application fails to meet this criterion.

Criteria (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practical, access should be from an existing lane. The proposed dwelling could cluster with and visually link with a group of buildings on the farm which are located south-west of the site through a

siting condition. The preferred site of the applicant, to the north-east, would not visually link with farm buildings, however alternative areas of the site, toward to the south would visually link with these farm buildings. The access will be to the existing lane – a concrete lane runs comes from the Newry Road to the north. As the proposed dwelling can be sited to cluster with and visually link with existing farm buildings and access is gained from an existing lane, the proposed development satisfies this criterion.

A dwelling on a farm is required to meet all of the criteria in Policy CTY 10 for planning permission to be granted. Criterion (a) has not been satisfied, insufficient information has been submitted to assess and therefore satisfy criterion (b) and criterion (c) has been satisfied. As two of the three criteria of Policy CTY 10 have not been satisfied, the principle of development has not been established and therefore refusal will be recommended.

Policy CTY 13 requires a new building in the countryside to be able to be integrated visually with the landscape in which it is set. With a restricted ridge height it can be ensured that the proposed dwelling would not be a prominent feature in the landscape. The proposed site for the farm dwelling will rely on some new landscaping to provide enclosure and for integration; however it does not rely primarily on new landscaping for integration. The proposed dwelling can be sited to be visually linked to an established group of buildings on the farm. Overall the proposed development fails to meet the requirements of CTY 13.

Policy CTY 14 requires new buildings in the countryside to not cause a “*detrimental change to, or further erode the rural character.*” As discussed above a restricted ridge height could help ensure that the new dwelling is not unduly prominent in the landscape. The proposed dwelling can be sited to ensure it does not add to a ribbon of development. The proposed development can overall meet the requirements of Policy CTY 14.

#### PPS 2 – Natural Heritage

Policy NH 6 states that 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. The proposed development is unlikely to have an adverse impact on the AONB.

#### PPS 3 - Access, Movement and Parking

Policy AMP 2 states that planning permission will only be granted for a development proposal involving the intensification of the use of an existing access onto a public road where such access will not prejudice road safety. The use of the existing access onto the Newry Road will be intensified. Transport NI, in their response dated 23/08/2016, have stated that they believe that the access arrangements will prejudice the safety and convenience of road users since it is not possible within the application site to provide an access with visibility splays of 2.4m by 160m. The proposal also fails to comply with criterion (b) of Policy AMP 2 as the proposed development conflicts with Policy AMP 3.

Policy AMP 3 allows planning permission for a farm dwelling onto a protected route where the farm dwelling meets the criteria set out in Policy CTY 10 of PPS 21 and where access cannot be taken from an adjacent minor road. The proposed development seeks to make use of an existing access onto the protected route



however as the proposed development fails to meet Policy CTY 10 of PPS 21 it also fails to comply with Policy AMP 3 of PPS 3.

#### PPS 6 – Planning, Archaeology and the Built Heritage

HED was consulted as the application site is in close proximity to the historic monuments DOW 055:021 (rath) and DOW 055:053 (enclosure). In its response dated 25/07/2016, HED stated that it is content with the proposal and that it is satisfactory to SPPS and PPS 6 archaeological policy requirements.

#### Sewerage

The site can accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA. This requirement to satisfy other legislation will be included as an informative. A standard consultation response was received from NI Water on 07/07/2016. Their informatives will be added to the decision.

#### Amenity

The proposed dwelling has the potential to adversely affect the amenity of no.319A Newry Road, however with a siting condition closer to the farm buildings it is likely that the proposed dwelling will not unduly impact the amenity of any residential dwellings. The full impact of the proposed dwelling on amenity would be considered through a reserved matters application.

#### **Recommendation:**

##### *Refusal*

The proposed development fails to comply with Policies CTY 1 and CTY 10 of PPS 21 and Policies AMP 2 and AMP 3 of PPS 3.

#### **Refusal Reasons:**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years and it has not been demonstrated that other dwellings or development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays of 2.4 metres x 160 metres, in accordance with the standards contained in the Department's Development Control Advice Note 15.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3 in that the proposal does not fall within the exceptions listed relating to accesses onto Protected Routes.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>1</b>			
<b>APPLIC NO</b>	LA07/2015/0137/F	Full	<b>DATE VALID</b>	4/14/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Brian McCullough 11 Caulfield Place Newry BT35 6AS		<b>AGENT</b>	J Lynam RIBA Chartered Architect 11 Newry Road Mayobridge Newry BT34 2ET 02830267031
<b>LOCATION</b>	Opposite and West of 8 Old Warrenpoint Road Newry BT34 2PF			
<b>PROPOSAL</b>	Commercial development of 1 no. detached unit and 4 no. units within one block			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to paragraph 6.280 of the Strategic Planning Policy Statement for Northern Ireland in that the site is not located within Newry City Centre and it has not been demonstrated that alternative sequentially preferable sites do not exist within the proposal's whole catchment.
- 2 The proposal is contrary to Policy AMP7 of Planning Policy Statement 3, Access, Movement and Parking, as the proposed development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.
- 3 The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
- 4 The proposal is contrary to Policy FLD 5 of Planning Policy Statement 15: Planning and Flood Risk, in that the site is located within the potential inundation area of Camlough Reservoir, it has not been demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, and the application has not been accompanied by a Flood Risk Assessment and necessary mitigation measures.
- 5 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information including a retailing sequential test, a Drainage Assessment and a Flood Risk Assessment are required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

- Application Reference:** LA07/2015/0137/F
- Date Received:** 14<sup>th</sup> April 2015
- Proposal:** Commercial development of 1 no. detached unit and 4 no. units within one block
- Location:** Opposite and West of 8 Old Warrenpoint Road, Newry, BT34 2PF  
The site is located towards the southern end of Newry city.

**Site Characteristics & Area Characteristics:**

The site is an oblong piece of vacant land between two roads – the Old Warrenpoint Road to the NE and the more recent Warrenpoint Dual Carriageway to the SW. The site is enclosed on 3 sides by concrete post and chain link wire fencing up to 2 metres high with barbed wire on top. The land is quite overgrown and has a number of young oak trees. It is adjoined to the SE by Pointside Filling Station and a number of commercial units. The SE boundary is a 1metre high ranch style fence.



Site from Old Warrenpoint Road



Site from Warrenpoint Dual Carriageway

The site is located within the development limit of Newry City. It is unzoned land on the Banbridge, Newry and Mourne Area Plan 2015. There is a history of surface water flooding on part of the site. It is in proximity to an abattoir (ABP Newry) to the NW. The area has a range of surrounding land uses including residential, commercial, recreation and a large graveyard. A new housing development has been recently approved across the road to the NE under application LA07/2015/1379/F.

#### **Site History:**

P/2009/0367/F – C.A.R.S. OF Newry, Old Warrenpoint Road, Newry – New entrance to existing compound – Approved 31.07.2009. This permission was not implemented and has lapsed.

The above description suggests that the last use of the site was as a storage compound associated with a motor sales business located further down the Old Warrenpoint Road. Any such use appears to have been abandoned and the site is overgrown.

The Council granted permission for a smaller retail unit and hot food unit on a nearby site to the opposite side of the filling station on 6<sup>th</sup> June 2016 under application LA07/2015/0155/F, however, it was on the back of a live approval for a retail unit (P/2011/0105/F). There is no history of retailing on the site of this application.

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

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement and Parking
- Parking Standards
- PPS15 – Planning and Flood Risk

**Consultations:**

- TransportNI – Requested sight lines of 4.5m x 80m and a 2.0m wide footway along the site frontage. An amended drawing was submitted to show this information and TransportNI are now content subject to standard conditions regarding the provision and gradient of the access.
- Rivers Agency – Site within the potential inundation area of Camlough Reservoir. Assurance required on reservoir safety along with a flood risk assessment if the proposal is deemed an exception to the policy. A Drainage Assessment is also required.
- NI Water – Site-specific informatives. Available capacity at receiving Wastewater Treatment Works. Due to the proximity of the WwTW, an odour assessment would be required if the scheme is to be approved to ensure compliance with PPS11.
- Environmental Health – No objections provided the public sewer is used.
- NIEA – Standard advice on sewerage and drainage. There should be no significant odour impact from the abattoir. Concern expressed about some historic land uses in the surrounding area, though not on this particular site.

**Objections & Representations:**

The application was advertised in local newspapers on 8<sup>th</sup> May 2015. 4 neighbouring properties were notified on 23<sup>rd</sup> June 2015 and an additional neighbour was notified on 4<sup>th</sup> November 2015 following a site inspection. No third party objections or representations were received in response to these consultations.

**Consideration and Assessment:**

The main issues to be considered are the principle of the development, design and access issues, impact on the surrounding area and flood risk.

The proposed development comprises a central car parking area with a large building at each end of the site, one of which will be split into four separate units. The buildings will be portal framed with monopitch roofs clad with dark grey Kingspan panels. The walls will be red rustic brick and there will be a number of large glazed openings. Each unit has a mezzanine floor. The total new floorspace will be 854m<sup>2</sup>.

The agent was asked to specify the use class of the proposed units under the Planning (Use Classes) Order (Northern Ireland) 2015, but he has failed to do so. Therefore it must be assumed from the information on the plans (e.g. labels stating 'shop floor' and shop type sign boards) that the proposal is for Class A1 Retail use. Therefore the retail policy of the SPPS will be applicable to this proposal.

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 within the settlement limit of Newry on the above Plan, but is unzoned land outside the city centre boundary. There are no other

relevant policies in the Area Plan, so the application will be assessed against the regional policy of the SPPS.

The SPPS supports the role of city and town centres as the appropriate first choice location for retailing. It promotes a town centres first approach for the location of new retail facilities and introduces a sequential test for the identification of retail sites. Applications for main town centre uses (of which A1 retail use would be one) will be considered in the following order of preference:

- primary retail core;
- town centres;
- edge of centre; and
- out of centre locations, only where sites are accessible by a choice of good public transport modes.

As this site is outside the designated city centre, it would fall within the remit of the final bullet point and sites in this category can only be considered if there are no sequentially preferable sites in each of the categories above. Applicants should prepare an assessment of need proportionate to the application. The agent was advised of the above policy requirements in an email dated 6<sup>th</sup> November 2015. He was asked to demonstrate how this site was selected in preference to others via the sequential test. He contacted the planning department in March 2016 to advise that he had just got the email due to a software problem. He agreed to address this and other issues raised by the first week of April 2016. To date, no information has been submitted. The application cannot be further held pending receipt of this assessment. It is clear that the required sequential test has not been undertaken as there are likely to be a number of other suitable sites within the large area designated as Newry City Centre. Paragraph 6.280 of the SPPS states, "Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused." The application must be refused on this basis, along with failure to submit necessary information.

With regard to the nature of the proposal itself, the design is considered somewhat alien to the area where buildings have more traditional forms including standard pitched roofs. The scale of these buildings and the monopitch roof structure is not in keeping with other development, particularly to the east of the site, though it is acknowledged that there are more industrial type buildings across the A2 to the west at Greenbank Industrial Estate. The issue of design and external finishes is likely to require further work if the sequential test issue to establish the principle of the development could be overcome. The proposed use is likely to be compatible with surrounding land uses and would not raise any amenity issues.

There will be no access from the site to the A2 Dual Carriageway as it is a Protected Route. A new entrance will be created onto the Old Warrenpoint Road in the centre of the site's frontage. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. TransportNI requested sight lines of 4.5m x 80m and a 2.0m wide footway along the site frontage. An amended drawing was submitted to show this information and TransportNI are now content subject to standard conditions regarding the provision and gradient of the access.

The development will provide 27 standard car parking spaces, 4 disabled spaces and 9 motorbike spaces. *Parking Standards* requires 1 space per 20m<sup>2</sup> gross floor area plus 1 lorry space per 750m<sup>2</sup> and 2 cycle spaces per unit for non-food retailing. The 9 motorbike spaces are broadly in accordance with the requirement of 10 cycle spaces for 5 units. However, there is no suitable parking, turning or unloading space for a lorry and the new floorspace being created would require approximately 43 spaces, not 31 as proposed. The layout of the site with trees opposite the entrance is likely to make it difficult for an HGV to turn within the site. Therefore the proposal is contrary to policy AMP7 of PPS3.

The site is within the potential inundation area of Camlough Reservoir. Rivers Agency requested evidence that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed to the Flood Risk Assessment stage of policy FLD5 of PPS15. The agent was asked to provide this information, but has failed to do so. Policy FLD 3 also requires the submission of a drainage assessment for the site. It has already been subject to some surface water flooding. The agent attempted to negate this requirement by changing the car parking area to a porous hard surface, but the Council considers that this would not overcome the need for a drainage assessment based on the area of the development. It is likely that any solution identified in the drainage assessment would have involved some porous surfaces to aid infiltration, but it would not avoid the need to demonstrate how surface water can be adequately dealt with and disposed of without increasing flood risk. This information was requested in November 2015 and promised by the agent in March 2016, but has not been submitted. The application should be refused on both the above policies as well as lack of information.

**Recommendation:** Refusal

#### **Refusal Reasons:**

1. The proposal is contrary to paragraph 6.280 of the Strategic Planning Policy Statement for Northern Ireland in that the site is not located within Newry City Centre and it has not been demonstrated that alternative sequentially preferable sites do not exist within the proposal's whole catchment.
2. The proposal is contrary to Policy AMP7 of Planning Policy Statement 3, Access, Movement and Parking, as the proposed development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.
3. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.



4. The proposal is contrary to Policy FLD 5 of Planning Policy Statement 15: Planning and Flood Risk, in that the site is located within the potential inundation area of Camlough Reservoir, it has not been demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, and the application has not been accompanied by a Flood Risk Assessment and necessary mitigation measures.
5. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information including a retailing sequential test, a Drainage Assessment and a Flood Risk Assessment are required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>2</b>			
<b>APPLIC NO</b>	LA07/2015/0381/F	Full	<b>DATE VALID</b>	5/29/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr B Loughran		<b>AGENT</b>	O'Hare Associates Architectural Consultants Ltd The Masters House Abbey Yard Newry BT34 2EG
				NA

**LOCATION** South of 108 Tullyah Road  
Whitecross  
BT60 2TQ

**PROPOSAL** Dwelling and detached garage

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement 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.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed building will be a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed building relies primarily on the use of new landscaping for integration
  - the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Tullyah Road.





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agus an Dúin  
Newry, Mourne  
and Down  
District Council

**Application Reference:**

LA07/2015/0381/F

**Date Received:**

29.05.2015

**Proposal:**

Dwelling and detached garage

**Location:**

The site is located adjacent to 108 Tullyah Road, approximately 5 miles Northwest of Newry City.

**Site Characteristics & Area Characteristics:**

The site is located adjacent to the main farm dwelling 108 Tullyah Road, Whitecross. The site is an oblong shape and is currently an agricultural field with hedgerows along the roadside boundary. The site rises gently to the west away from the roadside. The boundaries to the W and E are enclosed by hedgerows and the boundary to the S is enclosed by mature trees. There is an existing access available to the site via a farm gate located along the eastern boundary at the roadside. There is another building on the farm holding located to the North of the application site as shown in Image 2. Two existing accesses serve this agricultural shed.



Image1 – Application Site



Image 2 - Agricultural shed on farm holding

### **Site History:**

The relevant planning history for the site and farm holding is set out in **Table 1** under the Consideration and Assessment section of this report.

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

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

### **Consultations:**

The following consultations are outlined below:

- Transport NI – Subject to conditions of splays drawing 05 Rev 02 (08.09.2015)
- NI Water – Generic response ( 18.09.2015)
- DARDNI – Confirmed active (20.11.2015)
- NIEA: (23.09.2015)
  - Historic Monuments Unit – Content
  - Water Management Unit – Content subject to conditions.

### **Objections & Representations**

One neighbour notification was issued on 23 May 2016. The application was advertised in the local press on 17 June 2015. No representations were received.

**Consideration and Assessment:****The Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Whitecross as illustrated on map 3/01. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

**Strategic Planning Policy Statement (SPPS)**

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

**PPS21 – Sustainable Development in the Countryside**

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes farm dwellings if they meet the criteria set out in CTY10.

**CTY10 – Dwellings on Farms**

**Criteria A)** requires that the farm business is currently active and has been established for at least 6 years. DARD has confirmed in their consultation response dated 20 November 2015 that there has been an active farm business for over 6 years.

**Criteria B)** requires that no dwellings or development opportunities have been sold off the farm holding since the introduction of draft PPS21 in November 2008. A planning history search of the farm holding shows the following:

**Table 1 - Planning History on Farm Holding**

<b>Planning Ref:</b>	<b>Proposal</b>	<b>Address</b>	<b>Decision</b>	<b>Decision Date</b>
P/2004/0009/O	Site for dwelling and detached garage	50 metres south of 49 Tullyah Road, Whitecross	Application Withdrawn	N/A
P/2010/0243/F	Construction of a 300mm and 250mm diameter trunk main from JerretspassWPS, Jerretspass to Belleeks.	Pipeline from Jerretspass Water Pumping Station, Jerretspass, Newry to Jonesborough Road, Belleeks, Newry - 13km long.	Permission granted	13.12.2010
P/2005/1933/O	Site for dwelling and garage.	100m south west of 108 Tullyah Road,	Permission refused	17.07.2006

Planning Ref:	Proposal	Address	Decision	Decision Date
P/2008/0333/O	Site for replacement dwelling	Whitecross. 1 Fort Road, Whitecross, Newry	Permission granted	07.08.2000
P/20081451/RM	Erection of replacement dwelling and detached garage	1 Fort Road, Whitecross, Newry	Permission granted	13.02.2009
P/2010/1318/F	Proposed renewal of current planning permission P/2008/1451/RM for replacement dwelling and detached garage	1 Fort Road, Whitecross, Newry	Invalid application	

I am content that having checked the above applications no development opportunities have been sold from the farm holding in the last ten years therefore criteria (B) is met.

**Criteria C**) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. The established buildings on the farm include the main farm dwelling - 108 Tullyah Road and a large agricultural shed to the North of the application site and adjacent to 110 Tullyah Road as shown in Image 2. The siting of the existing buildings on the farm holding do not read as an integral grouping from close range views or from surrounding vantage points as there is 60m physical separation distance between them, with No.110 Tullyah Road located in between. The agent's proposed site plan indicates the location of the proposed dwelling to sit adjacent and south of the main farm dwelling - 108 Tullyah Road. While the proposal would visually link with this building on the farm holding, it would not satisfy the policy requirement of CTY 10 (C) given that it specifies visual linkage or clustering with buildings plural. In addition the siting of the proposed dwelling in this location will create ribbon development along the road frontage as it would read with 108 and 110 Tullyah Road.

Furthermore there are other sites within the farm holding that could offer more scope to cluster and visually link with the buildings on the farm. The agent indicated that sites adjacent to the agricultural shed were ruled out due to access issues in that this would involve crossing through the farmyard. There are two access points serving this agricultural shed and no compelling evidence has been put forward to show that reconfiguring either these access would be unsafe. I not convinced by the argument that no other sites beside the farm buildings could potentially satisfy the policy.

For the reasons set out above the proposal fails the policy test of Criteria (C).

CTY10 also states "the proposed site must also meet the requirements of CTY13 (a-f), CTY14 and CTY16.

### **CTY13 – Integration and Design of Buildings in the Countryside**

#### **CTY14 – 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. In terms of integration and the rural character the site will be visible from close range views along Tullyah Road as the site is quite open and the existing hedgerows are unable to provide a suitable degree of enclosure. The proposal will rely primarily on new landscaping for integration along the roadside boundary and for this reason I feel the proposal will appear prominent in the landscape. Long range views from the North screen the site due to existing vegetation and existing buildings as shown in Image 3.



Image 3

Views from the South are screened but to a lesser extent as the mature trees are scattered along the Southern boundary of the site. When viewed with existing and approved buildings the proposal would result in a suburban style build-up of development creating a ribbon, which would erode the rural character of this area. Policy CTY 8 states "*planning permission will be refused for a building which creates or adds to a ribbon of development.*"

### **CTY 16 - Development Relying on Non – Mains Sewerage**

I am content that the proposed development will not create or add to a pollution problem.



**Recommendation:**

Refusal

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement 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.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed building will be a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed building relies primarily on the use of new landscaping for integration
  - the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Tullyah Road.

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

**RE: LA07/2015/0381/F - Mr B Loughran**

We still believe the planning department have not applied the PPS21 policy correctly with regard to this application particularly with regard to the clustering issues.

We would like to discuss this further with the planning committee at the next meeting.

Regards

Tony O'Hare

O'Hare Associates  
Architectural Consultants Ltd  
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Abbey Yard  
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29<sup>th</sup> June 2016

Democratic Services  
Planning Department  
Newry, Mourne & Down Council  
Monaghan Row  
Newry  
Co. Down

Dear Sir/Madam,

**Re: Proposed dwelling and detached garage at Tullyah Road, Whitecross, Co. Armagh (immediately south of no. 108) for Mr. R. Loughran**  
**Ref: LA07/2015/0381/F**

### **Introduction**

The above application has been scheduled for refusal for the following reasons:

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement 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.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:  
  
The proposed building will be a prominent feature in the landscape;  
  
The proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;  
  
The proposed building relies primarily on the use of new landscaping for integration.  
  
The proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Tullyah Road.

### Alternative Sites

Firstly I would draw your attention to the case officer's report which suggests that there are alternative sites within the farm holding, namely at the families' main farm shed directly north of 110 Tullyah Road which is serviced by two access points. This area of the farm was considered at the outset and ruled out for the following reasons. Both access points discharge directly onto operational farm yards which serve as both entrance and exit points for the main agricultural shed which houses approximately 60 dairy cows, suckler calves and farm machinery. Please refer to the attached photographs. These yards are not excessive in size and are also required for safe manoeuvrability of large farm machinery. Is the Planning department realistically suggesting that the applicant and his young family should access a family home through a working farmyard which is subject to large machinery and cow slurry? On the basis of health and safety these access points do not present a feasible solution.

Furthermore having re-inspected this area of the farm I do not believe it will be possible to achieve a suitable access at either yard/access as visibility splays would require the need for third party lands which are outside of family ownership.

I have also discussed the matter with Liam Trainor of roads service who has also expressed concerns about whether the required 2.4 x 70m visibility splays would be achievable due to the convex nature of the current road alignment and the fact that the northern yard/access is adjacent to a public house could also present road safety issues. He is prepared to accurately survey this area of the road and give a formal response if requested to do so.



Photograph 1 – existing farm yard & agricultural shed entrance (northern side)



Photograph 2 – existing farm yard (northern side)



Photograph 3 – existing farm yard and agricultural shed exit (Southern side)



Photograph 4 – existing farm yard and agricultural shed exit (Southern side)

### **Visual Linkage**

Refusal reasons 2 & 3 and the case officers report take issue with the fact that the proposed dwelling does not cluster with an established group of buildings (plural) on the farm but the same report does accept that the proposal does visually link with the existing farm dwelling – no. 108 Tullyah Road. This stance appears to contradict all planning guidance I have received to date from the planning department on PPS 21 CTY 10 matters in that I have always been advised that visually linking with one building, even the main dwelling was satisfactory. Further contradiction is also provided in that precedent for visually linking with a single building has already been set and I would draw your attention to planning application P/2015/0050/F recently approved on 18<sup>th</sup> April 2016 by this same planning department and council. Prior to submission of this application I formally met and discussed it with senior planning officer, Andrew Davidson, who advised that the application was acceptable in principle.

Having discussed this matter with the case officer we have been advised that had a domestic garage been in place then the buildings issue would have been addressed, therefore, if in despite of the aforementioned precedent the planning department are not prepared to dismiss this visual linkage reason we would request that this application be granted an extension of time in order that the applicants father might utilise his permitted development rights and build a prefabricated garage. We estimate approximately 6 – 8 weeks would be required.

### **Integration**

Refusal reason 3 also refers to a lack of integration and absence of mature boundaries etc. Having read the case officer's report I believe the supporting photographs are misleading and do not truly reflect or represent the high degree of vegetation which currently exists at the site and are taken from angles which could be described as the sites least valuable vantage points. It appears that the supporting photographs within the case officer's report have all been taken from google maps and I believe these

were taken in April 2011, over 5 years ago, whereas my photographs have been taken last week. In comparing the photographs it is clearly evident how much the vegetation has increased over this 5 year period.

As can be seen in photograph 5, mature trees and hedgerows align the northern, western and eastern boundaries of the site. Indeed the only reason the site is visible within photograph 5 is due to the fact that the picture is taken from a gap in the hedgerow where an agricultural gate is located otherwise the site is not actually visible at all when approached from the south until we are in the vicinity of the existing and proposed site entrances – see photograph 6.



Photograph 5 – Proposed site is aligned with mature vegetation along northern, western & eastern boundaries.



Photograph 6 – Proposed site is not visible when approached from the south due to existing mature hedgerow

Whilst the client would ideally like to remove the front hedgerow and replace it with a new fence we are not opposed to retaining it and augmenting as necessary. Therefore I believe that only one planted boundary is required for complete enclosure of the site as indicated on the proposed site plan. Having read through various planning applications lately I notice that many have been approved such as P/2014/0938/O where at least one planted boundary has been required to facilitate integration and enclosure requirements and I would hope that the same interpretation can be afforded to this application.

Furthermore the site rises slowly in a westerly direction; the proposed dwelling is single storey, well set back from the road and shall maintain the same building line as no. 108 Tullyah Road. The combination of these factors should further enhance its integration.

If the Committee has any remaining doubts over integration we would request that all or some of its members visit the site and see for themselves the extent of vegetation and integration which currently exists and satisfy themselves as to the merits of this evidence rather than rely on the official out of date images.

#### **Ribbon Development & Rural Character**

Refusal reason 4 cites ribbon development. The case officer's report in relation to views from the south claims that "when viewed with existing and approved buildings the proposal would result in a suburban style build up of development creating a ribbon, which would erode the rural character of this area." Photograph 5 is taken from the south and only a partial view of the roof of no. 108 Tullyah Road is visible whilst there are no views of no. 110 at all. Having revisited the site I would refute these claims relating to this southerly view build up and would suggest that any views are transient glimpses at best if they indeed merit that description.

The purpose of the relevant policies is to prevent erosion of the rural character by accumulation of dwellings, however, how can the application be accused of erosion of rural character if it can't actually be seen.

I would also ask the planning committee to look at image 3 of the case officer's report- (and my own up to date photograph 7) - which claims that views from the north toward the site are screened due to vegetation and buildings yet ribbon development is not raised as an issue. I would ask you to compare image 3 with my own photographs 5 & 6 and would suggest that the cumulative effect of proposed and existing will be less noticeable and more integrated than what appears to be acceptable within image 3.





Photograph 7 – same angle as image 3 of case officer’s report

### **Conclusion**

PPS 21 CTY 10 was introduced as recognition that there was a continuing need for new dwellings on farms to accommodate both those engaged in the farm and other rural dwellers. The applicant is married with a young family and currently lives in Newtownhamilton. He works on the farm along with his father and commutes daily. His father intends to retire at some stage after which the applicant will run the farm himself. The applicant is ideally suited to the objectives of this planning policy. However we believe the planning department’s interpretation and implementation of the policy to date has been extremely harsh and on the basis of this new evidence we would ask the Planning Committee to reconsider the application and relax the policies with a view to approve bearing in mind that:

- 1) The alternative sites suggested are not a feasible option due to health and safety reasons, possible road safety and the need for third party lands.
- 2) Planning precedent is already in place where visual linkage with a single building has been accepted and current staff have advised that this is the case.
- 3) Integration and vegetation at the site is far superior than what has been reported to date and the out of date images attached to the case officers report do not accurately reflect what can be found on site.

Trusting this is satisfactory.

Yours Faithfully

Anthony O’Hare

**Appendix 1**

Photograph 8 – single building relating to planning approval P/2015/0050/F which was deemed to have satisfied the visual linkage test

**Appendix 2**

Photograph 9 – View from Bernish Road of single building relating to planning approval P/2015/0050/F which was deemed to have satisfied the visual linkage test



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

### Delegated Application

Development Management Officer Report		
<b>Case Officer:</b> Gareth Murtagh		
<b>Application ID:</b> P/2015/0050/F		<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling and detached garage with minor alteration to site plan for adjacent replacement dwelling and garage already approved under P/2012/0620/F		<b>Location:</b> Approx 300m NE of Bernish View Point and located on Bernish Road
<b>Applicant Name and Address:</b> Mr J O'Hare C/O Agent		<b>Agent Name and Address:</b> O'Hare Associates The Masters House Abbey Road Newry BT34 2EG
<b>Date of last Neighbour Notification:</b>		
<b>Date of Press Advertisement:</b>		29th April 2015
<b>ES Requested:</b> No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues:</b> Small farm holding, only structure is a derelict dwelling which has been approved for replacement under a previous application		

## Site Visit Report

### Site Location Plan:



**Date of Site Visit: 20<sup>th</sup> May 2015**

### Characteristics of the Site and Area

#### 1.0 Characteristics of Site

1.1 Site consists of a grazing field located off Bernish Road, the site is separated from the road by another field, the boundary between them is marked with a line of mature trees.

1.2 Immediately behind the line of trees is a derelict dwelling, permission for a replacement dwelling for this was granted by P/2012/0620/F on March 21st 2013, the permission stipulated that the replacement dwelling be built a short distance to the side of the derelict dwelling which was then to be demolished.

1.3 The site is largely level and its other boundaries are also marked with mature trees, there is no other planning history on the site itself.

#### 2.0 Characteristics of Area

2.1 The site is located in a rural area within a mile of the development limits of Newry. To the east of the site is the A1 dual carriageway, traffic noise from which is discernible in the area. The adjacent field is bounded by mature trees like the site is and this means the site is not visible from Bernish Road.

2.2 To the west of the site, located near the summit of Bernish Hill is a popular tourist viewpoint, the site is visible from this location. Bernish Road is a minor rural route that does not experience significant traffic flows.

### 3.0 Description of Proposal

3.1 The application seeks Full Planning Permission for a farm dwelling and for the resiting of the dwelling approved under P/2012/0620 to provide greater separation distance between the two.

### Planning Assessment of Policy and Other Material Considerations

#### 4.0 Banbridge/Newry and Mourne Area Plan 2015

4.1 The site is located in a rural area, there are no other designations in the plan that are relevant to this application.

#### 5.0 Planning Policy Statement 21 Sustainable Development in the Countryside

5.1 The farm dwelling aspect of the proposal is covered by Policy CTY 10, consultation with DARD has confirmed that there is an active and established farm business operating on the site which consists of 3 fields in a linear row running south east to north west. The only farm building present appears to be the derelict dwelling, removal of which is a stipulation of P/2012/0620/F yet it has been shown on the site layout plan for this application. The proposed dwelling will be located immediately behind the derelict dwelling, although it would be of a much larger size the setback from Bernish Road and the extensive mature hedges along the side of that road and the lower level of the site will prevent the dwelling from being widely seen from this viewpoint. By being close to the derelict dwelling the proposal would comply with the visual linkage test of CTY 10.

5.2 In relation to the repositioning of the approved replacement dwelling, Policy CTY3 requires that replacement dwellings should not have a significantly greater visual impact than the dwelling they replace. Under P/2012/0620 it was determined that the natural screenings of the site meant that a significantly larger dwelling could be accommodated on the site without creating a significantly greater visual impact than the existing dwelling. The current proposal seeks to relocate the proposed dwelling slightly to the south east of the approved position, this will represent a negligible increase in visual impact from the original approval which granted an off site replacement in view of the restricted curtilage of the site.

#### 6.0 Consultations

6.1 Transport NI has no objections to the application.

#### 7.0 Conclusions and Recommendation

7.1 The issue on this application is can a dwelling be approved under CTY10 on a farm on which there is only a single building, a derelict dwelling, which is required to be demolished to implement an approval for a replacement dwelling. My interpretation of the policy is that when the existing building is demolished the status of being the main farm building will transfer to the replacement dwelling when it is constructed. The two dwellings will still appear close together in the landscape and will be visually linked for the short distance over which they are visible.

7.2 Therefore the proposal complies with policy and approval is recommended.

**Neighbour Notification Checked**

Yes

Application ID: P/2015/0050/F

170

<b>Summary of Recommendation</b>	
<b>Conditions/Reasons for Refusal:</b>	
Conditions	
Informatives	
<b>Case Officer Signature:</b>	
<b>Date:</b>	
<b>Appointed Officer Sign:</b>	
<b>Date:</b>	



**ITEM NO** 5  
**APPLIC NO** LA07/2015/0894/F Full **DATE VALID** 9/9/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr Conor Quinn 17 Carn Road **AGENT** ERES Limited  
 Newry Mourne House  
 BT35 8QZ Road  
 Newry  
 BT34 1EE  
 07851613641

**LOCATION** 19m South East of No 17 Carn Road  
 Meigh  
 Newry.

**PROPOSAL** Erection of 2 dwellings with double garages in infill site.

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	0	0	0	0	Addresses	Signatures	Addresses	Signatures
					0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built up frontage that includes a line of 3 or more buildings along a road frontage and the proposal would, if permitted, result in the creation of ribbon development along the private laneway located off the Carn Road.
- 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 two storey dwelling would be a prominent feature in the landscape and the design of the proposed two storey dwelling is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2015/0894/F**

**Date Received: 09.09.2015**

**Proposal: Applicant seeks Full Permission for the erection of 2 dwellings with double garages on an infill site.**

**Location:** The site is located 19m South East of No 17 Carn Road, Meigh, Newry. The site is found within the Ring of Gullion Area of Outstanding Natural Beauty in South Armagh approximately 1 mile North East of Meigh.

**Site Characteristics & Area Characteristics:**

The site as defined in red on the site location plan takes in a large agricultural field that stretches around No. 17 Carn Road from a private laneway to the public road. The site also includes an area that is currently being used for what appears as storage for containers. The land rises gradually towards the south east where the existing laneway opens up to a yard area containing agricultural / storage buildings. The area is rural in character and located within the Ring of Gullion AONB. Agricultural remains the most obvious land use activity in the immediate area.

**Site History:**

P/2005/0472/F

17 Carn Road, Newry

O/H single phase 11kv line on wood poles.

Approval: 11.06.2005

P/1989/1093

Carn Road (310m West of No21)

Seafin, Meigh

Site for replacement farm dwelling

Approval: 06.11.1989

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.



Planning Policy Statement 2  
Planning Policy Statement 6

**Consultations:**

Transport NI – no objections subject to standard conditions  
Environmental Health – no objections however it suggests a minimum separation distance of 75m from the working farm.  
Water NI Multi-units – outstanding  
NIEA – no objections

**Objections & Representations**

No. 17 Carn Road was neighbour notified on 31<sup>st</sup> January 2016. The application was advertised on 06.10.2015. No objections or representations were received.

**Consideration and Assessment:**Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however as 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 policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement. The site lies within the Ring of Gullion AONB / Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections with regard to the Area Plan.

Planning Policy Statement 21 – Sustainable Development in the Countryside is applicable for all residential development in the countryside. The applicant has applied for a dwelling under policy CTY 8 which indicates an exception can be facilitated for the development of a small gap site to accommodate up to 2 dwellings in an otherwise substantial and continuously built up frontage. The policy requires a line of 3 or more buildings along a road frontage without accompanying development to the rear and a respect of the existing development pattern.

The policy requires a line of 3 or more buildings along a road frontage to define a substantial and built up frontage. A frontage exists on to the private laneway from No. 17 and the end of the laneway opens up to a farm yard area (accessed from an existing gate entrance) containing a number of outbuildings, trailers and containers. Where the gate entrance to the yard is, the lane ceases and opens up to the yard. Between this expansion of the laneway to a farm yard and the rear of No.17 is an agricultural field. A substantial and continuously built up frontage that includes a line of 3 or more buildings does not exist on this laneway to warrant an infill opportunity as the only building with a frontage onto the laneway is No.17, the agricultural buildings as shown on the agent's plans represent existing buildings in a yard and not buildings with a frontage on to the private laneway. Consequently the proposal fails to meet the policy exception to CTY 8 and instead will contribute to ribbon development along this private laneway.

In terms of integration the proposed site will be critically viewed from the Carn Road when approaching from the north. The two storey dwelling will be particularly prominent on the rising landscape and visually intrusive when viewed critically and

as a result, fails the policy test of CTY13. In terms of rural character the proposal when viewed with existing buildings around the site, will result in a suburban style build up and create a ribbon of development. This will have a detrimental impact on the rural character in the area and as a result, fails the policy test of CTY14.

Policy NH6 of PPS2 Natural Heritage is applicable as the site lies within the Ring of Gullion AONB. The proposal is unsympathetic to the AONB in terms of the siting and scale. As discussed above the siting in this rural location has no justification and the scale (particularly the 2 storey element of the scheme) on rising land is intrusive and prominent on the landscape resulting in build-up and a detrimental impact on rural character. The policy fails the policy test of NH6 (a).

NIEA were consulted as the proposal lies partially within an Archaeological Site and Monument. NIEA have responded with no objections and as such the proposal does not offend the policy criteria of PPS6.

**Recommendation:**

Refusal

**Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 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 that includes a line of 3 or more buildings along a road frontage and the proposal would, if permitted, result in the creation of ribbon development along the private laneway located off the Carn Road.
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 two storey dwelling would be a prominent feature in the landscape and the design of the proposed two storey dwelling is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.

**Case Officer**

**Authorised Officer**



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## NEWRY, MOURNE & DOWN COUNCIL

Local Planning Office

Monaghan Row,

Newry,

BT35 8DJ,

**Reference:** LA07/2015/0894/F  
**Applicant Name:** Mr Conor Quinn  
**Proposal:** Erection of 2 dwellings with double garages in infill site.  
**Site Location:** 19m South East of No 17 Carn Road Meigh Newry.

Newry, Mourne & Down Local Planning Office intends to refuse this application on the grounds that:

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built up frontage that includes a line of 3 or more buildings along a road frontage and the proposal would, if permitted, result in the creation of ribbon development along the private laneway located off the Carn Road.

- 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 two storey dwelling would be a prominent feature in the landscape and the design of the proposed two storey dwelling is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality

There are a number of refusal reasons for this application some of which relate to the proposed dwelling designs. It is felt that the main issue to address today is that of the principle of development on the site.

This application is for two dwellings within an existing ribbon of development as an exemption to Policy CTY8. The Planning Authority in their refusal reasons feel that the proposal does not represent a small gap site within an otherwise substantial and continuously built up frontage that includes a line of 3 or more buildings along a road frontage.

Policy CTY 8 explains that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of the amplification text states that a

**ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line.**

**Buildings sited back, staggered or at angles and with gaps can still represent ribbon development, if they have a common frontage or they are visually linked.**

There is an impression of a built up frontage between the buildings as one passes along the Carn road from the East. These transient views give the road user the impression of a ribbon of development at this location. There is also inter-visibility between the “bookends” at either side of the gap.

The first step in determining whether an “infill” opportunity exists is to identify whether there is a substantial and continuously built up frontage present.

As referenced in Planning Appeal: 2016/A0040 (Appendix 1). “For the purpose of policy this “includes a line of three or more buildings along a road frontage without accompanying development to the rear”. The use of the word “includes” means that situations where there is development to the rear are not excluded. **A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road.** Section 250 of the Planning Act (NI) 2011 Act defines a building as including any “structure or erection”. **Policy CTY 8 makes no reference to whether buildings are subsidiary to other buildings or stand on individual planning units.”**

The important point in this instance is that the Case Officer in his report has stated “A frontage exists on to the private laneway from No. 17 and the end of the laneway opens up to a farm yard area (accessed from an existing gate entrance) containing a number of outbuildings, trailers and containers. Where the gate entrance to the yard is, the lane ceases and opens up to the yard.”

This statement admits that the group of buildings at this point of the lane way share a boundary with the laneway and therefore these buildings, although grouped in a line, share a common boundary with the lane way and constitute a ribbon of development.

There is a clear line of buildings to the northern side of the laneway. Appendix 2 contains images taken from Google Earth which identifies the existing laneway and shows how it continues in a loop back onto Carn Road.

Appendix 3 contains an analysis of the existing laneway, identifying the existing group of buildings and the extent of the laneway.



**Figure 1:** Conceptual Image: Inter-visibility between bookends & proposed development

The image above identifies the site and the existing ribbon of development when viewed from the Carn Road. All of the developments and indeed the application site are all clearly inter-visible. There is a distinct impression at this point of a continuously built up frontage.

It is therefore contended that there is a substantial and built up frontage along this part of Carn Road, which includes a building line of 3 buildings with ancillary development.

Paragraph 5.33 from CTY8 states “For the purposes of this policy a road frontage includes a footpath or **private** (my emphasis) lane”. The Oxford Dictionary definition of a laneway is “a narrow road or path, lane”.

It is therefore felt that although there is a gate along the laneway, the laneway itself still exists and continues through the “yard” and back onto the Carn Road. In that respect there is an existing building line of 9 buildings with the proposed application site representing a gap within this ribbon. The definition of a laneway does not preclude associated gates and it should be taken that there is indeed a laneway running past the application site.

It is therefore felt that there is an existing ribbon of development at this location and the application should be assessed as such.

With regards to the issues regarding the integration and design of the proposals it is felt that these matters can be addressed through redesign if the principle of development can be established on the site.

In light of the above submission and the information previously submitted to the Council I would respectfully request that this application be deferred for further consideration.

Thank you for your time



**Appendix 1**  
**Appeal Ref: 2016/A0040**



# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
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**Appeal Reference:** 2016/A0040  
**Appeal by:** Ms C Herron  
**Appeal against:** The refusal of outline planning permission  
**Proposed Development:** Dwelling house and attached garage  
**Location:** Between 28 Acre Lane and 34 Acre Lane, Waringstown  
**Planning Authority:** Armagh City, Banbridge and Craigavon Borough Council  
**Application Reference:** LA08/2015/0545/O  
**Procedure:** Hearing on 26 October 2016  
**Decision by:** Commissioner D McShane, dated 14 November 2016

## Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.

## Reasons

2. The main issues in this appeal are whether the proposed development would:
  - be acceptable in principle in the countryside; and
  - meet other environmental and planning requirements.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Craigavon Area Plan 2010 (CAP) operates as an LDP; however it contains no specific policies relevant to the appeal site. The appeal site is located outside the settlement development limit in the countryside. The relevant policy context is therefore provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal represents an infill opportunity in accordance with Policy CTY 8.
5. Policy CTY 8 is entitled 'Ribbon Development' and states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While it is not defined in policy,

Paragraph 5.33 sets out what ribbon development can consist of. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a small gap site. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, providing four elements are met. Namely, the gap site must be within an otherwise substantial and continuously built up frontage; the gap site must be small sufficient only to accommodate up to a maximum of two houses; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

6. The first step in determining whether an "infill" opportunity exists is to identify whether there is a substantial and continuously built up frontage present. For the purpose of policy this "includes a line of three or more buildings along a road frontage without accompanying development to the rear". The use of the word "includes" means that situations where there is development to the rear are not excluded. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road. Section 250 of the Planning Act (NI) 2011 Act defines a building as including any "structure or erection". Policy CTY 8 makes no reference to whether buildings are subsidiary to other buildings or stand on individual planning units. The words visual linkage, which are found in paragraph 5.33 of the Justification and Amplification text are used to reference what can constitute a ribbon of development and not what constitutes an exception for infill.
7. The Appellant relies on five buildings: a dwelling and garage at No.28 to the north west of the appeal site and a shed, garage and dwelling at No.34 to its south east. These buildings stand on plots that share a boundary with Acre Lane; therefore they constitute five buildings along a road frontage. Notwithstanding that the dwelling at No.34 stands gable end to the road, the buildings are in a line. As there is a line of 5 buildings with a common frontage onto Acre Lane, there is a substantial and continuously built up frontage and the appeal proposal meets the first element that is required in order to qualify as an infill site.
8. The second step in determining whether an infill opportunity exists is whether there is a small gap site. The frontage of the site measures approximately 50m; however in policy terms the critical issue is the size of the gap between the buildings. The distance between the garage at No.28 and the nearest outbuilding associated with No.34 measures approximately 65m and is sufficient only to accommodate up to a maximum of two houses. The third party objection in this respect is not sustained and I conclude that the second element of Policy CTY 8 is met.
9. The third step in determining if an infill opportunity exists is whether in terms of size, scale, siting and plot size the appeal proposal would respect the existing development pattern. Notwithstanding that the Appellant is seeking approval for the principle of development indicative details were submitted to assist in the assessment. While the size of the gap is sufficient to accommodate two dwellings, in order to respect the existing development pattern only a single dwelling, as proposed, would be acceptable. A 220sqm detached dwelling including an integral garage, sited as proposed would reflect the development pattern in the area. The Appellant initially proposed that the dwelling would be 1.5 storeys high with a ridge

height of between 6.8m and 7.3m. Notwithstanding that part of No.34 is 1.5 storeys high; topography and the general pattern of development in the area is such that in order to reflect the scale of buildings it is necessary to limit the appeal dwelling to single storey height with a maximum ridge height of 5.5m. The objection of the Third Party that the proposed development would not respect the pattern of development is not sustained and I conclude that the third element of Policy CTY 8 is met.

10. The Planning Authority asserts that the appeal proposal would be contrary to the fourth element required; namely that the appeal development fails to comply with other planning and environmental requirements in terms of visual amenity and rural character, which are considered under Policies CTY 13 and CTY 14 respectively.
11. From Acre Lane, travelling across the site frontage, a single storey dwelling sited as proposed would read against rising land and mature vegetation along the host field boundary and the appeal site boundary with No.28. Notwithstanding the absence of vegetation along the remaining boundaries of the appeal site, the proposed dwelling would be visually integrated into the surrounding landscape by vegetation and topography. The appeal proposal complies with Criteria (a), (b) and (c) of Policy CTY 13 and the Planning Authority has failed to sustain the third reason for refusal.
12. The appeal dwelling would represent another incident of development in the area; however as it would be located within an existing substantially and continuously built up frontage as defined by policy, it would not create a ribbon of development or result in a suburban style build up of development when viewed with existing and approved buildings. The single storey dwelling and integral garage would not be prominent and it would not cause a detrimental change to the character of this rural area. The appeal proposal complies with Criteria (a), (b), (c) and (d) of Policy CTY 14. Accordingly, the Planning Authority has failed to sustain the fourth reason for refusal.
13. As the appeal proposal complies with the environmental and planning requirements under Policies CTY 13 and 14, I conclude that the fourth element required by CTY 8 is met. As the appeal dwelling meets the four elements within Policy CTY 8 it qualifies as an exception and the Planning Authority has failed to sustain the first and second reasons for refusal based upon Policies CTY 1 and 8 of PPS 21.
14. Objectors are concerned that the proposed development, which would rely on non-mains sewerage, would cause a pollution problem given the change in ground levels between their property and the proposed dwelling. However, there is no persuasive evidence that a pollution risk exists in this area that would preclude further development relying on non-mains sewerage arrangements. The Northern Ireland Environment Agency-Water Management Unit (NIEA-WMU) did not object to the proposal while consent from the NIEA-WMU will be required to discharge sewerage effluent from the domestic property. Objectors are also concerned about potential flooding arising from the development, given the difference in ground levels between their property and the appeal site. However, Rivers Agency had no objection to the proposal providing a sustainable drainage design is submitted that includes no impermeable surfaces around the property, including

the driveway; details of roof storm drainage and provision of an interceptor drain along the boundary between the appeal site and No.34. There is no persuasive evidence that the proposed development would have a negative impact on badgers or bats or their respective habitats and foraging areas. The third party objections are not determining.

15. To ensure that the development respects the development pattern in the area and in the interest of visual amenity it is necessary to restrict the size and ridge height of the proposal and to define its siting within the site. Levels are required to be submitted, given topography on the site. Visibility splays are required to be provided in the interest of road safety. To ensure adequate arrangements for drainage, detailed proposals for disposal of storm water and foul sewage are required to be submitted. To control the impact of the access it is necessary to remove permitted development rights for entrance features. In the interest of visual and rural amenity a landscaping scheme is required to be provided.

### Conditions

- (1) Except as expressly provided for by Conditions 2, 3, 4, 5 and 6, the following reserved matters shall be as approved by the Planning Authority – the siting, design and external appearance of the dwelling and attached garage and the means of access thereto.
- (2) The floor area of the single dwelling and attached garage shall not exceed 220sqm, measured externally.
- (3) The dwelling and attached garage shall be sited within the crosshatched area as indicated on the attached 1:2500 scale Location Map annotated PAC 1.
- (4) The ridge height of the dwelling and integral garage shall not exceed 5.5m above existing ground level at the lowest point within its footprint.
- (5) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, which shall not exceed 0.3m above existing ground level at the lowest point within the building's footprint, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
- (6) The access shall be sited tight to the south east boundary of the site on Acre Lane and visibility splays of 2.0m by 40m to the south east and 2.0m by 45m to the north west shall be laid out before any building operations commence and shall be permanently retained thereafter.
- (7) Notwithstanding the provisions of Article 3 Part 3 Class A of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions), no gates, fences, walls or other means of enclosure shall be erected without prior agreement from the Planning Authority.
- (8) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing trees and hedgerows

to be retained and provided along the boundaries of the site, the location, numbers species and sizes of trees to be planted within the site during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged shall be replaced during the next planting season with others of a similar size unless the Planning Authority gives written consent to any variation.

- (9) No development shall take place until detailed proposals for disposal of storm water and foul sewage have been submitted to, and approved in writing by, the Planning Authority. The dwelling shall not be occupied until the approved arrangements are in place.
- (10) Application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
- (11) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision approves the following drawing:-

- Drg No:1413-01: Site Location Plan (Scale1:1250) annotated PAC 1

**COMMISSIONER D MCSHANE**

2016/A0040

**List of Appearances**

Planning Authority:  
Ms Craven

Armagh City, Banbridge and Craigavon Borough Council:

Appellant:	
Mr W Orbinson QC	instructed by
Mr P Swift	Begley-Swift Solicitors
Mr M Graham	White Young Green
Mr A Bunbury	Park Hood
Dr O'Neil	Corvus Consulting

Third Party Objectors:-  
Mr and Mrs Uprichard

**List of Documents**

Armagh City, Banbridge and Craigavon Borough Council:  
"A" Planning Authority's Statement of Case and Appendices

Appellant:-  
"B" Appellant's Statement of Case and Appendices

Third Party Objectors  
"C" Statement of Case

**Received at Hearing**

PAC 1: Appeal Ref 2016/A0082

PAC 2: Drwg No: 5871-L-101 showing ground levels at X and Y

**APPENDIX 2**  
**Google Earth Images**







**APPENDIX 3**  
**Laneway Analysis**





<b>ITEM NO</b>	<b>6</b>			
<b>APPLIC NO</b>	LA07/2015/0971/O	Outline	<b>DATE VALID</b>	9/30/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	John McNally C/O Agent		<b>AGENT</b>	CGDM 27 Patrick Street Newry BT35 8EB 02830250844

**LOCATION** 100m North East of No. 37 Sheeptown Road  
Saval  
Newry  
BT34 2LD

**PROPOSAL** Site for dwelling and garage on a farm

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

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm. The proposed development therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, it would add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0971/O

**Date Received:** 30/09/2015

**Proposal:**

Site for dwelling and garage on a farm.

The applicant seeks to develop a dwelling on a farm on an alternative site.

**Location:**

100m North East of No. 37 Sheeptown Road, Saval, Newry, BT34 2LD.

The site is located in a rural area approximately 3 miles north-east of Newry and 4 miles north-west of Mayobridge.

**Site Characteristics & Area Characteristics:**

This rectangular site is located in a rural area. The site is currently an agricultural field used for grazing. The south-eastern boundary of the site is with the Sheeptown Road and the south-eastern, north-eastern and south-western boundaries are comprised of hedging with some trees along the north-eastern and south-eastern boundaries. There is no definable boundary at the north-west of the site. The gradient of the site increases gently from the west to the east.

The site is located in an area of countryside and is outside of settlement development limits, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned and is outside of the Mourne Area of Outstanding Natural Beauty. Two dwellings are located to the south-west of the site and the farm house associated with the DARD business number is located opposite the site (no.37 Sheeptown Road). There are some outbuildings to the rear of no.37 Sheeptown Road. Access to the site is proposed from a group of farm buildings located north-east of the site. A laneway would have to be created from these buildings through a field to reach the site. Four chicken broiler houses are located north-east of the site on the opposite side of the road.

**Site History:**

No planning applications have been previously submitted on this site.

**Planning Policies & Material Considerations:**

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015

- PPS 3 – Access, Movement and Parking
- PPS 21 – Sustainable Development in the Countryside
- The Building on Tradition Sustainable Design Guide.

#### **Consultations:**

- DARD – 07/01/2016 – Standard response.
- Environmental Health – 10/03/2016 – No objection with informative
- NI Water – 18/04/2016 – Generic response.
- Transport NI – 25/04/2016 – No objections in principle.

#### **Objections & Representations**

The application was advertised in the local press on 12/10/2015 and five neighbours were notified by letter. No objections have been received and the only representation submitted was by the agent in reply to a request for supporting evidence for the use of an alternative site. This representation will be considered in the 'Consideration and Assessment' section.

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

##### Banbridge / Newry and Mourne Area Plan 2015

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 under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits and is outside the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the plans that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21.

##### PPS 21 – Sustainable Development in the Countryside

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

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

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

Criteria (a) requires the farm business to be currently active and to have been established for at least 6 years. DARD advised in a consultation response dated 07/01/2016 that the farm business (Ref: 639524) has been established for more than 6 years and it claims the single farm payment, which is the main means used to determine if the farm is active. Therefore the business is active and established and is eligible for a dwelling under criteria (a).

Criteria (b) requires that no dwellings or development opportunities have been sold off the farm holding since 25th November 2008. The application was accompanied



by full details of the land owned by the farm business and there is no evidence that any land or development opportunities have been sold off the farm in this period. Therefore criteria (b) is met.

Criteria (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. Provision is made for the use of an alternative site when no other sites are available at another group of buildings on the farm, or out-farm, and where there is either demonstrable health and safety reasons to justify an alternative site or verifiable plans to expand the farm business at the existing building group. Concerns over the use of an alternative site and lack of evidence provided to justify the use the alternative site were expressed to the agent through a telephone conversation and subsequent email on 11/05/2016. The agent submitted documents to the Council on 18/05/2016 arguing for the use of an alternative site on the grounds of health and safety reasons due their belief that chicken broiler houses making other sites unsuitable.

Paragraph 5.42 states that when an alternative site is proposed, "*Appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting.*" The evidence contained a DVD showing poultry waste from the broiler houses being loaded onto a trailer and a compilation of papers which was not site specific. The document was comprised of:

1. A paper from the Health and Safety Executive on respiratory hazards of poultry dust – this paper primarily relates to the effects on poultry workers.
2. A paper from the Health and Safety Executive on exposure to dust and bioaerosols in poultry farming – this paper primarily relates to the effects on poultry workers.
3. A paper from the Health and Safety Executive providing guidance to employers on how to control exposure to poultry dust – this paper relates primarily to poultry workers.
4. A paper from the Health and Safety Executive on health surveillance for occupational asthma – this paper is an advice note for employers.
5. Information sheets from the Health and Safety Executive on the following diseases:
  - a. Avian Influenza.
  - b. Campylobacteriosis.
  - c. Newcastle Disease.
  - d. Toxoplasmosis.
  - e. Psittacosis.
6. Information sheet from the Britannica Online Encyclopedia on histoplasmosis
7. Paper providing guidance on the application of chicken litter and how to manage human health risks during the process.
8. Academic paper on poultry production and the environment – this paper analyses the environmental impacts of intensive poultry production but does make reference to some local disturbance that may be caused.

The document received did not produce any site specific reasons why the alternative site should be used. The papers were generic in nature and related primarily to the health impact on poultry farm workers. The DVD did show that dust from the loading of poultry waste onto a trailer did blow onto the field located north-east of the site. The DVD was recorded on a windy day.

Overall I am not satisfied the case has been made for the use of an alternative site. Having considered the appeal 2015/A0124 (for application P/2014/0396/O) and the arguments for an alternative site based on similar dust and medical grounds, it is believed that this case is directly comparable and as the appeal was dismissed it is believed that likewise the reasons provided are not substantiated to require an alternative site. An outbuilding is present at the rear of no.37 Sheeptown Road, and potential exists to cluster a new farm dwelling with this building. Therefore the three criteria have not been met, as required for planning permission to be granted for a dwelling on a farm.

#### Integration and Design

Paragraph 6.73 of the SPPS confirms that "Dwellings on farms must also comply with LDP policies regarding integration and rural character." In the absence of an adopted LDP these considerations must be assessed under policies CTY 13 and CTY 14 of PPS 21. The proposed dwelling will not be visually linked to nor will it cluster with an established group of farm buildings. An alternative site has been proposed. Policy CTY 13 requires a dwelling on a farm to be visually linked to and to cluster with an established group of farm buildings. As the use of an alternative site has not been justified through the examination of Policy CTY 10, the proposal also fails under this section of CTY 13. Policy CTY 13 also states a new building will be unacceptable where it is a prominent feature in the landscape. The site is elevated in the context of the undulating landscape in the area and prominence is likely to be an issue for a dwelling on the proposed site.

Policy CTY 14 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character. A building which would be unduly prominent is deemed to be unacceptable and as discussed above it is likely a dwelling on this site would be prominent in the landscape. A building on this site would also add to a ribbon of development which is contrary to Policy CTY 14.

Overall with regards integration and design, the proposed site is unsuitable as it fails to meet the requirements of Policy CTY 13 (in terms of prominence and as it is not visually linked or sited to cluster with the farm) and Policy CTY 14 (as the dwelling would be prominent and add to a ribbon of development).

#### PPS 3 - Access, Movement and Parking

Policy AMP 2 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. An existing access onto the Sheeptown Road is to be used by this development. Transport NI has been consulted and in their response dated 25/04/2016 stated they have no objections in principle. Visibility splays of 2.4m x 80.0m are to be provided.

#### **Recommendation:**

*Refusal*

**Refusal Reasons/ Conditions:**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm. The proposed development therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, it would add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

**Case Officer Signature:****Date:****Appointed Officer Signature:****Date:**

Item 22 – LA07/2015/0971/0

**100M NE of No.37 Sheeptown Road, Saval, Newry BT34 2LD**

**Applicant – Mr John McNally**

Dear Sir/Madam,

Please see below a request to speak in respect of the above mentioned planning application on the 23<sup>rd</sup> of November 2016. The following persons shall share the 5 minutes allocated to each case.

**Mr Cathal Grant – Agent - 3 minutes**

**Mr Bernard McNally – Applicants Father – 2 minutes**

Please note below the issues that shall be raised in the 5 minutes as required 5 days before the meeting for the council.

1. Overview of the H&S reasons why the current siting is chosen and the ones pinpointed by the planning service are not available due to H&S issues – Environmental health guidelines in regard to dwellings versus chicken houses.
2. Discussion on the reference to a planning appeal decision upheld in the case officers report which is used as a precedent for this decisions.
3. Was EH advised the case was beside a poultry farm at consultation stage and then when the issues were again raised by the agent were they re-consulted due to the concerns.

Regards,

Cathal Grant MCIAT, MCABE BSc, Hons.

Director

Cathal Grant Design & Management Ltd.

Tel: 0044 2830250844      Mob: 0044 7545923470

Email: [cathal@cgdm.eu](mailto:cathal@cgdm.eu)      Web: [www.cgdm.eu](http://www.cgdm.eu)

Registered address: 27 Patrick Street, Newry, Co. Down, BT35 8EB

Dublin Office:      Unit E8, Calmount Business Park, Ballymount, Dublin 12.

Company registration number: NI606881

**ITEM NO** 7  
**APPLIC NO** LA07/2015/1036/O Outline **DATE VALID** 10/16/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mary B Agnew 32 Cottage Road **AGENT** M P Toale and Associates 116 Dromintee Road Newry BT35 8RS Newry BT35 8SW 028308885

**LOCATION** 50M NW of 33 Kilnasaggart Road Jonesborough Newry

**PROPOSAL** Erection dwelling on family farm

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

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
  - the farm business is currently active and has been established for at least six years; and
  - the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm;
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 4 The proposal is contrary to Policy BH2 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of an archaeological site of local importance the Battle of Moyry Pass.
- 5 The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 3(6) of the Planning (General Development Procedure Order (NI) 2015 in that insufficient information has been submitted to enable determination of the planning application as the archaeological (assessment/evaluation) requested by the Council has not been made available.





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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2015/1036/O**

**Date Received: 16.10.2015**

**Proposal: Erection dwelling on family farm**

**Location: 50M NW of 33 Kilnasaggart Road, Jonesborough Newry**

**Site Characteristics & Area Characteristics:**

*The site is located NW and to the rear of no. 33 Kilnasaggart Road. Access to the lands is via an existing agricultural lane. The land rises from the Kilnasaggart Road in a northerly direction. The lands within the application site are relatively flat. The southern boundary was defined by post and wire fencing/some hedging. The east and northern boundaries are defined by small stone ditches with dispersed mature trees/hedging. As the time of inspection there were some small horse-jumps within the site.*

*North and north east of the site foundations/blockwork have commenced on two sites. One of which access is gained via the Carricbroad Road and the other onto the Kilnasaggart Road.*

**Site History:**

No relevant site history. See farm map for histories surrounding the site.

**Planning Policies & Material Considerations:**

*The Strategic Planning Policy Statement (SPPS)  
The Banbridge/Newry and Mourne Area Plan 2015  
Planning Policy Statement 3  
Planning Policy Statement 21*

**Consultations:**

NIEA HMU- request archaeological evaluation  
NIEA WMU- no comment  
TransportNI- RS 1 condition  
NIW- Statutory  
EH- no objections

## Objections & Representations

*No. of neighbours notified= 3*

*Advertised= 26.10.2015*

*No. of representations received=0*

## Consideration and Assessment:

*Addendum to previous report- consideration of representation received 26/9/2016*

*The information within the P1c form and the letter from the Veterinary surgeon was considered as part of the initial assessment.*

*The applicant stating the farm has been owned by the family since 1901 and the veterinary surgeon certifying that they had attended horses at the property before 2008 does not prove to the Council that the farm business has been active and established for a period covering 6 yrs.*

*Having previously considered this and the response from DARD it was and still is the Planning Departments opinion to recommend refusal on such grounds that the farm business has not been active and established for a period covering 6 yrs.*

*The agent states there is only 1 shed on the holding, directly opposite the site entrance. This building is within another jurisdiction and cannot be considered under the provision contained within PPS 21 which applies to NI. It should also be noted if this one building was to lie within NI, the proposal will still be contrary to our policy in that the proposal must visually link or site to cluster with buildings on the farm, my emphasis on buildings.*

*The agent stated the recommendations for refusal are a contradiction to the Para 5 of the report. Para 5 states;*

*The proposal given the existing development surrounding including the foundations of the two dwellings north and north east of site will result in a build-up of development. The proposal appropriately sited will not create or add to ribbon of development. The dwelling and associated works will **not** cause a detrimental change to, or further erode the rural character of the surrounding area.*

*The inclusion of not is a typo error and it is clear from above that the proposal was considered to result in a build up of development which corresponds with the reason for refusal- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.*



**Recommendation:**

**Refusal- SPPS, CTY 10, CTY 13 &CTY 14 of PPS 21 and PPS 6 BH 2 & BH 3**

*The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:*

*-the farm business is currently active and has been established for at least six years; and*

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

*The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.*

*The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.*

*The proposal is contrary to Policy BH2 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of an archaeological site of local importance the Battle of Moyry Pass.*

*The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 3(6) of the Planning (General Development Procedure Order (NI) 2015 in that insufficient information has been submitted to enable determination of the planning application as the archaeological (assessment/evaluation) requested by the Council has not been made available.*

.....  
.....

<b>ITEM NO</b>	<b>12</b>			
<b>APPLIC NO</b>	LA07/2016/0413/F	Full	<b>DATE VALID</b>	3/31/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Hugh,Shane,Stephen,Ciaran and Raymo Fitzpatrick 235 Moyad Road Kilkeel		<b>AGENT</b>	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY
				NA

**LOCATION** 45 north of no 235b Moyad Road Kilkeel

**PROPOSAL** Proposed livestock shed with underground slurry tank, multi purpose shed and livestock loading/handling pens

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

- 1 The proposal is contrary to Policy CTY1 and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not necessary for the efficient use of the active and established agricultural holding.
- 2 The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along a lane.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the agricultural buildings would, if permitted create or add to a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0413/F

**Date Received:** 11/02/2016

**Proposal:**

Proposed livestock shed with underground slurry tank, multi purpose shed and livestock loading/handling pens.

The applicant seeks full planning permission to erect two livestock sheds away from the existing farm holding. One livestock shed will have an underground slurry tank with a height of 1.499m. Both livestock buildings measure 13.6m x 18.3m, the roofs and sides will be goose grey corrugated cladding and smooth rendered finished walls. The area between the two buildings will be finished in concrete and used as a midden.

**Location:**

45 north of no 235b Moyad Road, Kilkeel.

The site is located approximately 3 miles north of Kilkeel and approximately 1.5 miles south-east of Attical. The site is approximately 160m west of the Moyad Road.

**Site Characteristics & Area Characteristics:**

This square site is located in a rural area. The site is accessed along a stone lane from the Moyad Road to the east. Currently the application site is part of a larger agricultural field used for grazing. Two dwellings are currently under construction adjacent to and east of the site, a dwelling is also located south of the site and a further two dwellings are south-east of the site. Four of these five dwellings share the access lane this development would use. The gradient of the land gently decreases to the west away from the Moyad Road. The boundaries of the site are comprised of a post and wire fence to the east, a mixture of hedging, tree and fencing to the north and south and there is no definable boundary to the east. The landscape in the area is undulating.

The site is located in a rural area outside of settlement development limits, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned, however it is located in the Mourne Area of Outstanding Natural Beauty. The site is also located in a Site of Local Nature Conservation Importance (SLNCI) NC 03/159 – Attical Moraine Complex. There are no historic sites or monuments in close proximity to the site. There are approximately 10 houses within close proximity to the site on the western side of the Moyad Road.

**Site History:**

Three previous planning applications have been submitted on this site:

1. P/2004/0317/O – Site for dwelling – refused 06/04/2005.
2. P/2005/1424 – Site for dwelling – deemed invalid.
3. P/2005/2622/O – site for dwelling – refused 15/08/2006.

**Planning Policies & Material Considerations:**

- Regional Development Strategy 2035.
- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS21 – Sustainable Development in the Countryside.

**Consultations:**

The following consultation responses have been received:

- NI Water – 31/05/2016 – Recommends conditions.
- DARD – 08/06/2016 – Farm has been in existence for more than six years and claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment Schemes in the last six years.
- Environmental Health – 13/06/2016 – All residential dwellings within 75m are owned by the applicant.
- Transport NI – 16/06/2016 – No objections to the proposal.

**Objections & Representations**

This planning application was advertised in the local press on 11/04/2016 and four neighbours were notified by letter. No letters of objection or any other representation has been received.

**Consideration and Assessment:**Banbridge / Newry and Mourne Area Plan 2015

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 under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits, it is unzoned, located in the Mourne AONB and located in SLNCI NC 03/159. There are no specific policies in the plans that are relevant to the determination of the application so the principle of application will be considered under the operational policies of the SPPS and PPS 21.

PPS 21

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

Policy CTY 1 of PPS 21 allows for the development of non-residential development in the case where it is agricultural and forestry development in accordance with Policy CTY 12. Policy CTY 12 applies to established agricultural or forestry holdings and planning permission will be granted for development where it is demonstrated that:

(a) The development is necessary for the efficient use of the agricultural holding.

The applicants have two existing farm buildings around which they have developed an engineering business. It is argued that two new buildings are required as the applicants have insufficient space to house all of their sheep prior to lambing forcing them to lamb outside. During lambing season, the applicants remove the machinery from the large shed and house the sheep in removable pens. It is argued that it is difficult to marshal animals to and from the farm buildings without animals escaping into the outdoor storage areas used by Moyfab and that as approximately 30 staff work at the engineering business each day (the majority of which work part time on their farms) this represents a bio security risk to the applicants animals. It is therefore argued that these two farm buildings are required to minimise the bio security risk and to avoid the need of machinery being stored outside.

Both of the main arguments surrounding the bio security risks and floor space required to house sheep over winter do not correspond to inefficiency in the use of the farm holding. With the implementation of suitable farm practices, bio security risks could be minimised at the current location of the farm, including measures put in place to ensure that animals cannot escape from the agricultural buildings in outdoor storage areas used by Moyfab. It is not a requirement to house sheep in doors over winter. I am therefore not convinced that additional farm buildings are necessary for the efficient use of the agricultural holding.

(b) In terms of character and scale, the proposed development is to be appropriate to its location.

The two buildings will create an additional floor space of 499.76m<sup>2</sup> for the farm holding. With regards design the buildings are similar in form to many agricultural buildings in the wider area. Regarding the scale of the development and its impact on the locality, due to the topography of the site and surrounding land, and given the separation distances from the Moyad Road, public views of the agricultural holding would be very limited. Therefore in terms of scale and character, the proposed development is appropriate to the location.

(c) The development is to visually integrate into the local landscape and provide additional landscaping where necessary.

As discussed above, public views of the site would be very limited given the topography of the site. The only landscaping proposed is a 1.4m tall dry stone wall to the west of the site. Overall it would be difficult to argue that the development would not visually integrate into the local landscape.

(d) It will not have an adverse impact of the natural or built heritage.

The proposed development does not affect any natural or built heritage features. The impact of the Mourne AONB and SLNCI NC 03/159 will be considered under PPS 2.

(e) The amenity of residential dwellings outside the holding are not to be adversely impacted by the proposed development including potential problems with noise, smell and pollution.

Four dwellings are located within 75m of the proposed agricultural buildings: nos. 235a, 235b, 235c and 235d Moyad Road. Both 235c and 235d are currently under construction. It is argued that there are no buildings within 75m outside the applicants ownership and evidence has been submitted to show that Shane Fitzpatrick owns 235a and 235b Moyad Road and that Stephen Fitzpatrick owns 235c and 235d Moyad Road. It would be reasonable to assume that both Shane Fitzpatrick and Stephen Fitzpatrick will both sell at least one of these dwellings which could mean that a non-associated party would be within 75m of the proposed farm buildings, however the situation at present is that the nearest non associated dwelling outside of farm is approximately 91m south of the proposed buildings.

As a new building is proposed, an additional three criteria have to be met:

- There must be no suitable existing buildings on the holding that can be used. It is argued that there are no buildings located at the farm yard on the surrounding Moyfab engineering yard for the purposes of agriculture. Currently the yard north of the existing and larger agricultural building is used for outdoor storage. There is also space to the rear of the existing agricultural building. At either of these locations a small extension could be erected to the existing building to provide additional floor space. This would prevent the need for new buildings to be constructed.

- The design and materials used are to be sympathetic to the locality and adjacent buildings. The design and materials, as detailed above, are typical of agricultural buildings in the area and therefore compliant with this criterion.

- The proposal is to be sited beside existing farm or forestry buildings. As discussed above an alternative site is to be used which is an acceptable exception to policy provided it can be shown that there are no other sites available at another group of buildings on the holding and where:

1. It is essential for the efficient functioning of the business.
2. There are demonstrable health and safety reasons.

It is argued that the new buildings are essential for the efficient functioning of the business as it is easier to feed and check housed animals numerous times each day, to avoid spending time transporting feed to animals over winter, to make it easier to detect animals in poor health and to avoid the need to leave farm machinery outside where its lifespan will be shortened and it is susceptible to theft. Using these reasons it is difficult to sustain that these buildings are essential for the efficient functioning of the farm. While it is accepted that the buildings could assist in making the farm function more efficient it has not been demonstrated that they are essential for the efficient functioning of the farm. As the policy test is regarding being essential for the efficient functioning of the business, the proposed development fails this test.

No arguments for the need of these farm buildings away from the existing buildings on health and safety grounds have been discussed. Earlier in the statement it was argued that there are bio security risks at the farm at present, but as discussed earlier, with better farming practices these could be reduced. Therefore there are no demonstrable health and safety reason for the need of these buildings away from the existing buildings.

Overall the proposed development fails to meet all of the requirements of Policy CTY 12 and therefore doesn't meet this policy or CTY 1.

Policy CTY 8 states that "*planning permission will be refused for a building which creates or adds to a ribbon of development.*" Approval of the proposed farm buildings would add to a ribbon of development along the laneway off the Moyad Road, therefore this is included as a reason for refusal.

The proposed buildings are also contrary to CTY 14 as the buildings would add to a ribbon of development which would further erode the rural character of the area – making the proposed buildings unacceptable under this policy.

#### PPS 2 – Natural Heritage

Policy NH 4 states that planning permission will only be granted got a development proposal that is not likely to have a significant adverse impact on a local nature reserve or a wildlife refuge. The proposed development is unlikely to have an adverse impact on the SLNCI.

Policy NH 6 states that 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. The proposed development is unlikely to have an adverse impact on the AONB.

#### **Recommendation:**

##### *Refusal*

The proposed development is contrary to Policies CTY 1 and CTY 12 of PPS 21.

#### **Refusal Reasons:**

1. The proposal is contrary to Policy CTY1 and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not necessary for the efficient use of the active and established agricultural holding.
2. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site away is essential for the efficient functioning of the business.

3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along a lane.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the agricultural buildings would, if permitted create or add to a ribbon of development and would therefore further erode the rural character of the countryside.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



# Quinn Design and Engineering Services

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Statement in support of planning application  
LA07/2016/0413/F

Proposal: Proposed livestock shed with underground slurry  
tank, multi purpose shed and livestock  
loading/handling pens

Location: Moyad Road, Kilkeel

Applicants: Hugh, Shane, Stephen, Ciaran and Raymond  
Fitzpatrick

## Background.

The Fitzpatrick family have farmed for several generations from their farm yard at 215 Moyad Road, Kilkeel. At present, the family farm is operated by Hugh Fitzpatrick and his 4 sons, Shane, Stephen, Ciaran and Raymond.

In tandem with the family farm, the Fitzpatrick family own and operate Moyfab Engineering and Moyfab Tooling Company. Moyfab Engineering is located at 215 Moyad Road whilst the tooling company's premises are located in Attical, to the north west of the proposed site.

Moyfab Engineering and Moyfab Tooling Company employ approximately 60 full time staff from the Attical, Kilkeel and Annalong areas.

Moyfab Engineering commenced in 1985 with the company specialising in the manufacture of agricultural gates, portable livestock feeders, livestock feeding barriers and silage bale handling equipment. The company also manufactures a range of scaffolding equipment for use in the construction industry.

Like countless rural engineering firms, Moyfab began operating in the farm yard and has grown organically over the years to surround the farm yard. At present the company's premises comprise several areas of open storage, no 215 Moyad Road, a former dwelling now used as an office and several buildings of various sizes whose scale, materials and design are typical of large-scale agricultural or small-scale commercial buildings.

Moyfab Engineering has recently constructed a new workshop which extends to approximately 1000m<sup>2</sup> which was approved by the PAC after Planning Services declined to grant permission.

The applicants have only 2 farm buildings, which, as the aerial photograph overleaf confirms are sandwiched between existing engineering workshops and open storage areas.

For reasons I will expand on later, the larger building does not have an underground tank. It is used to over winter cattle and to store dry feed, grain, grain milling equipment, machinery and bedding.

The applicants carry 10 breeding cows which will calve over winter whilst in the larger shed and will be turned out to grass in spring when weather allows. They buy in 25 to 30 store cattle annually which are fattened over winter in the larger shed on grain grown on the farm and sold in spring for slaughter.

The aerial photograph below shows the yard and its buildings.



The applicants lamb approximately 100 sheep each year. Their current buildings do not have sufficient space to house their sheep prior to lambing which dictates they are forced to over winter their sheep outside.

During lambing season sheep are brought to the large shed in batches just before lambing and housed in removable pens which are erected in the large shed. This arrangement along with the additional space required to house cows and young calves requires all machinery to be stored outside for approximately 3-4 months each year. If space is at a premium, bedding straw is also moved from the shed and stored outside under plastic covers.

Manure can only be removed from the smaller building by hand which dictates it can only be used to house sick or newly born animals.

As the previous aerial photo demonstrates, the 2 existing farm buildings are surrounded on 3 sides by buildings and outdoor storage areas associated with Moyfab Engineering, therefore, no space exists to construct additional farm buildings without impacting upon the space used to store Moyfab produce. This creates an obvious health and safety risk as there is conflict between vehicles/machinery servicing the industrial buildings and vehicles/pedestrians accessing the farm buildings.

The access gate from Moyad Road which serves the farm buildings also provides vehicular access to and from the northern section of the Moyfab yard. The access is used by large lorries delivering and collecting goods.

To facilitate the movement of vehicles and forklift trucks, the yard is completely open. This makes it very difficult to marshal animals to and from the large farm building without the animals escaping into the outdoor storage areas used to store raw materials and produce prior to transport.

Approximately 30 staff work at the Moyfab Engineering premises on a full time basis. The majority of Moyfab Engineering staff also work part time on their own family farms and as such their presence on the Moyfab Engineering site presents a major bio security risk to the applicants' animals when they are housed due to the proximity of the staff to the animal sheds.

### **The proposed buildings.**

As shown overleaf, this application proposes the erection of 2 new farm buildings along with new livestock loading/handling pens on farm land away from the Moyfab Engineering premises and adjacent to dwellings owned by Hugh Fitzpatrick and 2 of his sons, Shane and Stephen.

The dwelling immediately to the east of the proposed buildings was approved under planning reference P/2011/0930/RM as a dwelling on a farm in compliance with Policy CTY 10 of PPS21.

## Siteplan Sketch



Building no 1 will be used to over winter cattle and sheep and as such will have an underground slurry tank to store manure.

Building No 2 will be used to house feed, bedding and only the machinery required to feed on a daily basis.

The Fitzpatricks' sheep will be housed in building no 1 by mid November. Shortly after their sheep will be scanned to ascertain how many lambs the animal is carrying and to determine a date of birth. This information will be used to split the ewes into groups which will be given differing amounts of silage and meal depending on the number of lambs they are carrying. The scan results will also be used to progress the ewes into removable pens which will be erected in building no 2 to facilitate lambing.

Both buildings will be fitted with CCTV monitoring systems which will be used to monitor sheep and cows during lambing and calving periods. The CCTV system will be linked to the Fitzpatricks' smart phones, tablets & PCs to facilitate remote monitoring.

The area between the 2 buildings will be concreted to facilitate silage bale storage with any run off collected in the new underground tank.

The larger existing agricultural shed at 215 Moyad Road will continue to be used to store machinery and dry feed.

Finally, a new livestock handling and loading facility will be constructed to the north of building 1.

### **The Planning Department's Consideration To Date**

The Case Officer's Report confirms that the new buildings will not be visually damaging to the landscape as

- They will be sited on low lying land
- They will not be visible from Moyad Road
- They will only be visible from a very short stretch of Aughrim Road.

The Case Officer raises a concern over ribbon development. The new buildings will not create a ribbon of development any longer than that already created by the 3 existing houses on the opposite side of the lane. Furthermore, the new buildings are proposed right beside a new dwelling which is currently under construction and which was approved as a dwelling on the farm. Against this background, I would contend that the new buildings are proposed beside a group of dwellings on the farm.

Given that the new buildings will achieve a very high level of integration, I would contend that the ribbon development issues could be set aside if the Committee was satisfied that there was a "need" for the 2 new buildings.

I submitted a statement with the application which explained the need for the buildings. The Case Officer who processed the application has mentioned and then dismissed in turn each of the points I raised in support of the new buildings. Notably, the Case Officer hasn't offered any substantive reasoning as to **WHY** the new buildings are not warranted, he merely advises that he doesn't agree with my reasoning.

The Case officer has simply concluded that new buildings are not required. He then undermines himself by suggesting that new farm buildings could be constructed at the Moyfab site, beside the existing agri buildings. This is not an option for reasons I will expand on later. Furthermore, if new buildings are not required, why would the Case Officer suggest new buildings are sited beside the existing buildings.

## The DARD Consultation

As the Committee will be aware, the Planning Department consults DARD in cases where an application proposes a new dwelling or farm building on a farm. In this case the Planning Department has **ONLY** asked DARD to confirm the following:

- Have the applicants have a Farm Business ID number?
- Is the farm active and established for min 6 years and
- Is the farm in receipt of a single farm payment.

As I understand, the Council's Planning staff does not include an officer with the same expert knowledge of livestock farming activity as the officers in DARD. Given that DARD have instant access to the details of the Fitzpatrick farm including stock numbers; one would assume that the Planning Department would seek additional information from DARD as to the "need" for new buildings. However, regrettably, the Planning Department has decided to draw their own conclusions on this application based on only the fact that the farm is active, established for more than 6 years, has an ID number and claims a single farm payment.

To make the Committee aware, a farmer with 1 cow has an active farm. Providing he farms just over 4 acres, he is entitled to claim a single farm payment. Provided he has been doing so for min 6 years, he complies with the required test in CTY 10.

Against this background, the information sought from and provided by DARD in relation to THIS application has not provided the Planning Department with any information which would be useful in deciding whether or not new buildings are required.

To make a comparison, if a planning application proposed a new building in a flood plain or an area prone to flooding, the Committee would rightly expect the Planning Department to seek advice from Rivers Agency before making a recommendation.

Similarly, if an application proposed to alter a listed building, the Committee would expect the Planning Department to consult the Historic Buildings section if NIEA.

That being the case, why has the Planning Department decided in this case that the new buildings are not needed without seeking additional information from the experts in DARD?

## **The Need For The Buildings.**

On page 3 of the Case Officer's Report, the officer advises "*it is not a requirement to house sheep in doors over winter. I am therefore not convinced that additional farm buildings are necessary for the efficient use of the agricultural holding*"

The Case officer has undermined the entire application in 1 sentence.

He is also correct; there is **NO** legal requirement to house sheep in doors over winter. However, it is a proven fact that housing sheep indoors increases ewe and lamb survival rates approaching and during lambing. It prevents foot rot, pneumonia, loss of weight and aborted lambs due to sheep jostling for position at large silage feeders which are used to feed sheep outdoors. It also prevents sheep from becoming over weight due to eating ad lib. Over weight sheep can experience sever difficulties during lambing which can lead to lost lambs and sheep.

Healthy sheep leads to higher survival rates for both sheep and lambs which in turn leads to increased profits which must be considered a more efficient system when compared to over wintering sheep outdoors.

The Fitzpatricks operate a very successful rural engineering business in tandem with their farm. Surely the reduced time needed to constantly check and feed animals on a daily basis when compared to the time spent checking and feeding animals out doors in all weathers must be seen as a more efficient use of their time?

The Case Officer has completely overlooked the key point. The farm is not functioning in an efficient manner. Constructing the 2 proposed buildings would significantly increase efficiency.

Finally, farm machinery is very expensive and is very susceptible to theft. When their sheep are housed during lambing season, the applicants' expensive farm machinery has to be stored outdoors where it is susceptible to weathering which consequently shortens it lifespan. The machinery is also susceptible to theft which can lead to significant financial loss.

## **Why Can't The Applicants Build In The Existing Farmyard?**

On page 4 of the Case Officer's Report, the Case Officer advises "*Currently the yard north of the existing and larger agricultural building is used for outdoor storage. There is also space to the rear of the existing agricultural building. At either of these locations a small extension could be erected to*



*the existing building to provide additional floor space. This would prevent the need for new buildings to be constructed*'.

After reading this section of the officer's report I met Hugh Fitzpatrick at the Moyfab site to discuss the history of the farm yard and to see for myself the area identified by the Case Officer which could accommodate new agri sheds.

During our meeting Hugh Fitzpatrick informed me that the yard and buildings have flooded with surface water on several occasions in recent years.

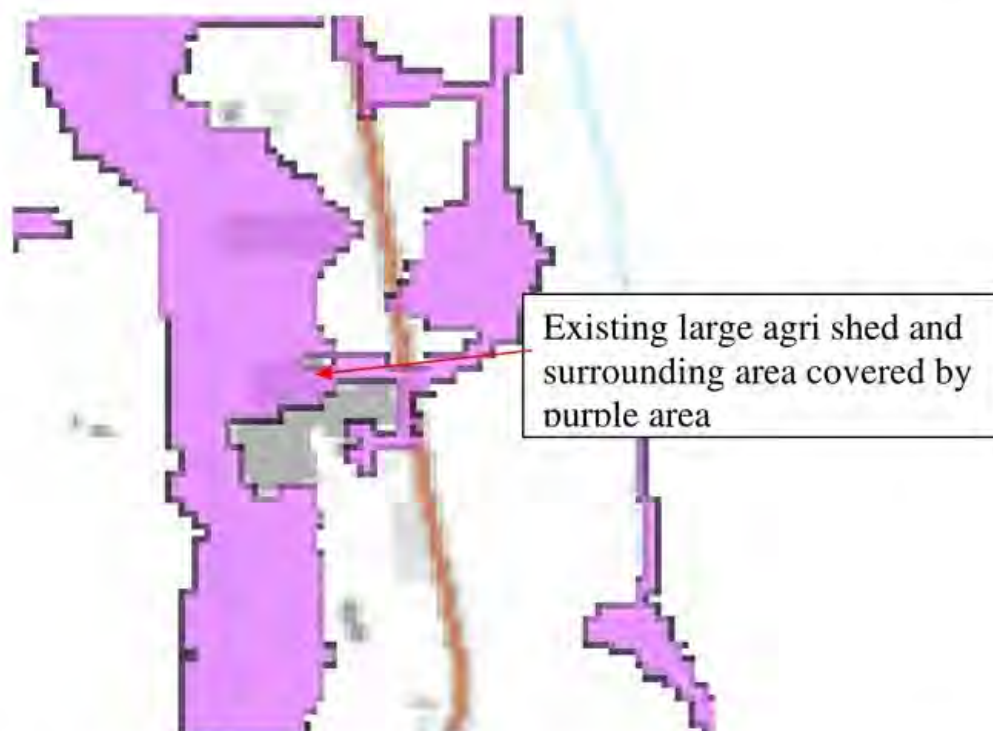
The Strategic Flood Map confirms that the yard is sandwiched between the Aughrim and Leitrim Rivers. The extract from the Strategic Flood Map below confirms that the western portion of the yard and some of the existing buildings are located within the floodplain (shown blue) associated with the Aughrim River.

#### Extract From The Strategic Flood Map Showing River Floodplain In Blue



The extract from the Strategic Flood Map over leaf shows that a much greater area of the yard + the existing larger agri shed is affected by the surface water flood plain.

### Extract From The Strategic Flood Map Showing Surface Water Floodplain In Purple



The applicants could construct new agricultural sheds within the existing yard as advised by the Case Officer. However, doing so would greatly reduce the storage area available for Moyfab Engineering and would do nothing to alleviate the applicants' concerns re the bio security risks posed by employees who also farm coming into contact with their farm buildings and livestock.

Should a new shed with an underground tank be located in a surface water flood plain which has flooded in recent years, there is a more than distinct possibility that surface flood water could flood the new building and the underground tank which would mix flood water with raw slurry. Once the surface flood water begins to recede, it would most certainly draw water that has already been contaminated with slurry from the underground tanks into the nearby Aughrim River. This would lead to a problem of a different kind.

For these reasons, constructing new farm sheds with an underground tank in the Moyfab Engineering yard would be irresponsible and is the reason why the existing larger agri building does not benefit from an underground slurry tank.

## **Farm Business Improvement Grant Aid Scheme Launched BY DAERA**

The Department of Agriculture, Environment and Rural Affairs (DAERA) has recently invited grant aid applications from farmers who are seeking to build new farm buildings to make their businesses more efficient. Their website confirms that successful applicants will receive a grant equal to 40% of the capital costs related to the construction of new farm buildings.

DAERA is content to spend millions of pounds in a concerted effort to assist farmers in making their businesses significantly more efficient.

The Fitzpatricks are disappointed to see that the Planning Department in their local Council is being less than helpful in understanding their need for 2 new farm buildings.

### **Conclusion**

The applicants' farm business has the potential to perform with a significantly higher efficiency if permission was granted which would allow the applicants' animals to be over wintered indoors and all farm machinery to be stored indoors.

The farm is currently performing in an in-efficient manner. Construction of the proposed buildings would allow the farm to perform significantly more efficiently.

I trust I have sufficiently explained why new buildings should not be built in the floodplain at the Moyfab yard.

I would respectfully ask that the Committee accept that there is a need for the new buildings to be sited away from the existing farm yard, set aside the refusal reasons relating to Ribbon Development and approve this application.

I would like to thank the Council in advance of the opportunity to represent the applicant.

Brendan Quinn  
BSc Hon's  
ICIOB

# Quinn Design and Engineering Services

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Statement in support of planning application LA07/2016/0413/F

Proposal: Proposed livestock shed with underground slurry tank, multi purpose shed and livestock loading/handling pens

Location: Moyad Road, Kilkeel

Applicants: Hugh, Shane, Stephen, Ciaran  
and Raymond Fitzpatrick

## **Background and Farming Activity**

The Fitzpatrick family own and operate Moyfab Engineering and Moyfab Tooling Company. Moyfab Engineering is located at 215 Moyad Road whilst Moyfab Tooling is located in Atticall.

Moyfab Engineering commenced in 1985 and grew around the farm yard at 215 Moyad Road.

The applicants keep 10 breeding cows which calve over winter.

25 to 30 store cattle are fattened over winter in the large shed.

The applicants lamb over 100 sheep each year.

## THIS IS NOT A HOBBY FARM

The applicants have only 2 farm buildings, which are sandwiched between workshop buildings and open storage areas at the Moyfab Engineering site.

The larger building does not have an underground tank. It is used to over winter cattle and to store dry feed, machinery and bedding.

The smaller building was built a long time ago. It has a floor level higher than the yard and cant be accessed by machinery.

Photograph showing the 2 farm buildings totally enclosed by Moyad Road and the outdoor storage areas used by Moyfab



Photograph taken from the road side showing the 2 existing farm buildings enclosed by storage areas used by Moyfab

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Their current buildings do not have sufficient space to house the applicant's sheep prior to lambing which means sheep are over wintered outside.

During lambing season sheep are brought into the large shed in batches. This arrangement requires expensive machinery to be stored outside for approximately 3-4 months each year where it is susceptible to theft.

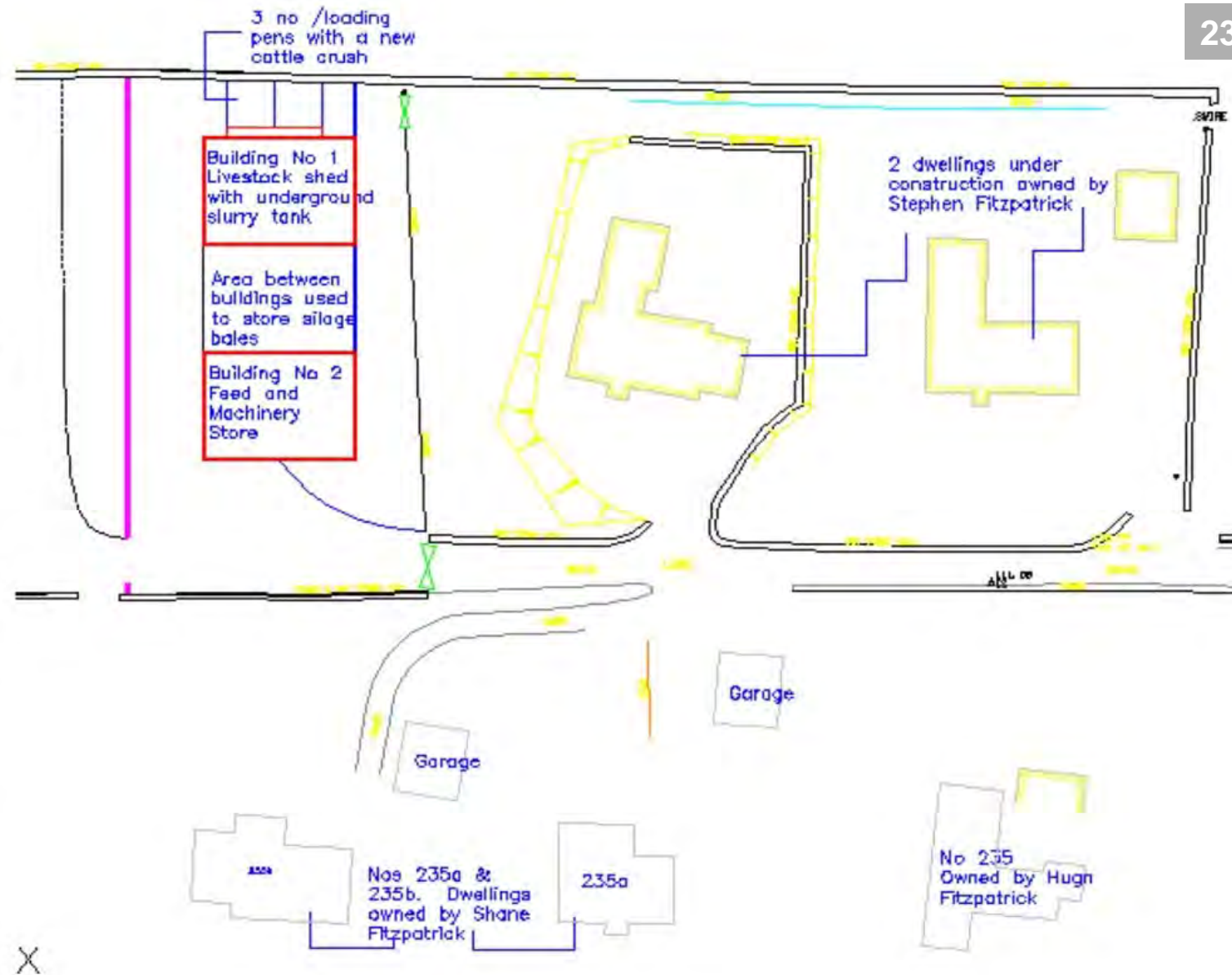
Some photographs showing machinery feed and bedding currently stored in the larger shed.

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## The Proposal

This application proposes the erection of 2 new farm buildings along with new livestock loading/handling pens adjacent to dwellings owned by Hugh Fitzpatrick and 2 of his sons, Shane and Stephen.



## The Planning Department's Consideration To Date

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The Case Officer's Report confirms that the new buildings will integrate into the landscape.

I would argue that the alleged ribbon of development that would be created by the 3 new buildings will be no worse than the existing ribbon of development already created by the 3 existing houses on the opposite side of the lane.

The planning statement submitted with the application explained the need for the buildings and why they could not be located beside the existing farm buildings.

The Case Officer has mentioned and then dismissed in turn each of the points I raised in support of the new buildings and their proposed siting.

Notably, the Case Officer hasn't offered any substantive reasoning as to **WHY** the new buildings are not warranted, he merely advises that he doesn't agree with my reasoning and concludes that new buildings are not required.

The Case Officer then suggests that new farm buildings **could be constructed** at the Moyfab yard, beside the existing agri buildings.

If the Planning Department is so sure new buildings are not required, why would the Case Officer suggest new buildings should be sited beside the existing buildings??

## The DARD Consultation

The Planning Department consulted DARD.

DARD were **ONLY** asked DARD to confirm the following:

- Have the applicants have a Farm Business ID number?
- Is the farm active and established for min 6 years and
- Is the farm in receipt of a single farm payment?

Why has the Planning Department not asked DARD for additional information relating to the **NEED** for the proposed buildings.

In short, without asking DARD the useful questions, the Planning Department has drawn its own conclusions on this application.

To make a comparison, if a planning application proposed a new building in a flood plain or an area prone to flooding, the Committee would rightly expect the Planning Department to seek advice from Rivers Agency before making a recommendation.

### **The Need For The New Buildings.**

The Case Officer advises “it is not a requirement to house sheep in doors over winter. I am therefore not convinced that additional farm buildings are necessary for the efficient use of the agricultural holding”

The Case officer has undermined the entire application in 1 sentence.

He is correct; there is **NO** legal requirement to house sheep in doors over winter.

## Why is it better to house sheep indoors over winter?

- It increases ewe and lamb survival rates approaching and during lambing.
- It prevents foot rot,
- It prevents pneumonia,
- It prevents loss of weight,
- It prevents aborted lambs due to sheep jostling for position at large silage feeders,
- It protects the land from rutting in bad weather,
- Housed sheep can be easily checked several times daily, they can be monitored remotely and can be fed in minutes and
- Housed sheep eat less

**In short its much more **efficient** to over winter sheep indoors.**

Farm machinery is very expensive and is very susceptible to theft. When their sheep are housed the applicants' expensive farm machinery has to be stored outdoors where it is susceptible to weathering and theft.

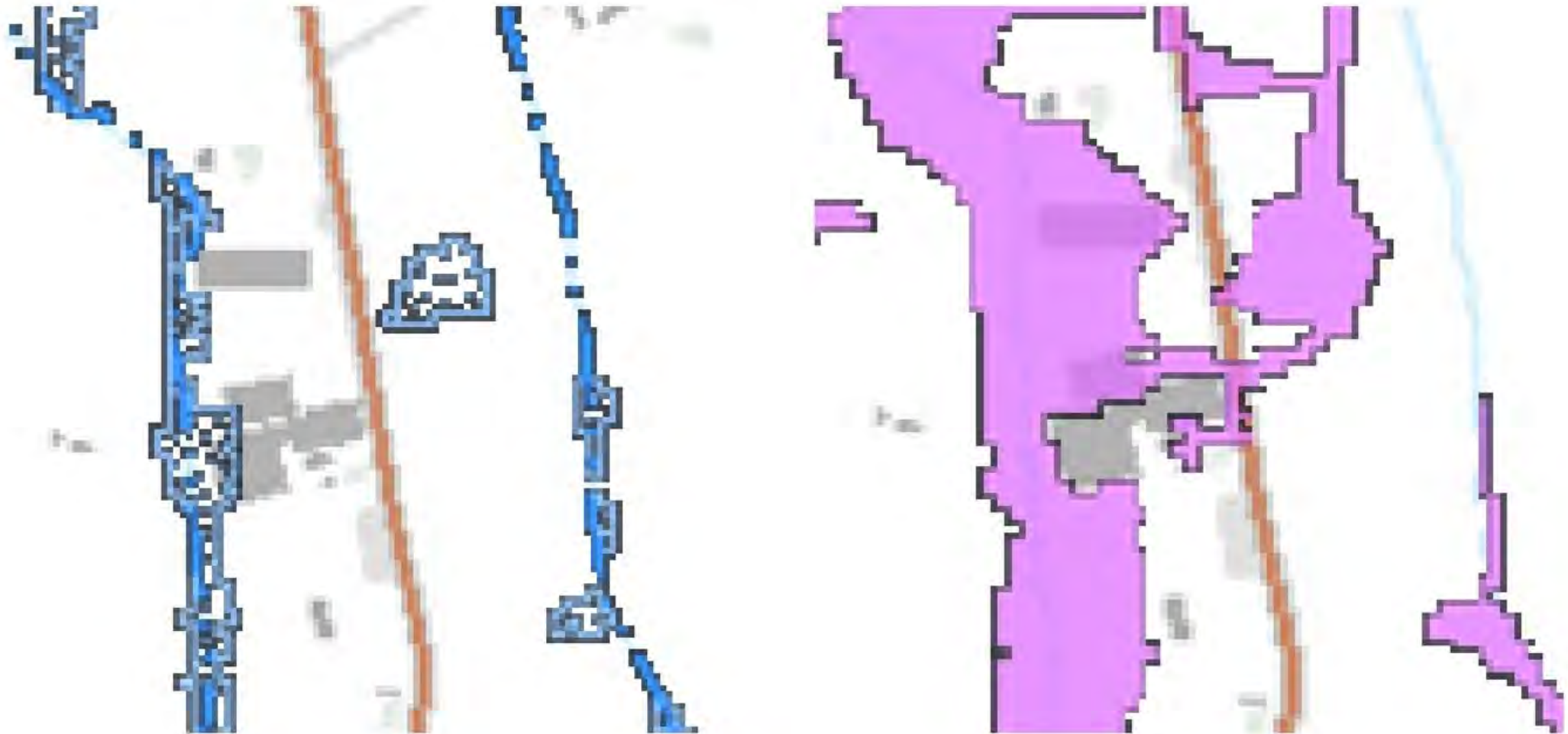


## The Existing Yard Floods

The yard and buildings are located in in flood plain affected by river and surface water.

The 2 diagrams below were copied from the DARD Strategic Flood Map

The blue and purple areas are affected by river and surface flooding



Photograph showing the concrete ramp placed in front of the larger building to prevent flood water from entering

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Should a new shed with an underground tank be located in a surface water flood plain which floods regularly, surface flood water will flood the new building, the underground tank and pollute Aughrim River which flows past the yard.

For these reasons, constructing new farm sheds with an underground tank in the Moyfab Engineering yard would be irresponsible and is the reason why the existing larger agri building does not benefit from an underground slurry tank.

## Conclusion

The applicants' farm business has the potential to perform with a significantly higher efficiency if permission was granted.

I trust I have sufficiently explained why new buildings are required and why they should not be built in the floodplain at the Moyfab yard.

I would respectfully ask that the Committee give determining weight to the fact that there is a need for the new buildings to be sited away from the existing farm yard, set aside the refusal reasons relating to ribbon development and approve this application.

I would like to thank the Council for the opportunity to represent the applicant.

<b>ITEM NO</b>	<b>14</b>			
<b>APPLIC NO</b>	LA07/2016/0438/F	Full	<b>DATE VALID</b>	4/6/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Peter and Sinead Donaghy and Kinney Excel Gymnastics C.I.C 29 Hawthorn Hill Dublin Road Newry BT35 8DE		<b>AGENT</b>	Raymond Mullen M.B.I.A.C 28 Mount Pleasant Newry BT34 2AW
				07707675976

**LOCATION** Site at No. 2G Derryboy Road  
Carnbane Industrial Estate  
Newry  
Co Down  
BT35 6QH

**PROPOSAL** Retrospective change of use from approved industrial unit to Gymnastic Facilities aged plus 5 years.

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

- 1 The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development, SPPS and the Banbridge, Newry and Mourne Area Plan 2015 in that the existing economic land/building is a valuable resource with the potential to accommodate employment opportunities for the local area and should therefore be retained in its present use.
  
- 2 The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development Policy PED 7, SPPS and the Banbridge, Newry and Mourne Area Plan 2015 in that the site is located on land zoned for economic development use which should be retained to meet further demand.
  
- 3 The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development Policy PED 7 and PED 9 and SPPS in that the development would, if permitted, be incompatible with the existing land use identified as existing industry.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0438/F**

**Date Received: 01.04.2016**

**Proposal: Retrospective change of use from approved industrial unit to Gymnastic Facilities aged plus 5 years.**

**Location: Site at No. 2G Derryboy Road, Carnbane Industrial Estate  
Newry Co Down BT35 6QH**

**Site Characteristics & Area Characteristics:**

*The site is located within Carbane Industrial north of Newry city. At the time of inspection the proposed change of use had taken place. The building is of a design to that typically found within the surrounding Industrial Estate. To the rear of the building there is a large concrete yard and beyond that an area of hardstanding with mature planting to the side and rear.*

*The site is within an area zoned for Economic development as defined in the Banbridge, Newry and Mourne Area Plan 2015.*

**Site History:**

P/2007/1314/F -erection of maintenance workshop for machinery with associated offices and site works.

P/2008/0653/F -erection of service workshop, yard, car parks and 2 storey office block

P/2010/1002/F- Erection of 2 storey office building and associated site works to serve the existing workshop, granted.

**Planning Policies & Material Considerations:**

*The Strategic Planning Policy Statement (SPPS)*

*The Banbridge/Newry and Mourne Area Plan 2015*

*Planning Policy Statement 3*

*Planning Policy Statement 4*

**Consultations:**

**Environmental Health- no objections**

**TransportNI- no objections**

**INvestNI- see below****Objections & Representations**

*No. of neighbours notified= 2*

*Advertised= 11.04.2016*

*No. of representations received=3 letters of support: British Gymnastics, Cllr Davy Hyland and Cllr Charlie Casey.*

**Consideration and Assessment:**

*From the above site history the approved use on the site is that of a workshop with ancillary offices. These offices had not been constructed at the time of inspection. The proposal is for a change of use from the approved workshop to a gymnastics facility. The site is located within an area zoned for economic development. The SPPS reinforces that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. The Council may only wish to retain flexibility to consider alternative proposal on unzoned land in the settlement which is in current economic development use or last used for these purposes.*

*Policy PED 7 of PPS 4 states that development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.*

*The surroundings lands are currently occupied by Kingspan, Terra Solution and MJM.*

*Kingspan Environmental is part of the Kingspan Group PLC, a world leader in the supply of high performance building products to the construction industry. Kingspan Environmental have been creating sustainable, renewable and environmentally friendly solutions for domestic and large scale projects across the world.*

*TERRA SOLUTIONS LIMITED IS A SPECIALIST TRENCHLESS CIVIL ENGINEERING CONTRACTOR.*

*MJM Group specialises in new build, refurbishment and fit-out services to the marine, commercial and private sectors.*

*The surrounding area is characterised predominantly by industrial uses.*

*The proposal is for a non profitable, Community Interest Company which is affiliated to British Gymnastics. The proposed used would fall within sui generis.*

*Having considered the surrounding uses it could not be argued that the land has been substantially developed for alternative uses within the zoning. The policy allows for an exception within industrial zonings for a sui generis uses where it can be demonstrated that the proposal is compatible with the predominant industrial use. The proposed use as a gymnastics facility does not fit as a sui generis employment use compatible with the existing or proposed development uses.*

*As the proposal is simply for a change of use of the existing building the scale, nature and form of the development are appropriate to the location. The proposal*

will result in a loss of approx. 730 sq metres of industrial floorspace on a plot of land 0.4 hectares in area.

The applicant has supplied a number of documents in support of the application and provided reasoning for the proposed siting. As stated above this is a non profitable organisation for the benefit of the local communities. The sport has proved itself popular through the large waiting lists in excess of 250 children. The facility has been in operation since 1999 from a number of locations including Newry Sports Centre where they have approx. 280 recreational gymnasts and 48 elite gymnasts attending on a weekly basic. They also operate from St Mark's HS Warrenpoint and have 140 children attending at this location weekly over the past 3 years.

At present Newry Sports Centre is not able to meet the demands of the applicant as the time slots are limited due the steady growth in numbers attending. The applicant has stated that he was actively seeking suitable premises for more than a year. In support of the application the applicant has stated that the development will increase the quality and range of activities available to more local children whilst also extending this to the local primary schools.

The proposed use can be seen to offer a facility that will provide a greater good for the community in terms of improving health, community cohesion, youth work and education. It is accepted that this type of proposal should be encouraged. However, the site is within an area zoned which would restrict the proposed use and there would be concerns with regards to the safety of young children within an existing industrial zoning.

The proposal will not negatively impact on the surrounding amenity, natural/built heritage and adequate access arrangements currently exist. The proposal would require approximately 12 car parking spaces for both staff and visitors. Although the car parking arrangements is not defined on site the plans show 21 spaces to the rear 4 of which labelled disabled.

Invest NI have objected to this proposal as they have stated, it is contrary to Planning Policy. They are opposed to the loss of industrial property to non-industrial uses and the of nature industrial estates makes them inappropriate for the proposed use on safety grounds. In addition, Invest NI retains a freehold ownership of the application site and the proposal runs contrary to the terms of the Invest NI lease and they have advised the owner of this.

#### **Recommendation:**

**The proposal is contrary to the area plan zoning, SPPS and PPS 4 PED 7 and PED 9**

**The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development, SPPS and the Banbridge, Newry and Mourne Area Plan 2015 in that the existing economic land/building is a valuable resource with the potential to accommodate employment opportunities for the local area and should therefore be retained in its present use.**

**The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development Policy PED 7, SPPS and the Banbridge,**



***Newry and Mourne Area Plan 2015 in that the site is located on land zoned for economic development use which should be retained to meet further demand.***

***The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development Policy PED 7 and PED 9 and SPPS in that the development would, if permitted, be incompatible with the existing land use identified as existing industry.***

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<b>ITEM NO</b>	<b>16</b>			
<b>APPLIC NO</b>	LA07/2016/0477/F	Full	<b>DATE VALID</b>	4/14/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Caolan Quinn 106 Carrickgallogly Road Belleek Armagh BT35 7QS		<b>AGENT</b>	SP Services 61 Glen Mhacha Armagh BT61 8AF
				07851613641
<b>LOCATION</b>	50m south-east of No 106 Carrickgallogly Road Carrickgallogly Belleek Armagh BT35 7QS			
<b>PROPOSAL</b>	Erection of dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to Policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not represent the replacement of a redundant building nor would its replacement bring significant environmental benefits.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0477/F**

**Date Received: 14.04.2016**

**Proposal: Erection of Dwelling**

**Location: 50m south-east of No 106 Carrickgallogly Road, Carrickgallogly Belleek Armagh**

**Site Characteristics & Area Characteristics:**

*The site is located along the Carrickgallogly Road between no. 106 and no. 108. At the time of inspection there was an existing shed on site. The boundary with no. 106 was defined by a row of castlewellan golds approximately 8-10 metres in height. The boundary with no. 108 is undefined with a small mound of earth acting as a method of separation.*

*Numbers 104, 106 and 108 all have frontages and accesses onto the Carrickgallogly Road.*

**Site History:**

**P/2000/1742/F- Builders Yard- approval**

**P/2004/2993/O & P/2009/1362/F- erection of dwelling- approval**

**Planning Policies & Material Considerations:**

*The Strategic Planning Policy Statement (SPPS)  
The Banbridge/Newry and Mourne Area Plan 2015  
Planning Policy Statement 3  
Planning Policy Statement 15  
Planning Policy Statement 21*

**Consultations:**

**EH- no objections**

**TransportNI- no objections sub to cons**

**NIW- statutory**

**Rivers Agency- eastern boundary of the site is adjacent to a watercourse that is undesignated. It is advised that a working strip of appropriate width is retained to enable the riparian landowner's to fulfil their statutory responsibilities.**

### **Objections & Representations**

*No. of neighbours notified= 2*

*Advertised= 18.04.2016*

*No. of representations received= 0*

### **Consideration and Assessment:**

*Application previously considered and grouped with the Snr Officer with a recommendation to refuse, see report attached to file.*

*Amended block plan, floor plans and elevations received. The dwelling has been reduced to single storey.*

*The proposed single storey dwelling would not be a prominent feature in the landscape and can satisfactorily integrate into the site and its surroundings.*

*The proposal description was amended to erection of dwelling and justification for the proposal set against the provision contained within CTY3- Replacement dwellings.*

*Policy CTY3 states that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.*

*The agent states that the building is of industrial design and is inappropriate to the rural landscape. This building was previously used for use in conjunction with a builder's yard. This builders yard was previously approved under P/2000/1742/F. The subject building at that time was referred to on the plans as an existing shed. However, it was contained within the red line of the application site, therefore is considered as a building in connection with such business. The agent has stated that the use of the shed for its purpose ceased more than 10 years ago.*

*The existing building from internal inspection is still in use and is being used to store scaffolding, family sports buggie/lawnmower, a couple of dozen plastic buckets, shelf of wooden planks, toilets/bath and other materials, it cannot be described as a redundant building. Please refer to PAC decision (2014/A0147).*

*The agent within their submission states, 'this existing development is located within a rural landscape and the reintroduction of the use would be detrimental to this area. It is felt that the proposed replacement of this building with a dwelling will result in significant environmental and landscape benefits to the locality.'*

*The agent refers to the reintroduction of the use would be detrimental to the area. He states the following, 'The previous use of the site would fall within Class B3: General Industrial from The Planning (Use Classes) Order (Northern Ireland) 2015. This use class is widely associated as a category which can have serious negative impacts on the amenity of any adjacent properties. There are a wide variety of industrial uses which fall within this Use Class and it is felt that the elimination of this prospect from this sensitive landscape represents an opportunity for a significant "planning gain" in this area.'*

*Having completed a history search of the site, there is no planning approval for a Class B3: General Industrial use on site. The builders' yard would be considered as a use falling within Class B4: storage and distribution. Any proposal to introduce a use falling within Class B3 would require planning approval. The fact that the agent is referring to the reintroduction of the use and the possibility of alternative industrial uses within the building commencing is another indication that the building is not redundant. Please refer to PAC decision (2011/A0172).*

*The existing building although used in connection with the builders' yard is of a size and design similar to that of agricultural buildings typically found within the countryside setting. The removal of this building and the re-development of the site does not in my opinion result in significant environmental benefits.*

*The proposal is contrary to Policy CTY3 in that the building is not considered by the Planning Department to be redundant and its redevelopment would not bring significant environmental benefits.*

**Recommendation:**  
***Having considered all the above I am of the opinion to recommend refusal.***

**Refusal reasons:**  
**The proposal is contrary to the SPPS and Policies CTY 1 & CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not represent the replacement of a redundant building nor would its replacement bring significant environmental benefits.**

.....  
.....  
.....  
.....

<b>Reference:</b>	LA07/2016/0477/F
<b>Applicant Name:</b>	Mr Caolan Quinn
<b>Proposal:</b>	Erection of dwelling
<b>Site Location:</b>	50m south-east of No 106 Carrickgallogly Road Carrickgallogly Belleek Armagh

Newry, Mourne & Down Local Planning Office intends to refuse this application on the grounds that:

- The proposal is contrary to Policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not represent the replacement of a redundant building nor would its replacement bring significant environmental benefits

Extant rural planning policy is set out in Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). Policy CTY1 thereof sets out the types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in six specified instances. One is a replacement dwelling in accordance with Policy CTY3. Policy CTY1 goes on to say that other types of development will only be permitted where there are overriding reasons why the development is essential.

Policy CTY3 is entitled 'Replacement Dwellings'. However, it states at paragraph 3 that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

The policy goes on to state that proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably

accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

The existing building to be replaced is set back approximately 17m back from Carrickgollogly Road and measures 19.15m wide and 12.21m deep. The building is of industrial design and is inappropriate to the rural landscape. This building was previously used for use in conjunction with a builder's yard. The use of the shed for this purpose ceased more than 10 years ago. The Case officer's report makes reference to numerous building materials being "stored" in the shed however these are old materials that are no longer in use or required. They are essentially waste materials. Although there is a lawnmower in the shed this was only placed there the week previously to the site visit as it was the first time the shed had been opened in ten years.

The site is currently overgrown and there are significant examples of building materials and equipment strewn throughout the undergrowth. I have attached various photographs taken around the site to provide examples.

This existing development is located within a rural landscape and the reintroduction of the use would be detrimental to this area. It is felt that the proposed replacement of this building with a dwelling will result in significant environmental and landscape benefits to the locality.

The previous use of the site would fall within Class B3: General Industrial from The Planning (Use Classes) Order (Northern Ireland) 2015. This use class is widely associated as a category which can have serious negative impacts on the amenity of any adjacent properties. There are a wide variety of industrial uses which fall within this Use Class and it

is felt that the elimination of this prospect from this sensitive landscape represents an opportunity for a significant "planning gain" in this area.

The existing building does not make an important contribution to the character of the locality and It is proposed to replace this large shed with a dwelling of modest proportions, designed to reflect the traditional built form in rural Ireland. The scheme will essentially result in a softening of the built form in this area as the proposed dwelling will have an impact significantly less than the existing industrial building.

The removal of the building will also signal the removal of the building materials and equipment from around the site which will be replaced by sensitive landscaping.

The proposed access arrangements will also result in an increase in traffic safety along this part of Carrickgollogly Road. Currently the access is unsuitable for the use for general industry and any improvements to the access point should be seen as significant benefit to the wider community.

It is therefore felt that this proposal easily meets the relevant criteria within this part of CTY3 in that the proposal will bring significant environmental benefits to the site. It is also contended that the application meets the subsequent policy criteria in that:

- It is located within the existing site curtilage
- the proposed dwelling will easily integrate into the landscape and will not have an impact significantly greater than the existing building
- the design of the building respects traditional rural form in Northern Ireland
- all necessary services are available to the site, and
- access to the site is easily achievable and will result in a safer access arrangement than that which served an industrial use.

In respect of this information it is felt that this application meet the relevant policy criteria within PPS21.



There is quite an obvious ribbon of development along this part of Carrickgallogly Road. The Case officer in her report has stated that “Numbers 104, 106 and 108 all have frontages and accesses onto the Carrickgallogly Road.” This in itself is admission that there is an existing ribbon of development at this location which also includes the existing building which forms part of this application. If the Council can agree in principle that there is an existing ribbon of development at this location our client will agree to withdraw this application and submit a new application when the existing building on site has been demolished.

Essentially we are dealing with a chicken and egg scenario whereby an existing ribbon of development exists, without a gap. If the building were to be demolished a new gap would exist within the ribbon.

It appears that the proposed design is deemed acceptable as it does not form part of the refusal reasons therefore if the principle of development as a potential infill opportunity can be agreed it is felt that this would be a reasonable outcome to this matter which would allow our client to build a home beside his parents.

<b>ITEM NO</b>	<b>17</b>			
<b>APPLIC NO</b>	LA07/2016/0510/O	Outline	<b>DATE VALID</b>	4/19/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Robert Laurence Annett 60 Corcreaghan Road Kilkeel BT34 4SL		<b>AGENT</b>	MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ 028 9042 1011

**LOCATION** Adjacent and West of 60 Corcreaghan Road  
Kilkeel  
BT34 4SL

**PROPOSAL** Dwelling on a farm

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.



**Application Reference:** LA07/2016/0510/O

**Date Received:** 19<sup>th</sup> April 2016

**Proposal:** Dwelling on a farm

**Location:** Adjacent and West of 60 Corcreaghan Road, Kilkeel, BT34 4SL

**Site Characteristics & Area Characteristics:**

The application site is part of a large agricultural field that is located adjacent and west of number 60 Corcreaghan Road approximately 2.4 miles west of Kilkeel. The site is in a rural area that is classified as open countryside and falls within the Mourne Area of Outstanding Natural Beauty; an Archaeological Site and Monument zone (DOW055:043); and an area of constraint on mineral developments as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The proposed site is accessed via an existing agricultural access off the Corcreaghan Road. The northern and southern boundaries of the site are defined by hedgerow and mature trees, the western boundary is undefined and the eastern boundary is defined by a row of leylandii hedging that borders number 60 Corcreaghan Road. Farm Business ID 627078 is registered to number 60 Corcreaghan Road. There is a large garage to the rear of number 60 that was granted approval under reference P/2003/1606/F on the 5<sup>th</sup> March 2005.



Satellite Image of Application Site

**Site History:**

P/1993/0296 -	Site for dwelling – Outline permission granted 10.06.1993
P/1993/1381 -	Erection of dwelling – Reserved Matters granted 16.05.1994
P/1998/1064 -	Site for a dwelling – Permission refused 15.12.1998. The application was considered to be contrary to policies DES 5, 6 & 7 of the Planning Strategy for Rural Northern Ireland.
P/2003/1606/F -	Erection of garage to house lorry – Permission granted 15.03.2005.

**Planning Policies & Material Considerations:**

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement (PPS) 2 – Natural Heritage;
- Planning Policy Statement 3 – Access, Movement and Parking; &
- Planning Policy Statement 21 – Sustainable Development in the Countryside.

**Consultations:**

NI Water -	Generic Response.
Environmental Health -	No objections in principle.
Transport NI -	No objections subject to conditions.
DAERA -	The farm business ID has been in existence for more than 6 years however it has not claimed farm payments within the last 6 years;
HED -	Content the proposal satisfies archaeological policy requirements.

**Objections & Representations**

2 neighbour notifications were issued and the application was advertised in the local press the week beginning 2<sup>nd</sup> May 2016. No objections or representations have been received.

**Consideration and Assessment:**

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

The SPPS for Northern Ireland is material to all decisions on individual planning applications, however other than an update on the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its provisions and those of PPS 21 in relation to dwellings on farms. Accordingly the requirements of the policies contained in PPS 21 are material to the assessment of this application. Policies CTY 1, CTY 8, CTY 10, CTY 13, CTY 14 and CTY 16 will apply.

### **Principal of Development**

Policy CTY 1 of PPS 21 sets out a range of types of development that are acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 10 states planning permission will be granted for a dwelling house on a farm where 3 criteria can be met. If a proposal complies with Policy CTY 10 it will then also satisfy Policy CTY 1.

Criterion (a) of Policy CTY 10 requires the farm business to be currently active and have been established for at least 6 years. The applicant has indicated on the P1C form that the farm business was established in 1995 and that Single Farm Payment (SFP) or other farm subsidies are submitted to DAERA (formally DARD). Claiming farm payments is the main means used to determine if the farm business is active. In their consultation response DAERA have stated the business ID provided has been established for more than 6 years however SFP has not been claimed within that period.

In a letter dated 7<sup>th</sup> July 2016 Richard O'Toole (acting for Michael Burroughs Associates) stated DARD had confirmed the receipt of SFP in two previous applications in which the same business ID was used. The application reference numbers were P/2013/0334/O and P/2013/0913/F. Mr O'Toole provided copies of the DARD responses and also submitted a sworn declaration from the applicant in which he states he has continuously farmed the land since 1995.

In regards to the DARD responses for the two previous applications, the most recent response (P/2013/0913/F) dated 13/01/2014 stated farm payments had been received within the previous 6 years – i.e. between 2008 and 2014. Mr O'Toole stated the applicant has continued to farm his land in the two years since the DARD response. However in a more recent application (LA07/2015/0542/F) in which the applicant has used the same business ID, DARD responded on 25/11/2015 stating the business had not claimed SFP within the last 6 years – i.e. 2009-2015. Having considered this information I am of the opinion that farm subsidiary payments have not been claimed for this business since 2008/09.

The applicant also provided two flock numbers on the P1C application form to substantiate the claim that the farm has been active and established for more than 6 years. However information submitted in support of application P/2013/0913/F

indicate the sheep were purchased on 18/08/2014. The information provided on the P1C application form in relation to farm subsidies and flock numbers does not satisfy the policy requirements of criterion (a). In relation to the submission of a sworn declaration from the applicant, this alone is not considered to be verifiable proof that the farm business is active and established.

A letter was issued to the agent on 22<sup>nd</sup> August 2016 requesting verifiable proof the farm business has been active and established for the requisite period of time. The letter contained examples of what would be considered acceptable verifiable proof, for example copies of farm business accounts/tax returns; evidence of herd/flock movements; and/or receipts in relation to activities/improvements carried out on the farm holding over the required period. No information was received. A further letter was issued on 27<sup>th</sup> September 2016 notifying the agent the information previously requested was material to the determination of the application, and that if no information was forthcoming the application would be decided on the information available at that time. To date no information has been submitted to substantiate the claim that the farm has been active and established over the requisite period of 6 years. Accordingly, the proposal does not comply with Policy CTY 10(a) and is therefore unacceptable in principle in the countryside under Policy CTY 1.

Criterion (b) requires that no dwellings or development opportunities out-with settlement limits be sold off from the farm holding within 10 years of the date of the application. This provision only applies from 25<sup>th</sup> November 2008. A planning history search shows that no sites have been approved for dwellings on the farm holding. I am satisfied that criterion (b) has been satisfied.

Criterion (c) of Policy CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. As there is no existing lane from which the proposed site could be accessed this part of the policy requirement is not practicable in this case. The proposed site is located immediately north of an established group of buildings on the farm holding, i.e. number 60 Corcreaghan Road and the large garage building to the rear of number 60. I am satisfied that given the proximity of the proposed site to the existing buildings on the farm holding the new dwelling will visually link and cluster with them. The proposal therefore complies with criterion (c).

### **Ribbon Development**

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development. I am content that the location of the proposed dwelling close to the established group of buildings on the farm will not read as ribbon development.

### **Integration and Design**

Paragraph 6.73 of the SPPS confirms that *"Dwellings on farms must also comply with LDP policies regarding integration and rural character."* In the absence of an adopted LDP these considerations must be assessed under policies CTY13 and CTY14 of PPS21.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Given the existing boundaries and vegetation, the topography of the land and the close proximity of the site to the established buildings on the farm holding, I am satisfied a dwelling could be integrated into the landscape at this location subject to a siting condition.

### **Rural Character**

Policy CTY 14 state planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. Although no details of the proposed design have been submitted at this stage I am satisfied a dwelling at this location when viewed with the existing buildings would not cause a detrimental change to, or erode the rural character of the area. The proposed site is not visible from the Moyad Road and when viewed from Aughnahoor Road will read with the existing cluster of buildings without appearing as build-up.

### **Development Relying on Non-Mains Sewerage**

Policy CTY 16 states planning permission will only be granted for development relying on non mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has indicated that fowl sewage will be disposed with by septic tank. I am satisfied the site could accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA.

### **Planning Policy Statement 2 – Natural Heritage**

This site lies within the Mourne Area of Outstanding Beauty as designated in the Banbridge, Newry and Mourne Area Plan. A traditional style dwelling on this site would not be considered contrary to the requirements of policy NH6 of PPS2.

### **Planning Policy Statement 3 – Access, Movement and Parking**

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

new access onto a public road. TransportNI were consulted and have no objections in principal. In this case they have recommended visibility splays of 2.4m x 80m. If the sight visibility splays were put in place in accordance with Transport NI requirements there would be no road safety issues.

**Recommendation:**

It has not been demonstrated that the farm business has been active and established for 6 or more years. Accordingly, the proposal does not comply with Policy CTY 10(a) and is therefore unacceptable in principle in the countryside under Policy CTY 1.

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 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 farm business is currently active and has been established for at least six years.

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

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



<b>ITEM NO</b>	<b>20</b>			
<b>APPLIC NO</b>	LA07/2016/0617/F	Full	<b>DATE VALID</b>	5/6/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Lotus Homes (UK) Ltd The Factory 184 Newry Road Banbridge BT32 3NB		<b>AGENT</b>	TSA Planning 29 Linenhal Street Belfast BT2 8AB
				02890434333
<b>LOCATION</b>	Lands at McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent/ Derramore Terrace and to the west of Brooklawns including all lands stretching to the Bessbrook River Bessbrook Newry BT35 6JZ.			
<b>PROPOSAL</b>	Proposed residential development to include 246 no. dwellings (166 no. semi- detached and 80 no. detached houses), associated garages and private driveways, formation of new right-hand turn lane and site access from McKnights Hill, provision of childrens' play area and associated site works.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	1	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference: LA07/2016/0617/F**

**Date Received: April 29<sup>th</sup> 2016**

**Proposal: Proposed residential development to include 246 no. dwellings (166 no. semi-detached and 80 no. detached houses), associated garages and private driveways, formation of new right-hand turn lane and site access from McKnights Hill, provision of children's play area and associated site works.**

**Location:** Lands at McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent/ Derramore Terrace and to the west of Brooklawns including all lands stretching to the Bessbrook River, Bessbrook

**Site Characteristics & Area Characteristics:**

The site comprises some 14.63 hectares of land that is currently used for grazing, it is situated on the western edge of the development limit of Newry, although the area is locally considered as either being part of the village of Bessbrook or the settlement of Cloghreagh. The main access into the site is from along its southern boundary near Cloghreagh Chapel, there is a fall in the landform of the site in this area towards the east. The site continues to rise up towards the north where it lies between the Derramore Crescent and Brooklawns residential developments, the fall towards the eastern boundary is much more pronounced in this area, there is also a small "valley" that effectively marks the boundary of the southern portion of the site.

North of this valley the site rises up more steeply forming a prominent ridge that lies in the centre of the northern portion of the site. At the northern end of the ridge there is a rath (HED reference ARM026:004), this ridge is included within a Local Landscape Policy Area as defined in the current area plan. There is a very sharp rise in levels from the boundaries of the site towards the ridge; along the eastern boundary of the site is the valley of the Bessbrook River, the eastern and northern boundaries also take in parts of the track bed of the former Bessbrook-Newry Tramway, which is a protected disused transport route in the Plan. Most of this portion of the site does not directly adjoin a public road apart from a short section that connects on to Derrymore Road and which is currently used for agricultural access. The site is currently divided up into a number of fields with mature hedges for boundaries.

**Site History:**

There is an extensive planning history on the site; the northern portion of the site was the subject of a planning application for residential development, P/1976/0614 which was refused on October 5<sup>th</sup> 1976 due to insufficient access and the site being zoned for open space. The site was then included as part of a larger area of ground that was zoned for residential development in the Newry Area Plan 1986-1999, some portions of this larger area have been developed for residential uses under separate applications.

The larger site was the subject of an application for residential development under P/2002/0690/O, the then planning authority refused this application due to it being prejudicial to the Banbridge/Newry and Mourne Area Plan 2015 which was then under development, the applicant appealed the decision and the PAC allowed the appeal on September 28<sup>th</sup> 2004 after the Planning Authority withdrew its reasons. Subsequent to this 2 Reserved Matters applications were withdrawn by the applicant before a full application P/2008/1548/F for 345 dwellings was approved on May 14<sup>th</sup> 2010, a subsequent full application, P/2011/0394, granted on 18 July 2013, reduced the number of units down to 287.

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 7 Quality Residential Environments.

Planning Policy Statement 8 Open Space, Sport and Recreation.

Planning Policy Statement 15 'Planning and Flood Risk'

**Consultations:**

**Transport NI** Has no objections in principle to the development.

**Rivers Agency** The Flood Risk Assessment does not fully address the requirements of Policy FLD 5 of PPS15

**Historic Environment Division**

Have no objections to the impact of the proposal on the listed buildings along Derramore Road or on the rath subject to the imposition of conditions.

**Natural Environment Division**

Additional information required.

**Objections & Representations**

An electronic objection has been received from a local resident, no detailed issues of objection have been provided.

130 neighbour notifications were issued in relation to this application.

**Consideration and Assessment:****Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, the section on Housing in Settlements refers more

to the process of allocating land for residential developments that was previously contained within PPS12. The site is a committed housing zoning with an extant approval and therefore there are no implications from the SPPS.

### **Banbridge/Newry and Mourne Area Plan 2015.**

The site is contained within the development limit of Newry as defined in the plan, it is designated as committed Housing Zoning NY02, as it is committed there are no Key Site Requirements listed.

The rath and the summit of the adjoining ridge and the northern end of the site are included in the LLPA designated under Policy NY115 of the plan, the guidance for this policy lists 4 features which are important to the integrity of this LLPA;

- Archaeological sites and monuments, their views and settings,
- The listed cottages on Derrymore Road and their settings
- The Bessbrook River corridor, and
- The disused tramway.

Specific guidance for LLPA's is contained within Policy CVN 3 of the plan, it states that planning permission will not be granted for proposals that would be liable to adversely affect their intrinsic environmental value and character. It states further that where proposals adjoin LLPA's a landscape buffer may be required.

The impact of the proposal on the rath has been discussed in the various appeals that have previously occurred on this site, it has been accepted that the rath and the ridgeline should not be developed so as to protect the monument and its setting. The other three features of the LLPA will not be directly impacted by the proposal, as confirmed by HED.

### **Planning Policy Statement 2 Natural Heritage.**

It is acknowledged that additional information has been requested by Natural Environment Division. It must also be acknowledged that there was an extant approval on this site, for 287 dwellings, when this particular application was lodged. This must be a material consideration for the Planning Department in its assessment of this application and in considering this particular issue. It is considered that weight must be attached to the planning history on this occasion and that any subsequent detailed issues that may emerge in relation to this matter can be resolved in this context.

### **PPS7 Quality in Residential Developments Policy QD1**

The current proposal has a significant reduction in numbers from that approved under P/2008/1548/F which contained 345 dwellings; these were densely arranged with long "crescents" of terraced dwellings and a wide range of garden sizes. Like the previously approved scheme the current application has only one entrance and exit for vehicular traffic, at the southern end of the site adjacent to Cloghreagh Chapel, links for pedestrians are provided at two points along Derramore Road linking into the northern part of the site. From the vehicle entrance, the main entrance road heads uphill with blocks of semi-detached dwellings on either side, there is a small cul-de-sac adjacent to the vehicle entrance. After a short distance the access road reaches a large circular feature that forms a "village green" type feature, dwellings are arranged to face onto this green, there is another cul-de-sac

on the north western side of this feature, the access road leave the green at its northern end.

Along this section of the access road there are alternating semi-detached and detached dwellings on the western side of the road while on the eastern there are two cul-de-sacs which branch off from the road at right angles. The road continues to rise to a crest before it falls sharply into the small valley which defines the edge of the southern part of the site. The road turns sharply as it leaves this valley with more semi-detached and detached dwellings on its southern side, on the northern side a secondary road branches off at this point to serve a group of dwellings that lies adjacent to the eastern boundary of the site beside the river corridor.

The main access road turns back towards the north, there is another cul-de-sac before it turns into a loop road which surrounds the ridgeline, the loop road runs along the lower sides of the ridge with dwellings on the opposite sides from the ridge, a children's play area is to be provided on the southern end of the ridge. Along the northern and north eastern sides of the site the road directly abuts the river corridor, on the south eastern side of the ridge there is a very sharp change of levels in the site, the submitted scheme includes split level dwellings along this section.

The submitted scheme has 9 different basic house types, there are a number of sub types to take account of sites which feature a change in site levels, as well as dual aspect versions of dwellings which will be located on corner or on prominent sites. These are nearly all one and a half and single storey; however the split level dwellings will have an understory. All of the sites will have a single garage except for the split level dwellings.

In order to receive planning permission an application for residential development must satisfy all relevant criteria of Policy QD1. Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

*(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 submitted scheme is of a higher density than the development in the surrounding area but it is of a significantly lower density to that which was approved under P/2008/1548/F, the arrangement of the units is largely determined by the physical form of the site which is quite restricted in places, has a prominent ridgeline and steep slopes. In places this necessitates the use of design solutions such as the split level dwellings previously referred to which in this example have a significant different in ground levels between their front and rear elevations. However the landform of the site is such that no other design solution is possible, the layout of these dwellings will mean that the split level aspect will not be readily visible from public areas and the arrangement is acceptable given the issues with 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 main features of this type on this site are the ridgeline and the rath referred to previously, these have been omitted from development and are to be integrated into the public open space of the overall scheme. HED have confirmed that the protection for the rath will meet their requirements.

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

The main areas of open space in the proposed development are the ridgeline and the village green feature, taken together this amounts to 2.2 hectares and constitute the primary open space of the scheme, 15% of the overall area.

The scheme also includes 6 areas of secondary open space that together account for another 0.6 hectares, these are mostly landscaped areas at road junctions or unused areas adjacent to the river corridor, this figure omits landscaped banks and wildlife corridors contained with the proposal.

Taken together there is 2.88 hectares of primary and secondary open space in the development which amounts to 19.7% of the site area.

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

The only dedicated neighbourhood facilities provided is the children's play area, as previously mentioned there is a church and a primary school immediately adjacent to the southern boundary of the site. Beyond this there is a petrol station and shop on the Millvale Road a short distance away, there are other retail outlets in Bessbrook which is a short distance to the North West, therefore I consider that the proposal complies with this criterion.

*(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;*

The proposal contains provision for public footpaths across the ridgeline, it also has pedestrian links from the northern part of the site to Derramore Road which enables residents of dwelling in this part of the site to access this road which leads to Bessbrook without having to make a lengthy walk right down to the southern part of the development, this will help deter car use by residents in this part of the development. The layout also contains a number of traffic calming measures which will improve its attractiveness to both pedestrians and cyclists. In relation to public transport, there is a direct bus link from Bessbrook to Newry which passes along Millvale Road.

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

Each dwelling has two car parking spaces as required by policy, these are largely position to the sides of the dwellings leading to a garage, some of the units have turning spaces within their curtilages. The only dwellings without garages will be the split level dwelling; their parking will be in side by side bays immediately in front of them, while this is not an ideal design solution, no other solution is possible given the landform of the site in these locations. The layout plan also shows that there will be planting carried out in between the units to break up the visual impact of cars being parked side by side.

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

The proposal has a number of house types which are of a modern form, there are similar dwellings in nearby developments such as Brooklawns and therefore the proposal complies with this criteria.

*(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;*

The greatest potential for overlooking to be caused by this development relates to its impact on dwellings in Brooklawns and Millvale Park which lie at a significantly lower ground level than the site. There is a significant separation distance shown on the layout plan which should be sufficient to prevent any adverse impacts in this area. Where the proposed development adjoins existing residential areas, there will also be a "separation buffer" which should prevent issues of overlooking. It is also considered that the layout provides sufficient internal amenity and separation space.

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

The layout of the scheme means that every area will be in view of a dwelling with no "blind spots," therefore I consider that the proposal complies with this criterion of the policy.

### **PPS 8 Open Space, Sport and Recreation Policy OS1**

The policy requirements that for developments of this size a reasonable expectation is that at least 10% of the total site area should be open space. As outlined above the total open space in the proposal accounts for 19.7% of the total site area, this is nearly double the minimum figure outlined in the policy.

### **PPS 15 'Planning and Flood Risk'**

It is acknowledged that Rivers Agency has commented that the Flood Risk Assessment does not fully address the requirements of Policy FLD 5 of PPS 15. It must also be acknowledged that there was an extant approval on this site, for 287 dwellings, when this particular application was lodged. This must also be a material consideration for the Planning Department in its assessment of this application and in deciding whether to request further clarification on this issue. It is considered that more weight should be attached to the planning history on this occasion.

**Recommendation:**

The principle of residential development on this site has been established by its zoning for this purpose in two area plans and by the historical approvals by the previous planning authority and the PAC. The current scheme is a significant reduction in units from the previous approval and this reduction has allowed for an enhanced layout to be submitted which has a better utilisation of space that avoids the wide variation in garden sizes that featured in that scheme and allows for a much lower residential density. While the scheme continues to have some shortcomings such as the split level dwellings I consider that this is an unavoidable consequence of the landform of the site and no other design solution is possible. The scheme complies with all other relevant criteria and has a significant provision of open space for its size.

Therefore I consider that taking account of all relevant factors the proposal complies with policy and approval is recommended.

**Refusal Reasons/ Conditions:****Case Officer****Authorised Officer**