



May 4th, 2022

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 11th May 2022** at **10:00 am** in **Boardroom Monaghan Row Newry** and via **Microsoft Teams**.

Committee Membership 2021-2022

- Cllr. D McAteer (Chair)
- Cllr. C Enright (Deputy Chair)
- Cllr. R Burgess
- Cllr. P Byrne
- Cllr. L Devlin
- Cllr. G Hanna
- Cllr. V Harte
- Cllr. M Larkin
- Cllr. D Murphy
- Cllr. L McEvoy
- Cllr. H McKee
- Cllr. G O'Hare

Agenda

1.0 Apologies and Chairperson's remarks.

2.0 Declarations of Interest.

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

- Item 6 - LA07/2019/1134/O – Councillors Byrne, Devlin, Hanna, Larkin, Murphy, McAteer, McEvoy and Devlin attended a site visit on 13-04-2022
- Item 7 – LA07/2020/1161/F - Councillors Devlin, Hanna, Murphy, McAteer, McEvoy and O'Hare attended a site visit on 30-03-2022
- Item 8 – LA07/2020/1370-0 – Councillors Hanna, Larkin, Murphy, McAteer, McEvoy and O'Hare attended a site visit on 30-03-2022

For confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 6 April 2022. (Attached).

 [Planning Committee Minutes 06.04.2022.pdf](#)

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For Discussion/Decision

5.0 Addendum list - planning applications with no representations received or requests for speaking rights. (Attached).

 [Addendum list - 11-05-2022.pdf](#)


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

6.0 LA07/2019/1134/O - Replacement Dwelling - 90 Manse Road Darraghcross Crossgar. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Gerry Tumelty, agent, and the applicant, in support of the application. **(Submission attached)**.
- A site visit was held on 13-04-2022 - Cllrs. Byrne, Devlin, Hanna, Larkin, Murphy, McAteer, McEvoy and O'Hare attended

 [LA0720191134O 90 Manse Road.pdf](#)

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 [LA07-2019-1134-O 90 Manse Road Addendum for committee.pdf](#)

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7.0 LA07/2020/1161/F - Change of use from rough grazing to motorhome park - Adjacent to No.11 Altnadue Road Castlewellan BT31 9AW. (Case officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Sean O'Hare, agent, and Margaret Brannigan, applicant, will be available to answer any queries Members may have)
- A site meeting was held on 30-03-2022 - Councillors Devlin, Hanna, Murphy, McAteer, McEvoy and O'Hare attended

8.0 LA07/2021/1370/O - Infill development of 2 no. dwellings Land located between No.22 and No.22B Lurgan Road Silverbridge Newry BT35 9EF. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Colleen Savage, agent and Michael McLoughlin, applicant, will be available to answer any queries Members may have)
- A site meeting was held on 30-03-2022 - Councillors Hanna, Larkin, Murphy, McAteer, McEvoy and O'Hare attended

Development Management - Planning Applications for determination

9.0 LA07/2021/1318/O - Infill Dwelling - Site between 11 and 13 Tullydonnell Road Silverbridge Newry Co. Down. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from John Feehan/Margaret Smith, agent, in support of the application. **(Submission attached).**

10.0 LA07/2021/1171/F - Proposed farm dwelling with associated site works and landscaping - Lands adjacent and 64m SW of no.22 Donaghaguy Road Warrenpoint BT34 3RZ. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Peter McConville and Elizabeth Quinn, in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Paul McCreanor and Tony O'Hare, agents, in support of the application. **(Submission attached).**

[LA07-2021-1171-F Donaghaguy Rd Farm dwelling.pdf](#) Page 49

[Item 10 - LA07-2021-1171-F \(objection\).pdf](#) Page 65

[Item 10 -- LA07-2021-1171-F.pdf](#) Page 67

11.0 LA07/2021/0461/F Single dwelling using existing foundations from previously approved (R/2012/0301/F) Adjacent to and east of 10 Meadow View Close Kilcoo. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Declan Rooney, agent and Jerome Johnston, applicant, in support of the application. **(Submission attached).**

[LA07_2021_0461_F_CO_Report \(003\).pdf](#) Page 69

[Item 11 - LA07-2021-0461-F.pdf](#) Page 78

12.0 LA07/2021/1712/F - erection of farm dwelling and garage - Lands approximately 20m NE of no. 32 Ballykeel Road Cabra. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application. **(Submission attached).**

[LA07 2021 1712 Ballykeel Road.pdf](#) Page 80

[Item 12 - LA07-2021-1712-F.pdf](#) Page 89

13.0 LA07/2021/0394/F - Change of use of lands to Public Park (used in conjunction with Saintfield Community Centre) - Lands to the rear of Saintfield Community Centre and to the south of 8-11 Windmill Grange with access onto Belfast Road. (Case Officer report attached).

APPROVAL

- Addendum list

[LA07-2021-0394-F_CO_report.pdf](#)

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14.0 LA07/2022/0201/LBC - Removal of tiered seating and steps. Widening of corridor between theatre and display room. Create new store using a section of existing store - Newcastle Centre 10-14 Central Promenade Newcastle. (Case Officer report attached).

GRANTED

- Addendum list

[LA07 2022 0201 LBC- Newcastle Centre.pdf](#)

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Local Development Plan Items - Exempt Information

15.0 LDP: Progress Report – Quarterly Update.

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person, (including the Council holding that information) and the public may by resolution, be excluded during this item of business.

16.0 LDP: Planning Policy Review - Retail.

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person, (including the Council holding that information) and the public may by resolution, be excluded during this item of business.

For Noting

17.0 Historic Action Sheet. (Attached).

[Planning HISTORIC TRACKING SHEET - Updated May 2022.pdf](#)

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18.0 Planning Committee Performance Report – March 2022.

(Attached).

 *April 2022 Planning Committee Performance Report.pdf*

Page 112

19.0 Current Appeals and Decisions. (Attached).

 *Appeals and Decisions issued in April 2022.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 6 April 2022 at 10.00am in Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: (Committee Members)

Councillor R Burgess
 Councillor P Byrne (via Teams)
 Councillor L Devlin (via Teams)
 Councillor G Hanna
 Councillor M Larkin
 Councillor D Murphy
 Councillor L McEvoy
 Councillor H McKee
 Councillor G O'Hare

(Officials)

| | |
|----------------|--|
| Mr C Mallon | Director, Enterprise, Regeneration & Tourism (via Teams) |
| Mr A McKay | Chief Planning Officer |
| Mr A Hay | Principal Planning Officer (via Teams) |
| Ms A McAlarney | Senior Planning Officer |
| Mr M Keane | Senior Planning Officer |
| Ms L Coll | Legal Advisor |
| Ms C McAteer | Democratic Services Officer |
| Ms L Dillon | Democratic Services Officer |
| Ms P McKeever | Democratic Services Officer |

P/033/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Harte.

P/034/2022: DECLARATIONS OF INTEREST

Councillor McKee declared an interest in Item 6 – LA07/2021/0758/O.

P/035/2022: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

- **Item 6** – LA07/2021/0758/O - Dwelling and garage - Lands immediately south of No. 40 Quarter Road Annalong – Councillors Enright, Hanna, Harte, Larkin, Murphy, McAteer and O'Hare attended the site visit on 07-01-2022
- **Item 7** - LA07/2019/1134/O - Replacement Dwelling - 90 Manse Road Darraghcross Crossgar – Councillors Burgess, Hanna, Harte, Larkin, Murphy and O'Hare attended the site visit on 07-08-2020

Councillor McEvoy advised she had attended the site visit for Item 6 – LA07/2021/0758/O and asked the minutes be amended to reflect this.

MINUTES FOR CONFIRMATION

P/036/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 9 MARCH 2022

Read: Minutes of Planning Committee Meeting held on Wednesday 9 March 2022. (Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Murphy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 9 March 2022 as a true and accurate record.

FOR DISCUSSION/DECISION

P/037/2022: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 April 2022. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Murphy, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 6 April 2022:

- **LA07/2021/1440/F** - Retrospective Planning Application for Detached Garage - 4 Fair Green Lane Saintfield **APPROVAL**
- **LA07/2016/0399/F** - Agricultural land drainage improvement scheme comprising infilling with imported inert wastes and clay - Lands to the West and North of 218 Belfast Road Ballynahinch **APPROVAL**
- **LA07/2020/0142/F** - Proposed erection of 13 no. units comprising 6 no. semi-detached and 7no. detached, landscaping, car parking and other ancillary works - Lands to the rear of Littleton House 18 Windsor Avenue Newry **APPROVAL**
- **LA07/2021/0911/F** - Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown **APPROVAL**

- **LA07/2021/2066/F** - Proposed gym extension to front of existing leisure centre, proposed play area and proposed MUGA pitch on the leisure centre grounds - Kilkeel Leisure Centre Mourne Esplanade Kilkeel **APPROVAL**
- **LA07/2021/0769/F** - Slieve Gullion car park lighting - Slieve Gullion Forest Park 89 Drumintee Road Killeavy **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/038/2022: PLANNING APPLICATIONS FOR DETERMINATION

EXEMPT INFORMATION ITEMS

AGREED: On the proposal of Councillor O'Hare seconded by Councillor Hanna it was agreed to exclude the public and press from the meeting during discussion on the following matter which related to exempt information by virtue of *Paragraph 1* of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual and the public, may, by resolution, be excluded during this item of business.

(1) LA07/2021/0758/O

Location:

Lands immediately south of No. 40 Quarter Road Annalong

Proposal:

Dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr M Keane, Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

Speaking rights:

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

Mr Brendan Starkey, agent and Ms Lynn Edgar, applicant were in attendance to answer any questions from Members.

AGREED: On the proposal of Councillor O'Hare seconded by Councillor Murphy it was agreed to come out of Closed Session.

When the Committee came out of closed session the Chairperson reported the following:

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, and on a recorded vote of 5 For, 1 Against and 0 Abstentions (attached), it was agreed to issue an approval in respect of Planning Application

LA07/2021/0758/O contrary to officer recommendation based on the evidence received.

Planning officers be delegated authority to impose any relevant conditions.

(2) LA07/2019/1134/O

Location:

90 Manse Road Darraghcross Crossgar

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, agent and Mr Mageean, applicant were in attendance to answer any questions from Members.

The Chairperson advised that as there was not a quorum present, Planning Application LA07/2019/1134/O could not be heard at the meeting today.

Ms Coll stated although Councillors could exercise their right to vote, her legal advice was if a Member was not present at the site visit, they should not take part in the discussion/decision and therefore her recommendation was the Committee should not proceed without a quorum of six Members.

In response to a query as to whether the quorum number could be changed from six to five, thereby enabling the application to proceed, Ms Coll advised it was part of the operating protocol and as such could not be changed without full Council approval.

Mr McKay advised Members Planning Application LA07/2019/1134/O would be brought back to the next Planning Committee Meeting in May 2022 and it was important a full quorum be present.

Ms Coll said it was critical all Members were in possession of all elements of the application and it was agreed a site visit be arranged prior to the May Planning Committee Meeting and a full presentation to take place at the Planning Committee Meeting on 11 May 2022.

Mr Mallon advised Members if they wished to reconsider the quorum element within the operating protocol, it could be done at the upcoming Planning Workshop.

Mr Tumelty said if the applicant was advised of the date of the site visit, he would ensure Members would have complete access to undertake a full inspection of the site.

AGREED:

It was agreed to defer Planning Application LA07/2019/1134/O to allow for a site visit to take place and for it to come back to the next Planning Committee Meeting on 11 May 2022 for a full presentation to the Committee.

Mr Mageean to be advised of the agreed date of the site visit so he can ensure full access to Members to undertake a complete inspection.

FOR NOTING

P/039/2022: CORRESPONDENCE RE: END OF THE EMERGENCY PERIOD

Read: Correspondence re. end of the emergency period. **(Copy circulated)**

AGREED: It was unanimously agreed to note the correspondence re. end of the emergency period.

P/040/2022: HISTORIC ACTION SHEET

Read: Historic Action Sheet. **(Copy circulated)**

AGREED: It was unanimously agreed to note the correspondence re. end of the emergency period.

P/041/2022: PLANNING COMMITTEE PERFORMANCE REPORT - March 2022

Read: Planning Committee Performance Report for March 2022. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Committee Performance Report March 2022.

P/042/2022: CURRENT APPEALS AND DECISIONS

Read: Planning Appeals and Decisions Report. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Report on Planning Appeals and Decisions.

The meeting concluded at 10:54.

For confirmation at the Planning Committee Meeting to be held on Wednesday 11 May 2022.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
PLANNING COMMITTEE RECORDED VOTE

DATE: 06.04.2022 VENUE: Monaghan Row MEETING: Planning

SUBJECT OF VOTE: LA07/2021/0758/O

| COUNCILLOR | FOR | AGAINST | ABSTAIN | ABSENT |
|---------------|----------|----------|----------|--------|
| R Burgess | | | | |
| L Devlin | | | | |
| C Enright | | | | |
| G Hanna | 1 | | | |
| V Harte | | | | |
| M Larkin | 2 | | | |
| D Murphy | 3 | | | |
| D McAteer | | 1 | | |
| L McEvoy | 4 | | | |
| H McKee | | | | |
| G O'Hare | 5 | | | |
| J Trainor | | | | |
| TOTALS | 5 | 1 | 0 | |

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 11 May 2022

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below they will be deferred to the next Committee Meeting for a full presentation:

- **LA07/2021/0394/F** - Change of use of lands to Public Park (used in conjunction with Saintfield Community Centre) - Lands to the rear of Saintfield Community Centre and to the south of 8-11 Windmill Grange with access onto Belfast Road. **APPROVAL**
- **LA07/2022/0201/LBC** - Removal of tiered seating and steps. Widening of corridor between theatre and display room. Create new store using a section of existing store - Newcastle Centre 10-14 Central Promenade Newcastle **GRANTED**

-0-0-0-0-0-0-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1134/O

Date Received: 23rd July 2019

Proposal: Replacement dwelling and garage

Location: 90 Manse Road, Darraghcross, Crossgar

Site Characteristics and Area Characteristics:

The application site comprises a portion of a larger agricultural field which contains an old dwelling. There is an agricultural access serving this field and there are some trees forming a hedge along the eastern side boundary of the site. The site sits opposite Darraghcross GAC and just outside the village of Darraghcross.

The site is located in the countryside as defined in the Ards and Down Area Plan 2015. The surrounding area is mainly rural, made up of largely agricultural land with a number of dwellings fronting the road.

Site History:

R/2005/0804/O - 88 & 90 Manse Road, Darragh Cross, Crossgar.

Change of use from former buildings to dwelling.

Appeal Allowed

Planning Policies and Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and in addition to this is also considered against the guidance set out in Policies CTY1, CTY13 and

CTY14 of PPS 21: Sustainable Development in the Countryside, PPS3: Access, Movement and Parking, and SPPS.

Consultations:

DFI Roads – no objections

NI Water – no objections

NIEA – NED has concerns with this proposal and considers that in the absence of further information, the proposal would be contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would be likely to harm bats and insufficient information has been submitted to establish otherwise.

Objections & Representations:

The application was advertised in the local press on 7th August 2019 which expired on 21st August 2019 and neighbour notification was issued on 31st July 2019 and expired on 13th August 2019.

To date there have been no representations received in relation to the application.

Consideration and Assessment:

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that 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. However, it is added that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined.

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage, appearance or character of the locality.

Following site inspection, Officers consider that the building to be replaced makes a positive impact upon the surrounding area, and it constitutes a vernacular rural building. Annex 2 (Vernacular Buildings) of PPS21 highlights that rural vernacular houses may be recognised as such by meeting most of the primary characteristics and some of the secondary characteristics listed within Annex 2. The dwelling meets a number of both the primary and secondary characteristics, some of which are: Linear plan, limited depth of house, walls of mass load – bearing materials, openings predominantly on the front and back long walls, openings lack symmetry. As such, it is considered that the dwelling is a vernacular rural dwelling. Given its setback from the road and the incline in the field, the building is highly visible in views both ways along the Manse Road. It is therefore considered that the building makes an important contribution to the heritage, appearance and character of the locality and its loss would be detrimental.

In terms of road access, DFI Roads are satisfied with the proposed development subject to compliance with a condition stating that visibility splays will be in accordance with the attached RS1 form.

PPS2: Natural Heritage

Policy NH 2: Species Protected by Law, states that Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and
- there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured.

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

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

Owing to the age and setting of the old building and its location adjacent to mature hedging and trees, it was considered necessary to seek a Preliminary Ecological Assessment (PEA) of the site as the building and surrounding vegetation was considered to have bat roost potential. Natural Environment Division were consulted on receipt of the PEA. They have responded stating that due to the low bat roost potential of the building to be replaced, NED require a full emergence/re-entry survey as per the BCT Guidelines.

The proposed development is not acceptable in principle therefore it was not considered necessary to put the applicant to the added expense of commissioning this full emergence/re-entry survey sought by NIEA.

As such, given that the building to be replaced is considered to be vernacular, its loss would be detrimental to the wider area, refusal is recommended.

Officers recommend that a new application be lodged to alter and extend this building to the rear, to enable it to be used as a dwelling, while maintaining the vernacular appearance.

Recommendation:

Refusal is recommended

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be replaced constitutes a vernacular rural building, the loss of which would be detrimental to the heritage, appearance and character of the locality.
2. The proposal fails to comply with the SPPS and PPS2, Policy NH2: Species protected by Law in that it has not been demonstrated that the proposal will not have an unacceptable adverse impact on Protected Species, due to insufficient information being provided.

Informatives:

The drawing number to which this decision relates is: LA07/2019/1134/O 01.

Case officer:

Authorised by:

Date:



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

Application Reference: LA07/2019/1134/O

Date Received: 23rd July 2019

Proposal: Replacement dwelling and garage

Location: 90 Manse Road, Darraghcross, Crossgar

Addendum Post Deferral

This planning application initially appeared at committee on 11th March 2020 however was deferred for a site visit which took place on 7th August 2020. Before returning to committee it was necessary to satisfy the request for a full emergence/re-entry bat survey by NIEA.

The agent has provided the required ecological information which NIEA were consulted on. NIEA have since come back raising no ecological concerns to the proposal. As such, the second reason for refusal can be removed from the recommendation. However, officer's recommendation to refuse still stands on the basis that the building to be replaced is considered to be a vernacular rural building which should be retained.

Recommendation:

Refusal is recommended

Refusal Reason:

1. The proposal is contrary to the SPPS and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be replaced constitutes a vernacular rural building, the loss of which would be detrimental to the heritage, appearance and character of the locality.

Case officer: Jane McMullan
Authorised by: A.McAlarney
Date: 27 September 2021

Our Ref: MSW/10514.L01/JK/JS

4th January 2022

Ms. Annette McAlarney
Senior Planning Officer
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Dear Madam,

Ref: LA07/2019/1134/O – 90 Manse Road, Crossgar - Review of Structural Report

Further to instruction to provide a review and critique of a structural report submitted in support of the above application, prepared by Savage Associates (Ref 21/2013) and Dated November 2021, a visual inspection of the building was undertaken on 21st December 2021; the findings of this inspection and our review of the report are set out below.

We understand that the purpose of the review is to provide an opinion, to facilitate assessment of the application under Policy PPS 21 CTY 3. In particular, to allow a decision to be made on whether the submitted structural report demonstrates that the building 'is not reasonably capable of being made structurally sound or otherwise improved'.

The building stands, facing nominally east, on a platform cut into a sloping field accessed directly off Manse Road, south of Darragh Cross. It is a single storey linear arrangement (Fig 1.0) accommodating two attached houses (herein referred to as north house and south house) with an extension (a byre) on the south gable which once provided livestock accommodation (Fig 2.0).



Figure 1.0 Front (nominally east) elevation

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10514220104 – 90 Manse Road – Review of Structural Report - JK



directors:

J P Kerr B.Sc. (Hon), M.B.A., C.Eng., M.I.C.E., F.I.Struct.E., M.C.M.I.
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co. reg. no. n.i. 20489

v.a.t. reg. no. 497 1110 45

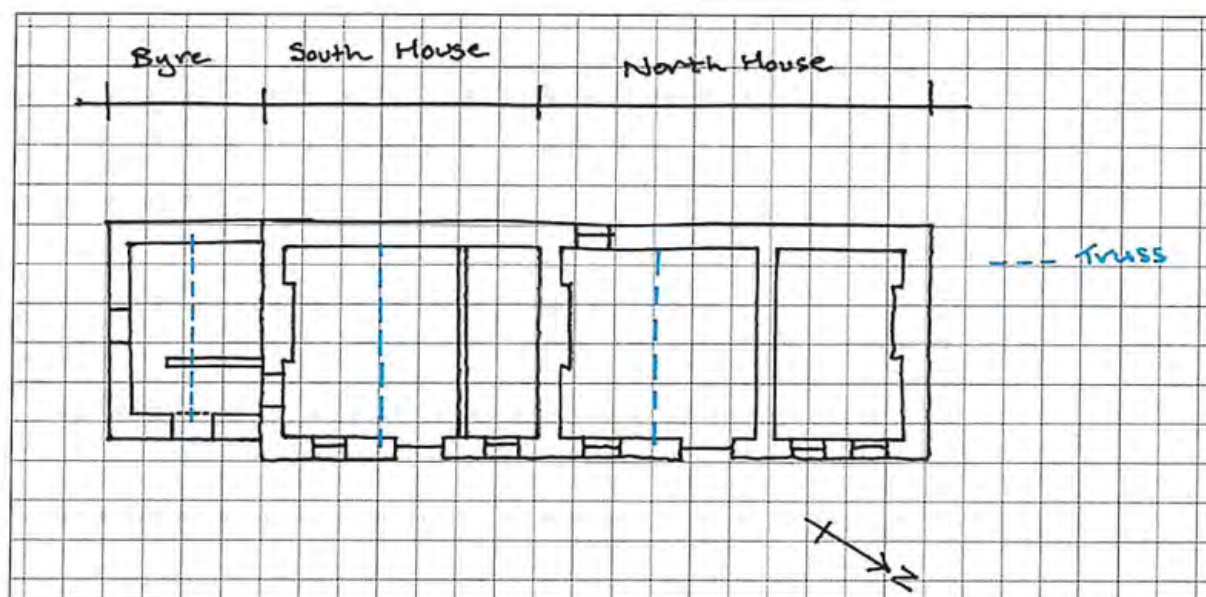


Figure 2.0 Plan

A review of historical OSNI maps shows the attached houses on the (1832 – 1846) First Edition Map and indicates that the byre was added between 1900 and 1907.

The structure of the building comprises a timber roof, natural-slate clad on battens on rafters, with mid-rafter purlins spanning over raised-collar trusses and onto gable/cross walls (Fig 3.0). Apart from one narrow internal cross-wall, the walls are of rubble stonework (approximately 500mm thick) set in lime mortar. The narrow cross-wall is unlikely to be original construction. There are three brickwork-topped rubble masonry chimneys over the houses, one on each gable and one on the party wall between the houses.



Figure 3.0 Timber roof over byre

With respect to structural condition, the roof ridge was found to be reasonably-well aligned over the attached houses but with a depression just north of the central chimney.

The slate covering was found to be generally intact on the front slope over the houses. A significant but localised loss of slates was found on the rear slope over the north house (Fig 4.0). The ridge tiles and upper courses of slates were found to be missing along most of the byre roof (Fig 3.0 and 5.0).



Figure 4.0 Localised loss of slates on rear slope

All three chimneys retain some of their rendered coating, to varying extents, and where absent significant weathering of the underlying masonry mortar was observed. The central and north chimney were found to be reasonably intact but the south chimney is partially disintegrated; with a visible lean towards the byre (Fig 5.0).



Figure 5.0 Central and south chimneys

The external walls were found to be generally free from evidence of distortion and settlement. A run of near-vertical cracking was observed at the north end of the front elevation (Fig 6.0).



Figure 6.0 Run of near-vertical cracking (to right of window)

Two, out of six number, brick flat-arches on the front elevation and the rubble masonry they support were found to have been rebuilt relatively recently (Fig 7.0). The remaining four number flat arches were found to remain intact.



Figure 7.0

The stonework over the byre door was found to be functioning adequately by corbel action, despite loss of stonework, perhaps with some support from the timber door frame (Fig 8.0). A significant growth of ivy was observed on the south elevation of the byre. The ivy appeared to have been previously cut at ground level but re-established from aerial roots within the masonry at approximately mid height of the gable (Fig 9.0).



Figure 8.0 Byre door opening



Figure 9.0 Ivy growth on byre gable

This growth will have adversely affected the integrity of the masonry locally and will progressively impact on the condition of this wall if left unattended.

The rear elevations was found to be free from evidence of significant distortion and settlement but cracking observed at the north end (Fig 10.0) may indicate detachment between the gable and the rear wall.



Figure 10.0 Cracking at north end of rear elevation

The masonry above the single opening on the rear elevation (Fig 4.0) was found to be adequately supported.

The north gable masonry wall was found to be free from evidence of significant distortion and settlement and much of its roughcast render was found to be intact (Fig 11.0).

Ivy growth on the rear elevation was found to be rooted within the ground and had not significantly affected integrity of the masonry (Fig 5.0).



Figure 11.0 North gable

Internally, both houses were found to be in similar condition. The walls showed no evidence of significant distortion or settlement but exhibit cracking associated with decay of embedded timber lintels over external and internal openings (Fig 12.0). Apart from the localised area in the north house where water ingress was evident through the locally missing roof covering, the timber boarded ceilings and visible ends of timber roof trusses were found to be reasonably dry, free from distortion and free from visible evidence of decay (Fig 13.0).



Figure 12.0 Cracks associated with timber lintels



Figure 13.0 Visually sound truss end and ceiling

The water ingress at the area of missing roof covering was found to have led to localised failure of a truss end and a number of rafter tails (Fig 14.0). This truss end failure accounts for the depression visible in the ridge line above this area.



Figure 14.0 Failed truss end and rafter tails

An intrusive timber condition survey would be required to assess the extent of roof timber decay throughout the building.

Given the condition of the roof and ceilings we consider the roof structure over the housed to be amenable to retention in-situ with a moderate extent of spiced repairs and some replacement of timber elements. Removal of slates, insertion of breathable felt and re-slating would be necessary to restore weathertightness.

Extensive water ingress observed along the length of the byre at ridge level has led to decay of the central truss, the top of the rafters, the upper battens and the purlin ends at the south house gable (Fig 15.0). We consider the extent of damage to warrant replacement of the byre roof.



Figure 15.0 Byre roof damage

The verticality of the front and rear external walls supporting the roof was measured using a 1.2m long digital-inclinometer. The measurement ranged from 87.0° to 89.8°, indicating a slight outward lean. The verticality of these walls remains acceptable i.e. steeper than 84.0° which we deem to be the critical limit for the height and thickness of the relevant walls of this building.

We consider the nature and extent of the defects observed and the current structural condition of the remaining fabric as sufficient to warrant adaption and incorporation of the fabric into a refurbished/extended new build using tried and tested structural repair and improvement techniques.

With respect to the structural report submitted in support of the planning application we summarise our opinion as follows.

The visual observations set out in the report are generally similar to our observations however with respect to the recommendations therein our opinions are as follows.

- Decay of timber lintels could be addressed structurally by replacement (using precast concrete lintels) and localised re-building of supported masonry.
- The suitability of door sizes is debatable; however, alterations could be accommodated structurally without compromising overall structural stability of the masonry walls.
- The recent rendered repairs are not evidence of defects greater than those identified by our visual inspection.
- The measured verticality of the walls indicates that the 'out-of-plumb' walls remain within an acceptable limit. The cracking on the gable wall could be addressed with tried and tested crack stitching methods.
- We consider localised repair and localised replacement of roof timbers over the attached houses to be practical based on our observations. We consider the roof over the byre, however, to be beyond practical repair.
- The configuration of the building does not preclude its adaption and extension.
- Adaptation of the building need not be confined to any particular arrangement.
- The appropriate sizing of the windows is debatable; however, forming openings on the rear elevation need not compromise overall stability of the masonry walls.

We deem the building to be amenable to structural improvement and we deem incorporation of the remaining fabric into a sensitively arranged larger dwelling arrangement to be structurally feasible.

Please note that this report relates to specific purpose noted and that no opinion is offered or is to be inferred with respect to other matters (such as damp, building services, pollution, wildlife etc) which we assume are subject to a separate assessment, if required by other specialists.

Should you require any clarification or further information please contact the undersigned.

Yours faithfully
for ALBERT FRY ASSOCIATES LTD

James P Kerr
B.Sc. (Hon), M.B.A., C.Eng., M.I.C.E., F.I.Struct.E., M.C.M.I.
CARE Accredited Conservation Engineer

Planning Committee Schedule of 11th May 2021

Planning reference: **LA07/2019/1134/O**

Proposal: **Replacement Dwelling & Garage.**

Applicant: **Mr B Mageean**

Location **90 Manse Road Darraghcross.**

Recommendation: **Refusal**

It is not our intention to go over the merits of this case rather we are going to limit our comments to the engineers report.

Following on from the Council Meeting of 17th Nov 2021 and the submission of structural report prepared on behalf of the applicant by Savage Associates and subsequent report compiled on behalf of the Council's Planning Department by Albert Fry Associates it would be fair to say that the reports are very similar in presentation and it is noted that both reports remark on the existing structure in a similar way addressing the defects with the current building, namely "rubble stone work" walls set in lime mortar, loss of roof covering, "chimney is partially disintegrated", "a run of near vertical cracking to external walls, a significant growth of ivy on the south elevation affecting the integrity of the masonry, cracks associated with timber lintels, roof decay, front wall has outward lean. All these indicate that the building is in a poor state of repair.

The observations of the councils engineer are clearly listed in their report and while it is easy to say that these problems can be rectified it has to be at what cost to the applicant and what will the finished construction's life span be. Clearly this structure has no foundations and will require to be under pinned in an attempt to secure the structure and to prevent damp rising through the walls.

Conclusion

The current structures that exist clearly exhibit the characteristics of a dwelling and meet the requirement of Policy CTY3 however the retention of the structure with modifications render this project financially unviable.

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1161/F

Date Received: 7th August 2020

Proposal: Change of Use from rough grazing to motorhome park

Location: Adjacent to No.11 Altnadue Road, Castlewellan

Site Characteristics & Area Characteristics:



The site is comprised of a 0.25 hectare greenfield located along the minor Altnadue Road Castlewellan. The site is accessed via an existing concrete laneway which also serves the applicants dwelling and business at No 11 Altnadue Road. It is elevated above the public road and defined along all boundaries by a post and wire fence. The site is positioned on rising ground between two recently erected dwellings – a single storey dwelling at the roadside, adjacent and west of the access lane to the site and a two-storey dwelling to the immediate north of the site, as can be seen in the image below.



While the Altnadue Road has seen increased pressure for development in recent times, the area remains rural in character and is comprised predominantly of agricultural grazing land with single dwellings and small farm holdings dispersed throughout.

The site is located within the rural area outside any settlement and within an Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015.

Site History:

Q/1982/0026 - 11 ALTNADUE ROAD, CASTLEWELLAN - EXTENSION TO AGRICULTURAL STORE - PERMISSION GRANTED

Q/2001/0312/F - 11 Altnadue Road, Castlewellan. - Erection of a replacement garage. PERMISSION GRANTED - 30.08.2001

Q/2004/0064/O - Adjacent to No 11 Altnadue Road, Castlewellan. - Site for replacement dwelling. PLANNING APPEAL UPHELD

Q/2007/0002/RM - Land directly west and adjacent to 11 Altnadue Road, Castlewellan - Erection of dwelling - PERMISSION GRANTED - 07.08.2008

Q/2013/0276/F - 35m West of 11, Altnadue Road, Castlewellan BT31 9AW - Infill Dwelling - PERMISSION GRANTED - 07.04.2014

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, 3, 6, 16 and 21 in addition, to the history and any other material consideration.

The application was advertised initially in the local press on 09.09.2020

The relevant neighbours were notified of the proposal on 15.09.2021

Consultations:

In assessment of the proposal consultations were considered necessary with

DfI Roads – No objections

DfC Historic Environment Division (HED) – No objections

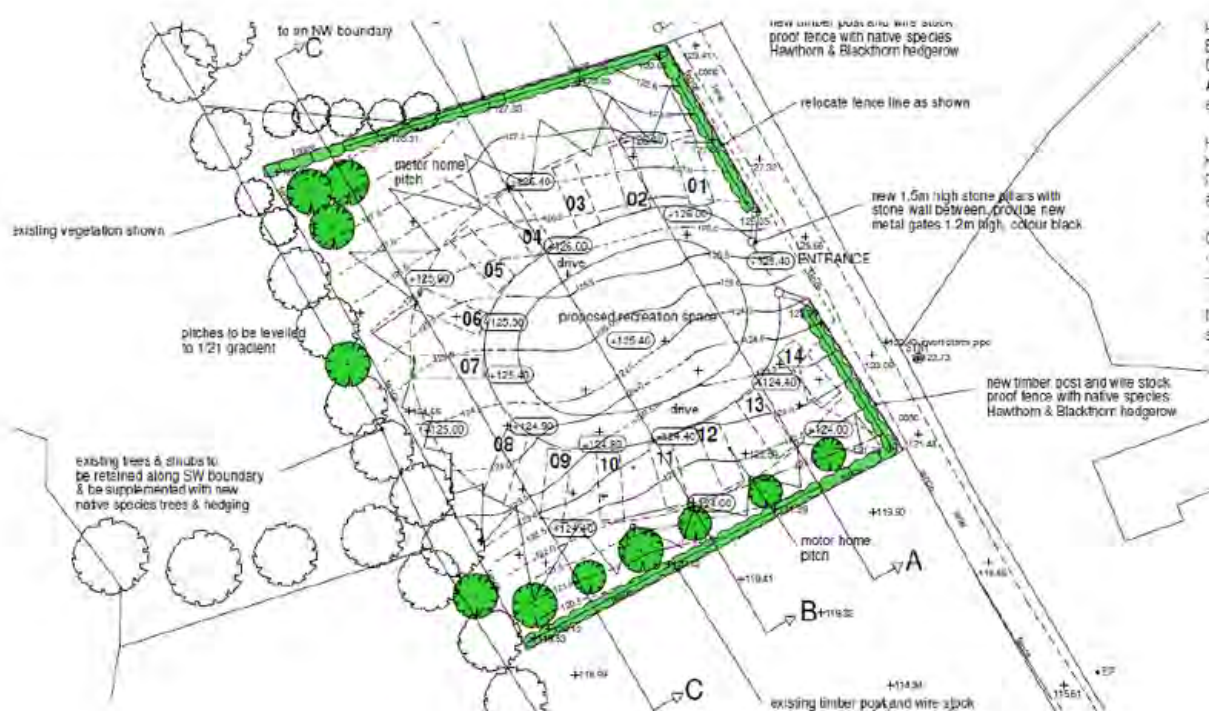
Environmental Health – no objections

Objections & Representations

No objections or letters of representation have been received regarding the proposal.

Consideration and Assessment:

The proposal seeks full planning permission for the change of use of the land from rough grazing to a motorhome park. The site is proposed to be developed as shown below, with 14 motorhome parking bays positioned off a central access drive and communal recreation area.



Strategic Planning Policy Statement

The SPPS states in para 3.8 that 'the guiding principles for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date plan should be approved, unless material considerations indicate otherwise'.

Having considered the proposal against the SPPS and that retained PPS 21 it is noted that the SPPS is less prescriptive and therefore greater weight is afforded to the retained policies.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits a range of development considered to be acceptable and will contribute to the aims of sustainable development. In relation to non-residential development, tourism development proposals in accordance with PPS 16 are permitted.

PPS 16 Tourism

Policy TSM 6 – New and Extended Holiday Parks in the Countryside states that planning permission will be granted for a new holiday park where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;

In consideration of this criterion it is noted that while the site is positioned behind an existing dwelling its elevated nature and lack of sufficient effective screening, means that a holiday park of the type proposed would be readily visible and lack integration.



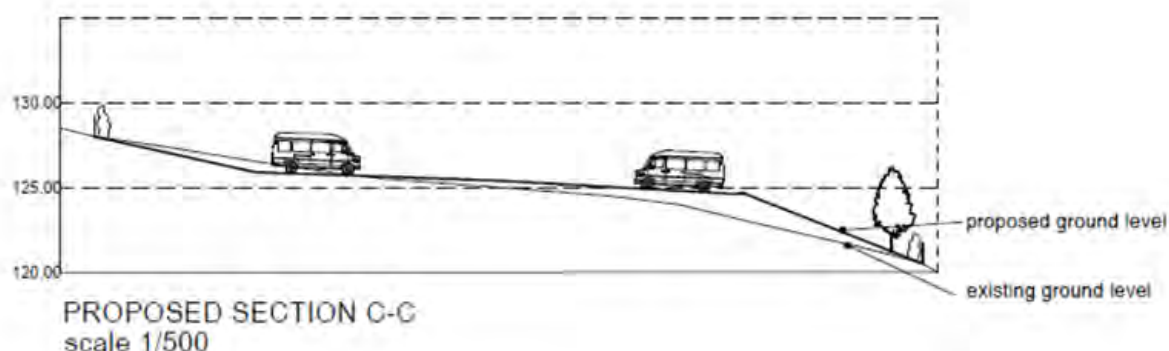
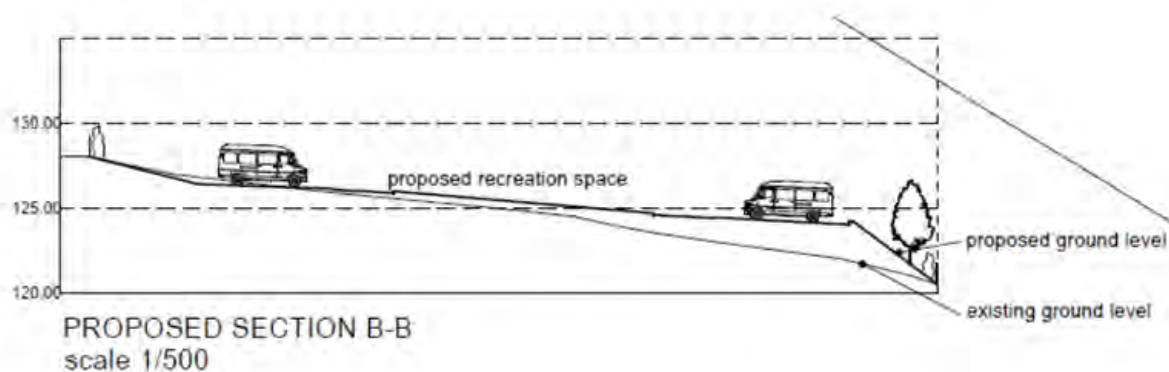
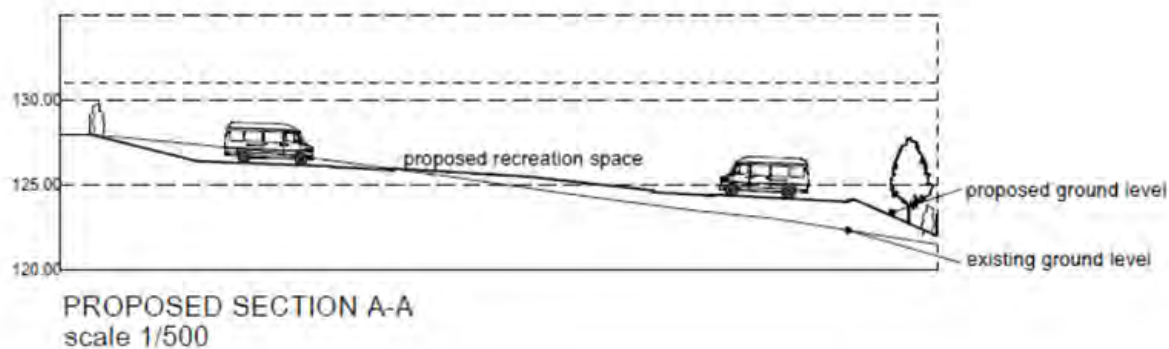
When viewed from longer distances at Market Road for example, as shown in the image above, the elevated and open nature of the site is evident and would not allow for the successful integration of 14 motorhomes. The proposal from these viewpoints would be unduly conspicuous in the landscape.

Furthermore, in order to develop the site, a substantial level of cut and fill would be required to facilitate the development given the levels of the site.

The cross section drawings below, show the level of works required and highlight the unsuitability of the site for the development proposed.

Section B-B in particular shows that the site would have to be filled in excess of 2m to provide a level surface upon which the motorhomes could be parked. This level of alteration to the landscape is considered to be unacceptable, particularly given the elevated and conspicuous nature of the site and its surroundings.

The proposal could not be developed without adverse impact on the visual amenity and character of the area.



The proposal does not comply with this criterion

b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;

As detailed above the site lacks sufficient natural or built features which would provide effective integration into the landscape.

The proposal does not comply with this criterion.

c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;

In assessment of that submitted against the above requirement it is noted that the site is intended to accommodate 14 motorhomes within a 0.25-hectare site. A central communal area has been

provided, it is considered therefore that there is adequate provision of communal open space within the development.

d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;

The above site layout plan clearly demonstrates that the motorhomes will be positioned within the site in a formal arrangement around a central driveway. While it is noted that the boundaries of the site are to be planted, such planting would take a considerable amount of time to mature, in the interim the development would appear unduly conspicuous in the landscape. The proposal would not benefit from soft landscaping.

e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

Not applicable in this case.

f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;

In assessment of the above it is noted that there is a monument in the immediate area – an Enclosure DOW043:047. In assessment of this feature, Historic environment division have been consulted. They have offered no objection to the proposal and advised the Planning Authority that they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

g) Mains water supply and sewerage services must be utilised where available and practicable.

Not applicable in this case.

It is considered therefore, based on the above assessment that the proposal does not comply satisfactorily with the requirements of TSM 6 of PPS 16 and consequently CTY 1 of PPS 21. It will therefore be refused on that basis.

TSM 7 Criteria for Tourism Development

All proposals for tourism development are subject to consideration under TSM 7 of PPS 16, which requires proposals to meet the Design Criteria listed A – F and General Criteria G-O.

Design Criteria

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

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

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

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

- (e) is designed to deter crime and promote personal safety;
- (f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

General Criteria

- (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h) it does not harm the amenities of nearby residents;
- (i) it does not adversely affect features of the natural or built heritage;
- (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k) access arrangements must be in accordance with the Department's published guidance;
- (l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
- (m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;
- (n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
- (o) it does not extinguish or significantly constrain an existing or planned public access to the coastline

As discussed above, all statutory consultees have returned no objections to the proposal, however, the Planning Authority consider that the application if permitted would offend criteria (C) and (G) in that the site does not have the necessary enclosure and consequently the proposed use would have a detrimental impact on the landscape quality and character of the surrounding rural area.

TSM 8 – Safeguarding Tourism Assets

This policy states that Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. This policy is applicable given the sites location with the AONB.

Paragraph 7.40 of TSM 8 advises that the safeguarding of tourism assets from unnecessary, inappropriate or excessive development is a vital element in securing a viable and sustainable tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists.

As discussed above, it is considered that approval of this proposal would have a detrimental impact on the AONB, due to the sites lack integration and consequential conspicuous nature within the surrounding landscape. For this reason the proposal fails to comply with TSM 8.

CTY13 Integration and Design of Buildings in the Countryside

In assessment of the design, siting and integration of the proposal, Policy CTY13 of PPS 21 is applicable which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

It is considered that when travelling along Altnadue Road, the proposal if permitted would be notable due to sites elevated nature and lack of integration.

While viewing the site from more medium to long distances, as described above, it is considered that the proposal would be a prominent feature in the landscape, due to the lack of integration of the site.

As discussed above, the ancillary works to enable the site to be used for its intended purposes would require a significant level of cut and fill. Such works are deemed to be unacceptable and would not integrate within their surroundings.

While it is noted that the applicant has indicated new landscaping, such planting will take time to mature and would not provide the proposal with the necessary integration in the meantime. The Planning Authority consider therefore that the proposal would not have an acceptable level of integration and would in turn increase the overall visual impact of the proposal on the area.

The proposal therefore fails to comply satisfactorily with the requirements of CTY 13.

CTY 14 Rural Character

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

A new building will be unacceptable where:

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

Paragraph 5.75 of CTY 14 states that the countryside of Northern Ireland is valued for its intrinsic landscape character, nature conservation interest and built heritage, as well as being a resource for tourism and recreation. While the countryside is constantly changing in response to human activity, the pace of change is now more rapid than ever. This has resulted in the erosion of the rural character of parts of the Region, some of which now appear sub-urbanised and built-up due to the cumulative effect of ongoing development.

It follows therefore that the cumulative impact of a proposal for a motor home park for 14 vehicles on a site which lacks sufficient existing vegetation to effectively absorb and integrate the development

would be detrimental to the rural character of that landscape. It is for this reason also that the application is recommended for refusal.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. The site is sufficiently removed from any nationally or internationally designated site or local site of nature conservation importance. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that ;

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

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

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it does not comply satisfactorily with the requirements of Policy NH 6.

PPS 3

The proposal seeks to use and existing unaltered access onto Altnadue Road.

Policy AMP 2 of PPS 3 is applicable which states planning permission will be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic

(B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Criteria A is applicable.

Following a consultation with DfI Roads, they have advised, there are no objections to the proposal.

It is considered that PPS 3 has therefore been complied with,

Conclusion

On balance and taking into account the objection letters it is concluded that the proposal would cause demonstrable harm to interests of acknowledged importance and is unacceptable to prevailing policy requirements.

Drawings

The Drawings considered as part of this assessment are as follows

1 and J770 / SK02 Rev A

Recommendation: **REFUSAL**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policies CTY1, CTY13 and CTY14 of Planning Policy Statement 21, Policy TSM 6, TSM 7 and TSM 8 of Planning Policy Statement 16 Tourism and NH 6 of Planning Policy Statement 2 in that the proposal in terms of siting, layout and landscaping is not based on an overall design concept that respects the surrounding landscape, rural character and site context.

Case Officer: Claire Cooney **Date 17.12.2021**

Authorised Officer: David Fitzsimon **Date: 17.12.2021**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1370/O

Date Received: 26.07.2021

Proposal: Infill development of 2 no. dwellings

Location: Land located between No.22 and No.22B Lurgan Road, Silverbridge, Newry, BT35 9EF

Site Characteristics & Area Characteristics:

The application site is part of an agricultural field, located off the Lurgan Road, Silverbridge. It is located between number 22 and 22b Lurgan Road. There are a number of small residential dwellings located to the north of the application site and there is a dwelling located to the south of the site also. The northern boundary is undefined whereas the southern boundary has a native hedgerow present, alongside some trees.

The application site is located outside any settlement limit as designated within the Banbridge/Newry and Mourne Area Plan 2015. The site lies within a designated Area of Outstanding Natural Beauty (AONB).

Site History:

P/2002/1748/F

- Rear of 20 & 22 Lurgan Road, Lurgancullenboy, Silverbridge, Co Armagh
- One and a half storey dwelling and garage
- Permission Granted 06.06.2003

P/2001/0057/O

- Site for dwelling
- Site to rear of Nos. 20 & 22 Lurgan Road, Lurgancullenboy, Silverbridge, Newry
- Permission Granted 14.03.2001

P/2000/0918/O

- Site for dwelling
- To rear of 20 and 22 Lurgan Road, Lurgancullenboy, Silverbridge, Newry

- Application Withdrawn

Planning Policies and Material Considerations:

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2

Consultations:

DfI Roads – No objections to proposal

NI Water – No objections

Objections and Representations:

Neighbours were notified of the proposal 16.08.2021. The proposal was also advertised in local press on 18.08.2021.

No objections or representations have been submitted for consideration.

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

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY8.

Policy CTY 8 – Ribbon Development

As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Along the Lurgan Road, there is more than the requisite three buildings with frontage onto the road. The gap site (which incorporates the application site) between 22 and 22B Lurgan Road measures approximately 144m. This gap, between buildings, is not a small gap site. Based on the development pattern present, the site could accommodate more than the two houses proposed and therefore does not meet the criteria to be an exception to policy. This large gap site serves to provide relief and a visual break in the developed appearance of the locality along Lurgan Road and helps maintain rural character.

The proposal is for two dwellings. It is not consistent with the existing development pattern along Lurgan Road and would appear incongruous in this rural area. It does not respect the existing frontage in term of plot size or frontage onto the road.

An email was sent to the agent (17th Dec 2021) outlining these concerns and an additional supporting statement was received by the Department. The agent outlines in this response *'it does not require that that the gap site is the smallest in terms of plot size, the narrowest in terms of plot frontage but rather that the infilling design solution respects the existing pattern of development'*.

The Planning Department partly agree with the above statement, in that a gap site does not need to be smallest or narrowest in a line of frontages but would respectfully disagree with the agent's belief that the proposal for two dwellings on this site respects the existing pattern of development.

Having considered the information forwarded in both the initial planning statement and additional information forwarded, the Planning Department are of the opinion that the proposal is not an exception to policy.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The dwellings, subject to relevant conditions concerning ridge height etc., would not be a prominent feature in the landscape. Ancillary works would integrate with their surroundings. The design of the buildings and their ability to blend with surroundings, would be assessed at Reserved Matters stage.

The proposal, given the exposed nature of the site, would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Within the proposal, most of the low-level hedging to the roadside boundary will be removed. The site would rely primarily

on the use of new landscaping for integration. The proposal is therefore contrary to CTY 13, criteria b) and c).

CTY 14 – Rural Character

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

The proposal is contrary to CTY 14 in that the proposal does not respect the existing pattern of settlement exhibited along Lurgan Road. The plot sizes of the two dwellings proposed are considerably larger than the plot sizes for the surrounding buildings. The proposal would add to a ribbon of development along Lurgan Road. The proposal would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings along Lurgan Road and would cause a detrimental change to and further erode the rural character of the local area.

CTY 16 – Development relying on non-mains sewerage

The application complies with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage.

NH 6 – Areas of Outstanding Natural Beauty

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

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

The siting of the proposal is not sympathetic to the special character of the AONB in that it would contribute to ribbon development along Lurgan Road.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that
 - the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, add to a ribbon development along Lurgan Road;
 - the proposal does not respect the existing development pattern along the road frontage in terms of plot size;and does not represent an exception to policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:
 - The site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape; and
 - The site relies primarily on the use of new landscaping for integration.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:
 - The proposal does not respect the existing pattern of settlement exhibited in the area;
 - The proposal would add to a ribbon of development along Lurgan Road; and
 - result in a suburban style build-up of development when viewed with existing and approved buildings along Lurgan Road, which would result in a detrimental change to the rural character of the area.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is not sympathetic to the special character of the AONB.

Case Officer: E.Moore 14/01/2022

Authorised Officer: A.Davidson 14/01/2022



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1318/O

Date Received: 14/07/2021

Proposal: Infill Dwelling

Location: Site between 11 and 13 Tullydonnell Road, Silverbridge

Site Characteristics & Area Characteristics:

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

The site is an area of agricultural land positioned on the edge of the public road, the site rises quite steeply to the southeast and rear boundary of the site.

The site has No 13 adjacent and south, this property is two-storey in design with a hipped roof, the property is elevated above the road with a large amenity area sweeping down to the roadside. To the north of the site there is a narrow lane that provides access to a single storey dwelling No 11 and its associated farm buildings, the property and buildings are set back from the public road and positioned to the east of the application site.

The site is within a rural area with a few other properties and agricultural buildings in the vicinity, at present the area remains rural.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

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

- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections.

NI Water – No objections.

Objections & Representations:

The application was advertised on 04/08/2021 and three neighbours were notified on 16/08/2021. No representations or objections have been received.

Consideration and Assessment:**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for gap site which is accordance with policy CTY8.

Principle of Development

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The application site has No 13 to the south and this property is considered to have a frontage with the public road given the substantial garden area fronting the road. No 11 and its associated building, which are located to the east of the site, have their access lane running along the boundary with the application site, but the dwelling and buildings are set back from the public road with agricultural land between the road and the buildings. As a consequence, these buildings do not have a frontage with the public road. Although the laneway provides the access/exit point to the road the curtilage of the property is set back from and does not extend to the public road due to the intervening agricultural land. As a result, this property is not considered to have a road frontage.

The agent has submitted some information to argue that although the property and buildings at No 11 are set back from the public road the fact that the laneway runs to the road is sufficient to establish that the buildings have a road frontage, the agent included some examples which they state relate to the proposal. Consideration has been given to the information and examples submitted, however it is considered that limited weight should be attached to these as the circumstances pertaining to each, including related planning history, are different. No 11 clearly does not have a frontage to the road since it is accessed via a single laneway and is set some distance back from the road frontage. In arriving at this conclusion, the Planning Department has fully considered the requirements of the relevant planning policies and all other material considerations.

As a result, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would create a ribbon of development.

The proposal is not considered an exception to policy and there are no reasons why the development is essential in this rural location. It is therefore contrary to CTY1 and CTY 8 of PPS 21.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a prominent feature in the landscape. The site at present is open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening would require the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated the site is open and so any dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area and a dwelling on the site would create a ribbon of development along Tullydonnell Road. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The proposal (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, result in the creation of ribbon development along Tullydonnell Road and does not represent an exception of policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for a building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson

Date: 25/02/2022

Authorised Officer: Pat Rooney

Date: 04/03/2022

Re: Planning Reference: LA07/2021/1318/O
Proposal: Site for Infill dwelling
at Site between Site between 11 and 13 Tullydonnell Road Silverbridge
Newry Co. Down

This application qualifies for approval under infill status as the proposal constitutes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

CTY8 5.33 clarifies "For the purposes of this policy a road frontage includes a footpath or private lane. 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 are a minimum 3 buildings, all sharing a common frontage and are visually linked along Tullydonnell Road. The attached diagram clearly shows that this is the case.

The Department has stated that "No 11 and its associated building, which are located to the east of the site, have their access lane running along the boundary with the application site, but the dwelling and buildings are set back from the public road with agricultural land between the road and the buildings. As a consequence, these buildings do not have a frontage with the public road. Although the laneway provides the access/exit point to the road the curtilage of the property is set back from and does not extend to the public road due to the intervening agricultural land. As a result, this property is not considered to have a road frontage".

The department have described the access to the buildings as a laneway. The access is the actual driveway and entrance onto the road. A laneway would suggest that it may not be part of the curtilage of the buildings; however a driveway confirms ownership and part of the curtilage. This driveway has small grass verges either side and hedges that have been maintained over the years. The driveway also has a substantial wall and Pillar entrance. See photo 1. This is a vitally important point.

This important point is further highlighted in the department's approval, LA07/2021/1211/O. The Officer stated, "***The frontage of No.54's is relatively narrow however includes the driveway with maintained curtilage to either side.***"

In another approval by the department, LA07/2020/0508/O, they referred to an overgrown non-functioning access track which led down To derelict buildings, as having a frontage, as this extended to the road. Our application as stated above is a fully functioning maintained driveway, grass verge and manicured boundary hedge wall and Pillar entrance, where wheelie bins are left for collection. This constitutes a road frontage and the site fully complies with policy CTY8 and the first test is met.

The department stated *“Consideration has been given to the information and examples submitted, however it is considered that limited weight should be attached to these as the circumstances pertaining to each, including related planning history, are different.*

No. 11 clearly does not have a frontage to the road since it is accessed via a single laneway and is set some distance back from the road frontage.” The term limited here is being used to potentially try and minimise the presence of a driveway and curtilage, constituting a qualifying road frontage for infill, however the term limited weight acknowledges that the Department believes there is some weight to our argument. With regards the related planning history of both example sites, I can't understand why this was mentioned as both Planning reports stated that there was no relevant Planning History.

An explanation as to why they are different has not been given by the department, however all examples provided have a narrow access from the road leading to the buildings and they were classed as being part of the curtilage

The department stated *“As a result, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would create a ribbon of development.”*

However a ribbon of development already exists here regardless of whether or not the buildings have a common frontage. PPS21 Policy CTY8 paragraph 5.33 clearly states what ribbon development is.

‘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.’ It is clear that these buildings are visually linked so therefore the positioning of a dwelling in this gap will not create a ribbon.

The department have stated that *“Although the laneway provides the access/exit point to the road the curtilage of the property is set back from and does not extend to the public road due to the intervening agricultural land. This in itself confirms that the curtilage of the site extends to the road. The curtilage of the site includes a driveway or access up to buildings. The department has endorsed this as acceptable as per the 2 mentioned approvals with access up to the buildings from the road.*



Photo 1.

The image below, picture 2, shows the buildings in question that make up the existing ribbon of development with a gap.

The image below, Picture 3, shows the curtilage of the buildings all leading down to the main road and therefore has a common frontage.

Picture 4 image below shows a department approved site, LA07/2020/0508/O with access to the main road. This is the approved site that was described as having an overgrown non-functioning access track. The buildings in this case are set back, just as per our application. The access down to the buildings in the approved case was much narrower was overgrown and had not been used for many years.

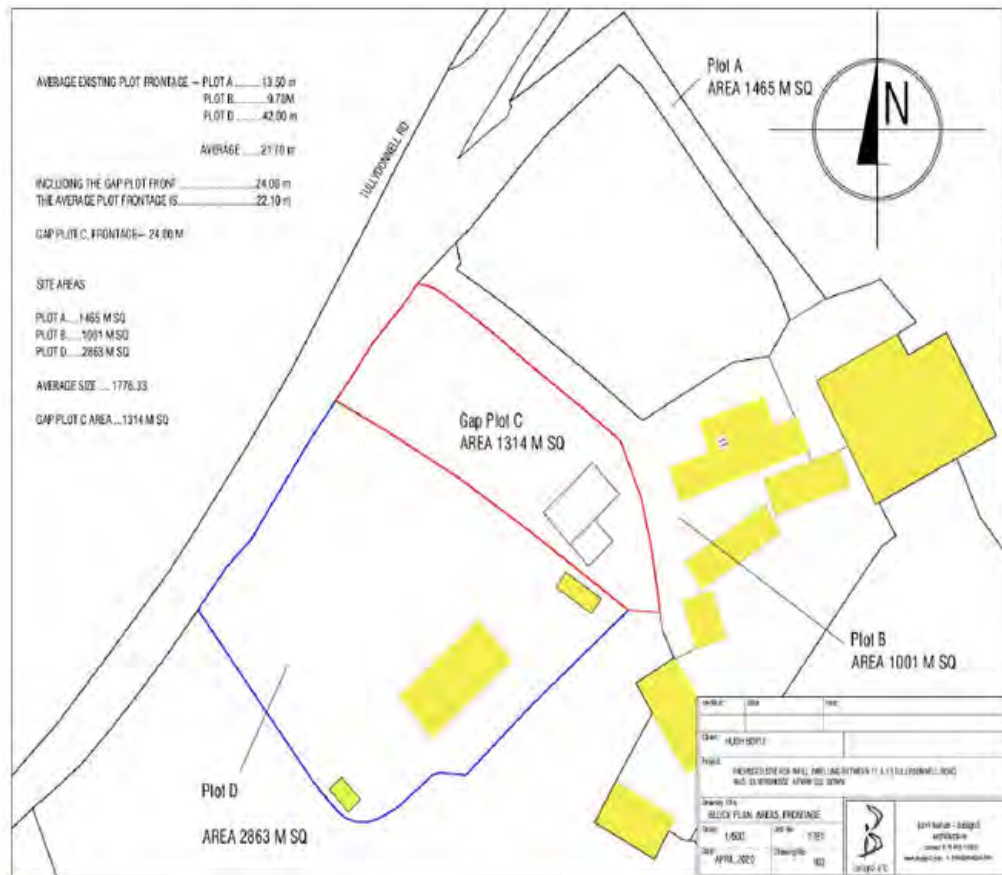


photo2

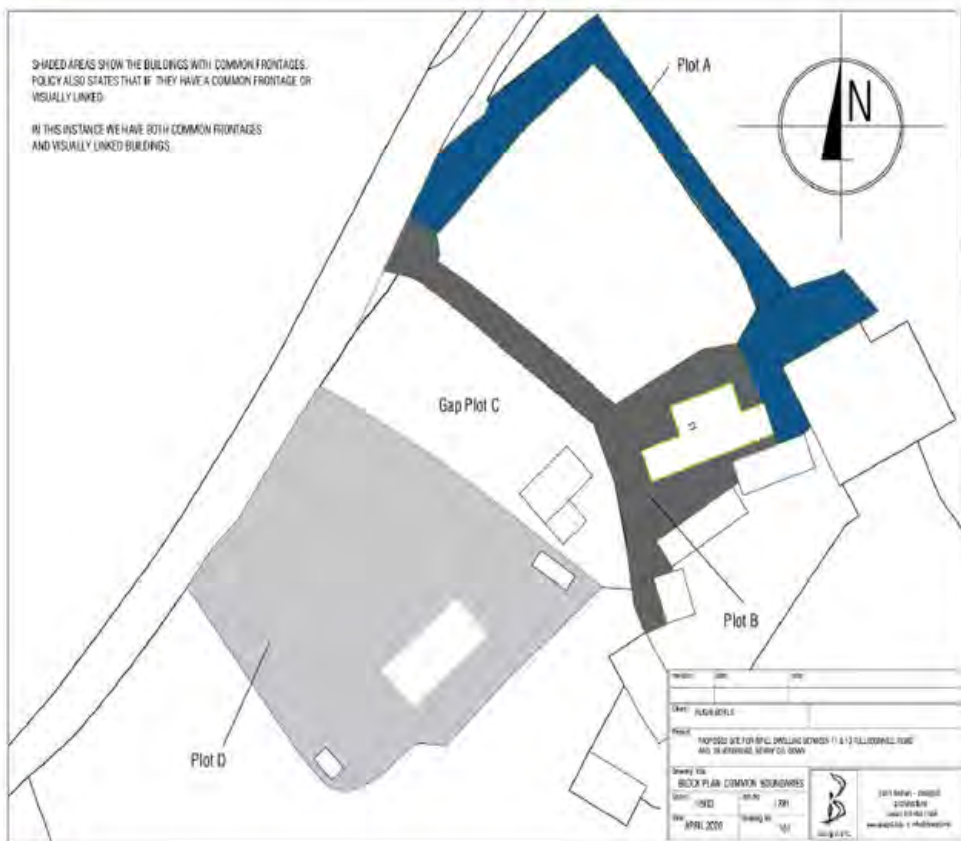


Photo 3



If the proposal has an exception to the ribbon development policy in CTY8 it therefore should be considered that Policy Cty 1 is overturned and the proposal would not result in a detrimental change the character of the rural area in terms of extending a ribbon of development meaning it can also satisfy criteria cty13 and policy cty14. Furthermore it can be considered that the development of a small gap site within an otherwise substantially built up frontage can also respect the existing development displayed in the locality and overall there would be no detrimental impact caused to the character of the rural area

A suitably designed house taking into consideration size & scale whilst using local materials and respecting local architecture will ensure compliance with Policy NH6 of PPS 2



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1171/F

Date Received: 16.06.2021

Proposal: Proposed farm dwelling with associated site works and landscaping

Location: Lands adjacent and 64m SW of no.22 Donaghaguy Road Warrenpoint BT34 3RZ

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located outwith any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan (Map 3/01 Newry and Mourne District). The application site is located off an agricultural laneway off the Donaghaguy Road. The site is on unzoned land within the open countryside and is located approximately 0.23 miles north east of the settlement development limit of Warrenpoint. The application site has been screened for natural and historic environment features. The application site is located within an Area of Outstanding Natural Beauty (AONB).

1.2 The application is for a proposed farm dwelling with associated site works and landscaping. It is proposed that the dwelling is accessed via an existing agricultural laneway. The dwelling proposed is a two-storey dwelling which features an attached garage and a curved round design giving an enclosed court yard like feel. It is proposed that the dwelling will be located to the rear of the existing buildings on site. The site is proposed to be enclosed and landscaped via a mixture of existing hedgerows/vegetation and new native hedgerows and vegetation. The site layout plan shows the effluent treatment tank to the other side of the post and wire fence with native hedgerow; effectively outside the proposed curtilage of the dwelling.

1.3 The surrounding area is predominately agricultural fields and dwellings with associated farm holdings. There is a mix of dwelling house types within the surrounding area to include bungalows to two storey dwellings.

Image 1 Extract from Site Location Plan



Image 2 Extract from the Site Layout Plan



Image 3 Image of the application site (taken on site inspection)



2.0 Planning Policies and Material Considerations

2.1 This planning application has been assessed against the following policies:

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

3.0 Site History

3.1 The Planning History of the application site has been assessed; there have been two applications on the proposed site which are set out below.

3.2 Planning History Table

| Reference | Location | Proposal | Status |
|---------------|--|--|----------|
| P/2015/0159/F | 80 metres south west of no 22 Donaghaguy Road Donaghaguy Warrenpoint | Retention of infilling of agricultural land | Approved |
| P/2014/0042/F | 65 metres south west of no 22 Donaghaguy Road Warrenpoint. | Re-location of existing horse shelter, retention of hardcored area, proposed storage shed midden and underground slurry tank | Approved |

3.3 Application P/2014/0042/F was assessed against policy OS3 of PPS 8 Outdoor Recreation within the Countryside.

4.0 Consultations

4.1 The following bodies were consulted in relation to the proposed application:

- NI Water – Approved with standard planning conditions
- DAERA – Confirmed the status of the farm. DAERA set out that the farm business ID was allocated on the 23rd December 2013. The farm business is a category 3. DAERA state that prior to 2021, the proposed site was located on land associated with another farm business. This is discussed further below.
- DFI Roads – Requested further information and amendments to the plans. Following amendments being submitted DFI Roads were content with the proposals and provided conditions to be attached to any decision notice issued.
- DFI Rivers – No objections to the proposal

5.0 Objections and Representations

5.1 13 neighbours were identified to be notified with regards to this application and notified of it on the 16th August 2021. The application was advertised in the local press on the 14th July 2021. Two objections were received (on the 12th August and 23rd August 2021) with regards to the application and various email correspondence raising concerns and questions throughout the process.

5.2 Objection from Mr McConville dated 12th August 2021 comments include but not limited to:

- I am led to believe that the applicant will be unable to fulfil the criterion of Policy CTY10 as such. My main concern is the current owner has submitted an application which is incorrect and misleading.
- On the architects Plans and Drawing title Site Layout Plan PL-01 and PL-03 indicates that there is are two existing farm buildings sitting on a concrete farm yard. Is the applicant claiming that her farm is four small fields shown on the map... a person can't just buy a few fields in the countryside claim it to be a farm and then build a house on it.
- There is no farm nor farm buildings at this location. CTY10 operates with a presumption that the dwelling is sited to either visually link or cluster with an established group of buildings on the farm.
- The current two buildings were only granted permission when ... DARD confirming that the business was not active or established for more than 6 years. Need was not a material consideration so the application P/2014/0042/F was subsequently amended and only considered under PPS8 Policy OS3 Outdoor Recreation in the Countryside.
- The applicant ... lives ... just outside Warrenpoint ... and the farm buildings are in fact a horse shelter and store for her horses which are kept in these fields and used for recreational purposes. So I suggest that the use is no longer Agricultural. See Item 4 on Form P1.
- No farming or agricultural activity takes place at this location. The horse shelter, store and land infill are now complete but the only activity I see at this location is related to caring for and exercising horses.
- Can DARD confirm the business is currently active and has been established for at least 6 years... Farmers are expected to keep accounts, receipts, and bank statements and should have little difficulty in providing these along with a detailed description of their agricultural activity.
- Form P1 declaration, on page 3, states that Access arrangements for the development involves the use of an existing unaltered access to a public road when in fact, I understand that Transport NI Southern Division has already pointed out to the applicant in her retrospective application P/204/0042/F that the existing vehicular access is sub-standard and that, in the applicant's interests and that of other road users measures should be taken to provide acceptable visibility.
- The red line on the application plans submitted extends outside the applicant's ownership and show visibility across lands not in possession or control of Mrs McCullough. Currently she has not established a legal right to view across my land. So, certificate of Ownership at A is incorrect and misleading.
- The Donaghaguy Road at the site entrance is currently subject to the National Speed Limit. It is a very busy road for vehicles and pedestrians; indeed, many drivers use it to avoid the town of Warrenpoint.

- Two previous planning applications on the Donaghaguy Road are mentioned whereby changes were required to the entrance and visibility (LA07/2019/0840/F and LA07/2017/1347/F).
- The architects plan with drawing title Site Entrance Detail PL-02 does not comply with current requirements nor does it give any written details on how the visibility splays is to be achieved. Development Control Advice Note 15 Vehicular Access Standards states that *it is not the Department's policy to grant planning permission for the development involving the creation of an access and/or visibility splays unless the applicant is able to demonstrate control or the reasonable prospect of acquiring control of any land likely to be the subject of a condition relating to the provision of any such access and/or visibility splays.* At no time has the applicant or her agent approached me or my family to discuss how her development can have safe entrance/exit without making changes to my property.
- The site, like my home, lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its design, siting and scale which does not respect the special character and landscape quality of the locality.
- The site is sitting in a natural depression and all the land rises away from the buildings in all directions. This leaves the area susceptible to flooding. In fact, only a few years ago the whole area was under water for a considerable time.
- The architects Site Layout Plan indicates that there is a slough as part of the boundary with No22 but fails to state that this is in fact a watercourse which is fed by surface water from the surrounding fields and to my knowledge at least two natural springs.
- The submitted details in this current application fail to demonstrate that the proposed development will be free from flooding as they do not control the flow away from this watercourse. The declaration at Item 19 Assessment of Floor Risk on the Form P1 is again incorrect and misleading.
- I fear that the development proposals and substantial infilling of land to build a large house of over 2600 sq ft may in themselves be directly responsible for putting my land at risk from flooding.

5.3 Objection from Mrs E Quinn received to the Planning Department on the 23rd August 2021 comments include but not limited to:

- The applicant will be unable to fulfil the criterion of Policy CTY10 and I would strongly advise that this is investigated within the process of considering this application.
- The owner has submitted an application which is incorrect and misleading.
- Access arrangements for the development involves the use of an existing unaltered access to a public road when in fact, I understand that Transport NI Southern Division has already pointed out to the applicant in her retrospective application P/204/0042/F that the existing vehicular access is

sub-standard and that, in the applicant's interests and that of other road users measures should be taken to provide acceptable visibility.

- The red line on the application submitted extends outside the applicant's ownership and shows visibility across lands not in possession or control of the applicant. Furthermore, the applicant has not approached me as the owner of the lands to request legal right to view across my land. Certificate A is incorrect and misleading.
- My boundary hedge and roadside bank does not let anyone exiting the lane to have visibility other than for agricultural use and certainly not within the boundaries outlined here which I understand are considered as 'standard'.
- Two communication poles have very recently been erected on this bank which is further restricting visibility.
- The Donaghaguy Road at the site entrance is currently subject to the National Speed Limit. It is a very busy road for vehicles and pedestrians; indeed, many drivers use it to avoid the town of Warrenpoint.
- Two previous planning applications on the Donaghaguy Road are mentioned whereby changes were required to the entrance and visibility (LA07/2019/0840/F and LA07/2017/1347/F).
- The architects plan with drawing title Site Entrance Detail PL-02 does not comply with current requirements nor does it give any written details on how the visibility splays is to be achieved. At no time has the applicant or agent approached me or my family to discuss how her development can have a safe entrance/exit without making changes to my land.
- The site, like my home, lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its design, siting and scale which does not respect the special character and landscape quality of the locality.
- The site is sitting in a natural depression and all the land rises away from the buildings in all directions. This leaves the area susceptible to flooding. In fact, only a few years ago the whole area was under water for a considerable time.
- The architects Site Layout Plan indicates that there is a slough as part of the boundary with No22 but fails to state that this is in fact a watercourse which is fed by surface water from the surrounding fields and to my knowledge at least two natural springs.
- The submitted details in this current application fail to demonstrate that the proposed development will be free from flooding as they do not control the flow away from this watercourse. The declaration at item 19 Assessment of Flood Risk on the Form P1 is again incorrect and misleading.
- I fear that the development proposals and substantial infilling of land to build a large house with a large footprint may in themselves be directly responsible for putting my land at risk from flooding.

- On the architects plans with drawing title Site Layout Plan numbered PL-01 and PL-03 indicates that there are two existing farm buildings on a concrete farm yard. These buildings cannot be identified as farm buildings as the proposal does not meet the policy requirements of PPS21 CTY10.
- CTY10 operates with a presumption that the dwelling is sited to either visually link or cluster with an established group of buildings on the farm. The proposed dwelling on a farm is not visually linked or sited to cluster with an established group of buildings on a farm.
- The applicant is claiming that her farm is four small fields shown on the farm map submitted to the Department ... The current two buildings were only granted permission when ... DARD confirming that the business was not active or established for more than 6 years. Need was not a material consideration so the application P/2014/0042/F was subsequently amended and only considered under PPS8 Policy OS3 Outdoor Recreation in the Countryside.
- I have a duty to make you aware that the ... farm buildings are in fact a horse shelter and store for horses owned by the applicant which are kept in these fields for recreational purposes. No farming activity takes place at this location. The horse shelter, store, and land infill are now complete but the only activity I see at this location is related to caring for and exercising horses.
- As such I do not agree with the concept that these are farm buildings and the operations being undertaken align with farm/agricultural activities which are required to permit the approval of a 'farm dwelling.'
- I believe that DARD will confirm the farm business is not currently active and has been established for at least 6 years...
- Overall, I object to this planning to this planning application on three accounts:
 1. The fact that there are no farm buildings nor in my opinion, agricultural activities on the land/site to enable the application to be made as a 'farm dwelling.'
 2. The lack and inadequacy of visibility/site lines with the applicant's control
 3. The significant risk of flooding.

5.4 Email from Mr Mc Conville dated 11th October which made the following points but not limited to:

- We see that the Department of Agriculture, Environment and Rural Affairs (DAERA) has been consulted regarding the proposal and responded confirming that a farm business ID was allocated on 23/12/2013 and the business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years.
- We understand that the Planning Department must be satisfied that in line with the requirements of CTY10 the farm business has been active in the six years preceding the date of this current application. It is noted that the

test poised by Criterion (a) of Policy CTY10 would be not whether the applicant is an active farmer but whether the farm business is active and established. It would appear that the farm business in question has been allocated a DAERA Farm Business ID in 2013, but the question remains if the business can be considered as active? In their responses dated 6th September and 07 October 2021 DAERA state that the proposed land is located on land associated with another farm business.

- Even if the applicant has been undertaking activity related to the maintenance of the land with some financial burden falling on her however it is the other farm business which seems to be active in farming the land not the applicant's farm business. This is contrary to Criterion (a) of CTY10.
- The architects plan with drawing title Site Entrance Detail PL-02 does not comply with the current requirements nor does it give any written details on how the visibility splay is to be achieved. The consultation response from DFI Roads dated 28/09/2021 indicates on the checklist that there is car parking provision and that there is no street furniture to be moved/removed. The area on Site Entrance Detail PL-02 map identifies an area to the East of the lane which is owned by me and my wife. This is the entrance to my garden for machinery and is not available to the applicant to use for parking as it would interfere with the possession of my property. Also the site visit by the Department's officer must have been made before two telegraph poles were placed in the verge to the west of the lane to carry cables for a Broadband company.
- The amended Site Location Plan (received 11th October) is still incorrect in that the red line includes areas not in ownership.
- No details have been submitted to demonstrate how this very large building and paved area is responding to the landscape within it is planned to site and the proposal to infill lands rather than let the building blend within the existing landscape/landform is contrary to CTY13. Furthermore, when viewed with the existing buildings in the area and at my property, house and garage, the proposed development will result in a suburban style build-up contrary to CTY14 and may result in inappropriate development, have an adverse impact on the rural character of the area, contrary to the aims and objectives of strategic planning policy.
- ... Planning permission must be refused as the documents on which this application is based have now ceased to be true and no valid planning permission should be issued on foot of the Certificate of Ownership.

5.5 Email from Mr McConville dated 16th October 2021 with comments regarding visibility splays following new site entrance plan submitted:

- Photographs sent on 11th October that no changes have been made to the lane entrance that was declared substandard by DFI Roads on the applicants application for the horse shelter and store back in 2014. So on this issue alone, if permitted it will prejudice the safety and convenience of road users due to the applicants proposal to intensify the use of the entrance where the visibility splay envelope of 2.4m X 70m in both

directions cannot be provided, as required by DFI Roads consultancy reply dated 28/09/2021.

5.6 Email from Mr McConville dated 6th September 2021 with comments in relation to the planning application but not limited to:

- Fields are now recreational. There is no farm nor farm buildings at this site. A number of cows have now been placed in the fields in the last week but I believe that these belong to a neighbouring farmer.
- Design and Access Statement is misleading
- Surface Water Flooding is indicated on the flood maps along the boundary and into the subject site. The issues of flooding has not been satisfactorily addressed in the application as highlighted in our objections. There may be an issue also with the proposed location of the effluent storage tank having regard to flooding. The applicant has failed to demonstrate that her development will not, in any circumstances, create or add to a pollution problem.
- No details have been submitted to demonstrate how the building is responding to the landscape within which it is planned to site and the proposal to infill lands rather than let the building blend within the existing landscape/landform is contrary to CTY13. Furthermore, when viewed with the existing buildings in the area at my property the proposed development will result in a suburban style build-up contrary to CTY14.

5.7 Email received Mr McConville dated 10th December 2021:

- The amended site location plan is incorrect in that the red line includes areas not in ownership, actual possession of every part or control of the land to which the application relates despite the Planning Application Declaration declaring absolute ownership of land.
- Included is a certified map extract folio 30014 County Down which show the boundary of the field immediately West of the laneway the applicant is seeking to use an exit to her site to the rear of No.22 and across the land the application certificate A refers.

5.8 A detailed summary of the objections/comments made during the processing of this application have been set out above and the agent has been made aware of the comments to enable any responses to be made. The objections have been considered as part of this application and a full assessment will be made on the application in relation to policy set out below.

6.0 Assessment:

Banbridge/Newry and Mourne Area Plan 2015

6.1 Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located outwith any defined settlement limit as designated in the Banbridge Newry and Mourne Area Plan (Map 3/01 – Newry and Mourne District). There are

no specific policies in the Plan regarding the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement 2015

6.2 As there is no significant change to the policy requirements for the proposal following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS 2, PPS 3, and PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 2 Natural Heritage

6.3 Policy NH6 relates to new development within an Area of Outstanding Natural Beauty and is applicable to the application site. It states that planning permission will only be granted where the proposal is on an appropriate design, size and scale for the locality. It is considered that the principle of the proposal as presented is not sympathetic to the Area of Outstanding Natural Beauty and is therefore contrary to the policies set out in PPS2 Policy NH6.

PPS 3 Access Movement and Parking

6.4 Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads were consulted and responded on the 28th September 2021 stating that the proposal as submitted was unacceptable and set out changes required to be made. The agent submitted revised plans as per the consultation response and DFI Roads were re-consulted on the 11th October 2021. DFI Roads responded to the consultation on the 18th October 2021 stating that they have no objections to the proposal and provided conditions to be attached to a decision notice should the proposal be approved.

6.5 During the Planning Process comments were made from 2 objectors with regards to the access and visibility splays being presented as part of this application. Comments included that the red line extended outside the applicant's control and that the wrong certificate had been completed. Reference was also made to previous applications on the site and other applications along the Donaghaguy Road whereby access arrangements were considered sub-standard.

6.6 Whilst it is acknowledged that an application and indeed planning permission can contain lands that are not in full possession of the applicant it is best practice to notify landowners and fill in forms to the best knowledge. The Planning Department contacted the applicant's agent on the 13th December requesting any comments. The agent responded on the 14th December 2021 stating that *the area of the site as shown on Site Location Plan (MCCA/20/148/PL-01B) is in full ownership of the applicant. As well as confirming that site visibility does not require any 3rd party land and is located entirely in the existing DFI adopted road verge.*

6.7 The Planning Department have no reason to contest the issue any further and the issues of boundary disputes and landownership is a civil matter. The Planning Department will be guided by DFI Roads professional opinion which raises no objections to the proposal.

PPS 21 Sustainable Development in the Countryside

6.8 Policy CTY1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes a dwelling on a farm if it is in accordance and meets the policy requirements of CTY10.

Policy CTY10 – Dwellings on Farms

6.9 Policy CTY10 states planning permission will be granted on a farm whereby:

(a) the farm business is currently active and has been established for at least 6 years;

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or*
- verifiable plans to expand the farm business at the existing building group(s).*

Further, paragraphs 5.43 and 5.44 state:

“Under this policy an equine business is to be afforded the same benefits as an established and active farm. Such businesses will include horse breeding and training and the operating of livery yards, trekking centres and riding schools. Applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years.

Such information should include:

- a statement of commercial rateable history for the business;*
- copies of appropriate Insurances;*
- copies of ‘Horse Passports’ (if applicable); and*
- any other information considered relevant to the particular case.*

Those keeping horses and / or ponies for hobby purposes will not satisfy the requirements of this policy.”

6.10 A consultation was issued to DAERA with regards to the proposed development; DAERA responded on the 7th October 2021 stating that the Business ID was issued on the 23rd December 2013 (over 6 years) and that no farm business payments have been claimed within the prior 6 years. DAERA further made comment stating that *“prior to 2021, proposed site located on land associated with another farm business”*. A telephone call to the agent highlighted that the applicant was unaware of any claims on her land. The Planning

Department continued to have concerns and requested further information with regards to evidence of farming activity within the last 6 years.

6.11 A folio was submitted to the Planning Department requested to remain confidential and not for public viewing in response to concerns raised by the Planning Department. This included evidence from December 2013 to September 2021; the evidence included maps, insurance details (land liability), water bills, invoices for equipment/seed, as well as invoices for agricultural upkeep of fields, some handwritten invoices for farm equipment and an email dated August 2021 for the field rental. Further, contained in the folder was invoices and inspection information for the farm buildings on site. The information submitted does show that the land has been maintained and used from December 2013 consistently.

6.12 It is considered that the information presented to the Planning Department does not demonstrate that the applicant's level of involvement in farming is proportionate with commercial activity both currently and within the past 6 years, as required by Policy CTY 10 of PPS 21. Whilst the information presented included land liability insurance; no further information that is measurable with the guidance set out in paragraph 5.43 (above) was presented to the Planning Department. Further, it is considered that the evidence submitted by the applicant does not demonstrate nor is strong enough to satisfy the Planning Department that the equine farm operates as commercial rather than a hobby. The information presented is more indicative and representative of a hobby rather than a commercial business. Moreover, it was noted whilst conducting a site visit that the 'farm buildings' observed again, would be more allied with a hobby rather than commercial activity.

6.13 A PAC Decision reference 2017/A0258 for a similar application states at Para 22 that "*A distinguishing feature of a business is that money changes hands. Careful judgement of the facts and evidence raised in this case and especially limited information on income leads me to conclude that it has not been demonstrated that the appellant operated a commercial equine business*". The information provided does not demonstrate that the applicant operates a commercial equine business which is more than a hobby and the proposal fails to meet criterion a of Policy CTY10.

6.14 The previous application on this site is also noted. (P/2014/0042/F- for the *re-location of existing horse shelter, retention of hardcored area, proposed storage shed midden and underground slurry tank*).

This previous application was accompanied alongside a supporting planning statement which highlighted how the proposal complied with PPS21 CTY12. The Planning Department did not consider that the information and evidence submitted was measurable with that of the use of a farm and proceeded to assess and consider the application (informing the agent) against the policies contained within PPS 8 namely policy OS3 Outdoor Recreation in the Countryside which was the most applicable policy test in this case. The case officer whilst noting that OS3 has criteria upon which should be met for disabled access waived this and attached no weight as the proposal was more akin to and considered to be more a domestic use; therefore, the buildings on the application site were not considered or accepted as farm buildings.

The Planning Department consider that the buildings on the application site to remain analogous with those previously assessed under P/2014/0042/F and acknowledge the need and importance of countryside recreation as well as the growing number of people now taking part in activities such as horse riding. It is considered that alongside the evidence submitted the application is not considered compliant with CTY10.

6.15 The Planning History of the Maps presented to the Planning Department have been investigated throughout the past 10 years. It is confirmed that there has been no dwellings or development opportunities out-with the settlement limits sold off from the farm holding within 10 years and therefore this criterion is met.

6.16 The farm business is registered to 19 Seafields, Rostrevor Road, Warrenpoint, BT34 3TG. The application site is located 64m SW of no.22 Donaghaguy Road Warrenpoint BT34 3RZ (less than 2 miles distance). Whilst conducting a site visit it was noted that the application site is accessed via a laneway. The dwelling is proposed to be north east of the buildings on the application site (to the rear of the buildings) it is considered that the dwelling whilst having been sited close to the associated buildings on the application site; these buildings are not considered farm buildings and have been previously approved for the use for recreational (PPS8 OS3) and not farm buildings. Further, it is considered that the design as presented is unacceptable.

CTY 13 Integration and Design of Buildings in the Countryside

6.17 CTY 13 states that: *A new building will be unacceptable where:*

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

6.18 It is considered that whilst there is some enclosure within the application site; the dwelling and attached garage proposed would appear dominant and would rely on a large proportion of new landscaping for integration. The proposal is therefore considered contrary to criterion a,b and c of policy CTY13.

CTY 14 Rural Character

6.18 CTY 14 states that: *A new building will be unacceptable where:*

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing*

and approved buildings; or

(c) it does not respect the traditional pattern of settlement exhibited in that area; or

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

6.19 It is considered that as above a dwelling of this size and scale would be prominent in the landscape and is considered contrary to CTY14.

Conclusions: Taking into account the above, it is considered the application fails the applicable policy tests and is hereby recommended for refusal.

7.0 Recommendation – Refusal

7.1 Drawings in which the application relates to MCCA/20/148/PL -01 B, MCCA/20/148/PL-02 A, MCCA/20/148/PL-03 A, MCCA/20/148/PL -05, MCCA/20/148/PL-06

7.2 Refusal reasons:

- 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- 2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.**
- 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:**
 - **a building on the site would be a prominent feature in the landscape**
 - **the proposed site lacks long established natural boundaries and would be unable to provide a suitable degree of enclosure for buildings to integrate into the landscape**
 - **a proposed building would rely primarily on the use of new landscaping for integration**
 - **and therefore would not visually integrate into the surrounding landscape.**
- 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: a building would, if permitted, be unduly prominent in the**

landscape and would therefore result in a detrimental change to the rural character of the countryside.

7.3 Informatives

This refusal notice relates to the following plans: MCCA/20/148/PL -01 B, MCCA/20/148/PL-02 A, MCCA/20/148/PL-03 A, MCCA/20/148/PL -05, MCCA/20/148/PL-06

Case Officer Signature: Roisin McGrane

Date: 01.02.2022

Appointed Officer Signature: M Keane

Date: 01-02-22

I didn't think that we would have to appear before this Committee to speak on why this application should be refused considering the substantive work carried out by the Case officer in examining and assessing the application against the Regional planning policies and giving very clear explanations on why her Department recommends. **REFUSAL**

This application is for a farm dwelling with associated site works and landscaping. PPS 21 Sustainable Development in the Countryside Policy CTY1 states a range of types of development which in principle are considered to be acceptable in the countryside. **This includes a dwelling on a farm if it is in accordance and meets the policy requirements of CTY10.** Policy CTY10 Dwellings on Farms states planning permission will be granted on a farm whereby: (a) the farm business is currently active and has been established for at least 6 years; (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application and (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The Planning Officer consulted DAERA with regards to the proposed development. DAERA responded stating that the Business ID was issued in December 2013 (over 6 years) and that no farm business payments have been claimed within the prior 6 years. DAERA further made comment stating that **"prior to 2021, proposed site located on land associated with another farm business"**. The Planning Department continued **to have concerns** and requested further information. In response to the concerns raised by the Planning officer documents were submitted with a request for them to remain confidential and not for public viewing. **The Planning officer states that the information presented to the Planning Department does not demonstrate that the applicant's level of involvement in farming is proportionate with commercial activity both currently and within the past 6 years, as required by Policy CTY 10 of PPS 21.** Also, you will see from the Officers report that it is considered that the evidence submitted by the applicant does not demonstrate nor is strong enough to satisfy the Planning Department that an equine "farm" operates as a commercial business. The information presented is more indicative and representative of a hobby rather than a commercial business. Moreover, it was noted whilst conducting a site visit that the 'farm buildings' observed are more allied with a hobby rather than commercial activity. I see that careful judgement by the Case Officer of the facts and evidence raised in this case lead her to conclude **that it has not been demonstrated** that the applicant operates a commercial equine business which is more than a hobby and so **the proposal fails to meet criterion a of Policy CTY10.** The previous application on this site included a supporting planning statement which highlighted how the proposal complied with PPS21 CTY12. The Planning Department **did not consider that the information and evidence submitted was measurable with that of the use of an agricultural farm** and proceeded to assess and consider the application against the policies contained within PPS 8. It is now considered by the Planning Department that alongside the evidence submitted the application is not compliant with CTY10 as these "buildings" are not considered farm buildings as they have been previously approved for the use for recreational (PPS8 OS3) purposes and not as farm buildings. It states that planning permission will only be granted where the proposal is on an appropriate design, size and scale for the locality. It is considered by the Planning officer that the principle of the proposal as presented is **not sympathetic to the Area of Outstanding Natural Beauty** and is therefore contrary to the policies set out in PPS2 Policy NH6. PPS 3 Access Movement and Parking Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. DCAN 15 sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads were consulted and responded on the 28th September 2021 stating that the proposal as submitted was unacceptable and set out changes required to be made. The agent submitted revised plans as per the consultation response and DFI Roads were re-consulted on the 11th October 2021. DFI Roads responded to the consultation on the 18th October 2021 stating that they have no objections to the proposal and provided conditions to be attached to

a decision notice should the proposal be approved. During the Planning Process comments were made by me and my neighbour with regards to the access and visibility splays being presented as part of this application. Comments included that the red line extended outside the applicant's control and that the wrong certificate had been completed. The applicant's agent has stated in an email that the area of the site as shown on Site Location Plan MCCA/20/148/PL-01B) is in full ownership of the applicant. **Please have a look at Land & Property Services folio document Down 20014** which clearly shows that the land to the West of applicant's lane is separate from the applicant's lane. Mrs Quinn can clearly demonstrate that she is the owner of the land contained within this folio. The applicant's agent stated that site visibility did not require any 3rd party land and is located entirely in the existing DFI adopted road verge. **Please have a look at the photographs of this verge**, clearly to obtain the required visibility significant changes will have to be made including the removal of Mrs Quinn's hedge and the communication poles moved onto her land.

Further, it is considered by the planning department that the design as presented is unacceptable. CTY 13 Integration and Design of Buildings in the Countryside states that: A new building will be unacceptable where: (a) it is a prominent feature in the landscape; or (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or (c) it relies primarily on the use of new landscaping for integration; or (d) ancillary works do not integrate with their surroundings; or (e) the design of the building is inappropriate for the site and its locality; or (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm. The case officer does consider that whilst there is some enclosure within the application site; the dwelling and attached garage proposed would appear dominant and would rely on a large proportion of new landscaping for integration. **The proposal is therefore considered contrary to criterion a,b and c of policy CTY13.**

CTY 14 Rural Character states that: A new building will be unacceptable where: (a) it is unduly prominent in the landscape; or (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or (c) it does not respect the traditional pattern of settlement exhibited in that area; or (d) it creates or adds to a ribbon of development (see Policy CTY 8); or (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character **The planning department considers that a dwelling of this size and scale would be prominent in the landscape and is considered contrary to CTY14.**

Conclusions: Taking into account the above, I fully agree with the case Officer's investigation and report that the application fails all the applicable policy tests and this application must be refused

Refusal reasons: **1.** The proposal is **contrary to Policy CTY1** of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. **2.** The proposal is **contrary to Policy CTY10** of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years. **3.** The proposal is **contrary to Policy CTY13** of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: - a building on the site would be a prominent feature in the landscape - the proposed site lacks long established natural boundaries and would be unable to provide a suitable degree of enclosure for buildings to integrate into the landscape - a proposed building would rely primarily on the use of new landscaping for integration - and therefore would not visually integrate into the surrounding landscape. **4.** The proposal is **contrary to Policy CTY14** of Planning Policy Statement 21, Sustainable Development in the Countryside in that: a building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside

Request for Speaking Rights

Meeting Date: 11th May 2022 **Application Reference:** LA07/2021/1171/F

Description of the application – Proposed farm dwelling and associated site works and landscaping

Persons requesting speaking rights – Mr Paul McCreanor & Mr Tony O'Hare of McCreanor and Company Architects. McCreanor Company Architects acting on behalf of the applicant Mrs Feithlinn McCullagh wish to speak in support of the application and would request that their attendance at the committee meeting on the 11th May 2022 be made in person.

Proposed decision (including reasons if the decision is refusal) – Decision Refusal

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in the rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - a) a building on the site would be a prominent feature in the landscape
 - b) the proposed site lacks long established natural boundaries and would be unable to
 - c) provide a suitable degree of enclosure for buildings to integrate into the landscape
 - d) a proposed building would rely primarily on the use of new landscaping for integration
 - e) and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: a building would, if permitted, be unduly prominent in the landscape and would therefore result in detrimental change to the rural character of the countryside.

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

Refusal reasons 1 & 2 essentially comes down to the acceptability and requirement for a building in the countryside. There has been a failure by council, in our opinion, to properly assess the application against Planning Policy Statement 21.

CTY1 'Development in the Countryside' of PPS21 states Planning permission will be granted for an individual dwelling house in the countryside where it is "a dwelling on a farm in accordance with Policy CTY 10", which states:

" Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) *the farm business is currently active and has been established for at least 6 years;*
- (b) *no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and the new building is visually linked or sited to cluster with an established group of buildings on the farm and*
- (c) *where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing*

building group(s)."

Policy CTY10 concerns itself with three tests. Test (a) is split into two parts . The first part being 'currently active' and the second 'established for at least 6 years'. As required under section 5.38 the applicant provided details of the farm's DARD business ID number along with other evidence to prove active farming over the required period. The case officers report states "the information submitted through the folio does not demonstrate that the applicants involvement in farming is proportionate with commercial activity both currently and within the past 6 years, as required by Policy CTY10 of PPS21." That is not the case as section 5.39 of the policy states:

"agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition."

The Applicant provided evidence which clearly illustrates the activity of the farmer in maintaining the land in good agricultural and environmental condition. The case officers report also states that the applicant does not demonstrate evidence to satisfy the the Planning Department that the equine farm operates as commercial rather than a hobby. An application for a dwelling on a farm submitted under CTY10 of PPS21 needs to meet only 1 test of the the two, in which we believe the application does. At no part of the application process did the applicant request the dwelling to be approved on the basis that the farm was as an Equine Business.

The case officer further notes "the dwelling is proposed to be north east of the buildings on the application site (to the rear of the buildings) it is considered that the dwelling whilst having been sited close to the associated buildings on the application site; these buildings are not considered farm buildings...". We believe there has been a failure by the case officer, in our opinion to properly assess the application against the policy as it does not specify 'farm buildings' but rather 'buildings on the farm'. We feel our siting of the dwelling adjacent the buildings on the farm achieve the requirements of CTY10.

Refusal reasons 3 & 4 relate to CTY13 'Integration and Design of Buildings in the Countryside' and CTY14 'Rural Character'. CTY13 states that: A new building will be unacceptable where it meets any of the 7 parts of the criteria of which are does not. The case officer in our opinion has failed to assess the proposal in accordance with the Policy and also the associated Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside (2012).

It is our opinion the proposed dwelling blends sympathetically with the surroundings and does not appear incongruous in the landscape. The design guide lays out key requirements to achieve CTY13 & 14 including siting of a proposed dwelling on a farm and ensuring that the the building is visually linked to the countryside and or established buildings.

The proposed dwelling is bounded by three natural hedge boundaries. The dwelling will be sited in the low fall of the ground at the base of a steeply sloping hill and will rely on one new hedgerow boundary which as specified on the drawings will consist of native species as also required as part of the design guide.

We feel that the key requirements in designing a building for the countryside have been achieved through our proposed design and that the key requirements of the Policy CTY13 & 14 have been met.

Set out why this application should be determined by Committee rather than officers –

In conclusion the proposed application in our opinion has met each test of Policy CTY1, CTY10, CTY13 & CTY14 of Planning Policy Statement 21 cited in the refusal reasons and therefore there has been a failure by the council, in our opinion to assess the application correctly. We feel that the application should be determined by Committee based on the details provided in our application documents and including the evidence of policy provided in this statement.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0461/F

Date Received: 08/03/2021

Proposal: Single dwelling and attached garage using existing foundations from previously approved (R/2012/0301/F)

Location: Adjacent to and east of 10 Meadow View Close, Kilcoo



Site Characteristics & Area Characteristics:

The lands outlined in red form a square shaped plot, located to the entrance road which serves Meadow View Close. The site is a roadside plot which is accessed from the Ballymoney Road through Meadow View Close. The site rises from the western boundary shared with detached storey and a half dwelling, no. 10 Meadow View Close, to the eastern boundary shared with the Ballymoney Road. The northern boundary includes the access to Meadow View Close and the front roadside of No 5. The southern boundary is shared with a Primary School and is defined by a 1.5m high palisade metal fence which has been painted green.

Foundations are in situ on site, with an informal access to the north. The north and east if the site is enclosed by security type mesh fencing.

The site is set within Kilcoo, a small settlement as defined in the Ards and Down Area Plan 2015. The subject is within un-zoned white lands and within a designated Area of Outstanding Natural Beauty (AoNB). The site neighbours a Primary School to the south and is within a residential area defined by new and mature housing. The housing can be defined as a medium-density mixture of detached and semi-detached dwellings of single and storey and a half height.



Subject lands



Site History:

R/2012/0301/F - Proposed residential development of 3 no.dwellings, one garage and associated site works (amended proposal). Land adjacent to and east of 10 Meadow View Close, Ballymoney Road, Kilcoo, Co Down. Permission granted.

R/2006/0611/F - 2 Small shop units with 3 apartments over (amended plans). Adjacent to St Malachy's P.S. Ballymoney Road, Kilcoo, Co Down. Permission granted.

R/2004/1970/O - Corner shop, storage with 2 apartments over, Rear of St. Malachy's Primary School, Ballymoney Road, Kilcoo, Co. Down. Application withdrawn.

R/2003/0714/F - 19 No Dwellings and 4 No Apartments. Rear of St Malachys Primary School, Ballymoney Road, Kilcoo. Permission granted.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 2 – Natural Heritage

PPS 3 – Access, Movement and Parking

PPS 7 – Quality Residential Environments

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

PPS 12 – Housing in Settlements

Creating Places

Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas

Development Control Advice Note (DCAN) 15 – Vehicular Access Standards

Parking Standards

Consultations:

NI Water – Available capacity to serve this proposal. However, site is located within a development consultation zone in proximity to a Wastewater Treatment Works (WWTW) and there is a possibility of nuisance from WWTW odours. Noise may also be a problem.

DfI Roads - No objections

Environmental Health Office -No objection in principle subject to connection to main sewer with NI Water approval.

Objections & Representations:

9 Neighbours within close proximity of the site were notified on 29/03/2021. This application was advertised in the local press on 23/03/2021 and 24/03/2021. At the time of writing one letter of support have been received from a MLA.

Consideration and Assessment:

The application submitted is seeking full planning permission for a single dwelling and attached garage using existing foundations from previously approved (R/2012/0301/F).

Having carried out an initial assessment of the application, the Council had concerns regarding the size, scale and massing and general design of the house type proposed, making the Agent aware that the proposal in its current form as it fails to respect the surrounding residential context. The agent submitted a revised scheme which will now be formally assessed.

The proposed dwelling will have a rectangular shaped footprint, with an orientation along a north-west and south-east axis with the principal elevation facing north-east and rear elevation facing south-west. The dwelling will have a pitched roof construction, with maximum ridge height of approx. 7.5m above finished floor level. A chimney stack will project from the ridge, elevating 950mm above the ridge. The dwelling will have a frontage of approx. 18.0m with a gable depth of approx. 8.9m. A single storey return with rear return will extend approx. 5.3m beyond the rear elevation and will have a flat roof construction. The dwelling proposed will have a unique design, with use of a mixture of materials, different sized windows, with irregular positioning at various points in the elevations. The proposal will feature a mixture of contemporary and traditional construction with aspects of box projections and pitched roof dormers.

The proposed materials and finishes will consist of blue-black natural slates/flat non-profiled roof tiles, black seamless aluminium guttering and RW goods, smooth plaster rendered walls, portions of natural stone (where indicated). No details regarding the windows and exterior door have been provided.

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Ards and Down Area Plan 2015, the site lies within the defined settlement of Kilcoo.

Ards and Down Area Plan 2015

The site is located within the settlement limit of Kilcoo on the above Plan and is unzoned. There are no specific policies in the Plan that are relevant to the determination of the application. It will be assessed against regional operational policy.

PPS 7 – Quality Residential Environments

PPS 7 asserts that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

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

The application is seeking the erection of a large detached dwelling on a dual frontage plot, which abuts both Meadow View Close and Ballymoney Road. It is acknowledged by the planning department, that the immediate vicinity is characterised by a mixture of detached and semi-detached chalet type 1.5 storey dwellings, with first floor accommodation provided by a mixture of dormers and roof lights. It is also noted that the dwellings are of a moderate size footprint ranging from 77m² – 104m² (semi-detached dwellings in Meadow View Close – 77m², detached dwellings in Meadow View Close 104m² and detached dwellings in Blackthorn Close 95m²). This equates to an average footprint of approx. 92m².

The subject dwelling will have an approx. footprint of 192m² which is more than double the average dwelling footprint in the vicinity. The proposed dwelling, whilst not a full 2 storey construction, does however have eaves at a height of 4.9m which is noticeably higher than the surrounding house types. The planning department note the agent scaled back the size, scale and massing of the proposal, however the planning department are still of the view that the proposal fails to respect the surrounding context as it is inappropriate to the character of the surrounding area in terms of layout, scale, proportions, massing and appearance of the dwelling. The planning department have taken into account the site history, however, the previous application on site was for 3 residential units, each with a much smaller footprint which is considered more appropriate for the subject site. Given that this permission has since lapsed, and in the absence of a CLUED to determine commencement, the planning department can only give limited weight to this history. As such, the proposal is considered contrary to this criterion. The current submission is considered to represent an overly complicated house type design wise, as such a more simplified house type was requested which would be more in keeping with its immediate context.

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

There are no features of archaeological and built heritage.

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

Given the nature, scale and location of the development, there is no requirement to provide public open space. The dwelling proposed will provide some private amenity space to both the south and west. Given the constrained nature of the site, on balance the proposal is considered to comply with this criterion.

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

Given the nature, scale and location of the development, there is no requirement to provide local neighbourhood facilities.

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

The proposal will not impact on any Public Rights of Way, meeting the requirements of this criterion.

6. *adequate and appropriate provision is made for parking;*

It is considered that adequate and appropriate provision has been made for in-curtilage parking, and no objections have been received from DfI Roads regarding access arrangements.

7. *the design of the development draws upon the best local traditions of form, materials and detailing;*

As pointed out above, the submission is considered over elaborate, as such a more simplified house type design would be considered more appropriate for his context.

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

Consideration must be given to any potential issues on amenity of existing neighbours, in this case no.10 Meadow View Close. The rear elevation of the

proposed development is approx. 10m for single storey element and a distance in the region of 16m for the two-storey element. Given the separation distance between the dwellings together with the orientation, the proposal is not expected to result in the loss of light or overshadowing onto neighbouring properties. Upper floor windows have been noted, however given that the window in question serves as an ensuite, the proposal is not expected to cause any direct overlooking. There are no concerns regarding the proposed relationship with the adjacent Primary School. Environmental Health having reviewed the application have no objections to this application, subject to connection to the main sewer.

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

Open spaces are easily monitored ensuring, thus meets the requirements of this criterion.

It is concluded that this proposal fails to meet criteria (a) and (g) of this policy.

Policy LC 1 of the Addendum to PPS 7

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

As discussed above, the proposal is for a single dwelling as such density is not affected.

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

The pattern of development within the immediate vicinity is characterised by detached and semi-detached chalet type dwellings, with modest sized footprints. The planning department are of the view that the proposal fails to respect the surrounding context, as it is inappropriate appropriate to the character in terms of scale, proportions, massing and appearance of the dwelling. The proposal fails to meet the requirements of this criterion.

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

The floor space of the proposed dwelling is compliant with the floor space requirements within this criterion.

PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AoNB) policy NH 6- requires that new development within a designated AoNB must be of an appropriate design, size and scale for the locality. As discussed above, the design of the dwelling is inappropriate for this site, as such is considered unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3, DfI Roads were formally consulted, in a response, dated 21/05/2021 have no objections to the scheme, subject to the access being constructed in accordance with the proposed site layout.

PPS 11 – Planning and Waste Management

The site is located within a development consultation zone in proximity to a Wastewater Treatment Works (WWTW) and there is a possibility of nuisance from WWTW odours.

NI Water requested that the developer must provide confirmation that the conditions of Planning Policy Strategy PPS11 can be satisfied, and where directed agree to cover the capital and operating costs of installing the appropriate abatement equipment. The planning department on two occasions requested the agent provide comment on this matter. To date no information/comments have been submitted to address the concerns raised by NI Water.

In the absence of any additional information, the planning department consider that the proposal if approved is contrary to PPS 11 'WM 5 Development in the vicinity of Waste Management Facilities' in that there is potential loss of amenity from odour nuisance, causing unacceptable adverse impacts.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and PPS 7: Quality Residential Environments Policy QD 1 and its addendum Safeguarding the Character of Established Residential Areas Policy LC1 in that it fails to respect the surrounding context and is inappropriate to the character of the area in terms of scale, proportions, massing and appearance of building and the design of

the development fails draws upon the best local traditions of form, materials and detailing.

2. The proposal is contrary to the SPPS and PPS 11: Planning and Waste Management in that it is contrary to Policy WM5 in that the proposal is located within close proximity to a Wastewater Treatment Works (WWTW) and it has not been demonstrated by the agent that there will be no unacceptable adverse impacts to the potential occupants from WWTW odours.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the design of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

| | | | |
|---------------------------|--------------------|--------------|-------------------------|
| Case Officer: | S. Maguire | Date: | 20/01/22 |
| Appointed Officer: | A.McAlarney | Date: | 21 February 2022 |

Response to Refusal Reasons

The Department consider this proposal contrary to policy QD1 of PPS 7 and LC1 of the addendum to PPS7 as they consider the proposal fails to respect the surrounding context and is inappropriate to the character of the area in terms of scale, proportions, massing and appearance of the building and the design of the development fails to draw upon the best local traditions of form, materials and detailing.

The Planning Authority also considered this proposal was contrary to Policy WM5 of PPS 11 given the proximity to the WWTW and Policy NH6 of PPS2 given the impact the proposal would have on the AONB.

In our opinion the Planning Department have not applied appropriate weight to the site's history, which we consider should be viewed as a material consideration. There exists an extant approval for 3no two storey terraced dwellings, which extend to a footprint of over 200sqm and a height of 7.7m. This development has been lawfully commenced prior to the expiry of the planning permission therefore remains a valid material consideration and fall-back position.

The proposed dwelling will have a lesser visual impact that what can be built on the site. The proposed dwelling has been reduced to storey and half in height, with a smaller footprint and ridge height.

So Councillors, the crux of the departments argument boils down to what is considered to be the character of the area. With the department considering this to be the immediate vicinity of the site i.e Meadowview Close.

Recent appeals, including **2019/A0012 did not** consider that houses within immediate vicinity of the site to represent the surrounding context, but it was in fact a much wider area comprising a range of house types and designs.

This was again confirmed in appeal **2018/A0251** where the commissioner agreed that when assessing an established residential area, the Planning Authority should assess the whole of the Established Residential Area and not just those properties immediately abutting the site.

The definition of an established residential area which is found in annex E of the Addendum to PPS7 states that "within small villages (such as Kilcoo) there is often more local variety in architectural styles and treatments with building lines, property sizes, plot ratios, and road layouts being much more changeable". As mentioned earlier, The Planning Authority has taken a contrary view in their assessment of Kilcoo, confining the character of the area to the small housing development within Meadowview Close.

Therefore, when considering the wider established residential area of Kilcoo, there are a number of larger dwellings than the one proposed, for example nos. 121, 118 and 118a

Dublin Road all within 200m of the proposed site. Therefore, The proposed scale, proportions, massing and appearance of the building is similar to the above dwellings therefore not considered inappropriate for the area.

So Councillors, There is a variety of house sizes within the Village, Council area and beyond. Many of the dwellings approved across the designated Mourne Countryside and AONB's are located in more sensitive areas yet often have footprints approved in excess of 250m². The footprint of the proposed dwelling is considerably smaller than the above at 192m² and is located on land within the settlement development limit surrounded by 2-storey dwellings, where development should be concentrated. In our opinion it is counter-intuitive to assess applications for dwellings more harshly in settlements than in the countryside.

The use of contemporary materials on the site is not detrimental to the application. Paragraph 4.29 of the SPPS states that "*Planning Authorities should not attempt to impose a particular architectural taste ... but seek to promote or reinforce local distinctives whilst encouraging good design and responsible innovation, originality or intuitive*". This proposal seeks to draw from local traditions whilst imposing its own originality and innovation. The pitched roof shape, use of blue/black natural slates, smooth plaster render, 1.5 storey detached nature of the dwelling, whilst respecting the existing building line along both Ballymoney Road and Meadowview Close, all reinforce traditional local distinctiveness. The use of contemporary materials such as zinc cladding aim to promote a modern design.

The refusal reasons based on WM5 of PPS 11 have been addressed as we have submitted an Odour Assessment with NI Water, which we would expect to return a positive result given the extant approval on the site as well as the distance from the WWTW.

As I have already demonstrated how the proposed dwelling complies with PPS 7 and its addendum, the proposal therefore complies with PPS2 NH6.

In summary, this application is for a single dwelling, finished in both contemporary and traditional features on a corner plot which already has foundations in place for three terraced dwellings. The proposal will have lesser of a visual impact than these terraced dwellings. The sustainable approach to development outlined in PPS 12- Housing in Settlements encourages a range of house types, sizes and design to accommodate a range of family sizes within an area. However, what the Department are now essentially saying that you cannot build larger dwellings within the Settlement Limit to accommodate these ranging family sizes.

The applicant has a large family, all of whom live at home. They need this level of accommodation therefore we respectfully request the Planning Committee overturn the case officer's recommendation and approve this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

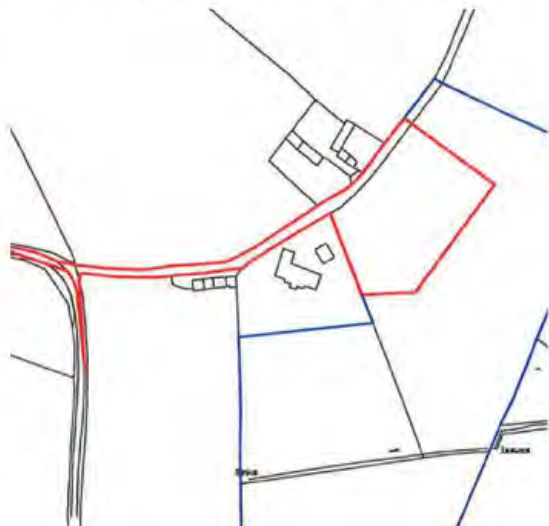
Application Reference: LA07/2021/1712/F

Date Received: 30.09.2021

Proposal: Erection of farm dwelling and garage

Location: Lands approximately 20m NE of no. 32 Ballykeel Road, Cabra

Site Characteristics & Area Characteristics:



The application site forms a cut out from a larger agricultural field. Access to the site is via an existing laneway off the Ballykeel Road. Adjacent to the south west of the site is a dwelling and garage and to the north are agricultural buildings. Levels within the site fall as you move across it from north west to south east.

The site is outside any settlement limits as defined by the Banbridge / Newry and Mourne Area Plan 2015.

Site History:

There is no planning history relevant to the application site. Adjacent to the south under planning ref. P/2010/1121/F, planning permission was granted in 2011 for a farm dwelling and detached garage which has since been constructed.

Planning Policies & Material Considerations

- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- Banbridge / Newry and Mourne Development Plan 2015.
- Planning Policy Statement 21 – Sustainable Development in the Countryside.
- Planning Policy Statement 3 – Access, Movement and Parking.
- Building on Tradition Design Guide.
- The planning history and any other material consideration.

Consultations:

There were three consultations issued for this application. See details below.

- The Department for Infrastructure Roads (DFI Roads) – On receipt of amended plans DFI Roads confirmed no objection to the proposal subject to conditions. (13/12/2021).
- Northern Ireland Water (NI Water) – No objection subject to conditions. (26/08/2021)
- Department of Agriculture, Environment and Rural Affairs (DAERA) – Confirmed the farm business ID has been in existence for more than 6 years and that claims for payments have been made by the business in each of the last six years. (15/10/2021).
- Northern Ireland Water (NI Water) – No objections subject to conditions. (25/10/2021)

Objections & Representations

There were two neighbour notifications issued for this application. The application was advertised in the local press on 4th October 2021. There were no representations received.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will

contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

DAERA, in their consultation response has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in the last 6 years and the application site is currently being claimed on. The proposal meets the policy requirements of CTY10 (a).

The farmland has been checked for any potential development opportunities being disposed of. The Planning Department is content there have been no development opportunities disposed of from the farm holding within the last ten years. The proposal meets criteria CTY10 (b).

The farm business address is listed as at 5 Ballykeel Road, Carba, which is approx. 680m (as the crow flies) north west of the application site, see aerial below.



Criterion (c) of Policy CTY 10 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane, however it further refers to exceptional circumstances where consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the existing farm business at the existing building group.

The application site is located adjacent to No.32 Ballykeel Road; a recently constructed two storey dwelling and garage. This property is not associated with the farm business. Buildings to the north of the site, on the opposite side of the lane are on a neighbouring farm holding. **Consequently, the proposed dwelling would not cluster with an established group of buildings on the farm as required by Criterion (c).**

In consideration of the remote location of the proposed farm dwelling, in the accompanying Supporting Planning Statement, land adjacent to existing buildings on the farm and outlined in blue in the aerial below was dismissed by the applicant/agent for health and safety reasons. The statement reads:

“Farming is hazardous industry. Farmers work with potentially dangerous machinery, vehicles, chemicals and livestock. The applicant keeps cattle and the most common cause of injury are being struck by moving vehicles; injury by an animal and being trapped by something collapsing or overturning. Passing through a working farm yard everyday in order to access ones permanent residence is not a feasible option. In comparison, the proposed site does not have this problem.”

Two other parcels of land along the Ballykeel Road were also discounted by the agent/applicant as there are no existing buildings to cluster / visually link.

To support this exceptional case, a Health and Safety report was submitted for consideration on the 14th March 2022. The report was completed by a Health & Safety, Quality & Environmental Consultant who identified substantial health and safety hazards for both future occupants and farm personnel, posing the possibility of damage, injury and potential fatalities. The final recommendations of the report were detailed as follows.

- The applicant is advised to provide a separate access and egress from the farm for his intended new dwelling and the existing farm complex. If this is not possible then an alternative site should be sought.
- Due to the existence of multiple risks, and the lack of certainty that future occupants and all visitors will be familiar with health and safety practices, it is recommended that the new dwelling should not be constructed in close proximity to the existing farm buildings at 5 Ballykeel Road. The separation distance between the new dwelling and the existing buildings should be maximised. Noting the general expectation that new farm buildings should be sited at least 75 metres away from nearby dwellings, the applicant is likewise advised to ensure the new dwelling is sited at least 75 metres from all existing and proposed agricultural buildings on this farm and also that a separate access/egress route is achieved. Maximising the physical separation will minimise the danger of fumes when mixing slurry although it is appreciated that the 75 metres distance is more of concern to public health authorities and not the Health and Safety Inspectorate.

On considering the health and safety matters raised, it is noted that these are not unique to this farm but are common matters to many farms across Northern Ireland. While it is acknowledged that advice from Environmental Health refers to the siting of a new dwelling a minimum of 75m from existing farm complexes, this however is generally in respect of a new dwelling sited beside a non-associated farm complex, which is not the case for consideration.

This application has been submitted as a farm dwelling proposal, the applicant is the registered farmer as detailed on the accompanying application forms. Regardless of whether the farmer/applicant intends to transfer the farm dwelling to persons who will not be involved in the running of the farm, the farmer/applicant retains full control of

the operations associated with the farm business taking place within the buildings, the farm yard and on the surrounding lands.

The consultant has noted within the report that good farm management alone is not sufficient to ameliorate the risk of accident on this small holding due to the intensity of operations with limited road (or even lane) frontage available. No evidence was given as to the scale of the farm business such as herd numbers, the number of employees or vehicle movements associated with the farm business, so it is difficult to comment on the intensity of operations on this farm.

It is considered however that vehicle movements associated with this farm would fluctuate seasonally, particularly in terms of vehicle movements associated with the cutting of silage, harvesting and the spreading slurry. It is within the farmers remit to implement practices and changes to overcome the impracticalities as detailed within the report and alternative measures could be put in place to address the hazards associated with traversing through the farm yard.

It is understandable the applicant would prefer access to a new dwelling without crossing through a working farm yard. The alternative sittings as explored through the consultant's report have not been satisfactorily discounted as per policy requirements.

Land to the south west of the existing farm complex are detailed as unsuitable due to 'future expansion', however there are no verifiable plans to expand the farm business at this location.

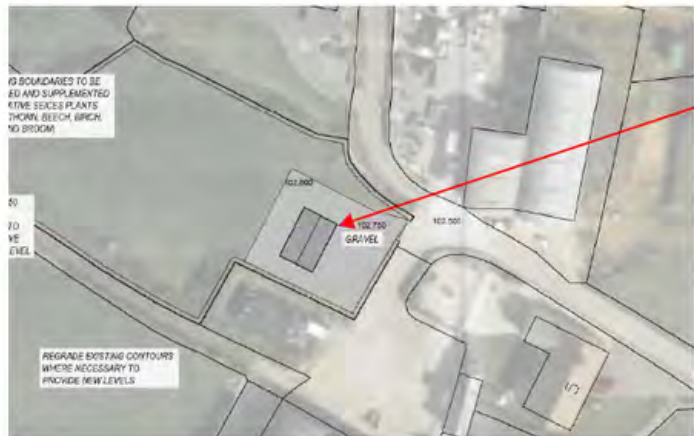
Land to the front of No. 5 has been discounted due to committed development (approval granted 2021 for outline permission for an infill dwelling) however it is not accepted that this represents verifiable plans for the future expansion of the farm business. This is an approval for another dwelling and in fact the H&S report references this approval and states that the lands ie field No.5 will soon be transferred from the farm holding.

See aerial below of lands surrounding main farm grouping of buildings



- ★ Registered farm dwelling
- 1 Agricultural Buildings
- 2 Approved farm shed under LA07/2021/0704/F
- 3 Approved infill dwelling under LA07/2021/0705/O
- Blue line indicates land farmed by applicant farmer

As indicated above, permission was granted in August 2021 for a new farm building to the rear of No. 5 Ballykeel Road, see below layout.



Positioning of new shed approved under LA07/2021/0704/F

The granting of LA07/2021/0704/F is evidence of plans to expand the farm business at the existing building group. Discounting a potential sitting to the rear of this new building for reasons associated with access to the silo and the ability of machines to

access the yard and fields beyond are practicalities that can be addressed and controlled by the farmer, these are not considered to be health and safety matters. Farm management is the responsibility of the farmer, there is considered scope for measures to be put in place for the welfare of farm employees and any third parties.

In conclusion, and on considering the two recommendations made by the consultant in the Health and Safety report, the Planning Department is not persuaded that the health and safety arguments presented either individually or cumulatively merit this proposal as an exception under criterion (c) of Policy CTY10. Considering all the matters raised it is concluded that the proposal does not meet the requirements of Policy CTY10.

Design, Appearance and Layout

The proposed dwelling is single storey, with a footprint resembling a 'U' shape. The dwelling consists of two linear shaped building components with pitched roof coverings standing at 5.8m and 5.9m in height from GFL, with a flat roofed linking component standing at 2.8m in height from GFL, comprising a utility and shower room. A small storm porch features along the dwellings front (northern) elevation.

The proposal includes chimneys to the ridge and windows openings with a vertical emphasis. The dwelling is to be finished with natural roofing slates, smooth painted render to the external walls and natural stone to the front porch, black UPVC windows and doors and black P.V.C. rainwater goods. A detached, single garage is proposed to the north east of the dwelling with similar external finishes.

A new dwelling within the application site will be visible from the Ballykeel Road to and from the Kinghill Road to the east of the site. The application site is enclosed by two existing boundaries, the northern and south western boundaries. Along the sites northern boundary are matured trees and hedging which limit views into the site from the north. The proposed layout shows that sufficient parking and amenity space will be provided within the site.

Due to rising land levels within the application site, the FFL of the new dwelling will be around 3.1m above the FFL of the adjoining two storey dwelling at 32 Ballykeel Road.

Design, Appearance and Layout

The proposed dwelling is single storey, with a footprint resembling a 'U' shape. The dwelling consists of two linear shaped building components with pitched roof coverings standing at 5.8m and 5.9m in height from GFL, with a flat roofed linking component standing at 2.8m in height from GFL, comprising a utility and shower room. A small storm porch features along the dwellings front (northern) elevation.

The proposal includes chimneys to the ridge and windows openings with a vertical emphasis. The dwelling is to be finished with natural roofing slates, smooth painted render to the external walls and natural stone to the front porch, black UPVC

windows and doors and black P.V.C. rainwater goods. A detached, single garage is proposed to the north east of the dwelling with similar external finishes.

A new dwelling within the application site will be visible from the Ballykeel Road and from the Kinghill Road/Hilltown Roads to the east of the site. The application site is enclosed by two existing boundaries, the northern and south western boundaries. Along the sites northern boundary are matured trees and hedging. The proposed layout shows that sufficient parking and amenity space will be provided within the site.

Due to rising land levels within the application site, the FFL of the new dwelling will be around 3.1m above the FFL of the adjoining two storey dwelling at 32 Ballykeel Road which already features prominently in the landscape.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. Seven criteria are listed wherein a new building will be unacceptable. Whilst it is noted that the proposed dwelling is to be single storey, it is proposed to sit over 3m higher in terms of FFL than the adjacent 2 storey dwelling, which sits readily visible and prominent in the landscape.

The site is prominent when viewed from the Hilltown/Kinghill/Ballykeel roads. The site is on rising ground. The northern boundary of mature trees will not in itself provide a sufficient level of screening or backdrop to accommodate the proposed dwelling. Therefore the dwelling would be a prominent feature in the landscape when taken from critical view along the above roads.

Proposed planting along the new boundaries as indicated on the Proposed Site Layout Plan would not in itself be sufficient to aid the dwellings integration.

The design of the new dwelling and garage is considered appropriate.

However as stated above the proposed dwelling is not in accordance with Criterion (a) (b) (c) (f) and (g) of CTY13.

Policy CTY 14 requires that a building in the countryside does not cause a detrimental change to, or further erode the rural character of an area. Five criteria are listed wherein a new building will be unacceptable. Criterion (a) relates to the prominence for the reasons above a dwelling on this elevated site would be unduly prominent.

Criterion (d) refers to the creation of a ribbon of development and references policy CTY 8, which states that planning permission will be refused for a building which creates or adds to a ribbon of development. Travelling along the stretch of the Ballykeel Road to the south of the application site, a dwelling on the site as indicated would read with two existing buildings positioned along the access laneway, the dwelling at No. 32 and the agricultural building further west. The dwelling at No. 32 and associated garage stands immediately adjacent to the south west. Approval of the dwelling proposed would extend a ribbon of development along this laneway that would be detrimental to the character, appearance and amenity of the countryside.

Impact on Amenity

The new dwelling is considered sufficiently separated from No. 32 to the south west ensuring no impact on adjoining private amenity.

CTY 16

The P1 application form indicates a septic tank will serve the means of sewerage disposal. A Consent to Discharge condition will be attached to ensure that CTY 16 is complied with and to protect the environment.

PPS3 – Access, Movement and Parking

The new dwelling is to be served by an amended existing access onto the Ballykeel Road. Following the receipt of amended plans, DFI Roads has considered the access arrangement and provided no reasons for refusal subject to compliance with conditions to be included on a further decision notice.

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| Case Officer: | L O'Hare | Date: 16.03.2021 |
| Appointed Officer: | A.McAlarney | Date 18 March 2022 |

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY10 (c) of Planning Policy Statement 21 'Sustainable Development in the Countryside, in that the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group that would justify an alternative site on the farm.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy CTY13 criterion (a) (b) (c) (f) an (g) of Planning Policy Statement 21 in that the site is unduly prominent in the landscape, it lacks long established natural boundaries to provide a suitable degree of enclosure and relies on new landscaping for integration and is not sited to cluster or visually link with a group of established buildings on the farm.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and would add to a ribbon of development along the laneway and would therefore result in a detrimental change to the rural character of the countryside.

A farm dwelling and garage have been applied for under Policy CTY 10 of PPS 21 and the Criteria (a) and (b) of Policy CTY10 have both been met by the applicant. However, the proposed dwelling does not visually link or cluster with an established group of buildings on the farm.

Under refusal reason 1 the planning department state that “it has not been demonstrated that there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group that would justify an alternative site on the farm”. However, verifiable plans are in place to expand the farm and this is evidenced by a committed approval that was granted full planning permission under planning application LA07/2021/0704/F for a farm shed.

Whilst there are additional lands located around the proposed shed, safety constraints mean a new access could not traverse them. The applicant has applied for a dwelling away from the farm grouping as there are no sites available at another group of farm buildings. The area around the farm is becoming built up, and a further dwelling was also granted outline planning approval under planning reference LA07/2021/0705/O. The remaining lands are indispensable to the farm or are required for future expansion purposes.

The planning department note within their report that “land to the south west of the existing farm complex are detailed as unsuitable due to ‘future expansion’, however there are no verifiable plans to expand the farm business at this location”. That is the only direction in which the farm can ever expand, due to the presence of nearby receptors to the other side. Formal plans for that part of the farm should not be necessary because the constraints are so obvious. Regardless of those plans the house could not be sited there, with no prospect of a safe access or proper segregation.

Additionally, Policy CTY 10 does not necessitate the submission of a planning application (it only says they could be relied upon) to demonstrate that there are verifiable plans to expand the farm. As such this reason for the planners rendering that part of the farm being suitable for a dwelling cannot be sustained.

In relation to demonstrable health and safety reasons, planning policy states that appropriate evidence must be provided from a competent and independent authority such as Health and Safety Executive or Environmental Health Officers. Neither body provides such comments for individual applicants, so the applicant has had to engage an independent health and safety professional to address these matters. The planning department have failed to allude to the fact that within the Health and Safety report that the professional has considered the lands to the south west of the existing sheds to be a “catastrophic living environment and an accident waiting to happen”. It is unclear how much consideration was shown to this document given the speed at which the application was later recommended for refusal.

The planning department go on to state that the “land to the front of No.5 has been discounted due to committed development, however it is not accepted that this represents verifiable plans for the future expansion of the farm business”. The applicant has not claimed that this proposed dwelling is part of his verifiable plans to expand the farm. The dwelling was granted under Policy CTY 8 and was cited only to

illustrate a lack of available land at the existing group of farm buildings to develop upon, a clear misinterpretation by the planning department.

The applicant has demonstrated how he meets both exceptionality clauses, whereby he has verifiable plans to expand the farm (which is evidenced by a committed approval) and a qualified health and safety expert has visited the site and found an extensive list of health and safety risks that would prevent a family from living next to the farm.

The Planning department noted that the health and safety matters raised are not unique to this farm. Evidently, they are, since they were identified by an independent expert. The report was not generic. What is unique to this farm is the layout of the access and buildings thereon, the local geography, the constrained access, the disposition of receptors, and this is the main reason that prevents a new dwelling at the farm grouping.

The third refusal reason relates to policy CTY 13 and CTY 14 of PPS 21. The proposed dwelling is single storey and broken into two linear shaped building components. The design of the new dwelling and garage is considered appropriate by the planning department. The design of the dwelling is much more compact than that of the existing dwelling at no.32 Ballykeel Road. The planners have stated that the site is prominent when viewed from the Hilltown/Kinghill/Ballykeel Roads. It goes onto state that the dwelling would be a prominent feature in the landscape when taken from critical views along the above Roads. The planning department have failed to specify where these critical viewpoints are, hence a complete assessment has not been made.

Whilst there is no set distance that a site must be visible across, the planner's assessment is vague in that it only states the road names and not the positions as to which they believe the dwelling will be prominent from.

Policy CTY 10 does not list or state what merits a health and safety concern on a farm. The applicant is an experienced farmer who knows what he can manage and control and a qualified health and safety expert has concluded that the sites are not suitable for health and safety reasons, yet as the planning department have not been "persuaded", therefore it is considered to fail criterion (c) of Policy CTY 10.

Whilst the planners are correct in stating that farm management is the responsibility of the farmer, due to the number of risks noted by the health and safety inspector it would be impossible to mitigate against a child or third-party incurring harm as a result of impact with tractors / plant / machinery; being overcome with fumes from the slurry tank; slipping on effluent / run-off with consequential risks thereafter; risk of being hit by or startling animals; infection from diseased animals; inhalation of potentially toxic fumes, gases, and dust inhalation on a daily basis to name a few.

For these reasons it is paramount that the proposed dwelling is located on the application site, away from the main farm holding.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0394/F

Date Received: 26/02/2021

Proposal: Change of use of lands to Public Park (used in conjunction with Saintfield Community Centre)

Location: Lands to the rear of Saintfield Community Centre and to the south of 8-11 Windmill Grange with access onto Belfast Road



Site Characteristics & Area Characteristics:

The lands outlined in red forms an irregular shaped site, located to the immediate east of a community centre and indoor sports facility. The site as present consists of a field in a semi-maintained condition, with car parking to the west. The area of the site totals approx. 1.5 hectares. The site lies to the rear of a large building, with a windmill stump located to the east. This roadside boundary is marked by a low wall and fencing with planting behind. The grounds of Saintfield High School are also located opposite the site. The site is bounded by Millpond Business Park to the south, whereby the watercourse appears to form the boundary. The site is also

bounded by housing to the north whereby this boundary includes fencing and planting. The boundary is marked by a wall with a field beyond, whereby this field includes the remains of an old windmill. The site would be considered rolling drumlin, rising in level to the east and slopes gently down towards the southern boundary. The east of the site exhibits a dense belt of vegetation.

The site is located within the development limits of Saintfield, towards the northern end of the village. The site is within lands zoned as a Local Landscape Policy Area (LLPA 7) Carson's Dam River Corridor as identified in the Ards and Down Area Plan 2015. It is also noted this stretch of the Belfast Road is a Protected Route, while a watercourse runs along the southern boundary. This area includes a mix of uses including community centre, indoor sports facility, housing, business park to the south and a school opposite to the far side of the Belfast Road.



Site History:

LA07/2021/1573/F - Change of use to multi-purpose community hall with ancillary cafe and exhibition space - to be used as an extension to existing facilities in front of building C and alterations to elevations. Rear of existing Unit C Saintfield Community Centre Saintfield. Application withdrawn.

LA07/2020/1726/PAN - Change of use from agricultural use to a community park. Windmill field Saintfield. The field is adjacent to and immediately east of the new Saintfield Community Centre (29 Belfast Road) and abounds Windmill grange windmill Road and Millpond Business Park Saintfield. Current access is beside 19 Windmill Rd. Proposal of application notice acceptable.

LA07/2018/1867/PAD - Community open space. Field behind 19, Windmill Road, Saintfield Bt24 7DX. PAD declined.

LA07/2018/1743/NMC - Non Material Change to previous approval R/2014/0627/F for the Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. 29 Belfast Road Saintfield. Non Material Change refused.

R/2014/0627/F - Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include childrens multiplay unit, additional on site parking, tree maintenance and perimeter fencing. 29 Belfast Road Saintfield BT24 7EP. Permission granted.

R/1995/0109 - Playing pitches, formal and informal planting, car parking, pavilion and duck pond. Lands Between Station Road, Belfast Road & Windmill Road Saintfield. Permission Granted.

R/1994/6113 - Proposed recreation scheme Lands at Todds Hill Saintfield. Lands at Todds Hill. Pre-application enquiry. Non-committal.

Planning Policies & Material Considerations:

The NI Regional Development Strategy 2035

SPPS – Strategic Planning Policy Statement for Northern Ireland.

Ards and Down Area Plan 2015

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

AMP 2 - Access to Public Roads

AMP 7 - Car Parking and Servicing Arrangements

PPS 6 – Planning, Archaeology and the Built Heritage

PPS8 – Open Space, Sport and Outdoor Recreation

PPS 15 – Planning and Flood Risk

DCAN15 – Vehicular Access Standards

Parking Standards

Consultations:

DfI Roads - No objections to this proposal providing Planning is content with the proposed parking provision. Condition: Existing access onto Windmill Road to be kept closed and stopped up except for use only solely for maintenance purposes as described in letter from Trustees.

DfI Rivers – There is a designated watercourse that flows adjacent to the southern boundary of this site known to DfI Rivers as Carsons Dam River (MW3307Ext). Given the site area, a drainage assessment was required as per FLD 3. DfI Rivers have no objection subject to recommended planning condition and informatives. The planning condition requires the submission of a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15.

Environmental Health (NM&D) – Raised no objections to the scheme.

Northern Ireland Environment Agent (NIEA) –

Natural Environment Division - has considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal.

Water Management Unit & Inland Fisheries -Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. **To ensure effective avoidance and mitigation measures WMU requires a full Construction Method Statement (CMS) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction.**

Shared Environmental Services (SES) – Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Historic Environment Division (HED) – The proposed development site contains an early 19th century windmill (DOW016:500). HED offer no objection to the scheme subject to planning conditions.

Objections & Representations:

Having account current procedure and practice a total of 13 Neighbours within close proximity of the site were notified on 18/03/2021. This application was advertised in the local press on 17/03/2021. An additional neighbour was notified on 24/03/2022.

To date (14/03/22) 28 representations have been logged in respect of this application, of which 11 logged as objections (including a petition with 28 signatures) The Council received 17 letters in support of this application including 4 local Councillors; Cllr P Brown, Cllr. K Owen, Cllr. W Walker and Cllr. T Andrews.

The representations in support of the proposal include the following:-

- Retains and restores the historic stump on site
- Benefits the wider Saintfield community
- A need for a park
- Social interaction and a boost to the economy through tourism and a genuine sense of togetherness

A number of the objection letters submitted concerns as follows:

- Anti-social behaviour
- Flooding concerns
- Congestion and traffic pressures
- Road safety
- Boundary treatments
- Parking concerns
- Impact on wildlife
- Dangerous building/structure on site
- Security concerns

The comments made are considered further below. See file for full content of reps received as the above is a summary of main issues raised.

Consideration and Assessment:

Summary of Proposal

The proposal seeks full planning permission for the change of use of lands to Public Park (used in conjunction with Saintfield Community Centre). The submitted site layout plan demarcates a number of pathways using through the site. The proposal also includes the erection of native tree planting, 1.6m long timber benches, erection of paladin fencing along the northern boundary and 1.6m vertical board fencing to the northern boundary (abutting Windmill Grange). Access to the site will be via existing entrance which serves the existing complex, and a 3.5m wide run along the

north of the site (left hand side of building A). The scheme seeks to utilise the existing car parking.

Ards and Down Area Plan 2015

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Ards and Down Area Plan 2015, the site lies within the defined settlement of Saintfield.

The application site is located within a Local Landscape Policy Area (LLPA 7) Carson's Dam River Corridor. Policy CON 2 of The Plan Strategy and Framework states that; Planning permission will not be granted to development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Volume 3 of the Local Development Plan lists the features of this designated LLPA 7 Carson's Dam River Corridor which includes;

- River corridor linking Saintfield Demesne to Windmill Hill and associated important mature trees and riverside vegetation especially east of former railway line and alongside the hockey and cricket pitches;
- Potential for public access along some stretches
- Remains of former windmill of historical significance in associates with Saintfield Mills has potential as riverside amenity area; and
- Former drained and surviving mill ponds are important link in the industrial past.

Having considered the scheme, it is the planning department view that the creation of a park on this site is compatible with the thrust of this LLPA meeting the requirements of Policy CON 2.

The council also formally consulted HED to provide comment regarding the scheme and any potential impacts to the early 19th century windmill (DOW 016:500), a monument scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. HED requested the submission of an An Archaeological Impact Assessment (AIA).

The impact assessment submitted with this proposal has identified the potential for industrial archaeological remains to be impacted upon during construction works for this scheme. Consequently, mitigation is required ahead of site works as per the attached conditions.

HED Monuments having considered the proposal have raised no objections to the scheme.

PPS 8 – Open Space, Sport and Outdoor recreation.

Policy 'OS 1 Protection of Open Space' states that development would not be permitted that would result in the loss of existing open space, irrespective of its physical condition and appearance. The definition of open space set out in Annex A of PPS 8 stating that open space is taken to mean all open space of public value. The policy affirms that most areas of open space can perform multiple functions and that open space can improve the quality of life for communities by providing green spaces close to where people live.

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

As part of the submission, the application was accompanied with a Pre-Application Consultation Report. A questionnaire was carried out as part of the consultation, and out of the 72 responses received 58 believed that the community park would benefit Saintfield. Furthermore, during the assessment of this application the Council received 17 letters in support of this application including 4 local Councillors: Cllr P Brown, Cllr. K Owen, Cllr. W Walker and Cllr. T Andrews.

Given the nature of the proposal, the actual loss of open space is very limited. The proposal is expected to encourage more proactive use of that open space, through the provision of community facilities. The change of use of land to public park is not considered to offend this policy,

Policies OS5 & OS7 of PPS8 control the use of noise generating activities and floodlighting on outdoor activities. The environmental Health Department have been consulted on the development and have raised no objections

PPS 2 - Natural Heritage

Policy NH1 – European and Ramsar Sites – International

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In a response dated 23/07/2021 SES stated that having considered the nature, scale, timing, duration and location of the project it is concluded that, the proposal will not have an adverse effect on site integrity of any European site.

NIEA having considered the Construction Environmental Management Plan (CEMP) is generally content that the implementation of the mitigation measures outlined should minimise any potential impacts on the watercourses and designated sites. NED recommends that final details of the proposed mitigation measures and construction methods should be provided in a final CEMP.

NH 2- Species Protected by Law

NH2 states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. The presence of species protected by legislation is a material consideration when a planning authority is considering a development proposal that if carried out, would be likely to result in harm to the species or its habitats.

It is noted from the site layout plan there is a number of derelict buildings and structures present at the site that will be retained and protected throughout this development. These structures were described in the Biodiversity Assessment, dated March 2020, as having bat roosting potential (BRP), however no further surveys were considered necessary as no works will be carried out on these structures.

Many of the trees at the site are mature and could have the potential to support roosting bats. NED notes all trees are to be retained for this development, therefore, is content that no further bat surveys are required.

NED notes from the Biodiversity Assessment that there was evidence of badger foraging on the railway tracks, which will be fenced off and not included in this planning application. NED welcomes the proposal within the letter from agent labelled Response to Environment and Fisheries Group & NIEA comments of 11/10/21, for fencing that will facilitate movements of mammals throughout the site to minimise impact to foraging and commuting badgers.

NED notes that, although no otter survey was submitted, information within the CEMP has provided mitigation to prevent pollution to potential otter habitat. NED is therefore content that otters will not likely be significantly impacted by the proposal.

PPS 3 - Access, Movement and Parking

The proposal seeks to use the existing access point to the east which serves the existing community building. The scheme will utilise the existing parking spaces that serves the community building, which in total is in the region of 115 parking spaces. DfI Roads were consulted as part of the applicant and would offer no objections to this proposal providing Planning is content with the proposed parking provision. Planning is content that there is ample car parking provision for the facility. DfI Roads have recommended a planning condition whereby existing access onto Windmill Road to be kept closed except for maintenance purposes as described in letter from Trustees. The proposal meets the requirements of this policy.

PPS 6 – Planning, Archaeology and the Built Heritage

The council formally consulted HED to provide comment regarding the scheme and any potential impacts to the early 19th century windmill (DOW 016:500), a

monument scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. HED requested the submission of an Archaeological Impact Assessment (AIA).

The impact assessment submitted with this proposal has identified the potential for industrial archaeological remains to be impacted upon during construction works for this scheme. Consequently, mitigation is required ahead of site works as per the attached conditions.

HED having considered the proposal have raised no objections to the scheme,

PPS 15 – Planning and Flood Risk

There is a designated watercourse that flows adjacent to the southern boundary of this site known to DfI Rivers as Carsons Dam River (MW3307Ext).

Given the planning application exceeds 1 hectare in area, a Drainage Assessment is required as set out in FLD 3 of PPS 15.

The applicant has received Schedule 6 Consent to discharge 14.08l/s (Greenfield rate) of storm water runoff from the proposed site to the designated Carsons Dam River (MW3307) located adjacent to the southern boundary of the site. Having reviewed the drainage Assessment DfI Rivers whilst raising no objections to the scheme requests that prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

Considerations of Representations

All of the issues raised (valid planning reasons) in these representations have been fully considered in the assessment of this planning application.

In terms of Road safety, DfI Roads have been formally consulted carried out to ensure the proposal was complaint with PPS 3. Environmental Health and DfI Rivers have raised no objections to the scheme. Reference was made to potential distribution to wildlife. The agent submitted additional information for the consideration of NED of NIEA who are also content with the scheme provided all trees and buildings on site are to be retained.

Recommendation:

The proposal has been considered having regard to all material planning considerations, the Area Plan, relevant planning policies and comments received from statutory consultees and third parties.

The principle of the use of the site for open space is considered to be acceptable. As demonstrated above, the proposal will comply with the policy requirements set out in OS1 of PPS8. The previous planning history whereby a community centre and indoor sports facility was above directly adjacent to this site, is a material consideration which has been taken into account.

It is considered that the new area of open space will provide a valuable community asset for the settlement of Saintfield.

Having weight up all material planning considerations, on balance, approval is recommended subject to the conditions outlined below.

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 01, 02-Rev-A, 03, D1, D2, D3, D4.

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

3. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include, but is not limited to, the following:

a. Construction methodology and timings of works;

b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;

c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

d. Water Quality Monitoring Plan;

e. Environmental Emergency Plan;

f. Additional updated wildlife surveys, Badger and Otter and any other as necessary

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Biodiversity Assessment and to prevent likely significant effects on the Strangford Lough ASSI/SPA/SAC and Ramsar site.

4. Prior to commencement of development, a full Construction Method Statement (CMS) should be submitted to the Council for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

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

5. No works shall be carried out on the buildings or structures identified on drawing 02-Rev-A until a protection zone has been clearly marked around each structure which has potential roosting features. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To minimise the potential impact of the proposal on bats.

6. Prior to works commencing on site, all trees identified as retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To retain the biodiversity value afforded by existing trees.

7. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

Reason – To safeguard against flood risk to the development and elsewhere.

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 8.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

11. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme for the site providing for all native species planting. More information can be found at: <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason To enhance the biodiversity value of the site and aid integration.

12. The existing access onto Windmill Road to be closed to members of the public and shall be used solely for maintenance purposes.

Reason: To avoid the use of a substandard access onto a public road.

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|---------------------------|--------------------|--------------|----------------------|
| Case Officer: | S. Maguire | Date: | 15/04/2022 |
| Appointed Officer: | A.McAlarney | Date: | 21 April 2022 |



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0201/LBC

Date Received: 25.01.2022

Proposal: Removal of tiered seating and steps. Widening of corridor between theatre and display room. Create new store using a section of existing store.

Location: Newcastle Centre, 10-14 Central Promenade, Newcastle, BT33 0AA



Site Characteristics & Area Characteristics:

The site is located within the town centre of Newcastle as designated by the Ards and Down Area Plan 2015 and is also included within Area of Outstanding Natural Beauty. This application relates to Annesley Mansions' ('Newcastle Centre'), 10-12 Central Promenade, Newcastle (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI).

Site History:

R/1989/0838- TOURIST CENTRE CENTRAL PROMENADE NEWCASTLE - New Steel Staircase, Concrete Balcony & new additional Access- PERMISSION GRANTED

R/1992/1044- ANNESLEY MANSIONS CENTRAL PROMENADE NEWCASTLE-
Refurbishment of Annesley Mansions- PERMISSION GRANTED

R/1992/1045- ANNESLEY MANSIONS CENTRAL PROMENADE NEWCASTLE-
Refurbishment of building to provide tourist- PERMISSION GRANTED

LA07/2021/0657/LBC- Newcastle Leisure Centre, 10-14 Central Promenade,
Newcastle, BT33 0AA- Proposed installation of telecoms apparatus- PERMISSION
GRANTED

LA07/2021/1752/LBC- Demolition of extension building adjoined to original B2 listed
building and all associated remedial works- Newcastle Centre, 10-14 Central
Promenade, Newcastle, BT33 0AA- PERMISSION GRANTED

LA07/2021/2087/F- Reinstatement of 2 sash windows to rear elevation of building-
Newcastle Centre, 10-14 Central Promenade, Newcastle, BT33 0AA- PERMISSION
GRANTED

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the
determination of this application:

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 (Natural Heritage)
- Planning Policy Statement 6 (Planning, Archaeology, and the Built Heritage)

Consultations:

| Consultee | Summary of Comments |
|-------------------------------------|----------------------------|
| Historic Environment Division (HED) | Content |

Objections & Representations:

This application was advertised in the local press on 16.02.2022. There is no statutory
requirement to issue neighbour notification in relation to this application. To date no
representations or objections have been received.

Consideration and Assessment:

The proposal seeks Listed Building Consent for internal alternations including the
removal of tiered seating and steps, the widening of a corridor between theatre and
display room and the creation of a new store using a section of existing store.

SPPS

Paragraph 6.13 of the SPPS states that development involving alteration to a listed
building may be permitted, particularly where this will secure the ongoing viability
and upkeep of the building.

PPS 6**Policy BH 8- Extension or Alteration of a Listed Building**

Proposals for the extension or alteration of a listed building will only be granted consent where all the following criteria are met:

- (a) The essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired
- (b) The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) The architectural details (e.g., doors gutters, windows) match or are in keeping with the building

In assessment of the above, HED have considered the impacts of the proposal on the listed building and on the basis of the information provided consider that subject to conditions, it satisfies the requirements of para 6.13 of the SPPS and policies BH8 of PPS 6.

Recommendation: Consent Granted

Conditions

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. The development hereby permitted shall take place in strict accordance with the following approved plans Nos. DDC157-G-1-00, 002, 003, 004

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

3. Materials shall be:

- External walls and historic internal walls: Internal plaster shall be repaired using a breathable lime plaster.
- New Doors: Painted solid timber.
- New internal joinery: Painted solid timber.
- New floor: Solid wood. Historic timbers and joinery details shall be retained and repaired

Reason: In line with BH8 in order that the essential character of the building is retained, its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the building.

Informative:

1. The drawings to which this decision relates are Nos. DDC157-G-1-00, 002, 003, 004
2. Discussions with Building Control should be initiated at an early stage; changes may be required in relation to fire, sound, thermal insulation, etc that would affect the historic fabric of the building. If such requirements are not considered in this application and the associated full application, further revisions may be required that may not comply with Policy BH8 of PPS6.
3. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal / external or setting). All listed buildings are afforded the same protection, irrespective of grade

Case officer: Ryan Gallagher
Authorised by: A.McAlarney
Date: 24 March 2022

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

| Minute Ref | Subject | Decision | Lead Officer | Actions taken/ Progress to date | Remove from Action Sheet Y/N |
|------------------|--|---|-------------------|------------------------------------|------------------------------|
| | | PLANNING MEETING – 1 AUGUST 2018 | | | |
| LA07/2017/1261/0 | Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield | Defer application to enable the Council’s Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10 | Annette McAlarney | Legal Advice received. | N |
| | | PLANNING MEETING - 13 FEBRUARY 2019 | | | |
| LA07/2015/0149/F | Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site | Withdrawn by the Planning Department to allow further consultation to be completed | A Davidson | Remains under consideration | N |

| | | | | | |
|---|---|--|-----------------|---|---|
| | between 54 and 58 Edenappa Road, Jonesborough | | | | |
| PLANNING COMMITTEE MEETING 26 AUGUST 2020 | | | | | |
| LA07/2019/1302/F | Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle. | Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal. | A McAlarney | Awaiting consultation response from DFI Roads on new info submitted. | N |
| LA07/2019/1087/0 | Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar | Removed from the agenda as agent unable to attend | A McAlarney | Application on hold to allow a Bat survey to be carried out by applicant. Survey season is May – August. | N |
| PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020 | | | | | |
| LA07/2020/0176/F | Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough | Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered | A Davidson | Under consideration by Planning Office | N |
| PLANNING COMMITTEE MEETING 09 MARCH 2022 | | | | | |
| LA07/2020/1567/F | Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - | Removed from the schedule at the request of Planners – to be brought back to Committee | Patricia Manley | | N |

| | | | | | |
|---|---|--|-------------------|---|---|
| | Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL | | | | |
| LA07/2017/0978/F and LA07/2017/0983/LBC | Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle | Defer back to officers to see if agreement on design can be reached and delegate decision to officers | Annette McAlarney | HED and Agent to meet to discuss revisions. | N |
| LA07/2019/1134/O | Replacement Dwelling - 90 Manse Road Darraghcross Crossgar | Insufficient Members for a quorum – bring back to April Planning Meeting | Annette McAlarney | On agenda for PI Committee Meeting – 06-04-2022 – defer for a site visit on 13-04-2022 and full presentation at May Planning Meeting | N |
| LA07/2021/1370/O | Infill development of 2 no. dwellings Land located between No.22 and No.22B Lurgan Road Silverbridge Newry BT35 9EF | Defer for a site visit | Andrew Davidson | Site visit held 30-03-2022 -on agenda for May Planning Meeting | N |
| LA07/2020/1161/F | Change of use from rough grazing to motorhome park - Adjacent to No.11 Altnadue Road Castlewellan | Defer for a site visit | Annette McAlarney | Site visit held 30-03-2022 – on agenda for May Planning Meeting | N |
| PLANNING COMMITTEE MEETING 06 APRIL 2022 | | | | | |
| LA07/2021/0461/F | Single dwelling using existing foundations from previously approved (R/2012/0301/F) Adjacent to and east of 10 Meadow View Close Kilcoo | Removed from the schedule at the request of Councillor McEvoy as the agent was unable to attend – re-present at the May Committee Meeting | Annette McAlarney | On agenda for May Planning Meeting | N |

| | | | | | |
|------------------|---|---|--|---|---|
| LA07/2021/1824/F | Replacement Dwelling House - 34 Ringdufferin Road Downpatrick | Removed from the schedule at the request of Planners | | Under consideration by Planning Office | N |
| END | | | | | |

Newry, Mourne & Down District Council – April 2022

112

1. Live Applications

| MONTH 2022/23 | NEW APPLICATIONS | LIVE APPLICATIONS | LIVE APPLICATIONS OVER 12 MONTHS |
|---------------|------------------|-------------------|----------------------------------|
| April 2022 | 142 | 1,120 | 235 |

2. Live Applications by length of time in system

| Month 2022/23 | Under 6 months | Between 6 and 12 months | Between 12 and 18 months | Between 18 and 24 months | Over 24 months | Total |
|---------------|----------------|-------------------------|--------------------------|--------------------------|----------------|-------|
| April 2022 | 660 | 225 | 89 | 37 | 109 | 1,120 |

3. Live applications per Case Officer

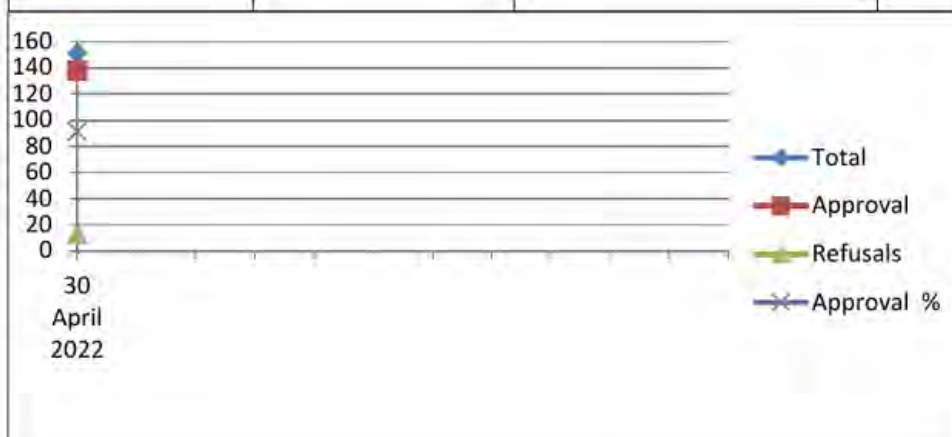
| Month 2022/23 | Average number of Applications per Case Officer |
|---------------|---|
| April | 69 |

4. Decisions issued per month

| Month 2022/23 | Number of Decisions Issued | Number of Decisions Issued under delegated authority |
|---------------|----------------------------|--|
| April | 151 | 139 |

5. Decisions Issued YTD

| Month 2022/23 | Number of Decisions Issued | Breakdown of Decisions | |
|---------------|----------------------------|------------------------|-----|
| April | 151 | Approvals (138) | 91% |
| | | Refusals (13) | 9% |



Newry, Mourne & Down District Council – April 2022

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6. Enforcement Live cases

| Month 2022/2023 | <=1yr | 1-2 yrs | 2-3 yrs | 3-4 yrs | 4-5 yrs | 5+yrs | Total |
|-----------------|-------|---------|---------|---------|---------|-------|-------|
| April | 214 | 154 | 75 | 74 | 78 | 96 | 691 |

7. Planning Committee

| Month | Number of Applications presented to Committee | Number of Applications Determined by Committee | Number of Applications Withdrawn/ Deferred for future meeting | Number of Officer recommendation overturned |
|---------------|---|--|---|---|
| 6 April 2022 | 10 | 7 | 3 | 1 |
| Totals | 10 | 7 | 3 | 1 |

8. Appeals

Planning Appeal Commission Decisions issued during period 1 April 2022 to 30 April 2022

| Area | Number of current appeals | Number of decisions issued | Number of decisions Allowed | Number of decisions Dismissed | Withdrawn |
|----------------|---------------------------|----------------------------|-----------------------------|-------------------------------|-----------|
| Newry & Mourne | 27 | 0 | - | - | - |
| Down | 43 | 3 | 1 | 2 | 1 |
| TOTAL | 70 | 3 | 1 | 2 | 1 |

Newry, Mourne & Down District Council – April 2022

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Statutory targets monthly update - January 2022 (unvalidated management information)

Newry, Mourne and Down

| | Major applications (target of 30 weeks) | | | | Local applications (target of 15 weeks) | | | | Cases concluded (target of 39 weeks) | | | |
|---------------------|---|---------------------------------------|--------------------------------------|--------------------------------------|---|---------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|---|------------------------------------|--------------------------------------|
| | Number received | Number decided/withdrawn ¹ | Average processing time ² | % of cases processed within 30 weeks | Number received | Number decided/withdrawn ¹ | Average processing time ² | % of cases processed within 15 weeks | Number opened | Number brought to conclusion ³ | "70%" conclusion time ³ | % of cases concluded within 39 weeks |
| April | 2 | - | 0.0 | 0.0% | 171 | 143 | 16.6 | 43.4% | 44 | 19 | 69.8 | 52.6% |
| May | 2 | 1 | 35.4 | 0.0% | 159 | 137 | 17.2 | 41.6% | 31 | 30 | 57.0 | 66.7% |
| June | 1 | 1 | 49.8 | 0.0% | 179 | 173 | 16.8 | 42.8% | 38 | 41 | 85.8 | 46.3% |
| July | 0 | - | 0.0 | 0.0% | 124 | 136 | 17.0 | 41.2% | 38 | 27 | 85.2 | 51.9% |
| August | 0 | - | 0.0 | 0.0% | 137 | 140 | 17.1 | 38.6% | 35 | 67 | 89.2 | 53.7% |
| September | 2 | - | 0.0 | 0.0% | 148 | 166 | 19.8 | 28.3% | 48 | 37 | 158.4 | 37.8% |
| October | 0 | - | 0.0 | 0.0% | 159 | 147 | 17.8 | 34.0% | 27 | 75 | 122.0 | 40.0% |
| November | 0 | 2 | 75.3 | 0.0% | 149 | 174 | 20.0 | 33.3% | 25 | 69 | 129.2 | 44.9% |
| December | 0 | 1 | 31.4 | 0.0% | 97 | 141 | 22.2 | 30.5% | 20 | 34 | 178.7 | 38.2% |
| January | 0 | - | 0.0 | 0.0% | 108 | 106 | 20.4 | 28.3% | 33 | 48 | 101.7 | 44.7% |
| February | 0 | - | 0.0 | 0.0% | 0 | - | 0.0 | 0.0% | 0 | - | 0.0 | 0.0% |
| March | 0 | - | 0.0 | 0.0% | 0 | - | 0.0 | 0.0% | 0 | - | 0.0 | 0.0% |
| Year to date | 7 | 5 | 49.8 | 0.0% | 1,431 | 1,463 | 18.6 | 36.3% | 339 | 447 | 108.8 | 46.6% |

Source: NI Planning Portal

Newry, Mourne & Down District Council – April 2022

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Notes:

- 1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures*
- 2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".*
- 3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

Current Appeals

116

AUTHORITY Newry, Mourne and Down

| | | | |
|---------------------------|---|-----------------|-------------|
| ITEM NO | 1 | PAC Ref: | 2019 /A0248 |
| Planning Ref: | LA07/2019/1130/ | DEA | The Mournes |
| APPELLANT LOCATION | Mr James Rogan Site Adjacent To 33 Dunwellan Park Newcastle | | |
| PROPOSAL | New end terrace Dwelling with associated site works | | |

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 10/03/2020

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

| | | | |
|---------------------------|--|-----------------|------------|
| ITEM NO | 2 | PAC Ref: | 2020/A0003 |
| Planning Ref: | LA07/2019/1021/ | DEA | Rowallane |
| APPELLANT LOCATION | Mrs E Fitzsimons 53A Saintfield Road Crossgar | | |
| PROPOSAL | Retention of building in substitution of previous approval LA07/2015/1224/F | | |

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 16/07/2020

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

117

| | | | |
|----------------------|--|-----------------|-------------|
| ITEM NO | 3 | PAC Ref: | 2020/A0142 |
| Planning Ref: | LA07/2020/1072/ | DEA | Downpatrick |
| APPELLANT | Chris Ball | | |
| LOCATION | 67 St Patricks Avenue Downpatrick | | |
| PROPOSAL | Change of use from commercial/office to a 2 bedroom dwelling | | |

| | | | |
|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/02/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

| | | | |
|----------------------|---|-----------------|--------------|
| ITEM NO | 4 | PAC Ref: | 2020/A0145 |
| Planning Ref: | LA07/2020/1485/ | DEA | Slieve Croob |
| APPELLANT | Leo Mcgrenaghan | | |
| LOCATION | Land Adjacent To 32 Teconnaught Road Downpatrick | | |
| PROPOSAL | Dwelling House | | |

| | | | |
|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 12/02/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

118

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 5 | | |
| Planning Ref: | LA07/2018/0293/ | PAC Ref: | 2020/A0156 |
| APPELLANT | Paul McEvoy | DEA | Rowallane |
| LOCATION | Opposite 49 And Adjacent To 56 Darragh Road Darraghcross | | |
| PROPOSAL | Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/03/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

| | | | |
|--|--|---------------------------|-------------|
| ITEM NO | 6 | | |
| Planning Ref: | LA07/2018/1616/ | PAC Ref: | 2020/C002 |
| APPELLANT | David Trevor Shields | DEA | The Mournes |
| LOCATION | Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel | | |
| PROPOSAL | Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay. | | |
| APPEAL TYPE | DC- EIA Determination - app ES is required | | |
| Appeal Procedure | Formal Hearing | Date Appeal Lodged | 11/08/2020 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

119

| | | | |
|--|--|---------------------------|-------------|
| ITEM NO | 7 | | |
| Planning Ref: | LA07/2021/0159/ | PAC Ref: | 2021/0153 |
| APPELLANT LOCATION | Mr & Mrs S Morrison 37 Ballagh Road Newcastle | DEA | The Mournes |
| PROPOSAL | Proposed Replacement two-storey split level dwelling with retention of existing dwelling for ancillary use | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 01/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 8 | | |
| Planning Ref: | LA07/2020/0258/ | PAC Ref: | 2021/A0008 |
| APPELLANT LOCATION | Johnny Farrell 49a Greenan Road Newry | DEA | Crotlieve |
| PROPOSAL | Co Down Retention of construction access with new improved sight lines- previously approved under P/2011/0702/F | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Informal Hearing | Date Appeal Lodged | 20/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

120

| | | | |
|--|--|---------------------------|--------------|
| ITEM NO | 9 | | |
| Planning Ref: | LA07/2020/1568/ | PAC Ref: | 2021/A0009 |
| APPELLANT | Mr & Mrs Pat Hayes | DEA | Slieve Croob |
| LOCATION | To The Rear And Immediately South West Of 62 Crawfordstown Road | | |
| PROPOSAL | Drumaness Retrospective extension to domestic curtilage, construction of garden feature and greenhouse along with all associates hard and soft landscaping. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 18/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|-------------|
| ITEM NO | 10 | | |
| Planning Ref: | LA07/2020/1360/ | PAC Ref: | 2021/A0022 |
| APPELLANT | Charlie Magennis | DEA | The Mournes |
| LOCATION | Base And Morelli's 71-73 Central Promenade Newcastle | | |
| PROPOSAL | Proposed erection of temporary retractable awning and lightweight structure | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 09/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

121

| | | | |
|--|--|---------------------------|------------|
| ITEM NO | 11 | | |
| Planning Ref: | LA07/2020/1077/ | PAC Ref: | 2021/A0031 |
| APPELLANT | Mr Eammon McAteer | DEA | Crotlieve |
| LOCATION | 12 Cullion Road Mayobridge RT34 2H11 | | |
| PROPOSAL | Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard polystyrene for transfer to re cycling centers | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

| | | | |
|--|--|---------------------------|------------|
| ITEM NO | 12 | | |
| Planning Ref: | LA07/2021/0096/ | PAC Ref: | 2021/A0033 |
| APPELLANT | Mr Bailey | DEA | Rowallane |
| LOCATION | 18a Drumgivan Road Drumgivan Ballinahinch | | |
| PROPOSAL | Extension and renovation of Schoolhouse to domestic dwelling | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

122

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 13 | | |
| Planning Ref: | LA07/2020/0770/ | PAC Ref: | 2021/A0034 |
| APPELLANT | Jamie McDonald | DEA | Newry |
| LOCATION | Lands Approx. 40m NE Of 29 Clontigora Hill Newry | | |
| PROPOSAL | Infill dwelling and garage, associated landscaping and site works | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|--------------|
| ITEM NO | 14 | | |
| Planning Ref: | LA07/2020/0115/ | PAC Ref: | 2021/A0046 |
| APPELLANT | Brendan Ferris | DEA | Slieve Croob |
| LOCATION | 110 Southwest Of 50 Crawfordstown Road Downpatrick | | |
| PROPOSAL | Retrospective change of use of agricultural building to gym | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 28/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

123

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 15 | | |
| Planning Ref: | LA07/2020/0079/ | PAC Ref: | 2021/A0049 |
| APPELLANT | M Farrell | DEA | Newry |
| LOCATION | Lands Approximately 50m North West Of No. 53 Ayalogue Road Newry | | |
| PROPOSAL | Dwelling and garage on gap site | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 14/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|--------------|
| ITEM NO | 16 | | |
| Planning Ref: | LA07/2020/1828/ | PAC Ref: | 2021/A0051 |
| APPELLANT | Richard Hall | DEA | Slieve Croob |
| LOCATION | Adjacent And Immediately North Of 42 Old Belfast Road Dundrum Newcastle | | |
| PROPOSAL | Infill site for dwelling with domestic garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 16/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

124

| | | | |
|----------------------|---|-----------------|-------------|
| ITEM NO | 17 | | |
| Planning Ref: | LA07/2021/0616/ | PAC Ref: | 2021/A0052 |
| APPELLANT | Andrew Davis | DEA | Downpatrick |
| LOCATION | East And Adjacent To 4 Turmennan Road Crossgar | | |
| PROPOSAL | Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a | | |

| | | | |
|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 21/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

| | | | |
|----------------------|--|-----------------|--------------|
| ITEM NO | 18 | | |
| Planning Ref: | LA07/2020/0387/ | PAC Ref: | 2021/A0074 |
| APPELLANT | Mr C O'Connor | DEA | Slieve Croob |
| LOCATION | 59 Drumnaquoile Road Castlewellan | | |
| PROPOSAL | Change of house type and siting in substitution to Planning permission LA07/2018/1590/F | | |

| | | | |
|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 21/07/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

125

| | | | |
|--|---|---------------------------|-------------|
| ITEM NO | 19 | PAC Ref: | 2021/A0075 |
| Planning Ref: | LA07/2021/0450/ | DEA | The Mournes |
| APPELLANT LOCATION | Paul Smith 57 Castlewellan Road Newcastle | | |
| PROPOSAL | Artist studio and study to existing dwelling, for domestic use associated with the dwelling | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 28/07/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 20 | PAC Ref: | 2021/A0083 |
| Planning Ref: | LA07/2020/1830/ | DEA | Crotlieve |
| APPELLANT LOCATION | Briege McComiskey Approx 160m North West Of No.26 Leode Road Hilltown | | |
| PROPOSAL | ^{Newrv} Erection of dwelling and domestic garage on a farm | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 03/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

126

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 21 | | |
| Planning Ref: | LA07/2020/0936/ | PAC Ref: | 2021/A0092 |
| APPELLANT | Mr James Hughes | DEA | Crotlieve |
| LOCATION | Mountview Business Park Rathfriland Road | | |
| PROPOSAL | New Replacement free standing vertical sign with logos to both faces | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 17/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 22 | | |
| Planning Ref: | LA07/2021/0055/ | PAC Ref: | 2021/A0105 |
| APPELLANT | Heather & Stephen Verner | DEA | Rowallane |
| LOCATION | Adjacent & 40m North Of 22 Tullyveery Road Killyleagh | | |
| PROPOSAL | Dwelling and garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 17/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

127

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|--|---|---------------------------|------------|
| ITEM NO | 23 | | |
| Planning Ref: | LA07/2021/0790/ | PAC Ref: | 2021/A0107 |
| APPELLANT | Mr & Mrs Wayne Garrett | DEA | Rowallane |
| LOCATION | 135m South Of 58 Carsonstown Road Saintfield | | |
| PROPOSAL | Single dwelling and garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|-------------|
| ITEM NO | 24 | | |
| Planning Ref: | LA07/2021/0473/ | PAC Ref: | 2021/A0109 |
| APPELLANT | Rhys Dowsall | DEA | The Mournes |
| LOCATION | 5 Killowen Road Rostrevor | | |
| PROPOSAL | Retention of mobile home on concrete hardstanding | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 16/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

128

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|----------------------|---|-----------------|--------------|
| ITEM NO | 25 | | |
| Planning Ref: | LA07/2020/1834/ | PAC Ref: | 2021/A0112 |
| APPELLANT | Mr & Mrs Christopher Kelly | DEA | Slieve Croob |
| LOCATION | Approx. 200m SE Of No. 36 Mountain Road Ballynahinch | | |
| PROPOSAL | Dwelling on a Farm | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 28/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 26 | | |
| Planning Ref: | LA07/2021/1088/ | PAC Ref: | 2021/A0113 |
| APPELLANT | MPG Wind | DEA | Crotlieve |
| LOCATION | Lands Approximately 230m To The North West Of 15 Barnmeen Road Rathfriland | | |
| PROPOSAL | Proposed retention of existing turbine tower, replacement of existing turbine nacelle and blades with new nacelle and blades. The replacement nacelle and blades will create a hub height of 40m with a maximum rotor diameter of 31m and tip height of 55.5m (up to 250kW) | | |
| APPEAL TYPE | DC - Non Determination of a Planning Application | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 09/11/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

129

| | | | |
|--|--|---------------------------|-------------|
| ITEM NO | 27 | | |
| Planning Ref: | LA07/2018/0932/ | PAC Ref: | 2021/A0116 |
| APPELLANT | Dynes Bros | DEA | Downpatrick |
| LOCATION | No's 12 And 14 St Patrick's Way And Lands Between 12 And 14 St Patrick's Way Ballyhornan Road Ballyalton Downpatrick (amended Address) | | |
| PROPOSAL | Detached dwelling on lands between 12 and 14 St Patrick's Way and amendments to existing dwellings 12 and 14 to provide additional lands, landscaping and amendments to previously approved parking arrangements. (Amended Proposal) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 13/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 28 | | |
| Planning Ref: | LA07/2019/1206/ | PAC Ref: | 2021/A0118 |
| APPELLANT | Kilbroney Timberframe Limited | DEA | Newry |
| LOCATION | Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street | | |
| PROPOSAL | Proposed 8 dwellings (2 blocks of four terrace dwellings) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 13/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

130

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|--|---|---------------------------|------------|
| ITEM NO | 29 | PAC Ref: | 2021/A0120 |
| Planning Ref: | LA07/2021/0762/ | DEA | Rowallane |
| APPELLANT LOCATION | Mr B McCallister 70 Old Belfast Road Saintfield | | |
| PROPOSAL | Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|-------------|
| ITEM NO | 30 | PAC Ref: | 2021/A0122 |
| Planning Ref: | LA07/2020/0921/ | DEA | Downpatrick |
| APPELLANT LOCATION | Alan Humphries Adjacent To 127a Shore Road Kilclief | | |
| PROPOSAL | Dwelling and garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 18/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

131

| | | | |
|----------------------|--|-----------------|----------------|
| ITEM NO | 31 | PAC Ref: | 2021/A0128 |
| Planning Ref: | LA07/2020/1002/ | DEA | Slieve Gullion |
| APPELLANT | Cathal McGroder & Moira Fegan | | |
| LOCATION | Site 50m West Of 15 O'Callaghan Road Tullydonnell Silverbridge | | |
| PROPOSAL | Proposed erection of a dwelling house and garage. | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 28/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|------------|
| ITEM NO | 32 | PAC Ref: | 2021/A0137 |
| Planning Ref: | LA07/2021/0092/ | DEA | Crotlieve |
| APPELLANT | Mr Paul Henry Murney | | |
| LOCATION | 39 Chapel Hill Road Mayobridge Newry | | |
| PROPOSAL | Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 04/11/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

132

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 33 | | |
| Planning Ref: | LA07/2021/0174/ | PAC Ref: | 2021/A0138 |
| APPELLANT | Mary Boal | DEA | Croilieve |
| LOCATION | To The Rear Of No. 56 Milltown Street Burren | | |
| PROPOSAL | Warrenpoint Proposed dwelling | | |
| | | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 04/11/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|--------------|
| ITEM NO | 34 | | |
| Planning Ref: | LA07/2021/1066/ | PAC Ref: | 2021/A0141 |
| APPELLANT | Sean & Linda Tumelty | DEA | Slieve Croob |
| LOCATION | Adjacent To And North West Of 150A Vianstown Road Downpatrick | | |
| PROPOSAL | Single Dwelling House | | |
| | | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 10/11/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

133

ITEM NO 35
Planning Ref: LA07/2020/0518/ **PAC Ref:** 2021/A0143
APPELLANT Mr Alan Milne **DEA** Slieve Gullion
LOCATION 100m North Of 245 Armagh Road
 Tullyhappy

PROPOSAL ^{Newry}
 Retention of replacement agricultural store

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Written Reps** **Date Appeal Lodged** 17/11/2021
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 36
Planning Ref: LA07/2021/0536/ **PAC Ref:** 2021/A0148
APPELLANT Messrs. M & P Fitzsimons **DEA** Downpatrick
LOCATION Lands 186m Due West Of 83 Crew Road
 Ardglass

PROPOSAL ^{Downpatrick}
 Proposed building for mixed use agricultural purposes.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 23/11/2021
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

134

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|----------------------|--|-----------------|--------------|
| ITEM NO | 37 | PAC Ref: | 2021/A0149 |
| Planning Ref: | LA07/2019/1375/ | DEA | Slieve Croob |
| APPELLANT | Cacola Ltd | | |
| LOCATION | Lands Immediately South Of 17 Leitrim Road Ballymaginaghy Castlewella Co Down | | |
| PROPOSAL | Erection of 2 Dwellings | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 01/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|------------|
| ITEM NO | 38 | PAC Ref: | 2021/A0150 |
| Planning Ref: | LA07/2021/1061/ | DEA | Crotlieve |
| APPELLANT | Mr Dermot O'Hare | | |
| LOCATION | Lands Between 17A And 17B Hilltown Road Mayobridge RT34 2A1 | | |
| PROPOSAL | Proposed dwelling and garage | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 02/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

135

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|--|--|---------------------------|------------|
| ITEM NO | 39 | PAC Ref: | 2021/A0154 |
| Planning Ref: | LA07/2019/1490/ | DEA | Rowallane |
| APPELLANT | Castleinch Ltd | | |
| LOCATION | North Of 7 And 9 Saintfield Road Ballynahinch | | |
| PROPOSAL | Vary condition 10 of planning approval R/2011/0648/F; | | |
| | Condition 10: No other development hereby permitted shall be commenced until the works necessary for the improvement of a public | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 02/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 40 | PAC Ref: | 2021/A0156 |
| Planning Ref: | LA07/2021/0502/ | DEA | Rowallane |
| APPELLANT | Mr & Mrs J Wade | | |
| LOCATION | 71 Lisburn Road Lisdalgaun Saintfield | | |
| PROPOSAL | Replacement dwelling and conversion of existing dwelling to domestic store. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 01/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

136

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|--|--|---------------------------|------------|
| ITEM NO | 41 | | |
| Planning Ref: | LA07/2019/1262/ | PAC Ref: | 2021/A0158 |
| APPELLANT | SJ Anderson & Sons | DEA | Rowallane |
| LOCATION | 11 Lisburn Road Ballynahinch | | |
| PROPOSAL | Replacement of existing dwelling with 4 townhouses and associated site works | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 03/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 42 | | |
| Planning Ref: | LA07/2021/0639/ | PAC Ref: | 2021/A0161 |
| APPELLANT | Declan Clarke | DEA | Newry |
| LOCATION | Located Upon Lands Approximately 50 Meters North Of No 33 Ferryhill Road Clontarf | | |
| PROPOSAL | Proposed Erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 14/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

137

| | | | |
|--|---|---------------------------|----------------|
| ITEM NO | 43 | | |
| Planning Ref: | LA07/2021/0578/ | PAC Ref: | 2021/A0162 |
| APPELLANT | Mr Brendan Quinn | DEA | Slieve Gullion |
| LOCATION | Located Upon Lands Approximately 40m South East Of No. 20 Creamery Road | | |
| PROPOSAL | Carran Proposed erection of a rural infill detached dwelling house together with detached domestic garage, site works and associated landscaping | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 14/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|----------------|
| ITEM NO | 44 | | |
| Planning Ref: | LA07/2021/0361/ | PAC Ref: | 2021/A0163 |
| APPELLANT | Gerard Murphy | DEA | Slieve Gullion |
| LOCATION | Approximately 84 Metres North East Of No. 2 Milltown Road Lislea | | |
| PROPOSAL | Co. Armagh Proposed erection of an agricultural storage building and associated site works | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 14/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

138

| | | | |
|----------------------|--|-----------------|-------------|
| ITEM NO | 45 | | |
| Planning Ref: | LA07/2020/1025/ | PAC Ref: | 2021/A0168 |
| APPELLANT | Patrick Fitzsimons | DEA | Downpatrick |
| LOCATION | Adjacent To And North West Of 59 Annacloy Road Downpatrick | | |
| PROPOSAL | RT30 9AQ Proposed dwelling accessed by existing entrance and proposed new entrance for 59 Annacloy Road, Downpatrick | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|------------|
| ITEM NO | 46 | | |
| Planning Ref: | LA07/2021/0066/ | PAC Ref: | 2021/A0169 |
| APPELLANT | Mr Peter Connolly | DEA | Newry |
| LOCATION | 3 River Street Newry BT34 1DQ | | |
| PROPOSAL | Conversion of commercial property to four number self contained one bedroom apartments | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 15/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

139

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 47 | | |
| Planning Ref: | LA07/2021/0552/ | PAC Ref: | 2021/A0173 |
| APPELLANT | Stephen Grogan | DEA | Crotlieve |
| LOCATION | Between 1a And 1b Mullavat Road Newry | | |
| PROPOSAL | Co Down Private dwelling on gap/infill site (two storey requested) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Informal Hearing | Date Appeal Lodged | 17/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 48 | | |
| Planning Ref: | LA07/2021/0408/ | PAC Ref: | 2021/A0177 |
| APPELLANT | Irwin Carr Consulting Ltd | DEA | Crotlieve |
| LOCATION | Lands Located To The Rear Of No. 7 Osbourne Promenade (together With Rear Access And Parking From Great Georges Street South) | | |
| PROPOSAL | Proposed Retention of Existing Office/Storage Building to be used in conjunction with No. 7 Osbourne Promenade (amended description) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 20/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

140

| | | | |
|--|--|---------------------------|------------|
| ITEM NO | 49 | | |
| Planning Ref: | LA07/2020/0982/ | PAC Ref: | 2021/A0178 |
| APPELLANT | Mr Noel McKeivitt | DEA | Newry |
| LOCATION | Lands Approximately 55 Metres North West Of No.5 Upper Fathom Road | | |
| PROPOSAL | Fathom Lower Proposed erection of 2 No. Rural infill detached dwelling houses and detached garages, rural entrance pillars and gates, additional landscaping and associated site works. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 20/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|--------------|
| ITEM NO | 50 | | |
| Planning Ref: | LA07/2021/0598/ | PAC Ref: | 2021/A0179 |
| APPELLANT | Ryan Kelly | DEA | Slieve Croob |
| LOCATION | Adjacent To 104 Downpatrick Road Ballynahinch | | |
| PROPOSAL | Farm dwelling, detached garage and site works | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 22/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

141

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|----------------------|--|-----------------|-------------|
| ITEM NO | 51 | PAC Ref: | 2021/A0182 |
| Planning Ref: | LA07/2021/0246/ | DEA | The Mournes |
| APPELLANT | Gerard Milligan | | |
| LOCATION | Immediately North-west Of 102 Tullybrannigan Road Newcastle | | |
| PROPOSAL | Proposed 3no. self contained tourism units | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 05/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|------------|
| ITEM NO | 52 | PAC Ref: | 2021/A0185 |
| Planning Ref: | LA07/2021/0428/ | DEA | Newry |
| APPELLANT | Michael Berrill | | |
| LOCATION | Casa Bella Interiors 4 The Mall Newry | | |
| PROPOSAL | Replacement of existing shop front sign | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 06/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

142

| | | | |
|----------------------|---|-----------------|--------------|
| ITEM NO | 53 | PAC Ref: | 2021/A0186 |
| Planning Ref: | LA07/2021/1747/ | DEA | Slieve Croob |
| APPELLANT | Walter Watson | | |
| LOCATION | Site Between 121 And 121a Ballylough Road Castlewellan | | |
| PROPOSAL | New Infill Dwelling (CTY 8) | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 10/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|------------|
| ITEM NO | 54 | PAC Ref: | 2021/A0192 |
| Planning Ref: | LA07/2021/0339/ | DEA | Rowallane |
| APPELLANT | Mr Daniel Clarke | | |
| LOCATION | Lands Approx. 30m To North East Of No 16 Ringhaddy Road, Killinchy | | |
| PROPOSAL | Proposed site for dwelling in accordance with Policy CTY8 of PPS21 | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 55 | | |
| Planning Ref: | LA07/2020/1796/ | PAC Ref: | 2021/A0196 |
| APPELLANT | Joseph McKeivitt | DEA | Croilieve |
| LOCATION | Immediately North West Of No. 4 Aughnamoira Road Warrenpoint BT34 2PR | | |
| PROPOSAL | Erection of dwelling (amended address) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 14/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 56 | | |
| Planning Ref: | LA07/2021/1407/ | PAC Ref: | 2021/A0197 |
| APPELLANT | Mr & Mrs Orr | DEA | Rowallane |
| LOCATION | Adjacent To 60 Carsonstown Road Carsonstown Saintfield | | |
| PROPOSAL | Erection of Replacement Dwelling and Retention of existing building as outbuilding | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 18/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

144

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|----------------------|---|-----------------|------------|
| ITEM NO | 57 | PAC Ref: | 2021/A0200 |
| Planning Ref: | LA07/2021/0956/ | DEA | Newry |
| APPELLANT | David Og Downey | | |
| LOCATION | 101m North West Of No.60 Lower Foughill Road Jonesborough | | |
| PROPOSAL | Newry Proposed off site replacement dwelling and associated site works | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 24/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|--|-----------------|--------------|
| ITEM NO | 58 | PAC Ref: | 2021/A0203 |
| Planning Ref: | LA07/2021/0620/ | DEA | Slieve Croob |
| APPELLANT | Mr Martin Russell | | |
| LOCATION | Magheralagan Corn Mill Opposite 68 Drumcullan Road | | |
| PROPOSAL | Downpatrick Restoration and Conversion of Magheralagan Corn Mill to single dwelling | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 25/01/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|---------------------------|---|-----------------|--------------|
| ITEM NO | 59 | PAC Ref: | 2021/A0211 |
| Planning Ref: | LA07/2021/1079/ | DEA | Slieve Croob |
| APPELLANT LOCATION | Bridgeen King 7 Woodgrove Castlewellan | | |
| PROPOSAL | Use of building as salon for home-working (retrospective) | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 07/02/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|---------------------------|--|-----------------|--------------|
| ITEM NO | 60 | PAC Ref: | 2021/A0225 |
| Planning Ref: | LA07/2021/1123/ | DEA | Slieve Croob |
| APPELLANT LOCATION | Mr & Mrs Malone Lands Approx. 50m South East Of 55 Leitrim Road Castlewellan | | |
| PROPOSAL | Proposed Site for erection of 1no detached off site Replacement Dwelling | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 21/02/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|---|---------------------------|------------|
| ITEM NO | 61 | PAC Ref: | 2021/A0229 |
| Planning Ref: | LA07/2021/1188/ | DEA | Croilieve |
| APPELLANT LOCATION | Frank Clerkin 170 Metres North West Of 107 Kilbroney Road Rostrevor | | |
| PROPOSAL | RT34 3RW Proposed extension to existing farm yard | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 25/02/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 62 | PAC Ref: | 2021A0234 |
| Planning Ref: | LA07/2021/1091/ | DEA | Rowallane |
| APPELLANT LOCATION | Mr Garth & Mrs Kathryn Belshaw Land Adjoining 26 Windmill Avenue Ballynahinch | | |
| PROPOSAL | Single Dwelling House | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/03/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|----------------------|--|-----------------|-------------|
| ITEM NO | 63 | PAC Ref: | 2021/A0235 |
| Planning Ref: | LA07/2021/0251/ | DEA | The Mournes |
| APPELLANT | Robin Dalzell | | |
| LOCATION | Site Adjacent To 57 Castlewellan Road Newcastle | | |
| PROPOSAL | Single Dwelling | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/03/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|--|-----------------|-------------|
| ITEM NO | 64 | PAC Ref: | 2021/A0239 |
| Planning Ref: | LA07/2021/0368/ | DEA | Downpatrick |
| APPELLANT | Mr & Mrs L Venney | | |
| LOCATION | Lands Contained Between 1 Minerstown Road And 55 Rossglass Road | | |
| PROPOSAL | Downpatrick 2 no. Infill dwellings and detached garages | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/03/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|---|---------------------------|------------|
| ITEM NO | 65 | | |
| Planning Ref: | LA07/2021/1640/ | PAC Ref: | 2021/A0244 |
| APPELLANT | Luke Rea & Claire McIlwaine | DEA | Rowallane |
| LOCATION | Lands Adjacent To And 35m West Of 73 Lisbane Road Ballynahinch | | |
| PROPOSAL | Proposed Site for a Single Infill Dwelling | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 21/03/2022 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 66 | | |
| Planning Ref: | LA07/2020/1906/ | PAC Ref: | 2021/E0010 |
| APPELLANT | Eamonn McAteer McAteer Recyclin | DEA | Crotlieve |
| LOCATION | Lands At And To The Rear Of No. 12 Cullion Road Mayobridge | | |
| PROPOSAL | Newrv Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure | | |
| APPEAL TYPE | DC- Refusal of CLUD | | |
| Appeal Procedure | | Date Appeal Lodged | 10/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 67 | | |
| Planning Ref: | LA07/2021/0778/ | PAC Ref: | 2021/E0057 |
| APPELLANT | Norman Graham | DEA | Rowallane |
| LOCATION | 50m North To Rear Of 46 Riverside Road Ballynahinch | | |
| PROPOSAL | Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide lambing/calving, TB Testing onsite facilities with crush | | |
| APPEAL TYPE | DC- Refusal of CLUD | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 21/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 68 | | |
| Planning Ref: | LA07/2021/0780/ | PAC Ref: | 2021/E0058 |
| APPELLANT | Norman Graham | DEA | Rowallane |
| LOCATION | 50m North To Rear Of 46 Riverside Road Ballynahinch | | |
| PROPOSAL | Erection and Use of Dwelling House | | |
| APPEAL TYPE | DC- Refusal of CLUD | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 22/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|----------------------|---|-----------------|----------------|
| ITEM NO | 69 | PAC Ref: | 2021/E0069 LDC |
| Planning Ref: | LA07/2021/1361/ | DEA | Slieve Croob |
| APPELLANT | Mr Christopher Skelly | | |
| LOCATION | Land Adjacent And NW Of 50 Flush Road Ballyward Castlewella | | |
| PROPOSAL | The formation of a laneway to the site and the digging of foundations | | |

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| APPEAL TYPE | DC- Refusal of CLUD | Date Appeal Lodged | 22/02/2022 |
| Appeal Procedure | | | |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|----------------|
| ITEM NO | 70 | PAC Ref: | 2021/E0074 LDC |
| Planning Ref: | LA07/2021/0990/ | DEA | Downpatrick |
| APPELLANT | Mr Brendan Starkey | | |
| LOCATION | Approx 90m East Of 27 Bright Road Downpatrick | | |
| PROPOSAL | The digging of foundations, the lying of concrete and the construction of a portion of block-work | | |

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| APPEAL TYPE | DC- Refusal of CLUD | Date Appeal Lodged | 16/03/2022 |
| Appeal Procedure | | | |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |



Appeal Decision

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

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|-------------------------------|--|
| Appeal Reference: | 2020/A0124 |
| Appeal by: | Mr John McKay |
| Appeal against: | 2 No. semi-detached dwellings and 1 No. detached dwelling |
| Location: | 75 Mill Hill, Castlewellan |
| Planning Authority: | Newry, Mourne and Down District Council |
| Application Reference: | LA07/2019/1119/F |
| Procedure: | Informal hearing on 25 th February 2022 |
| Decision by: | Commissioner B Stevenson, dated 7 th April 2022 |

Decision

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

Preliminary Matters

2. A drawing (DP-001F) titled 'Proposed Site Layout and Elevation' bearing the legend Revisions A-F and a Site Section drawing (DP-005B) accompanied the appellant's Statement of Case. Corresponding elevational drawings were submitted. The amendments comprise a reduction in the overall ridgeline of the proposed dwellings, a lowering of the detached dwelling to provide a stepped roofline, individual driveways and more landscaping to the front of the three dwellings. The Council agreed with the appellant at the hearing that the amendments had been before them several months prior to the issuing of the decision. In the evidential context, I accept that the amendments were before the Council prior to the Council making its decision, and as such, are not a 'new matter'. Accordingly, Section 59 of the Planning Act (NI) 2011 is not engaged.
3. Given that this appeal was publicly advertised, and the third party was invited to take part in the appeal, there was opportunity for all parties to participate and consider the amendments. As the heart of the proposal remains unchanged, no prejudice arises. Accordingly, the amended drawings are admitted.

Reasons

4. The main issues in this appeal are whether the proposal would create a quality residential environment and take safe access onto the Protected Route.

5. Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Until the Council adopts a new plan, the Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area wherein the appeal site lies.
6. In the ADAP, the appeal site is on unzoned land within the settlement limit of Castlewellan and is located adjacent to the A25 Protected Route. The village of Castlewellan and the appeal site fall within the Mourne Area of Outstanding Natural Beauty (AONB). The LDP contains no relevant policies but directs the reader to certain regional planning policies regarding Protected Routes or AONB designations. There are no proposals or policies in the ADAP that are material to the appeal proposal. As such, residential use on the appeal site accords with the plan in principle subject to compliance with other material considerations.
7. The Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) sets out the transitional arrangements that will operate until a Plan Strategy is adopted. During the transitional period, the SPPS retains certain Planning Policy Statements (PPSs), which includes, amongst others, Planning Policy Statement 3 "Access, Movement and Parking" (PPS3), Clarification of Policy AMP3 of PPS3, Planning Policy Statement 7 "Quality Residential Environments" (PPS7) and the Addendum to Planning Policy Statement 7 "Safeguarding the Character of Established Residential Areas" (APPS7). In line with the transitional arrangements, there is no conflict or change in policy direction between the provisions of the SPPS and the above-mentioned retained policies insofar as they relate to the appeal proposal. As such, PPS7, the APPS7, PPS3 and its clarification provide the policy context for assessing this appeal. Creating Places – Achieving Quality in Residential Developments (CP), Development Control Advice Note 8 'Housing in Existing Urban Areas' (DCAN8) and Development Control Advice Note 15 'Vehicular Access Standards' (DCAN15) provide supplementary planning guidance.
8. Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment subject to complying with certain criteria. Policy LC1 of the APPS7 is an amplification of Policy QD1 and reinforces the policy. The Council and the third party concerns related to criteria (a) and (h) of Policy QD1 and criterion (b) of Policy LC1. The third party also raised concerns with the design of the development under criterion (g) of Policy QD1.
9. Criterion (a) of Policy QD1 of PPS7 requires the proposal to respect "the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas." Criterion (b) of Policy LC1 of APPS7 states that planning permission will only be granted for the redevelopment of existing buildings to accommodate new housing where the pattern of development is in keeping within the overall character and environmental quality of the established residential area. It was undisputed by the parties at the hearing that the appeal proposal lies within an established residential area. In the

surrounding area, there is an eclectic mix of architectural styles with various house types and plot sizes.

10. The appeal site is situated on the eastern periphery of the village along Mill Hill. This part of Mill Hill is defined by a mix of three bungalows, a two-storey detached dwelling, and a terrace of two storey dwellings. A red brick three storey apartment block sits to the west. The existing built development gradually ascends the hill towards the village. The trapezoid-shaped appeal site comprises one of the detached bungalows and its surrounding front, side and rear garden.
11. The bungalow has a red concrete tiled roof and walls finished in red/brown brick and pebbledash. It sits between a two-storey detached dwelling (No. 77) that is on lower ground and a bungalow (No. 75) that is on higher ground. Single storey terraced houses within Station Avenue (Nos. 35-41 odd numbers only) sit behind the site on higher ground to the bungalow. The plot of the appeal site is larger than that of the two neighbouring bungalows at Nos. 71 and 73 Mill Hill and the detached dwelling at No. 77. The front garden is open to the road and the rear garden is enclosed by a 1.8m fence and a hedgerow. The depth of the existing rear garden is approximately 7.5m.
12. The gable depth of the proposed dwellings is circa. 10.5m with a frontage width each of 6m (circa. 12m total frontage width for the pair of semi-detached dwellings). All dwellings are proposed to have 3 bedrooms and finished in a grey slate roof, grey rendered window surrounds and stone and white smooth render walls. The proposed dwelling adjacent to No. 73 is approximately 1.5m from the common boundary and around 1.8m-2m at the closest point from the common boundary with No. 77. The depths of the proposed rear gardens are approximately 6.5m-7.0m.
13. The Council and the third party argued that the three proposed dwellings would be incongruous in the street scene in that the appeal dwellings would sit forward of the established building line and the ridge heights of all three proposed dwellings would not step up the hill. Whilst the three bungalows follow the same building line, the neighbouring terrace and the adjacent two-storey dwelling (No. 77) both sit close to the road. Notably, No. 77 sits at an angle. I therefore do not accept that there is an established building line given that it varies and is not continuous. Notwithstanding that the proposed dwellings would protrude slightly forward from the neighbouring bungalows; the proposed dwellings would not sit forward from the neighbouring detached two storey dwelling (No. 77) and the terraced properties located towards the village. Thus, the appeal proposal would not be at odds with the surrounding context in this regard.
14. The amended drawings show a variation in the ridgeline between the proposed detached dwelling and the pair of semi-detached dwellings. The ridgeline of the proposed dwellings would read as higher than No. 77 but not any higher than No. 73. As such, the three proposed dwellings would step up the hill in rhythm with the gradual ascent of the surrounding buildings along Mill Hill. The ridgeline of the proposed dwellings would read as in keeping with the streetscape. I therefore do not consider that the ridgeline of the proposed dwellings would be out of kilter with the surrounding context.

15. The Council raised concern that the proposed dwellings would appear squeezed onto the site both in terms of the spacing between buildings and the ratio between the built form and the garden area. There would be a 2-3m separation distance between the built form of No. 73 and the appeal proposal. This would be akin to the current situation. At least 6m of a separation distance between the built form of the proposed detached dwelling and No. 77 is proposed. There would be around 2m of a separation distance between the proposed detached dwelling and the pair of semi-detached dwellings. With these separation distances, the layout of the appeal proposal would not be discordant with the surrounding area and would not feel cramped into the site. The scale, proportions, massing and appearance of the proposed dwellings are also similar to No. 77. The appeal proposal would therefore be in harmony with the surrounding context in this regard.
16. The third party considered that the proposed car parking spaces would impact on the character of the area. However, the Council found the area to the front of the proposed dwellings to be more in keeping with the surrounding context. Whilst the three bungalows have front gardens, the neighbouring two-storey detached dwelling (No. 77) and the terraced properties fronting onto Mill Hill have hardstanding. Given that the amended scheme shows individual driveways with the provision of private green amenity space for each proposed dwelling, I do not consider the built form to green space ratio to be out of keeping with the character of the area.
17. The layout, scale, proportions, massing and appearance of the development would respect the surrounding context in that it would follow the pattern of development and would be appropriate to the character of the site. The appeal proposal would therefore not be contrary to criterion (a) of Policy QD1 and criterion (b) of Policy LC1 of the PPS7 Addendum. Accordingly, the Council's first and third reasons for refusal are both not sustained, and the third party's concerns are not upheld in this regard.
18. Criterion (h) of Policy QD1 of PPS7 states that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Given the change in levels and the 1.8m fence proposed above the proposed retaining wall along the southern boundary, the Council no longer had concerns that the appeal proposal would cause unacceptable overlooking into the rear neighbouring properties on Station Avenue. Consequently, they withdrew their second reason for refusal that related to criterion (h) at the hearing. I am satisfied that a suitably worded condition would negate any direct overlooking from the appeal proposal into those neighbouring properties. A condition should therefore be imposed that requires a 1.8m close-boarded fence proposed above the proposed retaining wall on the southern boundary.
19. The third party was concerned that there would be unacceptable overlooking, loss of privacy, overshadowing and loss of light into their property on Mill Hill. Whilst there would be some loss of light and overshadowing in the morning time into their property, I do not consider that it would be to an unacceptable level given its position in relation to the appeal proposal and the orientation of the sun's path. I

- therefore find that there would be no unacceptable adverse loss of light or overshadowing into their dwelling. With respect to overlooking, a 1.8m close-boarded fence along the adjacent western boundary of the proposed rear garden would mitigate any direct overlooking or loss of privacy into the third party's residence. Thus, I find that the appeal proposal would comply with criterion (h) of Policy QD1 of PPS7 and the third party's concerns in this regard are not sustained.
20. Criterion (g) of Policy QD1 requires the design of the development to draw upon the best local traditions of form, materials and detailing. The third party argued that the design of the appeal proposal would contravene the character derived from the existing bungalows. However, the Council accepted that the design of the proposed house types fits in with the adjacent two storey detached dwelling (No. 77). Given that there is an eclectic mix of housing in the surrounding area and the design of the detached and semi-detached dwellings are similar to No. 77, I am satisfied that the form, materials and detailing of the appeal proposal would fit in well with the surrounding context. I therefore do not find that the appeal proposal would offend criterion (g) of Policy QD1 of PPS7 and the third party's concerns are not sustained insofar as stated.
 21. The Council and the third party advanced an argument that the appeal proposal would compromise road safety and significantly inconvenience the flow of traffic. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP3 Access to Protected Routes.
 22. The clarification of Policy AMP3 of PPS3 that deals with access onto Protected Routes within settlement limits states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where access cannot reasonably be taken from an adjacent minor road; or in the case of proposals involving residential development, it is demonstrated that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.
 23. Paragraph 2.4 of the amplification text of Policy AMP3 states that it is important that a new access or intensified use of an existing access onto a Protected Route does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion. The justification text adds that on stretches of Protected Routes designed specifically to facilitate the efficient and safe movement of traffic, it is essential that access which would compromise road safety or prejudice their design standards, is severely restricted. Paragraph 2.5 goes on to say that where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy AMP2.
 24. Both the appellant and the Council accepted that there is no adjacent minor road from which access could reasonably be taken from, and I agree. However, the

Council expressed concern that vehicles could not safely reverse out of the proposed individual driveways onto the Protected Route. The appellant argued that a 5.5m area exists in front of the appeal site and that this space could facilitate the safe reversing of cars from the individual driveways prior to them moving onto Mill Hill in forward gear. It was their view that as the proposed driveways are 3m wide that the 5.5m wide area in front of the appeal site would accord with paragraph 20.31 of CP. However, paragraph 20.31 relates to grouped parking areas in forecourts. I find the appellant's suggestion to reverse cars into this area would be unacceptable as it could result in a detrimental impact on the safety and convenience of local users.

25. The appellant pointed out that the neighbouring driveways have direct access onto the Protected Route and that those residents and their visitors safely reverse their cars onto Mill Hill. The Council confirmed at the hearing that they were not aware of any traffic accidents along this stretch of the road. They also considered that proposed visibility splays of 2.4m by 90m laid out in both directions should be provided and that a suitably worded condition in this regard could be imposed. I am satisfied that a suitably worded condition could be applied requiring such splays to be provided.
26. I observed from my site inspection that the appeal site is approximately 100m from the brow of the hill and the maximum traffic speed limit is 40mph. When I drove along the A25 towards the appeal site in the direction of the village, I was aware that I was approaching a built-up area. On the approach to the built-up area, I witnessed drivers reducing their speed to below 40mph along this part of the road. Traffic in the opposite direction was travelling at similar speeds. Given that the Council accepted a minimum x-distance of 2.4m, this suggests to me that they accepted that traffic speeds are below 37mph on the priority road as per Table A of DCAN15. This would reinforce my on-site observations. Given that I witnessed vehicles travelling below the 40mph speed limit in both directions, that existing residents reverse their cars out onto this part of Mill Hill, that the Council was not aware of any traffic incidents on this stretch and there was no evidence before me to prove otherwise, I conclude that vehicles reversing out of the proposed individual driveways would not compromise road safety in this regard.
27. The third party argued that there was inadequate space to accommodate 6 no. cars of a standard size within the car parking area. She considered that the appeal proposal would encourage cars to park on the footpath and that this would lead to visibility and sightline issues for her and visitors driving in and out of her driveway as well as to the public. To negate her sightline concerns, she suggested that two semi-detached dwellings should be proposed on the appeal site rather than three as this would reduce the parking requirements.
28. Paragraph 20.28 of CP sets out the minimum dimensions for parking at right angles to carriageways. It states that spaces should be 4.8m long x 2.4m wide – with 6m in front for access and a 800mm strip at the back for vehicle overhang. The proposed driveways are 10.8m for plots A and B and 10.7m for plot C respectively. Given their length and width, I consider that each dwellings' individual driveways could satisfactorily accommodate 2 no. parking spaces without overhanging onto the footpath in accordance with the CP guidelines. A suitably worded condition should be imposed that requires that the in-curtilage

parking spaces are provided in accordance with the site plan numbered DP-001RevF. I am therefore satisfied that parking two cars in each proposed driveway would not infringe on the neighbouring resident's visibility when she and her visitors reverse out of her property.

29. In relation to visitors parking on the footpath, as far as I am aware this is an offence. Nonetheless, I am also cognisant of the fact that it can occasionally happen. Whilst there would be insufficient space for cars to park in front of most of the appeal site due to the proposed entrances to the individual driveways, there could be space for a small car to illegally park in front of the appeal site. I agree with the third party that vehicles parked to the front of the curtilages of the proposed dwellings could cause an obstruction and impact on her visibility when she egresses her car out from the driveway. A condition to ensure that such an event would not occur could be imposed and this would overcome any such road safety concerns. I am therefore satisfied that with the inclusion of such a suitably worded condition that the appeal proposal would not compromise road safety in this regard.
30. The third party also argued that the appeal proposal would create traffic risk to the existing surrounding road network that includes Drumbuck Road and the residential home opposite. However, no substantive evidence was submitted that demonstrated that the appeal proposal would cause a significant inconvenience to the flow of traffic. In any event, I do not consider that the traffic generated by an additional two dwellings at this location would pose a significant traffic risk within the surrounding local network. Given all the above factors, I do not consider that the proposed access arrangement would compromise road safety or significantly inconvenience the flow of traffic. As such, I am content that the appeal proposal would not offend Policies AMP2 and AMP3 of PPS3 subject to the inclusion of suitably worded conditions relating to visibility splays and parking. Accordingly, the Council and third party's road safety objections are not sustained.
31. Concerns were raised by a third party regarding the impact on the existing sewage system. However, NI Water advised that the Waste Water Treatment Facility has capacity to serve the appeal proposal. In the absence of any other evidence, I am satisfied that the existing sewage system could support the proposed dwellings. The third party raised concerns regarding the impact on the electricity supply and their phone connection during the construction and operational phase given the personal circumstances of their family member. However, I have no persuasive evidence that this would occur, and if it did, I am content that such a technical matter could be resolved after contacting the suppliers. In any event, this would not be a justifiable reason to dismiss the appeal.
32. All in all, I conclude that the appeal proposal would not result in overdevelopment of the site, it would not detrimentally impact the character of the surrounding area and there would be no prejudice to road safety. The pattern of development would be in keeping with the area and there would be no unacceptable adverse impact on the residential amenity of existing residents. As such, the Council has not upheld its three reasons for refusal and the additional arguments advanced by the third party and the Council are not sustained. Therefore, the appeal must succeed subject to the conditions set out below.

Conditions

- (1) No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing the location, numbers, species and sizes of trees and shrubs to be planted along the southern boundary of the site. The scheme of planting as finally approved shall be carried out during the first planting season after the dwellings are occupied. Trees or shrubs shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
- (2) Before the dwellings are occupied, a 1.8m high close-boarded screen fencing as measured from the rear of Nos. 35, 37, 39 and 41 Station Avenue and a retaining wall shall be erected along the southern boundary of the site. A 1.8m close-boarded fence shall also be erected behind the building line of the development along the western boundary of the site. The wall and fence shall be permanently retained.
- (3) No development shall take place until detailed proposals for disposal of foul sewage and storm water have been submitted to and approved in writing by the Council. None of the residential units shall be occupied until the approved arrangements are in place.
- (4) The car parking shall be provided in accordance with the approved drawing DP-001RevF before any of the residential units are occupied and shall be permanently retained.
- (5) Visibility splays of 2.4m by 90m shall be laid out in both directions at the access to each dwelling before any building operations commence and shall thereafter be permanently retained.
- (6) No vehicles shall be parked between the area to the front of the curtilages of the hereby approved dwellings and the rear of the carriageway at any time except for any emergency services associated with those dwellings.
- (7) The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings numbered as below and which the Council received on 9th July 2019 unless stated: -

Ex-001RevA: Site Location at scale 1:1250

DP-004RevA: House Type A and B: Gable Elevations at scale 1:50

DP-001RevF: Site Layout & Elevation bearing the legend Rev A-F at scale 1:200 which the PAC received on 30th Mar 2021

DP-005RevB: Site Sections at scale 1:100 which the PAC received on 30th Mar 2021

DP-002RevA: House Type A: Plans and Elevations at scale 1:50 which the PAC received on 4th March 2022

DP-003RevA: House Type B: Plans and Elevations at scale 1:50 which the PAC received on 4th March 2022

COMMISSIONER B STEVENSON

List of Appearances

Planning Authority: - Ms Moane
Newry, Mourne and Down District Council

Appellant: - Mr McKay
Mr Morgan, Planning Permission Expert
Mr Cousins, Lisbane Consultants

List of Documents

Planning Authority: - "A" Written Statement of Case

Appellant: - "B" Written Statement of Case
"C" Written Rebuttal Statement



Appeal Decision

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| Appeal Reference: | 2020/A0126. |
| Appeal by: | Mrs Judy Meharg. |
| Appeal against: | The refusal of full planning permission. |
| Proposed Development: | Wooden hut on a raised deck. |
| Location: | 7 Rocks Road, Ballyhornan, Downpatrick. |
| Planning Authority: | Newry, Mourne & Down District Council. |
| Application Reference: | LA07/2020/0027/F. |
| Procedure: | Written Representations with Commissioner's Site Visit on 28 March 2022. |
| Decision by: | Commissioner Mark Watson, dated 31 March 2022. |

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether or not retention of the appeal development would adversely affect the residential amenity of occupants of neighbouring dwellings.
3. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it, the site lies within the settlement limit of the small settlement of Ballyhornan. It is not zoned for any purpose. The ADAP offers no specific policy or guidance in respect of the proposed development and is not material. In regard to the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' (SPPS) and those of the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (APPS7). APPS7 policy provisions remain applicable to the proposed development.
4. The appeal site comprises the rear garden area of No. 7 Rocks Road, a single storey dwelling located mid-terrace, which was previously one of a series of fishermen's cottages. The rear garden slopes upwards to the west away from the rear of the dwelling. At the rear of the garden is a wooden hut on a raised deck, with a series of concrete steps affording access from the grass below. The shed and decking is placed against a steep embankment that runs along the rear edge of all the dwelling curtilages in the vicinity. The rectangular shed measures approximately 3.6m by 3.1m with a pitched roof with a ridge height approximately 2.4m taken from the deck level. The deck itself is at a level approximately 1.5m above the level of the rear garden. The shed has a pair of glazed doors with

flanking windows on the east-facing front façade. There is also a single window in each gable. The hut and decking are painted dark green. The southern boundary of the appeal site is defined by a closeboard wooden fence, approximately 1.8m in height, whilst the northern boundary is defined by a high hedge and fencing. Mature vegetation to the rear of the hut and deck provides the western site boundary. There is an informal public pathway that traverses alongside the rear of a number of the Rock Road properties, including the appeal site, in a north to south direction. The pathway is approximately 1m above the level of the appeal deck. The site lies within a residential street defined by roadside dwellings next to the shore.

5. Policy EXT1 of APPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of 4 criteria are met. EXT1 goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against the 4 criteria. The matter raised by the Council and Objectors falls under criterion (b); that the proposal does not unduly affect the privacy or amenity of neighbouring residents. Annex A paragraph A30 of APPS7 indicates that as a general rule of thumb the first 3-4 metres of a rear garden adjacent to a dwelling, which is often the main sitting out area, constitutes the most private part of the garden.
6. I was able to assess the appeal development from the rear of the nearby properties at Nos. 11 and 11A Rocks Road. The elevated position of the hut and raised deck allow for clear, uninterrupted views into the rear of the neighbouring properties at Nos. 11 and 11A, including the majority of the areas closest to those dwellings. The lower ground level of the garden at No. 9 relative to that of No. 7 together with the party boundary fence between the two properties reduces any scope for direct overlooking into the immediate rear of No.9. The Appellant stated that the appeal property had lain vacant for years prior to her buying it and improving it. Whilst it may be the case that prior to her erecting the southern boundary fence there had been clear views across from the garden into the rear of the nearby properties to the south, I must judge the appeal on the conditions at the time of my site visit. In any event, I am not persuaded that such previous open views would justify retention of the appeal development. For the reasons given above I agree with the Council and Objectors that the amenity and privacy of the occupants of Nos. 11 and 11A would be unduly affected.
7. The Appellant drew my attention to several examples where she considered there was overlooking into the rear of properties on Rocks Road, including a photographic analysis of them compared to the appeal development. The Appellant provided evidence that the pathway adjacent and west of the appeal site has become a publicised walking route. I walked the relevant stretch of this route in both directions during my site visit, as well as viewing the other balcony and platform referred to me. I acknowledge that views are available into the rear of Nos. 7, 9, 11, 11A Rocks Road, as well as other properties further to the south when walking the route. However, these are angled views which become increasingly peripheral to the line of travel the closer one gets to a particular property, where those walking the path must look across and down to see into the rear garden areas. Such views are not directly comparable to those available from a fixed elevated position in an adjacent garden from a structure that would be in regular use for sustained periods of time, as the appeal development would be. I

am not persuaded that the pathway would justify retention of the appeal development.

8. The first-floor balcony on the dwelling at No. 23 Rocks Road was deemed acceptable by the Council under a change of house type application (ref. LA07/2017/1587/F). The Appellant considered that her application to retain the hut and raised deck had been treated differently by the Council. Notwithstanding that each application must be assessed on its own merits, that balcony sits to the front, north-eastern corner of that dwelling, though it is also partially recessed into the gable. Although it affords some angled views back over the neighbouring dwelling rear garden areas, the main views available from it face seawards. Whilst the Council case officer in that application considered that the rear of the adjacent garden was already overlooked by the aforementioned pathway to the west on higher land, I do not accept that this judgement constitutes justification for retention of the appeal development.
9. The viewing platform at the eastern edge of the garden belonging to the dwelling off Killaird Square, which overlooks the dwellings at the southernmost end of Rocks Road, is at a much higher position in the landform relative to the Rock Road properties. I do not know if the platform has planning permission, with the Appellant stating that it has been in place for some years and that no enforcement action had been taken by the Council. Whilst the Appellant considered that the Council had not acted consistently in determining her application compared to how it assessed the examples given above, I do not accept they are on all fours with the appeal development given the differing nature of the contextual relationships of each case with their relevant nearby residential properties. The Appellant's photographic analysis would not persuade me otherwise.
10. For the reasons given above the appeal development unduly affects the privacy and amenity of neighbouring residents in the dwellings at Nos. 11 and 11A. The appeal development is contrary to criterion (b) of Policy EXT1 of APPS7 and given the critical nature of that element in this case, the policy read as a whole, as well as the related provision of the SPPS. The Council's reason for refusal and the Objectors' related concerns are sustained. The appeal must fail.

This decision relates to the following drawing submitted with the application:

| DRAWING NUMBER | TITLE | SCALE | DATE |
|-----------------------|--|---------------|-------------|
| 01 | Details Drawing (Site Location Plan, Front, Side and Rear Elevations & Plan) | 1:1250 & 1:50 | 20/12/2019 |

COMMISSIONER MARK WATSON

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices (N, M & D DC)

Appellant:- 'B' Statement of Case (J & M Meharg)
'C' Rebuttal Statement (J & M Meharg)



Costs Decision

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|--------------------------|--|
| Appeal Reference: | 2021/A0051 |
| Appeal against: | Infill site for dwelling with domestic garage |
| Location: | Adjacent and immediately north of 42 Old Belfast Road, Dundrum, Newcastle |
| Claim by: | Newry, Mourne and Down District Council |
| Claim against: | Richard Hall |
| Decision by: | Commissioner B Stevenson, dated 25 th April 2022 |

Decision

1. A full award of costs is made in the terms set out below.

Reasons

2. Paragraph 12 of the Commission's Costs Awards Guidance states that the Commission will normally award costs only where all four of the following conditions are met: -
 - A party has made a timely claim; and
 - The claim relates to a relevant type of appeal; and
 - The party against whom the award is sought has acted unreasonably; and
 - The unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.
3. The Claimant submitted their costs award claim in relation to an appeal under Section 58 of the Planning Act (Northern Ireland) 2011. Section 205 of the 2011 Planning Act enables the Commission to make costs awards in Section 58 appeals. The claim was submitted the day on which the Commission sent notification to the claiming party that the appeal had been withdrawn. Given that the claim relates to a relevant type of appeal, and it was made in a timely manner, I am satisfied that the first two conditions are met.
4. The Claimant stated that the Respondent acted unreasonably by withdrawing the appeal and that this unreasonable behaviour resulted in the Claimant incurring unnecessary and wasted expense pertaining to the preparation of a Statement of Case and appendices, reviewing the evidence and carrying out a site inspection in preparation for the hearing.
5. In deciding whether a party has acted unreasonably, the Commission will in accordance with case law apply the ordinary, everyday meaning of the word "unreasonable". Unreasonable behaviour can be substantive (relating to the essence of a party's case) or procedural (relating to how a party pursued its case).

6. Paragraph 14 of the Costs Awards Guidance sets out some potential examples of behaviours which may be found unreasonable. The withdrawal of an appeal by the appellant that results in the entire proceedings being abandoned, may be judged to be unreasonable, unless it was prompted by a significant change in circumstances which was outside the control of the party concerned. The Respondent withdrew his appeal the evening before the hearing day. He provided no indication that there had been a significant change in circumstances that was outside his control. In the absence of such information and given the timelines involved, I conclude that the Respondent acted unreasonably. Accordingly, the third criterion is met.
7. Paragraph 17 of the Costs Awards Guidance states that expenses arising in the course of the appeal process typically include the cost to the planning authority of assembling background documents to assist the Commission and the other parties in their preparations for the appeal; and the cost of employing a member of staff or agent to prepare written evidence and/or appear at a hearing. As the appeal was withdrawn the evening before the hearing day and therefore abandoned, I find that the Claimant had incurred unnecessary expense in preparing their Statement of Case and in preparing for the hearing day. Accordingly, the fourth criterion is met.
8. A full award of costs is made in the terms set out below.

Order

It is hereby ordered that Mr Richard Hall shall pay to Newry, Mourne and Down District Council the full costs incurred by the Claimant in preparing their Statement of Case and appendices, reviewing the evidence, and carrying out a site inspection in preparation for the hearing.

On receipt of this order Newry, Mourne and Down District Council may submit details of those costs to Mr Richard Hall with a view to reaching agreement on the amount. If the parties are unable to agree, Newry, Mourne and Down District Council may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER B STEVENSON

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

**Appeal by Paul Smith
against the refusal of full planning permission for artist studio and study to existing
dwelling for domestic use associated with the dwelling
at
57 Castlewellan Road, Newcastle.**

**Report
by**

Commissioner Cathy McKeary

Planning Authority Reference: LA07/2021/0450/F

Procedure: Written Representations

Commissioner's Site Visit: 11th March 2022

Report Date: 31st March 2022

1.0 BACKGROUND

1.1 Newry, Mourne and Down District Council received the application on 1st March 2021. By notice dated 25th May 2021 the Council refused permission giving the following reasons:-

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.**
2. **The proposal is contrary to the Policy EXT1 (a) of PPS 7 in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.**

1.2 The Commission received the appeal on 27th July 2021 and advertised it in the local press on 11th August 2021. There were no representations from any third parties.

2.0 SITE AND SURROUNDINGS

2.1 The site is a roadside plot in the countryside some 1km from the settlement of Newcastle. The site sits below the level of the road and includes a large single storey dwelling (No. 57 Castlewellan Road) with a double garage to the rear. A large concrete yard area sits to the fore of the garage. The appeal building, which is constructed on site, lies to the east of the host dwelling along the road front. The appeal building is physically separated from No. 57 by a low wall and it has its own pedestrian access which is facilitated by gates. There is one vehicular access to the site. There are hedges to the front of the appeal building along the roadside.

2.2 A neighbouring dwelling (No 53) lies to the east of the appeal building. There are a number of dwellings fronting onto the road in the vicinity of the site. The dwellings are on large plots with a mix of boundary treatments. The site is located within the Mourne Area of Outstanding Natural Beauty (AONB) and along a protected route (the Castlewellan Road).

3.0 PLANNING AUTHORITY'S CASE

3.1 Section 45(1) of the Planning Act (NI) 2011 "The Act" requires that regard must be had to the local development plan (LDP) so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.2 The LDP in this case is the Ards and Down Area Plan 2015 (ADAP) until such times as a Plan Strategy for the whole of the Council area has been adopted. Any conflict between the Strategic Planning Policy Statement (SPPS) and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

- 3.3 There is no conflict between the provisions of the SPPS and the retained policies regarding issues relevant to this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21, "Sustainable Development in the Countryside" (PPS21) and the first addendum to Planning Policy Statement 7, "Residential Extensions and Alterations" (the Addendum).
- 3.4 While the proposal is not for an extension, the preamble to the Addendum states that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under its provisions.
- 3.5 The proposal will have an "L" shaped footprint measuring 9.4m x 8.5m and a standard pitch roof with a maximum ridge height of 3.8m above finished floor level. The internal layout is of 5 rooms for use as a main studio, coffee/snack area, tool store, study and bathroom. The proposed finishes are dark concrete profiled roof tiles, timber clad exterior walls and white uPVC windows and doors.
- 3.6 At present, it appears that this section of open gravel/aggregate area falls outside the established curtilage as defined by recent permission LA07/2019/0416/F. This application draws no reference to the proposed extension of curtilage.
- 3.7 There are no overriding reasons why the proposed development is essential in this location nor why the proposal could not have been located in a settlement. It is concluded that the proposed development is not acceptable in principle in the countryside and does not comply with Policy CTY1 of PPS21.
- 3.8 Paragraph 4.7 of the SPPS states that Planning Authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are out of scale or incompatible with their surroundings. This is then linked to the key objectives of the Addendum including high quality design, to ensure that such works are sympathetic to the original property and to respect the character of the local area.
- 3.9 Criterion (a) of Policy EXT1 of the Addendum is not met in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property will detract from the appearance and character of the surrounding area.
- 3.10 Paragraph A24 of the Addendum states that the impact of the extension or alteration on the visual amenity of the countryside and, in particular, Areas of Outstanding Natural Beauty needs to be considered. Proposals should be in keeping with the character of the existing property and its countryside setting. Through poor design the individual and cumulative effect of extensions and alterations which are disproportionate in size to the existing property or which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character.

- 3.11 The proposal fails to comply with criterion (a) in that it is not subordinate in scale or sympathetic in design to the host property. The positioning of the building along the roadside adjacent to the host property will render it highly visible from critical viewpoints along the Castlewellan Road. The proposal will also result in an incongruous form of development which sits uncomfortably as an ancillary subordinate building and is contrary to Policy EXT 1 of PPS7.

4.0 APPELLANT'S CASE

- 4.1 The Commission notified the appellant on 27th August 2021 by letter of the deadline to submit a statement of case in the appeal. No submission was made.

5.0 CONSIDERATION

- 5.1 The main issue in this appeal is whether the development is acceptable in principle in the countryside.
- 5.2 Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP) so far as material to the application and to any other material considerations. Section 6(4) of the Act requires that where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The Ards and Down Area Plan 2015 (ADAP) operates as the LDP wherein the appeal site is located. In it, the site is in the countryside within the Mourne AONB. It is also within an Area of Constraint on Mineral Developments and adjacent to a protected route (Castlewellan Road). The ADAP contains no specific policies of relevance to the appeal development.
- 5.4 The SPPS sets out transitional arrangements that will operate until a Plan Strategy for the Council area is adopted. During the transitional period, the SPPS retains certain existing Planning Policy Statements (PPSs) including PPS21 and the Addendum to PPS7. Given that the SPPS is no more prescriptive than retained policy insofar as it relates to the appeal development, PPS21 and the Addendum to PPS7 provide the relevant policy context for assessing this appeal.
- 5.5 Policy CTY1 of PPS 21 identifies a range of types of development which, in principle, are considered to be acceptable in the countryside. One of these is an extension to a dwelling house in accordance with the Addendum to PPS7. The preamble to the Addendum indicates that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property, are captured by its provisions.
- 5.6 The Council considers that the development does not comply with the requirements of criterion (a) of Policy EXT1 of the Addendum to PPS7. This states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met. Criterion (a) requires that, *"the scale massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area"*.

- 5.7 The justification and amplification section outlines that the aim of the policy is to encourage the highest standard of design both traditional and contemporary to complement the host property and respect the location and wider surroundings. The policy headnote advises that the guidance in Annex A will be taken into account when assessing proposals.
- 5.8 Annex A requires an extension to be designed to become an integral part of the host property both functionally and visually. Proposals that are badly sited or designed can lead to an undesirable change in the character of the existing property and the area in which they are located. Paragraph A11 specifically refers to outbuildings and that they should be *“subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views”*. Paragraph A20 indicates that, *“the external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly when certain materials strongly dominate.”* As regards residential extensions in the countryside, Paragraph A24 of the Addendum advises that in the AONB, proposals should be in keeping with the character of the existing property and its countryside setting. Extensions which require the use of land outside the established curtilage of the property will result in a detrimental change to rural character.
- 5.9 The appeal building is constructed on site. I was not able to get inside but two separate rooms and a kitchen area could be discerned through the windows of the building. There also appeared to be a bathroom given the obscured glass in a rear window. From my observations the building appears to be built in accordance with the plans submitted. These plans show a study, a tool room, a shower room and a main studio attached to a coffee and snack area. The elevational details are in accordance with the plans and the building is constructed from shiplap boarding and dark coloured roof tiles.
- 5.10 As described previously, No. 57 is a single storey dwelling with a detached double garage, finished in grey render. The appeal building is not attached to the dwelling but stands alone and is physically and visually separated from the dwelling and garage by a wall and by its own access gate.
- 5.11 While the size of the building in itself is considerable, being 3.8m high and 9.4m x 8.5m, it is subordinate to the host dwelling and to the existing garage because it is smaller in footprint and lower in height than both. Furthermore, the massing of the building is limited given its shape and location relative to the main dwelling. The design of the appeal building is not unlike a traditional dwelling or other types of ancillary residential buildings in the countryside. It is single storey, with a pitched roof with dark roof tiles and a large solid to void ratio with a mostly vertical emphasis.
- 5.12 Notwithstanding the above, the building is roadside development and is sited broadly on the same building line as the host and neighbouring dwelling. As outlined above its size and scale is considerable. When read with the dwellings on either side, the cumulative impact is one of build-up. The resultant loss of green space between the dwellings, which characterises the rural area, detracts from its appearance and character.

- 5.13 The external walls are constructed with stained shiplap boards which are incongruous in the countryside and this material does not complement the existing dwelling nor the surrounding buildings. The road front location of the building highlights the incongruity of the material used even further and especially given that the surrounding buildings have predominantly rendered finishes.
- 5.14 The site is within the Mourne AONB, and according to the Council partially outside the defined residential curtilage of no. 57 Castlewellan Road. I was not provided with any planning history to determine the lawful extent of the curtilage area. As outlined previously in this report, the appeal building has its own pedestrian access gate and a wall which separates it from what reads as the immediate curtilage of No. 57 on the ground. It therefore appears that the building is on land partially outside the established curtilage of the property. The appeal building is considerable in size and, in the evidential context, built on land partially outside of the established curtilage of the host dwelling. It is therefore contrary to paragraph A24 of the Addendum. It also extends the built form in a linear fashion along the roadside. Such infilling of green space is detrimental to the rural character of the surrounding area which is characterised by dwellings set within generous plots interspersed with garden areas.
- 5.15 The shiplap material used is not sympathetic with the built form and the appearance of the existing host property. Also, the location, scale and materials of the building cause it to detract from the appearance and rural character of the surrounding area and AONB location. For the reasons given, the development fails to comply with criterion (a) of Policy EXT 1 of the Addendum to PPS7. The second reason for refusal is therefore sustained.
- 5.16 The development does not comply with Policy EXT 1 of the Addendum to PPS7, so it is not development which, in principle, is considered to be acceptable in the countryside. Policy CTY1 goes on to say that *"other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement"*. It has not been demonstrated that there are overriding reasons why the development is essential, could not be located in a settlement and satisfies the provisions of policy CTY1. The first reason for refusal is therefore sustained.

6.0 RECOMMENDATION

- 6.1 I recommend to the Commission that the appeal be dismissed.
- 6.2 This recommendation relates to the following: Drawing - 01 date stamped 8th March 2021 by the Council.

List of Documents

Planning Authority:- "A" – Newry, Mourne and Down District Council Statement of Case



Appeal Decision

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| Appeal Reference: | 2021/A0075 |
| Appeal by: | Paul Smith |
| Appeal against: | The refusal of full planning permission |
| Proposed Development: | Artist studio and study to existing dwelling for domestic use associated with the dwelling |
| Location: | 57 Castlewellan Road, Newcastle |
| Planning Authority: | Newry, Mourne and Down District Council |
| Application Reference: | LA07/2021/0450/F |
| Procedure: | Written representations and Commissioner's site visit on 11 March 2022 |
| Decision by: | The Commission, dated 31 March 2022 |

The Commission has considered the report by Commissioner Cathy McKeary and accepts her analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the reasons for refusal have been sustained.

Decision – the appeal is dismissed.

This decision is based on the following drawing:

Drawing 01 date stamped 8th March 2021 by the Council.

ANDREA KELLS
Chief Commissioner