



May 24th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Thursday, 26th May 2016** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor J Tinnelly

Vice Chair: Councillor W Clarke

Members:

Councillor M Larkin	Councillor M Ruane
Councillor V Harte	Councillor D McAteer
Councillor K Loughran	Councillor L Devlin
Councillor M Murnin	Councillor G Craig
Councillor P Brown	

1 No. place vacant (for H McKee)

Agenda

1. **Apologies.**

2. **Declarations of Interest.**

Minutes for Consideration and Adoption

3. **Minutes of Planning Committee Meeting held on Wednesday 11 May 2016. (To follow).**

Planning Minutes - 11-05-2016.pdf

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Development Management - Planning Applications for determination

4. **LA07/2015/0012/F - Jacqueline Savage - 37m south-east of 39 Billy's Road, Ballyholland Upper, Newry - erection of farm dwelling and garage. (Representations from Councillor Hearty attached. Case Officer report attached).**

Rec: REFUSAL

LA0720150012F - Jacqueline Savage.pdf

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5. **LA07/2015/0061/F - Stephen and Aaron Connolly - land approximately 180m south east of 7 Liberty Road, Saintfield - proposed 2 no. boiler poultry sheds with 4 No. feed bins, 2 No. gas tanks, a biomass boiler shed with fuel bin and an office, changing and standby generator building (to contain a total of 74,000 broilers). (Case Officer report attached).**

Rec: APPROVAL

LA0720150061F - Stephen & Asron Connolly.pdf

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6. **LA07/2015/0161/F - Mr E Lennon - 35 Central Promenade, Newcastle - apartment building with 14 units, 3.5 storey with retail spaces and car parking. (Case Officer report attached).**

Rec: APPROVAL

7. **LA07/2015/0251/F - Mr & Mrs P Mulhall - 21 Tullykin Road, Killyleagh - replacement dwelling and garage. (Case Officer report attached).**

Rec: REFUSAL

LA0720150251F - Mr & Mrs P Mulhall.pdf

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8. **LA07/2015/0278/0 - T & F Magoran - land 30m east and opposite 14 Market Road, Moneyscalp, Kilcoo - proposed dwelling and garage on a farm. (Case Officer report attached).**

Rec: REFUSAL

LA07201502780 - T & F Magoran.pdf

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9. **LA07/2015/0431/0 - Mr & Mrs R McConnell - 75m south west of 177 Head Road, Annalong - farm dwelling and garage. (Case Officer report attached).**

Rec: REFUSAL

LA07201504310 - Mr & Mrs McConnell.pdf

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10. **LA07/2015/0455/F - Fergal O'Hanlon - 15 Kearney Crescent, Whitecross, Armagh - retention of part boundary walls, piers and railings. (Case Officer report attached).**

Rec: REFUSAL

LA0720150455F - Fergal O'Hanlon.pdf

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11. **LA07/2015/0548/0 - Martin Fitzpatrick - immediately south and west of 18 & 20 Pats Road, Ballymartin, Kilkeel - new dwelling and garage on a farm. (Case Officer report attached).**

Rec: REFUSAL

LA07201505480 - Martin Fitzpatrick.pdf

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12. **LA07/2015/0714/F - Mr & Mrs Byrne - 180m north west of existing farm buildings adjoining 28 Ballyclander Road, Downpatrick - proposed farm dwelling and garage. (Case Officer report attached).**

Rec: REFUSAL

[LA0720150714F - Mr & Mrs Byrne.pdf](#)

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[LA07-2015-0714-F - Brigin Fegan \(additional information\).pdf](#)

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13. **LA07/2015/0832/F - Desmond Patterson - 70 Trassey Road, Bryansford, Newcastle - extension to dwelling. (Representations from Councillor P Clarke and Councillor G Hanna attached. Case Officer report attached).**

Rec: REFUSAL

[LA0720150832F- Desmond Patterson.pdf](#)

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14. **LA07/2015/0882/0 - Cathal McCormac - 50m sw of 8 New Line, Drumintee, Newry - proposed site for dwelling and garage at an existing cluster. (Information from agent attached. Case Officer report attached).**

Rec: REFUSAL

[LA07201508820 - Cathal McCormac.pdf](#)

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15. **LA07/2015/0921/0 - Noel McLoughlin - adjacent and immediately south of 5 Greenan Road and fronting Mullavat Road, Newry - dwelling and domestic garage on gap site. (Case Officer report attached).**

Rec: REFUSAL

[LA07201509210 - Noel McLoughlin.pdf](#)

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16. **LA07/2015/0929/A - Edge Hairdressers - 1 John Mitchel Place, Newry - proposed LED digital bill board to side elevation and aluminium projecting sign to front elevation. (Case Officer report attached).**

Rec: REFUSAL

17. **LA07/2015/1168/F -Mr Patrick Small - proposed replacement dwelling and garage 58m se of 43 Upper Burren Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

LA0720151168F - Patrick Small.pdf

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18. **LA07/2016/0259/0 - Mr M Fearon - 25m south of No. 10 Lisgarvagh, Lislea, Newry - proposed dwelling and detached garage (CTY 2A). (Case Officer report attached).**

Rec: REFUSAL

LA07201602590 - M Fearon.pdf

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19. **R/2013/0217/F - Mr Tony Steel - 120m east of 18 Moneyslane Road, Castlewellan - erection of agricultural shed. (Case Officer report attached).**

Rec: REFUSAL

R20130217F - Tony Steel.pdf

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20. **R/2014/0143/F - Mr Shane Brennan and Lindsay Agnew - 50m sw of 37 Magheralone Road, Ballynahinch - dwelling, garage and associated site works. (Case Officer report attached).**

Rec: REFUSAL

R20140143F - S Brennan & L Agnew.pdf

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 11 May 2016 at 10am in the Boardroom, District Council Offices, Monaghan Row, Newry

In the Chair: Councillor J Tinnelly**Vice Chair** Councillor W Clarke**In attendance: (Committee Members)**

Cllr P Brown	Cllr G Craig
Cllr L Devlin	Cllr V Harte
Cllr M Larkin	Cllr D McAteer
Cllr K Loughran	Cllr M Murnin

(Officials)

Mr C O'Rourke	Director of RTS
Mr A McKay	Area Planning Manager
Mr A Hay	Development Plan Manager
Ms J McParland	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/44/2016: APOLOGIES / CHAIRMAN'S REMARKS**Noted:** Apologies were received from Councillor Ruane.**P/45/2016: DECLARATIONS OF INTEREST****Noted:** There were no Declarations of Interest made.**P/46/2016: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 27 APRIL 2016****Read:** Minutes of Planning Committee Meeting held on Wednesday 27 April 2016. (Copy circulated).**AGREED:** On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 27 April 2016 as a true and accurate record.

P/47/2016: APPLICATIONS FOR DETERMINATION**(Item 15 – P/2014/0320/F – Paul Grant)**

Mr McKay advised the Planning Department had received amended plans in respect of application P/2014/0320/F and recommended that this application should be withdrawn from the agenda whilst Planning officials considered the revised plans.

AGREED: On the proposal of Councillor Craig, seconded by Councillor Murnin, it was agreed to withdraw planning application P/2014/0320/F from the agenda.

(1) LA07/2015/0343/O – Brian Garvey***Noted:***

A representation of support for the application was received from Councillor O'Muirí.

Location:

Between 64 and 72 New Road, Silverbridge

Proposal:

Site for 2 infill dwellings and detached garages

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Craig, seconded by Councillor Murnin, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0343/O, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(2) LA07/2015/0589/F – John McCaffrey

Councillor Devlin joined the meeting – 10.20 am.

Noted:

A representation of support for the application was received from Councillor Kimmins.

Location:

Immediately south and east of 28 Derryleckagh Road, Newry

Proposal:

Erection of dwelling and garage

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Craig, seconded by Councillor Brown, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/00589/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(3) LA07/2015/0696/F – Newry, Mourne and Down District Council

Noted:

J McParland advised that Planning Officers were recommending a proposed change to the conditions which would restrict an approval of planning permission to a temporary permission due to visual amenity issues.

Location:

Shandon Park Playing Fields, Cloghanramer Road, Newry, BT34 1TR

Proposal:

Retrospective application for retention of 2.4m high metal palisade fence to site boundary adjacent to mobile containers

Conclusion and recommendation from Planning Official

Approval

AGREED: On the proposal of Councillor W Clarke, seconded by Councillor Devlin, it was agreed to issue an approval in respect of Planning Application LA07/2015/0696/F, subject to conditions 1-2 as outlined in the Development Management Report; subject to any approval being a temporary permission and subject to the applicant submitting a planting schedule for agreement within 3 months of the approval being issued.

NOTED: Abstentions: 0

(4) LA07/2015/0842/O – Mr G Reavey

Noted:

Additional information received from the agent was circulated and considered.

Location:

66 Drin Road, Drin, Dromara

Proposal:

Site for replacement dwelling, garage and associated site works and retention of old building as outbuilding

Conclusion and recommendation from Planning Official

Refusal

Councillor Murnin proposed and Councillor Craig seconded to defer consideration of this application to give Planning Officers an opportunity to see if there are policies which will allow the replacement of the dwelling with a condition that the current old dwelling be retained to preserve its heritage appearance.

The proposal was put to a vote and voting was as follows:-

FOR: 6
 AGAINST: 4
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: It was agreed to defer consideration of this application to give Planning Officers an opportunity to see if there are policies which will allow the replacement of the dwelling with a condition that the current old dwelling be retained to preserve its heritage appearance.

It was agreed that Planning Officers report back to the next appropriate Planning Committee Meeting.

(5) LA07/2015/0958/F – Mr Roche McGreevy

Noted

Mr A McKay, Planning Development Manager, advised that a letter had been received from Ms M Ritchie MLA dated 10 May 2016 asking if the Planning Committee would consider deferring this planning application until she had an opportunity to meet with Mr McKay to discuss it.

Mr McKay said Planning Officers were of the view that the concerns expressed by the MP in her letter had been addressed in the Case Officer report.

Location:

Site 50 metres North East of 101a Manse Road, Raffrey, BT30 9LZ

Proposal:

Proposed storey and a half dwelling

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Craig, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0958/F, as per the Development Management Officer Report.

NOTED: Councillor Murnin and Councillor McAteer asked that it be noted that they were abstaining from the decision to issue a refusal in relation to this planning application.

(6) LA07/2015/0961/F – Mr and Mrs Savage

Noted:

A representation of support for the application was received from Councillor Harvey.

Location:

6 New Line, Crossgar, Downpatrick

Proposal:

Replacement dwelling

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Larkin, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0961/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(7) LA07/2015/0995/F – Marie Hearty***Noted:***

A representation of support for the application was received from Councillor Hearty.

Location:

Lands 91M NW of No. 3 Glenmore Road, Mullaghbane, Newry

Proposal:

Two storey farm dwelling with detached garage and associated site works

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Devlin, seconded by Councillor Craig, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0995/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(8) LA07/2015/1408/F – Paul Burke***Location:***

12 Marshallstown, Downpatrick

Proposal:

Retention of existing domestic store as built to rear of dwelling (Retrospective)

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Craig, seconded by Councillor Devlin, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/1408/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(9) LA07/2016/0061/F – John Higgins***Location:***

18 Vianstown Park, Downpatrick

Proposal:

Extension to front, side and rear of dwelling

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Murnin, it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0061/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(10) LA07/2016/0363/LDE – Newry, Mourne and Down District Council**Location:**

Dunleath Playing Fields – 40m south of 114 Market Street, Downpatrick

Proposal:

Temporary access to the existing leisure centre site, for a period of 24 months

Conclusion and recommendation from Planning Official:

Approval

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Murnin, it was agreed to issue an approval in respect of Planning Application LA07/2016/0363/LDE, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(11) P/2013/0546/F – Fitzpatrick Brothers**Location:**

Yellow Road, Hilltown (lands enclosed by No. 4 Yellow Road Nos 3-9 Oakridge Villas and Nos 7-13a Slievenagarragh

Proposal:

11 detached houses, 11 detached garages, road determination, alterations to existing public road, sewer installation and associated siteworks.

Conclusion and recommendation from Planning Official:

Approval

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Harte, it was agreed to issue an approval in respect of Planning Application P/2013/0546/F, subject to conditions 1-16 as outlined in the Development Management Report

NOTED: Abstentions: 0

(12) P/2014/0320/F – Paul Grant

NOTED: Withdrawn from the agenda.

(13) P/2014/0997/F – Michael Hearty***Noted:***

A representation of support for the application was received from Councillor Hearty.

Location:

100 metres east of 98A Newry Road, Crossmaglen

Proposal:

Dwelling house and garage on farm

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Craig, seconded by Councillor Murnin, it was agreed to issue a refusal in respect of Planning Application P/2014/0997/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(14) Q/2014/0087/F – Rev Peter C McNeill***Location:***

Approximately 30m north east of No. 149 Rathfriland Road, Finnis, Dromara

Proposal:

Extension to graveyard

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor W Clarke, seconded by Councillor Murnin, it was agreed to accept the Officer's recommendation of a Refusal on this planning application due to the insufficient information which has been submitted to allow Planners to make an informed decision, but that the issuing of the decision be held for one month to allow Planners to make contact with the agent and applicant in relation to the further information required.

It was agreed that after the one month period the decision to issue will be a delegated decision for Planning Officers.

NOTED: Abstentions: 0

(15) LA07/2015/1248/F – Northern Ireland Water***Location:***

Camalough Dam, Camalough Reservoir, Newtown Road, Camalough

Proposal:

Refurbishment of existing dam and associated ancillary works

Conclusion and recommendation from Planning Official:
Approval

AGREED: On the proposal of Councillor Craig, seconded by Councillor Murnin, it was agreed to issue an approval in respect of Planning Application p/2013/0546/F, subject to conditions 1-3 and informatives 1-15 as outlined in the Development Management Report

NOTED: Abstentions: 0

P/47/2016: PLANNING PERFORMANCE INDICATORS (INCLUDING PLANNING APPEALS) – APRIL 2016

Read: Report on Department Performance Indicators (including Planning Appeals) for April 2016. (Circulated).

AGREED: It was agreed to note the above report.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Craig, it was agreed that future PAC reports give details of the outcomes of planning appeals.

P/48/2016: REPORT – CONTACT FROM PUBLIC REPRESENTATIVES

Read: Report – contact from Public Representatives – April 2016. (Circulated).

AGREED: It was agreed to note the above report.

P/49/2016: DoE PLANNING POLICY DIVISION STATUTORY RULES FOR NEW CONSULTATION ARRANGEMENTS

Read: Letter dated 30 March 2016 from DoE Planning Policy Division enclosing Statutory Rules for new Consultation arrangements. (Circulated).

AGREED: It was agreed to note the above correspondence.

There being no further business the meeting ended at 1.00 pm.

For adoption at the Planning Committee Meeting to be held on Thursday 26 May 2016.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Council Newry, Mourne and Down

Date 5/26/16

ITEM NO	1			
APPLIC NO	LA07/2015/0012/F	Full	DATE VALID	3/27/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mrs Jacqueline Savage C/O Agent		AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE 02830250135

LOCATION 37m south-east of No 39 Billy's road
Ballyholland Upper
Newry
Co Down

PROPOSAL Erection of Farm Dwelling and Garage

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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it has not been demonstrated that the farm business is currently active and has been established for at least six years, that other dwellings or development opportunities have not been sold off from the farm holding within 10 years of the date of the application, and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm. Another planning permission has been granted on the holding under this policy in the preceding 10 years.
- 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 the proposed site 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 design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, and 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, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, and would therefore further erode the rural character of the countryside.

Application Number: LA07/2015/0012/F

Applicant: Jacqueline Savage

Proposal and Location: Erection of farm dwelling and garage
37m south east of 39 Billy's Road, Ballyholland Upper, Newry

Councillor's Name: Councillor Hearty

Reason(s) for requesting application appear before the Planning Committee:

To consider additional information from the agent (attached).



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NEWRY, MOURNE & DOWN COUNCIL

Local Planning Office

Monaghan Row,

Newry,

BT35 8DJ,

5th May 2016

FAO: Ms Collette McAteer

Reference: LA07/2015/0012/F
Applicant Name: Mrs Jacqueline Savage
Proposal: Erection of dwelling and garage on a farm
Site Location: 37m south-east of No 39 Billy's Road, Ballyholland Upper, Newry, Co Down

Dear Ms McAteer,

Mrs Jacqueline Savage has applied for full planning permission for a dwelling and garage on a farm at the above location.

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

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it has not been demonstrated that the farm business is currently active and has been established for at least six years, that other dwellings or development opportunities have not been sold



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off from the farm holding within 10 years of the date of the application, and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm. Another planning permission has been granted on the holding under this policy in the preceding 10 years.

- 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 the proposed site 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 design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, and 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 Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, and would therefore further erode the rural character of the countryside.

Section 45 (1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan, so far as material to the application. Section 6 (4) of the Planning Act states



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that where, in making any determination, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Banbridge, Newry & Mourne Area Plan 2015 is the statutory local development plan for the proposal. In it, the site lies within the countryside and outside any designations. The BNMAP offers no policy or guidance in respect of the proposed development. The policy context for determining the appeal is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and the recently published Strategic Planning Policy Statement for Northern Ireland (SPPS).

Paragraph 1.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) indicates that any conflict between the SPPS and retained policy must be resolved in favour of the SPPS in this transitional period. It goes on to say that where the SPPS is silent or less prescriptive on a particular planning policy matter, this should not be judged to lessen the weight to be afforded to the retained policy. The policy for dwellings on farms has changed in the SPPS. It indicates that dwellings on farms must comply with Local Development Plan (LDP) policies regarding integration and rural character. There is no LDP in place at the moment. Accordingly, and in line with paragraph 1.12 of the SPPS, retained policy as set out in Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) should be afforded greater weight in determining the application.

The site lies in the countryside and Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) applies to the development. Policy CTY1 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these is the erection of a



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dwelling on a farm in accordance with Policy CTY 10. It follows that if the development satisfies Policy CTY10 it will also satisfy Policy CTY1 of PPS21.

Planning Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where three identified criteria are met. The first of these, Criterion (a), requires that the farm business is currently active and has been established for at least 6 years.

CTY10 Dwellings on Farms (Page 27) - Justification and Amplification states in paragraph 5.38 – “New Houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm’s DARD business ID number along with other evidence to prove farming over the required period.”

The planning policy test of CTY 10 (a) does not explicitly require the farm business ID number to be established for a period of six years, the test which is material to the assessment and consideration of the policy is that the “Farm Business” is currently active and has been established for at least 6 years. In further consideration of paragraph 5.38 applying the justification and amplification to policy test CTY10(a), the applicant is required to provide the farm’s DARD Business ID number **along with other evidence** to prove active farming over the required period, that being a required time period of 6 years.

Jacqueline’s father sadly passed away in October 2010. Her brother Leonard continued with the family farm business however Jacqueline inherited the subject lands of this application at which point she applied for a farm Business ID number. Jacqueline now lets her land in conacre to her brother Leonard.



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This approach is similar to the most recent relevant appeal to this application 2015/A0165 (Appendix 1), where the appellant had let her land out to two separate farmers for more than 6 years. The Commission accepted that although the lands were let out the farm holding and business were still nonetheless existing, established and indeed active for the requisite 6 year period. It was stated “The policy does not require the appellant to play a part in actively farming the holding herself only that the holding is active and established. The land on the holding which contains the appeal site was bought in 2007 and has been farmed by Mr O Kane and Mr Montague for a period of seven years.”

It is therefore felt that our client’s situation should be treated in the same way as the above mentioned appeal which indicates how these types of application should be assessed.

Para. 5.40 from the Justification and Amplification text of Policy CTY10 states “Planning permission will not be granted for a dwelling under this policy where a rural business is artificially divided solely for the purpose of obtaining planning permission”. In this case, although the farm has been divided up it was not for the purposes of obtaining planning permission, it was due to the passing of Mrs Savage’s father.

As the Case Officer already confirms in his report, it is normal that a new Farm Business ID number is issued in the case of inheritance. This is merely an administrative function and does not detract from the fact that the family farm business/holding still continues. It is therefore unreasonable that the Planning Authority should seek to essentially discriminate against Mrs Savage due to these unfortunate circumstances. Planning Policy does not require that a Farm Business ID number is established for more than 6 years. The Justification and Amplification states “The applicant will therefore be required to provide the farm’s DARD business ID number along with other evidence to prove active farming over the required period.”



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Planning Appeal 2015/A0165 also deals with the issue of development opportunities where it was accepted that a previous site granted on a tenant farmer's land did not constitute a development opportunity sold off on the appellant's holding. This decision mirrors our client's situation whereby the Planning Authority are claiming that as the Applicant's brother had a site passed on his own farm this eliminates the possibility of Mrs Savage acquiring a farm dwelling on her own farm. If the Planning Authority is stating that the previous farm business expired with the passing of Mr McMahon it is unreasonable to state that a development opportunity has been sold off from the existing holding. It is not a matter to simply pick and choose which farm business the application refers to. This is an unreasonable refusal reason on this basis.

With regards to the clustering aspect there are no existing buildings on Mrs Savage's own holding therefore using the sequential test it falls that the site should essentially be assessed under policies CTY 13 & 14. On this matter it is felt that the design issues of the dwelling and its potential to integrate into the landscape could easily be discussed through an office meeting.

It is therefore respectfully requested that this application is removed from the Delegated Council list with immediate effect and an office meeting facilitated for this application.

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.

Yours Sincerely,

Stephen Hughes
ERES Ltd.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference: 2015/A0165
Appeal by: Marie Mc Cormick
Appeal against: Refusal of Outline Planning Permission
Proposed Development: Dwelling on a farm
Location: 110m north west of 138 Largy Road Carnlough
Planning Authority: Mid and East Antrim Borough Council
Application Reference: F/2014/0169/O
Procedure: Written Representations with Commissioner's Site Visit on 14th April
Decision by: Commissioner Helen Fitzsimons on 25th April 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether proposed development would be acceptable in principle in the countryside.
3. The proposed development lies in the open countryside as designated by the Larne Area Plan 2010 (LAP). There are no plans or policies within LAP pertaining to the appeal site. The policy framework for the determination of this appeal is therefore Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is development in accordance with Policy CTY10 'Dwellings on Farms'.
4. Policy CTY 10 allows for the development of a dwelling on a farm provided three stated criteria are met. The Planning Authority raised objections under all three criteria. Criterion (a) requires that the farm business is currently active and has been established for at least six years. The appellant does not have an active and established holding under her own DARD Business ID number which was issued in 2011 and this is not in dispute
5. However, the appellant's evidence is that the subject land (holding) has been farmed as a unit since 1944. In 2007 the land was purchased from Mr O Kane the then active farmer and owner of the holding. At this time the lands became the subject of a conacre agreement with Mr O Kane for the period 2007-2013 and he

claimed the single farm payment in respect of the said lands. A Mr Montague then took the land in rent from late 2013 for a year.

6. In support of this the appellant presented me with a signed statement from Mr O Kane setting out the details of the transfer of the farm and the conacre arrangements entered into until 2013. Conacre agreement documents including receipts between the parties were provided for the period in question. Mr O Kane stated that he had stocked and grazed the land with sheep and cattle during the period that he took the land. The background papers also contain receipts in the appellant's name paid to agricultural suppliers and building contractors suggesting activity associated with maintenance of the farm during the six-year period. None of this evidence was disputed by the Planning Authority.
7. The policy does not require the appellant to play a part in actively farming the holding herself only that the holding is active and established. The land on the holding which contains the appeal site was bought in 2007 and has been farmed by Mr O Kane and Mr Montague for a period of seven years. At my site visit I noted the land to be well maintained and grazed. This suggests current farming activity. Given this and on the basis of the evidence submitted I am satisfied that this is an active and established holding for the purposes of Policy CTY 10 and criterion (a) is met.
8. Criterion (b) stipulates that no dwellings or development opportunities out with settlement limits have been sold off from the farm within 10 years from the date of the application. The Planning Authority argued that Mr O Kane the lessee of the land had been granted planning permission for a dwelling on his own farm holding in February 2013. The planning history map indicates that the location of this site is not on the appellant's farm. Even if I were persuaded that it was on the appellant's holding there is no evidence that this dwelling/development opportunity has been sold off. Criterion (b) is met.
9. In respect of criterion (c) of Policy CTY 10 that the new building is visually linked or sited to cluster with an established group of buildings on the farm paragraph 5.41 of CTY 10 says that to help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group or when viewed from surrounding vantage points, it reads as being visually linked with those buildings with little appreciation of any physical separation that may exist between them.
10. The appeal site is located one field away from the main farm grouping at No 138 Largy Road. This grouping comprises a derelict dwelling and a number of sheds. There is an outlying shed on the southern side of the road which is also owned by the appellant. The distance between this shed and the grouping at No 138 Largy Road is such that they read as two distinct entities in the landscape. For that reason, I consider the buildings at No 138 to be the established group of buildings on the farm. Given that the appeal site is separated from those buildings by a field it cannot be said to be positioned sensitively to form an integral part of that group.
11. Travelling along this part of Largy Road from the south a dwelling on the appeal site would be seen to link visually to the established group of farm buildings due to topography and the alignment of the road. However, this visual linkage would be

lost when past the appeal site and a strong impression of the physical separation between them would be apparent. Travelling east from the buildings at No 138 there would be no visual linkage between the farm buildings and the appeal site because of the intervening field. Given the distinct lack of visual linkage in both directions as described, the appeal proposal would fail to meet the requirements of criterion (c) of Policy CTY 10 of PPS 21. It would not be acceptable in principle in the countryside and consequently also fails Policy CTY 1 of PPS 21. The Planning Authority has sustained its reason for refusal.

This decision is based on the 1:2500 scale site location plan.

COMMISSIONER HELEN FITZSIMONS



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

- Application Reference:** LA07/2015/0012/F
- Date Received:** 27th March 2015
- Proposal:** Erection of Farm Dwelling and Garage
- Location:** 37m south-east of No. 39 Billy's Road, Ballyholland Upper, Newry, Co. Down.
The site is located approximately 1 mile SE of Ballyholland

Site Characteristics & Area Characteristics:

The site forms the north-eastern corner of a larger agricultural field. The land slopes quite steeply towards this corner of the field. It fronts onto Billy's Road, a shared unadopted laneway to the north. It faces the gable of a neighbouring dwelling across the lane. There is a low ash hedge along part of this frontage, the remainder of which is a post and wire fence. To the eastern side, a mixed coniferous / deciduous hedge separates the site from a neighbouring garden. The southern and western boundaries are undefined on the ground. The site is prominent when approaching in both directions on Billy's Road.



The site is located on an east facing slope to the west side of Derryleckagh Bog, a Special Area of Conservation. It is approximately 1 mile east of Newry. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. The area is rural in nature, but has experienced substantial development pressure for single dwellings. Most dwellings in the area are single storey. There is a historic monument (DOW 051:063) to the south of the site.

Site History:

There have been no previous planning applications on the site. A farm dwelling was previously approved in Field 1 of the farm map under application P/2009/0589/F on 14th September 2009.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – Pointed out that the red line does not adjoin an adopted road. Therefore there were no road safety concerns.

NI Water – Standard informatives.

NIEA – Standard advice on sewerage & drainage, no archaeological objections under PPS6, and no concerns about the impact on designated sites. Informatives on protected species provided.

Environmental Health – No objections in principle. Potential adverse amenity impact from farm.

DARD – The farm business (Ref: 659592) has not been in existence for more than 6 years and does not claim single farm payment.

Objections & Representations

Neighbour notification letters were issued to 3 adjoining properties on 15th May 2015 and the application was advertised in local newspapers on 1st May 2015. No third party objections or representations were received.

Consideration and Assessment:

The main issues to be considered are the principle of a dwelling on the farm holding, siting, integration, design and impacts on amenity and designated sites.

AREA PLAN

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

PRINCIPLE OF DEVELOPMENT

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.

PPS21 Policy CTY1 states that a range of types of development 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:

Criteria (a) requires that the farm business is currently active and has been established for at least 6 years. The application states that the business was inherited from the applicant's late father, Mr Matthew Gerard McMahon whose business ID was 612915. His farm maps have been submitted with the application, but the P1C form refers to the applicant's new business number. It is normal that a new number is issued in the case of inheritance. Therefore the Council must assess the business as it currently stands. DARD advised that the farm business (Ref: 659592) was not established for more than 6 years and does not claim single farm payment, the main means used to determine if the farm is active. No other evidence has been submitted to demonstrate that the farm business is active and it is noted that the business owner lives some distance away in Banbridge. Therefore the business is not active and established and fails to meet criteria (a).

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. According to the applicant's father's farm map submitted with the application, the holding comprises two different parcels of land approximately 300 metres apart on Billy's Road. A farm dwelling was previously approved in Field 1 of the farm map (the northern portion of land, detached from this site) under application P/2009/0589/F on 14th September 2009. This application used the applicant's father's business number, though it was in the name of Leonard McMahon of the same address. This suggests that the site was sold off or transferred to a family member. The present applicant's business number is based on a continuation of her father's farm business and this business appears to have had a site sold off in the relevant period. Therefore it has not been demonstrated that 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 principal group of buildings on the farm is at the northern portion of land where the previous approval was granted. There are no existing buildings belonging to the farm business on this southern part of the holding and it has not been demonstrated that the northern portion is unsuitable. Paragraph 5.41 of the Justification and Amplification of the policy confirms that it will not be acceptable to position a new dwelling with buildings which

are on a neighbouring farm holding. As there are no buildings belonging to the farm at this location, the dwelling will not be visually linked or sited to cluster with an established group of buildings on the farm and fails to meet criteria (c).

Finally, the policy states that planning permission granted under this policy will only be forthcoming once every 10 years. Since the present applicant's business number is based on a continuation of her father's business under which a house was approved in 2009, there can be no further dwelling approved until at least September 2019.

The proposal fails to meet any of the criteria in policy CTY10 and is therefore unacceptable in principle as development in the countryside under policy CTY1. It is contrary to the equivalent policy in the SPPS (paragraph 6.73).

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.

The proposed dwelling will be sited to face north onto the laneway and is a substantial two storey structure. The main block measures 12.3m x 8.8m and 8.0m to the ridge. There will be a single storey front porch and return to the east side and a two storey front return with a steep roof pitch. The porch and front return will be stone clad. No other external finishes have been indicated. There will be a double garage to the rear. The site has only one established vegetative boundary (to the east) that would aid in integrating a dwelling. However, the size and scale of the dwelling proposed is such that even with the backdrop of the eastern hedge and the low-lying site, it would be extremely prominent in the landscape when approaching in both directions on Billy's Road. The site lacks enclosure and the building would rely on new landscaping for integration. There are no concerns regarding ancillary works, but the overall design of the dwelling is inappropriate for the site and area, due to its overall height and scale, and the presence of two separate front projections. It is not considered to be in keeping with the advice contained in the Building on Tradition Sustainable Design Guide and is contrary to all the criteria of CTY13, except (d). With regard to rural character, the proposal is not in keeping with the traditional settlement pattern for the area of clustered farm groups, the siting of a new dwelling here would add to the problem of build-up when viewed with existing buildings around the site, and it would be unduly prominent in the landscape. It is therefore contrary to criteria (a), (b) and (c) of policy CTY14.

ACCESS

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. The red line only adjoins an unadopted laneway and not a public road. Therefore it is not possible to assess whether there is a road safety issue. However, as the proposal is contrary to other policies, a change to the red line was not requested.

SEWERAGE

Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will

not create or add to a pollution problem. None of the supporting evidence referred to under policy CTY16 has been submitted. Therefore it would be necessary to impose a negative condition in the event of approval that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development. As the matter could be dealt with by condition, the failure to submit information on sewage treatment would not warrant refusal under CTY16. Standard consultation responses were received from NIEA Water Management Unit, Environmental Health and NI Water.

NATURAL HERITAGE

The site is within the consultation zone of Derryleckagh Special Area of Conservation, though the designated site itself is approx 300m to the east. NIEA Natural Heritage was consulted and advised that there were no likely significant effects on designated sites (including the SAC and ASSI). The proposal is not contrary to policies NH1 or NH3 of PPS2. Therefore it was not considered necessary to carry out a Test of Likely Significance through Shared Environmental Services under the Habitats Regulations. NIEA has provided standard informatives with regard to protected species.

ARCHAEOLOGY

There is a historic monument (DOW 051:063) to the south of the site. NIEA Historic Monuments Unit was consulted and has no archaeological objection to the proposal under PPS6.

AMENITY

The siting of the proposed dwelling should not adversely affect the amenity of any nearby dwellings as there is a separation distance of 35 metres from No. 39 opposite.

Environmental Health recommended that the dwelling is moved 75m away from the existing farm buildings to prevent potential loss of amenity to the occupants. However, there are no adjoining farm buildings in this case. The nearest outbuildings are those associated with No. 46 to the south.

In summary, the proposal is contrary to policy CTY1, CTY10, CTY13 and CTY14 of PPS21 and paragraph 6.73 of the SPPS.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it has not been demonstrated that the farm business is currently active and has been established for at least six years, that other dwellings or development opportunities have not been sold off from the farm holding within 10 years of the date of the application, and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the

farm. Another planning permission has been granted on the holding under this policy in the preceding 10 years.

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 the proposed site 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 design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, and 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, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, and would therefore further erode the rural character of the countryside.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	2			
APPLIC NO	LA07/2015/0061/F	Full	DATE VALID	3/30/15
COUNCIL OPINION	APPROVAL			
APPLICANT	Stephen and Aaron Connolly 7 Liberty Road Saintfield BT24 7HR	AGENT	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN 028 8676 3515	
LOCATION	Land approx. 180m south east 7 Liberty Road Saintfield BT24 7HR			
PROPOSAL	Proposed 2no broiler poultry sheds with 4no. feed bins, 2no. gas tanks, a biomass boiler shed with fuel bin and an office, changing and standby generator building. (To contain in total 74,000 broilers)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0061/F

Date Received: 30th March 2015

Proposal: 2 no broiler poultry sheds with 4 no feed bins, 2 no gas tanks, a bio mass boiler shed with fuel bin and an office, changing and standby generator building (to contain in total 74,000 Broilers)

Location: Land approx. 180m SE of 7 Liberty Road, Saintfield, BT24 7HR

Site Characteristics & Area Characteristics:

The site in question is located off the Liberty Road, Saintfield and the site is located on agricultural lands that lay low in a topography of a rolling drumlin topography, there is an existing farm establishment located to the west of the site and on considerably higher lands, the site is bounded by mature native planted hedging. There are no specific features on the site. The site has hydrological links with Arghnadarragh Lough SAC.

The area is not within any settlement development limits as defined in the Ards and Down Area Plan 2015, the area is rural located on a minor road and the general area has a rolling topography with short distance views.

**Site History:**

R/2005/1377/O – 5 Liberty Road, Saintfield – Proposed replacement dwelling – 4-10-2006 – granted

R/2000/0482/F – Liberty Hill, opposite 5 and 7 Liberty Road – Construction of radio base station to include 12.5m high mast with 2no dual polar antennae, 2 no communication dishes and equipment cabin with fenced compound – 25-08-2000-granted.

Planning Policies & Material Considerations:

This application is assessed under Ards and Down Area Plan 2015, PPS 3, PPS 6, PPS 31 and SPPS.

Consultations:

Transport NI responded requesting initially that the Liberty Road is upgraded to include a 12m turn in radius and localised road widening and also indicate inter visible passing bays.

Transport NI were informed that there is no scope under this application to ask for such requirements and the agent, aware of the request had not submitted this information therefore Transport NI had recommended refusal however the agent entered into discussion with Transport NI and amended drawings have been

submitted along with an extended red line for access purposes to allow for the widening of sections of the road to allow cars etc to pull in and pass etc. Transport NI has responded with no objections.

Environmental Health – no objections subject to the buildings being in accordance with the drawings submitted.

DARD – responded to say that the farm is active and established and has been for a period of more than 6 years and makes claims.

Shared Environmental Services – as detailed below, final response no objections.

NIEA in line with Shared Environmental Services had concerns with the proposal and now respond with no objections following the submission of supporting information.

Objections & Representations

4 neighbours were notified on the application which expired 13/05/2015 and the application was advertised 29/04/2015 no objections were received.

The red line of the application site was altered towards the later stages of this application however there were no additional neighbour notifications required as a result. The building at the end of the Liberty road was unoccupied and boarded up.

Consideration and Assessment:

CTY 12 Agricultural and Forestry Development is considered, Planning permission will be granted for development on an active and established agricultural holding where criteria is met.

Justification for the project is given in the Moy Park Broiler House Expansion Plan and is in line with the “Going for Growth” strategic plan prepared by NI Agri Food Strategy Board. Having considered the basis for the expansion and DARD has confirmed this is an active and established business it is considered that the expansion is necessary for the expansion and efficient use of the agricultural holding. It is considered there is no specific issue with this section of policy. In terms of character and scale the buildings are considered appropriate to the location. The land sits lower than the existing substantial farm complex; the lands are not highly visible from any long distance viewpoints. There is ground excavation and in filling required to provide the siting area for the buildings which include 2 broiler houses 85m long by 21m wide and there will also be the removal of part of the mature field boundary to accommodate the sheds. The land is low lying and the sheds will not be prominent and are in a suitable location to operate along with existing buildings. There will not be a substantial amount of additional planting required to help the unit integrate, planting is required to reinstate hedges where splays will be provided.

The works will not have an adverse impact on the natural or built environment. It was identified that the site was within 7.5KM of Aughnadarragh Lough which is a European designated site and there is the presence of the March Fritillary butterfly that the works, being ammonia producing facilities may impact on the species.

Information was requested and submitted to deal with this issue and Shared Environmental Services has responded with final comments of no objections

The following comments are made: The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

It is not considered there will be any demonstrable harm on dwellings not associated with agriculture. Environmental Health has been consulted on the application and has responded with no objections subject to the buildings being constructed in accordance with the drawings submitted. There have been no letters of objection submitted on the application to date. It is noted that there are residential dwellings in the vicinity of the proposed siting and these buildings will operate as part of an existing farm complex as Environmental Health have no specific objections it is considered that noise etc will not lead to any demonstrable harm. Overshadowing, dominance, overlooking and overbearing will not be an issue as a result of the proposal.

There are no suitable buildings on the existing farm complex that could provide the accommodation required to deal with this scheme of expansion.

The design and materials are specific to the use and also are considered standard for agricultural use, they are in keeping with the buildings of the adjacent farm and offer no issue in terms of design and integration.

The proposal is sited adjacent to existing farm buildings but for a field and given the topography of the land this site is more acceptable in terms of CTY 13 as to move up the side of the hill to be adjacent immediately to the farm buildings would lead to design and integration issues, this site still reads as being adjacent to the farm buildings and would not be considered to be away from the farm holding.

The buildings are considered acceptable in terms of CTY 13 integration and design of buildings in the countryside.

There are good boundaries to the site, there is the requirement to remove some hedging to allow the sheds to be constructed however this will not lessen the ability of the sheds to integrate and will not detract visually from the area.

The design of the building is appropriate and ancillary works will integrate with the surroundings.

There will be an element of cutting into the site to accommodate the buildings however this is not considered to offer any demonstrable negative impacts in terms of visual impact. The ancillary buildings will not create any demonstrable negative impacts.

Recommendation:

Approval

Refusal Reasons/ Conditions:

A time condition of commencement within 5 years shall be placed on any approval along with specific conditions from Transport NI.

APPLIC NO LA07/2015/0161/F Full **DATE VALID** 3/27/15
COUNCIL OPINION APPROVAL
APPLICANT Mr E Lennon C/O Agent **AGENT** Hillen Architects
87 Central Promenade
Newcastle
BT33 0HH
NA

LOCATION 35 Central Promenade
Newcastle

PROPOSAL Apartment Building with 14 Units, 3.5 storey with retail spaces and car parking.

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	Addresses	Signatures	Addresses	Signatures	Addresses	Signatures	Addresses	Signatures
	8		0		0		0	
	0		0		0		0	



Comhairle Ceantair
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**Newry, Mourne
and Down**

District Council

Application Reference: LA07/2015/0161/F

Date Received: 27th March 2015

Proposal: Renewal of full planning permission R/2007/0399/F – apartment building with 14 units 3 ½ storey with retail spaces and car parking.

Location:

35 Central Promenade Newcastle

Site Characteristics & Area Characteristics:

The application site is located within the settlement limit of Newcastle. The site is set within the town centre along a protected route and within close proximity to an area of archaeological potential and an archaeological site and monument while also being designated as a Development Opportunity within the Ards & Down Area Plan 2015.

The site fronts onto Central Promenade with access also being gained to the immediate north of the site along Post Office Lane and to west along Park Avenue. The site has been cleared of any buildings and reads as a gap site when viewed from the main thoroughfare. Located to the immediate south is the Methodist Church which is set back from the main building line. To the north of the site there is a 3 storey building which currently consists of ground floor retail units and 1st and 2nd storey apartments. Within the immediate vicinity there are a number of residential properties including a single storey dwelling and a pair of semi-detached dwellings along Post Office Lane which are orientated to face directly into the application site. The rear and west of the site backs onto Park Avenue which is mainly a residential area with detached dwellings within small plots.

Site History: On application site

LA07/2015/1396/PAD

R/2008/0945/F - Car parking for 28 cars – Approval

R/2007/0399/F - Apartment building with 14 units 3 ½ storey with retail spaces and car parking at 35 Central Promenade Newcastle – Approved 14th April 2010

R/2007/0018/F - Car parking for approximately (40 cars).

R/2010/0040/CA – change of use – Closed 30th April 2012

R/2009/0076/CA – operational development – closed 1st March 2010

R/1995/0486 - Alterations and extension to existing post office

Adjacent lands

R/2005/0929/O - Proposal to build 1 detached house.
 R/2005/0808 - Demolition of former Post Office building
 R/1980/0177 – Extension to dwelling
 R/1995/0471 - Alterations and extension to church hall

Planning Policies & Material Considerations:

Regional Development Strategy (RDS)
 Ards/Down Area Plan 2015 (ADAP)
 Strategic Planning Policy Statement for Northern Ireland (SPPS)
 PPS 3: Access Movement and Parking
 PPS 7: (Quality Residential Environments)
 PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.
 PPS 12: Housing in Settlements

Supplementary Planning Guidance:

Creating Places: Achieving quality in residential environments

Consultations:

Transport NI – no objection subject to conditions – 23rd March 2016
 Rivers Agency – no objections – 25th February 2016
 NIEA Built Heritage – no objections – 15th February 2016
 NIW – no objections subject to consultations – 23rd September 2015
 Environmental Health – no objections 30th July 2015

Objections & Representations

As part of this application 20 neighbour notifications were issued and 8 objections were received with the main points outlined below.

- Loss of light and overshadowing due to proximity to adjoining buildings
- Overlooking – design and layout not in line with PPS7
- Smells and vermin associated with 14 flats fronting onto Post Office Lane
- Noise disturbance – location of waste storage facilities
- Additional traffic to the vicinity and lack of parking facilities along narrow roads such as Post Office Lane.
- Scale of the proposed development – sea front location
- Loss of views from neighbouring dwellings
- Impact on adjacent Methodist Church and associated car park. Also raised concerns about the impact this proposal may have on any development the Methodist Church may wish to undertake in the future and how the Church would be protected during the construction stage
- Impact on commercial businesses due to difficulties in delivery goods etc
- What type of businesses will be facilitated in the shop units
- Increase in property prices - pricing out local residents

Consideration and Assessment:

This application is for the renewal of a previous Outline approval (R/2007/0399/F). This previous Outline application was approved on 14th April 2010 while the current Outline application was received on 27 March 2015 which was within 5 years of the date of the previous approval.

As this is a renewal and was submitted within the applicable timeframe, whereby all the submitted information including the proposed layout is the same as per the previous approval the principal of development has already been established and thus meets the legislative requirement, as set out in Article 3(5)(a) of the Planning (General Development Procedure) Order (NI) 2015 for consideration as a renewal of permission.

Consideration must still be given to all objections and any changes in policy. The principle of the scheme was fully considered as part of the previous application however since then additional policy has been issued in the form of the Strategic Planning Policy Statement for Northern (SPPS). With regards to this proposal this policy must be considered with regards to both the housing and retail elements of the scheme.

In terms of the retail element of the SPPS it is arguably less prescriptive however it outlines that one of its key aims is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. As per the previous approval the scheme includes 2 retail units on the ground floor which will aid the creation of a mixed use development. Including these units within the scheme will continue the promotion of focusing retail development within the town centre of Newcastle. It should be noted that in the Environmental Health response they have advised that the retail units should not be used as hot food bars/carryouts to ensure the protection of residential amenity.

Residential Amenity

Concerns have been raised by a number of neighbouring properties with regards to the loss of light, over shadowing and over bearing nature of the development and I personally would share these concerns. Through the processing of the previous application amendments were made to the design of the apartment block to alleviate the impact of the proposal. It should be noted that the design of the building was amended and a section set back from Post Office Lane to leave a greater separation distance between the proposal and the single storey dwelling Number 1 Post Office Lane. At this point there is a separation distance of 10m however I still would have concerns that due to the overall scale and massing of the proposal it would still appear over bearing and dominant when viewed from all dwellings located along Post Office Lane (this is clearly evident in the attached photographs which show the impact of a small prefabricated shed has on the semi-detached dwellings in terms of overshadowing) and would erode the amenity of the existing dwellings.

Within the PPS7 Justification and Amplification paragraph 4.8 refers to particular account being taken with regards to relationship between the spacing between buildings, the safeguarding of privacy and the scale and massing of buildings. In this instance there will only be a separation of approximately 8m between the front elevation of the existing dwellings numbers 3 and 5 Post Office Lane and the side elevation of the proposed apartment block which measures 12m in height. It remains my opinion that this is not a good relationship and would create a negative outlook for these properties.

Conditions

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

Reason: Time Limit.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Act 2011. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 03 bearing the date stamp 4th December 2015

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

3. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Act 2011 no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, in verges / service strips) determined for adoption.

REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services

4. Notwithstanding the provision of the Planning (General Development) (Northern Ireland) Order 1993, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in verges/service strips determined for adoption.

Reason: In the interest of Road Safety.

5. The development hereby permitted shall not be until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges

Rivers Agency will require to be consulted regarding the discharge of any storm water into an existing water course prior to commencement of building works on site.

6. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians

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7. The Street Lighting scheme, including the provision of all plant and materials and installation of same will be implemented as directed by the Department for Regional Development Street Lighting Section.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

8. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Departments specification (Design Manual for Roads and Bridges) and as directed by Roads Service Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

9. The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety

10. The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Department of Regional Development Roads Service for agreement in writing.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

11. The development/applicant will contact Roads Service Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: In the interest of road safety and traffic progression.

12. (a) The development hereby permitted shall not be commenced until the developer/applicant has submitted to and received approval from the DRD Road Service for a scheme for the highway improvements indicated generally on drawing No 06-47-100 dated the 2nd of October.

(b) Pedestrian guard rails, tactile paving to be provided as where is considered necessary by the Department.

Reason: To ensure the safety and convenience of road users and pedestrians.

13. No business shall be carried out on the apartments occupied from the development hereby permitted until the works comprised in the highway scheme

[The following text is extremely faint and illegible due to low contrast and blurring. It appears to be a multi-paragraph document.]

referred to in condition 4 have been fully complemented and so certified by DRD Road Service in writing.

Reason: To ensure the safety and convenience of road users and pedestrians.

14. (a) The development hereby permitted shall not be commenced until the developer/applicant has submitted to and received approval from the DRD Road Service for a scheme for the highway improvements indicated generally on drawing No 06-47-100 dated the 2nd of October.

(b) Pedestrian guard rails, tactile paving to be provided as where is considered necessary by the Department.

Reason: To ensure the safety and convenience of road users and pedestrians.

15. Alteration to existing road markings on the public road will be required to be carried out by the applicant at their own expense. This work must be agreed with DRD Road Service, Traffic Management prior to commencement of work on site.

Reason: To ensure the safety and convenience of road users and pedestrians.

16. The retail units shall not be used as hot food bars/carryouts.

Reason: To safeguard the living conditions of the residents in both the attached and nearby properties.

17. Telegraph pole to be re-sited to the rear of footway and to a location approved by the Department.

Reason: To ensure the safety and convenience of road users.

18. The floor between the retail units, car park and living accommodation to be acoustically engineered to prevent noise disturbance to the residential apartments.

Reason: To safeguard the living conditions of proposed residents

19. All services within the development should be laid underground.

Reason: In the interests of visual amenity

20. None of the units hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans

Reason: In the interest of public health

[The following text is extremely faint and illegible. It appears to be a list of items or a detailed report, but the content cannot be transcribed accurately.]

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	4			
APPLIC NO	LA07/2015/0251/F	Full	DATE VALID	5/7/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs P Mulhall 21 Tullykin Road Killyleagh BT30 9TN		AGENT	Crockard Building Design 24 Ballyalgan Road Crossgar BT30 9DR 028 44831566
LOCATION	21 Tullykin Road Killyleagh BT30 9TN			
PROPOSAL	Replacement dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and also Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building,
 - the design of the proposed replacement dwelling is not of high quality appropriate to its rural setting and does not have regard to local distinctiveness,
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits, while no justification has been provided to increase the size of this curtilage, whereby the existing could reasonably accommodate a modest sized dwelling.



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0251/F

Date Received: May 2015.

Proposal:

Full planning permission is sought for a Replacement dwelling and garage, at 21 Tullykin Road, Killyleagh.

Location:

This site is located within the countryside between Crossgar and Killyleagh as defined in the Ards and Down Area Plan 2015, whereby this area is pre-dominantly rural in character, although also includes several dwellings and holdings.

There do not appear to be any other zonings affecting the site.

Site Characteristics & Area Characteristics:

The site is located adjacent to the crossroads at Tullykin Road, Tullykin Lough Road, and Cuttyshane Road, and comprises the dwelling and curtilage of no.21, and also the adjoining field to the north.

The existing dwelling on site is 1 1/2 storey with wall dormers to the front elevation and roof lights to the rear. The dwelling has a small single storey front porch with a single storey side and rear return. The roof is finished in a natural slate with the walls having a rough render. There are a number of outbuildings surrounding the site, those that line the entrance driveway are single storey in nature and of a traditional design. There is one large agricultural type round roof shed to the rear of the these single storey outbuildings and south east of the existing dwelling.

The dwelling has a large residential curtilage with the access at the junction of the Tullykin and Cuttyshane Roads. The site slopes in a northerly direction and rises in a westerly direction from the rear of the existing dwelling. The rear boundary of the site is defined by an approx 1.5 metre high retaining wall. All other boundaries are defined by mature hedge approximately 1.5 metres in height.

Site History

A history search has been carried out for the site and surrounds whereby no relevant history has been observed.

Representations

None received to date 12-05-16.

Consultees

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, N.I Water and Rivers Agency, who offer no objections in principle.

As stated above this proposal is for a replacement dwelling.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS11, PPS21 and associated guidance documents

As stated above the site is located in the countryside, thus PPS21 applies.

PPS 21

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

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

Policy CTY 1

Development in the Countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;

- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

As the site is located in the countryside, PPS21 applies and in taking into account the above, the proposal falls within the second criteria- a replacement dwelling.

As stated above the site comprises the dwelling and curtilage of no.21 Tullykin Road, whereby Full permission is sought for a replacement dwelling.

The existing building clearly exhibits the essential characteristics of a dwelling, and is occupied at present, thus there can be no objections to the principle of a replacement dwelling.

As stated above this dwelling and curtilage are located adjacent to the crossroads, and although visible is not considered to be vernacular in design and appearance, thus no objections are offered to the demolition of this dwelling.

As part of this application a P1 form, site location plan, site plan and detailed plans have been submitted.

The site plan submitted indicates that the existing dwelling and also all other outbuildings are to be demolished whereby the replacement dwelling will be located immediately in front of the location of the existing dwelling.

This proposed siting pulls the proposed dwelling further away from the site boundary and road, and will again front the same way as per existing, thus no objections are offered to this siting, although it is noted part of this siting is outside the existing curtilage.

It is noted it is proposed to increase the size of the curtilage of this site, to include the adjoining field. The existing curtilage which extends to include all buildings and a garden area to the north side of the existing dwelling are noted, however that proposed will significantly increase the size of this curtilage.

Policy requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building. It is considered the existing curtilage comprises a good sized area and is not restricted, while no information has been supplied justifying the need for this increased curtilage.

It is noted the existing dwelling is 1 1/2 storey, while that proposed will be 2 storey high with attached garage, with a frontage of approx 25m. The size, design and footprint of the existing dwelling are noted, whereby it is considered the design of that proposed is not sympathetic or appropriate to this rural setting, while it is also considered this proposed replacement will have a visual impact significantly greater than existing.

It is noted the existing access is to be retained to serve this dwelling while sufficient provision is made for parking, turning and amenity space within the site, while the dwelling will also be located a sufficient distance from any other existing/approved dwelling to prevent any unacceptable impact.

It is also noted the existing septic tank will serve this new dwelling. while storm water will be disposed off to soak-aways.

This site is low lying located at a crossroads whereby it is proposed to retain the existing screening/planting while also providing some additional planting throughout the site.

However it is considered the increased size and scale of the proposed replacement will have a visual impact significantly greater than existing, while the design and appearance are also considered unacceptable and are not appropriate for this rural location. In addition concern is expressed regarding the increased size of this established curtilage, which will also contribute to the greater visual impact created by the re-development of this site.

Taking into account the above Refusal is recommended being contrary to Policy CTY3 of PPS21.

Following initial consideration of the case an email was issued to the agent on 6th April, advising of the above concerns and affording an opportunity to amend the scheme, however nothing further has been received to date (13-04-16) Accordingly, opinion to refuse remains.

Recommendation:

Refusal

Refusal reason:

The proposal is contrary to the SPPS and also Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building,
- the design of the proposed replacement dwelling is not of high quality appropriate to its rural setting and does not have regard to local distinctiveness,
- the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits, while no justification has been provided to increase the size of this curtilage, whereby the existing could reasonably accommodate a modest sized dwelling.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	5			
APPLIC NO	LA07/2015/0278/O	Outline	DATE VALID	4/30/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Thomas and Fidelma Magoran 14 Market Road Moneyscalp Kilcoo Newry Bt34 5JY	AGENT	Fletcher Architects (N.I.) Ltd Unit 11 The Lodge 1 Dublin Road Castlewellan BT31 9AG	
			NA	
LOCATION	Land 30m east and opposite 14 Market Road Moneyscalp Kilcoo Newry Co Down			
PROPOSAL	Proposed dwelling and garage on a farm			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 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.



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0278/O

Date Received: 30th April 2015

Proposal: Proposed dwelling and garage on a farm

Location: Land 30m east and opposite 14 Market Road, Moneyscalp, Kilcoo.

Site Characteristics & Area Characteristics:

The site in question comprises of a number of fields centred around a dwelling known as 14 Market Road, Moneyscalp. There are a number of fields and also a dwelling and a farm building. The lands are elevated and run up the hill when travelling to the Moneyscalp Road.

The area is a rural area located on elevated lands and within the Mourne Area of Outstanding Natural Beauty and also within a countryside policy area and in close proximity to an Archaeological site and monument. The lands are generally agricultural in use with single dwellings throughout the area.

Site History:

R/2014/0310/O – 11 Market Road, Castlewellan – proposed replacement two storey dwelling – granted – 23-10-2014

R/2004/0732/O – 230m N NW of no 14 Market Road – retirement dwelling and garage – refused – 02-02-2006

R/1995/0800 – south 14 Market Road, Moneyscalp – Dwelling – withdrawn

R/1989/0212 – 14 market Road, Moneyscalp – replacement bungalow – granted.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 6, PPS 21 and SPPS.

Consultations:

DARD – Responded to say that the farm has not been active and established for a period of more than 6 years and that claims or farm payments are not made.

Transport NI – no objections
 NI Water – No objections
 NIEA – No objections to the proposal

Objections & Representations

The application was advertised, the period for comment expired on 10th June 2015. 2 neighbours were notified and neighbour notification expired on 05th June 2015, no objections were received.

Consideration and Assessment:

The primary assessment is under PPS 21 CTY 10 Dwellings on farms. Planning permission will be granted for a dwelling house on a farm where all of the criteria set out in CTY 10 can be met.

The farm business is currently active and has been established for at least 6 years; DARD was consulted on the application and has responded stating that the farm business identified has not been in existence for more than 6 years and the business does not make any claims. The P1C form suggests that the business was established in 2009, allocation of a business number was on 9th July 2014. The P1C also indicates that the land was previously farmed by the applicant's uncle (now deceased) and while they helped farm in previous years the land is currently leased out in con acre and the farmer that farms the land makes the claims on the land. The lands are said to be kept in good agricultural condition by the applicant to which receipts and invoices have been issued. This is not considered to demonstrate an active farm business and as such this section of policy would not be considered to have been met. The P1C goes on to state that the business number was obtained when preparing for this application.

As such the farm has not been active and established for the last 6 years and is not currently actively being farmed as indicated in the P1C another farmer farms the lands and claims for the land.

From the history search carried out it does not appear that there have been any development opportunities sold off from the holding within the last 10 years. From the red line submitted as part of this application it is noted that there is the ability to site a dwelling to cluster with an established group of buildings on the farm as there is a dwelling and on the same side of the road a quite insignificant agricultural building and on the opposite side of the road there is a larger agricultural shed. The farm appears to be registered to the dwelling no 14 Market Road.

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

The application is contrary to PPS 21 CTY10

In terms of CTY 13 Integration and Design of Buildings in the Countryside it is considered that the lands in question are prominent in general however there is the ability to accommodate a modest dwelling in close proximity to existing structures that would result in a site that is not prominent in the landscape.

The outline of the site given covers a number of fields, in order to achieve clustering the top section of fields would only be eligible. As the principle of the dwelling cannot

be established there would be no need to identify a specific site. Any site however would have to make use of some field boundaries but would likely require additional planting to integrate. Ancillary works could also be accommodated on the site. It is thought a single storey dwelling with a low ridge height would be acceptable on the site and if approval given would need to be conditioned.

As this is an outline application the design of the building has not been submitted, however the dwelling would have to be designed in accordance with rural design guides, respect the existing topography and in order to integrate and reduce prominence would need to remain single storey in design and finish.

A siting option can be achieved that will blend with the existing landform and trees and natural features.

As previously advised a dwelling can be accommodated that will cluster with buildings on the farm.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

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.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	6			
APPLIC NO	LA07/2015/0431/O	Outline	DATE VALID	6/9/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Robert McConnell 202 Glassdrumman Road Annalong BT34 4QL		AGENT	Glynn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
				NA
LOCATION	75m south west of 177 Head Road Annalong BT34 4RG			
PROPOSAL	Farm dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			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 proposed new building is sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
- 2 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 Head Road.



Comhairle Ceantair
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agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2015/0431/O

Date Received: 9th June 2015

Proposal: Site for farm dwelling and garage

Location: The site is located within the Annalong ward of the Mourne district. Head Road runs along the base of Slieve Binnian, No. 144 is located approximately 3.5Km north west of Annalong.

No. 177 Head Road is located along the roadside and the associated sheds extend along the road frontage for over 80m. In total there are 5 buildings facing Head Road and several others located to the rear of the main farm house. The access lane for the farm also serves No. 181 Head Road.

Site Characteristics & Area Characteristics:

The proposed site is immediately adjacent to the farm at No. 177 Head Road and is currently used for grazing cattle. It is bound on all sites by dry stone walls. Head Road runs along the base of the Mourne Mountains before they rise steadily and become part of a Special Countryside Area where development is extremely limited.

The farm complex associated with No. 177 comprises the main farm house which is a two storey dwelling set back approximately 15m from Head Road, there are a number of farm sheds in close proximity to the dwelling and a newer, larger shed located immediately adjacent to the application site.

Site History:

There is no relevant site history.

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015.

- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.

Consultations:

Statutory - Department of Rural Development Countryside Management Compliance Branch – has confirmed the farm business ID has been in existence for more than 6 years.

Statutory - NI Water has no objections and recommends a number of standard informatives.

Statutory - Transport NI no objections.

NIEA Water Management Unit had no objections, standard informatives

Objections & Representations

No objections received.

Following some email correspondence with the agent where it was discussed that the application was likely to be refused on the basis of ribbon development, additional supporting information was submitted.

2012/A0270 3 Sugartown Road, Rathfriland. The appeal referred to in support of the applicant's case are not directly comparable and do not provide a precedent for the proposal. This appeal related to CTY 1, 10 and 13 of PPS 21.

Critically, the issue for this application is ribbon development which falls under CTY 8 and CTY 14.

Paragraph 5.9 of the PAC consideration acknowledges that CTY 14 and 16 are not included in the reasons for refusal but that they form part of the consideration of criterion c of Policy CTY 10. The Commissioner states that "it must be assumed that a proposal would not detrimentally change or further erode the character of an area if it visually linked or was sited to cluster with an established farm group in accordance with the policy requirements. In assessing planning applications, there can be no assumptions and each site must be assessed on its own merits.

In this regard, I consider the proposed site to fail Policy CTY 8 and CTY 14 as ribbon development must always be resisted. There are other more suitable sites available on the farm holding that will fully meet the requirements of PPS 21.

Consideration and Assessment:

This site is located within the rural area as designated within the Banbridge, Newry and Mourne Area Plan 2015 and is part of the Mourne AONB.

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.

Page 53 relates to dwellings on farms: provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. It notes that dwellings on farms must also comply with policies regarding integration and rural character.

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.

PPS 21 policies CTY 1, CTY 8, CTY 10, CTY 13, CTY14 and 16 apply.

CTY 1 Development in the Countryside, assesses the need for this proposal within the rural area. A number of exceptions are listed and these include 'a dwelling on a farm'. CTY 1 also notes that 'All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage access and road safety.

Policy CTY 8, states "Planning permission will be refused for a building which creates or adds to a ribbon of development". The supporting text adds at paragraph 5.32 that 'Ribbon development has consistently been opposed and will continue to be unacceptable.

I would have concerns in respect of the proposal in terms of ribbon development as the main farm house and its associated buildings run along Head Road for approximately 80m. There are 5 buildings that face onto head road and several additional farm buildings located to the rear of No. 177.



View towards the site including No. 177 and the associated roadside farm buildings,



View from the site towards No. 177

CTY 10 Dwellings on farms – permission will be granted where a) the farm business has been active for over 6 years and b) no development opportunities have been sold from the farm holding in the last 10 years and c) the new building is **visually linked or sited to cluster** with an established group of buildings on the farm.

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

DARD has confirmed that there has been an active farm business for over 6 years. I am satisfied that the farm is active and established for the purposes of CTY 10 criteria a and b.

A planning history search shows that no other sites have been approved for dwellings on the farm.

I accept that a dwelling on the proposed site would be visually linked with the existing farm but in doing so, the proposal fails Policy CTY 8 by adding to a ribbon of development and therefore fails the requirements of CTY 14 (part d – ribbon development).

CTY 13 and CTY 14 relate to new **buildings** in the countryside and are therefore a material consideration for all planning applications in the rural area.

CTY 13 assesses the impact this proposal will have on the rural area by reason of design, siting, integration and landscaping. The site itself has limited screening and long established boundaries however as it is located at a lower level than the road,

the issue for this proposal is not visual integration, it's the fact it will add to a significant existing ribbon of development along Head Road.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. It notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where:

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

The amplification notes: at paragraph 5.78 that in assessing the cumulative impact of a building on the rural character the following matters should be taken into consideration. These include intervisibility of the building with existing development, the vulnerability of the landscape and the siting of the proposal.

With this in mind it is clear that a dwelling at the proposed location will be clearly viewed along with the remainder of the farm along Head Road, this is a particularly vulnerable landscape, as evidenced by its designation as part of the Mourne AONB. The siting of the proposal is such that it will add to the existing line of development and therefore further erode the rural character of the area.

This proposal when viewed with the existing buildings surrounding this site will add to the existing ribbon of development along Head Road rather than integrate and cluster with the farm complex.



Aerial view of the site and farm holding. A dwelling sited behind No. 177 along the existing lane serving No. 181 would offer a better solution.

PPS 3 Access Movement and Parking Policy AMP 2, access to public roads notes that planning permission will only be granted for a development involving direct access or the intensification of the use of an existing access onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic and b) the proposal does not conflict with Policy AMP3 Access to Protected Routes. Transport NI had been consulted and has no objections.

Recommendation:

Refusal.

Additional supporting information submitted by the applicant citing appeal example 2012/A0270 has been fully considered and is a material consideration for this application. I would note planning appeal 2014/A0034 where the Commission notes that CTY 13 and CTY 14 are material considerations for the appeal. The commissioner notes at paragraph 6 that "whilst CTY 10 provides for dwellings on farms which are visually linked or sited to cluster with an established group of buildings on the farm, it does not sanction the creation or extension of a ribbon of development, especially where other opportunities exist elsewhere on the holding"


This proposal for a site for a farm dwelling will add to the significant line of development along Head Road that has been created by the farm associated with No. 177.

The issue for this application is Policy CTY 8 – Ribbon development. There is a total of 5 buildings facing onto Head Road (an additional two are located to the rear), in a row (including No. 177 Head Road), the proposed dwelling will add to this line of development, especially when viewed from Head Road travelling east to west.

I would consider a dwelling sited closer to No. 177, accessed via the existing farm lane that also serves No. 181 to offer a better solution at this location as it would cluster with the farm complex rather than add to the existing line of development.

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 proposed new building is sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
2. 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 Head Road.



28/4/16
28/4/16



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

Application Reference: LA07/2015/0431/O

Date Received: 9th June 2015

Proposal: Site for farm dwelling and garage

Location: The site is located within the Annalong ward of the Mourne district. Head Road runs along the base of Slieve Binnian, No. 144 is located approximately 3.5Km north west of Annalong.

No. 177 Head Road is located along the roadside and the associated sheds extend along the road frontage for over 80m. In total there are 5 buildings facing Head Road and several others located to the rear of the main farm house. The access lane for the farm also serves No. 181 Head Road.

Site Characteristics & Area Characteristics:

The proposed site is immediately adjacent to the farm at No. 177 Head Road and is currently used for grazing cattle. It is bound on all sites by dry stone walls. Head Road runs along the base of the Mourne Mountains before they rise steadily and become part of a Special Countryside Area where development is extremely limited.

The farm complex associated with No. 177 comprises the main farm house which is a two storey dwelling set back approximately 15m from Head Road, there are a number of farm sheds in close proximity to the dwelling and a newer, larger shed located immediately adjacent to the application site.

Site History:

There is no relevant site history.

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015.

- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.

Consultations:

Statutory - Department of Rural Development Countryside Management Compliance Branch – has confirmed the farm business ID has been in existence for more than 6 years.

Statutory - NI Water has no objections and recommends a number of standard informatives.

Statutory - Transport NI no objections.

NIEA Water Management Unit had no objections, standard informatives

Objections & Representations

No objections received.

Following some email correspondence with the agent where it was discussed that the application was likely to be refused on the basis of ribbon development, additional supporting information was submitted.

2012/A0270 3 Sugartown Road, Rathfriland. The appeal referred to in support of the applicant's case are not directly comparable and do not provide a precedent for the proposal. This appeal related to CTY 1, 10 and 13 of PPS 21.

Critically, the issue for this application is ribbon development which falls under CTY 8 and CTY 14.

Paragraph 5.9 of the PAC consideration acknowledges that CTY 14 and 16 are not included in the reasons for refusal but that they form part of the consideration of criterion c of Policy CTY 10. The Commissioner states that "it must be assumed that a proposal would not detrimentally change or further erode the character of an area if it visually linked or was sited to cluster with an established farm group in accordance with the policy requirements. In assessing planning applications, there can be no assumptions and each site must be assessed on its own merits.

In this regard, I consider the proposed site to fail Policy CTY 8 and CTY 14 as ribbon development must always be resisted. There are other more suitable sites available on the farm holding that will fully meet the requirements of PPS 21.

Consideration and Assessment:

This site is located within the rural area as designated within the Banbridge, Newry and Mourne Area Plan 2015 and is part of the Mourne AONB.

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.

Page 53 relates to dwellings on farms: provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. It notes that dwellings on farms must also comply with policies regarding integration and rural character.

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.

PPS 21 policies CTY 1, CTY 8, CTY 10, CTY 13, CTY14 and 16 apply.

CTY 1 Development in the Countryside, assesses the need for this proposal within the rural area. A number of exceptions are listed and these include 'a dwelling on a farm'. CTY 1 also notes that 'All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage access and road safety.

Policy CTY 8, states "Planning permission will be refused for a building which creates or adds to a ribbon of development". The supporting text adds at paragraph 5.32 that 'Ribbon development has consistently been opposed and will continue to be unacceptable.

I would have concerns in respect of the proposal in terms of ribbon development as the main farm house and its associated buildings run along Head Road for approximately 80m. There are 5 buildings that face onto head road and several additional farm buildings located to the rear of No. 177.



View towards the site including No. 177 and the associated roadside farm buildings,



View from the site towards No. 177

CTY 10 Dwellings on farms – permission will be granted where a) the farm business has been active for over 6 years and b) no development opportunities have been sold from the farm holding in the last 10 years and c) the new building is **visually linked or sited to cluster** with an established group of buildings on the farm.

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

DARD has confirmed that there has been an active farm business for over 6 years. I am satisfied that the farm is active and established for the purposes of CTY 10 criteria a and b.

A planning history search shows that no other sites have been approved for dwellings on the farm.

I accept that a dwelling on the proposed site would be visually linked with the existing farm but in doing so, the proposal fails Policy CTY 8 by adding to a ribbon of development and therefore fails the requirements of CTY 14 (part d – ribbon development).

CTY 13 and CTY 14 relate to new **buildings** in the countryside and are therefore a material consideration for all planning applications in the rural area.

CTY 13 assesses the impact this proposal will have on the rural area by reason of design, siting, integration and landscaping. The site itself has limited screening and long established boundaries however as it is located at a lower level than the road,

the issue for this proposal is not visual integration, it's the fact it will add to a significant existing ribbon of development along Head Road.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. It notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where:

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

The amplification notes: at paragraph 5.78 that in assessing the cumulative impact of a building on the rural character the following matters should be taken into consideration. These include intervisibility of the building with existing development, the vulnerability of the landscape and the siting of the proposal.

With this in mind it is clear that a dwelling at the proposed location will be clearly viewed along with the remainder of the farm along Head Road, this is a particularly vulnerable landscape, as evidenced by its designation as part of the Mourne AONB. The siting of the proposal is such that it will add to the existing line of development and therefore further erode the rural character of the area.

This proposal when viewed with the existing buildings surrounding this site will add to the existing ribbon of development along Head Road rather than integrate and cluster with the farm complex.



Aerial view of the site and farm holding. A dwelling sited behind No. 177 along the existing lane serving No. 181 would offer a better solution.

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Recommendation:

Refusal.

Additional supporting information submitted by the applicant citing appeal example 2012/A0270 has been fully considered and is a material consideration for this application. I would note planning appeal 2014/A0034 where the Commission notes that CTY 13 and CTY 14 are material considerations for the appeal. The commissioner notes at paragraph 6 that "whilst CTY 10 provides for dwellings on farms which are visually linked or sited to cluster with an established group of buildings on the farm, it does not sanction the creation or extension of a ribbon of development, especially where other opportunities exist elsewhere on the holding"


This proposal for a site for a farm dwelling will add to the significant line of development along Head Road that has been created by the farm associated with No. 177.

The issue for this application is Policy CTY 8 – Ribbon development. There is a total of 5 buildings facing onto Head Road (an additional two are located to the rear), in a row (including No. 177 Head Road), the proposed dwelling will add to this line of development, especially when viewed from Head Road travelling east to west.

I would consider a dwelling sited closer to No. 177, accessed via the existing farm lane that also serves No. 181 to offer a better solution at this location as it would cluster with the farm complex rather than add to the existing line of development.

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 proposed new building is sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
2. 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 Head Road.



28/4/16
28/4/16

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	7			
APPLIC NO	LA07/2015/0455/F	Full	DATE VALID	6/10/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Fergal O'Hanlon 15 Kearney Crescent Corlay Whitecross BT60 2TW		AGENT	Collins and Collins 18 Margaret Street Newry BT35 1DF
				02830266602
LOCATION	15 Kearney Crescent Whitecross Armagh BT60 2TW			
PROPOSAL	Retention of part boundary walls piers and railings			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy AMP 2 of Planning Policy Statement 3, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 33 metres is not available, on the public road due to the wall, in accordance with the standards contained in the Department's Development Control Advice Note 15.



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

Delegated Application

Development Management Officer Report		
Case Officer: Ashley Donaldson		
Application ID: LA07/2015/0455/F		Target Date:
Proposal: Retention of part boundary walls piers and railings		Location: 15 Kearney Crescent Whitecross Armagh BT60 2TW
Applicant Name and Address: Fergal O'Hanlon 15 Kearney Cresent Corlay Whitecross BT60 2TW		Agent Name and Address: Collins and Collins 18 Margaret Street Newry BT35 1DF
Date of last Neighbour Notification:		9th September 2015
Date of Press Advertisement:		1st July 2015
ES Requested: Yes/No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
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	
Summary of Issues: Proposal is result of an enforcement case. New wall and piers adversely impact on visibility.		

Site Visit Report

Site Location Plan:



Date of Site Visit: 13th April 2016

Characteristics of the Site and Area

The site is located at 15 Kearney Crescent, Whitecross. The site as outlined in red on the site location plan takes in a semi-detached dwelling finished in white render, blue fascia and grey quoins. The site sits quite elevated from the main Tullyah Road and incorporates a corner site as you enter the small development. A larger retaining wall exists along the front of the property and stretches towards the rear. A sloping garden is located to the front of the dwelling with more amenity space located to the side and minimally to the rear. The area is residential in character with all the dwellings in this small development being of a similar size and character. The site is located within the development limit for Whitecross.

Planning Assessment of Policy and Other Material Considerations

The proposal seeks full permission for the retention of part boundary walls, piers and railings located to the rear of the dwelling that fronts onto Kearney Crescent.

HISTORY: No recent / relevant development management history.
Enforcement case P/2013/0054/CA on going.

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 extension to dwellings or access arrangements following the publication of the SPPS and as it is arguably less prescriptive, the retained policy of the addendum to PPS7/PPS3 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the development limit for Whitecross as designated in the Banbridge Newry and Mourne Area Plan 2015. An extension to an existing property this may be acceptable in accordance with EXT1 of the Addendum to PPS7.

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

In terms of policy EXT1 the extensions are subordinate in scale and similar in style to the existing property. The design is acceptable and the external materials will be sympathetic with the built form and appearance of the existing dwelling. It will not affect the privacy or amenity of neighbouring residents and there will be sufficient remaining space within the curtilage of the

property for recreational and domestic purposes.

Planning Policy Statement 3: Access, Movement and Parking policy AMP 2 / Development Control Advice Note 15: Vehicular Access Standards.

Following consultation with Transport NI they have confirmed the wall has been constructed on the service strip where has been determined / adopted by Transport NI. As a result, the proposal would prejudice the safety and convenience of road users since adequate forward sight distance of 33m is not available on the public road due to the wall, in accordance with the standards contained in Development Control Advice Note 15. The proposal is therefore contrary to policy AMP 2 of PPS3.

No objections or representations received.
Neighbours Notified.
Application Advertised.

Recommendation: Refusal

Neighbour Notification Checked Yes

Summary of Recommendation
Refusal as above.

Conditions/Reasons for Refusal:

Refusal Reasons

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy AMP 2 of Planning Policy Statement 3, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 33 metres is not available, on the public road due to the wall, in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer Signature

Date: 19/4/16

Appointed Officer Sign

Date: 20/4



APPLIC NO	LA07/2015/0548/O	Outline	DATE VALID	7/2/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Martin Fitzpatrick 146 Tullybrannigan Road Newcastle		AGENT	Collins & Collins 18 Margaret Street Newry BT34 1DF 028 30266602

LOCATION Immediately south and south west of 18 & 20 Pats Road Ballymartin Kilkeel

PROPOSAL New dwelling and garage on a farm

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	12	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it has not been demonstrated that the farm business is currently active, and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the extension of ribbon development along Pat's Road.
- 3 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 the proposed site 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 into the landscape, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, and 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, would add to 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 paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and its siting and scale is out of keeping with the special character of the Mourne AONB and it fails to conserve features of importance to the character, appearance and heritage of the landscape.
- 6 The proposal is contrary to paragraphs 6.37, 6.38 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the development does not require a coastal location, it is not of national or regional importance and there are alternative sites available, and this area of the coast is known to be at risk from coastal erosion.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0548/O

Date Received: 1st July 2015

Proposal: New dwelling and garage on a farm

Location: Immediately south and south west of 18 & 20 Pats Road, Ballymartin, Kilkeel.
The site is located on the County Down coast about half a mile south of Ballymartin.

Site Characteristics & Area Characteristics:

The site comprises most of 2 agricultural fields, adjacent to the Irish Sea Coast and separated from one another by an overgrown laneway. Field boundaries are formed by granite dry stone walls, post and wire fencing and some whin hedging. The land slopes gently from NW – SE towards the coast. Beyond the site to the south is quite a steep clay cliff, then a narrow laneway providing access to another dwelling, and a wide shingle beach. The site sits several metres above sea level, though the exposed clay cliff face is slowly being eroded. The site is accessed at a sharp corner in Pat's Road (a cul-de-sac) at its northern edge. There are no existing farm buildings on or adjacent to the site and little means of enclosure. Two existing dwellings overlook the site.



The site is located in a rural coastal area approximately half a mile south of Ballymartin. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mourne and Slieve Croob Area of Outstanding Natural Beauty and the Mourne Coast Area of Scientific Interest. There is an existing ribbon of development along the east side of Pat's Road (to the north of the site) and further dwellings to the south. There are spectacular views over Ballykeel Bay and out to sea. Most dwellings in the area are single storey cottages. The main land use is agriculture. There are playing fields to the NW of the site.

Site History:

There have been several previous applications on the site:

- P/1982/0856 for a dwelling was refused on 8th March 1983 as it did not meet the policy exceptions for rural areas at that time.
- P/2014/0657/F for a 50.5m high wind turbine in the western field was refused on 10th February 2015 based on unacceptable adverse impact on public safety, residential and visual amenity and landscape character, potential noise and shadow flicker impact and adverse impact on the Mourne AONB.
- P/2014/0523/O for a farm dwelling and garage in the eastern field was refused on 6th March 2015 based on seven separate reasons:
 1. Policies CTY1 and CTY10 - not visually linked or sited to cluster with an established group of buildings on the farm.
 2. Policy CTY8 - extension of ribbon development along Pat's Road.
 3. Policy CTY13 - integration.
 4. Policy CTY14 - rural character.
 5. Policy CTY6 - personal circumstances.
 6. Policy NH6 - impact on the Mourne AONB.
 7. Amenity impact on No. 18 Pat's Road due to overlooking and loss of privacy.

The current application was quickly re-submitted, but is not materially different from the previous refusal, except that the additional land in the western field is included, and the applicant has not made a personal circumstances case for consideration under policy CTY6. As there is no conceptual layout in this case, in theory it would be possible to overcome the loss of amenity refusal reason through the imposition of a siting condition. However, the proposal remains contrary to the other five reasons for refusal as discussed below. As the SPPS has been finalised since the previous determination, its coastal policy is now a material consideration which will also be assessed below.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS15 – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside

- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – No objections in principle provided access is detailed at reserved matters stage.

NI Water – Standard informatives.

NIEA – Standard advice on sewerage & drainage, site vulnerable to coastal erosion. Informatives on protected species provided.

Environmental Health – No objections in principle. Consent to Discharge will be required.

DARD – The farm business has been in existence for more than 6 years and claims single farm payment.

Rivers Agency – Site is adjacent to coastal flood plain, 600mm freeboard required.

Objections & Representations

The application was advertised in the *Mourne Observer* on 29th July 2015, and again on 14th October 2015 (following a reduction in the site area to ensure it did not exceed the Major application threshold of 2 hectares). Two adjoining properties were neighbour notified on 25th August 2015 and 30th September 2015. A total of 13 letters of objection were received, coming from 9 separate property addresses. Most of these were in the local area, with several from visitors to the area who live further afield. The issues raised include ribbon development, lack of integration, impact on rural character, impact on the AONB and coastal views, impact on residential amenity, impact on wildlife, drainage, erosion, restricted access to the shore, impact on a right of way, increase in the volume of traffic, impact on the view from neighbouring houses, impact on water quality, no existing farm buildings, and the land is let out and not farmed by the applicant.

Consideration and Assessment:

The main issues to be considered are the principle of a dwelling on the farm holding, siting, integration, design and impacts on amenity of existing dwellings and the Mournes AONB.

AREA PLAN

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The 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 outside settlement limits in a rural area and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and the Mourne Coast Area of Scientific Interest. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21. Impact on the AONB and ASI will be considered under PPS2

PRINCIPLE OF DEVELOPMENT

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.

PPS21 Policy CTY1 states that a range of types of development 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:

Criteria (a) requires that the farm business is currently active and has been established for at least 6 years. DARD advised that the farm business was established for more than 6 years and has claimed single farm payment in the last 6 years. However, the applicant's Design and Access Statement indicates that he is not currently farming the land and objectors have advised that the land is let, so it is not clear that the farm business is "currently active" as required by the policy. The Design and Access Statement further advises that the applicant has carried out general maintenance over the years, but no verifiable and site specific evidence has been submitted in support of this claim. It is not clear that the applicant is engaged in any agricultural activity as defined by Article 4 of the European Council Regulations (as referred to in the SPPS). Therefore it has not been demonstrated that criteria (a) is met.

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. There have been no other development opportunities approved on the land owned during 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. The only established group of buildings on the farm is the applicant's dwelling and garage, located at a separate parcel of land at Tullybrannigan Road, Newcastle. While not an agricultural shed, these are nonetheless buildings on the farm for the purposes of this policy. There is adjoining land here where a dwelling could potentially be located to group with the applicant's existing residence. There are three fields surrounding it each with mature trees to their boundaries. These would have a reasonable prospect of integrating a suitably designed and sited dwelling, subject to detailed consideration through the application process. The Council cannot accept the assertion in the Design and Access Statement that there are no buildings on the applicant's lands. It has not been demonstrated why the land at Tullybrannigan is unsuitable for a farm dwelling, so it does not meet the exceptionality clause in criteria (c). As there are no buildings belonging to the farm at Pat's Road, the proposed dwelling will not be visually linked or sited to cluster with an established group of buildings on the farm and fails to meet criteria (c).

The proposal fails to meet criteria (a) and (c) in policy CTY10 and is therefore unacceptable in principle as development in the countryside under policy CTY1. It is contrary to the equivalent policy in the SPPS (paragraph 6.73).

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 CTY8, CTY13 and CTY14 of PPS21.

With regard to integration, a new dwelling at any point within the site will be viewed when approaching on Pat's Road from the NW, and also by users of the shared laneway to the east and the beach beyond. The road and laneway provide an important local access to the coast for tourists and recreational users and a dwelling on the site would be extremely prominent and harm the landscape character of the area. The site lacks mature natural boundaries and there is no adequate form of enclosure that could ameliorate the adverse impact on local and coastal views. It would rely on new landscaping for integration. The proposal fails to blend with the landform and existing slopes in the area and will instead appear on the skyline with no suitable backdrop. As previously stated, it is not visually linked or sited to cluster with an established group of buildings on the farm. There is no detailed design for consideration at outline stage, however, the proposal fails on criteria (a), (b), (c), (f) and (g) of policy CTY13.

Turning then to rural character, the proposed building would be unduly prominent in the landscape as discussed above. It will increase the impression of suburban-style build-up in the area when viewed with the neighbouring dwellings. It is not in keeping with the desired settlement pattern for the area of clustered farm groups, but instead represents another one-off development in the countryside. There is an existing ribbon of development consisting of Nos. 10 - 18 Pat's Road to the north of the site. Although this site is separated from the ribbon by a narrow laneway, it will add to the existing ribbon of development on Pat's Road, even if it was sited further south within the site than under the previous application. As no ancillary works are proposed under this outline application, it is difficult to assess the application under criteria (e), but the application is contrary to the other four criteria of policy CTY14, and also policy CTY8.

ACCESS

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. There is clear visibility at the junction of Pat's Road and the shared laneway where the site would join the public road, though it is likely that part of the field boundary alongside the laneway would have to be set back. TransportNI has no road safety objection to the access proposal provided detailed drawings of the access are submitted with any reserved matters application. An objector made reference to a right of way along the laneway between the two fields. It is important to note that even if planning permission was granted, it would not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

SEWERAGE

Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to under policy CTY16 has been submitted. Therefore it would be necessary to impose a negative condition in the event of approval that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development. As the matter could be dealt with by condition, the failure to submit information on sewage treatment would not warrant refusal under

CTY16. Standard consultation responses were received from NIEA Water Management Unit, Environmental Health and NI Water.

COASTAL DEVELOPMENT

The SPPS aims to protect the undeveloped coast from inappropriate or obtrusive development. This proposal would be both. Paragraph 6.37 states, "There are few types of development which require a coastal location and the undeveloped coast will rarely be an appropriate location for new development", especially when there are other siting options as in the case of this farm holding. Paragraph 6.38 states, "Development should only be permitted on the undeveloped coast where the proposal is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment and where there is no feasible alternative site within an existing urban area in the locality." This development is clearly not of national or regional importance and alternative sites have not been ruled out. Finally, paragraph 6.42 states that "Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability". While there is no concern regarding flooding under PPS15 (due to the height of the land above the 1 in 200 year flood level, this part of the coast is known to be at risk of coastal erosion (confirmed by NIEA Marine Environment Division in their consultation response) and there is evidence of this in the soft cliff face that forms the eastern edge of the site. It is not sustainable to permit residential development in areas such as this. The application is contrary to the coastal policies of the SPPS.

AREA OF OUTSTANDING NATURAL BEAUTY

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The site marks the interface between the Mourne, their coastal plain and the Irish Sea. It is important in visual and locational terms and in its natural state it contributes to the special character of the locality. When approaching for some distance on Pat's Road, the site permits views over it towards the coast. These would be obscured by a new house on the site, severely harming the general amenity of the area. Representations submitted have also referred to the important place of the "Three corner field" (the eastern portion of the site) in local heritage and its recreational value for the community. The field is private land and any informal recreational use would not prevent the owner developing it in accordance with planning policy and legislation, however, the site's local importance is such that it should be preserved in its natural state. The development proposal is unacceptable in that it would suburbanise the site and would not respect or conserve this locally important landscape. The siting of a dwelling in any part of the site is considered to be unacceptable in view of the special character of this part of the landscape. A dwelling here would be contrary to criteria (a) and (b). There is no detailed design for consideration under criteria (c).

AMENITY

The previous application was refused on the basis that it would harm the privacy and residential amenity of No. 18 Pat's Road, immediately north of the site, as the new dwelling was shown sited and orientated to look directly into the extensive gable windows of this property approximately 10 metres away. As no such layout drawing has been submitted with the current application, and the application site is larger, objectors are not necessarily correct in stating that the development would harm the privacy or amenity of No. 18 or other dwellings. It would be possible to locate a

dwelling within the site with appropriate separation distances from other properties so that there was no demonstrable harm to residential amenity. This would need to be assessed in more detail once full plans were submitted. Concerns raised about the impact on private views from individual dwellings are not material planning considerations.

In summary, the proposal is contrary to policies CTY1, CTY8, CTY10, CTY13 and CTY14 of PPS21 and paragraph 6.73 of the SPPS. It is also contrary to policy NH6 of PPS2 and paragraph 6.187 of the SPPS with regard to its impact on the AONB, and it is contrary to the coastal development policies of the SPPS. Most of the concerns raised by objectors are supported by the policy objections to the scheme and can be given appropriate weight in the determination.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it has not been demonstrated that the farm business is currently active, and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the extension of ribbon development along Pat's Road.
3. 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 the proposed site 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 building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, and 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, would add to 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 paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement

- 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and its siting and scale is out of keeping with the special character of the Mourne AONB and it fails to conserve features of importance to the character, appearance and heritage of the landscape.
6. The proposal is contrary to paragraphs 6.37, 6.38 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the development does not require a coastal location, it is not of national or regional importance and there are alternative sites available, and this area of the coast is known to be at risk from coastal erosion.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	9			
APPLIC NO	LA07/2015/0714/F	Full	DATE VALID	7/30/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Byrne 28 Ballyclander Road Downpatrick BT30 7DZ		AGENT	Brigin Byrne 21 Guinness Road Ballynahinch BT24 8QN
				NA

LOCATION 180m north west of existing farm buildings adjoining 28 Ballyclander Road
Downpatrick
BT30 7DZ

PROPOSAL Proposed farm dwelling and garage

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 (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 the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0714/F

Date Received: 30th July 2015

Proposal: Proposed farm dwelling and garage

Location: The site is located approximately 4km to the southeast of Downpatrick in the open countryside. The site address is 180m NW of existing farm buildings adjoining 28 Ballyclander Road, Downpatrick



Site Characteristics & Area Characteristics:

Characteristics of Site

The site is located approximately 4km to the southeast of Downpatrick. The site is cut out of an agricultural field located approximately 180m to the northwest from the

existing farm buildings at no 28 Ballyclander Road, Downpatrick. The site is currently in agricultural use and is undefined along the northern and eastern boundaries. The southern and western boundaries are defined by a 2m high thorn hedge. Ballyclander Road is located to the west of the site.

There is a large mature tree located along the southern boundary of the site. The site slopes steeply upward from south to north.

Characteristics of Area

The area is characterised by open undulating countryside with sparsely located dwellings and farms. There site is surrounded by agricultural land in every direction.

Site History:

There is no history specific to this site. A farm dwelling was granted in 1974 on the farm under R/1974/0151.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

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

Development Plan – The Ards and Down Area Plan 2015

The site is located within the open countryside and outside any defined settlement area. There is an archaeological site located approximately 200m to the northeast of the site.

Consultations:

Consultation Type	Consultee	Response
Statutory	DARDNI	No objections
Statutory	Transport NI	No objections
Statutory	NI Water	No objections

Statutory	NIEA – WMU	No objections
Advice and Guidance	Environmental health	No objections

Objections & Representations

No neighbours were notified as there are no neighbouring properties.

The application was advertised on 30th July 2015

Consideration and Assessment:

NB. The gable window to bedroom 4 and ground floor utility room window is missing from the floor plans.

The proposal is an application for full planning permission for a dwelling on a farm. The key policy to be considered is PPS21.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.

The applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

It is considered that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. The assessor is satisfied that criteria (b) has been met.

Criteria (c) states that the proposed dwelling is to be visually linked or sited to cluster with an established group of buildings, and where practical access to the dwelling should be obtained from an existing lane.

The proposed dwelling would be located approximately 180m the northwest of the existing farm cluster. There are no existing farm buildings in close proximity to the site. It is not considered that the dwelling would cluster with an established group of buildings on the farm.

With regards to visual link, there are limited views of the main farm cluster due to the varied topography of the surrounding area and its position down a long lane accessed from Ballyclander Road. There are views of the proposed site when approaching along Ballyclander Road from the south; however it is not possible to view the site and the existing farm buildings together from this position due to the thick hedges lining Ballyclander Road. When approaching along Ballyclander Road from the north, it is not possible to view the main farm buildings due to the hill and high hedges. The proposal involves the replanting of hedges along the western boundary of the site to create visibility splays, however it is not considered that a visual link could be established between the proposed dwelling and the farm buildings due to the topography of the surrounding land and limited views of the farm from Ballyclander Road.

It is considered that a 2 storey farm dwelling would become visible when approaching the site from the north, however, without being able to view the main farm buildings in conjunction. The only way to view the site and the main farm together was to climb the verge and look over the hedge which defines the western boundary of the site. The proposed dwelling does not utilise the existing laneway to the farm but proposes a new access onto Ballyclander Road. This proposed access would be located in the southwest corner of the site, approximately 190m to the north of the existing access lane leading to the farm.



(View approaching from the south)



(View approaching from the north)

The existing farm can be viewed from the top of the existing access lane onto Ballyclander Road, however views of the proposed site would be screened by a hill from this position. Views of the site would only become available further north along Ballyclander Road, at which point, views of the existing farm would not be available.

The applicant has provided 2 examples of previous approvals for farm dwellings which are considered similar to the proposal. I will address these cases below:

R/2009/0355/F

In this case there were exceptional circumstances noted by the case officer. The main farm dwelling was a listed building and clustering with the buildings had the potential to impact its setting. The site and the farm buildings could be visually read together from the Milltown Road, and the site was accessed from an existing lane. The land to the north of the farm buildings was considered too prominent, whilst the proposed site allowed for better integration. The case officer noted that in approving the application that 'this was a unique case with circumstances that are distinguishable'.

LA07/2015/0405/RM

Again, this case was exceptional in that there were no farm buildings on the farm holding. The principle of the dwelling was found acceptable and the site complied with CTY13 (a-f), CTY14, and CTY16.

With regards to the application being assessed, there are no such circumstances. The application fails to meet criteria (c) as it fails to cluster or visually link with existing farm buildings.

CTY13

The site is located at bottom of two hills which slope down to the site from the north and south. The hill to the rear would provide a suitable back drop when approaching from the north, whilst the existing hedging would provide suitable screening from view when approaching from the south. There is a large mature tree along the southern boundary which would provide screening of the site along with the 2 existing natural boundaries. There are limited long views of the site due to the undulating topography of the surrounding area and I am content that the proposed dwelling would not appear prominent and would integrate suitably into the landscape. The proposed design is considered acceptable for the area, however the proposal is contrary to criteria (g) of CTY 13 as it fails to cluster or visually link with the farm building.

CTY14

It is not considered that the proposed dwelling would be unduly prominent due to its position on lower ground. The dwelling would not result in a sub-urban style build up or add to a ribbon of development. The proposal complies with CTY14.

CTY16

NIEA Water Management Unit has been consulted and is content with the proposal with informatives.

It is recommended to refuse this application.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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 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 Strategic Planning Policy Statement for Northern Ireland (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.



LA2015/0714/F - Farm Dwelling, Ballyclander Road

Brigin Fegan

to:

planning@nmandd.org

19/05/2016 11:19

Cc:

"louise.dillon@newryandmourne.gov.uk", "colette.mcateer@newryandmourne.gov.uk",
"m.ritchie@sdlp.ie"

Hide Details

From: Brigin Fegan <briginfegan@hotmail.co.uk>

To: "planning@nmandd.org" <planning@nmandd.org>,

Cc: "louise.dillon@newryandmourne.gov.uk" <louise.dillon@newryandmourne.gov.uk>,
"colette.mcateer@newryandmourne.gov.uk"

<colette.mcateer@newryandmourne.gov.uk>, "m.ritchie@sdlp.ie" <m.ritchie@sdlp.ie>

History: This message has been replied to and forwarded.

FAO Mark Oliver (Case Officer)

I have recently looked on the Planning Website to see that our application LA2015/0714/F is on the agenda for the next Planning Committee Meeting.

This ignores the request of my Local MP, Margaret Ritchie, who contacted planners asking that a 'stay on any action' be put on this case.

Also on my last recorded telephone call to you, I asked that I be contacted by planning when my case was being put on the Planning Committee Agenda. This did not happen.

I now wish to have the case deferred until the 'Right to Speak' is introduced and our Health and Safety Report, which is ongoing at present, is completed. I know that the introduction of the 'Right to Speak' is imminent and wish to avail of this service. I also feel that the case is going to committee prematurely without a completed Health and Safety Report.

Can you please come back to me at your earliest convenience via email on these matters letting me know that the case has been deferred?

I am also forwarding this email to Council staff so that they can circulate the email to Planning Committee Members so that they can agree the deferral.

Regards

Brigin



Fw: Byrne - Farm Dwelling, Ballyclander Road, LA07/2015/0714/F

Brigin Fegan

to:

louise.dillon@newryandmourne.gov.uk, colette.mcateer@newryandmourne.gov.uk

19/05/2016 14:14

Hide Details

From: Brigin Fegan <briginfegan@hotmail.co.uk>

To: "louise.dillon@newryandmourne.gov.uk" <louise.dillon@newryandmourne.gov.uk>,

"colette.mcateer@newryandmourne.gov.uk"

<colette.mcateer@newryandmourne.gov.uk>,

2 Attachments



Byrne - Planning Information Sheet 23-4-16.jpg



Byrne - Planning let 27-4-16.pdf

Hi Louise and Colette,

Can this email be forwarded to all Planning Committee Councillors.

FAO - Newry, Mourne and Down Planning Committee

LA07/2015/0714/F - Farm Dwelling, Ballyclander Road Downpatrick

The above application is on the Planning Committee Agenda for 26th May 2016.

An email was sent to planners requesting that the application be deferred until;

- a H&S report was prepared
- the 'Right to Speak' is implemented

(A copy of this email was forwarded to Democratic Services to be circulated to the Planning Committee which I hope you champion)

For the Planning Committee's information I am now forwarding information in support of the application which I previously forwarded to Planning, after reading online that the application was on the Delegated List, scheduled for Refusal.

The attached letter and information sheet document why I feel the Farm Dwelling should be approved. The photomontages demonstrate that the proposed dwelling is 'visually linked' to the farm buildings. (Planners reason for refusal.)

I am also in contact with high street banks regarding their guidelines on granting mortgages for proposed farm dwellings. If the above dwelling is to be clustered within the farm and access to the dwelling shared, precedence suggests a mortgage will be difficult to obtain.

I would also request that the Planning Committee meet with myself and a Planner on site prior to a Committee Meeting? As mentioned above the dwelling is being refused for 'visual' reasons and I feel a site visit will convey to committee members why the chosen site should in fact be approved.

I hope that in light of the attached and my previous attempts to have a stay put on the application, through my local MP Margaret Ritchie, that the committee will agree to defer my application until H&S reports are complete, bankers guidelines made clear and the right to speak is implemented.

Regards

Brigin Byrne
Applicant & Agent

BRIGIN BYRNE
ARCHITECTURE & DESIGN
BSc (Hons.) Dip Arch

21 Guinness Road, Ballynahinch, Co Down, BT24 8QN

Phone 07821155862

Email briginfegan@hotmail.co.uk

Your Ref: LA07/2015/0714/F

27th April 2016

Antony McKay
Planning Service
Downshire Civic Centre
Downshire Estate
Ardglass Road
DOWNPATRICK
BT30 6RA

Dear Anthony,

Re: Full Planning Application
Farm dwelling and domestic garage
180m North West of Existing Farm Buildings adjoining 28 Ballyclander
Road Downpatrick for Mr & Mrs Byrne

The above application has been placed on the Council's Delegation List dated 14th April 2016 in favour of refusal.

The application has been refused on the grounds that it is contrary to policy CTY1, 10 & 13 of Planning Policy Statement 21 in that it has not been demonstrated that the building is Visually Linked or Clustered to Existing Farm Buildings.

I would contend that the proposed dwelling is 'Visually Linked' to the Farm and therefore should be approved. I have prepared an Information Sheet, 33/A1/05, in support of these views which should be read in conjunction with this letter.

Policy does not stipulate a specific distance as to how far away a dwelling should be from a farm. All applications and settings are different and should be assessed on their individual merit. Careful consideration must also be given to how the new dwelling will impact on the surrounding countryside and particularly the visual impact that will be created from adjoining roads.

Site Particulars

The farm and site are massed by sloping hills and dense vegetation. While glimpses of the farm yard can be caught from the Ballyclander Road and Ballygallum Road the site 120m North West of the farm yard cannot be seen. (See existing photographs)

The dwelling will only be seen when hedges for sight lines are removed. Therefore the dwelling will remain unseen until directly approached off the Ballyclander Road, at which point the farm

yard can be read in the background and therefore establishes a visual link. (See proposed photomontages)

Perspective

As the proposed dwelling is 50m off the Ballyclander Road, when read in perspective, the relatively narrow main body of the house 11.2m wide, blends easily into the farm background which sprawls over 170m.

When viewed from the Ballyclander Road the proposal nestles into the farm background and has little to no impact on the surrounding countryside.

Access

The location and proposed access to the new site will improve an existing treacherous part of the Ballyclander Road. Implementing the new sight lines will enable road users to see clearly and avoid accidents which have happened at this black spot on numerous occasions in the past.

The proposed access to the site has been carefully chosen so that it dually complies with planning legislation and also bank regulations.

Bankers are now regularly insisting that clients own their site access outright. In this instance the present access onto the farm is shared by 3 land owners and is therefore not suitable for obtaining a mortgage.

The client feels that given the farms distance from the road, 160m plus from any point, that it is unsustainable and uneconomical to create a new laneway of perhaps 100m so that the new dwelling, which the applicant is entitled to under planning legislation, can become more 'visually linked' or clustered' within the existing farm.

A new laneway of perhaps 120m plus to enable a dwelling closer to the farm would disrupt the rural character of the area and destroy workable farm land.

Health & Safety

An existing, 1960, slatted cattle house with above ground slurry tank capable of holding over 650,000ltrs of slurry is located on the farm. If the dwelling is located in close proximity of tank it is a major health and safety issue, with the risk of a child falling into the tank, effects of intoxicating fumes on dwelling occupants or the possibility of the retaining walls supporting the tank cracking under the pressure of high volumes of slurry which can only be spread at certain times of the year.

Environmental Health have been consulted on this issue and they would champion the proposed site as opposed to relocating the dwelling closer to farm for the above reasons.

Active Farmer

The client is an Active Farmer. Currently he and his family reside in Downpatrick, 3 miles from the family farm. This is not suitable as he works on the farm daily. It is particularly difficult in spring when cows are calving or around harvest times when long anti-social hours are required.

Time Management & Performance of Planners

It must be noted that the above application was first lodged with Council in July 2015 after seeking the advice of Planners. Progress updates have constantly been sought and call backs requested from the case officer.

Despite these requests for return phone calls from the Case Officer, I was only called back when the application had been refused and placed on the Delegation List. At this stage it was too late to make any changes to the application and this was despite having called earlier in the week and the weeks prior for a progress update.

I therefore am taking this opportunity to amend the original application and put forward images which demonstrate that the proposed dwelling is 'Visually Linked' to the farm.

Conclusion

I would like to have the determination on the application temporarily frozen until Planners have had the opportunity to read the attached information sheet and supporting letter which I would have preferred to receive before refusal was issued.

I feel that a meeting on site between the client and planners would be positive, and provide myself and the client the opportunity to further demonstrate how the proposal is 'Visually Linked' and makes little or no impact on the surrounding countryside.

I look forward to hearing the outcome of your meeting with Margaret Ritchie; MP for South Down in support of this application.

Yours sincerely

Brigin Byrne

Enc

Planning Information 33/A1/05



Photomontages

A photographic survey along the Ballyclander Road has been carried out to demonstrate that the proposed dwelling will have minimal to no impact on the countryside's rural character. The proposed site has been carefully chosen to ensure the dwelling is masked behind sloping topography to the North West and existing mature hedgerows and deciduous trees to the South and West. The house will therefore be unseen until directly accessed off the Ballyclander Road when visually linked with the farm in the background.

Dense existing hedgerow and the fact that the road level is lower than ground level in the field, 1.5m lower in some points, means the proposed site cannot be seen when travelling North or South on the Ballyclander Road. The site can neither be seen from the Ballyclander Road. The client will have to remove some of the hedgerow to comply with Roads Service. The photomontages reflect how the site will appear when stripped of the existing hedgerow and replanted. The boundary hedge separating the two agricultural fields will minimise any visual effect from the south of the site. Any new planting behind the sight lines as documented in the original application will be planted so that the site will be returned to how it appears at present.

- Amends to Planning Application**
- The dwelling has been re-located within the outillage of the site to ensure the dwelling is visually linked with Liscake Farm:
- The proposed dwelling has been moved further south east to be closer to the existing farm buildings. The dwelling is now less than 120m from the Farm
 - The dwelling is 50m off the Ballyclander Road, therefore when lead in perspective the relatively narrow main body of the house, 11.2m wide blends easily into the farm background which sprawls over 170m.
 - The orientation of the dwelling has been rotated to allow the proposed dwelling to sit parallel with existing Farm Buildings and read as one entity
 - Ground levels illustrate that the new location will be 2m lower than that of the original location. Visually therefore much more of the farm can be seen from the Ballyclander Road and the new dwelling is less prominent and more visually integrated within the existing farm.
 - The house has been ripped to allow the single storey sun lounge to face south and therefore in capture much more of the farm as the photomontage illustrates
 - The dwelling is now within close proximity to the existing native hedge row. This further integrates the dwelling into its rural setting and reduces the visual impact of the new build from approach on the Ballyclander Road.
 - The domestic garage can be removed completely



Visual & Economic reasons in support of the site

- The proposed site has been carefully chosen so that it fully complies with planning legislation and the Barns Legislation.
- Farmers are now regularly requesting that clients over their site access straight in the distance the present access onto the farm is shared by 3 land owners and is therefore not suitable for obtaining a mortgage
- The client feels that given the farms distance from the road, 170m plus from any point, that it is unreasonable and uneconomic to create a new lane-way of perhaps 100m so that the new dwelling, which the applicant is entitled to under planning legislation, can become more 'visually linked' or 'clustered' within the existing farm
- A new lane-way would disrupt the rural character of the area and destroy workable farm land
- The location and proposed access to the new site will improve an existing treacherous part of the Ballyclander Road. Implementing the new sight lines will enable road users to see clearly and avoid accidents which have happened at this black spot on numerous occasions in the past.
- The client feels that given the farms distance from the road, 170m plus from any point, that it is unreasonable and uneconomic to create a new lane-way of perhaps 100m so that the new dwelling, which the applicant is entitled to under planning legislation, can become more 'visually linked' or 'clustered' within the existing farm
- A new lane-way would disrupt the rural character of the area and destroy workable farm land
- Existing, 1960, slated cattle house with above ground slurry tank capable of holding over 400,000 litres are located on the farm. The client fears if the tanks are dangerous as should they ever burst it would be catastrophic, and siting a house close to these tanks would be a health and safety issue.
- As farm maps indicate, fields are delineated and laid out to maximize harvest yields. The client has chosen a corner site on the farm to try and minimise disruption to the field.
- The client is an active farmer. Currently himself and his family are residing in Downpatrick, 8 miles from the farm, which is not very suitable particularly at harvest times or when cows are calving.

Name	Date	Description
Amends to Planning Application LA/2015/0714/F		
120m North West of Existing Farm Buildings		
28 Ballyclander Road, Downpatrick		
Planning Information		
Draw No:	21 / A1 / 08	
Scale:	As Shown	
Issue:	Issue April 2016	
BRIGIN BYRNE		
ARCHITECTURE & DESIGN		
120m North West of Existing Farm Buildings		
28 Ballyclander Road, Downpatrick		
Dr. Brigin	095 1200000	
095 1200000	brigin@briginbyrne.ie	

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	10			
APPLIC NO	LA07/2015/0832/F	Full	DATE VALID	9/1/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Desmond Patteron 70 Trassey Road Bryansford Newcastle BT33 0QB		AGENT	John Agnew 1 Victoria Court Ballymartin Newry BT34 4YH 02841763371
LOCATION	70 Trassey Road Bryansford Newcastle BT33 0QB			
PROPOSAL	Extension to dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	2	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property.

Application Number: LA07/2016/0832/F
Desmond Patterson
Extension to dwelling
70 Trassey Road, Bryansford, Newcastle

Councillor's Name: PATRICK CLARKE

Reason(s) for requesting application appear before the Planning Committee:

See attached information in the form of a letter from the agent and amended plans regarding planning application LA07/2016/0832/F

Briefing Panel Decision:

Designer Home Plans

1 Victoria court
Ballymartin
Kilkeel
Co. Down BT34 4YH
T./F. 028 - 4176 3371
E. johnhagnew@yahoo.co.uk



Re; 70 Trassey Road, Bryansford, Newcastle.

Ref. LA07/2015/0832

Dear Sir,

I am not shure if the proposed planning decission was issued before my amended plans were considered as I have had no acknowledgement of same.

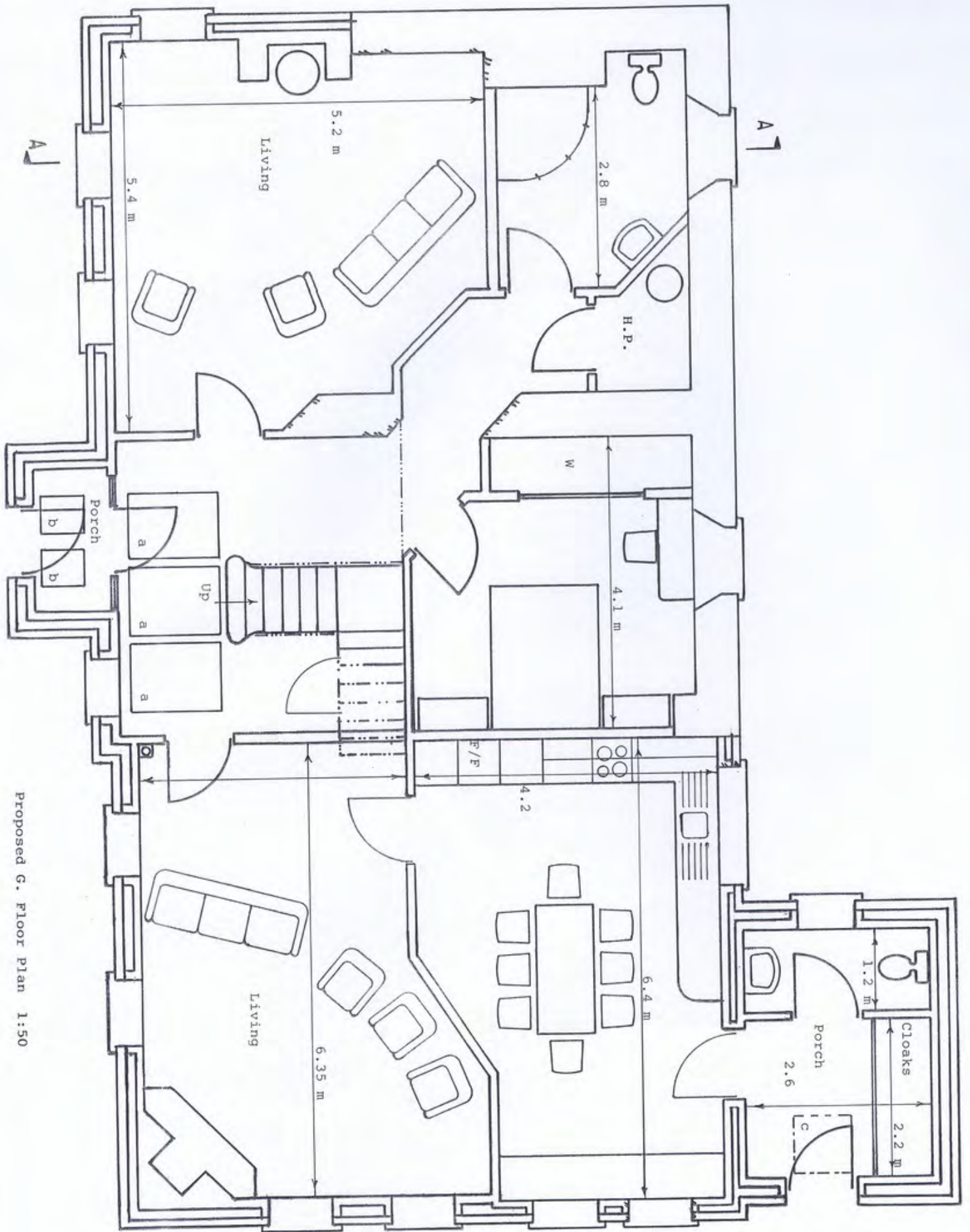
However I would strongly disagree with the reason given in that the scale, finishes and design are indeed sympathetic to the existing building. In fact the front elevation almost exactly matches the existing dwelling.

Again the decision seems inconsistant with other approvals in the area where over 100 % of the volume of the existing building were added. (In one case even to a listed building)


I would be grateful if the Planning Committee could reconsider this application. I would also hope for their sympathetic response as the existing barns, NOT the dwelling, are the dominant feature in the landscape.

Yours faithfully,

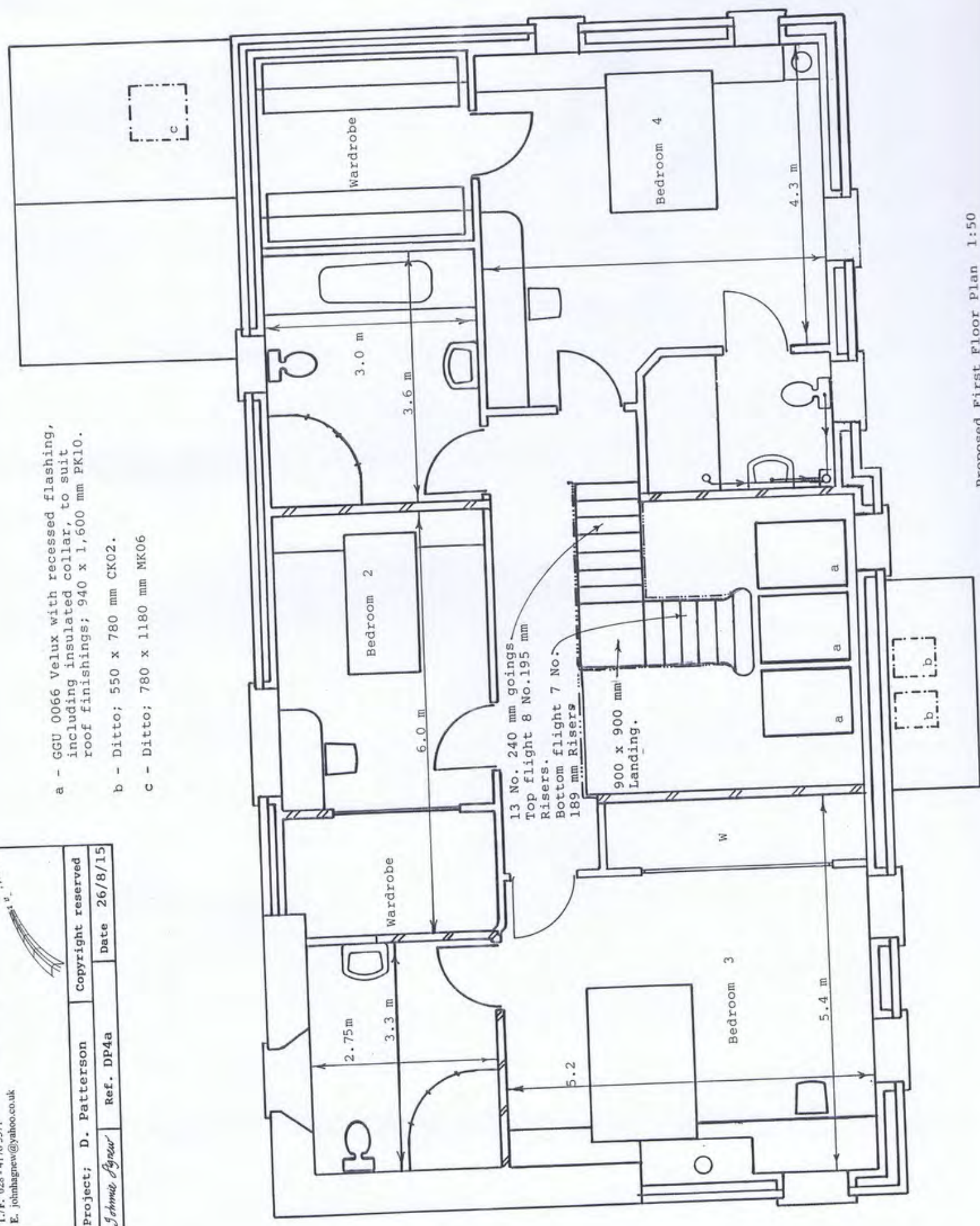
Johnnie Agnew



Proposed G. Floor Plan 1:50

	
Co. Bann BT34 4YH T./F. 028 - 4176 3371 E. johnnysnew@yahoo.co.uk	Project; D. Patterson Copyright reserved Date 26/8/15
Johnnie Synew Ref. DP4a	Date 26/8/15

- a - GGU 0066 Velux with recessed flashing, including insulated collar, to suit roof finishings; 940 x 1,600 mm PK10.
- b - Ditto; 550 x 780 mm CK02.
- c - Ditto; 780 x 1180 mm MK06



Proposed First Floor Plan 1:50

100mm
 conc. bloc
 Ties plac
 (Ties to b
 supplied);
 intl. p.
External
 2 skins of
 concrete.
 If insul
 Internal
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 leaving a
 with and
 Provide
 All lintel
 All su
Foundat
 Founda
 when gr
 21 N/mm
 to be 30

Joinery All ext

Windows to be Camden
(window OPGS. min. 1/20th floor

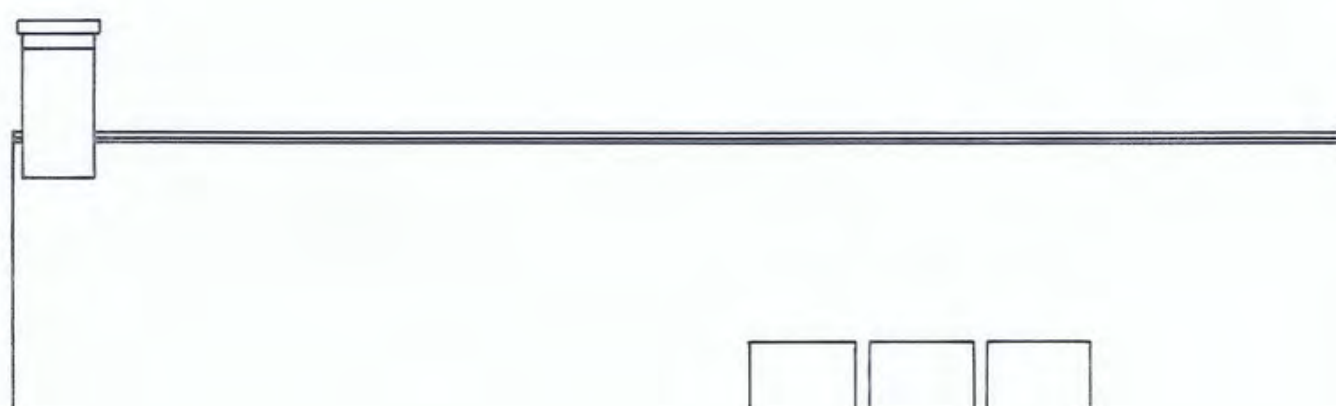
Double glazing by glass-seal using
fixed to BS 6180 1982; up to 0.6m
0.6m²→ 1.2m² - 5mm +5mm; 1.
"F" - Fire Escape window 0.33m
above F.F. level 7 min. 800mm al
Safety glazing to comply
Where glazing within 800mm F.
"e" controls of window openings
or 1.7m where access is obst
Glazing to doors, fanlights & sid
filled cavity - 1.5W/m² °C.

Extl. Doors to be weathersealed
mahogany, or as indicated, with
unless otherwise indicated with 3
All doors, unless otherwise indic
Windows provided with Glidewa
8,000mm² to other habitable roo

Where mahogany - to be painte
manufacturers instructions. Wh
with restrictors as T. Booklet V 6
Window handles to be maximum



Proposed Side Elevation 1:50



Proposed Side Elevation 1:50



Proposed Front Elevation 1:50

G.L.

Application Number: LA07/2015/0832/F

Applicant: Desmond Patterson

Proposal and Location: Extension to dwelling at 70 Trassey Road,
Bryansford, Newcastle

Councillor's Name: Councillor G Hanna

Reason(s) for requesting application appear before the Planning Committee:

I would like this application referred to the Planning Committee. The proposal meets a real need to upgrade the accommodations and reflects the design and finishes of the existing dwelling .

Again the visual impact would be minimal as the dwelling is adjacent to large existing agricultural buildings which are dominant feature in the landscape. I feel common sense needs to be applied with this application. To refuse this application which is located in the middle of large agricultural buildings would be silly.

Briefing Panel Decision:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0832/F

Date Received: 01/09/2015

Proposal: Extension to dwelling

Location: 70 Trassey Road, Bryansford, Newcastle, BT33 0QB (approximately 3 miles south-west of Bryansford village)



Site Characteristics & Area Characteristics:

Site is located at 70 Trassey Road, Bryansford Co Down. Located on this house is a detached two storey farm dwelling. There are several agricultural outbuildings located close to the dwelling and the dwelling is accessed off a laneway and is approximately 55 metres back from the Trassey Road. The Trassey Road is located within the Mourne AONB and is considered of high visual amenity. This road is frequently used by walkers for access to the Mourne Mountains.

Site History:

R/2013/0404/F – Replacement Dwelling - Refusal – 06/06/2014

The above previous application on this site was refused as the dwelling sought to be replaced was considered an important contribution to the heritage, appearance and character of the area and was considered capable of being made structurally sound and improved. The proposal was also refused on design grounds.

Planning Policies & Material Considerations:*Principal Planning Policies:*

Regional Development Strategy (RDS)

Ards/Down Area Plan 2015 (ADAP)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 7: (Quality Residential Environments)

PPS 7 Addendum: (Residential Extensions & Alterations)

Supplementary Planning Guidance:

Creating Places: Achieving quality in residential environments

Consultations:

No consultations undertaken on this application.

Objections & Representations

Notice of this application has been carried out in accordance with Part 8 (1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. This application was advertised on 7th September 2015 and one neighbouring property (no 66) was notified in accordance with legislative requirements, to date no representations have been received from neighbouring properties.

Two letters have been received in relation to this proposal from Cllr Patrick Clarke & Cllr William Walker and are summarised below.

Cllr Clarke: Writes in full support of application and believes plans are not contrary to policy EXT 1 and are sympathetic with the built form and appearance of existing property.

Cllr Walker: requests application is brought before briefing panel as amended plans have been submitted reducing scale and character of design and believes these drawings have not been fully considered.

The issues raised by both representations concerning design, character, and the most recent submitted set of plans are addressed in the consideration and assessment below.

Consideration and Assessment:

Principle of Development:

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

This proposal is for alterations to an established existing dwelling in a countryside area in the ADAP 2015. An extension to this property is therefore considered acceptable in principal although must be assessed against policy EXT 1 of the PPS 7 Addendum and other material considerations.

Impact on residential amenity:

Given the distance of this proposal from the closest neighbouring dwellings, it is not believed that there will be an adverse impact upon the amenity of neighbouring dwellings. There is also ample room within the curtilage of this property to retain a readily accessible and useable space for recreational and domestic purposes.

Design:

The width of the existing dwelling on this site is approximately 17.4 metres wide and has a gable depth of 5.6 metres excluding a front porch. This design has two distinct sections with the south-western section featuring a recess on the front elevation. The pitch along the rear roof of the dwelling is not as deep and there is a partial flat roof to the rear of the dwelling. The current dwelling has a ridge height of 5.9 metres.

The most recently submitted proposed design (received 20/04/2016) has a total width of 17.2 metres, gable depth of 9.2 metres (excluding front porch and single storey rear return) and maximum ridge height of 7.9 metres. The front porch is of a similar 'lean-to' nature as on the existing dwelling and the proposed design also has a recess on the front elevation as per dwelling as it currently stands.

Although similar in appearance, this is not the same front elevation as the existing dwelling as this elevation is located approximately 3.75 metres forward of the current front elevation in order to accommodate the increased gable depth. The only substantial external elements of the dwelling as it currently stands that appear are going to be incorporated as part of the proposed extension are the south-east portion of the rear wall and the eastern gable wall.

Whilst the proposed extension is broadly similar in appearance to the current dwelling this proposal has been applied for as a domestic extension and in turn must be assessed against the criteria of policy EXT1 of the PPS 7 Addendum: (Residential Extensions & Alterations).

Under policy EXT 1 of the PPS 7 Addendum, planning permission will be granted where the scale, massing, design and external materials of the proposal are

sympathetic with the built form and appearance of the existing property among other considerations.

Under PPS 7 Addendum guidance, it is stated that an extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. It is also advised that an extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property, although it is accepted that on occasion a larger extension may be required - for example to facilitate the renovation and upgrading of a small rural dwelling to meet modern amenity standards.

Whilst the proposal is visually similar in appearance to the original property, it is not an integral part of the existing property given the substantial level of reconstruction works and the minimal level of the original dwelling that is to be retained.

Initial concerns were highlighted in letter/email to agent 23/02/16. In subsequent phonecall discussion, the possible extension to the side or rear of the property was raised whilst retaining a substantial portion of the front elevation, therefore any works would clearly be subservient. The agent advised that a rear extension was considered unworkable due to the topography to the rear of the property as any works to rear would have to dig into the ground and also the poor structural condition of the dwelling was raised. Following conversation the revised set of plans as described above were received (29/02/16).

In considering the point in PPS 7 in relation to the renovation and upgrading of a small rural dwelling, although policy does occasionally allow for a larger extension, it has not been demonstrated that in this instance the building was in such a condition to allow for such a substantial change to the current building. The site history (R/2013/0404/F) is also a material consideration in determining a planning application, following detailed assessment on that application it was determined that the building was capable of being made structurally sound and improved.

Following presentation of this application to the Council briefing panel on 22/03/2016, this application was returned to officers for clarification and further consideration. Further information was submitted by the agent on 05/04/2016. During subsequent meeting between senior planner, applicant and agent, the applicant and agent were advised that due to the level of intervention and rebuild involved, this could not be considered as an extension under PPS 7 Addendum as was essentially a replacement. The applicant advised that they would no longer be

pursuing this application and subsequent discussions were held on the possibility of a farm dwelling.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property.

Case Officer Signature:

Appointed Officer Signature:

ITEM NO	11			
APPLIC NO	LA07/2015/0882/O	Outline	DATE VALID	9/8/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Cathal McCormac 18 Edenappa Road Jonesborough Newry		AGENT	Martin Bailie 44 Bavan Road Mayobridge Newry BT34 2HS 30851910
LOCATION	50m SW of 8 New Line Drumintee Newry			
PROPOSAL	Proposed site for dwelling and garage at an existing cluster.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along New Line, Dromintee.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy 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.
- 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 of the proposal is unsympathetic to the special character of the AONB of the particular locality.
- 6 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

JOB REF 2253

To Newry, Mourne & Down District Planning Committee

PROPOSED SITE FOR DWELLING AT AN EXISTING CLUSTER ON NEW LINE, DROMINTEE - LA07/2015/0882/0

Further to Plannings recommendation to refuse the above application I would comment as follows on each reason.

1. In my opinion this interpretation of CTY2a is totally incorrect. The cluster does appear as a visual entity in the local landscape, it is associated with a focal point in the form of the local church and indeed the Case Officer refers to this in his report, the site is at a crossroads as the definition of crossroads in the Concise Oxford Dictionary is thre intersection of 2 roads which this clearly is. The site is bounded by development to the south and east and as the proposal is as sites to the south it would not alter the existing cluster. Indeed Planning have here conceded that there is an existing cluster.
2. Ribboning should not be an issue as there is a sustainable gap between the existing cluster and development to the north of the site.
3. There are existing boundaries to north and south with rising ground to the west so this reason for refusal is not sustainable.
4. This reason is not sustainable if the proposal is deemed to be part of a cluster.
5. This reason is not sustainable if the proposal is deemed to be part of a cluster.
6. This reason is not sustainable .

Martin J Bailie MCIAT



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

Application Reference: LA07/2015/0882/O

Date Received: 08.09.2015

Proposal: Outline permission for a proposed site for dwelling and garage in existing cluster.

Location: 50m South West of 8 New Line, Dromintee. South West of council area, approximately 0.4km South West of Dromintee.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a broadly rectangular shaped agricultural field that meets the public road. The boundaries of the field are defined by mature hedging, post and wire fencing and stone walls. The site rises from the road towards the west with the other side of the road falling towards the east. A single storey dwelling is located immediately south of the site with agricultural land surrounding the rest of the site. The rural is rural in character and located within the Ring of Gullion AONB.

Site History:

No site history.

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.

Consultations:

Transport NI – No objections
NI Water – Standing Advice
Environmental Health – Standing Advice.

Objections & Representations

2 Neighbours were notified on 13.01.2016
Application Advertised 30.09.2015

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 cluster 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. The site lies within the Ring of Gullion AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision for a single dwelling in accordance with CTY2a in an existing cluster.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards Transport NI have no objections to this proposal.

Planning Policy Statement 21 is applicable as the site lies outside the development limit. The principal of dwelling in an existing cluster as contained in CTY 1 of Planning Policy Statement 21 can be achieved where all the policy criteria for CTY 2a are met.

Policy CTY2a is applicable to applications for a proposed dwelling within an existing cluster. 6 tests exist to establish the appropriateness of a proposed dwelling in existing clusters. The application will be assessed against these tests as discussed below. The proposed cluster lies outside a farm complex consisting of 4 or more buildings of which 3 are dwellings. When you consider the strong boundary of the dwelling immediately south of No.17 which consists of tall mature trees the cluster cannot be visually linked and therefore does not appear as a visual entity in the landscape. The cluster is not located at a crossroads and with the nearest community building (Chapel) some 225m South of the site, is not associated with a focal point. The site is elevated and lacks enclosure and whilst the proposed site will not adversely impact on residential amenity it is not bounded on at least 2 sides with other development. Development at this site cannot be absorbed through rounding off or consolidation and as a result would alter the existing character and visually intrude on the countryside. Taking the above into account, the proposal does not meet the requirements of the policy criteria, and as a result, fails policy CTY2a.

With policy CTY2a not met, and no over-riding reasons the proposed site cannot be located within a settlement the proposal is contrary to CTY1 of Planning Policy Statement 21.

A common frontage and continuous building line exists between the dwelling south of No 17 and No 17, with this site extending this line of ribboning. This contrary to CTY8. With regard to integration, the proposed site occupies an elevated site which is unable to provide a suitable degree of enclosure. The proposal would rely heavily on the use of new landscaping for integration and as a result fails the policy criteria of CTY13. When the site is viewed with existing buildings in the area it will result in a suburban style build-up which is contrary to CTY 14.

Planning Policy Statement 2: Natural Heritage policy NH6 is applicable as the site lies within the AONB. The proposal is contrary to NH6 in that the siting of the

proposal is unsympathetic to the special character of the AONB of the particular locality and as a result fails this policy criteria.

Recommendation: *Refusal*

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along New Line, Dromintee.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling 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 the rural character of the countryside.
5. 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.
6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	12			
APPLIC NO	LA07/2015/0921/O	Outline	DATE VALID	9/16/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Noel McLoughlin 59 carlingford Park Newry BT34 2NY	AGENT	Collins & Collins 18 Margaret Street Newry BT34 1DF 028 302 66602	

LOCATION Adjacent and immediately south of No 5 Greenan Lough Road and fronting Mullavat Road Newry.

PROPOSAL Dwelling and domestic garage on gap site

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

- 1 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of a ribbon of development along Greenan Lough Road and the site is not considered to be a gap site.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling and garage would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.



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

Delegated Application

Development Management Officer Report		
Case Officer: Kyle Elder		
Application ID: LA07/2015/0921/O		Target Date:
Proposal: Dwelling and domestic garage on gap site		Location: Adjacent and immediately south of No 5 Greenan Lough Road and fronting Mullavat Road Newry.
Applicant Name and Address: Noel McLoughlin 59 Carlingford Park Newry BT34 2NY		Agent Name and Address: Collins & Collins 18 Margaret Street Newry BT34 1DF
Date of last Neighbour Notification:		24th March 2016
Date of Press Advertisement:		6th October 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Non-Statutory	Environmental Health	No objection in principle.
Non-Statutory	Transport NI	No objection in principle but scale plan and site survey at 1:100 to be submitted as part of reserved matters application.
Non-Statutory	NI Water	No response to date.
Representations:		
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	

Summary of Issues:
Dwelling and domestic garage on gap site
 The applicant seeks outline permission to develop a dwelling on garage on what they argue is a gap site.

Site Visit Report

Site Location Plan:



Date of Site Visit: 22/03/2016

Characteristics of the Site and Area

This is a rural site located between no.5 and no.9 Greenan Lough Road. The site is rectangular and its boundary with no.5 Lough Greenan Road, to the north, is separated by the Mulavat Road. The site is an agricultural field and its gradient increases to the west. Small hedges bound the site and to the east the boundary with the Greenan Lough Road is comprised of a low hedge, grass verge and wire fence. The site is accessed from the Greenan Lough Road through a gate at the north-east of the site.

The site is located in a rural area approximately 1.5 miles south east of the village Ballyholland as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site is not within the AONB and is not in close proximity to any historic monuments. The site has views of Greenan Lough to the south east and the land in front of the site, to the east, falls away into the valley below with the lough. To the north of the site are three dwellings (nos. 5, 5a and 5b, a dwelling (no.7) is to the north-west of the site. There are a number of detached dwellings along the Greenan Lough Road.

Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the Strategic Planning Policy Statement for Northern Ireland (SPPS), the Banbridge / Newry & Mourne Area Plan 2015, PPS 3 – Access, Movement and Parking, and PPS 21 – Sustainable Development in the Countryside.

Zoning: The site is unzoned land.

Site History

Two previous planning applications have been submitted on this site. P/2013/0887/O was submitted applying for outline permission for a one and a half storey infill dwelling but this application was deemed invalid. The same applicant then submitted a new application,

P/2014/0043/O, also seeking outline permission for a one and a half storey infill dwelling. The application was withdrawn on 07/05/2014 but a professional planning report had been completed by this stage with the recommendation of refusal on the basis that the application failed to meet Policies CTY 8 and CTY 14 of PPS 21 – Sustainable development in the countryside.

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 unzoned. 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

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 PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regard to PPS 21, a dwelling in the site would not meet the requirements of policy CTY 8 for an infill dwelling, which therefore makes it unacceptable in principle under policy CTY 1. The proposed development also fails to meet the requirements of policy CTY 14.

Policy CTY 8 states that "*Planning permission will be refused for a building which creates or adds to a ribbon of development.*" The exception to this rule is "*for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*" Policy CTY 8 defines a substantial and built up frontage as one containing a minimum of three buildings along a road frontage with no development to the rear.

The application relies on nos.5, 5a, 5b and 9 being considered as a substantial and built up frontage. This is not the case. Between no.5 and no. 5a is a plot of land and these three dwelling have no visual linkage with no.9 Greenan Lough Road. No. 9 Greenan Lough Road is on an elevated site approximately 105m from no.5. Although no.9 is visible from no.5 their relationship could not be considered as being part of a continuous or built up frontage. The proposed development would create a ribbon of development along this section of the Greenan Lough Road. The proposed development fails to meet the requirements of Policy CTY 8 as the proposal is not an exception to policy as the site is not a gap site.

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the landscape and of an appropriate design. Due to the elevation of the site, a single storey dwelling with a ridge height of less than 6.0m could be deemed able to integrate. As such it would be difficult to refuse planning permission based on integration.

Policy CTY 14 states that "a new building will be unacceptable where it creates or adds to a ribbon of development." As discussed above the proposed development would create a ribbon of development along the Greenan Lough Road. Therefore the rural character of the area would be adversely impacted by the proposed development and the proposed development is unacceptable under Policy CTY 14.

PPS 3

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. A new access will be created onto the Greenan Lough Road. Transport NI, in their response dated

<p>06/01/2016, have stated that they have no objections in principle to the proposal but have included the requirements for access to public roads that must be adhered to.</p> <p>No objections or representations were received.</p> <p>Case Officer Recommendation – Refusal due to Policies CTY 8 and CTY 14</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation</p> <p>Application for outline permission for the erection of a dwelling and domestic garage on what the applicant argues is a gap site. Proposal is contrary to Policies CTY 8 and CTY 14 of PPS 21. Recommendation of refusal.</p>	
<p>Reasons for Refusal:</p> <p>Refusal Reasons</p> <ol style="list-style-type: none"> 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 a ribbon of development along Greenan Lough Road and the site is not considered to be a gap site. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling and garage would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside. 	
<p>Case Officer Signature:</p> <p>Date: 30/03/2016</p>	
<p>Appointed Officer Signature:</p> <p>Date: 7/4/16.</p>	



**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	13			
APPLIC NO	LA07/2015/0929/A	Advertiseme	DATE VALID	9/23/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Edge Hairdressers 1 John Mitchell Place Newry BT34 2BP		AGENT	Lavery Foster Architects Ltd 38 Rathfriland Street Banbridge BT32 3LA
				NA
LOCATION	1 John Mitchel Place Newry Co Down BT34 2BP			
PROPOSAL	Proposed LED digital bill board to side elevation and aluminium projecting sign to front elevation			

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

- 1 The proposal is contrary to Planning Policy Statement 17 -Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.
- 2 This proposal is contrary to Policy AD 1 from the Planning Policy Statement – 17 Control of Outdoor Advertisements, as the proposal fails to respect the amenity of the area as it is unsympathetic to the locality with regards to its proximity to a listed building and location in a conservation area.
- 3 The proposed digital signboard is contrary to policy BH 11 of PPS 6 – Planning, Archaeology and the Built Heritage, in terms of detail design, materials and techniques, and the proposed use of this gable for advertising is a usage not compatible with the character of the setting and curtilage of the listed building.
- 4 The proposed hanging sign is contrary to policy BH 13 of PPS6 – Planning, Archaeology and the Built Heritage, in terms of its illumination which is not in keeping with the character, appearance or setting of the area.



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

Delegated Application

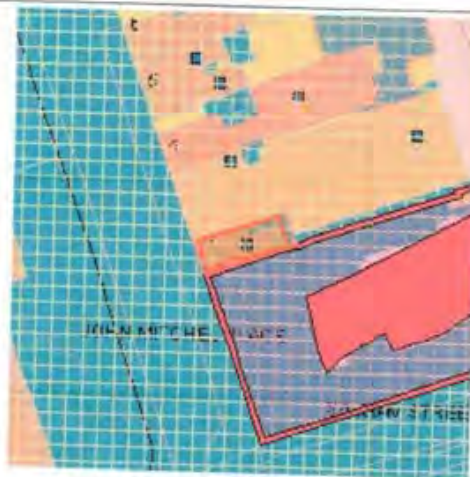
Development Management Officer Report		
Case Officer: Kyle Elder		
Application ID: LA07/2015/0929/A		Target Date:
Proposal: Proposed LED digital bill board to side elevation and aluminium projecting sign to front elevation		Location: 1 John Mitchel Place, Newry, Co. Down, BT34 2BP
Applicant Name and Address: Edge Hairdressers 1 John Mitchell Place Newry BT34 2BP		Agent Name and Address: Lavery Foster Architects Ltd 38 Rathfriland Street Banbridge BT32 3LA
Date of last Neighbour Notification:		18th December 2015
Date of Press Advertisement:		
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Non-Statutory	Transport NI	Objected with reference to Policy AD 1 of PPS 17 on the grounds of roads safety
Non-Statutory	NIEA	Objected with reference to Policy BH 11 of PPS 6 regarding the effect of the proposal on a nearby listed (Grade B+) building
Representations:		
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	

Summary of Issues:

Proposed LED digital bill board to side elevation and aluminium projecting sign to front elevation
 The applicant seeks to erect two signs. The first sign is an overhanging sign for Edge hairdressers on the front façade of 1 John Mitchell Place. The sign measures 0.6m x 1.0m and is set 0.13m from the wall and held by 50mm galvanised brackets. The sign itself will be constructed from aluminium and internally illuminated by warm white LEDs. The second sign is a digital billboard which is to be erected on the southern elevation of 1 John Mitchell Street. This sign is digital and has a LED RGB screen with internal warm white LED illumination. The digital billboard measures 6.706m x 3.353m and has a depth of 0.15m. The billboard is to be attached to the wall using a galvanised steel box section mounting sub-frame.

Site Visit Report

Site Location Plan:



Date of Site Visit: 22/03/2016

Characteristics of the Site and Area

This rectangular urban site is located at the southern end of John Mitchell Place. The site contains a three storey building which has a block finish and is painted sky blue. The gutters are also painted blue and the windows are wooden sliding windows which have been painted white. The roof is pitched and contains two sky lights. The entrance to the building has cornices at either side of the door. On the front façade of the building are two signs for Edge hairdressers which are located either side of the window on the ground floor. The gable wall for the proposed digital billboard contains no windows and overlooks First Presbyterian Church Newry (non-subscribing). On the street car parking spaces are provided along John Mitchell Street including in front of site.

The site is located inside the City Centre of Newry, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The Banbridge / Newry and Mourne Area Plan 2015 also shows that the site is located within the Newry Conservation Area, but is located just outside Newry's Primary Retail Core. The site itself is white land and is not zoned. A health centre is located opposite the site (to the west) and First Presbyterian Church Newry (non-subscribing) is located to the south of the site. This church is a Grade B+ listed building. A protected route and busy junction (comprising Dublin Road, William Street and Kilmorey Street) is located to the south of the site. The site is not in close proximity to any historic sites or monuments.

Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the Strategic Planning Policy Statement for Northern Ireland (SPPS), the Banbridge / Newry & Mourne Area Plan 2015, PPS 6 – Planning, Archaeology and the Built Heritage and PPS 17 – Control of Outdoor Advertisements.

Zoning

The site is unzoned land located within the City Centre of Newry and also Newry Conservation Area.

Site History

A similar application was submitted by the applicant on 11/12/2006. The application had a reference number of P/2006/2383/A and was for '1. Projecting sign with individual lettering for 'Edge' raised from panel 20mm. Signlux lights at the top of sign at either side will illuminate panels 2. Non illuminated Banner on gable wall of building'. The sign for the hairdressers differed from this application but a billboard was also applied for on the gable wall. This application was refused on 21/12/2007 for the following reasons:

1. The proposal was determined to be contrary to policy BH 13 of PPS 6 – Planning, Archaeology and the Built Heritage, as the proposal was within a conservation area and it was deemed that if the proposal was allowed, it would detract from the overall appearance and character of the area.
2. The proposal was also determined to be contrary to policy AD 1 of PPS 17 – Control of Outdoor Advertisements, as the proposal was deemed to be unsympathetic to the design of the building on which it was to be displayed and the buildings location within Newry Conservation Area. Also the proposal was deemed to be unsympathetic to an adjacent listed building by reason of its scale, colour and design.
3. Having sent notification, under Article 7 (4) of the Planning (General Development) Order (Northern Ireland) 1993, that further details regarding this application were required to allow the Department to determine the application, and having not received sufficient information, the Department refused this application as it was the opinion of the Department that this information was material to the determination of the application.

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 inside Newry City Centre and Newry Conservation Area but the site itself is unzoned. 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 17.

PPS 17 – Control of Outdoor Advertisements

As there is no significant change to the policy requirements for outdoor advertisements following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 17 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regard to PPS 17, the proposed development also fails to meet the requirements of Policy AD 1.

Policy AD 1 states that consent will be given for the display of an advertisement where it respects amenity and does not prejudice public safety. With regards to amenity and assessing amenity in the context of the general characteristics of the locality, the digital billboard would not respect the amenity of the Grade B+ First Presbyterian Church to the south. The scale, colour and design of the billboard fail to respect the listed church building. As will be discussed under

Policy BH 13 of PPS 6, the hanging sign also fails to respect amenity in the context of the locality.

Policy AD 1 also requires an advertisement to not prejudice public safety. Concerns were expressed by Transport NI in their response dated 25/01/2016 the proposal could prejudice the safety and convenience of road users as the erection of the signage would be in close proximity to a road junction which could distract the attention of motorists from road traffic signals and therefore the proposed signage could create a traffic hazard. As road safety and thereby public safety could be adversely impacted by the proposed development, the proposal fails to meet the requirements of this section of Policy AD 1 as well.

PPS 6 – Planning, Archaeology and the Built Heritage

Policy BH 11 requires development to not adversely affect the setting of a listed building. The design is to respect the listed building with regards to scale, height, massing and alignment. Materials used are to be sympathetic to those found on the building and the nature of the proposed use is to respect the character of the setting of the building. NIEA in their response dated 05/01/2016 had no objection to the hanging sign but were concerned about the impact of the billboard on the Grade B+ church building. Historic Buildings Unit were of the opinion that the billboard would have an adverse impact on the churches setting and that the design, materials and techniques to be used on the gable were contrary to this policy and the usage is not compatible with the character of the setting and curtilage of the listed building. The concerns expressed by NIEA are justified and therefore the proposed development fails to meet the requirements of Policy BH 11.

Policy BH 13 regulates the control of advertisements in a conservation area. This policy seeks to ensure that advertisements in a conservation area do not adversely affect the character, appearance or setting of the area and that advertisements are not detrimental to public safety. As discussed previously, the billboard fails to respect the area. With regards the hanging sign, Paragraph 7.15 states 'the internal illumination of signs will not normally be acceptable'. As the proposed hanging sign is located in a conservation area, the internal illumination fails to respect the character and appearance of the area and therefore should also be refused as it fails to meet this policy.

No objections or representations were received.

Case Officer Recommendation – Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

Applicant seeks to erect one hanging sign and one digital billboard. The proposal fails to meet the requirements of AD 1, BH 11 and BH 13. The application is therefore recommended as a refusal.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 17 -Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the

attention of motorists from road traffic signals, thereby creating a traffic hazard.

2. This proposal is contrary to Policy AD 1 from the Planning Policy Statement – 17 Control of Outdoor Advertisements, as the proposal fails to respect the amenity of the area as it is unsympathetic to the locality with regards to its proximity to a listed building and location in a conservation area.

3. The proposed digital signboard is contrary to policy BH 11 of PPS 6 – Planning, Archaeology and the Built Heritage, in terms of detail design, materials and techniques, and the proposed use of this gable for advertising is a usage not compatible with the character of the setting and curtilage of the listed building.

4. The proposed hanging sign is contrary to policy BH 13 of PPS6 – Planning, Archaeology and the Built Heritage, in terms of its illumination which is not in keeping with the character, appearance or setting of the area.

Case Officer Signature:

Date: 21/4/2016

Appointed Officer Signature:

Date: 21/4/16



**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	14			
APPLIC NO	LA07/2015/1168/F	Full	DATE VALID	11/4/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Patrick Small 45 Upper Burren Road Warrenpoint		AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY 02841753679
LOCATION	Proposed replacement dwelling and garage 58 meters SE of 43 Upper Burren Road Warrenpoint			
PROPOSAL	Proposed replacement dwelling and garage 58 meters SE of 43 Upper Burren Road, Warrenpoint			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling to be replaced was previously replaced under P/2002/1686/F.



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

Delegated Application

Development Management Officer Report		
Case Officer: Kyle Elder		
Application ID: LA07/2015/1168/F		Target Date:
Proposal: Proposed replacement dwelling and garage 58 meters SE of 43 Upper Burren Road, Warrenpoint		Location: Proposed replacement dwelling and garage 58 meters SE of 43 Upper Burren Road Warrenpoint
Applicant Name and Address: Mr Patrick Small 45 Upper Burren Road Warrenpoint		Agent Name and Address: Cole Partnership 12A Duke Street Warrenpoint BT34 3JY
Date of last Neighbour Notification:		2nd March 2016
Date of Press Advertisement:		25th November 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Non-Statutory	Transport NI	No objections
Non-Statutory	Environmental Health	No objections in principle
Non-Statutory	NI Water	Generic response
Representations:		
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	

Summary of Issues:

Proposed replacement dwelling and garage 58 meters SE of 43 Upper Burren Road, Warrenpoint

The applicant seeks to develop a storey and a half replacement dwelling and detached garage to replace a disused dwelling.

Site Visit Report

Site Location Plan:



Date of Site Visit: 04/04/2016

Characteristics of the Site and Area

The site is located in a rural area on a site elevated from the road and behind 43 Upper Burren Road. The dwelling to be replaced is located in the southern portion of the site and contains a disused dwelling and outbuildings which are currently used for farming purposes. The outbuildings are located to the north of the existing dwelling and enclose this portion of the site. The application seeks the replacement dwelling to be located on an alternative site. The alternative site is located north of the existing dwelling and is currently an agricultural field used for grazing sheep. The elevation of the site increases gently to the east in contrast to the land located between the west of the site and the Upper Burren Road which has a very steep gradient. The site is accessed from the Upper Burren Road using a concrete laneway which weaves its way up the steep landscape to 43 Upper Burren Road and an existing laneway laid in loose stone which currently provides access to the dwelling located on the site. The site is bound on the western boundary by a hedge, the northern and eastern boundaries are comprised of wire fencing and partly a stonewall and the south is bound by the dwelling to be replaced, a wall and a hedge.

The site is located in a rural area approximately 1.5 miles west of the Burren as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned and is not located within the AONB. The site is not in close proximity to any historic monuments. 43 Upper Burren Road is located north-west of the proposed site of the replacement dwelling and the site elevation is higher than the ridge height of this dwelling. The dwelling 43 Upper Burren Road is a detached bungalow with an integrated garage.

Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the Strategic Planning Policy Statement for Northern

Ireland (SPPS), the Banbridge / Newry & Mourne Area Plan 2015, PPS 3 – Access, Movement and Parking, and PPS 21 – Sustainable Development in the Countryside.

Zoning: The site is unzoned land.

Planning History

Two previous planning applications have been submitted and approved on part of the proposed site. On 21st September 2001, outline permission was granted for a 'site for replacement dwelling and granny flat' in P/2001/1254/O. Following this application, full permission was then granted in P/2002/1686/F on 11th December 2002 for a 'replacement dwelling'. Both these applications identified the building to be replaced as the one identified to be replaced in this application.

Condition 9 of P/2008/1686/F states:

'The dwelling hereby permitted shall not be occupied until the existing buildings, coloured green on the approved plan date stamped 5th November 2002 is demolished, all rubble and foundations removed and the site restored in accordance with a scheme to be submitted to and approved in writing by the Department.'

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.'

The building coloured green in these plans was not demolished as required when the replacement dwelling (the current no. 43 Upper Burren Road) was occupied.

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 unzoned. 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

As there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regard to PPS 21, a dwelling in the site would not meet the requirements of policy CTY 3 for a replacement dwelling, which therefore makes it unacceptable in principle under policy CTY 1.

Policy CTY 3 requires the building to be replaced to exhibit the essential characteristics of a dwelling and as a minimum to have all structural walls substantially intact. The dwelling to be replaced has all its walls intact and also has a roof meaning the existing dwelling meets this requirement.

Policy CTY 3 states that *'in cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.'* The dwelling to be replaced has previously been replaced under application P/2002/1686/F. Condition 9 of P/2002/1686/F required the demolition of the existing dwelling. The proposed dwelling to be replaced therefore does not meet the replacement criteria and is not eligible to be replaced as the dwelling has already been replaced and it was a condition in a previously implemented planning approval that the dwelling was to be demolished after it was replaced.

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the landscape and of an appropriate design. Due to the elevation of the site, a storey and a half dwelling with a ridge height of 7.0m could be deemed able to integrate. As such it would be difficult to refuse planning permission based on integration.

Policy CTY 14 requires buildings in the countryside to not cause a detrimental change to the rural character or to further erode the rural character. It is unlikely that the proposed development would adversely impact the rural character of the area.

PPS 3

Policy AMP 2 states that planning permission will only be granted for a development proposal involving direct access onto a public road, or intensification of access, where such access will not prejudice road safety. The proposed development will use an existing access and therefore creates an intensification on the use of the existing access. Transport NI was consulted and in their response dated 24/03/2016 had no objections to the proposal.

No objections or representations were received.

Case Officer Recommendation – Refusal due to Policies CTY1 and CTY 3

Neighbour Notification Checked

Yes

Summary of Recommendation

This application is for full permission to replace an existing dwelling with a storey and a half dwelling. The existing dwelling was already replaced under an implemented planning approval, P/2002/1686/F, and therefore fails to meet the policy requirements of CTY 3.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling to be replaced was previously replaced under P/2002/1686/F.

Case Officer Signature:

Date: 14/04/2016

Appointed Officer Signatu

Date: 14/4/16

ITEM NO	15				
APPLIC NO	LA07/2016/0259/O		Outline	DATE VALID	2/26/16
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr M Fearon C/O Agent			AGENT	Feargal Carolan 40 Larchmount Newry BT35 6TX 07732119785
LOCATION	25M South of No. 10 Lisgarvagh Lislea Newry				
PROPOSAL	Proposed dwelling and detached garage (CTY 2A)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	0	0	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0259/O

Date Received:

26.02.2016

Proposal:

Proposed dwelling and detached garage (CTY 2A).

Location:

The site address is 25M South of No. 10 Lisgarvagh, Lislea. The site is approx. 5 miles west of Newry City.

Site Characteristics & Area Characteristics:

The site is located at the junction of Crooked Road and Mountain Road, Lislea. The site is triangular in shape and is agricultural land. The boundary to the front of the site along Mountain Road is defined by trees and shrubbery scattered. The boundary along Crooked Road is enclosed by trees with the rear boundary undefined. The site is enclosed by a post and wire fence.

North of the site is the Lisgarvagh residential development which is characterised by 2 storey semi-detached dwellings. West of the site is a large L shaped dwelling with shed to the rear. North of the site is a single storey dwelling which is accessed via Hall Road and a Chapel and graveyard is located to the NE.

Site History:

No relevant site history.

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:

- NI Water – Generic response received, no objection - 18 April 2016
- Transport NI – requires a scale plan (1:500) as part of the RM showing access requirements in accordance with RS 1 form - 6 April 2016.
- Environmental Health Newry Mourne and Down District Council – Generic response received, no objection – 7 April 2016

Objections & Representations

Neighbour notifications were issued on 4 April 2016. The application was advertised on 16 March 2016. 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 Lislea as illustrated on map 3/36.

Strategic Planning Policy Statement (SPPS)

There is no significant change to the policy requirements for dwellings in existing clusters 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

PPS 21 sets out planning policies for development in the countryside. The preamble of the policy defines the countryside as "*land lying outside of settlement limits identified in development plans*". In this instance the proposal site is located outside

the settlement limit of Lislea however the development which the proposal is trying to cluster with is located **within the settlement limit of Lislea**. Therefore this is contrary to policy requirements set out in CTY1 of PPS21 in that new dwellings can only cluster with development **outside settlement limits**.

CTY 2a – New Dwellings in Existing Clusters

Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to all six criteria being met, my assessment against the criteria is as follows:

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more building (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings.

The site is located outside a farm. There are four dwellings in the surrounding area with nearest dwelling No. 10 Lisgarvagh approx. 10m from the site, dwellings to the E and W approx. 60m from the site and a dwelling to the S approx.80m from the site. Given the separation distance of the nearest dwellings to the proposal site and the intervening vegetation mean that the grouping as identified by the applicant does not appear as a single entity in the landscape. Furthermore No 10 Lisgarvagh is part of the wider Lisgarvagh residential development whilst the dwellings to the E, S and W appear as single dwellings dispersed in a rural settlement pattern. For this reason the proposal is also at odds with the second criterion, which indicates that the cluster should appear as a visual entity in the local landscape. Further to this point the Lisgarvagh residential development clearly defines the edge of the settlement limit when travelling along Mountain Road in both directions.

The third criterion requires a new dwelling to cluster with a focal point. In this instance the community building is a Chapel to the NE of the site. The Chapel is located **in the settlement limit of Lislea**, however in line with the thrust of PPS21 the proposal site cannot cluster with development contained within settlement limits.

The fourth criterion is that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The proposal site is not bounded on two sides with other development in the cluster as the adjacent property to the E has defined curtilage which ends approx. 50m from the site. This leaves a substantial gap between the dwelling and the proposal site creating a visual break. The dwellings to the E and S of the proposal site are separated by Mountain Road and accessed via Hall Road, thus not bounded with the proposal site.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. It is considered that development of the site will alter the existing character of the settlement limit of Lislea as it would unacceptably extend the built development to the S from the Lisgarvagh residential development. Therefore the proposed site would not consolidate or round off an existing cluster, rather it would visually intrude into the open countryside which is contrary to this criterion.

The sixth criterion requires that the development would not adversely impact on residential amenity. Given that the proposal is a considerable distance from adjacent residential properties overlooking and overshadowing would not be considered an issue. However the proposal fails the five other criterion of Policy CTY 2a as outlined above.

CTY 1 – Development in the Countryside

The proposal is contrary to Policy CTY1as it does not meet any of the exceptions in PPS21.

CTY 15 – The Setting of Settlements

The proposal would, if permitted mar the distinction between the settlement limit and the surrounding countryside as depicted in the following images.



Image 2 View of Site from the west



Image 1 – Lisgarvagh residential development defines settlement limit on approach from S.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposed development is considered contrary to CTY2a of PPS21 in that the identified cluster does not appear as a visual entity in the local landscape, the identified cluster is not associated with a focal point such as a social or community building/facility, the identified site is not bounded on at least two sides with other development in the cluster, and the development of the site would not be absorbed into the cluster through rounding off and consolidation and would visually intrude into the open countryside.
2. The proposed development is considered contrary to Policy CTY 1 of PPS21 in the proposal does not fall into any of the types of development listed as acceptable in principle in the countryside and there is no overriding reason why the proposal is essential.
3. The proposed development is considered contrary to Policy CTY 15 of PPS21 in that the proposal would mar the distinction between the settlement limit and the surrounding countryside.

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	16			
APPLIC NO	R/2013/0217/F	Full	DATE VALID	5/9/13
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Tony Steel		AGENT	Marcus Bingham 9 Tullyquilly Road Rathfriland BT34 5LR 02840638842
LOCATION	120m East of No 18 Moneyslane Road Castlewellan BT33 0NR.			
PROPOSAL	Erection of agricultural shed.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.

- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.

- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that
 - there are no suitable existing buildings on the holding or enterprise that can be used and
 - the proposal is sited beside existing farm or forestry buildings.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	R/2013/0217/F
Date Received:	09.05.2013
Proposal:	Erection of agricultural shed.
Location:	120m East of No 18 Moneyslane Road Castlewellan.

Site Characteristics & Area Characteristics:

The site is located off the Moneylane Road outside of Dundrum. The site is accessed via an existing agricultural lane that runs along the boundary of the fields upwards to the rear of the site. There are agricultural lands and forestry areas on the land in question, the location of the shed is on an area that there appears to have been some excavation into rock and whilst the site is on elevated lands in part the lay of the land screens the site.

The site is located outside the settlement development limits of Dundrum as defined in the Ards and Down Area Plan 2015. The site is located in rural lands which are agricultural. The site is in an Area of Outstanding Natural Beauty and is located within a site of local nature conservation importance. (Shague Hill (SLNCI)).

Site History:

A history search has been carried out for the site and surrounds

R/2004/0096/O – lands 160 – 380m East of no 16 and opposite no 11 Moneylane Road Dundrum – rural style dwelling and garage – 6-01-2005 – granted

R/2005/0724/F – lands 160-380m E of no 16 and opposite no 11 Moneylane Road – proposed new dwelling (bungalow) 14-04-2006 – granted

R/1990/0827 – near 16 Moneylane Road – Dundrum – new entrance and new laneway across farm – granted – 20-12-1990

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015.

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

Consultations:

TransportNI No objections in principle.

NIEA NH No objections in principle.

DARD The farm business has not been in existence for 6 years and that a single farm payment is not claimed for.

Objections & Representations

One non-committal letter of representation was submitted from the owner/occupier of 5 Kilmegan Road, Dundrum – the concern was that the shed would impact on the beauty of the area and also on the wildlife located in the area. The main concern is that the woodland area would not be able to remain.

It is noted that the wooded area is not to be altered as part of this application and consideration will be given to the overall visual impact of the shed on the local landscape noting the importance of the area.

Reps received from Sean Rogers MLA and Cllr Laura Devlin.

Consideration and Assessment:

There is no policy conflict between the SPPS and CTY 12.

Application was presented to Council in February 2014 with a recommendation to refuse.

A meeting was held with Principal Planning officer, applicant, agent and MLA in March 2014.

The application has been reviewed against Planning Policy Statement 21 CTY12 and the recently published Strategic Planning Policy Statement (SPPS).

The SPPS states in relation to Agriculture and forestry development: provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.

New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise.

An alternative site away from existing buildings will only being acceptable in exceptional circumstances.

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

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in

conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

DARD have confirmed that the Farm business ID 655683 has not been established for a period of 6 years. Date of allocation stated in P1c as 2011. 6 years would therefore be reached in 2017. The applicant does not claim SFP and has been unable to demonstrate active farming of the farm business for a period of 6 years. Holding size 9.99ha comprised in 2 no fields. Flock no 791337

It is unclear, from correspondence with DARD or from the evidence supplied by the applicant whether there is stock associated with the business. It does not appear that copies of any DARD flock returns have been supplied on the application to support the assertion that Mr Steel is engaged in sheep farming activity on the subject lands under the supplied business number.

Invoices from Livestock market/meat plant (ABP) /movement permit and feedstuffs show some farming activity into and out of the flock but these cover a snapshot in time covering 2012-2013.

On the basis that it has not been demonstrated that the farm business has been active and established for a period of 6 years and it cannot therefore be demonstrated that there is a need for the proposal, the proposal offends Policy CTY12 of PPS21.

Council have been advised that there are no other buildings on the holding, the holding being registered to 63 Newcastle Road Castlewellan, which is within the settlement limits of Castlewellan.

On the day of inspection 01/04/2016 there did not appear to be any sheep grazing the lands.

No objections were received on the application during its processing.

No further information has been submitted by applicant or agent on the application since Nov 2013. Notification of intention to refuse was relayed to MLA as agreed at meeting of 20/03/2014. No further correspondence has been received.

Recommendation:

Refusal

Refusal Reason

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

- there are no suitable existing buildings on the holding or enterprise that can be used and
- the proposal is sited beside existing farm or forestry buildings.

Signed

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**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	17			
APPLIC NO	R/2014/0143/F	Full	DATE VALID	3/19/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Shane Brennan and Lindsay Agnew 37 Magheralone Road Ballynahinch BT24 8SW	AGENT	Planning Services 21 Ballynacoy Road Lisburn BT28 3XW 07510998821	
LOCATION	50 metres SW of 37 Magheralone Road Ballynahinch			
PROPOSAL	Dwelling garage and associated siteworks			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement 2015 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	R/2014/0143/O
Date Received:	19.03.2014
Proposal:	Dwelling, garage and associated siteworks
Location:	50 metres SW of 37 Magheralone Road Ballynahinch

Site Characteristics & Area Characteristics:

The site comprises a portion of lands beyond the rear of no.37 Magheralone Road, close to the junction with the Seavaghan Road. The Magheralone Road comprises a minor rural windy road, whereby the application comprises a roughly square shaped plot of land. This site has been cleared and comprises an area of hard-standing with raised mobile home and also includes an access onto the Magheralone Road. The boundary along the Magheralone Road comprises a verge and planting with an access cut out which is wide enough for vehicles. There are also agricultural buildings to the far end of the site which front and open onto the Seavaghan Road. The dwelling of no.37 comprises a small detached bungalow which includes a frontage to both the Seavaghan Road and Magheralone Road. The land slope down from the existing dwelling and agricultural building to the application site.

The site is located in the countryside in the Ards and Down Area Plan 2015.

Site History:

R/1996/1044- Adjacent to no.37 Magheralone Road, Proposed dwelling, Outline, Refusal, 23-02-98,

R/2010/0848- Between 35 & 37 Magheralone Road, Proposed cottage, Full, Refusal, 18-04-11, Applicant: Mr S Magoran,

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015.

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

Consultations:

TransportNI	No objections in principle.
NI Water,	No objections in principle.
NIEA PHM	No objections in principle
DARD	The farm business has not been in existence for 6 years and that a single farm payment is not claimed for.
EHO	No objections in principle

Objections & Representations

No objections received.

Rep made by Margaret Ritchie MP in support of the application.

Consideration and Assessment:

The SPPS states in relation to Dwellings on farms: provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years.

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

There is no policy conflict between the SPPS and CTY 10.

The application was presented to Down Council in October 2014 as a Refusal and held post Council for a meeting with the MP Margaret Ritchie.

The application site is located 50 metres SW of 37 Magheralone Road Ballynahinch. A DARD GIS map was provided showing 1 no field 3/113/024/4 totalling 0.184ha. No other lands are identified. Meeting held with applicant agent and MP in December 2014, where it was stated that other lands were taken in conacre, while only this field was owned. No further details of this conacre land have been submitted. It was stated at the meeting that 32no cattle were owned, no verification of this from herd records has been provided.

The farm holding comprises 1 no field totalling 0.184ha adjacent to 37 Magheralone Road, the registered address for the applicant and farm business. Farm buildings are located adjacent to the site (outlined in blue). The lands in question do not appear to be currently used for grazing animals.

No supporting information has been submitted to prove active farming of the business for 6 years.

DARD has confirmed that the farm business 655271 has not been in existence for 6 years and SFP claims have not been made. The applicant claims the business was established in 2011.

Accordingly on the basis of the information provided to date, it is considered this proposal fails policy CTY10 (a) of PPS21.

A history search was carried out and there does not appear to have been any other dwellings approved or development opportunities sold off since the publication of this policy.

With regard to the siting (point c), it is clear from a site inspection there are buildings on the farm holding that a dwelling could link with.

At the meeting in December 2014, the applicant wished CTY6 to be factored into the determination of this application; those present were advised that full information supporting a CTY6 case would need to be submitted. To date this has not been forthcoming. Agent advised in August 2015 that there is no further info to submit.

To conclude, it is considered the principle of a farm dwelling is not acceptable for the reasons outlined above.

Recommendation:
Refusal

Refusal Reason

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business has been active and established for 6 years.

Signed