



April 15th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 27th April 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 H McKee

Councillor P Brown

Agenda

1. **Apologies.**
2. **Declarations of Interest.**

Minutes for Consideration and Adoption

3. **Minutes of Planning Committee Meeting held on Wednesday 13 April 2016. (To follow).**

Development Management - Planning Applications for determination

4. **LA07/2015/0060/0 - Francis McGeown, erection of dwelling and garage on an infill basis - 75m north of 1 Savalmore Cottages, Coalpit Road, Newry. (Representations from Councillor Kimmins attached. Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-0060-0 - Francis McGeown \(1\).pdf](#)

Page 1

5. **LA07/2015/0063/0 - Francis McGeown - erection of dwelling and garage on an infill basis - adjacent and immediately north of 1 Savalmore Cottages, Coalpit Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-0063-0 - Francis McKeown \(2\).pdf](#)

Page 9

6. **LA07/2015/0098/F - Nigel Hamilton - conversion, re-use and extension of existing outbuilding to dwelling (amended description) - 220m south east of 4 Lissaraw Road, Camlough. (Representation of support from Councillor Hearty attached. Case Officer report attached).**

Rec: REFUSAL

7. **LA07/2015/0165/F - Liam Rooney - proposed dwelling and detached garage (dwelling on a farm) - 50m west of 16 Grange Road, Kilkeel. (Representations attached. Case Officer report attached).**

Rec: REFUSAL

8. **LA07/2015/0286/0 - Edel Rooney - site for dwelling with detached garage (gap site) - approx. 20m south west of 10 Head Road, Moyad, Annalong. (Representations of support from Councillors Doran, Ennis and Fitzpatrick attached. Case Officer report attached).**

Rec: REFUSAL

9. **LA07/2015/0826/0 - Mrs P Morrow-McDermott - proposed site under CTY2A for two storey dwelling and detached garage (height not to exceed No. 18 Derrymore Road adjacent - land to east of 18 Derrymore Road, Bessbrook. (Representation of support from Councillor Taylor attached. Case Officer report attached).**

Rec: REFUSAL

10. **LA07/2015/1071/F - E Flynn - change of house type from detached 2 No. semi-detached dwellings (amended plans received) - 39/39A Inishmore, Killyleagh. (Representation of support from Councillor Andrews attached. Case Officer report attached).**

Rec: REFUSAL

11. **P/2015/0066/F - Laura and Chris Devine - erection of dwelling and garage to substitute previously approved P/2009/0980/F - 120m south of 27 Cargabane Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

P-2015-0066-F - L & C Devine.pdf

Page 91

12. **P/2015/0219/0 - Mr S Woods - housing development - lands including and to the south-east of Craigmore Way to the south west of 5 Ways Retail Park, Larchmount and Lisdarragh housing areas to the north-east of St. Patricks PS and St. Bridgets Church and to the north-east of Third Avenue, Newry. (Case Officer report attached).**

Rec: APPROVAL

P-2015-0219-0 - S Woods.pdf

Page 99

13. **R/2014/0078/F - Henderson Group Property - proposed side and rear 2 storey extension to provide additional retail and storage space and associated siteworks - 7 Saintfield Road, Crossgar. (Case Officer report attached).**

Rec: APPROVAL

R-2014-0078-F - Henderson Group.pdf

Page 128

Council Newry, Mourne and Down

Date 4/27/16

ITEM NO	1			
APPLIC NO	LA07/2015/0060/O	Outline	DATE VALID	3/27/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Francis McGeown 67 Rathfriland Road Newry Co Down		AGENT	Young Property Services 4 Tullyallen Road Markethill Co Armagh BT60 2HS 07775647688

LOCATION 75 metres north of 1 Savalmore Cottages
Coalpit Road
Newry
BT34 2RH

PROPOSAL Erection of dwelling and garage on infill basis

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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap in a substantial and continuously built up frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the extension of ribbon development along Coalpit Road.
- 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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, 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 be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would extend a ribbon of development, and would therefore further erode the rural character of the countryside.

From: liz kimmins/Newry&Mourne/NI
To: "Andrew Davidson" <andrew.davidson@nmandd.org>, "Jacqui Mc Parland" <jacqui.mcparland@nmandd.org>, "anthony.mckay@nmandd.org",
Date: 13/04/2016 18:12
Subject: Fwd: Francis McGeown - LA/2015/0060/O & LA/2015/0063/O - Coalpit Road, Newry - Planning Council Meeting -

Dear all,

I would like to request your advice on the two applications noted, I have attached the email from the agent and I will be making representation on behalf of the applicant. However, based on the info provided, I would ask if you could advise whether his requests would be feasible.

If you can get back to me before Friday I would be very grateful.

Many thanks

Cllr Liz Kimmins
Tel. 07840588741

Begin forwarded message:

From: "John Young" <info@youngpropertyservices.com>
Date: 13 April 2016 14:58:18 BST
To: liz.kimmins@nmandd.org
Subject: Francis McGeown - LA/2015/0060/O & LA/2015/0063/O - Coalpit Road, Newry - Planning Council Meeting - Friday 15th April 2016

Liz

Further to our telephone conversation of today's date in respect of the above 2no. Sites I would like to advise that these 2 sites are presently being recommended for refusal in that they don't conform with policies CTY 1 & 8. With respect to this assessment, we can confirm that work on the approved site P/2006/2183/F which is immediately adjacent to the subject site has not progressed beyond foundations and subsequently does not classify as a building and as such can not be taken to constitute a built up frontage! We have been advised that works on this site are due to commence again imminently and would request that the Planning Department of the council can hold their decision on these 2 infill sites until works have progressed to constitute a building! We would anticipate that this should be carried out within approximately 4 months.

In regard to the departments assessment that the site does not conform with Policies CTY 13 & 14, we can advise that the

commissioner when assessing P/2006/0908/F had advised that the 2 subject sites would qualify for planning permission under policies CTY 1 & 8 and advised that long term this would alleviate any concerns of the Appeal Site not meeting CTY 13&14.

We would appreciate it if the department could look at the commissioner's report in this respect and reassess the subject sites at a later date.

Kind Regards

John Young, BSc Hons, AssocRICS
Young Property Services



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

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Kerr		
Application ID: LA07/2015/0060/O		Target Date:
Proposal: Erection of dwelling and garage on Infill basis		Location: 75 metres north of 1 Savalmore Cottages, Coalpit Road, Newry, BT34 2RH
Applicant Name and Address: Mr Francis McGeown 67 Rathfriland Road Newry Co Down		Agent Name and Address: Young Property Services 4 Tullyallen Road Markethill Co Armagh BT60 2HS
Date of last Neighbour Notification:		20th May 2015
Date of Press Advertisement:		29th April 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	Approve subject to condition
Statutory	NIEA	No archaeological objections
Statutory	NI Water	Standard informatives
Advice and guidance	Environmental Health	Standard informatives
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:		
Outline planning permission is sought for an infill dwelling and garage. The main issues to be considered are the principle of an infill dwelling on the site, integration and rural character, road safety and effects on amenity and archaeology.		

Site Visit Report

Site Location Plan:



Date of Site Visit: 25th September 2015

Characteristics of the Site and Area

The site is a rectangular portion of ground cut out of a larger agricultural field. The field slopes gently from SW to NE. It is currently cultivated for maize. To the north of the site is an approved site for another dwelling where the foundations have been installed, but no further development has taken place. To the south in another portion of the same field, a separate infill dwelling has been applied for by the same applicant (Ref: LA07/2015/0063/O). Further south is a rural housing development of semi-detached 2 storey dwellings (Savalmore Cottages) which front onto Coalpit Road. There is a hedge up to 5m high along the road frontage of the site (mixed ash and hawthorn). The other boundaries are undefined on the ground.



The site is located approximately 2 miles NW of Newry in a rural area with an undulating drumlin landscape. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. There are three nearby historic monuments (Two standing stones and an enclosure). The dominant land use in the area is agriculture, though there are also a number of residential properties.

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, PPS3 – Access, Movement and Parking, DCAN15 – Vehicular Access Standards, PPS6 – Planning, Archaeology and the Built Heritage, and PPS21 – Sustainable Development in the Countryside. The Building on Tradition Sustainable Design Guide will also be considered.

Planning History

There is a pending application LA07/2015/0063/O for another infill dwelling on the site to the south. It will be assessed together with this application.

The dwelling to the north was approved under applications P/2001/0747/O and P/2006/2183/F. Only foundations have been installed.

A dwelling further east in the same field was approved on appeal under application P/2006/0908/F. Its access was subsequently amended to a paired laneway by P/2014/0876/F.

The Banbridge / Newry & 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 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 infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8 which will be considered below. The design and integration policies (CTY13 and CTY14) will also be considered.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that *“an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements”*. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Planning Authority considers that this application does not meet the above criteria and is not therefore a valid infill opportunity. There is not a substantial and built up frontage of three or more buildings. Although there is an existing ribbon of development at Savalmore Cottages to the south, the approved dwelling to the north has not been built and there is no gap to infill. Appeal decisions have established that approved sites which remain undeveloped cannot be part of a substantial and continuously built up frontage. In appeal 2014/A0002, the Commissioner stated that the word

'building' in policy CTY8 should be given its natural, everyday meaning. She went on to state that *"foundations and footings do not constitute a building and a possible future building cannot be taken into account as it does not exist at this time."* That situation is directly comparable to this proposal and since the approved dwelling to the north is not part of a built up frontage, there is no infill opportunity and the application must be refused.

Even if it was accepted that this is a built-up frontage, there is no consistent support for the proposal in the other development pattern criteria referred to. With regard to plot width, the gap between No. 1 Savalmore Cottages and the approved dwelling is approximately 88 metres. The average existing plot width in this ribbon of development (even if the wider approved site is included) is 22.5m. Therefore this gap could accommodate 4 dwellings, and is not a valid infill opportunity for a maximum of two dwellings.

Having considered the evidence presented, it has not been established that there is a substantial and continuously built up frontage and that there is a gap that would accommodate a maximum of two houses. Therefore there is no valid infill opportunity. Instead, the proposal would extend a ribbon of development, contrary to policies CTY8 and CTY14.

Integration and Rural Character

The site is elevated and its only natural screening is the roadside hedge that would have to be removed to provide visibility splays. The site would appear particularly prominent when approaching from the north on Coalpit Road because it is on rising ground with a limited backdrop of land or vegetation and a dwelling on the site would read on the skyline. Even a modest dwelling would rely on new landscaping for integration which is contrary to policy CTY13. There is no detailed design to assess at outline stage. The proposal is contrary to criteria (a), (b), (c) and (f) of CTY13.

With regard to CTY14, it has already been found that the proposal is unduly prominent and would create a ribbon of development. It would also add to the impression of suburban-style build up in the locality when viewed with the existing dwellings. The proposal is not out of keeping with the settlement pattern of the area. It is therefore contrary to criteria (a), (b) and (d) and would further erode the rural character of this part of the countryside.

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 sufficient road frontage to achieve a safe access with the visibility splays of 2.0m x 60m as recommended by TransportNI. This should be conditioned in the event of approval.

Archaeology



There are three nearby historic monuments (Two standing stones and an enclosure). Historic Monuments Unit was consulted and has no archaeological objections to the proposal under PPS6.

Sewerage

The site can accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA. Standard consultation responses were received from NIEA, Environmental Health and NI Water. Their standard informatives will be added in the event of approval.

Amenity

The proposed dwelling can be sited so that it will not adversely affect the amenity of any nearby dwellings. The detailed design would be assessed at reserved matters stage to ensure no adverse amenity impacts.

<p>Representations No third party objections or representations were received.</p> <p>Case Officer Recommendation – Refusal</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>The site is not a valid infill opportunity as the approved dwelling to the north has not been constructed and cannot therefore be assessed as a building in a continuously built up frontage, and the gap would accommodate more than 2 houses based on the current development pattern. The dwelling would not integrate satisfactorily and would harm the rural character of the area.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap in a substantial and continuously built up frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the extension of ribbon development along Coalpit Road. 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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, 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 be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would extend a ribbon of development, and would therefore further erode the rural character of the countryside. 	
<p>Case Officer Signature:</p> <p>Date: 6/4/16</p>	
<p>Appointed Officer Signat</p> <p>Date: 6/4/16.</p>	

ITEM NO	2			
APPLIC NO	LA07/2015/0063/O	Outline	DATE VALID	3/27/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Francis McGeown 67 Rathfriland Road Newry Co Down		AGENT	Young Property Services 4 Tullyallen Road Markethill Co Armagh BT60 2HS 07775647688
LOCATION	Adjacent and immediately north of 1 Savalmore Cottages Coalpit Road Newry BT34 2RH			
PROPOSAL	Erection of dwelling and garage on infill basis			
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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap in a substantial and continuously built up frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the extension of ribbon development along Coalpit Road.
- 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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, 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 be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would extend a ribbon of development, and would therefore further erode the rural character of the countryside.



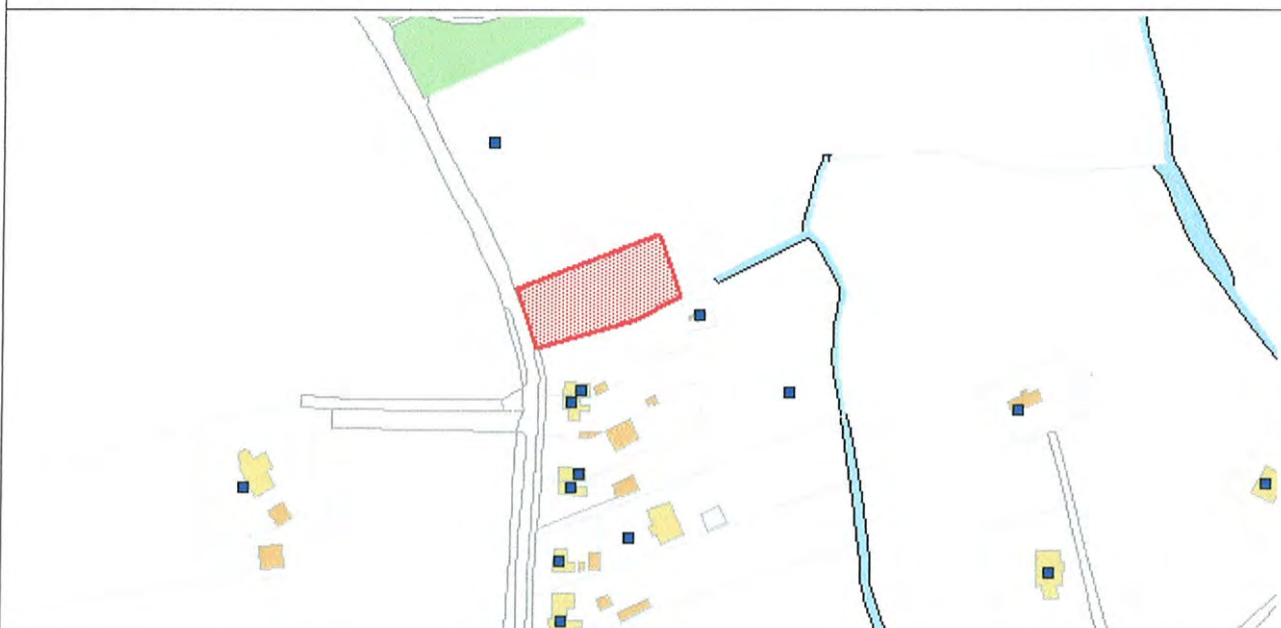
Newry, Mourne and Down District Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Kerr		
Application ID: LA07/2015/0063/O		Target Date:
Proposal: Erection of dwelling and garage on infill basis		Location: Adjacent and immediately north of 1 Savalmore Cottages, Coalpit Road, Newry, BT34 2RH
Applicant Name and Address: Mr Francis McGeown 67 Rathfriland Road Newry Co Down		Agent Name and Address: Young Property Services 4 Tullyallen Road Markethill Co Armagh BT60 2HS
Date of last Neighbour Notification:		22nd May 2015
Date of Press Advertisement:		29th April 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	Approve subject to condition
Statutory	NIEA	No archaeological objections
Non-statutory	NI Water	Standard informatives
Advice and guidance	Environmental Health	Standard informatives
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:		
Outline planning permission is sought for an infill dwelling and garage. The main issues to be considered are the principle of an infill dwelling on the site, integration and rural character, road safety and effects on amenity and archaeology.		

Site Visit Report

Site Location Plan:



Date of Site Visit: 25th September 2015

Characteristics of the Site and Area

The site is a rectangular portion of ground cut out of a larger agricultural field. The field is relatively flat at the western boundary of the site where it meets Coalpit Road. It then slopes down gently to the east. It is currently cultivated for maize. The site is located beyond the northern end of a rural housing development of semi-detached 2 storey dwellings (Savalmore Cottages) which front onto Coalpit Road. To the north of the site is another portion of the field where a separate infill dwelling has been applied for by the same applicant (Ref: LA07/2015/0060/O), and beyond this an approved site for another dwelling where the foundations have been installed, but no further development has taken place. There is a hedge up to 5m high along the road frontage of the site (mixed ash and hawthorn). The southern boundary is a close board fence and then a block wall. The other boundaries are undefined on the ground.



The site is located approximately 2 miles NW of Newry in a rural area with an undulating drumlin landscape. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. There are three nearby historic monuments (Two standing stones and an enclosure). The dominant land use in the area is agriculture, though there are also a number of residential properties.

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, PPS3 – Access, Movement and Parking, DCAN15 – Vehicular Access Standards, PPS6 – Planning, Archaeology and the Built Heritage, and PPS21 – Sustainable Development in the Countryside. The Building on Tradition Sustainable Design Guide will also be considered.

Planning History

Application P/2001/0746/O on the same site was refused on 13.11.2001 based on lack of integration and ribbon development. Two previous applications were withdrawn. There is a pending application LA07/2015/0060/O for another infill dwelling on the site to the north. It will be assessed together with this application. The dwelling further north was approved under applications P/2001/0747/O and P/2006/2183/F. Only foundations have been installed. A dwelling further east in the same field was approved on appeal under application P/2006/0908/F. Its access was subsequently amended to a paired laneway by P/2014/0876/F.

The Banbridge / Newry & 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 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 infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8 which will be considered below. The design and integration policies (CTY13 and CTY14) will also be considered.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that *"an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements"*. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Planning Authority considers that this application does not meet the above criteria and is not therefore a valid infill opportunity. There is not a substantial and built up frontage of three or more buildings. Although there is an existing ribbon of development at Savalmore Cottages to

the south, the approved dwelling to the north has not been built and there is no gap to infill. Appeal decisions have established that approved sites which remain undeveloped cannot be part of a substantial and continuously built up frontage. In appeal 2014/A0002, the Commissioner stated that the word 'building' in policy CTY8 should be given its natural, everyday meaning. She went on to state that *"foundations and footings do not constitute a building and a possible future building cannot be taken into account as it does not exist at this time."* That situation is directly comparable to this proposal and since the approved dwelling to the north is not part of a built up frontage, there is no infill opportunity and the application must be refused.

Even if it was accepted that this is a built-up frontage, there is no consistent support for the proposal in the other development pattern criteria referred to. With regard to plot width, the gap between No. 1 Savalmore Cottages and the approved dwelling is approximately 88 metres. The average existing plot width in this ribbon of development (even if the wider approved site is included) is 22.5m. Therefore this gap could accommodate 4 dwellings, and is not a valid infill opportunity for a maximum of two dwellings.

Having considered the evidence presented, it has not been established that there is a substantial and continuously built up frontage and that there is a gap that would accommodate a maximum of two houses. Therefore there is no valid infill opportunity. Instead, the proposal would extend a ribbon of development, contrary to policies CTY8 and CTY14.

Integration and Rural Character

The site is located at the highest point of the field and its only natural screening is the roadside hedge that would have to be removed to provide visibility splays. The site would appear particularly prominent when approaching in both directions on Coalpit Road because it is on the outside of a bend in the road. There is also a limited backdrop of land or vegetation and a dwelling on the site would read on the skyline. Even a modest dwelling would rely on new landscaping for integration which is contrary to policy CTY13. There is no detailed design to assess at outline stage. The proposal is contrary to criteria (a), (b), (c) and (f) of CTY13.

With regard to CTY14, it has already been found that the proposal is unduly prominent and would create a ribbon of development. It would also add to the impression of suburban-style build up in the locality when viewed with the existing dwellings. The proposal is not out of keeping with the settlement pattern of the area. It is therefore contrary to criteria (a), (b) and (d) and would further erode the rural character of this part of the countryside.

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 sufficient road frontage to achieve a safe access with the visibility splays of 20m x 60m as recommended by TransportNI. This should be conditioned in the event of approval.

Archaeology

There are three nearby historic monuments (Two standing stones and an enclosure). Historic Monuments Unit was consulted and has no archaeological objections to the proposal under PPS6.

Sewerage

The site can accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA. Standard consultation responses were received from NIEA, Environmental Health and NI Water. Their standard informatives will be added in the event of approval.

Amenity

The proposed dwelling can be sited so that it will not adversely affect the amenity of any nearby

dwellings. The detailed design would be assessed at reserved matters stage to ensure no adverse amenity impacts.

Representations

No third party objections or representations were received.

Case Officer Recommendation – Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

The site is not a valid infill opportunity as the approved dwelling to the north has not been constructed and cannot therefore be assessed as a building in a continuously built up frontage, and the gap would accommodate more than 2 houses based on the current development pattern. The dwelling would not integrate satisfactorily and would harm the rural character of the area.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap in a substantial and continuously built up frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the extension of ribbon development along Coalpit Road.
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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, 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 be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would extend a ribbon of development, and would therefore further erode the rural character of the countryside.

Case Officer

Date: 6,

Appointed

Date:



COUNCIL OPINION	REFUSAL	Full			
APPLICANT	Mr Nigel Hamilton			AGENT	Collen Savage 107a Blaney Road Crossmaglen BT35 9AT
LOCATION	220m South East of 4 Lissaraw Road Camlough				
PROPOSAL	Conversion, reuse and extension of existing outbuilding to dwelling (amended description)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			Addresses	Signatures	Addresses
			0	0	0
				Signatures	0

- The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted and extended is not locally important and therefore contrary to policy.

Application Number: LA07/2015/0098/F

Applicant: Mr Nigel Hamilton

Proposal and Location: Conversion, re-use and extension to dwelling
220m south east of 4 Lissaraw Road, Camlough

Councillor's Name: Councillor T Hearty

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

To consider additional information submitted by the agent (attached)

Briefing Panel Decision:

Schedule of Delegated Applications dated 11 February 2016

LA07/2015/0098/F

220m South East of 4 Lissaraw Road Camlough

Conversion, Reuse and Extension of existing Outbuilding to Dwelling

Reason for Refusal:

The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted and extended is not locally important and therefore contrary to policy.

Summary

It is contended that the council has not in any way considered the **historical significance** of the surviving outbuilding. **Therefore it has not taken account of all material considerations.**

It is contended that the surviving outbuilding has is a locally important building due to an historical line which can be traced as far back as far as **1834 as confirmed by Ordnance Survey Map data (Appendix 1) ; to the Griffiths Valuation of 1847-1864 log and map data (Appendix 2); and the 1901 census records (Appendix 3).**

Neither has the council considered fully the surviving **vernacular features** of the outbuilding or recognised that this **predates 1925 and therefore by definition is vernacular**. No consideration has been given to the fact that there are surviving walls, window opening, roof and trusses which pre date 1925. The Council has not requested the opinion of the NIEA in order to establish key facts about the building and its origins.

As such it is considered that this application deserves to be reconsidered and afforded a proper and full planning assessment.

It is of note that the proposal meets the policy requirements of the existing Banbridge / Newry and Mourne Area Plan and of PPS 21 Sustainable Development in the Countryside, particularly polices CTY4, CTY 13 and CTY 14.

Amplification

Paragraph 3.8 of the SPPS states:

Under the SPPS, the guiding principle for planning authorities in determining applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

It is apparent that the proposal accords with the current statutory development plan and the relevant policies contained within PPS 21 Sustainable Development in the Countryside. Furthermore it is contended that the proposal meets the policy tests as set out under the adopted SPPS, particularly in relation to being a building of local importance. In particular reference to the conversion and reuse of existing buildings to residential use paragraph 6.73 of the SPPS states;

*Provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and **outbuildings**), as a single dwelling where this would secure its upkeep and retention.*

It is clear that the policy accepts outbuildings as locally important buildings. **There has been no clear, meaningful or proper assessment of either the historical significance of this non listed vernacular building or of its surviving vernacular features.** The SPPS states;

A historic building of local importance, is a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance;

And

Vernacular buildings reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland', published by DOE, March 1998.

Historical Significance

The surviving outbuilding is clearly representative of that which is typical of the properties which have been referred to in the 'Sense of Loss' publication.

Following a desktop review of the Historic Six Inch Series Maps of Ireland from the Ordnance Survey Ireland, the surviving property features on a map **dated 1834 (Appendix 1). As such the surviving outbuilding could be more than 180 years old. This is considered historically significant.**

Additionally the outbuilding appears on **the Griffiths Valuation**. The Griffiths Valuation is the first full scale valuation of property in Ireland. It was overseen by Richard Griffith and **published between 1847 and 1864**. It is one of the most important surviving 19th Century genealogical resources. **From the map data and corresponding log (Appendix 2) it is clear that the subject site again had built form in the exact location of the surviving outbuilding.** The property, which included a house, offices and land was leased by Mr John McQuade from the Earl of Charlemont. **Again this is considered historically significant.**

Eventually the McQuade family came to own the property along with surrounding lands and in the 1901 census we see that Bernard McQuade, Head of a Family of nine, has a son called

Patrick McQuade who was then 6 years old. In time Patrick came to inherit this land with surviving buildings and has then sold such on to the Gregory's who also hail from Camlough and then to the current owner local, Mr David McCullough.

Vernacular Features

No consideration has been given to the surviving vernacular features of the surviving outbuilding or the fact that there are intact existing walls, window opening, door opening and roof covering that pre date 1925. This list is not exhaustive. We would suggest that the case officer is not best placed to decide on the vernacular qualities of the building given the lack of proper and meaningful assessment.



Photograph of subject outbuilding

When we search the current folio under Mr McCullough's ownership of the site under 15675, we see that the land was first registered on 30th September 1924. As a result it is clear that the surviving built form pre dates 1925 and is clearly typical of a common type of building in the locality. As such the surviving built form is therefore clearly vernacular, contrary to the findings of the case officer.

Therefore in conclusion we would request a reconsideration of the merits of the application a proper assessment of the local importance of the remaining outbuilding.

Appendix 1 – Historical Six Inch Map – 1834

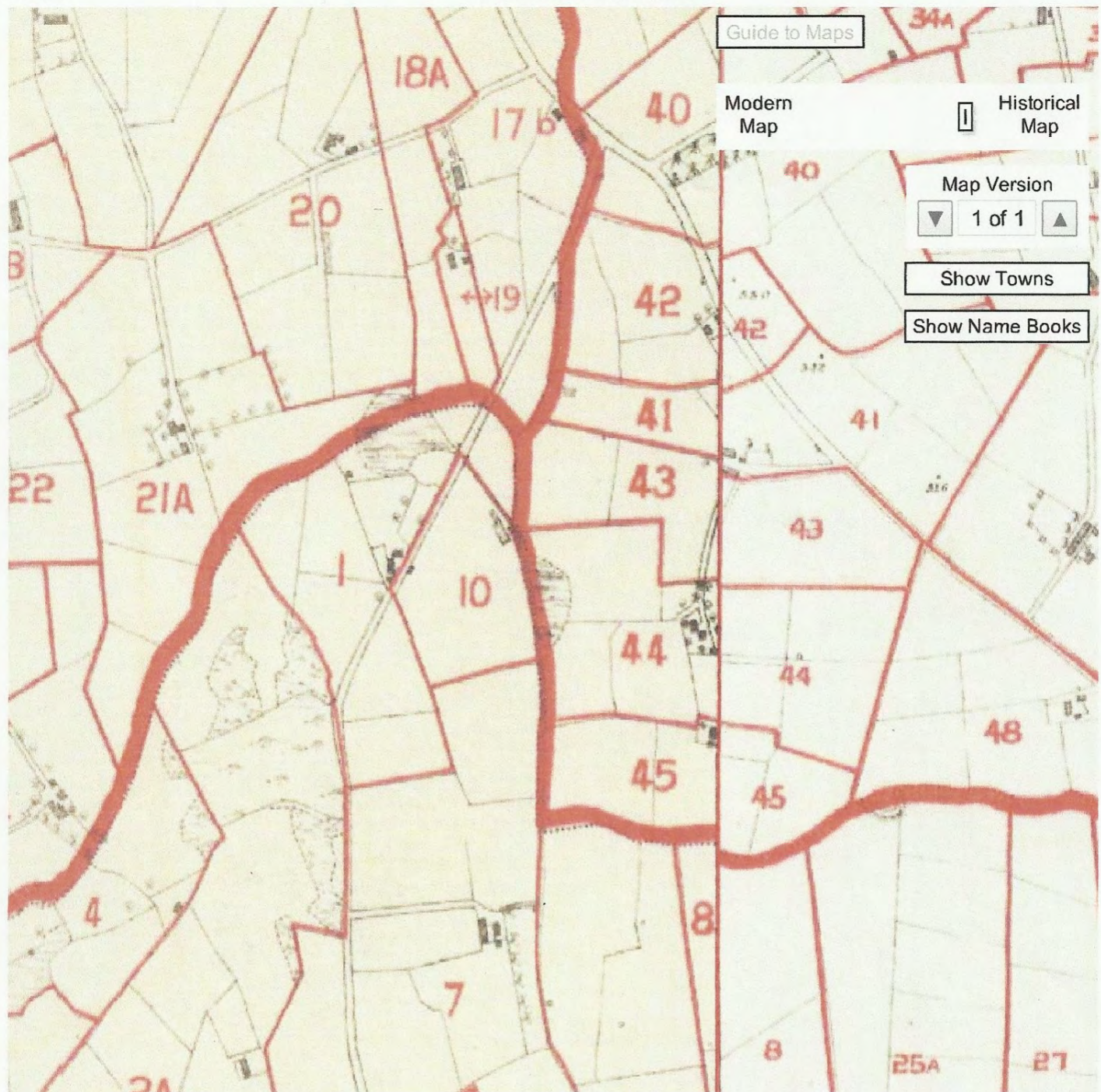
Appendix 2 – The Griffiths Valuation Log and Map

Appendix 3 – 1901 census of Ireland excerpt

VALUATION OF TENEMENTS.

PARISH OF KILLEVY.

No. and Letters of Reference of Map.	Tenements and Occupiers.	Immediate Lessors.	Description of Tenement.	Area.	Rateable Annual Valuation.		Total Annual Valuation of Rateable Property.
					Land.	Buildings.	
				A. R. P.	£ s. d.	£ s. d.	£ s. d.
DUVERNAGE—continued.							
58	Edward Hayes.	Joseph Wilson.	House, offices, and land.	7 2 25	6 0 0	1 10 0	7 10 0
59	David Cartmell.	Same.	House, offices, and land.	14 0 30	12 0 0	5 10 0	27 0 0
60			Land.	1 3 0	1 5 0	—	
61			Land.	1 3 10	1 10 0	—	
62			Herd's house and land.	6 2 15	5 10 0	1 5 0	
63	Joseph Horner.	Same.	House and land.	2 0 5	1 15 0	—	4 0 0
64	David Rogers.	Same.	House, offices, and land.	1 0 14	0 15 0	—	21 10 0
65			House, forge, and land.	20 1 10	18 0 0	5 10 0	
66	Joseph White.	Same.	House, forge, and land.	9 0 25	7 5 0	2 0 0	9 5 0
67	William O'Hare.	Joseph White.	House.	—	—	1 10 0	1 10 0
68	Arthur Hughes.	Joseph Wilson.	House, office, and land.	6 3 35	5 15 0	1 10 0	7 5 0
69	Thomas Whelan.	Same.	House, offices, and land.	8 1 5	8 10 0	2 0 0	8 10 0
70	Robert Fisher.	Same.	House, offices, and land.	17 0 25	14 0 0	9 0 0	23 0 0
71	Peter M'Sherry.	Robert Fisher.	House and sm. garden.	—	—	1 5 0	1 5 0
72	Jane Greer.	Same.	House and sm. garden.	—	—	1 5 0	1 5 0
73	Samuel Baxter.	Joseph Wilson.	House, offices, and land.	5 3 35	5 0 0	3 0 0	8 0 0
74	John White.	Same.	House, offices, and land.	58 2 30	5 0 0	14 0 0	65 0 0
75	Richard Beetles.	Same.	House, office, and land.	7 0 15	0 0 0	1 5 0	7 5 0
76	John Anterson.	Same.	Land.	9 1 30	0 0 0	—	9 0 0
Total of Rateable Property.				753 1 6	594 10 0	184 0 0	778 10 0
EXEMPTIONS:							
26			National School-house and garden.	0 1 20	0 5 0	2 0 0	2 5 0
Total, including Exemptions.				753 2 25	594 15 0	186 0 0	780 15 0
CARRICKCLOGHAN (Ord. S. 25 & 26.)							
1	John M'Quade.	Earl of Charlemont.	House, office, and land.	9 0 25	4 5 0	1 5 0	5 10 0
2	Michael Smith (Mick).	Same.	House, offices, & land.	29 3 10	18 0 0	2 15 0	22 0 0
3	Michael Smith (Jem).	Same.	Cottier's house & land.	3 1 5	1 5 0	0 5 0	11 0 0
4			House, offices, and land.	10 5 15	6 15 0	1 5 0	
5	Michael Byrne, sen.	Same.	House, offices, and land.	16 3 30	11 15 0	1 5 0	13 0 0
6	James M'Quade.	Same.	House, offices, & land.	20 0 20	11 5 0	2 5 0	19 5 0
7			Land.	7 3 30	5 15 0	—	
8	Charles Rice.	Same.	House and land.	1 1 20	1 0 0	0 10 0	1 10 0
9	Patrick M'Cann.	Same.	Land.	3 3 10	2 0 0	—	11 15 0
10			House, offices, and land.	6 0 20	4 0 0	2 5 0	
11			Office and land.	3 1 0	1 15 0	0 5 0	
12	Andrew M'Sorley.	Same.	Land.	0 3 27	0 15 0	—	6 15 0
13			Land.	1 0 8	0 15 0	—	
14	William Hughes.	Same.	House, office, & land.	8 8 0	5 12 0	1 0 0	6 15 0
15	Anne M'Sorley (Pat).	Same.	House, office, & land.	0 0 24	0 3 0	—	6 10 0
16			House, offices, & land.	8 0 35	5 8 0	1 0 0	
17	Mary M'Alister.	Same.	House, offices, & land.	0 0 18	0 2 0	—	6 10 0
18	Bernard Hanlon.	Same.	House, offices, & land.	7 2 25	5 13 0	0 15 0	6 10 0
19	John Smith.	Same.	House, offices, & land.	0 0 18	0 2 0	—	7 0 0
20			House, offices, & land.	7 1 30	5 10 0	0 15 0	
21	Thomas Smith.	Same.	House, offices, & land.	0 0 36	0 5 0	—	6 10 0
22	Patrick Rice.	Same.	House, offices, and land.	5 2 15	4 5 0	1 0 0	5 5 0
23			House, offices, & land.	8 0 10	5 5 0	1 10 0	
24	Laurence Smith.	Same.	House, offices, and land.	0 1 18	0 5 0	—	7 0 0
25			House, offices, and land.	15 0 0	10 15 0	1 5 0	
26	Patrick Rice.	Same.	House, offices, & land.	19 1 10	11 0 0	2 0 0	12 0 0
27	James Rice.	Same.	House, offices, & land.	0 2 25	0 12 0	—	15 10 0
28			House, offices, & land.	2 0 30	1 18 0	—	
29	Francis Rice.	Same.	House, offices, & land.	17 3 15	13 0 0	2 5 0	16 5 0
30	Mary Quinn.	Same.	House, offices, & land.	0 3 36	0 15 0	—	16 5 0
31			House and land.	0 1 0	0 5 0	—	
32	Mary Quinn.	Same.	House and land.	3 0 5	1 0 0	0 10 0	1 10 0
33			House and land.	7 1 10	5 10 0	2 0 0	
34			House, offices, & land.	4 1 35	2 15 0	—	10 10 0
35				0 0 30	0 5 0	—	



Excerpt: Griffiths Valuations.
 Refer Plot No. Carrickcloghan

CENSUS OF IRELAND, 1901.

(Two Examples of the mode of filling up this Table are given on the other side.)

FORM A.

No. on Form B. 13

RETURN of the MEMBERS of this FAMILY and their VISITORS, BOARDERS, SERVANTS, &c., who slept or abode in this House on the night of SUNDAY, the 31st of MARCH, 1901.

Number.	NAME and SURNAME.		RELATION to Head of Family.	RELIGIOUS PROFESSION.	EDUCATION.	AGE.		SEX.	RANK, PROFESSION, OR OCCUPATION.	MARRIAGE.	WHERE BORN.	IRISH LANGUAGE.	If Deaf and Dumb; Dumb only; Blind; Imbecile or Idiot; or Lunatic.
	Christian Name.	Surname.				Years on last Birthday.	Months for Infants under one Year.						
1	Bernard	W' Quade	Head of Family	Roman Catholic	Read + Write	30		M	Farmer	Married	Co Armagh		
2	Mary	W' Quade	Wife	Roman Catholic	Read + Write	34		F		Married	Co Armagh		
3	Mary Ellen	W' Quade	Daughter	Roman Catholic	Read + Write	10		F	Scholar	Not Married	Co Armagh		
4	Catherine	W' Quade	Daughter	Roman Catholic	Read + Write	8		F	Scholar	Not Married	Co Armagh		
5	Patrick	W' Quade	Son	Roman Catholic	Read + Write	6		M	Scholar	Not Married	Co Armagh		
6	Michael James	W' Quade	Daughter	Roman Catholic	Read	16		M	Scholar	Not Married	Co Armagh		
7	Emily Jane	W' Quade	Daughter	Roman Catholic	Cannot Read	14		F		Not Married	Co Armagh		
8	Madge Maria	W' Quade	Daughter	Roman Catholic	Cannot Read	2		F		Not Married	Co Armagh		
9	Henry	W' Quade	Brother	Roman Catholic	Cannot Read	60		M	Farmer	Not Married	Co Armagh		
10													
11													
12													
13													
14													
15													

I hereby certify, as required by the Act 63 Vic, cap. 6, s. 6 (1), that the foregoing Return is correct, according to the best of my knowledge and belief.

James Verdoolan (Signature of Enumerator.)

I believe the foregoing to be a true Return.

Bernard W' Quade (Signature of Head of Family.)



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA07/2015/0098/F	Target Date:
Proposal: Conversion, reuse and extension of existing outbuilding to dwelling (amended description)	Location: 220m South East of 4 Lissaraw Road Camlough
Referral Route: Briefing panel decision.	
Recommendation: Refusal	
Applicant Name and Address: Mr Nigel Hamilton	Agent Name and Address: Collen Savage 107a Blaney Road Crossmaglen BT35 9AT
Executive Summary: Conversion and extension of existing outbuilding to dwelling. Proposal fails to meet policy criteria of SPPS as it is not considered locally important.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Downpatrick Office	Content
Statutory	NI Water - Single Units East - Planning Consultations	Advice
Advice and Guidance	Env Health Newry Mourne And Down District Council	Substantive Response Received
Advice and Guidance	Health & Safety Executive for NI	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

No external issues raised.

Characteristics of the Site and Area

The site is located at 220m South East of 4 Lissaraw Road, Camlough on the Carrickcloghanhill Road. Included within the site is a small, single storey building sitting gable end to the road and two roadside agricultural fields that extend to the north east and south west of this building. The application also takes in the surrounding agricultural field. The land falls in a north easterly direction and due to this topography, there are long ranging views of the site from the junction with Chapel Road. The building is white washed, with all four walls intact, two chimneys and a tin roof. The roadside boundary is defined by a post and wire fence, a small grassy bank and a number of mature trees. The remaining boundaries are not defined by established vegetation. The site is located in the rural area where development pressure remains low and the landform is undulating.

Planning Assessment of Policy and Other Material Considerations

The proposal seeks full permission for the conversion, reuse and extension of existing outbuilding to dwelling.

Site History

P/2011/1070/F

Alterations and extension to previous dwelling house
190 metres south-east of no. 4 Lissaraw Road, Camlough
Permission Refused 21.03.2013
Appeal Dismissed 29.10.2013

P/2009/0457/F

Erection of Single Storey Replacement Dwelling.
Carrickcloghan Hill, 192m south east of No. 4 Lissaraw Road, Camlough.
Permission Refused
27.07.2010

P/2003/0036

Site for dwelling & garage
400 metres from junction of Carrickcloghan Hill Road with Chapel Road, Camlough, Newry
Withdrawn
20.01.2003

P/2013/0185/CA

190M SE Of 4 Lissaraw Road, Lissaraw, Camlough, Armagh
Operational Devt
Case Closed

Banbridge Newry and Mourne Area Plan 2015

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision for the conversion and reuse of existing buildings where it is in accordance with prevailing planning policy.

Strategic Planning Policy Statement for Northern Ireland.

Paragraph 1.5 states the SPPS is 'material to all decisions on individual planning applications' and paragraph 1.12 also confirms that where there is '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'. Newry Mourne and Down Council have not adopted their Plan Strategy therefore the transitional arrangements apply. As the SPPS offers a more stringent approach to the conversion and re-use of existing buildings for residential use (as found in paragraph 6.73 of the SPPS) than the retained policy of CTY4 of PPS21 then consequently, the SPPS must be afforded the greater weight on this application.

The SPPS makes provision for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building. The difference in the SPPS and CTY4 of PPS21 being the reference to 'locally important' and for the reasons outlined above the SPPS is afforded the greater weight for this application. The proposal has been described as an outbuilding and in recent times has been extended/alterd to give the appearance of a dwelling house which resulted in enforcement action. The building works carried out were found to be immune and an appeal for extensions and alterations was dismissed under reference 2013/A0077. Given the

<p>recent works carried out to the building it cannot be described as vernacular and without any historical interest or architectural features of merit, as a consequence, the building is not 'locally important'. With this in mind the proposal therefore fails the policy test of 'The conversion and re-use of existing buildings for residential use' as found within paragraph 6.73 of the SPPS and as such is contrary to policy.</p> <p>In terms of CTY13/14 of Planning Policy Statement 21 The proposed extension is relatively small in scale, sympathetic to the existing building and finished to match the existing building. It is required to bring a potential future dwelling use up to modern day living standards. The extension to the curtilage is noted which again would be an acceptable arrangement to allow sufficient amenity and parking and turning capabilities. Build up or ribbon development are not an issue for this application. The proposal is in compliance with CTY13/14.</p> <p>Environmental Health were consulted in relation to the sewage arrangements and have responded with no objections. The proposal is in general compliance with CTY16.</p> <p>PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards Transport NI has no objections with regard to these policy criteria.</p> <p>As the proposal lies within the consultation zone of the gas pipeline GNI(UK) and the Health Safety Executive were consulted. Both bodies have responded with no objections.</p> <p>No objections or representations were received. No neighbours qualified for a neighbour notification Application has been advertised.</p> <p>Refusal recommended, contrary to the SPPS.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation: Refusal as above.</p>	
<p>Conditions/Reasons for Refusal:</p> <p>Refusal Reasons</p> <p>1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted and extended is not locally important and therefore contrary to policy.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	26th March 2015
Date First Advertised	29th April 2015
Date Last Advertised	24th February 2016
Details of Neighbour Notification (all addresses) No nearby neighbours to notify.	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>P/2011/1070/F Alterations and extension to previous dwelling house 190 metres south-east of no. 4 Lissaraw Road, Camlough Permission Refused 21.03.2013 Appeal Dismissed 29.10.2013</p> <p>P/2009/0457/F Erection of Single Storey Replacement Dwelling. Carrickcloghan Hill, 192m south east of No. 4 Lissaraw Road, Camlough. Permission Refused 27.07.2010</p> <p>P/2003/0036 Site for dwelling & garage 400 metres from junction of Carrickcloghan Hill Road with Chapel Road, Camlough, Newry Withdrawn 20.01.2003</p> <p>P/2013/0185/CA 190M SE Of 4 Lissaraw Road, Lissaraw, Camlough, Armagh Operational Devt Case Closed</p>	
Summary of Consultee Responses No objections	

Drawing Numbers and Title
Drawing No. 02 Type: Site Location Plan Status: Submitted
Drawing No. 01 Type: Site & Detailed Drawings Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

ITEM NO	4			
APPLIC NO	LA07/2015/0165/F	Full	DATE VALID	4/15/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Liam Rooney C/O Agent		AGENT	Feargal Carolan 40 Larchmount Newry BT35 6TX 07732119785
LOCATION	50m west of No 16 Grange Road Kilkeel			
PROPOSAL	Proposed Dwelling and Detached Garage (Dwelling on a farm)			
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 paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that: the farm business is currently active; and the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted, be unduly prominent in the landscape; the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the buildings would, if permitted not respect the traditional pattern of settlement exhibited in the area; and would therefore result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to paragraph 6.107 of the Strategic Planning Policy Statement of Northern Ireland and Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed dwelling and garage are located in a flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.
- 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 siting of the proposal is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty in general and of the particular locality.



Feargal Carolan Architectural & Planning Services
40 Larchmount, Newry, BT35 6TX
Tel: 028 3083 2765 Mob: 077 3211 9785

Application Reference: LA07/2015/0165/F

Applicant Name: Liam Rooney

Site Location: 50m West of No.16 Grange Road, Kilkeel.

Proposal: Proposed dwelling and detached garage (Dwelling on a farm).

Dear Councillor

I act on behalf of Liam Rooney, who has applied for full planning permission to erect a dwelling on his farm, at the above address.

The Planning department intends to present this application at the next council meeting as a refusal.

I would ask you to request that the application decision be deferred in order to allow my client the opportunity to present additional information that is material to the Planning decision.

The Planning department has stated five reasons for refusal of this application. Should the chance to present additional information be granted, my client and I shall respond and explain the following:

ITEM 1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that: the farm business is currently active; and the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

- Recently I submitted evidence to the Planning department stating that the land was being farmed by Mr Pat Rodgers. I included a letter from Mr Rodgers and some receipts. Unfortunately I can see now that this evidence was somewhat vague. Mr Rodgers does indeed carry out the physical farming work on Mr Rooney's farm, however, this is due to Mr Rooney's poor health. Mr Rooney runs his farming business in a more administrative manner as he is unfit to carry out the physical side of farming himself. Mr Rooney still profits from his farm as it is indeed an active business. Liam suffers from 'ulcerative colitis' and 'asthma' which can be confirmed by a doctor's letter at any future submission/meeting. The farm business and the holiday units on the farm are run as one business entity. This can be confirmed on Mr Rooney's tax returns. The holiday units

where part of a farm diversification initiative and were subject to a grant from SOAR (Southern organisation for action in rural areas). The holiday units, as part of the total farm business are currently active, and have been since construction.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

- My client is willing to locate the proposed dwelling in any position on the farm that would satisfy the Planning department. It is our intention to use the existing boundaries and supplement them as necessary with native species trees and hedges in order to achieve integration. Should the department agree that the farm is indeed active, it may also agree that the proposal is visually linked to the established farm buildings.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted, be unduly prominent in the landscape; the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the buildings would, if permitted not respect the traditional pattern of settlement exhibited in the area; and would therefore result in a detrimental change to the rural character of the countryside.

- I feel that this reason for refusal conflicts with the previous one. If permitted, our proposal would be visually linked to an established group of buildings on the farm, in accordance with CTY13 PPS21 and therefore would not result in a detrimental change to the rural character of the countryside (CTY14). Should the department accept that Mr Rooney's farm is indeed active, this reason for refusal would not be applicable.

4. The proposal is contrary to paragraph 6.107 of the Strategic Planning Policy Statement of Northern Ireland and Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed dwelling and garage are located in a flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.

- Should the department agree that the farm business is active, my client would seek an independent flood risk assessment. This would indicate to the department that the proposal satisfies at least one of the exceptional criteria. My client has informed me that the existing farm buildings have never flooded. One of these building dates back to the 1800's.

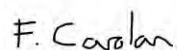
5. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposal is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty in general and of the particular locality.

- I believe that the siting of the dwelling is in accordance with CTY13 PPS21 however, this item states that it is contrary to the Strategic Planning Policy Statement for NI and policy NH6 of PPS2. My client is willing to change the siting of the proposed dwelling to any area within the farm to satisfy the Planning Departments concerns.

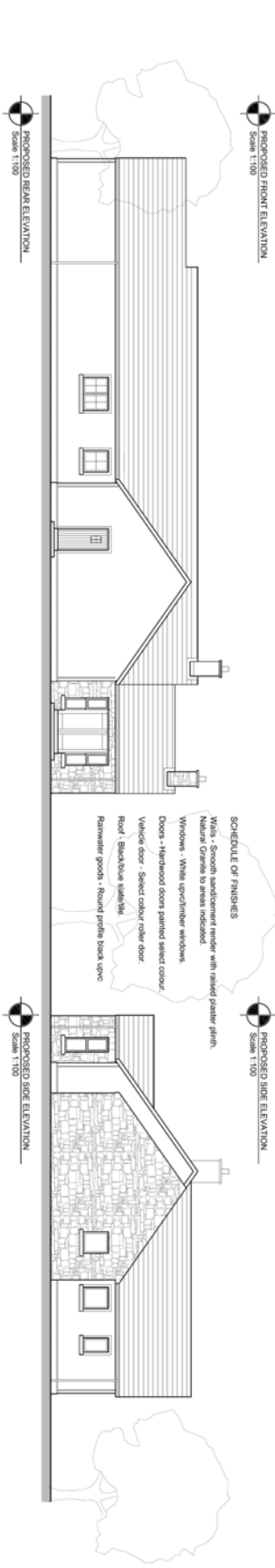
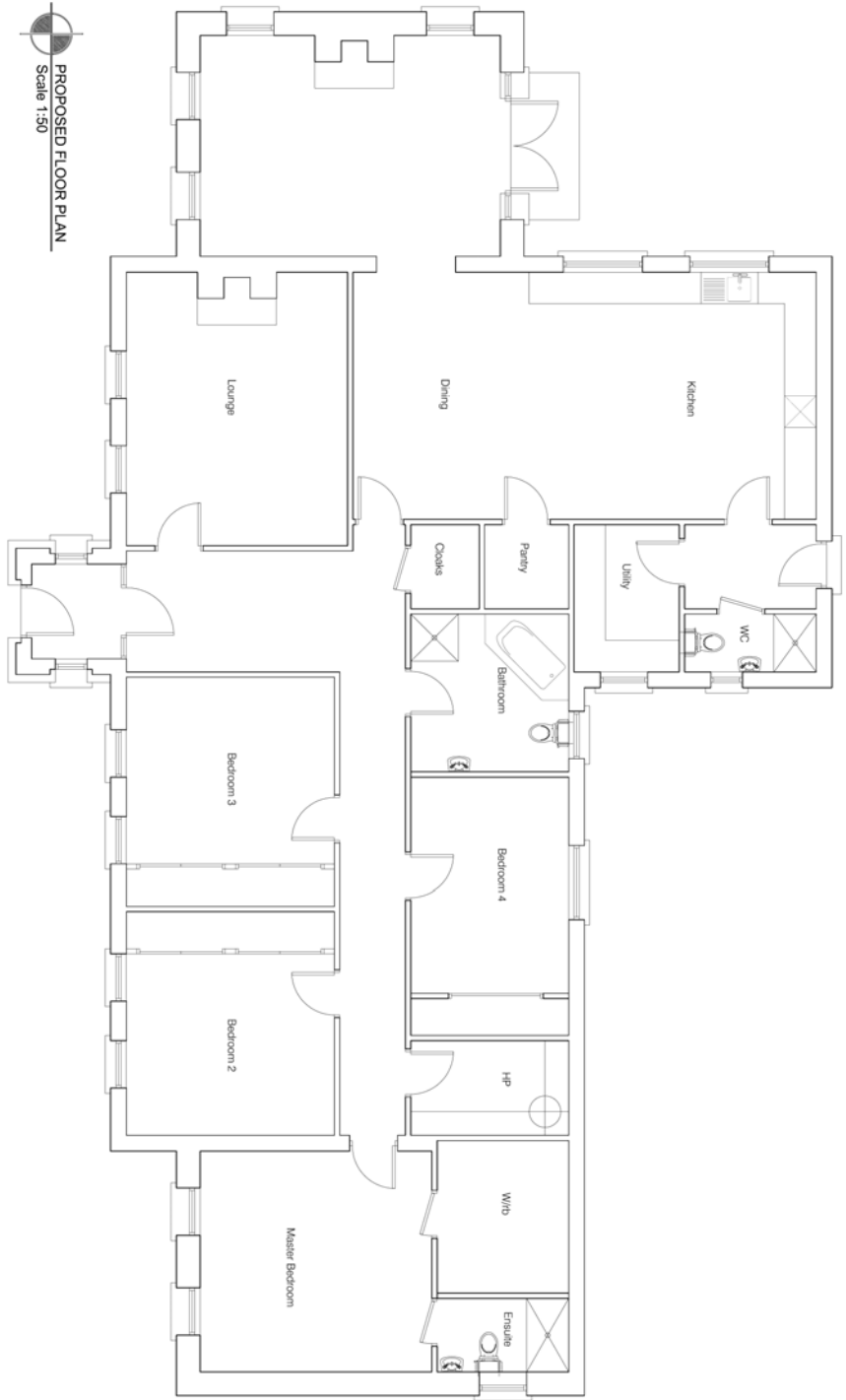
Conclusion

The department has recommended this application for refusal, however I believe that my comments merit further discussion. I would appreciate it if you could afford my client the opportunity to submit additional evidence and information in order to help the planning department change it's decision.

Yours sincerely



Feargal Carolan



- SCHEDULE OF FINISHES**
- Walls - Smooth sandpapered render with raised plaster girth.
 - White Grapes to be set recessed.
 - Windows - White up/downer windows.
 - Doors - Hardwood doors painted select colour.
 - Vehicle door - Select colour roller door.
 - Roof - Shinkuhua slate/tile.
 - Rainwater goods - Round profile black upvc.

Area	Material	Spec

727 - Planning Application

Proposed dwelling and garage 50m West of No 16 Grange Road, Kikesel, Co Down.

Proposed Dwelling Layout and Elevations

Date: 03/2015
Scale: 1:50/100

Feargal Carolan
Architectural & Planning Services

40 Ardaraun, Tully, BT20 5LX
Tel: 0282535199 Fax: 02825371998
Email: fcarolan@fcarolan.com

FILE REF	DRAWING NO	REGION
727	727/001	

NOTES

1. VISIBILITY SPLAYS "X"
 1.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 1.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 1.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

2. VISIBILITY SPLAYS "X"
 2.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 2.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 2.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

3. VISIBILITY SPLAYS "X"
 3.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 3.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 3.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

4. VISIBILITY SPLAYS "X"
 4.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 4.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 4.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

5. VISIBILITY SPLAYS "X"
 5.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
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 5.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

6. VISIBILITY SPLAYS "X"
 6.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
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 6.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

7. VISIBILITY SPLAYS "X"
 7.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 7.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 7.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

8. VISIBILITY SPLAYS "X"
 8.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 8.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 8.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.

9. VISIBILITY SPLAYS "X"
 9.1. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 9.2. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.
 9.3. The area within the visibility splay must be kept clear of any vegetation or structures that would obstruct the driver's view of the road ahead.



Proposed Site Layout 1:500



SEPTIC TANK - BIODISC BY MANUFACTURERS INSTRUCTIONS PROVIDE INSPECTION CHAMBER TO POINT TO TANK. SCOURAGE INTO VENT PIPE TO TANK. SCOURAGE INTO TANK. OFFICIAL DO NOT PROVIDE DRAINAGE.

DRAINAGE NOTES
 1. THE AREA WITHIN THE VISIBILITY SPLAY MUST BE KEPT CLEAR OF ANY VEGETATION OR STRUCTURES THAT WOULD OBSTRUCT THE DRIVER'S VIEW OF THE ROAD AHEAD.
 2. THE AREA WITHIN THE VISIBILITY SPLAY MUST BE KEPT CLEAR OF ANY VEGETATION OR STRUCTURES THAT WOULD OBSTRUCT THE DRIVER'S VIEW OF THE ROAD AHEAD.
 3. THE AREA WITHIN THE VISIBILITY SPLAY MUST BE KEPT CLEAR OF ANY VEGETATION OR STRUCTURES THAT WOULD OBSTRUCT THE DRIVER'S VIEW OF THE ROAD AHEAD.

FILE REF	DRAWING NO	REGION
727	727/001	727

727 - Planning Application
Proposed dwelling and garage 50m West of No. 16 Grange Road, Kikeel, Co Down.
1:100:500

Feargal Carolan
 Architects & Planning Services

40 Ardara, Bangor, BT20 9JH
 Tel: 028 3832 2222
 Email: info@feargalcarolan.com

SITE LOCATION MAP 1:2500





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

Delegated Application

Development Management Officer Report		
Case Officer: Paul Smyth		
Application ID: LA07/2015/0165/F	Target Date:	
Proposal: Proposed Dwelling and Detached Garage (Dwelling on a farm)	Location: 50m west of No 16 Grange Road Kilkeel	
Applicant Name and Address: Liam Rooney C/O Agent	Agent Name and Address: Feargal Carolan 40 Larchmount Newry BT35 6TX	
Date of last Neighbour Notification:	8 th September 2015	
Date of Press Advertisement:	27 th May 2015	
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	No Objections
Statutory	NIEA	Additional info required
Statutory	Rivers Agency	See Assessment
Statutory	NI Water	Standard Response
Advice and Guidance	Env. Health	Additional info required
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:

Full planning permission is sought for the erection of a farm dwelling and garage.

The proposed dwelling is single storey with annexes to both sides, a return to the rear and a small porch area to the front. The main block measures 16.4m x 9.0m and 6.1m to the ridge. The walls will be smooth sand/cement render and painted except for the porch and side annexes which will be clad in natural granite. The roof will be covered in black/blue slates/tiles and the windows will be white uPVC/timber. The proposed detached garage measures 6.5m x 6.0m and 4.9m to the ridge. The garage will be finished to match the main block of the dwelling house.

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

Site Visit Report

Site Location Plan:



Date of Site Visit: 4th September 2015

Characteristics of the Site and Area

The proposed site is located to the rear of number 16 Grange Road, approximately 2.9 miles south-west of Killeel. The site is in the eastern side of a very large open, flat agricultural field. The agricultural field has been subdivided. The proposed access to the dwelling is positioned between numbers 14 and 16 Grange Road. Number 14 is a traditional style single storey dwelling with outbuildings while number 16 is an 'L' shaped dwelling with the appearance of single storey. There is a single storey holiday cottage to the southern side of number 14. The holiday cottage, number 14 and associated outbuildings are contained within the red line of the application site. The boundaries of the site are defined by post and wire fencing and dispersed hedging.

The site is in a rural area outside settlement limits as defined on the Banbridge, Newry and Mourne Area Plan 2015. The land is within the Mournes Area of Outstanding Natural Beauty. The general area has a dispersed settlement pattern. The surrounding land is relatively flat. The land use to the north, east and west is predominantly agricultural while the land approximately 600m to the south is made up of holiday homes/caravan parks situated along the Cranfield Coast line.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- The Banbridge, Newry and Mourne Area Plan 2015;
- Planning Policy Statement 2 – Natural Heritage;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 15 – Planning and Flood Risk; &
- Planning Policy Statement 21 – Sustainable Development in the Countryside.

The Building on Tradition Sustainable Design Guide will also be considered.

ZONING: The site is in the countryside, approximately 2.9 miles south-west of the settlement development limits of Kilkeel as designated in the Banbridge, Newry and Mourne area Plan 2015. The site is within the Mournes Area of Outstanding Natural Beauty.

Planning History

Planning approval was granted for two self-catering tourist accommodation units on lands south-east of the proposed site under reference P/2008/0031/O and P/2010/1039/RM.

Outline planning permission was refused on 16th November 2012 for a proposed farm dwelling on land adjoining and west of No 16 Grange Road Kilkeel. The reference number was P/2012/0466/O. The proposal was judged to be contrary to policies CTY1, CTY 10 (a) & (c), CTY 13 and CTY 14 of PPS 21.

The applicant for these applications was the same as for this one - L Rooney of 91 Benagh Road, Kilkeel.

The Banbridge, Newry & 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 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 within the Mournes Area of Outstanding Natural Beauty. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS 21.

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 PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY 1 of PPS 21 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 in a consultation response dated 23/11/2015 that the farm business (Ref: 652080) was established for more than 6 years but does not claim Single Farm payment. Claiming SFP is the main means used to determine if the farm is active. The lack of SFP claims suggests that the farm business is not currently active. The DARD response stated the business got payments in 2012 under rural development. However this does not demonstrate that the business is currently active.

A letter was issued to the agent on 27th November 2015 requesting the submission of information to demonstrate that the farm business is currently active. The agent submitted copies of his client's tax returns as evidence of an existing and active farm business dating back 6 years. The business name on a number of the tax returns is Grange Cottage; and the description of the business is summer letting/farming. The information provided is not considered to be sufficient proof that the farm business is currently active in accordance with Policy CTY 10(a).

A letter was issued to the agent on 22nd December 2015 requesting further information – for example receipts of transactions/activities carried out on in relation to the farm business over the past 6 years; or records of herd/flock movements etc. The agent submitted the following information on 15th January 2016:

- A letter stating the land is farmed by Pat Rodgers, and that Mr Rooney was successful in securing a grant from S.O.A.R. in 2008 under its farm diversification scheme for the erection of holiday homes;
- A letter from Mr Pat Rodgers stating that he has been farming the land at Grange Road which belongs to Mr Liam Rooney since 2007;
- A written receipt from David Wilson to Pat Rodgers for ploughing 5 acres, sowing grass seed and spraying lands for weeds. The receipt is dated 01/12/2014 and relates to lands at Grange Cottage;
- 3 no. of invoices from JF Speers & Sons Ltd to Pat Rodgers for ½ ton of Nitrachalk (dated September 2008); 5 acres of marathon (dated August 2010); and 5 acres of corn seed and weed killer (dated July 2015. The invoices all relate to 14 Grange Road, Kilkeel).

The information provided indicates that the land is being farmed by Mr Pat Rodgers, and not the applicant. The culmination of the evidence presented does not demonstrate that the owners of the farm business (ID: 652080) are engaged in agricultural activity and it is not clear that the business is currently active as required by policy.

In summary, while the applicants' farm business has been established for 6 years, it is not considered to be currently active, so criteria (a) has not been met. As this makes the principle of the development unacceptable, the proposal is also contrary to policy CTY1.

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. Planning approval was granted for two self-catering holiday units on 26th October 2010 under reference P/2010/1039/RM. An online check was carried out with Land and Property Services and the land is still registered to Mr Liam Rooney, Benagh Road, Kilkeel. No dwellings or development opportunities have been sold off from the farm holding. Criteria (b) has therefore been 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 are on land at and adjacent to number 14 Grange Road. The proposed dwelling and garage are sited to the rear number 16 Grange Road. They have not been sited with, and do not appear to be visually interlinked with an established group of buildings on the farm holding. Criteria (c) has therefore not been met.

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 design of the proposed dwelling and garage is considered to be appropriate for the locality. However the siting – to the west of number 16 Grange Road – is not considered acceptable as it does not respect the traditional pattern of settlement exhibited in the area. When viewed with existing buildings it results in a suburban style build-up of development. The development is not visually linked or sited to cluster with an established group of buildings on the farm.

The proposed site is within an open, flat field. The topography of the surrounding land is also relatively flat with limited screening. A new dwelling in this location would be a prominent feature

in the landscape. The site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. As a result, the development relies primarily on the use of new landscaping to aid integration which is contrary to Policy CTY 13. Although the site is partly screened from view along a section of the Grange Road, there are clear views of the site when approaching from the south. The development if permitted would be unduly prominent in the landscape.

Access

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving the intensification of the use of an access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal seeks to utilise an existing access. TransportNI were consulted as part of the application process and are content with the proposed access arrangements subject to conditions.

Planning Policy Statement 2 – Natural Heritage

The siting of the new dwelling and garage are not visually linked or sited to cluster with an established group of buildings on the farm and would if permitted result in a suburban style build-up of development. The siting of the proposal is not sympathetic to the special character of the Mourne AONB. The proposal is therefore contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of PPS2.

Consultation Responses

- TransportNI – No objections.
- NIEA: The Historic Monuments Unit and the Water Management Unit are content with the proposal. However the Waste Management Unit have concerns that former activities in the surrounding area (Cranfield Airfield) may have caused the land to be affected by contamination. Based on the information provided, WM is unable to provide advice on whether this development would have significant adverse impacts on the water environment. They advise to contact Environmental Health.
- Environmental Health: In regards to the response from NIEA WMU, it is necessary for the applicant to provide sufficient information to ensure that the potential risks to the health of future occupiers are known and if necessary addressed. It is advised that a preliminary site investigation report is carried out by a competent person and if necessary a remedial action plan to address the risks presented by any contamination present.
- Shared Environmental Services: Insufficient information has been provided to assess the potential impacts on Carlingford Lough SPA which is hydrologically linked to the proposed site. Amended drawings are required.
- Rivers Agency: The northern boundary of the site lies adjacent to open watercourses which are undesignated under the terms of the Drainage (NI) Order 1973. The western boundary lies adjacent to an open watercourse which is designated under the terms of the Drainage (NI) Order 1973 and is known as the Grange Drain. The Flood Hazard Map (NI) indicates that the site lies within the 1 in 200 year coastal flood plain.
- NI Water: Standard response.

Consideration of Consultation Responses

The responses from NIEA Waste Management Unit; Environmental Health and Shared Environmental Services all require additional information in order for them to make a full assessment of the proposal. As the proposal is contrary to other planning policy it would not be expedient to request the additional information. In regards to the response from the Rivers Agency, the proposal is considered to be contrary to Policy FLD 1 of PPS 15 in that the proposed new dwelling is located in a flood plain and does not meet any of the exceptions where development in the flood plain is acceptable.

Representations

No third party objections or representations were received.

Case Officer Recommendation – Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

The farm business has been established for more than 6 years; however insufficient information has been submitted to show that it is currently active. The farm land appears to be let out to another farmer and is not being actively farmed by the applicant under the farm business ID associated with this planning application. The principle of the development cannot be established. In addition, there are considerable issues in regards to the siting and integration of the proposed development.

Reasons for Refusal:

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that: the farm business is currently active; and the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted, be unduly prominent in the landscape; the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the buildings would, if permitted not respect the traditional pattern of settlement exhibited in the area; and would therefore result in a detrimental change to the rural character of the countryside.

- 4. The proposal is contrary to paragraph 6.107 of the Strategic Planning Policy Statement of Northern Ireland and Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed dwelling and garage are located in a flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.

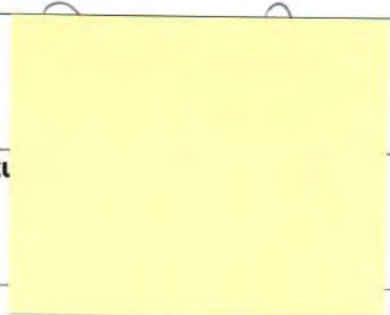
- 5. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposal is not sympathetic to the special character of the Mourne's Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer Signature:

Date:

Appointed Officer Signatu

Date: 23/3/16



COUNCIL OPINION	REFUSAL	Outline
APPLICANT	Ms Edel Rooney C/o Agent	AGENT
		O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH 028 3083 5700

LOCATION Site approximately 20 metres south west of 10 Head Road
Moyad
Annalong

PROPOSAL Site for dwelling with detached garage (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 Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not part of a substantial and continuously built up frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Head Road.
- 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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, 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 be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to Policy NH6 of the Department's Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character of the area by reason of its siting which would extend a ribbon of development and increase the impression of suburban-style build up.

Application Number: LA07/2015/0286/0

Applicant: Ms Edel Rooney

Proposal and Location: Site for dwelling with detached garage (gap site)
Approximately 20 metres south west of 10 Head Road, Moyad,
Annalong

Councillor's Name: Councillor Doran

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

To consider additional information submitted by the agent. (Attached).

Newry, Mourne and Down Council
O'Hagan House
Monaghan Row
Newry
BT35 6DJ

12th April 2016

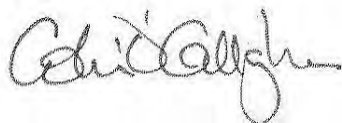
Dear Sir / Madam,

Re: Planning Application LA07/2015/0286/0
Site for Dwelling with Detached Garage (Gap site)
20 metres south of 10 Head Road, Moyad, Annalong

I am writing in relation to the above planning application, which has been recommended for refusal and which appeared on a list of applications to be decided under the Council's delegated decision-making scheme. I am hereby requesting that the application be referred to the Council's Planning Committee for further consideration, based upon the submission hereby enclosed.

I trust that this information satisfactorily outlines the background to the case and sets out the justification for the proposal, however in the event that you require additional information, amended plans or clarification on any aspect of this submission, please do not hesitate to contact me.

Yours faithfully,



Colin O'Callaghan
Chartered Town Planner
Bsc Hons Dip TP MRTPI

Background

1. The application site lies in the open countryside, in a gap between a line of buildings that front onto Head Road. In this respect, it is respectfully contended that the site presents an opportunity to “infill” a small gap in an otherwise substantial and continuously built up frontage.
2. The frontage comprises three detached dwellings and one outbuilding. It is apparent that the Council considers that not all of the aforementioned buildings contribute to the continuously built up frontage. In particular, it considers that because the “garage is so close to the dwelling that it appears to be attached to it, it reads as part of the dwelling”. The Council’s planning report states that “it is of such low elevation that it can barely be seen over the hedge when approaching from the east”, and that “it sits on one narrow plot that would never be considered two roadside plots when viewed from Head Road.
3. The Council noted that the approved plans relating to the adjacent dwelling that is nearing completion “indicate that most of its frontage will be a paddock area, not part of its curtilage. Only its access lane and a small area to the east of it actually meets the road, and the dwelling is to all intents and purposes set back like No. 12, with an agricultural field in front of it”.
4. The other purported failing is due to the fact that “No. 12 and its curtilage is entirely set back from the road. Only the width of its access lane actually meets the road. Due to the landform and existing vegetation it does not readily read with No’s 8 and 10 from critical viewpoints on Head Road. No. 12 does not read as road frontage development”.

Pre Application Discussion

5. The planning application was preceded by an informal pre application meeting in Newry, Mourne and Down Council’s offices. The planning officer on duty at the pre-application meeting was ultimately appointed to process this planning application.
6. In my pre-application submission, which included a photographic analysis of the site, I highlighted the issue with regard to the position of the features to the front of No. 12. The duty planner acknowledged this issue and agreed that he could see the argument

that had been made, i.e. that this building nonetheless contributed to the substantial and otherwise continuously built up frontage. The planning officer at no time indicated that the proposal would be unacceptable because of the position of the hedge at the front of No. 12 Head Road, although the advice tendered by the duty planner was without prejudice to the outcome of any subsequent planning application.

7. When the planning officer inspected the site, it was disappointing to learn that his view was that the proposal did not relate to a “typical infill site”, due to the arrangement of No. 12, and its boundaries, relative to Head Road. Had this opinion been expressed at the outset, the applicant may not have actually submitted the planning application thereby saving her considerable financial outlay. This is important due to the fact that the Planning Appeals Commission is empowered to issue an award for costs, in particular where one party has been put to additional expense due to the actions of the other party.

Discussion

Relevance of “the thrust” of Policy CTY 8 of PPS 21

8. It is apparent that the application has been assessed methodically, in a scientific manner, with a strict emphasis upon the relevant planning policy’s precise terms (notwithstanding that the terms are actually ambiguous and are not precisely laid out in many respects). This case is reflective of the systematic culture of micro analysing proposals to ensure they are approved only in circumstances where they comply, to the letter, with a particular policy. Indeed, it is this precise culture that has been identified, in a recent review of the Council’s performance in the field of development management, as being one of the key inhibitors to an effective and efficient planning system. The Council has agreed to embark upon a policy of culture change in this respect, however this has yet to materialize, particularly with respect to this proposal.
9. The Council has failed to recognise the implications of recent planning case law, for example, the Lamont Judicial Review, which noted that:

“within PPS21 a number of like situations are grouped together, for example, proposals for dwellings on farms. The policy indicates the preferred approach to these like cases in order to achieve the broader social and environmental goals relating to development in the countryside. However, the policy itself, and much case law on this and similar

issues, acknowledges that no policy can take into account the myriad considerations that may arise in individual fact scenarios that arise in the broad policy area. No planning policy can anticipate the personal, environmental, logistical etc circumstances of all the individual planning applications made under the policy that need to be considered. However, what is contained in the policy, which cannot be ignored is the thrust of the desired result of the policy (my emphasis)".

10. In this case, the policy itself (CTY 8) clearly cannot have taken into account the myriad considerations that may arise in individual fact scenarios that arise in the broad policy area. A reasonable person would recognise that the policy cannot have anticipated the precise circumstances of all the individual planning applications made in this regard, each of which need to be considered. In this case, it is my contention that what cannot be ignored is the thrust of the desired result of the policy, i.e. the allowance of up to two dwellings in a small gap in a line of three or more buildings.
11. In asserting that the Council has placed an unduly high level of weight upon the precise wording of the primary policy (CTY 8 of PPS 21) it is respectfully contended that the correct approach to the proposal should have been to apply a pragmatic approach to the case. The approach should have been guided by the outcome of the *Gransden* judicial review, in which it was stated that:

"any policy, if it is to be a policy which is a proper policy for planning purposes, must envisage that in exceptional circumstances the minister has the right to depart from that policy. If the situation was otherwise it would not be a statement of policy but something seeking to go beyond that and, bearing in mind the terms of section 29 of the Town and country Planning Act of 1971, it would be an improper attempt to curtail the discretion which is provided by the Act, which indicates that in determining planning applications regard is not only to be had to the provisions of the development plan so far as material, but also to any other material considerations"

12. The starting point for this assessment should have been the recognition that the policy in question is but a guide. It is not equitable with a statutory rule with a single immutable meaning.

13. In asserting that the correct approach to the assessment should have been to apply a flexible interpretation of Policy CTY 8, and to ensure that the current assessment is consistent with previous determinations.
14. In this respect, the Ministerial Review of PPS 21, dated 16th July 2013, ought to have been pertinent to the determination. Its aim was two-fold:
 - “firstly, informed by experiences and perceptions of all those involved in sustainable development in the countryside, to take appropriate steps necessary to ensure everyone is treated consistently; and
 - secondly, to ensure appropriate flexibility on the operation of PPS21 in line with its content and substance”.
15. The Review found that “there were also issues raised with respect to development opportunities within gap sites”. Minister Attwood “identified the need for additional flexibility in how such sites are defined for the purposes of CTY 8 ‘Ribbon Development’, which allows for up to two dwellings within an otherwise substantial and continuously built up frontage”. Regrettably, the Council has thus far failed to apply any flexibility whatsoever in the determination of this application. The Minister identified one particular example, where he “met with the applicant who identified examples which they considered to have set a precedent”. The Minister asked his officials “to consider how the application of the policy may be reviewed in light of the examples provided. After further assessment officials unanimously agreed that the application should be allowed”.
16. Despite pointing to a large number of similar examples, the Council has not paid due regard to any one of the “precedents” cited in support of the proposal. The case officer simply indicated that the relevant examples cited were distinguishable from this proposal, purportedly because in this case there is no established development pattern and limited visual linkage, and also because of the specific nature and relationship of the buildings in this case.

Issue of existing buildings being “set back” or separated from a roadside by intervening land

17. In this case it is pertinent that application T/2012/0207/O was approved as an infill site. In that case, the gap was located between buildings that were set back a considerable distance from the roadside. Two dwellings to the north west of the site were accessed from a shared laneway, while the dwelling to the south east had its own access onto



Seven Mile Straight. In that case, although the buildings appeared in a single line, visually, there was no common frontage. Additionally, the dwelling to the south east was positioned in such a manner that its only relationship with Seven Mile Straight, to the front, involved its access and piers to each side (this is the reason why the planning officer stated that No. 12 Head Road does not constitute a “qualifying building” in this case). Since that application appears to have been approved because of the transient, sequential, awareness of a line of buildings, the same principle should apply to the assessment of this planning application.

18. Application S/2011/0964 was approved in circumstances that necessitated the demolition of an existing building to create the “gap” site. Of particular relevance is the fact that only the dwelling’s access appeared to front directly onto the adjacent roadside. This is the reason why the planning officer stated that No. 12 Head Road does not contribute to a substantial and otherwise continuously built up frontage in this case, so it is factually incorrect to suggest there are no similarities between the proposals.
19. Planning approval I/2013/0285/F was approved in circumstances whereby two of the “qualifying buildings” to either side of the approved site were set back from the roadside in such a manner that only the accesses had direct road frontage. This is the reason why the case officer indicated that No. 12 Head Road does not contribute to the existence of a substantial and otherwise continuously built up frontage, so the Council is respectfully requested to look at this issue again.
20. When the DOE granted approval for application C/2012/0290 there were no concerns that the proposed dwelling was set back behind the established building line, whereby the only part of the site fronting onto the adjacent road was the access. The same situation applied to planning approval R/2013/0415, but yet the planning officer indicates this pattern is not appropriate to this proposal.
21. The DOE approved an application at Markethill Road, Armagh (O/2011/0564/O) on the basis of Policy CTY 8. In that case, almost all of the existing buildings had adjacent land to their front, separating them from the public road, which is the reason the case officer indicated that No. 12 Head Road is not relevant in this instance.
22. On the basis of the above information, the case officer would appear to be incorrect in stating that the examples previously cited in support of this proposal were actually distinguishable. Accordingly, this application should be referred to the Council’s

- Committee for a proper analysis of the information that has been put forward in support of this application.

Relevance of Outbuildings in terms of their Contribution to a Substantial and Continuously Built Up Frontage

23. A total of ten precedents were cited to support my assertion that the outbuilding adjacent to No. 8 Head Road ought to be taken into account as a qualifying building for the purposes of Policy CTY 8.
24. In the professional planning report, the case officer acknowledged that “while it has sometimes been accepted that a large detached outbuilding or garage to the side of a house could constitute a separate building for the purposes of creating a gap site, such an analysis could not be applied to this situation where the small scale building is virtually attached to the house and reads with it in a small narrow plot. Even if it was to be treated as two buildings, the subsequent division of the plot width in two would lower the average plot width so much that the overall gap would accommodate four dwellings which is well outside the scope of the policy”. Herein, the planning officer has made a number of judgements as to the thrust of the policy. The case officer infers that buildings to the side of a dwelling must be large, and that they can not be small, although it is not stated in any policy document what constitutes large and what constitutes small. The case officer indicated that the outbuilding is “virtually attached” to No. 8 but he fails to acknowledge that it is actually a separate building. The report concentrated on how the outbuilding reads with the dwelling, rather than recognising that it is a detached building which reads as such when viewed from its front and the adjacent sides. The planning report is contradictory insofar as it is stated that the outbuilding reads with the dwelling, but elsewhere it is stated that the outbuilding “can barely be seen over the hedge”.

Pattern of Development at Adjacent Plots

25. The planning report indicates that the absence of a pattern of development at this locus means the proposal cannot respect the adjoining plots (2 dwellings are said to be set back different distances, and one fronts onto the road). The report states that “as there is no established development pattern the proposal cannot respect the established development pattern with regard to siting”. However, the purported absence of an established pattern would actually indicate that the proposal cannot be said to depart



from same. If indeed there was no established development patter, a flexible approach could and should have been taken to determine the application.

Building on Tradition

26. The planning office is incorrect in stating that the proposal is not in keeping with the general approach to infill sites shown on pages 70-77 of the Building on Tradition Design Guide.
27. Page 71 of Building on Tradition illustrates a “complex linear ribbon”. Examples of sites likely to be approved are coloured turquoise while unacceptable examples are shaded purple. It is significant that the example on the extreme south western part of the frontage is laid out in such a manner that any proposed dwelling would have to be partially behind the end dwelling. Critically, only the access would have a direct presence along the road frontage. Given Building on Tradition appears to infer that even proposals that only have a direct access onto the frontage will be acceptable, it appears unreasonable to rule out No. 12 Head Road because, purportedly, only its access has a presence on the relevant frontage.

Visual Linkage

28. The term “visual linkage” has been used a number of times within the professional planning report. For example, No. 12 purportedly “does not readily read with No’s 8 and 10 from critical viewpoints on Head Road”, while the outbuilding to the side of No. 8 Head Road is purportedly “of such low elevation that it can barely be seen over the hedge when approaching from the east, and would certainly not be seen as another building in a substantial and continuously built up frontage”. The report states that the “small scale building is virtually attached to the house and reads with it”. It also indicated that precedents cited in support of the proposal were distinguishable from this situation where there is “limited visual linkage”.
29. Analysis of the planning report shows how the assessment of the proposal ignored the fact that the outbuilding to the side of No. 8 can actually be seen over a hedge. It is a matter of fact that the building in question is detached from No. 8. The planning report indicates that weight was given to the fact that the case officer believed the building is “virtually attached” to No. 8, whereas in fact it is separate from it. The case officer referred to “limited visual linkage” across the frontage, again ignoring the fact that there

is actually a visual linkage and the policy is not prescriptive in setting out a degree to which all component developments across the frontage must be intervisibly linked. In this respect, the assessment of the proposal appears flawed.

30. The policy in question does not in fact set out a requirement that outbuildings to the side of a “qualifying building” must be large scale, that such buildings must be of a certain size or that they must be removed from another building by a set distance. Furthermore, there is no requirement in the policy that each qualifying building must have its own, independent, plot (the case officer indicated that if it was to be treated as two buildings the plot had to be divided in two for the purposes of ascertaining the average plot width – in which case these narrow plots, if replicated across the frontage, would mean the gap could accommodate more than two dwellings). In that respect, the assessment of the proposal has diverged from the actual requirements of the planning policy in question and furthermore the recommendation has been arrived at without having regard to the thrust of Policy CTY 8.

Appeal 2011/A0044

31. “In Paragraph 5.33 of the Justification and Amplification text, it explains that a road frontage includes a footpath or private laneway”. It also states that “a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.” “There is ambiguity in this policy between the definitions of ribbon development and substantial frontage and in such circumstances, the interpretation of policy most favourable to the appellant should be applied”.
32. Applying the same logic as the PAC, the Council should have acknowledged that the individual buildings on the frontage are not required to have their own access. By inference, this means that a building’s access may be shared with that of another building. Again, by extension, this means that in practice two qualifying buildings may in fact be contained within the same curtilage. While this appears to have been recognised by the planning officer, to a certain extent (insofar as the planning report recognises that “it has sometimes been accepted that a large detached outbuilding or garage to the side of a dwelling could constitute a separate building for the purposes of creating a gap site”, the report fails to acknowledge that such buildings will invariably share an access and curtilage with the dwelling, and there is no mention in the policy of an assessment



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being required to subsequently divide the plot in two to establish an average plot width. The lengths to which the Council has gone to dismiss this proposal are indicative of a measured, scientific approach being undertaken, at variance with the thrust of the policy in question and at variance with the need to undertake a flexible approach (which was advocated by the Environment Minister whose Department actually issued the Policy in question).

33. It is pertinent that the Council has pointed out that this proposal will result in a suburban style build-up of development, and the creation of ribbon development, contrary to Policy CTY 14 of PPS 21. As per the above planning appeal, the Council's attempt to distinguish between the cumulative impact of intervisible buildings assessed against Policy CTY14 and the degree of visual linkage between buildings required under Policy CTY8 is misguided. In that planning appeal the appeal site was deemed to "clearly read with the adjoining three properties from the one critical viewpoint on the laneway", and this was sufficient to meet the visual linkage test set out in Policy CTY 8 of PPS 21. The fact that there is, at certain places, a clear visual linkage between all component buildings on the frontage, should likewise be sufficient to establish that this proposal does in fact comply with the requirements of Policy CTY 8 of PPS 21.

Appeal 2011/A0189

34. This planning appeal was allowed in circumstances similar to this proposal. Some of the buildings on the frontage were set back further than others, while at least one other plot contained two qualifying buildings. The site was surrounded by mature vegetation, which limited the extent of visual linkage at some points. However, the fact that there was transient and static visual linkage between buildings was sufficient to reflect the thrust of Policy CTY 8. Despite the extensive set backs of two particular dwellings, these were still perceived from the road as being visually significant buildings. In relation to plot division, or lack thereof, the PAC confirmed that "whether they are taken as one plot or not makes little difference to my assessment". In relation to a lack of regularity or pattern in terms of plot sizes, the PAC noted that "the adjoining plot sizes exhibit considerable disparity, and the appeal site would allow for reasonable plot sizes in the median range of these extremes". These principles underpin the approach that should have been taken to the assessment of this individual planning application.
35. In that planning appeal the PAC stated that "as this appeal proposal is acceptable under policy CTY8 it is hard to see how it could be refused as contrary to Policy CTY14 in



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respect of the impact on build-up and rural character". Likewise, since this proposal is considered to accord with Policy CTY 8 is cannot offend Policy CTY 14.

2011/A0277

36. In this case, positioning a new dwelling between two dwellings with small accompanying garages was accepted by the DOE , who offered no objections when the case came before the Planning Appeals Commission. The proposal was not constrained by any perception that the garages read as extensions of the houses etc., and it is respectfully contended that the current proposal is fully compliant with the requirements of Policy CTY 8, particularly in light of this example.

Planning Appeal 2012/A0063

37. The appeal site was located between a dwelling and a detached double garage at No.158 Derryboye Road and another dwelling at No 160 Derryboye Road. It was separated from No 160 by mature vegetation. The PAC recognised that "Whilst at varying degrees of set back, the dwellings at Nos 158 and 160 and the detached garage at No. 158 have a common frontage onto the Derryboye Road. Though the detached garage is ancillary to the dwelling at No 158, it still constitutes a building as defined under the Planning Order and it reads as a separate entity from the road front. The policy does not state that ancillary buildings which form part of a residential curtilage should be discounted".
38. The PAC stated that "the mature boundary vegetation combined with the distance between the dwelling at No 160 and the detached garage at No 158 help to screen and physically separate No 160 from being viewed in its totality with the other two buildings. However, the roof of No 160 can be clearly read with the other two buildings and there is the perception of three consecutive buildings as one travels along the road front irrespective of the set back of the buildings at No 158".
39. In that case, only part of a particular building could be clearly read in conjunction with two other buildings. However, because there was a perception of three consecutive buildings the appeal was allowed, irrespective of the set back of two particular buildings on the frontage, thereby undermining the planning officer's attempt to distinguish the current proposal from the approved example.

2012/A0014

40. In this determination the PAC found that “the appeal site is located along a private lane and is situated between two dwellings that front onto Cross Lane (No 16 & No 22). There is also a detached outbuilding within the curtilage of No 16 and its gable fronts on to the lane. To the north of this outbuilding, there is another building (No 14) which also has a frontage to the lane. Though the outbuilding is ancillary to the dwelling at No 16, it still constitutes a building as defined under the Planning Order and it reads as a separate entity from the lane. The policy does not state that ancillary buildings which form part of a residential curtilage should be discounted. Furthermore, in referring to the definition of a substantial and continuously built up frontage, the use of the word "including" does not exclude situations where the three or more buildings are not in a line. Therefore, even though all four buildings do not form a straight line, they all have common frontage to the lane and despite the boundary vegetation between the appeal site and No 22, there is a sequential awareness of development along the lane and all four buildings are visually linked from the area around No 14. As such, I consider that the buildings form a substantial and continuously built up frontage as defined by the policy”.
41. The Commissioner recognised that a particular outbuilding was a separate building and that it read as a separate entity from a lane. In this case, from the immediate front, the outbuilding to the side of No. 8 clearly reads as a separate building. In short, the principles that underpinned the above mentioned approval must also apply to the determination of this application.

2013/A0041

42. Even though this planning appeal was dismissed, the PAC set out their perception of how a proposal should be assessed, within its decision....
- “it is clear that, in considering any proposal for infill development, a visual assessment will be critical. If there is no perception, whether by sequential awareness or by direct visual linkage, of the existence of a substantial and continuously built up frontage, then there cannot be an infill opportunity. Each infill proposal must be assessed on its particular merits, in its own unique visual context”.
43. The visual context to this proposal is that there is a transient sequential awareness of development along the frontage. Moreover, from certain static viewpoints, particularly



to the front of No. 8, there is direct visual linkage between at least three buildings across the frontage. Thus, this application site presents a clear infilling opportunity.

2013/A0119

44. In this planning appeal the PAC stated that “the term visually linked cannot be directly interpreted as meaning all buildings in the frontage should be visible at once”. Accordingly, the case officer’s concerns that No. 12 is not visible in its entirety, or that the outbuilding to the side of No. 8 reads as part of the dwelling, should not be determining, since to the immediate front of No. 8, the outbuilding appears as a separate building.
45. The PAC stated that “the awareness of a sequence or line of buildings with a common frontage to the road pertains, irrespective of vegetation on or close to the road edge”, so the vegetation to the front of the outbuilding at the side of No. 8, or the vegetation to the front of No. 12, are not detrimental to the success of this application, contrary to the case officer’s assessment.

P/2010/0172/O

46. Therein, the DOE confirmed that its approach, in accepting a particular proposal as an acceptable infill opportunity, “did not rely upon dimensions of adjacent plots alone to confirm that this site did not deviate significantly from adjacent plots”. “The Department considered the visual form of this proposal within the site and its relationship with its surroundings before concluding that the form of the development would be compatible with the general form of the adjacent developments”. This pragmatic explanation outlines the correct approach to be taken to the assessment of an application of this nature. Even if the Council considered that two of three adjacent dwellings have existing or approved boundaries to their immediate front, with a small piece of land comparable with the size of a typical rural lawn to their front, there is potential for this type of arrangement to be replicated on this site. In terms of general form, the Council has noted the absence of a particular pattern, thereby supporting the view that flexibility could have been applied, particularly where a proposal reflected one or more of the adjacent forms of development on the frontage.



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2013/A0061

47. Herein, the Commissioner stated that 'in considering any proposal for infill development, if there is no perception, whether by sequential awareness or by direct visual linkage, of the existence of a substantial and continuously built up frontage, then there cannot be an infill opportunity. It is respectfully contended that the perception of an existence of a substantial and continuously built up frontage whether by sequential awareness or by direct visual linkage, will be sufficient to justify the approval of an application.

2013/A0248

48. In this appeal the PAC found that "A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road". Applying that logic, the shed to the side of No. 8 Head Road must be regarded as a "qualifying building", contrary to the planning officer's assessment of this proposal.

P/2012/0258

49. The DOE approved two dwellings on a gap site at Larkins Road, Crossmaglen. In that case, a garage was located immediately adjacent to No. 4, however the Department did not seek to undermine the proposal based upon the fact that the garage was so close to the dwelling that it appeared to be attached to it, or that it read as part of the dwelling. In this respect, it is respectfully contended that the concern pertaining to the outbuilding to the side of No. 8 is manifestly unreasonable and wholly unjustified.
50. The planning officer dismissed outright the relevance of 8 individual planning approvals cited in my previous correspondence, and the planning report shows no evidence of any consideration of these specific applications. I believe it is imperative that the planning file is updated to show evidence as to how these cases have been set to one side and given no weight in the determination of this planning application.

Intervening Lands between Dwellings on the Frontage and Head Road

51. The planning report indicates that No. 10 Head Road "is to all intents and purposes set back like No. 12, with an agricultural field in front of it". However, the area to the front of No. 12 is not large enough to be classified as an agricultural unit nor does it appear as



an agricultural field. The area to the front of the new dwelling is not laid out like an agricultural field, nor would the "paddock area" referred to by the planning officer. The impression given in the planning report is of developments set back to the rear of agricultural fields, whereas in reality one dwelling is set to the rear of an overgrown lawn and the other is not presently separated from the roadside, visually or otherwise.

52. The land to the front of No. 12 is not maintained in good agricultural or environmental condition. It is not so large as to create an impression that No. 12 is set back from the roadside, behind intervening lands. Visually, the area to the front of No. 12 is such that it reads as one with the dwelling.

Accompanying Development to the Rear

53. The planning report indicates that the presence of "accompanying development to the rear" of an individual property indicates that such a building cannot be recognised as contributing to a substantial and otherwise continuously built up frontage.
54. Policy CTY 8 states "For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear". This definition is not exhaustive, nor is it limited to frontages that are without "accompanying development to the rear". Furthermore, the definition offered within the Policy does not exclude (my emphasis) frontages that have "accompanying development to the rear". Therefore, even if there were buildings to the rear of No'8 or 12 Head Road, the Policy does not actually indicate that these properties could not be taken into account for the purposes of defining the number of buildings in this substantial and otherwise continuously built up frontage.
55. The PAC has decided a number of planning appeals, in circumstances similar to these. Therein, the common thread appears to be the acknowledgement that the definition offered within the Policy does not exclude frontages that have "accompanying development to the rear".

2013/A0210

56. Although dismissed for other reasons, the PAC considered that "the use of the term ***includes*** does not exclude situations where there is accompanying development behind a proposed site".



CONCLUSION

57. It is apparent that the consideration of this planning application has not paid due regard to the thrust of Policy CTY 8 of PPS 21. The assessment has been limited to an unreasonably narrow interpretation of the relevant policy's requirements and this has gone far beyond the policy's actual requirements. The Council has evidently failed to recognise that the policy allows for the development of gaps in frontages containing buildings that are set back or staggered. In arguing that the proposal is contrary to the guidance set out in Building on Tradition, the Council has failed to acknowledge that Building on Tradition actually indicates that it will be acceptable to infill a gap where only a dwelling's access could share the actual frontage with the adjacent developments. This means that, in reverse, properties whose accesses are found on the common frontage must be taken into account when ascertaining whether or not there is a small gap in a substantial and otherwise continuously built up frontage.
58. The Environment Minister directed that the policy be applied with flexibility and consistency. However, the assessment of this proposal has been inflexible and it has shown no regard to the multitude of precedents cited as supporting the approval of this planning application. This assessment indicates that the Council are seeking to ensure the proposal complies with the policy's wording, to the letter, which is not in fact how the planning policy was drafted. The policy was not conceived to take account of the myriad situations that might arise in these general circumstances, so it is obvious that where there is a transient, sequential awareness of development along a particular frontage, even where intervisibility between buildings is only intermittent, there will be an opportunity for infilling a small gap. In these circumstances, I consider that a full review of this proposal is required before the application is determined. As a minimum, I hope that the Council will agree to remove the application from the delegated list and bring it before a full planning committee meeting.



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APPENDIX 1

Page 71 of Building on Tradition. Only the access to the example identified as being an acceptable form of infilling a small gap extends to the road. Accordingly, No. 12 Head Road cannot be disregarded from this assessment owing to the fact that only its access directly adjoins the frontage.



Complex linear ribbon

Application Number: LA07/2015/0286/0

Applicant: Ms Edel Rooney

Proposal and Location: Site for dwelling with detached garage (gap site)
Approximately 20 metres south west of 10 Head Road, Moyad,
Annalong

Councillor's Name: Councillor Fitzpatrick

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

I have attached a substantial planning submission that I believe addresses the Council's concerns, and sets out ample justification for the approval of the application.

The cases raises numerous planning policy issues, while a series of precedents have not been given the appropriate level of consideration.

Application Number:LA07/2015/0286/O

Councillor's Name:SINEAD ENNIS

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

SEE ATTACHED

Briefing Panel Decision:



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

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Kerr		
Application ID: LA07/2015/0286/O		Target Date:
Proposal: Site for dwelling with detached garage (gap site)		Location: Site approximately 20 metres south west of 10 Head Road, Moyad, Annalong
Applicant Name and Address: Ms Edel Rooney C/o Agent		Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH
Date of last Neighbour Notification:		29th July 2015
Date of Press Advertisement:		3rd June 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	Approve subject to condition
Statutory	NIEA	Standing advice
Non-statutory	NI Water	Standard informatives
Advice and guidance	Environmental Health	Standard informatives
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:		
Outline planning permission is sought for an infill dwelling and garage. The main issues to be considered are the principle of an infill dwelling on the site, integration and rural character, road safety, effects on amenity and the AONB/SLNCI.		

Site Visit Report

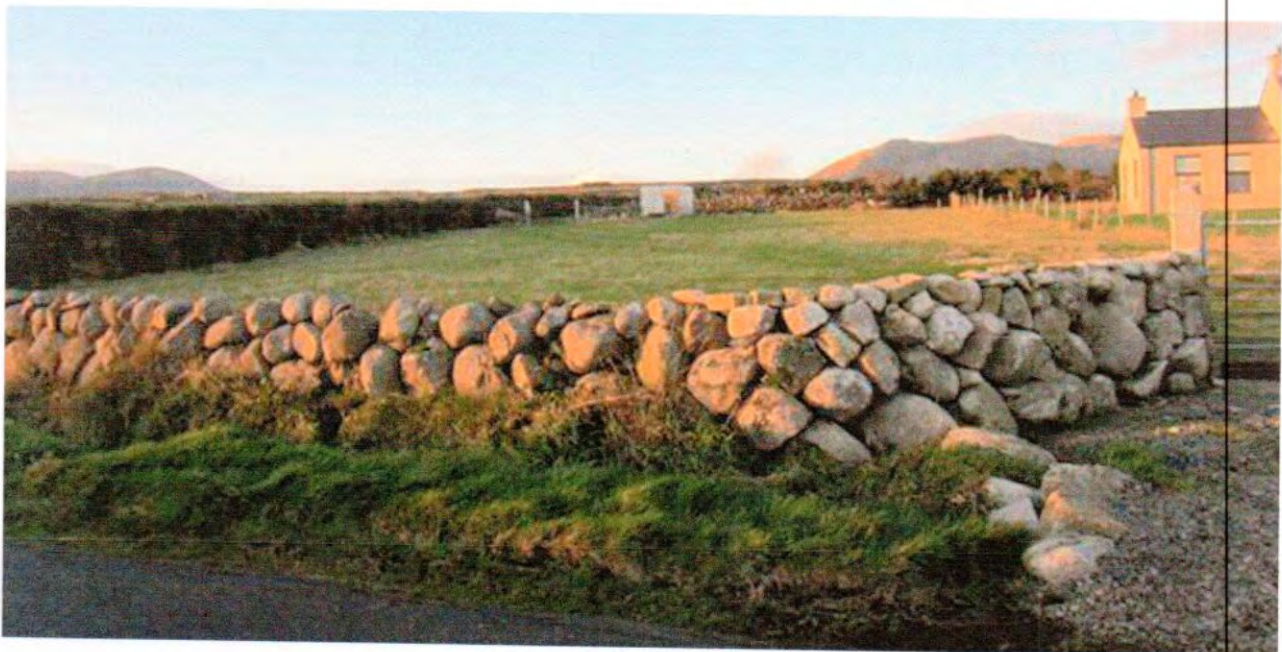
Site Location Plan:



Date of Site Visit: 19th November 2015

Characteristics of the Site and Area

The site is a small agricultural field with a gentle slope from north to south. It is bounded to the north and south by Mourne Granite boulder walls, to the east by a 1m high post and wire fence, and to the west by a 2m whin hedge. It fronts onto Head Road to the south.



The site reads with a new dwelling to the east (No. 10). There is another dwelling to the west (No. 8) with road frontage, separated from the site by another field. There is a set-back dwelling further

east (No. 12), but it is well screened and its only frontage onto Head Road is the width of its lane. It does not read as part of the line of dwellings with Nos. 8 and 10.

The site is located near the western end of Head Road, approximately half a mile NE of Attical. It is a rural area outside settlement limits as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and a Site of Local Nature Conservation Importance (SLNCI 159 - Attical Moraine Complex). The area marks the southern edge of the High Mourne Mountains and is elevated with clear views south over the coastal plain towards the Irish Sea. The dominant land use is agriculture.

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, PPS2 – Natural Heritage, PPS3 – Access, Movement and Parking, DCAN15 – Vehicular Access Standards, and PPS21 – Sustainable Development in the Countryside. The Building on Tradition Sustainable Design Guide will also be considered.

Planning History

The new dwelling to the north of the site was approved as a replacement dwelling under applications P/2007/0895/O and P/2011/0191/F. An application for a Certificate of Lawfulness (Existing) for a mobile home on the site was returned as invalid (Ref: P/2013/0701/LDE).

The Banbridge / Newry & 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 within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and a Site of Local Nature Conservation Importance (Attical Moraine Complex). 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 SLNCI will be considered under PPS2.

Principle of Development

As there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8 which will be considered below. The design and integration policies (CTY13 and CTY14) will also be considered.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that *“an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements”*. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Planning Authority considers that this application does not meet the above criteria and is not therefore a valid infill opportunity. There is not a substantial and built up frontage of three or more buildings. Nos. 8 has road frontage, but No. 12 and its entire curtilage is clearly set back from the road. Only the width of its access lane actually meets the road. Due to the landform and existing

vegetation, it does not readily read with Nos. 8 and 10 from critical viewpoints on Head Road. No. 12 does not read as road frontage development as claimed by the agent. Although No. 10 is still under construction, the approved plans indicate that the most of its frontage will be a paddock area, not part of its curtilage. Only its access lane and a small area to the east of it actually meets the road, and the dwelling is to all intents and purposes set back like No. 12, with an agricultural field in front of it. The fact that there is accompanying development to the rear of Nos. 10 and 12 (agricultural sheds) also indicated that they cannot be considered part of a built-up frontage as defined by this policy. In a supporting statement, the agent cited other examples of infill approvals across Northern Ireland where the neighbouring buildings did not extend to the road. The site specific circumstances of these applications are distinguishable from this situation where there is no established development pattern and limited visual linkage. The proposal is not in keeping with the general approach to infill sites on pages 70 - 77 of the Building on Tradition design guide.

Even if it was accepted that this is a built-up frontage, there is no consistent support for the proposal in the other development pattern criteria referred to. With regard to plot width, the gap between the existing buildings Nos. 8 and 10 is approximately 80 metres. This gap could accommodate 3 dwellings based on the relatively narrow plot width displayed at two of the three dwellings, and therefore is not a valid infill opportunity for a maximum of two dwellings. Also, as there is no established development pattern (2 set back different distances and one fronting the road), the proposal cannot respect the existing development pattern with regard to siting.

The agent made a subsequent submission on 7th January 2016 arguing that the garage adjacent to No. 8 to the west constituted an additional building to form the built-up frontage if No. 12 was not to be included. However, this garage is so close to the dwelling that it appears to be attached to it, it reads as part of the dwelling, it is of such low elevation that it can barely be seen over the hedge when approaching from the east (and would certainly not be seen as another building in a substantially and continuously built up frontage) and it sits in one narrow plot that would never be considered two road frontage plots when viewed from Head Road. While it has sometimes been accepted that a large detached outbuilding or garage to the side of a house could constitute a separate building for the purpose of creating a gap site, such an analysis could not be applied to this situation where the small scale building is virtually attached to the house and reads with it in a small narrow plot. Even if it was to be treated as two buildings, the subsequent division of the plot width in two would lower the average plot width so much that the overall gap would accommodate four dwellings which is well outside the scope of the policy. Again, the appeals quoted by the agent are distinguishable because of the specific nature and relationship of the buildings in this case. The Planning Authority accepts that garages can be included as separate buildings in a frontage if they read as such, but this one clearly does not read as anything other than an appendage to the main house.

Having considered the evidence presented, it has not been established that there is a substantial and continuously built up frontage and that there is a gap that would accommodate a maximum of two houses. Therefore there is no valid infill opportunity. Instead, the proposal would extend a ribbon of development, contrary to policies CTY8 and CTY14.

Integration and Rural Character

The site is elevated with very little in the way of natural boundaries that would provide any degree of screening to a new dwelling. While it is acknowledged that natural screenings are limited in the general Mournes area, this site appears particularly prominent because it sits above the road and has little backdrop when viewed from Head Road. Even a modest dwelling would rely on new landscaping for integration which is contrary to policy CTY13. There is no detailed design to assess at outline stage. The proposal is contrary to criteria (a), (b), (c) and (f) of CTY13. The replacement dwelling (No. 10) is also quite prominent, though the principle test for it was under a different policy CTY3 (whether it had a significantly greater visual impact than the dwelling being replaced). It also had a better backdrop of rising land and adjoining buildings than the current proposal, so they are not directly comparable.

With regard to CTY14, it has already been found that the proposal is unduly prominent and would

create a ribbon of development. It would also add to the impression of suburban-style build up in the locality when viewed with the three existing dwellings. The proposal is not out of keeping with the settlement pattern of the area which is characterised by one-off dwellings. It is therefore contrary to criteria (a), (b) and (d).

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 sufficient road frontage to achieve a safe access with the visibility splays of 2.4m x 70m as recommended by TransportNI. This should be conditioned in the event of approval.

Sewerage

The site can accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA. Standard consultation responses were received from NIEA, Environmental Health and NI Water. Their standard informatives will be added in the event of approval.

Impact on the AONB

Policy NH6 applies to development in Areas of Outstanding Natural Beauty. While there is no detailed design to assess at this stage, a dwelling in the site would cause further harm to the character of the Mourne AONB by extending a ribbon of development and increasing the impression of suburban-style build up. It is therefore contrary to criteria (a) of this policy.

Impact on SLNCI

The site is within SLNCI 159 - Attical Moraine Complex. NIEA declined to comment on this designation. The SLNCI designation relates to the geological make-up of the landscape rather than a feature specifically found on this site, and so there are no likely impacts on the designation features of the SLNCI, and the proposal is not contrary to policy NH4 of PPS2.

Amenity

The proposed dwelling can be sited so that it will not adversely affect the amenity of any nearby dwellings. The detailed design would be assessed at reserved matters stage to ensure no adverse amenity impacts.

Representations

No third party objections or representations were received.

Case Officer Recommendation – Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

The site is not a valid infill opportunity as there is not a line of 3 or more buildings along the road frontage without accompanying development to the rear, and the gap would accommodate more than 2 houses based on the current development pattern. The dwelling would not integrate satisfactorily and would harm the rural character of the area and the amenity of the AONB.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not part of a substantial and

continuously built up frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Head Road.

- 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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, 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 be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
- 4. The proposal is contrary to Policy NH6 of the Department's Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character of the area by reason of its siting which would extend a ribbon of development and increase the impression of suburban-style build up.

Case Officer Signature:

Date: 7/4/16

Appointed Officer Signatur

Date: 7/4/16.

