

ITEM NO	10			
APPLIC NO	LA07/2017/0868/F	Full	DATE VALID	30/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Daniel King Ivy Lodge 117 Concession Road Crossmaglen BT35 9JE		AGENT	Lakeview Design Ltd 30 Carrickcloghan Road Camlough BT35 7HG
LOCATION	40m NW of 117 Concession Road Crossmaglen			
PROPOSAL	Replacement dwelling for remains of existing structure located in an agricultural yard.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - there is no structure that exhibits the essential characteristics of a dwelling;
 - the building has been designed and used for agricultural purposes; and
 - the access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.

- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that the proposal involves the intensification of an access onto a protected route and it is not considered an exception to the policy.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0868/F

Date Received: 3rd May 2017

Proposal: replacement dwelling for remains of existing structure located in an agricultural yard.

Location: Concession Road

The site is located to the rear of no. 117, which is an existing dwelling. Within the yard of the building that is to be replaced, there are two large relatively new sheds. The building highlighted to be replaced is a large two storey building. The window openings have been blocked up with the side gable facing into the yard having been removed. To the opposite gable there is an external stone staircase. The original roof has been removed with the side elevation raised with concrete block to provide a monopitch sheeted tin roof. East of the building and just beyond the application site lies a single storey building of stone construction with a natural slate roof.

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

n/a to the building to be replaced.

LA07/2016/0727/F- dwelling on a farm- approved west of the application site.

Objections & Representations

No. of neighbours notified=7

No representations received= 0

Advertise expiry= 6th July 2017

Consultations

TransportNI- no objections subject to conditions

NIW- statutory

EH- no objections

Consideration and Assessment:

The proposal is for a replacement dwelling within a countryside area therefore it will be assessed against Policy CTY 3 of PPS 21.

Upon site inspection the building was sited within an existing yard. From the detail characteristics of the site above, the building to be replaced does not in my opinion exhibit the essential characteristics of a dwelling. The building is two storey in height and of a stone construction. The building had 2 doorway openings on the elevation facing into the yard, one of which has been blocked up. Internally the first floor has been removed and the window openings on both the front and rear elevations have been blocked up. The external staircase to the gable would suggest the previous use was as a barn. The policy clearly states buildings designed and used for agricultural purposes, such as sheds or stores are not eligible for replacement under the policy. The gable end facing into the yard has been altered to create a larger two storey opening. The building is currently used as a general store.

The building to be replaced given its current appearance does not exhibit the essential characteristics of a dwelling.

The proposal is for an off site replacement. The applicant has not demonstrated reasoning for an off site replacement in line with CTY 3. Having inspected the site if the principle of replacement was to be accepted it would unreasonable for the planning department to insist on a replacement in situ given the surrounding developments.

The proposed replacement dwelling in terms of design is considered acceptable and appropriate for the site and its locality. The overall size of the new dwelling would not have a visual impact significantly greater than the existing building.

The applicants choice of site for an off site replacement is considered more prominent than the site of the building to replaced. However, the siting set back from the public road with the backdrop of buildings and natural screening accompanied by the roadside vegetation will ensure that the proposal is not a prominent feature in the landscape. The proposal will utilise the existing topography with the dwelling to be placed within a small dip in the landscape. The proposal uses the existing landform and natural features of the land to aid integration of the dwelling.

The proposal is for a replacement dwelling and therefore will not be visually linked or sited to cluster with an established group of buildings on a farm.

The proposal is sited in front of existing buildings when viewed from the Concession Road and will not result in a suburban style build-up of development given the limited visibility. The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to a ribbon of development. The dwelling and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area.

Although, TransportNI are content with the access arrangements, this is only on the basis that the proposal is for a genuine replacement as the access is onto a protected route. As the proposal is not considered to comply with the criteria of the CTY 3 the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking. The proposal will involve the intensification of an access onto a protected route and it is not considered an exception to the policy.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- there is no structure that exhibits the essential characteristics of a dwelling;**
- the building has been designed and used for agricultural purposes; and**
- the access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.**

2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that the proposal involves the intensification of an access onto a protected route and it is not considered an exception to the policy.

ITEM NO	11			
APPLIC NO	LA07/2017/1026/F	Full	DATE VALID	05/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Julianne Gribbon 4 Old Mill Mews Dundonald BT16 1WD		AGENT	design2architects 5 Stormont Park Belfast BT4 3GW
LOCATION	100m North 124a Carsonstown Road Saintfield			
PROPOSAL	Single storey dwelling, garage, carport and hydrotherapy pool			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that planning permission R/ 2008/0218/RM has not been enacted and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1026/F

Date Received: 07.07.2017

Proposal: The application is for full planning permission for a single storey dwelling, garage, carport and hydrotherapy pool.

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



Site Characteristics & Area Characteristics:

The application site lies just off the Carsonstown Road and is an irregular shaped plot with a frontage along the Carsonstown Road. The southern boundary is defined by mature trees and hedging which runs along the boundary with No 124A. The site extends to the east where there is a lack of boundary treatment, but the land rises beyond the site in an easterly direction.

Views of the site



Site History:

R/2008/0964/F Stevensons Quarry, Crossgar Road, Saintfield BT247JJ 3 phase overhead line on wood poles PERMISSION GRANTED 30.04.2009

R/2008/0218/RM 100m North 124a Carsonstown Road, Saintfield Off site replacement dwelling and attached garage of 111 Carsonstown Road, Saintfield PERMISSION GRANTED 03.09.2008

R/2005/1568/RM Land 100m North of 124A, Carsonstown Road, Lisowen, Saintfield, Northern Ireland, Proposed replacement dwelling APPLICATION WITHDRAWN 10.06.2008

R/2004/1932/O 100M North of 124A Carsonstown Road, Lisowen, Saintfield. Off site replacement of no.111 (due to encroachment of quarry). PERMISSION GRANTED 11.06.2005

R/1990/0554 CARSONSTOWN ROAD (350 METRES FROM JUNCTION WITH CROSSGAR ROAD) SAINTFIELD Dwelling PERMISSION GRANTED

R/1989/0520 CARSONSTOWN ROAD, 350 METRES FROM JUNCTION WITH CROSSGAR ROAD SAINTFIELD Dwelling PERMISSION GRANTED.

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

NIEA Land, Soil, Air - The proposed dwelling is located approximately 75 metres from the boundary of a PPC Part B permitted site which is regulated by the Industrial Pollution and Radiochemical Inspectorate (IPRI). Due to the proximity of the proposed dwelling to the boundary of this site there is the potential for occupants of the dwelling to suffer periodic loss of amenity due to noise, dust etc.

Objections & Representations

In line with statutory requirements two neighbours have been notified on 24.07.2017. The application was advertised in the Mourne Observer and the Down Recorder on 26.07.2017.

Consideration and Assessment:

Under the SPPS, the guiding principle 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 development plan should be approved and proposed development that conflicts with

an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

Principle of development

The application was previously granted planning approval under R/2004/1932/O and R/2008/0218/RM for an off site replacement dwelling. The application was for the replacement of No 111 Carsonstown Road due to the encroachment of the quarry. The applicant on these applications referred to CE Stevenson & Sons and Ms J Stevenson respectively. The applicant for the current application is Julianne Gribbon.

No other information has been submitted with the application, regarding the need for a dwelling on the site, therefore it may be assumed that the site has been sold on the basis of the benefit of planning permission. Therefore it is important to establish if the previous approval has been implemented. On examination of the conditions from R/2008/0218/RM condition 3 requires that the vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, **prior to the commencement** of any works or other development hereby permitted (my emphasis). Following a site visit, it would not appear that the required visibility splays have not been implemented, thus it would appear that the permission has not been enacted. R/2008/0218/RM approval expired 01/09/2010.

Notwithstanding this, foundations have been laid in relation to reserved matters application R/2008/0218/RM, however, no definitive date as to when these foundations were laid has been submitted by the applicant and a date as to when these foundations were laid was not verified by Building Control. A site visit was undertaken by Building Control 02/03/2017 whereby they requested 3 no. trial holes to be excavated revealing that foundation concrete had been used, and was at approx. 300mm thick in most parts. The foundations were covered over with vegetation in the intervening period. Google Earth shows on 15/06/2010 that there are no foundations on site, however, there appears to be foundations on the next google earth photo that was taken 26/07/2011. Google street view shows what look like foundations dug out from the site, dating Oct 2010.

Notwithstanding the above, due consideration has also been given to PPS 21.

PPS 21 - Sustainable Development in the Countryside Design and Scale

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.

Design: The previous reserved matters application comprised a dwelling with first floor accommodation by way of upper floor velux windows and measuring 6.7m to FFL. This dwelling measured 13.5m in length, with the principle elevation facing towards the Carsonstown Road and parallel with it, set back approx. 210m from the road. The design incorporated a 14.5m return to the rear, this is partly broken up by the addition of a utility on the ground floor and upper floor ensuite which is set out from the return with side gable.

The proposed change in design under this application comprises an element of the dwelling with an elevation which faces onto Carsonstown Road and is parallel to it, albeit that the dwelling is accessed to the side. The dwelling comprises a main element with an elongated return with elements that come off this return. In total the dwelling has a depth of 31m. At the rear of the return is a garage, carport and hydrotherapy pool. This is all linked to the main dwelling by a sunroom. The applicant has described herself as wheelchair user and therefore I can understand the need to link the main dwelling to the pool and garage. The dwelling is single storey, and is reduced in height from the previous approval and varies in height from 5.9m to 5.4m. No site levels have been included on the proposed plans, but there would be a gradual change in levels within the site of approx. 4m sloping from the roadside down towards the rear of the site. The proposal reads as being very elongated and a sizeable in nature (in terms of footprint), given the long unbroken roofline of the rear return particularly from the northern elevation. However, given the set back from the road, and the fact that the dwelling is positioned in a part of the site that falls in level from the roadside and the boundary treatment to the north of the site is fairly good, the overall impact of the dwelling even though it appears bulky on plan, will be lessened given that views from the north will be partly screened. In addition when coming from the opposite direction, there is substantial boundary treatment along the southern boundary of the site. The site plan indicates that all new boundaries including behind visibility splays are to be defined by a native species hedgerow. The access running up the middle of the site would not generally be acceptable, this however, would be in line with what has been previously approved. No amendments have been sought from the agent given that the principle of a dwelling on the site has not been established.

It is considered that on balance the proposal does meet requirements of Policy CTY 13 of PPS21.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that planning permission R/2008/0218/RM has not been enacted and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer Signature

Date

Appointed Officer Signature

Date

Our Ref: 01-626/gh/NM&D

29 November 17

Statement in Respect of Request for Speaking Rights @ Planning Committee Meeting of 06.12.17

Planning Reference: LA07/2017/1026/F

I have been asked to request speaking rights on behalf of my client Julianne Gribbon in respect of the above planning application which has been recommended for Refusal by the Planning Office at Newry Mourne & Down District Council and has been scheduled for the Planning Committee meeting of 06 December 17. The purpose of the representation is to ask the Committee to overturn the decision to Refuse and grant Approval for the application so that Julianne can start to construct the house that she so desperately needs. If I could summarise the chronology of events as follows;

- Julianne is confined to an electric wheelchair and has considerable medical needs, she requires full time care (**see personal statement Appendix A**). With her partner Jonathan they have viewed countless properties but have been unable to find a house that caters for her specialist needs within an affordable budget, to this end they concluded that buying a site and designing their own bespoke house offered the best solution.
- Trying to find a site was almost as problematic as finding a house but eventually they found the subject site and had their offer accepted. Julianne believed that she was buying a site with full planning approval and her solicitors accepted the letter from Newry Mourne & Down District Council Building Control Office as evidence that the approval had been validated due to the placing of foundations in 'circa mid 2010' (**see Building Control letter Appendix B**). Contrary to the planning officers assertion in their report that the date of placing the foundations was not verified by Building Control, the letter of 21 March 17 (to the original applicant) clearly states that the foundations were constructed circa mid 2010, in other words in June, July or August of 2010. The expiry date for the Reserved Matters approval was 01 September 2010.
- In order to finance the purchase of the site Julianne sold her ground floor apartment which had been adapted to accommodate her medical needs and moved into her partners home on a temporary basis until the new home was constructed, this arrangement is wholly unsatisfactory and has severely diminished her mobility, independence and self esteem. The recommendation to refuse this application has greatly exacerbated what was already quite a depressing situation. A neighbour reported the construction of a temporary ramp, which is Julianne's only means of access to the house, to Lisburn & Castlereagh building control office who are now taking action to have the ramp removed which would have a devastating effect on Julianne's well being. (**photo Appendix C**)

- On completion of the sale I was appointed to design an accessible house and lodge a planning application as a revision to the original approval R/2008/0218/RM. Julianne received an email from Annette McAlarney (Snr Planning Officer) on Friday 10 November advising her that the application would be refused.

The planning officers report in respect of the application confirms that there are no consultee objections, no neighbour representations, the proposed design is acceptable under planning guidelines and that all other conditions pertaining to the Reserved Matters approval have been met, except one.

This application is being refused on the single issue that the sightlines were not established prior to the foundations ie Condition 3 of the Reserved Matters approval. Whilst this cannot be contested it would be my opinion that this was an oversight on the part of the original applicant who wanted to validate the approval before the expiry date and placed the foundations in the belief that this was suffice, they may well have been proceeding without professional advice. It would also be my opinion that this was not done for any gain either planning or financial, it would in my opinion have been cheaper to form the sightlines and excavate the trenches to validate the approval. Condition 2 of the Reserved Matters approval was met in that the original dwelling was demolished, again evidence that the original applicant was not looking for the cheapest solution. Ironically (according to the Planning Office) it is the demolition of this existing dwelling that precludes any future application being considered in its own right to erect a house on the subject site, in effect Julianne now owns a very expensive field.

The result of the focus on the failure to establish sightlines as the only reason for refusal (ie that this failure resulted in the non-implementation of approval R/2008/0218/RM by reason of time limit), the Planning Office have overlooked Condition 2 of the Reserved Matters approval which states;

- *The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan date stamped 7th May 2008 is demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans.*

This operation to demolish the existing building is a material condition to the approval whereby unless and until the condition is implemented the approval would never be validated and the construction of any replacement dwelling would be illegal. The only time constraint within the condition is that the demolition should take place before occupation of the new dwelling meaning that this operation could occur prior to any works being carried out on the new site. Due to the fact that this approval was for an `off site` replacement dwelling it follows that this condition to demolish could be carried out prior to any works to the replacement site, the demolition therefore would not be dependent on the formation of sightlines at the subject site.

The demolition of the existing dwelling constitutes a crucial operation in the implementation and validation of this planning approval and it is inextricably tied to the construction of the replacement dwelling. It would be my contention that, because the original applicant demolished the dwelling within the time limits referred to in the approval and prior to the placing of the new foundations, they did in fact validate the approval by doing so. Furthermore, because this operation could happen 'off site' it was not dependent on the formation of the sightlines at the subject site.

In conclusion I would argue that approval R/2008/0218/RM was validated by way of the demolition as the unique circumstances of the 'off site' replacement facilitated works to commence without Condition 3 of the approval having due relevance. In my opinion there was no malicious or fraudulent intent on behalf the original applicant and certainly no financial or planning gain for Julianne. Furthermore the principle of a dwelling on the site has been established and therefore no environmental or planning loss would be suffered if the application was to be approved, in fact it would be as originally intended - one house demolished and another constructed.

Julianne has undertaken to establish the sightlines immediately on any approval and fully comply with any further conditions therein.

In view of the seriousness of this situation we would respectfully request that the Committee overturn the Planning Office recommendation to Refuse and allow Julianne to start rebuilding her life.

Gary Hunt DAAS RIBA

Appendix A

Hi Gary

Just a few details which may help:-

I have a condition called Spinal Muscular Atrophy(SMA),type 2. SMA affects the nerve cells called lower motor neurons which run from the spinal chord out to the muscles. The lower motor neurons carry messages that make it possible to crawl, walk, move arms, legs, hands, head and neck and affects breathing and swallowing.

The affected nerve cells mean that messages do not travel correctly from the spinal cord to the muscles making it difficult to use them. This means the muscles weaken and waste due to the lack of use and this is known as muscular atrophy.

This disability means I am confined to an electric wheelchair, I cannot stand or walk and it affects my everyday living with things such as difficulty lifting a cup of tea, difficulty lifting my handbag, difficulty cleaning my teeth, difficulty brushing my hair, I cannot dress without help, I cannot shower without help, the ability to roll in bed, I am unable to sit up without assistance, I need to use a hoist to transfer from my electric wheelchair to bed or toilet, I am unable to use the toilet without assistance to hoist me on and of the toilet. Even something simple like scratching my nose can be a struggle to reach as I cannot lift my hand higher than my nose. These are the simple things people do everyday.

Due to the weakness in my muscles the only way I can exercise is in a pool as it provides weightlessness. Exercise for my muscle movement is very important for someone with my condition to help keep what muscles moving and for my general health and wellbeing.

Currently our living situation is extremely difficult and it was only meant to be temporary. My partner has to lift me onto a stair lift to access the toilet and bedroom. If he is going to be out, the hoist has to be carried down stairs where I use a commode. This lifting is taking a huge toll on his back and he now has sciatica.

I also am unable to make a cup of tea, or do a little cooking as nothing in the house is accessible. I am unable to leave the house without someone there as I cannot unlock or open the door - (the new house would enable automatic doors to be fitted so I have more independence). I also cannot access the back garden and this is especially irritating on a rare sunny day.

I feel sometimes like I'm living in a prison as I've to always make sure someone is there to let me in and out or ask for a cup of tea or something to eat. It is affecting my mood and getting me very down at the moment.

Jonathan built a temporary ramp for me to access the house, however the Lisburn and Castlereagh county council are insisting it is taken down or rectified as it does not meet building control regulations. The gradient at the front of the house does not make a ramp possible to meet building regulations, as the drive slopes away more than the permissible gradient, if this is taken down I will not be able to enter the house at all.

I have a very heavily adapted drive from wheelchair car. For me to access my car there is side ramp and this access needs to be clear at all times. Many times where we are living people park up close to my car and I have to get Jonathan to ask them to move, if we can locate who they are.

With my carers and my partner I receive round the clock care. My main carer is provided by Fiona Murray, Saintfield.

Also Jonathans son Connor (11yrs) is stated as he has Autism. this affects Connors coordination, he has learning difficulties and sensory issues. He loves animals and the move to the country will benefit him immensely as this will help calm him. He will also be able to run around our land safely with our dogs as he has little sense of danger and it is very hard to let him out to play where we currently are.

Let me know if you need any further details.

Thanks Julianne

Liam Hannaway
Chief Executive



Council of the
an Iúil, Mhíonta
agus an Dúin

**Newry, Mourne
and Down**
District Council

BN/2010/0441
21 March 2017

Ms Jeanette Stevenson
98 Carryduff Road
Temple
Lisburn
BT27 6YL

Dear Madam

Re: Two Storey Detached Dwelling & Garage at Carsonstown Road Saintfield for Ms Jeanette Stevenson

On 02 March 2017 a site inspection was carried out to the above site, and it was noted that the foundations had been excavated some time ago - circa mid 2010.

As we have no records of a foundation inspection being carried out at that time, the builder was instructed to excavate several trial holes to inspect the ground conditions and foundation concrete thickness.

Three pits were excavated and inspected on 14 March 2017. The foundation concrete was observed to be bearing on a firm boulder clay in each location. The bearing capacity of this strata appears to be suitable to carry the proposed load.

On inspection, the foundation concrete was seen to be at least 300mm thick, and appears to be suitable. Based on the inspection results for these three trial holes, it would be reasonable to assume that the foundations as a whole are satisfactory.

Yours faithfully

Terry O'Toole

Terry O'Toole
Building Control Surveyor

BR35

Ofíóg an Iúil
Newry Office
O'Hagan House
Monaghan Row
Newry BT35 8DI

Ofíóg Dhún Pádraig
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Appendix C



ITEM NO	12		
APPLIC NO	LA07/2017/1077/O	Outline	DATE VALID 17/07/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Eammon O'Rourke 52 Legananny Road Ballyward Castlewellan BT31 9TG	AGENT	DJ Cleland 74 Glnahirk Road Belfast BT5 7DJ
LOCATION	Lands to the south-east of 32 Dromara Road Leitrim Castlewellan BT31 9SJ		
PROPOSAL	Dwelling on a farm including garage		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	14	0	1
			Addresses Signatures
			0 12
		SUP Petitions	Addresses Signatures
		0	0 0
1	<p>The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case for the following reasons:</p> <p>There is a development opportunity for a farm dwelling approved on the holding.</p> <p>The proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.</p> <p>No health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm and</p> <p>No verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.</p>		
2	<p>The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.</p>		
3	<p>The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.</p>		



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

Application Reference: LA07/2017/1077/O

Date Received: 17th July 2017

Proposal: Dwelling and Garage on a farm

Location: Lands to the SE of No 32 Dromara Road, Leitrim.



Site Characteristics & Area Characteristics:

The site is comprised of a 0.4 hectare greenfield site located along the minor Dromara Road. The site is open and defined at the roadside by a post and wire fence. Immediately adjacent and NW of the site lies No.32 Dromara Road a single storey dwelling, which has a number of agricultural buildings surrounding.

The area is rural in character and located within the AONB as designated in the Ards and Down Area Plan 2015.

Site History:

There is no previous history on this site for this type of application.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards & Down 2015 – the site is located within the Area of Outstanding Natural Beauty (AONB) outside any defined settlement area.

Consultations:

Transport NI – No objections

DARDNI – Confirmed 6 years active business and payments claimed

Objections & Representations

The following neighbouring properties were notified on 24th July 2017:

- Nos 30, 31 and 32 Dromara Road, Leitrim

The application was advertised in the local press on 2nd August 2017.

A number of objections have been received regarding the proposal, they have been summarised below.

Alex Santos – states that this is an invalid application as the farm yard and land are not under the same ownership and that approval will ruin the existing view

Thomas McGeary – makes the same point as above

Michelle Anderson – also is concerned about the impact the proposal will have on the scenic value of the area and that there is no farm attached to the field

Hillcrest Walking Club – object to the proposal on the grounds of ecology and public safety in that approval would spoil views and result in the erection of fencing which would disrupt their hill walking activities.

A petition with 12 names has been submitted raising those issues notes above

Consideration and Assessment:

The proposal seeks outline planning permission for a farm dwelling and garage.

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

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

The applicant has provided a DARD business ID 655498. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

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

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has revealed that planning approval has been granted for a farm dwelling on lands adjacent 37 Dolmen Road Castlewellaan see Q/2010/0343/F. This dwelling was granted under farm business number 612849 to James O'Rourke. It is noted from the applicants supporting statement this land has been inherited by James O'Rourkes' son Eamonn O'Rourke, who now operates the farm under business number 655498. As this development opportunity is located within the holding currently owned by the applicant, it is considered that the 10 year opportunity has been obtained and the proposal is therefore contrary to CTY10.

The farm buildings associated with this business number are located a Legananny and Dolmen Road, several miles from the application site. It is noted in the accompanying statement that the applicant considers the land adjacent these buildings inappropriate for development given the presence of Legananny Dolmen a state protected monument (shown below) and that HED have previously advised that further development within the vicinity of this monument would not be permitted.



With this opinion in mind the applicant has submitted an off-site proposal. Policy CTY 10 will exceptionally give consideration 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 (my emphasis) where there are either :

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s)

It is noted that there are no farm buildings associated with this farm business adjacent the site. Those immediately adjacent at No 32 are not associated with the applicants' farm business.

In the applicants supporting statement, it is noted that no health and safety reasons have been given regarding the off-site proposal. However, the applicant has stated that plans to expand the farm business at the existing building group at Legananny Road would not be possible due to the presence of Legananny Dolmen and indicates from Historic Environment Division that further development will not be permitted. I do not accept this latter justification and consider that there are opportunities adjacent the existing farm buildings which can be utilised, without detriment to the archaeological aspects of the land provided they are appropriately conditioned.

CTY13

The site is located within an open 0.4hectare green field, which is defined on all sides by a post and wire fence, with hedges and a few mature trees along the south-eastern boundary



It is considered given the open nature of this site, that any dwelling would appear prominent in the landscape and would require new landscaping for integration. In addition, and as discussed above the proposed farm dwelling would not be sited to cluster or visually link with a group of buildings on the farm. It is considered therefore, that the proposal fails to comply with CTY 13 of PPS21.

CTY14

It has been considered above that the proposed dwelling would appear prominent in the landscape. There is also concern that the proposed dwelling would create a ribbon of development when viewed with in conjunction with the new dwelling to the SE of the site that to the NW at No 32 Dromara Road as can be seen below.

**Summary**

On the basis of the above assessment it is considered that the proposal is contrary to Policies CTY 10, 13 and 14.

Recommendation: REFUSAL

REASONS:

1. The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case for the following reasons:
 - There is a development opportunity for a farm dwelling approved on the holding.
 - The proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.
 - No health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm and
 - No verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established

group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

- 3. The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signed:

Date:

Signed:

Date:

STATEMENT TO THE PLANNING COMMITTEE OF NEWRY, MOURNE AND DOWN COUNCIL IN SUPPORT OF PLANNING APPLICATION LA07/2017/1077 FOR A DWELLING ON A FARM AT DROMARA ROAD, LEITRIM

The planning report to the Committee gives 3 reasons for refusal of the application:

1. The proposal is contrary to policy CTY10 because there is a development opportunity for a farm dwelling approved on the farm.

The report accepts that Mr O'Rourke's farm business ID meets the policy requirements in principle for a dwelling on a farm. However, it argues that a planning approval granted to his father under his father's business number and inherited by Mr O'Rourke on his father's death, removes his right to a dwelling under his own business number.

Mr O'Rourke's entitlement to a dwelling has not been questioned and he has not received a planning approval for a dwelling under his farm business number. His application should be looked on favourably on its own merits.

2. The dwelling is not sited to cluster with an established group of buildings on the farm and an alternative location off-site is not justified.

The proposed dwelling is not sited beside the existing farm buildings at Legananny Road because Legananny Dolmen, an archaeological monument of regional importance in state care, is located on Mr O'Rourke's land.

Planning policy is that development which would adversely affect the settings of important archaeological sites will not be permitted unless there are exceptional circumstances. Exceptions are defined as proposals of overriding importance to Northern Ireland – Mr O'Rourke's proposed dwelling does not fall into this category.

The Dolmen sits on the highest point of his farm and the farmlands are open to view from it and form a significant part of the setting to the monument. Historic Environment Division, which has statutory responsibility for state care monuments, has previously advised Mr O'Rourke that further development in the vicinity of the Dolmen would not be permitted.

These are the exceptional circumstances in which Mr O'Rourke has had to operate his farm business at Legananny Road. Development on lands beside the existing buildings is favoured by one planning policy but is excluded by a different one. It is not physically possible both to make provision for expansion of his business, and to find an acceptable site for a dwelling on the farm for his own business number under policy CTY10, given the significant environmental constraints.

The planning report to the Council considers that there are opportunities to expand the farm business adjacent to the existing farm buildings without detriment to archaeology. Mr O'Rourke welcomes this conclusion and would like these sites to be identified as there are additional farm buildings he needs to allow expansion of his farm business.

However, off-site location of the dwelling proposed in this planning application is considered necessary due to the archaeological constraints. The planning report to

the Council concludes that the two exceptional circumstances in which off-site location of a dwelling on a farm is acceptable under policy CTY10, are not met in this case. However, planning policy cannot foresee all exceptional situations. In this case, the restrictions on development due to the Legananny Dolmen are an equally valid reason for off-site location. The Council is requested to give sympathetic consideration to the principle of off-site location in the specific circumstances of this case.

The site proposed for the dwelling at Dromara Road is logical for Mr O'Rourke's farm business. This consists of two blocks of land in widely separate locations, at Legananny Road and Dromara Road. A dwelling at Dromara Road will mean that each block has a dwelling to facilitate day to day working and to provide security.

Mr O'Rourke's intention is to provide a farmhouse for a young local man on what was his home farm. The lands and the adjoining farm buildings were once in the family's ownership but are no longer due to unfortunate circumstances. The proposed dwelling will reinstate him in a farmhouse on his family's land and enable him to build a future for himself in his local community.

3. The dwelling would be unduly prominent and create a ribbon of development.

The dwelling will not be unduly prominent. It is not widely visible from public viewpoints but will be visible from only the short stretch of Dromara Road along the frontage of the site, and then only in a sideways view. On the approach from the north on Dromara Road, it will be screened from view by the rising ground and by the building group on the adjoining lands (Fig.1).



Fig.1 – Approach to the site from the north on Dromara Road

On the approach from the south, the mature trees and the hedge on the southern boundary provide screening (Fig.2) These will be retained. From both the northern and southern approaches, the dwelling will not be visible until the site boundary is reached.



Fig.2 – Approach to the site from the south

The proposed site is an enclosed field with established boundaries. The proposal is to site the dwelling to the rear of the field in order to further reduce its visibility (Fig.3). The proposal will not be in an elevated position – the ground level at the rear of the site is only a few metres above road level. The proposal is for a single storey dwelling which will be lower than the existing farm buildings on the adjacent land. It will be located to integrate with these buildings as required by policy CTY13.



Fig.3 – The proposed site

By contrast with the limited visibility of this proposal, Fig.2 shows that the new dwelling to the south-east is on a much more open and visually prominent site. It provides the benchmark against which the acceptability of this application must be assessed.

The dwelling does not create ribbon development. Fig.4 shows an illustration of ribbon development taken from the design guide 'Building on Tradition'.



Fig.4 – Ribbon development (From 'Building on Tradition')

It shows a continuous row of dwellings close together along a road frontage. The relationship between the proposed dwelling, the existing buildings to the north and the new dwelling to the south-east is quite different from this example (Fig.5).



Fig 5 – Illustrating the distance from the new dwelling to the south-east

It is clearly not a continuous and closely built up ribbon of development. While the proposed dwelling is sited to relate visually with the buildings to the north as required by policy CTY13, there will be a significant separation distance of around 100 metres from the new dwelling to the south-east.

This is also clear from Fig.2. The pattern is one of scattered dwellings typical of the character of the rural area, and is not a continuous and closely built ribbon of development.

ITEM NO	13		
APPLIC NO	LA07/2017/1084/O	Outline	DATE VALID 18/07/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Sean O'Neill 42 Longfield Road Lislea Newry	AGENT	Tony Mackle 12 Fern Heights Newry BT34 2NT
LOCATION	190 metres East of No 21 Longfield Road Lislea Newry		
PROPOSAL	Farm dwelling		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.
- 4 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1084/O

Date Received: 18 Jul 2017

Proposal: Outline permission for a farm dwelling.

Location: 190 metres East of No 21 Longfield Road Lislea Newry

Site Characteristics & Area Characteristics:

The site as defined in red takes in an agricultural field that abuts the public road and rises to the North East. A layer of vegetation is notable towards the front of the site. The area is rural in character where a dispersed settlement pattern exists. The site lies below Slieve Gullion within the AONB.

Site History:

N/A

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15
Planning Policy Statement 2

Consultations:

Transport NI – no objections subject to the Full plans designed in accordance with the RS1 form
NI Water – Generic
DARDNI – DARD number has been in existence for at least 6 years and SFP has been claimed in this period.

Objections & Representations

No neighbours notified and application advertised on Wed 02 Aug 2017. No objections or representations received.

Consideration and Assessment:

The site lies within the AONB/Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision for a single farm dwelling in accordance with current planning policy, namely PPS21 CTY10.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

Transport NI has confirmed it has no objections to the proposal with regard the above policy criteria.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10. DARD NI has confirmed the Business ID submitted with the application has been in existence for more than 6 years and has claimed subsidies during this period. This satisfies the requirements of CTY 10 (a).

The policy states no dwellings or development opportunities can be sold off from the farm holding within 10 years of the date of the application. The applicant's DARD number has been checked for any previous use for a dwelling house, this produced a negative result. The farmland has also been checked for any potential development opportunities, and following correspondence from the applicant's solicitor, the Council is satisfied the proposal meets the policy requirement of part (b).

Farm buildings are evident on the applicant's holding, both at Longfield Road – further along the road from the proposed site and Mullaghan's Road however it is noted the proposed site is not visually linked or sited to cluster with the existing buildings on the farm. Exceptions are made for alternative sites were demonstrable Health and Safety reasons exist.

In relation to the buildings on the Longfield Road, the agent has noted the reasons to site at an alternative location include an 'impossible' access from the Longfield Road, the loss of mature trees/vegetation for visibility and domestic access restricting farming activities if the access was brought through the farm yard.

The policy confirms that where an alternative site is proposed away from the farm buildings the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority (eg Health and Safety Executive) to justify the siting. In this case the agent has not submitted such information or any evidence that an access from the Longfield Road is 'impossible'.

With regard to the buildings sited at Mullaghans Road adjacent to the recently approved replacement dwelling, there is no verifiable evidence to suggest developing the rear of the site is unachievable with either a shared access or a double access point.

As a result of the above consideration the proposal is contrary to part (c) of policy CTY10 and therefore doesn't not fully meet any of the exceptions noted under Policy CTY1.

As the proposal is not sited with existing farm buildings it fails part (g) of CTY13.

The retention of the vegetation would reduce prominence and the proposal is not considered to contribute to build up or ribbon development. The proposal is in compliance with CTY8 and CTY14.

Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

Planning Policy Statement 2: Natural Heritage

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Ring of Gullion AONB. The siting of the proposal is considered unsympathetic to the special character of the AONB in general and of the particular locality due to its inability to group with existing buildings on the farm.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, 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 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:

Authorised Officer:

Speaking Rights Request

Item No 13

LA07/2017/1084/O -Site for Farm Dwelling 190m east of No 21 Longfield Road, Lislea.

While there are 4 reasons for refusal in the Planning Office's recommendation this application primarily fails because the proposed dwelling in the Council's opinion is not sited adjacent to the principle farm buildings. The application is acceptable on all the other policy tests of CTY 10 in that it is accepted that it is an established farm business that has been active for more than 6 years and that no other development opportunities have been sold off from the main farm holding. Furthermore, the Planning Office in the professional report have accepted that the chosen site is acceptable as it has good integration, does not lead to build up and access is achievable to Roads Services specifications. A dwelling at this location would not therefore have a negative impact upon the rural character of the area. It is therefore only not acceptable to the Planning Department as it is not sited adjacent to the farm buildings.

In the recommendation the Planning Department have identified two sites within the farm holding that they believe are more compliant with the policy requirements of CTY 10. These are shown on the attached farm map.

The first site immediately adjacent to the main farm house is believed by the Council to have potential for development and therefore would be more compliant with the provisions of CTY10. I do not believe this to be the case. As previously stated in the supporting statement it is virtually impossible to create a satisfactory access to this site from the Longfield Road because of the steep gradient along the full roadside frontage. To even attempt this would require an unacceptable level of grading and cutting into the site to achieve an acceptable access gradient to Roads

Service standards. This would also be prohibitively expensive to achieve. Also, because the site sits at such a higher level than the main road it could also require some form of retaining structure that would not be in keeping with current rural policy, would be extremely expensive and an unreasonable expectation.

Accessing this site from Longfield Road would also result in the removal of most of the Roadside mature vegetation. Any condition or request by planning has to be reasonable and readily achievable and in this case it is not as it is virtually impossible to achieve, would be prohibitively expensive and would result in an unacceptable site in terms of integration policy.

The required visibility of 2.4m x 60m to gain access to the site is also not achievable as it is blocked on the near side by the curvature in the road and a slight rise in the road at the western edge of the site.

It is also unreasonable for the Council to insist on access being gained to this site through the farm buildings as these are well removed from the site and it does raise health and safety concerns of a private residential property separate from the farm business being accessed through a working farm yard. It would also result in the access having to go up through the farm buildings and around the back of the farm house and down into the field which would be extremely long and unreasonable to request. To access through the farm yard would also require the removal of some of the farm buildings as they are all close together and inter linked. This would have a negative impact upon the efficient running of the farm business.

The second site identified in the report is land at Mullaghan's Road approximately 2 miles west of the main farm holding and was the subject of the recently approved Replacement dwelling for Mr & Mrs Quinn (LA07/2017/0995). This other farm building referred to by the Council is the dwelling to be replaced under that application and has now been

incorporated along with the yard into the curtilage of the proposed new replacement dwelling as an agricultural yard and storage to be used in association with the remaining small area of agricultural land.

It was the intention of Mr O'Neill to use this area as an isolation site for livestock to be kept away from the main farm and other livestock particularly during sickness outbreaks or TB testing. It was planned that the livestock could be housed in the storage during these times and use the remaining land for grazing. This is good agricultural practice and reduces the risk of infection or disease spreading through the whole herd

The siting and curtilage of this approval also effectively rules out any potential for future development of the remaining land on Mullaghan's Road as it land locks it from the roadside frontage allowing only an agricultural access or a shared one. A shared access would cause the potential occupant who is Mr O'Neill's son difficulty in obtaining a mortgage as providers do not release funds on mortgage requests on shared accesses as these cause potential land ownership difficulties.

Given the difficulties outlined above associated with the two sites identified by the Council and to the fact that it meets all other policy requirements of CTY 10 the application site is the next closest site to the main farm buildings within the holding. The case officers report already accepts that the site would not lead to build up or prominence and that access is easily achieved from the Longfield Road.

If approved the site will be developed by Mr O'Neill's son who is returning from England to seek employment and will also be helping in the daily tasks associated with running the farm, a role that will eventually increase over the years until ultimately he will take it over on a full time basis.

PHOTOGRAPHS



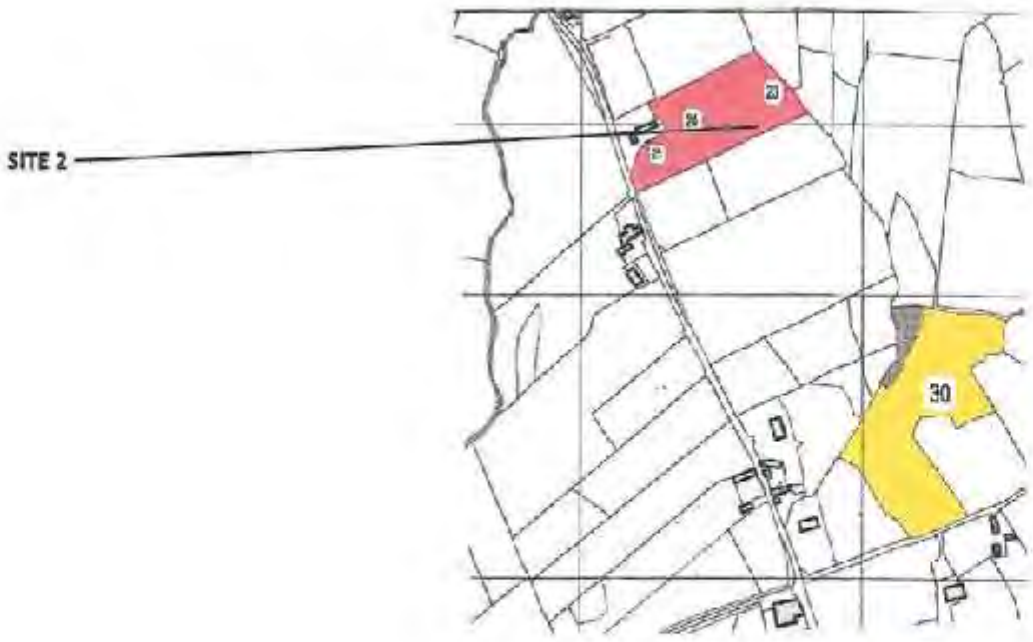
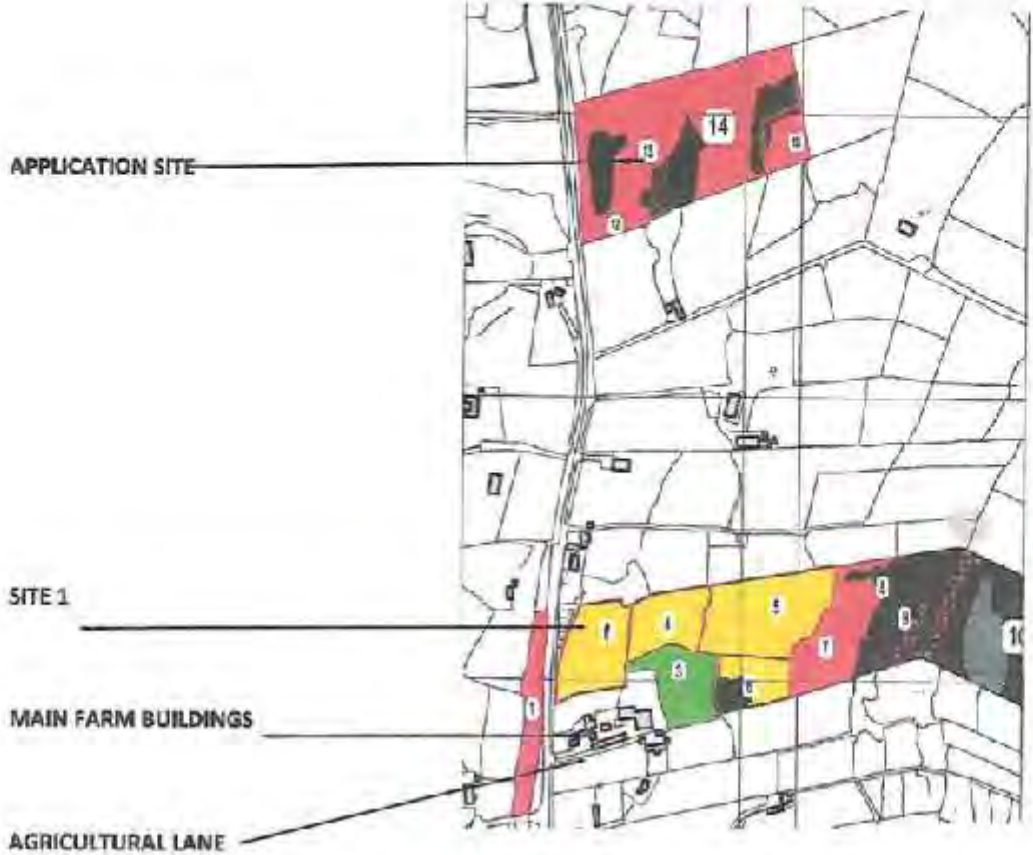
THE PROPOSED SITE: Note the existing mature vegetation that will act as natural screening for the dwelling which will be sited to the rear of the trees in the centre of the photograph. Please also note the wide verge and clear visibility fronting the site



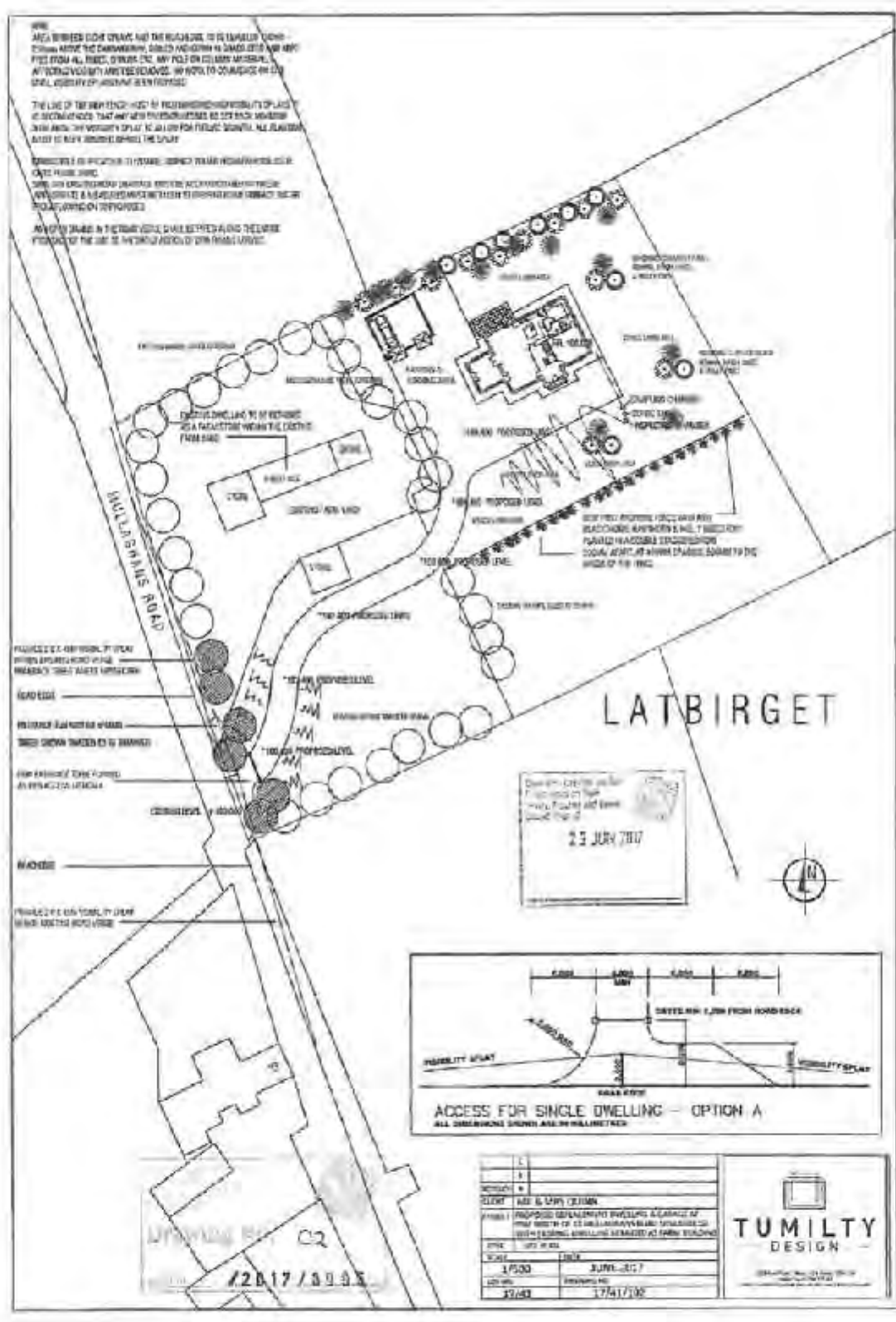
The site adjacent to the existing farm house rises steeply from the roadside and sits at least 3 metres above this level making access from the Longfield Road impossible. It would also require the removal of the mature trees fronting the site and there is a crest in the middle of the Road frontage making required visibility impossible to achieve.



The existing farm buildings and yard. Access through here to field adjacent to farm dwelling is not viable as it would lead to a conflict of use between occupants and the farm activity on the grounds of Health and Safety .It would also result in the removal of several of these building which would impact negatively upon the efficiency of the farm business.



Approved Layout on Site No 2





ITEM NO	14			
APPLIC NO	LA07/2017/1138/F	Full	DATE VALID	27/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Bernard Morgan 73 Newtown Road Killeen Newry BT35 7PP		AGENT	Collins and Collins 2 Marcus Street Newry BT34 1AZ

LOCATION Adjacent to and immediately South East of No.1 Newtown Court
Newtown Road
Cloghogue
Newry
Co Down
BT35 8GX

PROPOSAL Erection of Agriculture Buildings

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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 Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 and the applicant has not provided sufficient information to confirm that
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm buildings;
 - it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1138/F

Date Received: 19.07.17

Proposal: Erection of Agriculture Buildings

Location: Adjacent to and immediately South East of No.1 Newtown Court
Newtown Road, Cloghogue, Newry

Site Characteristics & Area Characteristics:

Site comprises the western portion of a much larger agricultural field situated at the end of a cul-de-sac accessed via a private lane from Newtown Road. By way of Area Plan definition the site itself is located in the open countryside to the south of Newry City and is also within an Area of Outstanding Natural Beauty as designated by the Banbridge / Newry and Mourne Area Plan 2015.

Site History:

P/2013/0290/F – Dwelling on a farm. Land 40m SE of 20 Newtown Roads. PAC Refused. Dismissed by the PAC

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015:

PPS3, DCAN 15 and Parking Standards - Transport NI have raised no objection in comments dated 30.08.17

Consideration and Assessment

SPPS, PPS21 (CTY 1, CTY12 and CTY13)

DAERA in their consultation response dated 07.08.17 confirm that the farm business has been in existence for over 6 years and single farm payments have been claimed which is an indicator of an active and established farm holding

The agent in correspondence has set out that the shed is needed for the expansion of the farm business and will be used for storage purposes for animal welfare, animal feed and farm machinery. The principle farm holding is at No.73 Newtown Road and the farm is registered to Bernard Morgan (applicant). At the farm holding there are a number of existing agricultural buildings. The farm business map date stamped 19.07.17 (DAERA marked date 14.02.11 – Page 2 of 2) shows land which is owned and claimed by the applicant, apart from existing buildings there is sufficient room within the existing complex in which to expand. There is no convincing argument put forward by the applicant/agent for the need to relocate elsewhere nor has it been adequately demonstrated that the development is necessary for the efficient use of the agricultural holding.

The application site comprises the western portion of a much larger roadside agricultural field which is critical viewed from the adjacent A1. It is proposed to locate the agricultural building midway along the southern boundary of the site, set away from existing buildings (sited to the NW) to which the development could visually group. The proposed siting is within the most open and exposed portion of the field lacking natural vegetative boundaries, backdrop or any other means in which to screen or provide enclosure thus development will appear prominent in the local landscape and will require significant landscaping in order to adequately integrate.

There is no impact to natural or built heritage. The character and scale is typical of agriculturally designed buildings appropriate to its rural location.

Environmental Health have raised no concern with regard to impact to amenity provided the building is used for storage and farm machinery as specified by the agent.

There are already existing buildings at the principle farm holding at No.73 Newtown Road which are currently being used for the storage of farm machinery, silage etc. Whilst the applicant has stated that the shed is required as part of expansion plans there has been no verifiable plans presented to show this or any credible evidence of any expansion within the business to necessitate the need for additional farm buildings outside of the principle farm holding. Given the scale of such proposals, there is no reason why it could not be located at the principle farm holding approximately one mile away or that existing buildings at the holding could not be utilised and it has not been adequately demonstrated that there are no existing renovation, alteration or redevelopment opportunities within the holding to facilitate proposals.

It must also be noted that the proposal is not sited beside existing farm or forestry buildings. There are two containers on the site which cannot be considered to be permanent buildings or to be of an agricultural nature. On the proposed plan, the containers are described as existing agricultural buildings, however it is not accepted that these constitute buildings and they are not permanent or attached to the ground. The containers cannot constitute as lawful buildings to site the proposal with. Additionally, it should also be noted that this matter has already been assessed by the Planning Appeals Commission (PAC) in May 2016 when a farm dwelling was refused for the applicant on the same site. The PAC Commissioner stated that "whilst the appellant acknowledges that the containers on the appeal site are not technically buildings, no evidence was presented to confirm that they are immune

from enforcement and I agree with the LPA that they do not constitute lawful buildings with which to group a farm dwelling.”

The proposed building is located away from the existing farm buildings with no exceptional or justifiable reasons given that proposals are essential for the efficient functioning of the business or there are demonstrable health and safety reasons to locate elsewhere. Proposal fails to meet the requirements of planning policy.

Consultations:

Transport NI (14.08.17) - No objections

Environmental Health (01.08.17) In close proximity to residential dwellings. Should the shed be used for storage and farm machinery the department would not object

DAERA (07.08.17) - No objection

Objections & Representations

16 Neighbour notifications
No objections received
Advertised August 2017

Recommendation:

Refusal.

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

2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;

- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and the applicant has not provided sufficient information to confirm that

- there are no suitable existing buildings on the holding or enterprise that can be used;

- the proposal is sited beside existing farm buildings;

- it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and/ or that the alternative site away is essential for the efficient functioning of the business.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed building is a prominent feature in the landscape;- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration;
- the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

ITEM NO	15			
APPLIC NO	LA07/2017/1158/F	Full	DATE VALID	01/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs P Greene 11 Teconnaught Road Seavaghan BT30 8QE		AGENT	8a Architects Ltd 8a Catherine Street Killyleagh BT30 9QQ
LOCATION	Adjacent to 11 Teconnaught Road Seavaghan			
PROPOSAL	Proposed dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the road frontage, and would if permitted, result in the addition of ribbon development along the Teconnaught Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1158/F

Date Received: Aug 2017.

Proposal: Full planning permission is sought for a dwelling and garage on lands adjacent to no.11 Teconnaught Road.

Applicant Mr and Mrs Greene

Location:

The site is located in the countryside off the Teconnaught Road approx 0.5 mile north of the local GAA club, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site. This area is pre-dominantly rural in character, although also includes several dwellings and holdings.

Site Characteristics & Area Characteristics:

The site outlined in red extends to include the access and part of the curtilage of no.11 Teconnaught Road and an area of land to the rear of this property, whereby the lands slope uphill to the existing dwelling from the road, although the portion to the rear of the application site falls sharply away, and comprises a wooded area. The remainder of the curtilage of no.11 is outlined in blue.

Site History:

A history search has been carried out for the site and surrounds whereby no relevant history was observed relating to the application site, with the exception of the previous approval for the dwelling at no.11 (R/2000/1561/F).

Consultations:

Having account the nature of this proposal and constraints of the site and area, consultations have been carried out with Transport NI, NI Water, Rivers Agency and NIEA, as part of this application, who offer no objections in principle. Transport NI and NIEA had initially requested the submission of additional information (amended site plan and bio-diversity checklist), and now offer no objections in principle.

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with several properties along Teconnaught Road (No.9a, 11, 13, 18, 19, 19a) in Aug 2017, while No.15, 22 and 24 were NN in Nov 2017. The application was also advertised in the local press in Aug 2017.

1 representations have been received to date (22-11-17) from the owner/occupier of no.9 Teconnaught Road, whereby the main issues raised include reference to the background of the site, and that there is a river to the rear of the site.
(Rivers Agency were consulted as part of the application who offer no objections)

Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21, and supplementary guidance

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

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

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

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

This is a Full application for a dwelling whereby a P1 form, site location plan, site layout plan and detailed plans have been submitted.

The information submitted indicates the applicant (Mr and Mrs Greene) live at no.11 Teconnaught Road, whereby Certificate A has been completed on the P1 form.

Based on the information submitted this application is considered to be for an infill dwelling which falls to be considered against policy CTY8 of PPS21.

As stated above the site comprises a roadside plot off Teconnaught Road, whereby the lands comprising the application site rise gently from the road. The site outlined in red is irregular in shape and comprises part of the curtilage of no.11 at present, which is generally considered to be large enough to accommodate a dwelling with sufficient provision for parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact.

While it is noted the site may appear and be considered to be broadly located between the dwellings of no.11 to the south and no.13 to the north, with no.9a further south, the site frontage is not considered to respect the existing development pattern along the frontage. While the general plot size of the proposed site may be comparable to those existing, the frontage to the road is out of keeping and character of the area.

The 3 properties comprising this frontage comprise No.9a, 11 and 13, which include frontages of approx 30m, 50m and 60m respectively. The frontage of the application site is approx 12m, and is limited to include the access/entrance, while the adjoining properties include these respective entrance and garden areas along the frontages to the road.

As such it is considered the proposal fails the policy requirements of CTY8 of PPS21, thus the principle of a dwelling is not accepted.

(It is also noted the dual driveway of the application site and also associated siting of the dwelling at no.11 are not in accordance with the approved plans. The approved plans included a single entrance driveway which is not reflective of either of those constructed on the ground. Although these may be immune from any action that may be taken due to the passage of time, these aspects remain unlawful, thus the entrance driveway/laneway cannot be considered towards providing a frontage).

While it is noted the site is elevated above road level, it is set back from the road, and adjacent to the existing dwelling of no.11, with limited visual impact, due to its location and nature of the area. In addition the house type and size is comparable to those existing along this side of road. as such no concerns are raised regarding compliance with policies CTY13 and 14.

While it is considered the site is large enough to accommodate a dwelling, with sufficient provision for parking and amenity space, while also being located a sufficient distance from any other property, it is considered it fails the policy test of CTY8 of PPS21, whereby the principle of a dwelling is not accepted.

As such Refusal is recommended

Recommendation: Refusal

Refusal reasons:

- 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.

- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the road frontage, and would if permitted, result in the addition of ribbon development along the Teconnaught Road.

ITEM NO	16				
APPLIC NO	LA07/2017/1290/F	Full	DATE VALID	16/08/2017	
COUNCIL OPINION	REFUSAL				
APPLICANT	Patrick Cunningham 26 Levallyreagh Road Rostrevor BT34 3DW		AGENT	Colin Dalton (Gray Design Ltd) 5 Edward Street Newry BT35 6AN	

LOCATION 26 Levallyreagh Road
Rostrevor
BT34 3DW

PROPOSAL Proposed replacement dwelling

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness and the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 2 The proposal is contrary to policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is a prominent feature in the landscape, the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the building relies primarily on the use of new landscaping for integration, the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design, size and scale for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1290/F

Date Received: 04.09.2017

Proposal: Proposed replacement dwelling.

Location: 26 Levallyreagh Road, Rostrevor, BT34 3DW

Site Characteristics & Area Characteristics:

The site has been identified within the red line, showing the replacement building and a single storey outbuilding within its curtilage. The large agricultural field directly opposite the replacement dwelling has been identified within the red line.

The site can be accessed via the Levallyreagh Road. The application site is triangular in shape; the topography of the land sees the replacement dwelling and its curtilage located on level ground, the adjacent agricultural field sees a continuous slope downwards from the northern to southern boundary. The replacement dwelling is situated along the northern section of the application. The dwelling to be replaced is a single storey block built detached building. No.30 Levallyreagh Road is located adjacent and directly north of the application site.

The boundaries of the application site are defined by a 1.2 metre high natural stone wall to front of dwelling, and 2.4 metre high natural stone wall to northern boundary shared with no.30 Levallyreagh Road. The remaining boundaries are defined by mature hedgerows with scattered mature trees/vegetation throughout. However the existing curtilage along the southern and western boundaries is defined by a temporary post and string. The area is predominately rural in character with development pressure remaining relatively low. The application site is located outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is also located within the Mournes Area of Outstanding Natural Beauty.



Image 1: Dwelling to be replaced

Site History:

P/2014/0520/F

Erection of Replacement Dwelling

Application Withdrawn

This application is virtually the same as the current proposal in regards to siting, shape, size and design. The main contrast is the eastern section of the dwelling is proposed smooth render from natural stone in previous application. Amended plans had been submitted which removed the western section of the dwelling. However officers still had concern regarding the overall size of the proposed replacement dwelling and the visual impact would be significantly greater to the existing building.

P/2013/0899/F

Erection of 1.2 metre high natural stone wall to front of dwelling, and 2.4 metre high natural stone wall to northern site boundary.

Permission Granted: 02.06.2014

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 2- Natural Heritage

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

AMP 2- Access to Public Roads

AMP 7 Car Parking and Servicing Arrangements

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 3- Replacement Dwellings
CTY 13- Integration and Design of Buildings in the Countryside; and
CTY 14- Rural Character

Consultations:

Transport NI- Has no objections to the proposal

Objections & Representations

5 Neighbours notified on 06.09.2017 and the application was advertised on 29.08.2017. No objections or representations received.

Principle of Development

The site is located within the countryside. PPS 21 sets out that the proposed development must accord with CTY 1 Development in the countryside, CTY 3 Replacement Dwelling, CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character in terms of design and amenity considerations. The site is located within an Area of Outstanding Natural Beauty therefore subject to Policy NH 6 of PPS 2- Natural Heritage.

CTY 3

The proposal has been submitted as a replacement dwelling so policy CTY3: Replacement dwelling is the relevant planning consideration. The policy states that an exception will be permitted for the proposed replacement dwelling where the existing curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. The proposed replacement dwelling should integrate into the surrounding landscape and should not have a visual impact greater than the existing building.

The dwelling to be replaced is easily identifiable as a dwelling, as all four walls, windows and roof are still intact; in addition there is a chimney with internal fireplace and internal blinds. The existing plot size of the dwelling is 0.08 hectares. The surrounding plot sizes are as follows:

- 30 Levallyreagh Road– 0.06 hectares
- 36 Levallyreagh Road– 0.09 hectares
- 24 Upperknockbarragh Road– 0.14 hectares

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house. Officers consider that the existing curtilage of the dwelling is sufficient and is similar to surrounding dwellings curtilages. The proposed application seeks to extend the curtilage and expand into the agricultural field towards the southern and western boundary. The proposal would have a curtilage of approx. 0.32 hectares which is not in keeping with the character of the area. No evidence has been submitted to

demonstrate the need for the extension of curtilage. Officers consider that the principle of replacement dwelling is accepted however any proposed development must be located within the existing curtilage. Therefore the proposal is contrary to CTY 3 of PPS21.

Design and Amenity

The proposal incorporates the demolishing of the existing dwelling and outbuilding. The proposed dwelling is a single storey building laid out in a courtyard type setting in a reverse C shape. The proposal would have a maximum height of 6.5m from ground level and would have a maximum depth of 33m and a maximum width of 24.3m. The floor space measures approx. 426.9m², the dwelling to be replaced floor space is approx. 86.91m this proposal is nearly 5 times larger. The finishes are smooth painted render and natural stone and slate roof.

The site offers no integration to this dwelling type, no existing screening is along the southern side of the dwelling which would offer integration to this site. The main critical views are when approaching from over 300m to the south and along the Levallyreagh Road.



Mature planting is proposed along the southern elevation the site however the new planting would not sufficiently integrate the dwelling into the landscape.

As raised above officers have concern regarding the siting of the dwelling outside the existing dwellings curtilage. Officers consider that the proposed height is acceptable

however the size and design of the dwelling is not in keeping with the character of the countryside, giving a more suburban style dwelling.

The proposal does not comply with CTY 3 in that the dwelling does not reflect the size of the dwelling to be replaced and its existing curtilage. The proposal is contrary to CTY 13 in that the dwelling would be a prominent feature in the landscape, it lacks long established boundaries and is unable to provide suitable enclosure and the design of the building is inappropriate for the site and locality. The proposal is contrary to CTY14 in that it is a prominent feature in the landscape and does not respect the traditional pattern of development in the countryside due to its larger scale and plot size.

Policy NH 6 of PPS 2- Natural Heritage

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, officers considers that the design does not respect the special character of the Area of Outstanding Natural Beauty in regard to size and scale. It is therefore contrary to policy NH6 of PPS 2.

Access

Transport NI have not objected to the proposed development. Therefore, officers consider that the proposed access into the site is acceptable.

Recommendation

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness and the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
2. The proposal is contrary to policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is a prominent feature in the landscape, the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the building relies primarily on the use of new landscaping for integration, the

design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the proposal is located within an Area of Outstanding Natural Beauty, the siting and scale of the proposal is not sympathetic to the special Character of the Area, does not respect the traditional boundary details, design and scale of the local landscape.

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

ITEM NO	17			
APPLIC NO	LA07/2017/1292/F	Full	DATE VALID	24/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs M Dorans 16	AGENT		Karl
	Sherry 103			
	Station Road			Rostre
	vor Road			
	Castlewellan			Hilto
	wn			BT34 5TZ
LOCATION	Approx. 80 metres South of 37 Dundrum Road			
	Clough			
	Downpatrick			
	BT30 8SH			
PROPOSAL	Dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP
Petitions	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) 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.



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

Application Reference: LA07/2017/1292/F

Date Received: 23rd August 2017

Proposal: Proposed dwelling and detached garage

Location: 80m South of 37 Dundrum Road, Clough



Site Characteristics & Area Characteristics:

The site is comprised of a 0.49 hectare greenfield site which is positioned between two public roads, the A2 Dundrum Road to the west and a minor portion of this road which links to Ardilea Road. The site is positioned above the level of the minor road, but sits below the A2 sloping down in a west to east direction. The site is defined by mature trees to the west, with a stone wall and mature trees defining the eastern boundary.

The area is rural in character and predominantly agricultural in use. There are however a number of detached single dwellings within the surrounding area.

Site History:

R/2004/1582/O – Dwelling and garage – Approx 80m South of No 37 Dundrum Road, Clough – Granted following appeal PAC 2006/A1170

R/2011/0698/RM – Dwelling and Garage – Approx 80m Sough of No 37 Dundrum Road, Clough – Approved 16.05.2012

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

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

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

Consultations:

- Transport NI – No objections

Objections & Representations

The following neighbouring properties were notified on 19th September 2017:

- 32 and 37 Dundrum Road, Clough

The application was advertised in the local press on 6th September 2017.

There have been no representations or objections received from neighbours or third parties of the site in relation to this application.

Consideration and Assessment:

The Ards and Down Area Plan 2015 (ADAP) is the local development plan for the proposal. The ADAP offers no policy or guidance in respect of the proposed 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' and those of Planning Policy Statement 21- Sustainable Development in the Countryside (PPS21). PPS 21 remains applicable to the proposed development.

Policy CTY1 of PPS 21 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.

The proposal seeks full planning permission for a dwelling and garage, however, no case has been put forward to justify the need for a dwelling at this location. It is noted that the applicant considered that the previous approval has been implemented through the placing of foundations on the site, however, the previous approval (R/2011/0698/RM), had a pre-commencement condition relating to the access which has not been implemented, therefore, any works carried out on site do not constitute the commencement of development.

The previous approval has therefore expired and thereby the proposal as submitted fails to comply with current policy and must therefore be recommended for refusal on this basis.

Recommendation:

REFUSAL

REASON:

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.

Signed

Date

Signed

Date

This application has been scheduled to the 6th December Council meeting with an opinion to refuse. Mr. & Mrs. Campbell wish to raise the following points in favour of this proposal

Background

Application R/2004/1582/O Dwelling and garage was granted approval following planning appeal PAC 2006/A1770 on 28th October 2008

Application R/2011/0698/RM was granted permission 16/05/2012

We were aware that this approval would expire on 16/05/2014 but had insufficient money to build the house.

Several people advised us that if commencement was undertaken the approval would be secured for ever.

A local architect who claimed to have considerable experience in obtaining building control approval was contacted. He explained he would have to prepare building control drawings for the garage supervise the laying of foundations and have them inspected by Down Building Control. As the architect seemed to know exactly what was required we were pleased to employ him.

Everything seemed to progress smoothly with foundations laid after Building Control inspections and an initial cost of £205.00 on 30/04/2014 followed by a further £555.00

On 20/05/2014.

(Copies of receipts enclosed).

During the final inspection with building control while the digger driver was on site Mr. Campbell asked if everything was in order to secure the site forever as he did not want to lose it and was assured everything was in order.

Later we were happy to settle the architects bill of £900.00 on 20/05/2014.(copy enclosed)

On the 23rd of July 2014 we were delighted to receive in the post a letter from John Dumigan Clerk and Chief Executive of the Council (copy enclosed)

POSTAL NUMBERING AT DUNDRUM ROAD, CLOUGH

It was in black and white our new postal address and how they wanted us to name our new dwelling 37a DUNDRUM ROAD, CLOUGH and to try using the townland of CLOUGHRAM in the name of the house if we so wished to do so.

Then in April 2017 Mr.&Mrs. Doran made an approach to buy the site we agreed to sell.

We thought we had successfully secured the site and it came as a total shock when the councils planners advised that this was not the case and the approval had expired.

We therefore have reapplied and in this case and its circumstances we would ask that the council Would look sympathetically at this case.

Mr.&Mrs. K Campbell

J. Watson
Agricultural Contractor

6 Clough Court, Clough, Downpatrick, BT30 9HP
Tel: 07751 863 660


0111

Name: K Campbell Date: 29.9.14

Address: _____

Description	£	P
Rigging Foundations at building site		
24.4.14 8 hours	160	00
10.9.14 9 hours	180	00
Tractor + dump trailer	50	00
Materials	410	00
New Build		
Sub	800	00
VAT @ 6%		
Total	800	00

SEE INVOICE ON FILED 14



INVOICE

INVOICE TO
Keith Cornick

INVOICE NUMBER
5003 14062

TAX DATE
30 June 2014

DESCRIPTION	AMOUNT	VAT
<p>New Dwelling on Site 66m SW of 57 Dunstons Road, Clough Stage 1/2: Detail Design & Building Control Application preparation of initial design and subsequent applications and submission of building control application</p>	£700.00	£100.00

If paid by bank transfer on receipt of invoice, we offer a 2.0% discount on our professional fee. This would reduce the total to £677.50

TERMS
Payment on receipt of invoice

SUB-TOTAL £700.00

TOTAL VAT £100.00

TOTAL DUE £800.00


NOTES
 Tax MACE (General) and (Local Authority) are
 not included. MACE number: 8733 154
 A/C 144 011 80182 - 3-C 19 86421

VAT Registration number: 7946191493

INVOICE

Address to
MR KEITH CARPSELL
27 DUNKUR RD
CLONISH

Down District Council
Downshire Civic Centre, Downshire Estate, Aunglass Road, Downpatrick, BT20 4GD



Tel: 028 4461 0810 (Finance)
 Tel: 028 4461 0819 (Bin Collection)

WAT Reg. No: 255 7088 28
 Local Tax No: 01 255 7068 28200

AN DÚIN
www.districtcouncil.gov.uk

LAND FILL TAX REF: 04255 7068

Transaction	Contract	Page	Date	Invoice No.	Description
1000000		1	23/05/2014	1000000	1000000

QUANTITY	DESCRIPTION	QUANTITY	RATE	VALUE	UNIT CODE
	BUILDING (PROPOSED FURT) REGULATIVE (SCOTLAND (ENGLAND) 1993) TOTAL INSPECTION FOR CONVERTED ALL INSPECTIONS IN REPORT 7/14 19/2014/0550 - DETACHED BUNGALOW AND TWO SPORTS GARAGE AT DUNKUR ROAD, CLONISH AMOUNT DUE	1.00	225.00		

Code	Rate	Taxable	VAT	Intercepts	Total VAT	TOTAL PAYABLE
	0.00	225.00	0.00	0.00	0.00	225.00

Payment due within 14 days from invoice date. Payment by Debit / Credit Card to 028 4461 0810 if payable direct debit, for standing order please.

JOHN DUMINGAN
Clerk of the Council and Chief Executive



23 July 2014

PH518-3

Mr Keith Campbell
37 Dandrum Road
Clough
BT30 6SH

POSTAL NUMBERING AT DUNDRUM ROAD, CLOUGH

Dear Sir/ Madam,

The Council is responsible for the naming and numbering of streets in its area. It has been agreed that the correct postal address of your premises are:-

37a Dandrum Road, Clough, Donnallick, Co. Down, BT12 8SH

In order that the scheme may be as beneficial as possible, the Council should be obliged if you would mark your premises with the number as outlined above, where it may be easily seen from the public road, and use the correct address on all correspondence.

Other information may be included in the address, such as the name of your house. It is Council policy to encourage the use of forward names. Your property is situated within the context of **CLOUGHAM**. You may include this in your official address, should you wish to do so.

Yours faithfully

John Dumingan
Clerk and Chief Executive

Donnallick Post Office
Tel: 0300 500 000
www.donnallickpostoffice.co.uk



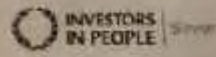
CUSTOMER COPY
 DOWN DIST CNCL BUTJOT
 DOWNSHIRE CIVIC CENTR
 DOWNPATRICK BT30 6PA
 THANK YOU
 15:52:49 30/04/14
 Receipt 4447
 12: ***572
 VISA DEBIT
 *****1870
 DATED 04/04/14
 SALE £205.00
 APPROVED
 REF CODE: 4553
 52
 Please debit my account
 with the total above
PLEASE RETAIN RECEIPT



With Compliments

Downshire Civic Centre
 Downshire Estate, Ardglass Road
 Downpatrick, BT30 6GG

Tel: 028 4481 0800
 Fax: 028 4481 0801
 Text/Mobile No: 028 4481 0817



ITEM NO	18			
APPLIC NO	LA07/2017/1310/F	Full	DATE VALID	21/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Peter McArdle 98 Forkhill Road Newry		AGENT	Architectural Design Service 20 Upper Burren Road Burren Warrenpoint BT34 3PT
LOCATION	Adjacent to and South of 98 Forkhill Road Newry			
PROPOSAL	Erection of a dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to The 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 CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.			
3	The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Forkhill Road.			
4	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 design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.			
5	The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, create ribbon development and would therefore result in a detrimental change to further erode the rural character of the countryside.			
6	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH1 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect a monument of regional importance [Danes Cast ARM 029:016] and no exceptional circumstances have been demonstrated which would justify the proposed development.			



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1310/F

Date Received: 21.08.2017

Proposal: The proposal seeks Full Permission for the erection of a dwelling and garage.

Location: Adjacent to and South of 98 Forkhill Road, Newry

Site Characteristics & Area Characteristics:

The site includes the curtilage of a two storey detached dwelling and detached garage fronting onto the Forkhill Road, Newry. The area is rural in character and located within the Ring of Gullion AONB. Development pressure is relatively high along this road.

Site History:

P/1999/0676

Erection of dwelling (change of house type)

Permission Granted: 06.07.2000

P/1996/0976

Erection of dwelling (change of house type)

Permission Granted: 16.05.1997

P/1991/0742

Erection of replacement dwelling (Renewal of Planning Permission)

Permission Granted: 09.09.1991

Planning Policies & Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2

Planning Policy Statement 3 / DCAN 15

Planning Policy Statement 6

Consultations:

Transport NI – No objections.

NI Water – No objections / standing advice

Historic Environment Division – Refusal.

Objections & Representations

1 neighbour notified on 08.09.2017

Application re-advertised on 13.09.2017

Letter of support from Dr Arnold McDowell

Consideration and Assessment:

The proposal lies within the Rural Area / AONB as depicted in the Area Plan. Whilst there are no specific objections from the Area Plan – determining weight will be afforded to the relevant planning policies as stated below.

PPS21 Sustainable Development in the Countryside.

As the proposed dwelling is to be sited outside the development limit in the rural area PPS21 is applicable. Policy CTY1 makes provision for a new dwelling in the countryside where the proposal meets one of the exceptions listed. The agent confirmed he wished the application to be assessed against CTY 6 and not CTY 8 despite reference to this in the Design and Access Statement.

With regard to CTY 6 the only medical evidence provided is that of a Doctors letter supporting an application on the basis that a single storey dwelling would be more beneficial to the applicants than their existing 2 storey dwelling due to impaired mobility. There are no compelling or site specific reasons why a new dwelling at this rural location is absolutely necessary or why an existing single storey dwelling solution cannot be considered. It also has not been demonstrated that genuine hardship would be caused if permission was refused.

In addition to the above it has not been demonstrated that alternative solutions have been explored including, extension, conversion of garage, or temporary use of a mobile home.

As a result of the above the proposal is considered contrary to CTY 6 (a) and (b).

As a consequence of the above considerations the proposal does not meet any of the exceptions listed under CTY 1 for a new dwelling in the countryside and with no overriding reasons why this development is essential and cannot be located in a settlement, the proposal is contrary to policy CTY 1.

The design of the proposed dwelling particularly with the large front projection is considered unacceptable for the rural area and as such is contrary to (e) of CTY 13. With regard to CTY 14, when viewed with existing buildings around the site, the proposed dwelling would result in a suburban style build up and create a ribbon of development. The proposal is therefore contrary to policy CTY 14 (b) and (d) and policy CTY 8.

Planning Policy Statement 3 / DCAN 15

Transport NI were consulted with regard to this policy criteria and have no objections to the proposal.

Planning Policy Statement 2

Policy NH6 is applicable due to the location in the Ring of Gullion AONB. The siting and design (as noted above) is considered unsympathetic to the special character of the AONB.

Planning Policy Statement 6

The development intrudes on the scheduled area of the Dane's Cast which is a monument scheduled for protection under the Historic Monuments and Archaeological Objects Order. Any work would necessitate the need for Scheduled Monument Consent by HED and it is unlikely this would be granted.

Historic Environment Division has advised that the proposed development is contrary to Policy BH 1 of PPS 6 as, if it were to proceed, it would result in an adverse impact upon the Dane's Cast, a statutorily protected historic monument of regional importance to Northern Ireland. This proposal cannot be made acceptable through conditions and no exceptional circumstances have been demonstrated in this case. The Council concurs with this position and therefore considers the proposal contrary to policy BH1 of PPS 6.

Recommendation:

Refusal

Reasons for Refusal:

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 CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Forkhill Road.
4. 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 design of the proposed building is

inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, create ribbon development and would therefore result in a detrimental change to further erode the rural character of the countryside.

6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH1 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect a monument of regional importance [Danes Cast ARM 029:016] and no exceptional circumstances have been demonstrated which would justify the proposed development.

Case Officer:

Authorised Officer:

ITEM NO	19			
APPLIC NO	LA07/2017/1322/O	Outline	DATE VALID	30/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul Hourican 100 Tullybrannigan Road Newcastle BT33 0PW		AGENT	Fletcher Architects (N.I) LTD 25 Main Street Castlewellan BT31 9DF

LOCATION Land 20m SE of 24A Oldtown Road
Annalong

PROPOSAL Infill dwelling, detached garage & associated site works

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, and would add to a ribbon of development and would therefore further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1322/O

Date Received: 31.08.2017

Proposal: Infill dwelling, garage and associated site works.

Location: Lands 20m South East of 24a Oldtown Road, Annalong

Site Characteristics & Area Characteristics:

The application site is located off the Oldtown Road, Annalong. This area is rural in character with a number of outbuildings and rural dwellings. The site is located 20m South East of 24a Oldtown Road, Annalong. The application site as outlined in red can be accessed via an agricultural gate north of the site. The topography of the land sees a slight slope downwards from the western to roadside boundary.

The boundaries are defined by a 1m high stone wall along the northern, southern and eastern boundaries. The western boundary consists of mature trees and scattered vegetation. The application site is located outside any settlement development limits as designated within then Banbridge, Newry and Mourne Area Plan 2015 and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty.



Application site

Site History:

P/2000/0405/O

Site for dwelling

Permission Refused- 27.06.2000

Reasons: Integration, Built-up and creation of Ribbon Development

P/2001/1596/O

Site for dwelling and garage

Permission Refused- 05.12.2001

Reasons: Integration, Built-up and creation of Ribbon Development, inadequate slight lines at access

P/2006/1469/O

Site for dwelling

Permission Refused- 30.11.2011

Reasons: CTY 1, Integration, creation of Ribbon Development.

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 3- Planning Policy Statement 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

PPS 21- Sustainable Development in the Countryside

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- Has no objections to the proposal subject to conditions.

NI Water- Has no objections to the proposal.

Historic Environment Division (HED)- Has no objections to the proposed development

Objections & Representations

4 Neighbours was notified on 13.09.2017 and the application was advertised on 04.09.2017. No objections or representations received.

Principle of Development

The site is not located within a development limit identified within the Banbridge, Newry and Mourne Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside, this includes

the development of a small gap site within an otherwise substantial and continuously built up frontage. The application will be assessed under CTY 1 Development in the countryside, CTY 8 Ribbon Development and CTY 14 Rural Character in terms of design and amenity considerations.

CTY 1

Policy CTY 1 of PPS 21 Development in the Countryside allows for a range of types of development in the countryside and details of there are set out in CTY 1. Planning permission will be granted for an infill dwelling in accordance with Policy CTY 8.

CTY 8

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development:

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.

A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. For the purposes of this policy, a road frontage includes a footpath or private lane, as in this case.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- Identify whether there is a substantial and continuously built up frontage.
- Determine whether the proposal would respect the existing development pattern in terms of size, scale, sitting and plot size.
- Establish whether there is a small gap site.
- Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

This approach will be followed below; the infill in this case is Lands 20m South East of 24a Oldtown Road. In this instance these are four buildings (Three dwellings and one detached garage) with road frontage, no.24a is a two storey detached dwelling located north of the application site. Further north of the application site is no.26 which is a two storey detached dwelling with detached garage. No. 18 is a story and half dwelling located south east of the application site. All buildings have a clear frontage and access onto Oldtown Road. Officers consider that no.24 is partly located to the rear of the application site and is not considered part of the same built up frontage; however this is not fatal to the proposal as there is a frontage of three dwellings. Officers consider the first test is met.

Design and Scale- The site currently sits between an existing two storey dwelling north of the site (No.24a) and a story and half dwelling south east of the site (no.18).

To ensure any dwelling on this site would be keeping with the existing character a storey and half dwelling would be acceptable provided the additional policy tests are met.

Plot size- The overall plot depth is comparable with that of no's 16, 18, 24a and 26. The average plot width along the existing frontage is approx 27m, with plot widths varying from 24m to 35m. The gap between the buildings is 90 metres, therefore it is considered to be big enough to accommodate 3 dwellings.



The gap cannot be classed as a small gap as the space between the buildings is 90 metres and could accommodate three dwellings, and it is instead an important visual break in the otherwise development appearance of the locality that helps maintain its rural character. Officers consider that the site does not meet the merits of an exception as a small gap site against the criteria of policy CTY8 and development on this site would further add to the existing ribbon along the Oldtown Road.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

Whilst the site benefits from established boundaries by existing stone walls officers consider these to provide little screening to the site when travelling along both directions of the Oldtown Road, with the site relatively exposed to public view. Development on this site would primarily rely on new landscaping to provide a suitable degree of integration, with the site lacking mature boundaries.



View looking south taken along the Oldtown Road

Impact on Rural Character

Policy 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 the area. In this case, for the aforementioned reasons within CTY8, any dwelling in the opinion of Officers would significantly alter or harm the rural character of the area. It would also add to the impression of suburban style build up when viewed with existing buildings.

Access and Parking

The proposal must accord with AMP 2 and AMP7 of PPS3. Transport NI has advised that they have no objection to the proposed development and therefore officers consider that the proposed development accords with policies AMP2 and AMP7 of PPS3.

Policy CTY16 ensures the site can facilitate non-mains sewerage without creating or adding to a problem of pollution. Drainage details should be provided at a later stage and is subject to obtaining consent to discharge from NIEA.

Conclusion

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 the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

BF / J484 / 28 November 2017

Newry, Mourne & Down Council
Planning Office
Monaghan Row
Newry
Co Down
BT35 8DL

RE: PROPOSED INFILL DWELLING & DETACHED GARAGE AT LAND 20M SOUTH EAST OF 24A OLDTOWN ROAD, ANNALONG, CO. DOWN

REF: LA07/2017/0322/O

Dear sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 06 December 2017. The application has been recommended for refusal for the following reasons:

- The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial & continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, and would add to a ribbon of development and would therefore erode the rural character of the countryside.

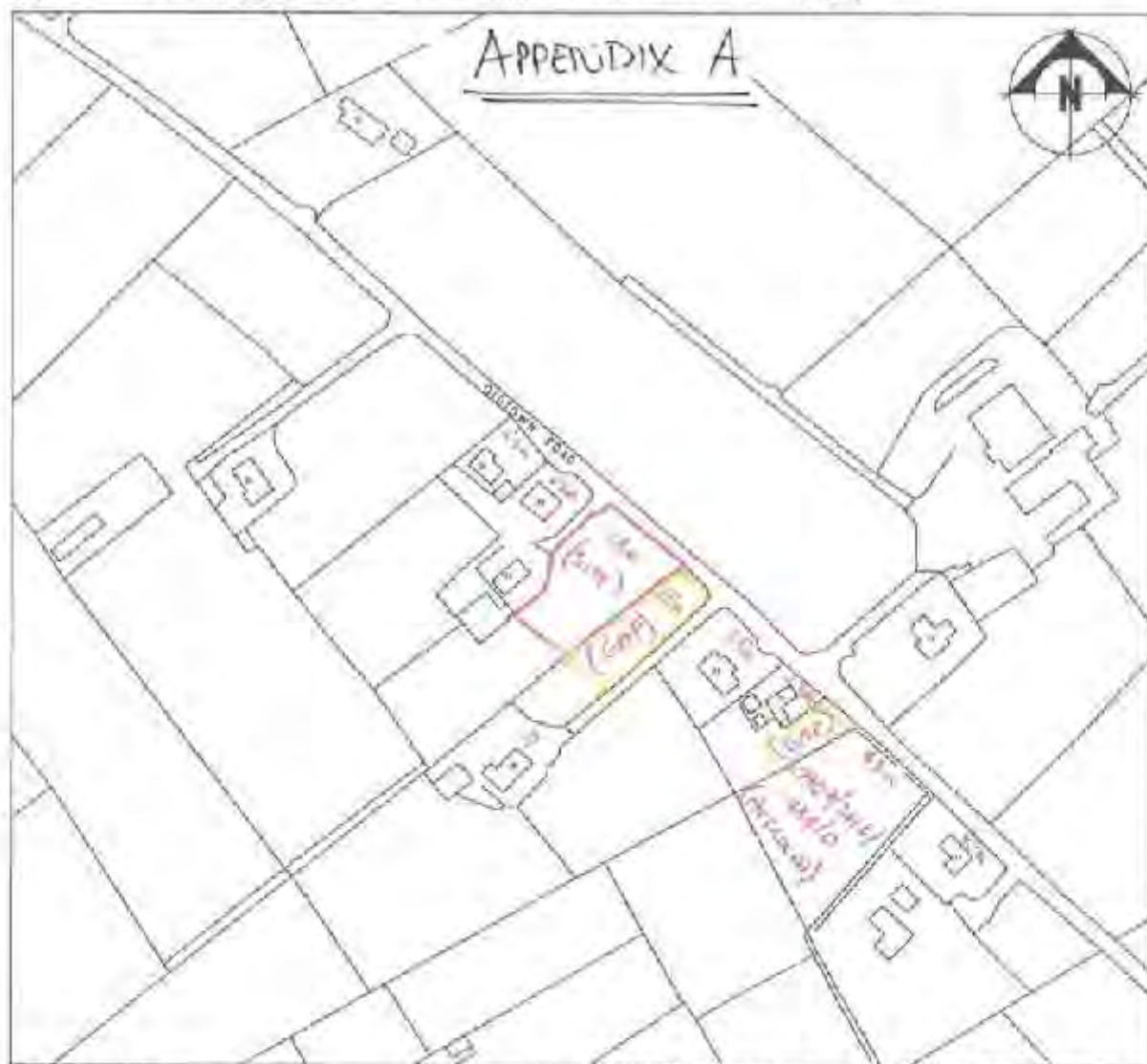
The case officer has determined that there is a substantial and continuously built up frontage, but the site is claimed to fail on plot size, no enclosure for the building to integrate into the landscape and is said to harm the rural character of the area and add to ribbon development.

It should be noted that every application site is different and should be assessed on its own individual merits.

PLOT SIZE:

In support of the above application, we refer to the content of the case officer's report, whereby, planning appeal ref 2016/A0040 is cited as a governing factor in measuring distance between buildings for this infill dwelling application. The refusal reason under CTY8 is based on plot size.

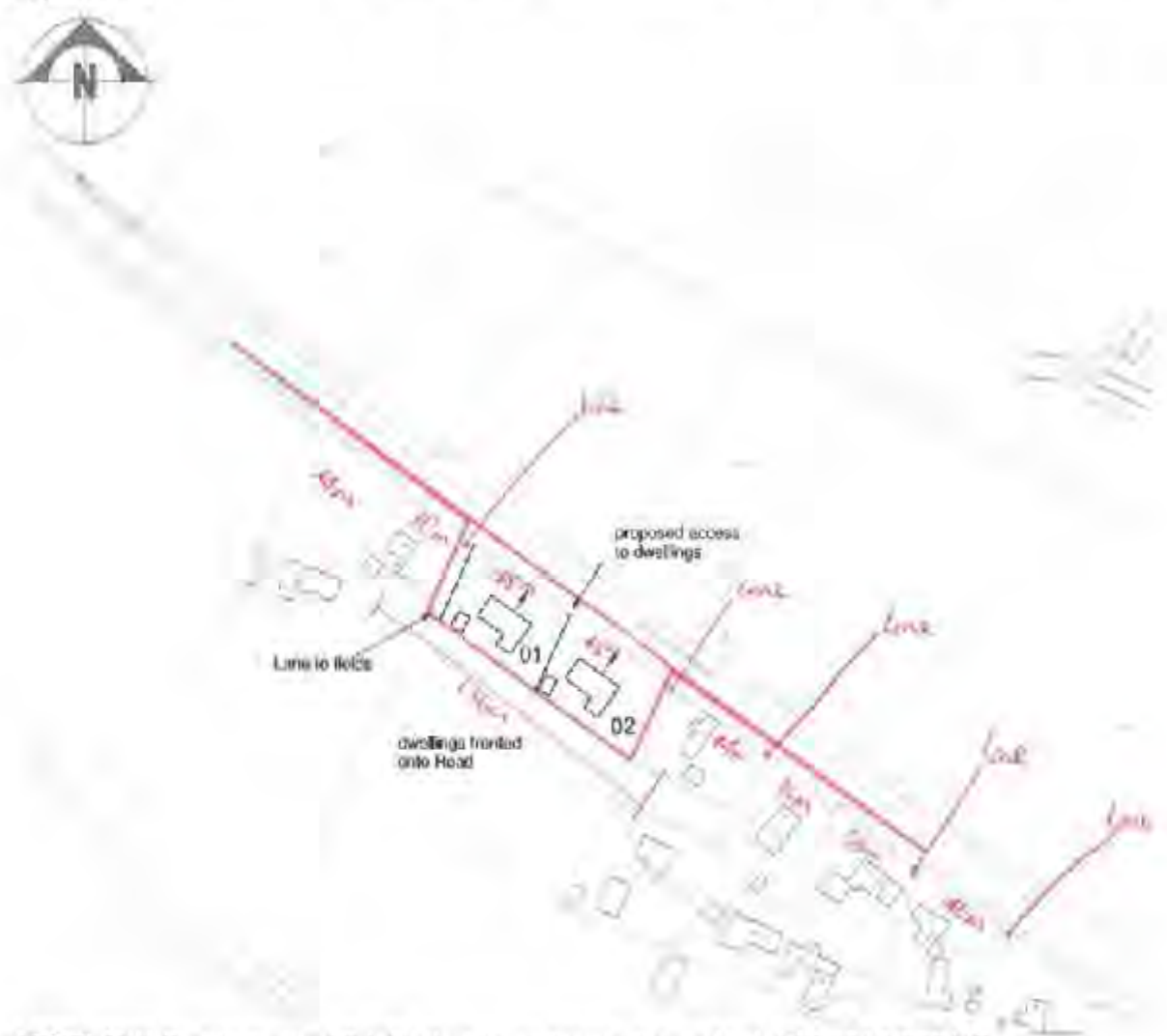
We argue that firstly the assessment of the road frontage should be extended further to no 12 Oldtown Road. Annalong which has a plot width of 43m. In fact, an infill dwelling application was approved under planning reference LA07/2016/1434/O on 19/12/16 which is after the date of the issue of the referred to PAC decision. Its plot width was 43m measured against 3 properties of plot width 35m, 23m and 43m. The distance between buildings in the gap was 82m. When this site is developed there is still a gap of 18m between it and no 16. Both applications are quite similar in that should our application be approved, there will still be a gap of 20m for a further infill opportunity. This is evident on the marked up map Appendix A showing plots sizes, other applications and remaining gaps.



APPENDIX A: plot dimensions & approval LA07/2016/1434/O between 12 & 16 Oldtown Rd

We feel that the measuring between buildings for infill sites is not accurate in determining applications as they are all different and does not intake into consideration the physical site characteristics and site conditions. In our case, there is a lane leading to no 20 and a lane leading to no 24, leaving a physical gap of 58m to infill with a maximum of 2 dwellings. The distance of 88m between buildings should be irrelevant as you cannot physically fit 3 dwellings between no 18 and no 24 due to the width of the 2 lanes and the amenity space within the plots of these houses, which has not been considered

I also attach a site location map as Appendix B, planning reference no LA07/2016/0651/O of 2 infill dwellings approved by Downpatrick Planning Office in 2016. The gap between boundaries of the application site was 102m. A concept plan was submitted showing a proposed access to field and a resulting plot size of 48m. The distance between existing buildings is 136m. Note that there are many lane accesses to dwellings along this built up frontage. It should also be noted that due to the size of the field the rear and dividing boundaries do not exist and rely upon new fence & hedgerows. There were no issues with enclosure, integration, harming rural character of the area or ribbon development with this application.



APPENDIX B: example of 2 infill dwellings approved under LA07/2016/0651/O

INTEGRATION

The planning office has expressed issues with enclosure and integration into the landscape for the proposed dwelling. I attach Appendix C which shows the site as viewed from Oldtown Road onto the site looking south. The landscaping for this area is defined by native dry stone walls. It is envisaged that should this application be approved the drystone wall on the road frontage be set back and rebuilt to match existing walls. The tall trees to the rear of the site provided a backdrop for the dwelling in the background. A planting scheme can be conditioned as part of the reserved matters application, typical of many approved local applications in this area. It should be noted that the adjoining dwellings do not have vegetation or trees. The neighbouring approved application ref LA07/2016/1434/O which also does not have much existing landscaping has had a planning condition relation to landscaping imposed at reserved matters stage.



APPENDIX C: native dry stone walls & tall trees as backdrop to our application site

The case officer assessing the neighbouring LA07/2016/1434/O application states the following -

Landscaping

The applicant will be required to submit details of the proposed landscaping of the site in the reserved matters planning application – this will be conditioned.

The following condition has been imposed on the neighbouring application LA07/2016/1434/O in relation to landscaping -

'No development shall take place until full details of all proposed landscaping and a programme of works, have been approved by the Council and all landscaping shall be carried out in accordance with those details and at those times.'

RURAL CHARACTER & RIBBON DEVELOPMENT

The panoramic photo along the Oldtown Road shows the build-up of dwellings and the gap site. The dwellings consist of single and 2 storey dwellings. The applicant wishes to build a traditional single storey Mourne cottage, designed in keeping with the local tradition of native vernacular architecture. A dwelling in this location would not look out of place and would infill a gap along this road.



APPENDIX D: Panoramic photo showing dwellings along road frontage

Appendix E shows the neighbouring site and how it integrates into the landscape and its similarity with rural character of the area. It is quite similar to our application site.



APPENDIX E: Similar integration issues with drystone walls on approval LA07/2016/1434/O

The case officer assessing the neighbouring LA07/2016/1434/O application states the following

25 Main Street, Castlewelsh,
Co. Down, BT31 9DF
tel: 028 437 78710
e: info@fletcherarchitects.co.uk

Room 2, 21 Kinelowan Street,
Keady, Co. Armagh, BT60 1ST
tel: 028 37 539530
e: ma@fletcherarchitects.co.uk

mob: 07764 946191
www.fletcherarchitects.co.uk

Impact on the AONB

Policy NH 6 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development is unlikely to have an adverse impact on the AONB

The case officer also states -

Policy CTY 14 seeks to ensure that new buildings in the countryside do not cause a detrimental change to, or further erode the rural character of an area. There are five cases identified by this policy where a new building will be unacceptable:

- (a) With the restricted ridge height a dwelling on this site should not be unduly prominent in the landscape.*
- (b) The proposed dwelling meets the requirements of Policy CTY 8 and will not result in a suburban style build-up of development when viewed with the existing buildings.*
- (c) The proposed development respects the traditional pattern of settlement exhibited in the area.*
- (d) The proposed dwelling is on a gap site which is compliant with Policy CTY 8.*
- (e) Ancillary works are unlikely to damage the rural character.*

The proposed development therefore meets the requirements of Policy CTY 14.

It is strange that the above site is compliant with policy and my clients site is considered not compliant given both sites similarities.

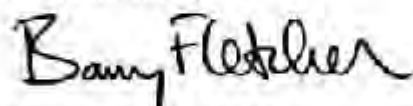
CONCLUSION

Having reviewed the case officers report and compared this application site to the neighbouring application site, there are many similarities that both the planning office and the planning committee need to consider as the neighbouring site has been approved with conditions.

There needs to be consistency in determination of applications on their own merits, not just reference to Planning Appeal Decisions as each site is different. It is felt that in this instance measurement between buildings does not reflect the physical plot size available for infill.

I would be grateful if the planning committee would take the above into consideration in determination of this application.

Yours sincerely



Barry Fletcher RIBA
Director, Architect

FLETCHER ARCHITECTS (N.I.) Ltd
Enc:

ITEM NO	20			
APPLIC NO	LA07/2017/1336/RM	Reserved M	DATE VALID	04/09/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr & Mrs P Smyth	61B Sabbath Hill	AGENT	
	Ballymartin	BT34 4UR		
LOCATION	61B Sabbath Hill Road Ballymartin.			
PROPOSAL	Proposed Dwelling and Garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1336/RM

Date Received: 08.09.2017

Proposal: Proposed Dwelling and Garage.

Location: 61B Sabbath Hill Road Ballymartin.

Site Characteristics & Area Characteristics:

The site has been identified within a red line, showing the laneway and visibility splays, part of an agricultural field and a double mobile type building to temporary construction which the applicant presently lives. The site can be accessed via a private laneway from Sabbath Hill that serves several neighbouring dwellings. The field boundaries consist of 1m high traditional Mourne Granite dry stone walls and 1m high post and wire fencing.

The topography of the application site sees a slight slope downwards from the northern to southern boundary. The application located approximately 1 mile outside the small settlement limit of Longstone as designated within the Banbridge, Newry and Mourne Area Plan 2015 and within a Site of Local Nature Conservation Importance 156 (Ballymartin Moraine) and the Mourne and Slieve Croob Area of Outstanding Natural Beauty



Image 1: Exiting building of temporary construction (no.61b Sabbath Hill)



Viewpoint along Sabbath Road South West of the application site



Access from Sabbath Hill (Site is behind No.59)

Site History:

LA07/2015/0527/O

Erection of a dwelling and garage.

Permission Granted: 24.05.2020

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

AMP 2- Access to Public Roads

AMP 7 Car Parking and Servicing Arrangements

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

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

CTY 14- Rural Character

Supplementary Guidance

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- Has no objections to the proposal

Objections & Representations

7 Neighbours notified on 13.09.2017 and the application was advertised on 11.09.2017. No objections or representations received.

Principle of Development

Outline planning permission has been granted previously on the site for a dwelling and garage under LA07/2015/0527/O, this approval expires on 24.05.2020; this application was submitted before this date therefore the application is still live. It is considered that the principle of development has been established. The proposal is extant and therefore complies with CTY1 of PPS21.

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 dwelling on the proposed site would integrate with the existing dwellings surrounding the application site. It is thought that the proposed dwelling would not read as a standalone dwelling. Therefore, the proposal would visually link with the surrounding buildings.

The proposal is the erection of infill dwelling and garage. The proposed dwelling would have a maximum width of 17m, a maximum depth of 10m, and a maximum height of 6.5m. The materials proposed for the dwelling and garage is as follows:

- Walls – to be roughcast render finish
- Windows/doors – Upvc (Colour Black)
- Roof – Black Roof Slates
- Eaves and gutters: Black Aluminium

The dwelling is to be located off Sabbath Hill and can be access via a private laneway, with the application site setback approximately 90m from the road. It is considered that the dwelling will integrate with the surrounding landscape. The proposed dwelling would benefit from screening afforded by the existing buildings and vegetation.

The existing dwellings within the surrounding area are primarily two storey, this proposal is for a storey and half dwelling and would only have a ridge height of 6.5m. The proposed house type is of a modern vernacular design with the use of materials, texture and colour to enhance the appearance of the new building. It is considered to be of an appropriate scale, form and massing to integrate satisfactorily into this rural setting. This contemporary dwelling is of relatively simple design and traditional character. A sunroom will be located to the eastern side of the dwelling house. The applicant had submitted a flat roof to provide a balcony area above the sunroom however officers considered that this was not a suitable rural form given public views of this side of the building. The applicant has submitted amended plans received on 15th Nov 2017 and removed the flat roof and balcony and replaced with a pitched roof.

Officers consider that the development would not have a detrimental impact upon the character of the area, and would not result in a loss of amenity in terms of loss of outlook or overlooking and therefore, does comply with CTY 13.

The proposed detached garage is also considered to integrate with the surrounding landscape. It will have a maximum ridge height of 4.3m, a maximum width of 5m and a maximum depth of 7m. The garage is accessible from the main entrance to the site. Transport NI were consulted on the application and offered no objection. It is considered that there is sufficient space in the curtilage of the dwelling for the manoeuvring and parking of vehicles. Having considered all of this, the proposal is deemed to comply with policy CTY 13.

CTY 14 – Rural Character

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

The dwelling is set off the Sabbath Hill. As the proposed dwelling is visually linked with the existing development surrounding the application site it is felt that it would be acceptable in planning terms. It will not cause a detrimental change or further erode the rural character of the area. The proposed site would not occupy a

prominent site in the landscape therefore would be acceptable, complying with CTY 14.

Access and Parking

The proposal must accord with AMP2 and AMP7 of PPS3. Transport NI were consulted on the application and offered no objection on the proposal and in view of this officers consider the proposal to be acceptable.

Recommendation

Based on the information provided, and the assessment against the policy, officers believe that the policy (CTY 1, 13 and 14) has been met and that all conditions placed on the outline approval have been achieved. Officers therefore recommend that the application is approved.

Conditions:

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with the approved plans.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. The existing natural screenings of the site, as indicated on the approved plan 01 date stamped 21st September 2017, shall be retained.

Reason: To ensure the maintenance of screening to the site.

5. Prior to commencement of development the applicant shall submit a copy of consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

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

ITEM NO	21			
APPLIC NO	LA07/2017/1369/O	Outline	DATE VALID	05/09/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr J McMaster 165 Belfast Road Ballynahinch BT24 8UR		AGENT	C R Design 25 Glennor Crescent Carryduff Belfast BT8 8HW
LOCATION	Opposite 15 Ballymaglave Road Ballynahinch BT24 8LX			
PROPOSAL	Dwelling and detached garage for private use			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.			
2	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.			
3	The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.			



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/1369/O

Date Received: 05.09.2017

Proposal: The application is for outline planning permission for a dwelling and detached garage.

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



Site Characteristics & Area Characteristics:

The site is a triangular roadside plot located just off the Ballymaglave Road. The NE boundary is comprised of a laneway which serves another existing property and is bounded by well maintained hedging. The site is cut from a larger agricultural field and hence the SE boundary remains undefined. The western boundary is the roadside boundary and consists of roadside hedging. There is a field gate into the site to the northern portion of the site. The land falls in a north to south direction and the land rises from west to east (from roadside towards the laneway).



Site History:

R/1984/0835 NEAR TO 18 Ballymaglave Road, Ballynahinch. Bungalow And Garage. Application Withdrawn.

History of immediate area

R/2003/0431/F Adj 18 Ballymaglave Road, Ballymaglave South, Ballynahinch, Storage shed. PERMISSION GRANTED 27.01.2004

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

DAERA – Yes farm is established for 6 years or more, applicant claims SFP or equivalent

Objections & Representations

In line with statutory requirements four neighbours have been notified on 15.09.2017. The application was advertised in the Mourne Observer and the Down Recorder on

17.02.2016. One letter of objection has been received from the occupants of No 18 Ballymaglave Road, I that they deem the application to be contrary to SPPS and CTY 1 of PPS 21 and CTY 8 as the dwelling does not link with any buildings on the farm.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals.

Other than an update in the definition of what constitutes "agricultural activity" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: '*Sustainable Development in the Countryside*' (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form and farm maps, site location plan and road layout have been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (previously known)) business ID number along with other evidence to prove active farming over the required period.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and the applicant has had a business ID number for more than 6 years, and single farm payment or similar has been claimed within the last 6 years.

The policy, however, allows for other evidence to prove active farming over the required period. No other evidence in terms of receipts/invoices etc were presented.

The total area of land is 14.70 ha. This land is located at Ballymaglave South and Glasdrumman.

On the basis of the above information it has not been demonstrated that the farm business has been active and established for 6 years.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Having undertaken a history search of the land owned on the submitted DARD farm maps I am satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10. The applicant has confirmed this under Q5 of P1C form.

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



Aerial view showing buildings at 165 Belfast Road

There are no buildings on the land at Ballymaglave South where the site is proposed to be located, and no other supporting information has been submitted as to why the dwelling requires to be sited at this location, therefore the proposal offends PPS 21 CTY 10 (c), in that there are no buildings to visually link or cluster with.

There do appear to be buildings associated with this farm business and these are located at 165 Belfast Road.(see above photograph taken from Spatial NI).

Accordingly on the basis of the information provided to date for the application site and adjoining fields, this proposal does not appear to comply with point (c) of CTY10.

Policy CTY 13 considers whether the proposal will achieve a suitable degree of integration. The plot is a roadside one and as mentioned previously is cut from a larger agricultural field. Once the roadside hedge is removed to accommodate the access and the lack of defined SE boundary, the only remaining boundary would be the one along the laneway, this, however, would not be sufficient to provide a suitable degree of enclosure for the building to integrate into the landscape. In addition, as this is a case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on the farm.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. A dwelling on the site would result cause a detrimental change to a further erode the rural character of the area by resulting in suburban style build up of development when viewed with existing buildings.

Policy CTY16 - In order to comply with this policy the applicant must demonstrate a means of sewerage disposal that will not create or add to a pollution problem. It is considered the site is large enough to accommodate septic tanks and soakaways for a dwelling.

Conclusion

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the proposal does not meet with policy.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

3. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	23			
APPLIC NO	LA07/2017/1591/F	Full	DATE VALID	12/10/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Cathal Hughes 37 Tullymacreeve Road Mullaghbawn Newry BT35 9RE		AGENT	James A Murphy 43 New Road Silverbridge Newry BT35 9NB
LOCATION	20 metres Northeast of 37 Tullymacreeve Road Mullaghbawn Newry BT35 9RE			
PROPOSAL	Conversion of building to dwelling unit under policy CTY 4			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.			
2	The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be converted and reused is not a locally important building.			



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/1591/F

Date Received: 6th Oct 2017

Proposal: Conversion of building to dwelling unit under policy CTY 4.

Location: 20metres north east of of 37 Tullymacreeve Road, Mullaghbawn

The building is positioned just north east of the existing single storey dwelling no. 37. Access to the building was achieved via a separate concrete lane running along the north west boundary of no 37. There is an open watercourse running along the north eastern boundary of the site. The building is a single storey detached garage which is sited below the finish floor level of no 37 and the neighbouring properties.

The garage is domestic in appearance and design. The garage has a roller door, 2 window openings on either side and a doorway access to the opposite gable.

The site is located within the countryside and an Area of Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

P/1997/0176/F- New Domestic store- approval- 8/11/1997

This store was to be accessed by the existing vehicular access to the host property no 37.

P/2002/0100/F- Extension to dwelling and roof space conversion- approval- 28/05/2002

This store was to be accessed by the existing vehicular access to the host property no 37.

The separate access to the garage appears to have been constructed prior to the 11th April 2010, therefore would be immune to any enforcement action.

Objections & Representations

No. of neighbours notified=7

No representations received= 0
Advertise expiry= 16/11/2017

Consultations
TransportNI
NIW- statutory

Consideration and Assessment:

The SPPS under para 3.8 states 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 development plan should be approved and proposed development that conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.'

The proposal is for the conversion of an existing garage to a residential dwelling for the applicant and his wife. The policy context is Planning Policy Statement 21. Policy CTY 1, outlines a number of exceptions for development in the Countryside. Proposals within the residential curtilage of a dwelling house which includes proposed ancillary accommodation are accepted where they are in accordance with the Addendum to PPS 7. Having considered the proposed red line of the development and access arrangements, the proposed conversion is clearly not ancillary to no. 37. The proposal description would confirm the applicants intentions seeking a separate dwelling under CTY 4 of PPS 21.

The proposal will be assessed against the provisions contained with PPS 21 in line with Policy CTY 4 of PPS 21. Having considered the proposal against the SPPS and that retained within PPS 21 it is noted that the SPPS introduces a change in policy direction and therefore greater weight is afforded to the SPPS.

In particular to CTY 4 and the conversion and reuse of existing buildings the SPPS stated that provision should be made for the sympathetic conversion and reuse of a suitably locally important building (such as former school houses, churches and older

traditional barns and outbuildings) as a single dwelling where this would secure its upkeep and retention.

The overall objective of the planning system is to further sustainable development and in general planning policy for development in the countryside prefers the retention of buildings over new build. However, it does not seek to retain and upkeep every building in the countryside and that is why it sets out certain criteria to be met and why the 'locally important' test has been introduced by the SPPS. The SPPS has set out a range of buildings (such as former school houses, churches and older traditional barns and outbuildings) suggestive of those that have some local architectural merit, historic interest or communal value. Having considered the building to convert against the new provisions contained within the SPPS, it is not considered to be a building of local importance.

The building from inspection is of a permanent construction. The reuse and conversion maintains and enhances the existing building form and the design. The proposal seeks to retain and alter the existing openings, with the removal of the roller door and insertion of a window and doorway to this garage.

Given the position of the building below no 37, the proposal will have no direct impact on their residential amenity. The reuse and conversion would not unduly affect the amenity of no. 35 given the position of their existing garage. All necessary services are currently available. However, as outlined in the para above, the proposal fails to comply with the SPPS and PPS 21.

Recommendation: Refusal

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 the Strategic Planning Policy Statement and Policy CTY4 of Planning Policy Statement 21, Sustainable Development**

in the Countryside in that the building to be converted and reused is not a locally important building.

ITEM NO	24			
APPLIC NO	R/2014/0079/F	Full	DATE VALID	20/02/2014
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Brendan Maginn 63 Dundrine Road Castlewellan		AGENT	Henry Murray 37c Claggan Road Cookstown BT80 9XJ

LOCATION Approx 285m South West of No 63 Dundrine Road Castlewellan

PROPOSAL Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
			Addresses	Signatures	Addresses	Signatures
	27	0	0	0	0	0

- 1 The proposal is contrary to policy RE1 of the Departments Planning Policy Statement 18, in that the development would if permitted, have an unacceptable adverse impact on the landscape character and visual amenity of the area through the scale, siting and size of the turbine.
- 2 The proposal is contrary to policy RE1 of the Departments Planning Policy Statement 18, in that the development would if permitted, result in unacceptable on the residential amenity and human health of nearby residents due to noise.



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**Newry, Mourne
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District Council

Application Reference: R/2014/0079/F

Date Received: Feb 2014.

Proposal: Full permission is sought for the Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F), on lands SW of No.63 Dundrinne Road, Castlewellan.

(Note: When this current application was first submitted in Feb 2014 the description was for the retention of the erected turbine with tower height of 30m, however this was subsequently amended and corrected to that above, following further investigation and request by the Planning Authority)

Applicant Mr B Maginn

Location:

The site is located in the countryside between Newcastle and Castlewellan, as identified in the Ards and Down Area Plan 2015. The site is also within an AONB and Area of Constraint on Mineral Developments, being located close to the Mourne Mountains. There do not appear to be any other zonings affecting this site. This area is pre-dominantly rural in character, although also includes several dwellings and holdings, whereby the lands are elevated above the main Newcastle to Castlewellan Road.

Site Characteristics & Area Characteristics:

The site comprises a portion of a field and access laneway, between the Dundrinne Road and Newcastle Road. This site is accessed via the Dundrinne Road.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of previous applications in and immediately adjacent to the site, the most relevant of which observed includes:

R/2010/0555/F- 63 Dundrinne Rd, 30 metre wind turbine mast in substitution of existing 15 metre domestic wind turbine approved under R/2008/0883/F, Full, Approval, 10-02-11, Applicant: Mr B Maginn

R/2009/0577/F- Lands 350m SW of 63 Dundrinne Rd, Upgrade to a 150kw turbine on a 30m tower, Full, Withdrawn, 02-02-10, Applicant: Mr B Maginn

R/2009/0182/F- Lands 350m SW of 63 Dundrinne Rd, Upgrade to a 150kw turbine on a 24m tower from a 15m domestic wind turbine, Full, Withdrawn, 22-07-09, Applicant: Mr B Maginn

R/2008/0883/F- Lands 350m SW of 63 Dundrinne Rd, 15M domestic wind turbine, Full, Approval, 27-01-09, Applicant: Mr B Maginn

(Note: There is also an ongoing Enforcement case relating to this development R/2013/0136/CA).

Consultations:

Having account the nature of this proposal and constraints of the site and area, extensive consultation was undertaken with a number of bodies including Environmental Health, Transport NI, RSPB, Ofcom, Arqiva, UK Crown Bodies, BIA, CAA, NATS, NIEA and BT as part of this application.

Environmental Health were consulted on a number of occasions whereby the most recent comments dated Sept 2017 advise the operation of this wind turbine is highly likely to have an adverse impact on the amenity of nearby noise sensitive receptors due to noise.

(As part of this application an acoustic report was submitted) (As outlined above this turbine has been constructed and is operating).

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

An EIA determination was also undertaken as part of this application.

Objections & Representations

In excess of 20 representations have been received to date (28-09-17) from owner/occupiers of properties along Drumee Road (No.54, 58, 60) and Dundrinne Road (No.51 and 53), and also from Tumelty Services/K'lar Consultancy and Donaldson Planning on behalf of local residents, and also from St Malachys/Bunkers Hill/Drumee Area Residents Association, and J McAlister MLA, and M Ritchie, whereby the main areas of concern include:

- the turbine has not been erected in the approved location, and is some 90m closer to nearby residents, and is also higher than approved. This turbine is in-effect Unauthorised,
- site is located in very prominent location within Mourne AONB. The turbine is impairing and spoiling the natural beauty nature of the surrounding landscape/loss of views,
- a visual impact assessment is required comparing current location ot that approved
- a topographical survey, ecological survey, shadow flicker analysis and noise impact assessment are also required,

- the application is contrary to policy RE1 a and b of PPS18 and NIEAs supplementary planning guidance entitled, Wind Energy Development in NI landscapes, having an unacceptable impact on the visual amenity and landscape character due to its size and location, and noise,
- the turbine is visually intrusive and contrary to guidance of PPS18,
- the applicant has ignored the constraints place upon him by the approved turbine and has instead erected a major blight on the countryside, which should be refused and enforcement action taken to remedy the situation,
- a nearby resident started experiencing headaches which began at the time of the erection of the wind turbine. This person has no headaches when he is away from his home,
- nearby residents are suffering constant disturbance which is affecting their health and is aggravating certain existing health conditions. There is a constant noise (both mechanical and aerodynamic) and hum/drone/swish from the turbine,
- the turbine is causing shadow flicker on nearby properties which is causing disturbance and annoyance,
- the current general neighbour notification process and 90m rule is ridiculous for wind turbine proposals,
- the turbine is affecting neighbours mobile phone and TV reception,
- planning policy states that wind turbines should be 500m or 10 times the rotor diameter. Neither distance is being met which is enduring residents to unacceptable levels of noise and light pollution,
- the turbine is devaluing surrounding properties,
- other recent dismissed appeals of a similar nature are referred to (2013/A0142, 2013/A0045, 2013/A0056),
- the site address is not specific and is misleading, and proposals submitted do not reflect what is on the ground, the difference in height is grossly misleading,
- the turbine should be switched off until all issues have been investigated,
- no effective public consultation to listen to residents concerns has taken place,
- the erected turbine was a deliberate attempt by the applicant to get a much larger turbine through the back door,
- environmental impact on the wildlife in the area,
- there has been unacceptable delays from the applicant in providing information, while the noise and visual assessments are sub-standard. As such the application should be refused being contrary to RE1 of PPS18 and failure to provide requested requisite information
- the turbine is too large, too close to peoples homes, can be seen across the landscape and is an alien structure,

See file for full content of issues raised as the above is only intended to act as a summary of the main issues/concerns expressed, and not an exhaustive list.

Having account the red line of the application site, no neighbour notification was undertaken as part of this application, in line with current standard practice, however it was advertised in the local press initially in March 2014, and again in Nov 2015, following receipt of an amended/corrected description.

It is noted concern was expressed regarding the extent of neighbour notification that was undertaken, however the Planning Authority has set criteria for neighbour notification and cannot go beyond this.

Policies: RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS18, and supplementary guidance Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes (August 2010), PPS21.

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

PPS21- Sustainable development in the countryside, states that with regards to development proposals for renewable energy project in the countryside, PPS18 applies.

PPS 18 - policy RE 1

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) Public safety, human health or residential amenity,
- b) Visual amenity and landscape character,
- c) Biodiversity, nature conservation or built heritage interests,
- d) Local natural resources, such as air quality or water quality, and
- e) Public access to the countryside.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

- (1) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (2) that the development has taken into consideration the cumulative impact of existing wind turbines, those of which have permissions and those that are currently the subject of valid but undetermined applications;
- (3) that the development will not create a significant risk to landslide or bog burst;
- (4) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunications systems;
- (5) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (6) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (7) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

Assessment

As outlined above the existing turbine which has been erected on the ground, comprises a tower height of 39.5m, with blades which are 14.5m long (29m diameter), and which has a maximum generating capacity of 225kw.

By way of background, it is noted from the history outlined above planning permission was initially granted to Mr Maginn for a 15m high domestic turbine on lands approx 100m of the current turbine location (R/08/883). Following this, planning permission was then granted to Mr Maginn for a larger turbine with 30m tower height and blades that were 10m long, again on the same lands, and approx 100m from the current location (R/10/0555).

However a larger turbine from that approved was then erected on the ground which was also erected in a different location from that approved. Approx 100m, namely the current turbine.

Following receipt of a complaint and enforcement investigations this current application was then submitted in Feb 2014 in order to try and regularise the said breaches and situation on the ground.

When this application was first submitted the associated description advised it was for a turbine with a 31m tower with 13.5m long blades. However following complaints and allegations this was not in fact accurate the Planning Authority undertook a survey to check the size of the erected turbine whereby it became apparent the turbine on the ground was larger than indicated by the applicant/agent.

Accordingly further amended plans and P1 application form were submitted to correct this error, which was duly re-advertised, and which now forms the basis of this current application.

(It is noted this turbine has continued to operate since it was erected, with the exception of a 2 week period in June 2017 to allow Environmental Health to carry out surveys and consider a noise complaint).

As part of this application a P1 form, P1C form, site location plan, site plan, detailed plans, Acoustic Report (updated), Shadow Flicker Report, existing topographical survey, bat survey, cross section, and landscape visualisation images have been submitted.

Policy RE1:

(a) Public safety, human health or residential amenity

The location of the turbine is considered to be sited outside the critical distances required by Transport NI (TNI) and that which is detailed in the accompanying best practice guidance (BPG) for PPS18 with regards to 'fall over'. With regards to a single turbine it indicates that a safe separation distance is considered to be the height of the turbine to the tip of the blade plus an additional 10% which in this instance would equate to a recommended separation distance of approximately 60m.

All other consultees regarding aviation and security safety have also responded with no objections in principle to the proposal.

With regards to Shadow Flicker, PPS 18 states that in this region, only properties within 130 degrees either side of north, relative to the turbines can be affected by shadow flicker. The policy also states that at distances greater than 10 times the rotor diameters from a turbine, the potential for shadow flicker is very low.

An analysis of the plans submitted by the applicant and history search indicates that the existing dwelling and holding of the applicants at no.63 Dundrinne Rd, and also no.49 and 51 Dundrinne Rd fall within this distance, which would be 290m in this instance. (It is noted no.149 Newcastle Rd is also located within this 290m distance however as this property is directly south of the application site current policy indicates shadow flicker is not an issue).

Current guidance advises that careful site selection, design and planning can help avoid the possibility of shadow flicker, however it is recommended that shadow flicker at neighbouring dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.

As outlined above there are 2 properties within the 290m distance, namely 49 and 51 Dundrinne Rd. A Shadow Flicker Assessment was submitted by the applicants consultants (Ellesmere Business Services), which acknowledges both of these properties will be affected by shadow flicker, however that this shadow flicker does not exceed the permitted thresholds as outlined above (30mins per day or 30 hrs per yr). While it is noted concerns have been raised by residents regarding this issue, based on the information and reports provided and current policy and associated guidance, it is considered a refusal cannot be sustained regarding any unacceptable shadow flicker resulting.

Since receipt of this application in 2014, comments have been sought from Environmental Health on several occasions, who, in their most reply dated 20th Sept 2017, advise that this operating turbine is resulting in a breach of the required noise limits under ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms), at a nearby residential property. Accordingly, it is Environmental Health's opinion that the operation of this wind turbine is highly likely to have an adverse impact on the amenity of nearby noise sensitive receptors due to noise.

Environmental Health were consulted in Sept 2017, following completion and receipt of a report of their investigations in to a noise complaint from a concerned resident. Environmental Health have provided earlier responses to the acoustic report submitted by the consultants (Grainger Acoustics).

(It is noted Environmental Health were also consulted and provided comment on the previously approved turbine R/10/0555, whereby its smaller size and different siting were considered acceptable).

In light of the above it is considered the proposal fails Policy RE1 of PPS18 due to noise related issues, and would if permitted result in an unacceptable adverse impact on residential amenity and human health/safety of nearby residents.

(b) Visual amenity and landscape character

With regard to Wind Energy Development in Northern Ireland's Landscapes (Supplementary Guidance), the site appears to fall within LCA 85- Newcastle Valleys, although is also close to the boundary with the Mourne Foothills (LCA84).

The Newcastle Valleys LCA is described as an area of rolling ridges of pasture which links the Mourne Foothills to the Tyrella Coastal Dunes.

The sensitivity of the landscape is described as highest along the ridges and skylines where it is prominent in a predominantly rural area. It is also noted much of the Newcastle Valleys LCA fall within the Mourne AONB, and areas which are overlooked in views from the Mournes are particularly sensitive to change.

The proposal is for a single 225kw wind turbine with a hub height of 39.5m and a rotor blade diameter of approx 29m, giving an overall blade tip height of around 54m. The structure is to be positioned in a field, set back approx 500m from the Dundrinne Road, although at an elevated location. This turbine will be accessed via the existing entrance serving no.63.

The previously approved turbine R/2010/0555 comprised a 30m high tower with 10m long blades, which replaced the initial 15m high turbine.

Based on the information available it is noted the location of the turbine as erected is sited approx 100m from the position previously approved, on a ground level which is approx 7m higher, whereby the tower is 10m higher, while the blades are also 4.5m longer.

In effect the cumulative result is that this turbine on the ground is in excess of 20m higher than previously approved (difference in ground level and turbine model).

While it is acknowledged it is unrealistic to completely screen and conceal wind turbines due to their size and nature, concerns are expressed regarding the siting proposed for this turbine, which is located towards the top of an existing drumlin, comprising a large open field.

It is considered a turbine of this size and at this location will create a prominent impact (over and above that previously permitted) when viewed from several surrounding viewpoints including from parts of the Newcastle to Castlewellan Road, Dundrinne Road, Burrenbridge Road, Burrenreagh Road, Ardnabannon Road, Ballyloughlin Road, Bann Road and Kilkeel Road, and also from the Mourne Mountains and Royal County Down golf course, which are also considered to be public viewpoints.

As advised above the site is located in the countryside and while the Dundrinne Road may be considered to be a rural road, the main Newcastle to Castlewellan Road is a main traffic route being identified as a Protected Route.

It is also noted this site is within an AONB, where it is considered its elevated location will have a significant and unacceptable adverse impact on this skyline and landscape area.

As such the proposal is considered to fail policy RE1 due to the impact it will have on the landscape character and visual amenity of the area through the scale, siting and size of the turbine

(c) Biodiversity, nature conservation and built heritage interests

The site is agricultural in nature and is located within the boundary of the local AONB and is also within an Area of Constraint on Mineral Developments as identified in the Ards and Down Area Plan 2015. There do not however, appear to be any registered

archaeological sites or monuments in the vicinity of the site, which are likely to be affected by the proposal. A bat Survey was submitted as part of this application whereby comments were sought from NIEA who offer no objections in principle.

(d) Local natural resources

It is felt that there will be minimal impact on local natural resources through the implementation of such a proposal.

(e) Public access to the countryside

As the turbine is located on private lands owned by the proposer it is felt that the proposal will not impact on any rights of way, public access or public roadway. This proposed turbine will be accessed via the existing laneway and access serving no.63.

In addition to the above, consideration must also be given to the impact the proposed development would create when considered with existing turbines in the area, those which have permission and those that are currently the subject of pending applications.

It is noted there are several other existing turbines in the wider Castlewellan and Newcastle areas, however having account the site history, whereby a turbine has previously been accepted in this general area, it is considered no cumulative impact related issues can be raised.

Following consideration of the application a letter issued to the agents on 28th Sept 2017 advising the application has now been recommended for Refusal due to noise and visual related matters, and in line with the Councils Scheme of Delegation will now be presented to the Planning Committee.

Taking into account the above Refusal is recommended being contrary to PPS18.

Recommendation: Refusal

Reasons:

- The proposal is contrary to policy RE1 of the Departments Planning Policy Statement 18, in that the development would if permitted, have an unacceptable adverse impact on the landscape character and visual amenity of the area through the scale, siting and size of the turbine.

- the proposal is contrary to policy RE1 of the Departments Planning Policy Statement 18, in that the development would if permitted, result in unacceptable on the residential amenity and human health of nearby residents due to noise.

ITEM NO	25			
APPLIC NO	R/2014/0100/O	Outline	DATE VALID	28/02/2014
COUNCIL OPINION	REFUSAL			
APPLICANT	Ciara Fitzpatrick Kennedy 12 Clanvaraghan Road Castlewellan BT31 9JT		AGENT	

LOCATION Adjacent to 7 and 9 Clanvaraghan Road Castlewellan

PROPOSAL Farm Dwelling and Garage

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

1 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been actively farmed for a period of at least six years and the proposed farm dwelling is not sited to visually link or cluster with an established group of buildings on the farm.

2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwellings and garage to integrate into the landscape;
- the proposed dwelling and garage relies primarily on the use of new landscaping for integration;
- the ancillary works do not integrate with their surroundings;
- the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.



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**Newry, Mourne
and Down**
District Council

Application Reference:	R/2014/0100/F
Date Received:	28.02.2014
Proposal:	Farm Dwelling and Garage
Location:	Adjacent to 7 and 9 Clonvaraghan Road Castlewellan

Reconsideration

Application was presented to Planning Committee on 13 April 2016 and withdrawn by the Chief Planning Officer.

Extract from Planning Committee 13 April 2016 reads

PLANNING APPLICATION R/2014/0100/O

Mr McKay explained Planning Officers proposed that Planning Application R/2014/0100/O be removed from the agenda as additional information had been received which the Planning Department had not previously been aware of and in light of this information Planning Officers wanted to clarify some issues and review the recommendation in respect of this Application. AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to withdraw Planning Application R/2014/0100/O from the agenda in light of additional information received by the Planning Department in respect of this Application.

A site meeting was held following the applications' withdrawal from Committee with the Chief Planning Officer and the applicant.

Telephone conversation was held with applicant and senior planner on 24 July 2017, where applicant advised she would be applying for farm sheds.

A secondary meeting was held again with the applicant and the Senior Planning officer on the 10 October 2017.

The applicant was advised that the Planning Office could not hold off on determining the current application pending the approval of a prospective application for farm sheds. This in fact flew in the face of the intention of Policy CTY10 for farm Dwellings for established farm businesses.

The applicant was advised she should withdraw the current application, failing that the application would be returned to Planning Committee as a refusal.

Applicant has failed to withdraw application and hence application is being recommended for refusal based on the same reasons as previously offered in April 2016:

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been actively farmed for a period of at least six years and the proposed farm dwelling is not sited to visually link or cluster with an established group of buildings on the farm.
2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwellings and garage to integrate into the landscape;
 - the proposed dwelling and garage relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings, and
 - the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Recommendation: Refusal

Signed



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Delegated Application

Development Management Officer Report		
Case Officer: Joanne McVeigh		
Application ID: R/2014/0100/O		Target Date:
Proposal: Farm Dwelling and Garage		Location: Adjacent to 7 and 9 Clanvaraghan Road Castlewellan
Applicant Name and Address: Ciara Fitzpatrick Kennedy 12 Clanvaraghan Road Castlewellan BT31 9JT		Agent Name and Address: Collins and Collins 18 Margaret Street Newry BT34 1DF
Date of last Neighbour Notification:		17th February 2016
Date of Press Advertisement:		12th March 2014
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues:		

Site Visit Report

Date of Site Visit: 10th April 2014

Characteristics of the Site and Area

The site is located along the minor Clonvaraghan Road and is comprised of a large site containing a number of fields and is approximately 4.08 hectares in size. The site is relatively flat and open and positioned slightly below road level. The site is defined at the roadside by a mature hedge and grass verge which is approximately 210m in length. The remaining boundaries are comprised of native species hedgerow, stone ditches with post and wire fencing. The site is currently used grazing.

The existing farm dwelling (a two storey dwelling and associated out buildings) is located to the west of the site and is set back from the road by approximately 150m on elevated land.

It is noted that there are no agricultural buildings within the site outlined in red.

Planning Assessment of Policy and Other Material Considerations

History

R/2005/0875/O- farm workers dwelling and garage- refusal

R/2011/0380- Dwelling and garage- refusal

The site is located within the rural area as designated in the Ards and Down Area Plan 2015. The Council shall have regard to the, Ards and Down Area Plan 2015, SPPS, Planning Policy Statements 3 and 21.

The policy context for this proposal is found in CTY 1 of PPS 21 which lists the types of development which will be acceptable in the rural area. The applicant has applied for a farm dwelling, which is listed as one of the exceptions in CTY 1 and is specifically covered in Policy CTY 10 of PPS 21.

CTY 10 states that 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;

In consideration of this it is noted that a farm business number has not be provided, however, in the previous application R/2011/0380/O DARD confirmed via the planning consultation that the farm business is active and established for 6 years - DARD have confirmed that again in this current application. However, additional information has been submitted by the agent in support of the applicants case. In this letter dated 17th June 2014, the agent states that the applicant does received single farm payment, that she farms the lands on occasions herself and that she currently leases the land - this land is due to expire in Ocotboer 2014 and it is proposed not to renew this arrangement. The letter also states that the applicant leases the land to Mr Maginn who has carried out the maintenance of the land to date. On the basis of this information it appears that while the applicant is the owner of the land and has a farm business number, she does not farm or maintain the land. This is consistent with the information provided within the P1c form, where is stated that the 6 hectares of the 6.07 hectares owned by the applicant is let in conacre. The proposal therefore falls this criterion.

(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. The history of the farm does not

indicate that there have been any opportunities sold off from the farm holding.

(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. Having considered the information provided by the applicant there would appear to be no buildings on the farm owned by the applicant to which the proposal can visually or cluster with. If the principle of development is to be accepted the proposed site will be considered under CTY 13 and CTY 14.

Consideration must also be given to visual impact of a dwelling on this site, should an exception to the above assessment be made. Policy CTY 13 of PPS 21 deals specifically with the integration and design of buildings in the countryside and 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.

CTY 13 & CTY 14

The Departments assessment of the proposal in R/2011/0380/O concluded that a dwelling on this site would be contrary to Policy CTY13 in that it would lack integration and be unduly prominent in the landscape. The lands slope down the east portion of the site. It is felt that a dwelling appropriately conditioned would not be prominent feature in the landscape. This site would require the removal of a substantial amount of the roadside vegetation to provide visibility splays, 2.4 by 80 metres. The removal of this roadside vegetation coupled with the new access will have a lack of integration and will be unduly prominent in the landscape.

The proposal will not result in a suburban stype build up nor creates or adds to a ribbon of development.

Consultations

- DRD Roads Service - No objections
- NIW - Statutory Response - informatives apply
- NIEA WMU - No objections
- DARD - No objections

Objections / Representations

No objections or representations have been received

Neighbour Notification Checked Yes

Summary of Recommendation

Conditions/Reasons for Refusal:

Case Officer Signature: _____

Date: _____

Appointed Officer Sign _____

Date: _____

ITEM NO	D2			
APPLIC NO	P/2012/0568/O	Outline	DATE VALID	17/07/2012
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul McCourt 10 Cammore Drive Newry BT35 8SB		AGENT	
LOCATION	50 metres east of 34 Divernagh Road Bessbrook Newry BT35 7BW			
PROPOSAL	Site for dwelling with detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster does not appear as a visual entity in the local landscape;
 - the cluster is not associated with a focal point and is not located at a cross-roads;
 - the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster; and
 - development of the site cannot be absorbed into the cluster through rounding off or consolidation and would visually intrude into the open countryside.

- 3 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along a private lane.
- 4 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
 - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the building would, if permitted create or add to a ribbon of development and would therefore further erode the rural character of the countryside.
- 6 The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that:
 - a farm business exists that is currently active and has been established for at least 6 years;
 - no dwellings or development opportunities have been sold off from a farm holding within 10 years of the date of the application; and
 - the new building is visually linked or sited to cluster with an established group of buildings on the farm .



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**Newry, Mourne
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District Council

Application Reference: P/2012/0568/O.

Date Received: 25 July 2012.

Proposal: Site for dwelling with detached garage.

Location: 50m east of 34 Divernagh Road, Bessbrook.

Addendum to Case Officer Report

- 1.0.** This is a legacy application inherited from the previous planning authority. It now falls to the Council to determine its outcome.
- 2.0.** The application was previously brought before the former Newry, Mourne and Down District Council on 7 February 2013 with an opinion to refuse on 4 grounds.
 - 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.
 - The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Divernagh Road.

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
 - The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
- 3.0.** The application was deferred for an Office Meeting on 11 March 2013 and subsequently returned to the Council on 9 May 2013 with a similar recommendation of refusal on 4 grounds. The application was again deferred for an office meeting. This meeting was held on 14 May 2013. At the meeting a farm map was submitted but no Form P1C and a case was made for the dwelling under CTY 2a.
- 4.0.** The Department considered that CTY 10 had been met. DARD had not been consulted as no P1C forms or evidence of active or established farm activity had been submitted. It also considered that the application was located within a cluster as defined under CTY 2a. The application was recommended for refusal for a third time. The application was not advanced and the formal decision notice did not issue.
- 5.0.** The Planning Department has now assessed the application in the context of prevailing planning policy and other relevant material considerations.
- 6.0. Site Characteristics.**
- 6.1.** The application site is an agricultural field to the east of the Divernagh Road. The site is quite open, particularly when viewed from the Divernagh Road to the south.
- 6.2.** There is an existing dwelling immediately to the north of the site boundary, No 35 Divernagh Road. There is an agricultural field immediately to the south of

the site boundary which contains a further dwelling, No 33 Divernagh Road. The intervening distance between both existing dwellings is approximately 123 metres.

6.3. The dwelling to the north has a frontage to the Divernagh road; the dwelling to the south is set back from and separated from the Divernagh Road by a portion of an agricultural field.

6.4. The site is in the open countryside 1.5 km north west of Bessbrook.

7.0. Consultations.

Roads Service: No objections

Environmental Health: No Objections subject to Consent to Discharge

NIWater: No Objections.

8.0. Objections:

The application was advertised in the local press on 1 August 2012. No objections were received.

9.0. Planning Assessment.

9.1. Policy CTY 1 of PPS 21 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 of PPS 21.

9.3. CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. It goes on to state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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. It also states that for the purposes 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.

9.4. This application is unacceptable in context of CTY 8 for the following reasons:

The application is not an exception in the context of this policy as it does not constitute a small gap site within an otherwise substantial and built up frontage. There are 2 existing dwellings on either side of the application site, No 33 and No 35 Divernagh Road. No 33 does not have a frontage to the Divernagh Road but is separated, from it, by a portion of an agricultural field. It is also considered that the distance between both dwellings, some 123 metres, is too excessive to constitute an infill site. It is capable of accommodation more than 2 dwellings considering its scale and existing, adjacent development pattern.

9.5. The application is also open and exposed when viewed from the Divernagh Road, particularly from the south. It is therefore contrary to CTY 13 of PPS 21 which requires new dwellings to integrate within the landscape.

9.6. A dwelling on the site would add to ribboning of development in the immediate vicinity and the suburban style build up of development when viewed with existing buildings which would be detrimental to the rural character of the area. It is therefore contrary to CTY 14 of PPS 21.

9.7. For the purposes of completeness the Planning Department has also considered the fact that the applicant also previously, albeit belatedly, sought to justify an approval on the basis of a farm dwelling under CTY 10 of PPS 21. The Planning Department considers that insufficient information, as referred to at Para 3.0 above, has been submitted in support of the application to justify an approval on this basis.

9.8. For the purposes of completeness the Planning Department has also considered the fact that the applicant also previously sought to justify an approval on the basis of a dwelling under CTY 2a of PPS 21. The Planning Department considers that the application is not located within a cluster within the policy terms outlined under Policy CTY 2a.

9.9. In the light of all of this it is considered that the application site remains unacceptable for stated reasons below.

10.0. Recommendation – Refusal for the reasons stated below.

- The proposal is contrary **to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside'** in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to **Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters** in that it is not located within a cluster as defined in the policy:
 - the cluster does not appear as a visual entity in the local landscape;
 - the cluster is not associated with a focal point and is not located at a cross-roads;
 - the identified site does not provide a degree of enclosure and is not bounded on at least 2 sides with other development in the cluster; and
 - development of the site cannot be absorbed into the cluster through rounding off or consolidation and would intrude into the open countryside.
- The proposal is contrary to **Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside** in that the proposal would, if permitted, result in the creation of ribbon development along a private lane in that it cannot be regarded as an exception to this policy as it does not represent the infilling of a small gap site within the terms of the policy and does not respect the existing scale, siting and plot size and if permitted, would not integrate into the countryside.
- The proposal is contrary **to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside,** in that the proposed

site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

- The proposal is contrary to **Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside** in that:
 - the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
 - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the building would, if permitted create or add to a ribbon of development; and
 - would therefore further erode the rural character of the countryside.

- The proposal is contrary to **Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside** in that it has not been demonstrated that a farm business exists that is currently active or has been established for at least 6 years; no dwellings or development opportunities have been sold off from a farm holding within 10 years of the date of the application; and the new building is not visually linked or sited to cluster with an established group of buildings on the farm .

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

Newry, Mourne & Down District Council –

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1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263
July	135	957	250
August	166	959	249
September	140	910	243
October	157	935	230
November	163	912	230

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976
July	535	172	73	45	132	957
August	540	170	72	40	137	959
September	488	179	71	35	137	910
October	534	171	63	27	140	935
November	507	175	60	33	137	912

Newry, Mourne & Down District Council –

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3. Live applications per Case Officer

Month 2017/18	Average number of Applications
April	67
May	62
June	58
July	50
August	50
September	57
October	58
November	57

4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170
July	149	124
August	140	122
September	174	154
October	162	146
November	178	160

Newry, Mourne & Down District Council –

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5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%
July	660	Approvals (579)	88%
		Refusals (81)	12%
August	800	Approvals (704)	88%
		Refusals (96)	12%
September	974	Approvals (863)	89%
		Refusals (111)	11%
October	1,135	Approvals (997)	88%
		Refusals (138)	12%
November	1,314	Approvals (1,145)	87%
		Refusals (169)	13%

Newry, Mourne & Down District Council –

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6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758
July	311	142	89	88	61	88	779
August	321	139	93	80	70	88	791
September	326	146	89	80	74	89	804
October	290	167	87	84	75	91	794
November	277	181	91	76	77	99	801

7. Planning Committees 2017/2018

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
26 April	26	19	7
24 May	39	28	11
21 June	34	18	16
19 July	32	20	12
16 & 23	36	19	17
13	16	10	6
11 October	22	13	9
8 November	38	23	15
Totals	243	150	93

8. Appeals

Planning Appeal Commission Decisions issued during November 2017

Area	Number of current	Number of decisions	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	25	4	1	3	
Down	8	2	0	2	
TOTAL	33	6	1	5	

Statutory targets monthly update - up to October 2017 (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%" ⁴ in time ⁵	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	35	20	64.2	60.0%
May	1	2	110.4	0.0%	149	157	18.0	43.9%	32	46	61.1	56.5%
June	1	2	73.2	0.0%	124	205	19.2	42.0%	32	21	65.3	55.0%
July	1	1	128.4	0.0%	133	141	20.0	41.1%	32	19	113.0	55.0%
August	2	1	248.8	0.0%	145	134	17.1	38.8%	29	28	63.0	39.3%
September	1	-	0.0	0.0%	124	152	19.3	39.5%	42	25	58.8	44.0%
October	0	2	277.7	0.0%	134	151	18.2	41.1%	29	41	39.0	80.5%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
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	6	9	121.6	0.0%	949	1,054	18.8	41.0%	234	200	58.3	57.0%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NIMCS and PADS/PAINS 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.

Record of meetings between Planning Officers and Public Representatives 2017-2018

318

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker
04/08/2017	A McAlarney	Colin McGrath
04/08/2017	G Kerr	Cllr David Taylor
15/08/2017	P Rooney G Kerr	Justin McNulty MLA
25/08/2017	G Kerr	Cllr J Tinnelly
06/09/2017	A McAlarney	Cllr Curran
12/09/2017	A McAlarney	Cllr Devlin
15/09/2017	A McAlarney	Colin McGrath
21/09/2017	G Kerr	Cllr David Taylor
05/10/2017	A McAlarney	Colin McGrath (Office staff Carmel OBoyle attending)
05/10/2017	A McAlarney	Sean Doran
6/10/17	A Hay	Cllr Walker + Jim Shannon MP
06/10/2017	A McAlarney	Cllr Walker Jim Shannon
06/10/2017	G Kerr P Rooney	Cllr David Taylor
09/10/2017	G Kerr	Cllr Brian Quinn
20/10/2017	G Kerr O O'Toole	Cllr David Taylor
23/10/2017	G Kerr	Cllr J Tinnelly
24/10/2017	A McKay G Kerr	Cllr J Tinnelly
27/10/2017	P Rooney	Cllr Brian Quinn
31/10/2017	A McAlarney	Cllr Harry Harvey
03/11/2017	G Kerr	Cllr D McAteer
06/11/2017	G Kerr	Cllr G Fitzpatrick

Record of meetings between Planning Officers and Public Representatives 2017-2018

319

07/11/2017	L O'Hare	Cllr D McAteer
15/11/2017	A McAlarney	Colin McGrath
17/11/2017	G Kerr	Cllr Brian Quinn
20/11/2017	G Kerr P Rooney	Cllr Brian Quinn

Current Appeals

320

AUTHORITY Newry, Mourne and Down

ITEM NO 1
Planning Ref: LA07/2015/0877/ **PAC Ref:** 2016/A0148
APPELLANT Mr Diarmid Sloan **DEA** The Mournes
LOCATION 10 Tullybrannigan Brae
 Newcastle
 RT33 ODG
PROPOSAL Roof space conversion, replacement roof and 2 storey extension

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps **Date Appeal Lodged** 01/11/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 2
Planning Ref: LA07/2015/1244/ **PAC Ref:** 2016/A0166
APPELLANT Barney Mackin **DEA** Crotlieve
LOCATION 19.3m North-East Of No27B Derrycraw Road
 Derrycraw
 Newry
PROPOSAL Erection of farm dwelling and garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 30/11/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

321

ITEM NO 3
Planning Ref: LA07/2016/1041/ **PAC Ref:** 2016/A0172
APPELLANT Joseph O'Hare **DEA** Crotlieve
LOCATION Lands North Of And Adjacent To 53 Mayo Road
 Mayobridge
PROPOSAL ^{New} Dwelling and domestic garage on gap/infill site (amended address)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 05/12/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 4
Planning Ref: LA07/2016/0381/ **PAC Ref:** 2016/A0185
APPELLANT Mr Matt Burns **DEA** Crotlieve
LOCATION Opposite No. 107 Kilbroney Road
 Rostrevor
PROPOSAL Proposed farm retirement dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 15/12/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

322

ITEM NO	5		
Planning Ref:	LA07/2016/0802/	PAC Ref:	2016/A0192
APPELLANT	Darren O'Hagan	DEA	Crotlieve
LOCATION	60m NE Of 11a New Line Road Hilltown		
PROPOSAL	Newly Site for dwelling and detached garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/12/2016
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:	LA07/2016/0365/	PAC Ref:	2016/A0224
APPELLANT	Mr And Mrs McCluskey	DEA	Rowallane
LOCATION	Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
PROPOSAL	2no proposed dwelling houses		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

323

ITEM NO 7
Planning Ref: LA07/2016/0477/ **PAC Ref:** 2016/A0226
APPELLANT Mr Caolan Quinn **DEA** Slieve Gullion
LOCATION 50m South-east Of No 106 Carrickgallogly Road
 Carrickgallogly
PROPOSAL ~~Belleek~~
 Erection of dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 28/02/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 8
Planning Ref: LA07/2015/0166/ **PAC Ref:** 2016-E0045
APPELLANT Mr Ronald Sloan **DEA** The Mournes
LOCATION 29 Leitrim Road
 Kilkeel

PROPOSAL A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 24/01/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

324

ITEM NO 9
Planning Ref: LA07/2016/1212/ **PAC Ref:** 2017/0061
APPELLANT Thomas Grant **DEA** Crotlieve
LOCATION Adjacent & Immediately South Of 20 Ryan Road
 Mayobridge
PROPOSAL ~~Newry~~
 Replacement dwelling on farm

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 06/07/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 10
Planning Ref: LA07/2015/0946/ **PAC Ref:** 2017/A0028
APPELLANT Mark Rice **DEA** Newry
LOCATION Lands Adjacent And North Of No.46 Lower Foughill Road
 Jonesborough Armagh.
PROPOSAL Proposed retention and extension of existing prefabricated structure to
 create farm dwelling. (amended description)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 10/05/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

325

ITEM NO **11**
Planning Ref: LA07/2016/1323/ **PAC Ref:** 2017/A0044
APPELLANT Cathal Sloan **DEA** The Mournes
LOCATION 14 Sandy Brae
 Attical
 Killeel
PROPOSAL Partial conversion of existing domestic garage to provide ancillary residential accommodation.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 08/06/2017
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: P/2015/0067/O **PAC Ref:** 2017/A0058
APPELLANT Mrs M McKnight **DEA** Slieve Gullion
LOCATION 40m South Of 4 Molly Road Lower
 Jonesborough
PROPOSAL Dwelling and garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 21/06/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

326

ITEM NO 13
Planning Ref: LA07/2017/0077/ **PAC Ref:** 2017/A0071/F
APPELLANT Gary O'Hare **DEA** Crotlieve
LOCATION Lands Between No. 20B And No. 22 Derrycraw Road
 Newry
PROPOSAL RT34 1RG
 Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps **Date Appeal Lodged** 24/07/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: LA07/2015/0805/ **PAC Ref:** 2017/A0075
APPELLANT Mr Peter Kelly **DEA** Crotlieve
LOCATION 140 Metres North Of 22 Newry Road
 Hilltown
PROPOSAL RT34 5TG
 Retention of dwelling with associated granny flat building, garden shed/ store and ancillary site works as built. (Amended scheme to that approved under P/2012/0052/F)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps **Date Appeal Lodged** 26/07/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

327

ITEM NO 15
Planning Ref: LA07/2015/1381/ **PAC Ref:** 2017-A0076
APPELLANT Mr And Mrs E Kerr **DEA** Slieve Croob
LOCATION 154a Downpatrick Road
 Teconnaught
 Ballvabinn
PROPOSAL Conversion and extension of existing stone building to form dwelling
 plus detached garage and associated site works

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 27/07/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 16
Planning Ref: LA07/2015/0714/ **PAC Ref:** 2017-A0082
APPELLANT Mr And Mrs Byrne **DEA** Downpatrick
LOCATION 180m North West Of Existing Farm Buildings Adjoining 28
 Ballyclander Road
 Downpatrick
PROPOSAL Proposed farm dwelling and garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 04/08/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

328

ITEM NO 17
Planning Ref: LA07/2017/0766/ **PAC Ref:** 2017/A0090
APPELLANT Kelbourne Property Ltd **DEA** The Mournes
LOCATION 87e Bryansford Road
 Newcastle
 RT33 01 F
PROPOSAL Dwelling and associated parking and landscaping

APPEAL TYPE DC - Non Determination of a Planning Application
Appeal Procedure **Date Appeal Lodged** 17/08/2017
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: LA07/2017/0624/ **PAC Ref:** 2017/A0094
APPELLANT Mary Rooney **DEA** Crollieve
LOCATION 80A Kilbroney Road
 Rostrevor
 RT34 3RI
PROPOSAL Single storey side and rear extension

APPEAL TYPE DC - Non Determination of a Planning Application
Appeal Procedure **Written Reps** **Date Appeal Lodged** 25/08/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

329

ITEM NO	19		
Planning Ref:	LA07/2017/0615/	PAC Ref:	2017/A0096
APPELLANT	Mr Raymond Rice	DEA	Newry
LOCATION	Lands Immediately North Of No. 36 Flagstaff Road Newry		
PROPOSAL	Infill Site for 2 No. Dwellings		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	29/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2017/0556/	PAC Ref:	2017/A0097
APPELLANT	Francis McGeown	DEA	Crollieve
LOCATION	350m West Of Saval GFC Social Club Fronting Rathfriland Road Newry		
PROPOSAL	Retention of dwelling partly constructed in substitution of previously approved dwelling Ref: Planning No P/2006/0763/F Appeal Ref 2010/A0289		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	30/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

330

ITEM NO 21
Planning Ref: LA07/2017/0033/ **PAC Ref:** 2017/A0099
APPELLANT Mr John Tumelty **DEA** Slieve Croob
LOCATION Between 18 And 20 Commons Road
 And 24 Commons Road
PROPOSAL ~~Rallykintler~~
 Application for outline planning permission for the erection of a single dwelling and garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 04/09/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 22
Planning Ref: LA07/2017/0172/ **PAC Ref:** 2017/A0114
APPELLANT SCS **DEA** Newry
LOCATION Lindsay's Hill Approx 60 Metres South East Of 53-55 North Street
 Newry BT34 1DD
PROPOSAL Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 25/09/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

331

ITEM NO	23		
Planning Ref:	LA07/2015/1270/	PAC Ref:	2017/A0119
APPELLANT	Michael Teggart C/O Agent	DEA	Newry
LOCATION	Approximately 70 Metres East Of 51 Ayalogue Road Newry		
PROPOSAL	Erection of dwelling with detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	28/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2016/1219/	PAC Ref:	2017/A0129
APPELLANT	Mr Alan Montgomery	DEA	Downpatrick
LOCATION	Approx 60m North Of 21 Downpatrick Road Killough Downpatrick		
PROPOSAL	Erection of agricultural building		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

332

ITEM NO	25	PAC Ref:	2017/A0133
Planning Ref:	LA07/2015/0545/	DEA	Crotlieve
APPELLANT	Mr P Smith		
LOCATION	40 Metres South West Of 23a Castlewellan Road Hilltown		
PROPOSAL	Erection of dwelling and detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2017/A0141
Planning Ref:	LA07/2016/1537/	DEA	Rowallane
APPELLANT	P & T Miskelly		
LOCATION	Site Adjacent To 35 Darragh Road Darragh Cross Downpatrick		
PROPOSAL	Erection of 2no detached houses and associated works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

333

ITEM NO	27		
Planning Ref:	LA07/2017/0145/	PAC Ref:	2017/A0151
APPELLANT	Cathal Sloan	DEA	The Mournes
LOCATION	Lands Approximately 55 Metres South Of 14 Sandy Brae Attical		
PROPOSAL	Site for dwelling and detached garage at existing cluster of development in the countryside		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2017/0371/	PAC Ref:	2017/A0158
APPELLANT	Kieran And Briega King	DEA	Newry
LOCATION	56a Drumintee Road Meigh Newry		
PROPOSAL	Retention of existing caravan port at rear of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	07/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

334

ITEM NO	29	PAC Ref:	2017/A0161
Planning Ref:	LA07/2015/1123/	DEA	Newry
APPELLANT	Quayside Propoeties Ltd		
LOCATION	2-3 Sugarhouse Quay Lisdrumgullion		
PROPOSAL	Newry Demolition of remaining parts of building for health and safety reasons		
APPEAL TYPE	DC - Refusal of LB Consent		
Appeal Procedure		Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2017/A0165
Planning Ref:	LA07/2017/0370/	DEA	Slieve Gullion
APPELLANT	Fergal Rafferty		
LOCATION	16 Ummeracam Road Silverbridge		
PROPOSAL	Newry Retention of two storey projection to southern gable of dwelling, alterations to bay windows at front of dwelling and alterations to window fenestration to side and front elevations of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

335

ITEM NO 31
Planning Ref: LA07/2016/1647/ **PAC Ref:** 2017/A0169
APPELLANT DBM Contracts **DEA** Newry
LOCATION 20 Metres East Of 6 Daisy Hill
 Carnagal
PROPOSAL ^{Newry}
 Erection of two dwellings and retention of retaining walls

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 22/11/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 32
Planning Ref: LA07/2017/1078/ **PAC Ref:** 2017/A0163
APPELLANT Clear Channel NI LTD **DEA** Newry
LOCATION Buttercrane Quay Opposite
 Buttercrane Shopping Centre
PROPOSAL ^{Newry}
 Conversion of existing six sheet display unit incorporated into an
 existing Adshel Bus Shelter to a six sheet digital display screen

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 15/11/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

336

ITEM NO	33		
Planning Ref:	LA07/2017/0053/	PAC Ref:	2017/E0027
APPELLANT	Joan Henderson	DEA	Crotlieve
LOCATION	200m South East Of 21 Levallyreagh Road Rostrevor		
PROPOSAL	Newly This application has been submitted to demonstrate that the planning approval P/2010/1299/F has been lawfully implemented		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	13/10/2017
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
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2016/E0045
Appeal by:	Mr Ronald Sloan
Appeal against:	The refusal of an application for a Certificate of Lawfulness
Subject:	Confirmation sought that construction works undertaken were lawful under planning reference P/2009/0633/F and P/2009/1484/F and therefore constituted a material start to the dwelling approved under reference P/2009/0633/F
Location:	29 Leitrim Road, Kilkeel
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0166/LDE
Procedure:	Written representations and Commissioner's site visit on 24 November 2017
Decision by:	Commissioner Rosemary Daly, dated 29 November 2017

Decision

1. The appeal is allowed in respect of the works relating to the demolition of the dwelling to be replaced in accordance with planning reference P/2008/0663/F and the construction of the access as approved under P/2009/1484/F. Both elements of work are lawful and a certificate of lawfulness of existing use or development is attached.

Preliminary

2. Section 169 of the Planning Act (Northern Ireland) 2011 provides for certificates of lawfulness of existing use or development (CLUD), whereas Section 170 provides for certificates of lawfulness of proposed use or development (CLOPUD). The appeal relates to an application made for a Certificate of Lawfulness of an existing use or development.
3. It is apparent from the terms of the description on the application form, as amended on 26 February 2016, that it is concerned not only with works which had been undertaken but also with the lawfulness of future development in respect of the proposal to complete the dwelling approved in accordance with application P/2009/0633/F. Proposals for future lawful development should be considered in the context of Section 170 relating to a Certificate of Lawfulness of proposed use or development.
4. The application for a certificate of existing lawful development is before me and this is what should be determined in this appeal. However, as most of the evidence presented by both parties related to the question of whether the works, if they were lawful, represented a material start to the development as approved by application P/2009/0633/F I will set out my views on that matter in order to be helpful.

5. The notice clearly states the Council is not satisfied that sufficient evidence had been submitted to show the operations carried out constitute the commencement of planning approval P/2009/0633/F. The evidence presented by the Council clarifies their view. This is normal practice in any appeal. I have not been persuaded that any administrative unfairness, in respect of the reason to refuse to certify that the development is lawful, arises in this case.

Reasons

6. The main issue to be considered in this appeal is whether existing demolition and access already undertaken on the site are lawful.
7. Planning permission (P/2009/0633/F) was granted 7 August 2009 for the 'erection of a replacement dwelling and detached garage with associated works' to replace of the original dwelling at 29 Leitrim Road. On the 16 June 2010 planning permission was then granted (P/2009/1484/F) to amended access to the previously approved replacement dwelling (P/2009/0633/F).
8. As required by Article 34 of the Planning (Northern Ireland) Order 1991 and Condition 1 of planning permission P/2009/0663/F development on the site must commence before the expiration of 5 years from the date of the planning permission. Accordingly this is before 7 August 2014. Condition 2 of this permission required the existing building to be demolished, all rubble and foundations to be removed from the site before construction of the new dwelling. Condition 3 required arrangements for archaeological surveillance to be agreed before site works of any nature or development commences.
9. The appellant stated they had carried out significant work on the site which involved the demolition of the building and putting in the access to the site in accordance with the planning permission (P/2009/1484/F). Photographic evidence and associated dates were provided by the appellant confirming that these works were put in place before the 7 August 2014. This was not disputed by the Council.
10. The evidence before me is that the dwelling was demolished on the site before 5 June 2013 and consequently before the expiration of the planning permission (P/2009/00663/F) on the 7 August 2014. The exact date of demolition was not presented. The Planning (Amendment) (Northern Ireland Order 2003 brought 'demolition' into the meaning of development. A number of Directions were issued by the Department under Article 11(2)(f) which narrowed the circumstances under which demolition could be considered as development. The Planning (Demolition – Description of Buildings) Direction 2009 which came in effect on 2 April 2009 was restrictive in terms of the scope of demolition activities that could be considered as development. It would not have included the demolition of the building to be replaced. The Planning (Demolition- Description of Buildings) Direction 2012, which came into effect on 19 September 2012, significantly expanded the range of demolition works that would constitute development. In principle the demolition of the building would have fallen within the definition of development. However, also, on the 19 September 2012 The Planning (General Development) (Amendment) Order (Northern Ireland) 2012 brought, with exceptions, any building operation consisting of demolition of building into the definition of permitted development. Therefore if the building on the site was demolished prior to the 19 September 2012 the demolition of the dwelling would not have constituted development and then after this date it would have been considered as permitted development. Accordingly the demolition of the building as coloured green on the approved plan (P/2009/0633/F) date stamped 20th May 2009,

depending on the exact date it was demolished, was either not development or was permitted development. Accordingly the demolition of the building on the site is lawful.

11. The Council stated that they had consulted with the Roads Authority to confirm the access arrangements currently provided on the ground were in accordance with the planning permission (P/2009/1484/F). No objections were raised by the Roads Authority when they responded on 25 June 2015. The appellant stated and as supported by photographic evidence the access to the site had been put in place before 5 June 2013. This was not disputed by the Council. Furthermore no evidence was presented to persuade me that the new access to the site was not in accordance with that as approved by planning permission P/2009/1484/F. On the balance of probabilities I am satisfied that the access and its associated works constitute lawful development.
12. A 'Certificate of Lawfulness of Existing Development' can be issued for the existing development on the site.
13. In the context of the presented evidence I shall now consider whether this existing development on the site constitutes a material start to the erection of the replacement dwelling and garage as approved by P/2009/0663/F.
14. The purpose of Article 34 of the Planning (Northern Ireland) Order 1991, which relates to the duration of the planning permissions on the site, is to bring an end permissions not begun within a specified period in order to prevent an accumulation of unimplemented permissions and allow proposals to be reviewed periodically in light of changing circumstances. This is a long standing feature of the development management system throughout the UK, including Northern Ireland, and it is clear that successive lawmakers have considered this to be in the public interest. Such provisions have been repeated in Section 61 of the Planning Act (Northern Ireland) 2011.
15. Article 36 of the Order sets out how Article 34 is to be interpreted. It covers most but not all development as defined by Article 11. In accordance with Article 36 (1) development is taken to be begun on the earliest date on which any of the operations specified in subsections (a) to (d) comprised in the development begins to be carried out. In respect of the construction of a building sub section (a) specifically states development is begun "*where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building*". The approved development (P/2009/0633/F) in this case relates to the '*erection of a replacement dwelling and detached garage with associated works*'. It therefore must be determined if the works under taken by the appellant involve any work of construction in the course of the erection of the buildings approved by the application.
16. Conditions 2 and 3 require works to be undertaken before the commencement of development on the site. Such pre-commencement conditions play an important role within a planning permission. Until pre – commencement conditions have been satisfied, a planning permission cannot be implemented. The original dwelling at 29 Leitrim Road has been demolished, the access to the site has been put in place in accordance with planning permission P/2009/1484/F and a boundary wall has been constructed around the property of the new dwelling at 29 Leitrim Road. However these works do not either individually or cumulatively amount to any work of construction in the course of the erection of the approved buildings that were the subject of the planning permission (P/2009/0633/F). The tensions referred to by the

- appellant between conditions 2 and 3 are not relevant to the question of whether development has commenced on the site.
17. The approved development in accordance with P/2006/0663/F cannot be taken to have begun until the earliest date on which any work of construction in the course of erection of the replacement dwelling and garage began to be carried out. Article 36 (1) does not mention the demolition of existing buildings on the site or the undertaking of access works for the site.
 18. When I visited the site I noted some building rubble and boulders piled on the site. White tape was also pegged on the site, its purpose was not clear, and did not specifically relate to the foot print of the approved buildings on the site. There was no evidence of any construction work in the course of the erection of the approved replacement dwelling or garage.
 19. No other persuasive evidence was presented by the appellant to demonstrate that works in the course of the erection of the buildings approved on the site had taken place. I do not consider the Council elevated the status of Departmental guidance, relating to commencement of development as it appears they have relied on the relevant legislative context.
 20. On balance having considered the evidence it is my view that the permission has not begun on the site in accordance with Condition 01 of the Planning Permission P/2009/0633/F and a fresh planning application would be required for the development of a dwelling with a detached garage on the site.
 21. In the Northern Ireland legislative context the test is not the appellant's intention to execute his planning permission but what works he has definitely carried out on the site. The provisions of Article 36 are significantly different to those of Section 56 of the Town and Country Planning Act 1990 which the case law referred to by the Council and the appellant applies to specific examples of the interpretation of the GB legislation. I note the appellant's reference to other cases at Annaclone and Eglinton as referred to by the appellant were approved by the Department seems to rely heavily on the *Thayer* and *Malvern Hills* cases. This case law is of little assistance in interpreting the relevant provisions of the Planning (NI) Order 1991. I do not find these examples of other decisions of assistance in this case.
 22. As it has not been demonstrated that approved development (P/2009/0633/F) has lawfully commenced on the site, the completion of the replacement dwelling and garage would not be lawful in my opinion.

COMMISSIONER ROSEMARY DALY

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 169

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on *16 April 2015* the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate were lawful within the meaning of section 169 of the Planning Act 2011, for the following reasons:

- The demolition of the building on the site was either not development or was permitted development;
- The access to the site is in accordance with Planning Permission P/2009/1484/F

Signed

Rosemary Daly

COMMISSIONER ROSEMARY DALY

29 November 2017

FIRST SCHEDULE

1. *The demolition of the building as coloured green on the approved plan (P/2009/0633/F) date stamped 20th May 2009; and*
2. *The construction of the amended access as approved by application P/2009/1484/F.*

SECOND SCHEDULE

29 Leitrim Road, Kilkeel

Notes:

(1) This certificate is issued solely for the purpose of section 169 of the Planning Act 2011.

(2) It certifies that the operations described in the First Schedule taking place on the land described in the Second Schedule were lawful on the 16 April 2015 and, thus were not liable to enforcement action under section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.

(3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from that described or which relate to other land may render the owner and occupier liable to enforcement action.

List of Documents

- | | | |
|---------------------|------|---|
| Planning Authority: | "A" | Statement of Case and appendices, Newry and Mourne District Council |
| Appellant:- | "B" | Statement of Case and appendices, Pat Quinn |
| | "B1" | Comments, Pat Quinn |



Appeal Decision

Park House
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Appeal Reference:	2017/A0002
Appeal by:	Mr Brian Ward
Appeal against:	The refusal of full planning permission
Proposed Development:	Change of house type with alternative access to public road brought about by the construction of a new flyover to the dual carriageway to original replacement dwelling approval now commenced on site
Location:	Adjacent and south of No.40 Lower Newtown Road, Meigh
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0492/F
Procedure:	Written representations and Commissioner's site visit on 25 th October 2017
Decision by:	Commissioner Diane O'Neill, dated 6 th November 2017

Decision

1. The appeal is dismissed.

Reasons

2. On 4th August 2009 full planning permission was granted on the appeal site for a change of house type and orientation of a replacement dwelling and garage (P/2009/0433/F). Condition 1 of the planning permission stated that development should begin before the expiration of five years from the date of the decision. Photographs were submitted by the appellant dated 30th July 2014 showing the clearing of ground at the appeal site. The appellant advanced the argument that development had commenced on the site and that consequently planning permission P/2009/0433/F was still live. The appellant's proposition however was disputed by both the planning authority and an objector who stated that development had not commenced. The proper vehicle for determining whether a material start has been made to a development is through an application for a Certificate of Lawfulness (LDC) under Sections 169 and 170 of the Planning Act (Northern Ireland) 2011. No LDC was issued in respect of the works at the appeal site. Consequently, no weight can be attached to the argument that the appeal proposal should be treated as a change of house type for planning permission P/2009/0433/F. The appeal must therefore be determined in the context as to whether a dwelling and garage would be allowed on the appeal site in its own right.
3. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether it would change the character of the area. The appellant suggested that, if need be, the siting or design of the proposal could be

amended however given that this is a full planning application it is the scheme that has been refused by the planning authority that is assessed.

4. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. BNMAP identifies the site as being located within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). BNMAP however identifies this designation for information purposes only. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with dwellings in the countryside.
5. 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. The SPPS retains certain existing planning policy statements and amongst these are Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and Planning Policy Statement 2: Natural Heritage (PPS 2) which provide the relevant policy context for the appeal proposal.
6. Policy CTY 1 of PPS 21 sets out a number of instances when planning permission will be granted for a single dwelling in the countryside. The appellant claimed the proposal involves the replacement of the dwelling located in close proximity and to the south of No.40 Lower Newtown Road. An objector who resides at No.40, Mr Mc Kevitt, however stated that he is in ownership of the building and no longer permits the appellant to replace his building. Due to a discrepancy in the land ownership certificates submitted to the planning authority and the Commission, Certificate C was subsequently completed by the appellant stating that he had served the appropriate notice on Mr McKevitt as the owner of the building to be replaced and part of the appeal site as well as Transport NI who is the owner of the access. Given that the granting of planning permission does not confer title and that a negative condition could be imposed requiring the demolition of the dwelling to be replaced prior to any development commencing on the appeal site, it is appropriate to assess the replacement proposal. Given that no objection was raised in relation to the replacement building not being in accordance with Policy CTY 3 of PPS 21, it therefore meets this policy. Accordingly, the appeal is one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. The first reason for refusal is therefore not sustained.
7. Policy CTY 8, which is the basis of the second reason for refusal, states that planning permission will be refused for a building which creates or adds to a ribbon of development except where it is 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. The planning authority consider that the proposal would add to the ribbon development along the Lower Newton Road. Concern was also raised in relation to criteria (b) and (d) of Policy CTY 14, which is the basis for the third reason for refusal, in that the proposal would result in a suburban style of build-up of development and add to a ribbon of development which would cause a detrimental change to further erode the rural character of the

area. Irrespective of the Department having granted planning permission P/2009/0433/F to replace the building on the appeal site, the proposed dwelling and garage would be located further west than the buildings approved under that permission and Newry, Mourne and Down District Council, as the new planning authority, are entitled to reach their own decision on a proposal. At present there is little awareness of the modest building to be replaced due to its positioning approximately 2 ½ m to the south of the dwelling at No.40 Lower Newtown Road. Given that it is proposed to replace the building off site, the proposed dwelling and garage would be approximately 21m and 13m respectively west of the existing building within a new plot. The proposed dwelling and garage would therefore be to the west of the dwelling and outbuilding at No.40 Lower Newtown Road. To the east of No.40 Lower Newtown Road is a dwelling and garage at No.42 Lower Newtown Road as well as a dwelling and garage which is marked on the site location map as No.44 Lower Newtown Road and on the ground as No.49. Being located at the end of this row of dwellings and garages, the proposal would add to the ribbon of development along the Lower Newtown Road and have a detrimental impact on the character of this rural area. Accordingly, the second and third reasons for refusal in relation to Policies CTY 8 and CTY 14 have been sustained.

8. Policy NH 6 of PPS 2 states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality. Objection was raised in relation to criterion (a) of the policy and given that the proposal would extend the ribbon of development along the Lower Newtown Road and have a detrimental impact on the character of this rural area, its siting would not be sympathetic to the to the special character of the AONB. The impact of the existing modest building which can barely be seen is not comparable with the proposed off-site substantial dwelling and garage. Whilst the neighbouring dwellings are indeed also substantial, this would not justify the proposed unsympathetic development within this AONB. The fourth reason for refusal has therefore been sustained.
9. Concern was raised by the owner of No.42 Lower Newtown Road in relation to the proposed access arrangement. The inclusion of the existing laneway within the application site illustrates how the proposal would connect with the public road. It does not confer title nor would it impact on residents, service providers or pedestrians using the laneway. As owner of the laneway, Transport NI was served notice in relation to the proposal and raised no objection to the proposed development.
10. As the second, third and fourth reasons for refusal have been sustained, the appeal must fail.

This decision is based on the following drawings:-

Drawing 01 Rev 1 1:1250 site location map stamped refused by Newry, Mourne and Down District Council on 16th February 2017

Drawing 02 1:500 proposed site layout stamped refused by Newry, Mourne and Down District Council on 16th February 2017

Drawing 03 1:100 dwelling elevations and floor plans stamped refused by Newry, Mourne and Down District Council on 16th February 2017

Drawing 04 1:100 garage elevations and floor plan stamped refused by Newry, Mourne and Down District Council on 16th February 2017

COMMISSIONER DIANE O'NEILL

2017/A0002

List of Documents

Planning Authority
(Newry, Mourne and Down District Council):-

Statement of Case (PA1)

Appellant (Mr. Joe Lynam, Architect):-

Statement of Case (A1)
Rebuttal (A2)
Correspondence re service of
notice for land ownership
certificate A3)

Objectors

Mr. Arthur McKeivitt (No.40 Lower Newtown Road):-

Statement of Case (OB1)
Rebuttal (OB2)
Correspondence re service of
notice for land ownership
certificate (OB3)

Mr. Kevin McSherry (No.42 Lower Newtown Road):-

Letters on file (OB4)



Appeal Decision

Park House
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Appeal Reference:	2016/A0148
Appeal by:	Diarmid Sloan
Appeal against:	The refusal of full planning permission
Proposed Development:	Roof space conversion, replacement roof and 2-storey extension
Location:	10 Tullybrannigan Brae Newcastle
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2015/0877/F
Procedure:	Hearing on 3 March 2017
Decision by:	Commissioner Pauline Boomer, dated 30 November 2017

Decision

1. The appeal is dismissed.

Reasoning.

2. The main issues in this appeal are the impact of the proposal on the appearance of the existing property and the character of the area and its effect on residential amenity.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Banbridge, Newry & Mourne Area (BNAMP) Plan 2015 identifies the appeal site as lying within the Settlement Development Limit of Newcastle. The plan does not contain any material policies for dealing with the proposed development; therefore I turn to consider other material considerations.
4. The SPSS, which promotes good design, protection of amenity and positive place making, is a material consideration. It identifies Planning Policy Statement 7: Quality Residential Environments (PPS 7) and its Addendum entitled Residential Extensions and Alterations (the Addendum), as retained policy documents. Policy EXT 1 of the Addendum states that planning permission will be granted for proposals to extend or alter a residential property provided four specified criteria are met. The dispute between the parties relates to Criteria (a) and (b). The policy head-note states that the guidance set out in Annex A will be taken into account when assessing proposals against the criteria.
5. 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.

Criterion (b) requires that proposals do not adversely affect the privacy and amenity of neighbouring residents.

6. Paragraphs A4, A6 and A7 of Annex A to the Addendum relate to matters of context and design. Paragraph A4 states that proposals that are badly sited or designed or that are incompatible with their surroundings can lead to an undesirable change in the character of the existing property and the area in which they are located. Paragraph A6 says that an extension should not be so large or prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. Paragraph A7 states that proposals in an urban context should not overdevelop the site in terms of massing, plot size and proximity to boundaries, thereby, for example, creating a visual 'terrace' effect.
7. The appeal building is a single storey dwelling located within a cul de sac of established dwellings which are of a similar scale, size, design, materials and finishes. Some properties have a half hipped roof design, as does the appeal premises whilst others have a standard pitched roof. Finished in part red brick/part render, the appeal building has red roof tiles, as has the existing single storey garage to the rear. The properties in Tullybrannigan Brae are stepped down the hill following the gradient from north to south but lie at a lower level than those properties immediately west in Kinghill Avenue.
8. The appeal proposal has two main elements:
 - (i) it seeks to convert the roofspace by raising the ridge height whilst introducing a number of dormer windows and roof lights to provide upper floor accommodation ; and
 - (ii) it proposes the erection of a 1½-storey rear return.

This would transform a modest three bedroom bungalow with a footprint of 105m² to a more substantial 5 bedroom property with a footprint of 220m². Whilst I recognise that the appellant seeks to provide additional accommodation for his growing family without having to move house, it is necessary to consider the impact of these significant alterations now proposed on both the visual appearance of the cul de sac and the wider area but also its impact on the residential amenities of those neighbouring properties.

9. In order to make an accurate assessment of the impact of the proposed extension and alterations, it is imperative that I have accurate and detailed plans of the plot clearly showing its position within its curtilage and its relationship with those adjoining dwellings on three sides. It is also critical that I have accurate and consistent floor plans and elevational drawings which show the exact dimensions of all elements of the work proposed. Unfortunately in this instance such details have not been provided for me but instead I have been presented with a variety of inaccurate and non-conforming drawings which do not offer a clear picture of what is now proposed. More critically, they do not offer those neighbours affected by these proposals an accurate representation of the intended development.

10. Within the original plans as submitted to the Local Planning Authority (LPA), the block plan does not show the correct dimensions of the plot or the correct orientation of the dwelling and fails to show the relationship between No. 10 and its neighbours as follows:-
- the position and orientation of the dwelling and garage is inaccurately shown on the block plan which shows the dwelling orientated to the south east when rather than to the east as reflected in the site location plan;
 - the curtilage shown to the front and rear of the dwelling does not realistically reflect what is on the ground with a smaller rear garden indicated;
 - none of the neighbouring properties are drawn on the block plan with no details of ground levels or finished floor levels provided to assess the differential in levels between the appeal site and the three adjacent properties and existing/proposed separation distances. This is particularly critical on this site where the properties are stepped down the hill and where there is a significant difference in levels with the Kinghill Avenue properties.
 - significant anomalies are evident in the floor plans and elevations as presented, increasing my concerns about the accuracy of both the original and revised submissions. There is a major discrepancy in dimensions shown on each of the original drawings as submitted including chimney height. For example the height of the rear return is shown at different levels on the rear elevation and 2 side elevations.

Such discrepancies are unhelpful and make it impossible for me to accurately ascertain the full extent of the scheme before me and how it will impact on residential amenities or on the appearance of the building as well as the area.

11. Given the inaccuracy and inadequacies of the submitted plans, I am unable to make a meaningful assessment of the proposed development and reach a thorough and structured conclusion on the acceptability of the scheme when considered against Policy EXT1. When I questioned both the LPA representative and the agent representing the appellant on these inaccuracies, I was astonished that neither party were aware of these significant discrepancies. Both parties in fact admitted that they had taken the plans as read when making their assessments and neither had checked any measurements on site. This would have caused particular difficulties for the objector in assessing the full impact on her property.
12. In these exceptional circumstances, I must conclude that the assessment by both the LPA and the appellant is flawed as it is based on assumption and assertion rather than accurate detail. Given the failure to provide an accurate baseline against which to assess the proposed development and the variations in dimensions presented, I am not persuaded that the extension and alterations would have no detrimental impact on the visual amenity of the area and on the residential amenities of adjacent properties. The need for the appellant to provide additional living space for his family and the support offered by his local MP do not persuade me otherwise. I therefore conclude that the appeal proposal does not comply with criterion (a) and (b) and finds no support in Policy EXT1. As all three reasons for refusal are sustained, the appeal must fail.

This decision relates to the following drawings

Drawing Nos. all received by the LPA on 4 September 2015

Sheet No. 2	1:1250 Site Location Plan 1:500 block plan 1 1:50/1:100 existing floor plans and elevations 1:50 proposed elevations.
Sheet No.1	1:50 proposed floor plans and elevations and section.
Sheet No. 3	1:50 roof plan As well as additional drawings submitted with the appellant's Statement of Case.
Revised Sheet No. 1	1:50 proposed floor plans, elevation and section.
Revised Sheet No. 2	1:500 block plan / 1:50/1:100 existing floor plans and elevations. 1:50 proposed elevations.

COMMISSIONER PAULINE BOOMER

2016/A0148**List of Appearances**

Planning Authority:-

Newry Mourne & Down District Council

Ms Kira Cunningham

Appellant(s):-

Mr Diarmid Sloan
Mr Tom Wilson (agent)

Objector:

Anne-Marie Featherstone representing
Ms Shirley Hodgkins**List of Documents**

LPA 1:

Statement of Case from Newry Mourne &
Down District Council

APP1:

Statement of Case from appellant
including amended plans

OBJ 1:

Statement of Case from Ms Shirley
Hodgkins

SUPP 1:

Statement of Case from Margaret Ritchie
MP.



Appeal Decision

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Appeal Reference:	2016/A0211
Appeal by:	Kevin Donaghy
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Land to west and rear of Nos.22 and 24 Ballynabee Road, Bessbrook
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/0826/O
Procedure:	Written representations with Commissioner's site visit on 24 th October 2017
Decision by:	Commissioner A Speirs, dated 6 th November 2017

Decision

- 1 The appeal is dismissed.

Claim for Costs

- 2 A claim for costs was made by the Council against the appellant. The claim is the subject of a separate decision.

Reasons

- 3 The main issues in this case are: whether the development is acceptable, in principle, in the countryside; whether there is prejudice to road safety; and whether the proposal would result in an unacceptable impact on the amenity of neighbours.
- 4 Apart from the narrow access laneway situated between Nos. 22 and 24 Ballynabee Road, the majority of the appeal site is located just outside the development limit of Bessbrook as defined in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP defers to Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in respect of policies for the rural area.
- 5 The Strategic Planning Policy Statement for Northern Ireland (SPPS), published in September 2015, is a material consideration in all decisions on individual planning

applications. PPS21 is retained by the SPPS and provides the appropriate policy context for this appeal.

6. Policy CTY 1 of PPS 21 lists types of development which are considered to be acceptable in principle in the countryside. These include an individual dwelling in accordance with policies CTY2a, CTY3, CTY6, CTY7, CTY8, and CTY10.
7. The Council's decision notice cites failure to comply with Policy CTY1 as a reason for refusal. No statement of case was submitted by the appellant and there is no indication on the original planning application form in respect of the policy under which permission for the proposal is sought. It is not for the Commission to make a case for the appellant and no overriding reasons have been argued as to why the development is essential. It has not been demonstrated that the proposal is acceptable, in principle, in the countryside and the Council's first reason for refusal is sustained.
8. Transport NI raised concerns over the visibility standards at the access to the site. I observed that visibility was restricted on both sides, exiting the site. Planning Policy 3 – Access, Movement and Parking Policy AMP2 indicates that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety. It has not been demonstrated that adequate visibility splays can be provided to serve the development and I find that the Council's second reason for refusal is also sustained.
9. In addition to road safety, the objector was concerned that the proposal would impinge on the privacy of No.22 and spoil views from the rear of that property. The planning system does not exist to protect private views, however, impact on privacy is a valid consideration. The appeal site falls towards the west and is of a size that would allow flexibility in siting. The design of a new dwelling could be controlled, and boundary fencing could be provided, such as to preclude overlooking of neighbours. I do not consider that the objection in respect of this matter are sustained.
10. As I have found that the Council's reasons for refusal are sustained, the appeal must fail.

This decision is based on the 1:1250 scale site location plan stamped received by the Council on 20th June 2016.

COMMISSIONER ANDY SPEIRS

List of Documents

Planning Authority:- Doc A - Statement of Case with Appendices

Third Party:- Doc B – Statement of Case, Mr & Mrs Wade



Appeal Decision

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356

Appeal Reference:	2016/A0172
Appeal by:	Mr Joseph O'Hare
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Dwelling and domestic garage.
Location:	Land north of and adjacent to 53 Mayo Road, Newry.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2016/1041/O
Procedure:	Hearing on 10 th October 2017.
Decision by:	Commissioner Damien Hannon, dated 15 th November 2017.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and its impact on visual amenity and rural character.
3. The appeal site is located in the countryside and not within any designation in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to this proposal for residential development in the countryside. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and any retained policies regarding issues raised by this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21).
4. 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. The appellant argued that the proposal was acceptable as a gap site in accordance with Policy CTY 8 of PPS 21.
5. Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. While ribbon development is not defined in policy, it is taken to mean a row of buildings which have a common frontage onto a road or are visually linked when viewed from that road. Dwellings numbered 51, 53 and 53a Mayo Road (as indicated on Site Location Map numbered 11936/2), are visually linked when viewed from the Road and constitute a ribbon of development for the purposes of Policy CTY 8. The appeal site lies between 51 and

53 and the proposed dwelling would add to that existing ribbon of development. Policy CTY 8 also states that, in respect of ribbon development, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. The policy also requires that such development to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and to meet other environmental requirements.

6. The appellant argued the appeal site to be a small gap site within an otherwise substantial and continuously built up frontage. A substantial and continuously built up frontage includes a line of three or more buildings along a road. The appellant pointed out that dwellings at 53 and 53a were approved on application sites that had a frontage onto the road. This was not disputed. Nonetheless, I must assess the situation in its present state and since approval both these dwellings have had their curtilages defined by fencing and restricted so that neither dwelling currently has a frontage onto Mayo Road. Furthermore, a gap exists between the curtilages of Nos. 53 and 53a. In these circumstances, while I consider the appeal site to be a small gap for the purposes of Policy CTY 8, it does not lie within a substantial or continuously built up frontage. The proposal does not constitute an exception to Policy CTY 8 and the Council's objection on grounds of addition to a ribbon of development is well founded.
7. The Council raised objection in respect of Policy CTY 13 and CTY 14, relating to the visual impact of the proposal and its impact on the rural character of the area. The appeal site has insufficient vegetation cover or landform backdrop to enable the proposal, especially after provision of roadside visibility splays, to appear adequately integrated into the landscape. Consequently, the proposal would appear as a prominent feature in the landscape which, when viewed with other nearby dwellings, would present as suburban style ribbon development to the detriment to the visual amenity and rural character of the area. The proposal would offend criteria (a), (b) and (c) of Policy CTY 13 and criteria (a) and (b) of Policy CTY 14. I conclude the Council's objection on grounds of lack of integration and detriment to visual amenity and rural character to be well founded.
8. The proposal does not constitute an exception in compliance with Policy CTY 8 and fails to meet the requirements of policies CTY 13 and CTY 14. Also, no persuasive, overriding reasons were advanced as to why the development is essential and could not be located in a settlement. I therefore consider the Council's objection to the proposal in principle and based on Policy CTY 1 to be well founded. In this context, I further conclude all three of the Council's reasons for refusal, based on policies CTY1, CTY8, CTY13 and CTY 14 to be sustained and determining in this case.

This decision is based on the 1:2500 scale Site Location Map numbered 11936/2 and received by the Council on 8th August 2016.

COMMISSIONER DAMIEN HANNON

List of Appearances

Planning Authority: -

Mr Gareth Kerr

Appellant: -

Mr J. O'Hare

Mr John Collins (Collins & Collins)

Mr John Young (Collins & Collins)

List of Documents

Planning Authority: -

COU1

Statement of Case

Appellant:-

APP1

Statement of Case



Appeal Decision

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Appeal Reference:	2017/A0047
Appeal by:	Mr Paul Burke
Appeal against:	The refusal of full planning permission.
Proposed Development:	Retention of a portion of an existing domestic store as replacement for substandard aged domestic stores.
Location:	12 Marshallstown, Ballynoe Road, Downpatrick.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2017/0199/F
Procedure:	Written Representations and accompanied site visit on 26 th October 2017.
Decision by:	Commissioner Damien Hannon, dated 22nd November 2017.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the impact of the proposed development on the amenity value of the existing property, the residential amenity of neighbours and the visual amenity and character of the surrounding area.
3. The appeal site is located within the settlement of Ballynoe as designated in the Barbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to proposals for residential outbuildings. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this appeal. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum).
4. In accordance with Policy EXT 1 of The Addendum, planning permission will be granted for a residential outbuilding where four stated criteria are met. Objection was raised on the grounds that criteria (a) (b) and (d) would not be met.

5. No. 12 Marshalltown is one of a pair of semi-detached dwellings orientated to face a cul de sac off Ballynoe Road serving three pairs of semi-detached properties. The side elevation of the appeal property faces the main Ballynoe Road. No. 93, one of a pair of semi-detached properties facing Ballynoe Road, shares a boundary with the appeal site. A steel framed building clad in green metal sheeting measuring 10m in length, 5.4m in width and 3.4m in height (2.8m to eaves) currently lies between the rear elevation of No. 12 Marshalltown and the side elevation of No. 93. It is proposed to alter this sectional, steel framed building in situ by removing one section. The resultant building would have the same height and width as the existing building but its length would be reduced to 7m. A roller shutter door would be retained in the building's Ballynoe Road facing elevation.
6. Criterion (a) of Policy EXT 1 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. The building would, to various degrees, be partially shielded from view on approach along Ballynoe Road in either direction by the boundary walls of No. 12 and other existing buildings. Nonetheless, given the building's dimensions, the ground level of the appeal site in relation to its surroundings and its location close to the main road, clear views of the proposal would be available from a considerable stretch of the Ballynoe Road and in particular on approach from the south. The building would be metal clad and industrial in appearance. I accept that similar finishes are among those used on a community building on the opposite side of the road. However, I consider metal cladding to be appropriate to such a building, because of its size and function. The appeal building would be viewed primarily against the backdrop and in the context of residential property. In these circumstances, I conclude that the scale, massing, design and external materials of the proposal would not be sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area. Criterion (a) of Policy EXT 1 would not be met.
7. Criterion (b) requires that the proposal does not unduly affect the privacy or amenity of neighbouring residents. Objection was raised on the grounds that the proposal would have an adverse impact on the amenity of the occupants of 93 Ballynoe Road by reason of overbearing and dominance. The eaves of the proposed building would rise to 2.8m above the ground level of No. 12 which is above that of No. 93. Furthermore, there is a habitable room window in the elevation on No. 93 facing the proposed building. However, given the separation distance of more than 3m between the side elevation of No 93 and the proposed building, I do not consider that this relationship would give rise to unacceptable loss of amenity to the occupants of 93 Ballynoe Road by reason of overbearing and dominance. Criterion (b) of Policy EXT 1 would be met and objection in this respect is not well founded. The Council's first reason for refusal is not therefore sustained.
8. Criterion (d) requires that sufficient space remains within the curtilage of the property for recreational and domestic purposes, including the parking and manoeuvring of vehicles. Objection was raised on the grounds that implementation of the proposal would leave the existing property with a substandard level of amenity space. The proposed building and the associated car parking area would dominate the rear of the property and remove the potential to provide private rear amenity space. However, given the orientation and design of the appeal property

and the restricted nature of the plot, all of the garden area within the site is overlooked from public roads. Consequently, the property never presented the potential to provide private amenity space. Furthermore, while not private, the quantum of amenity space to the front and side of the property is adequate. Additionally, the rear of the property is the logical place to site outbuildings and other ancillary structures such as oil tanks. In these circumstances I do not consider that the failure to comply with criterion (d,) in respect of private amenity space provision, should be fatal to the proposal. Objection in this respect and the Council's third reason for refusal are not sustained.

9. I have already concluded that the proposal would detract from the appearance of the existing property and the character of the surrounding area. Criterion (a) of Policy EXT 1 would not be met and the Council's second reason for refusal is sustained and determining in this case.

This decision is based on the following drawings:-

1:500 scale Site Plan numbered LA07/2017/0199/02 and received by the Council on 9th February 2017.

1:50 and 1:100 scale Floor Plans and Elevations numbered LA07/2017/0199/03 and received by the Council on 9th February 2017.

1:2500 scale Site Location Map numbered 11936/2 and received by the Council on 8th August 2016.

COMMISSIONER DAMIEN HANNON

List of Appearances

Planning Authority: -

Ms Catherine Moane

Appellant: -

Mr Paul Burke
Mr Gerry Tumelty (Tumelty
Planning Services)

Third Parties

Mr Gerard Holland
Mr Gerard McGrath**List of Documents**

Planning Authority: -

COU1 Statement of Case

Appellant:-

APP1 Statement of Case

APP2 Rebuttal