



January 6th, 2022

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 12th January 2022** at **10:00 am** in **Mourne Room Downshire and Microsoft Teams**.

Committee Membership 2021-2022

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

Agenda

- 1.0 Apologies and Chairperson's remarks.
- 2.0 Declarations of Interest.
- 3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for the entire item.

- 4.0 Minutes of Special Meeting of the Planning Committee held on Wednesday 15 December 2021 re: pre determination hearing in respect of planning applications • LA07/2020/0485/F ; LA07/2020/0486/DCA and LA07/2020/0487/LBC . (Attached).

[📄 Pre-Determination Hearing 15.12.2021.pdf](#)

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- 5.0 Minutes of Planning Committee Meeting held on Wednesday 15 December 2021. (Attached)

[📄 Planning Committee Minutes 15.12.2021.pdf](#)

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- 6.0 Addendum list - planning applications with no representations received or requests for speaking rights. (To follow).

[📄 Addendum list - 12-01-2022.pdf](#)

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Development Management - Planning Applications for determination (in closed session)

- 7.0 LA07/2020/1756/F 86 Lismore Crossmaglen Newry BT35 9ET Single storey extension to rear and side of dwelling to allow new kitchen and disabled person accommodation. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Councillor A Finnegan, in support of the application.
- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application. **(Submission to follow under separate cover).**

This item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business.

[📄 LA07-2020-1756-F.PDF](#)

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8.0 LA07/2021/0306/F Adjacent to No. 08 Chapel Road Meigh Co Armagh N.Ireland BT35 8JY Proposed new domestic infill dwelling house. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Barney McKevitt and Timmy Hamill, agent, in support of the application. **(Submission attached).**

📄 *LA07-2021-0306-F.PDF*

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📄 *Item 8 - LA07-2021-0306-F.pdf*

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9.0 LA07/2021/0338/O 105m north west of No. 37 Polkone Road Mullaghbawn Newry BT35 9YQ Site for dwelling and detached garage. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application. **(Submission attached).**

📄 *LA07-2021-0338-O.PDF*

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📄 *Item 9 - LA07-2021-0338-O.pdf*

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10.0 LA07/2021/1252/O 40m south west of No. 67 Tullyframe Road Attical Dwelling and garage. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application. **(Submission attached).**

📄 *LA07-2021-1252.pdf*

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📄 *Item 10 - LA07-2020-1252-O.pdf*

Page 59

11.0 LA07/2020/1584/F Lands between Nos 228 and 230 Kilkeel Road Annalong Proposed infill dwelling and attached garage with associated site works. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Eamon Larkin, agent, in

support of the application. **(Submission attached)**.

- Jen Firth, DAERA, will also be in attendance for this application.

[LA07-2020-1584-F.pdf](#)

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[Item 11 - LA07-2020-1584-F.pdf](#)

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12.0 LA07/2021/0329/O To the rear of No.30 Grove Road Annalong Proposed replacement of redundant non residential building with new storey and half dwelling on former industrial ground to the rear of No. 30 Grove Road, and improvement accesses to Nos 28, 30 & 30A Grove Road. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from John Cole, agent, and Ryan Newell, applicant, in support of the application. **(Submission attached)**.

[LA07-2021-0329-F.pdf](#)

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[Item 12 - LA07-2021-0329-0.pdf](#)

Page 87

13.0 LA07/2021/0953/F Lands approx. 55m north west of 108 Leitrim Road Hilltown Erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme. (Case Officer report attached).

REFUSAL

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

[LA07-2021-0953-F.pdf](#)

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[Item 13 - LA07 2021-0953-F.pdf](#)

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14.0 LA07/2021/0650/F 30m NWE of 11 Glen Road Downpatrick BT30 8AY Proposed off site replacement dwelling and domestic garage. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Brendan Starkey, agent, in support of the application. **(Submission attached)**.

[LA07_2021_0650_F_CO_Report.pdf](#)

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15.0 LA07/2021/0875/O Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick Proposed Replacement Dwelling. (Case Officer report attached).

REFUSAL

- Addendum list

LA07-2021-08675-O - adj to 5 Loughkeelan Road Strangford.pdf

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16.0 LA07/2021/1162/F 190m south west of no. 46 Moneyslane Road Ballyward Castlewellan Proposed agricultural shed, secure store, yard and paddock (to replace existing agricultural shed). (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Martin Bailie, agent, and Desmond Turley, applicant, in support of the application. **(Submission attached).**

LA07_2021_1162_F Moneyslane.pdf

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Item 16 - LA07-2021-1162-F.pdf

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Development Management - Planning Applications for determination (in closed session)

17.0 LA07/2021/1203/O Between 60 & 62 Drumee Road Castlewellan Infill dwelling, with domestic garage plus associated site works. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Colette Maze, agent, and Owen Boden, applicant, in support of the application. **(Submission to follow under separate cover).**

This item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business.

LA07_2021_1203_O_CO_report.pdf

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Development Management - Planning Applications for determination

18.0 LA07/2021/1290/F Knocknashina Road Downpatrick Provision of a public car park to provide parking for Knocknashina Play Park, (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07-2021-1290-F Knocknashina Road Car Park.pdf*

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For Noting

19.0 Historic Action Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated January 2022.pdf*

Page 144

20.0 Planning Committee Performance Report for December 2021. (Attached).

 *December 2021 Planning Committee Performance Report.pdf*

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21.0 Current appeals and decisions. (Attached)

 *Current Appeals and Decisions issued in December 2021.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Special Planning Committee - Pre determination Meeting of Newry, Mourne and Down District Council held on Wednesday 15 December 2021 at 10.00am in the Mourne Room, Downshire Estate, Downpatrick and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor C Enright
 Councillor L Devlin
 Councillor G Hanna
 Councillor V Harte
 Councillor M Larkin
 Councillor D Murphy
 Councillor L McEvoy
 Councillor H McKee
 Councillor G O'Hare
 Councillor J Trainor

(Officials)

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|---------------|--|
| Mr C Mallon | Director Enterprise Regeneration & Tourism (via Teams) |
| Mr A McKay | Chief Planning Officer |
| Mr P Rooney | Principal Planning Officer |
| Ms N Largey | Legal Advisor |
| Mr F O Connor | Legal Advisor (via Teams) |
| Ms S Taggart | Democratic Services Manager (Acting) |
| Ms C McAteer | Democratic Services Officer |
| Ms L Dillon | Democratic Services Officer |
| Ms P McKeever | Democratic Services Officer |

Barry Owens - Agent, Michael Conlon - Client, Michael Rogers - Project Architect, Andrew Burnside - Keltbray and Karen McShane - Consultant were all in attendance to present in support of the applications.

Mr Stephen Lancashire - NI Water, Mr David Clarke - NI Water, Mr Jason Killen - DfI Roads joined the meeting via Teams in opposition to the applications.

SP/001/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Burgess.

SP/002/2021: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

PRE DETERMINATION HEARING IN RESPECT OF THE FOLLOWING PLANNING APPLICATIONS:

- LA07/2020/0485/F -Major city centre mixed use development scheme comprising of circa 2100 square metres of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry);3no. retail units with associated ancillary service yard areas; 1no. coffee bar (within the ground floor of the listed building); 82no. residential units (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry - Nos. 46 /47 /49 /50 /51 /52/53 & 54 Merchants Quay Newry together with Nos 9/11 /13 /15 & 17 Cornmarket Newry **APPROVAL**
- LA07/2020/0486/DCA - Conservation area consent application - Nos 46/49/50/51/52/53 & 54 Merchants Quay Newry for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area) **APPROVAL**
- LA07/2020/0487/LBC - Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors **APPROVAL**

Ms Largey advised Members that concerns had been raised by statutory consultees in relation to Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC and the Department had requested that Council fully discuss these concerns. She said this was not to be a decision making process but an opportunity to listen and discuss only.

Presentations

Mr P Rooney, Principal Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Mr B Owens, Ms K McShane and Mr M Rogers presented in support of the application.

Discussion took place following the presentations and the following issues were raised:

- Mr Rooney said the proposal had been recommended for approval to the Planning Committee subject to draft detailed negative, pre-commencement planning conditions.
- Mr Rooney said there is a general precautionary approach in planning policy in relation to flooding. In this case Rivers had expressed concerns in terms of the prospect of flooding on the application site and the possible displacement of flooding due to the impact of the development. It had requested that a model

would need to be run with various data inputted to define the extent of any displacement flooding.

- Mr S Lancashire, Rivers Agency, NI said the site was shown to flood on predictive models and said the applicant had proposed to manage this by mitigation measures in allowing the building to flood and using resistant and resistant construction and however, he said this could result flood risk elsewhere if there was a large volume of water that could not enter where the buildings were now. He acknowledged the applicant had covered this aspect broadly however a river model would have been preferable.
- Mr Lancashire said there was both a fluvial water risk and a service water flooding risk. He said the applicant proposed to gather run off water in a storm sewer and NI Water to discharge it into the river/canal.
- Mr Lancashire said flooding had occurred in this vicinity in the past and he would have preferred to have seen a mathematical model done in terms of flood risk rather than the broad assessment that had been submitted.
- Ms McShane said a Travel Plan had been provided to identify alternative means of car parking and it had been decided to allocate 11 car parking spaces for essential users and 1 space for the car club vehicle. She said the bus station was located opposite the site and residents could avail of the Travel Card Scheme which entitled them to 3 years subsidised travel.
- Mr Owens said there was a growing trend in Glasgow, the UK and ROI for city/town centres to be car free.
- Mr Rooney said that the measures outlined in the Travel Plan had been material considerations for the Planning Department, but only limited weight could be attached to them because the gap between what Planning considered to be required in terms of car parking provision and what was being proposed on site was too wide.
- Ms McShane said she did not believe there was a requirement for 187 car parking spaces and the Travel Plan and the Car Club were mitigation measures against that requirement.
- Ms McShane said the majority of the development was residential, and users would be encouraged to use public transport.
- Mr Killen DfI Roads said the applicants had referenced Glasgow and Belfast in their presentation but said these cities could not be compared to Newry.
- Mr Killen said the full car parking allocation would be required in terms of residential parking and said having seen the amended drawings, he still considered it did not meet standards in terms of pedestrian safety and 2-way traffic.
- Mr Killen acknowledged that whilst parking was a planning policy, he said there was a shortfall of parking currently in Newry and this would cause further traffic disruption.
- Mr Rooney said, in terms of the enforcement of planning conditions, if it was not possible to provide the required car parking spaces within a site, then it was normal practice to attach planning conditions to seek to provide parking elsewhere in the city centre which would be the responsibility of the developer.
- Ms McShane said 198 spaces would require 1 acre of land and this would not be possible on the site. She said the frontage was an existing archway off Merchants Quay and the only way to widen it would be to demolish a building which they did not wish to do. She said revised plans allowed for a widened access of a 1.2 metre footway from the arch into the site and the internals would be the responsibility of the management company which, she said was standard practice with this type of development.
- Mr Rooney said the conditions had been attached to the approval on the basis that the applicant was agreeable to them. If that had now changed, the context for the

previous recommendation and the Planning's view on the proposal would also change.

- Mr Rooney said Planning had identified the need for 109 car parking spaces for the residential element of the development.
- Ms McShane said 109 car parking spaces would be the full standard if not putting in any mitigating measures.
- Ms McShane said a car park survey had identified 817 spaces available in the area and at the busiest times the number of these spaces occupied was 629 – 677. She said there were over 300 parking spaces available at 7pm and this number increased after that time into the night.
- Ms McShane said a Service Management Plan would outline bin collection requirements and as was normal practice in such a development, residents would pay a service charge which would cover the bins being taken out for collection.
- Mr Killen said there were safety concerns regarding access on to Merchants Quay and said it was a very busy route.
- Mr Killen said there were additional developments that had not been taken into account at the time the car parking survey had been conducted.
- Ms McShane acknowledged a revised car parking survey would be required and said in terms of safety concerns, there would only be vehicular access from Merchants Quay.
- Mr Killen said with regard to emergency access, they would have to take worse case scenario.
- Mr Killen said a 2m x 1m visibility splay would be required, more so for Merchants Quay access than Corn Market to ensure safety for pedestrians when walking across the front of the access.
- Ms McShane said there was an existing gated access on to Merchants Quay and to address concerns for pedestrians crossing, a low-level bollard could be put adjacent to the wall or alternatively the corner of the buildings could be chamfered to satisfy any concerns.
- Mr Killen said he did not consider the 0.7m wide footpath proposed was wide enough.
- Mr Killen said it was not normal practice to allow a shared access as there would be two different surface areas, He said 1.2 metres was the minimum for a foot way over a short distance which he would be happy to accept and 4.8 metres to allow two-way vehicular access to avoid any obstructions on the main public road.
- Mr Rogers said the apartments would all be accessed via the Corn Market access and scale was important as this was conservation area.

Ms Largey advised Members to take some time out to consider the issues raised during the discussion.

Councillor McAteer asked if there was any information they had heard that they would like to rebut at this stage.

Mr Owens said it was a major regeneration opportunity for Newry City Centre that would bring more people to live in the city centre and the opportunity should not be lost.

Ms McShane said there was nothing in the technical details that could not be overcome with a revised lay out plan and they would be happy to provide 62 car parking spaces in conjunction with the other proposed mitigating measures outlined.

Mr Lancashire, Rivers Agency NI said he would not be content with the level of detail submitted. He said on the basis of the site being deemed an exception to policy the applicant had been unable to provide compensatory flood storage at the site which could be

done at other sites and their approach was to allow it to flood but make it resilient and resistant in terms of building materials.

Mr Lancashire said he considered the flood risk should be dealt with up front rather than by a condition as there could be a situation where other buildings were affected and the condition may be difficult to discharge.

Mr Killen said he considered the residential requirement for car parking provision should be met at full standard.

Ms McShane referred to a similar scheme at the Titanic Pumphouse in Belfast that had recently been approved and where the flood level would come up and into the building but the building was designed to be resilient, so it could accommodate the 1 in 100 year flood risk event. She said currently the site was a hard-standing but the proposed design would reduce run off water due to a green space being created on the site.

Ms McShane said regarding car parking, there was already mitigating measures in place in terms of a cycle scheme and there would be a car club and 11 car parking spaces allocated for essential users. She said they could accommodate 62 spaces but the provision of 187 car parking spaces was not feasible.

The Pre-Determination meeting concluded at 11.30 am.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 15 December 2021 at 11.30am in the Mourne Room, Downshire Estate, Downpatrick and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor C Enright
Councillor L Devlin
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D Murphy
Councillor L McEvoy
Councillor H McKee
Councillor G O'Hare
Councillor J Trainor

(Non Committee Members)

Councillor A Finnegan

(Officials)

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| Mr C Mallon | Director Enterprise Regeneration & Tourism (via Teams) |
| Mr A McKay | Chief Planning Officer |
| Mr P Rooney | Principal Planning Officer |
| Mr A Hay | Principal Planning Officer (via Teams) |
| Ms A McAlarney | Senior Planning Officer (via Teams) |
| Mr M Keane | Senior Planning Officer (via Teams) |
| Mr A Davidson | Senior Planning Officer (via Teams) |
| Ms P Manley | Senior Planning Officer (via Teams)) |
| Ms N Largey | Legal Advisor |
| Mr F O Connor | Legal Advisor |
| Ms S Taggart | Democratic Services Manager (Acting) |
| Ms L O'Hare | Democratic Services Officer |
| Ms L Dillon | Democratic Services Officer |
| Ms C McAteer | Democratic Services Officer |

P/115/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Burgess.

P/116/2021: DECLARATIONS OF INTEREST

There were no Declarations of Interest

**P/117/2021: DECLARATIONS OF INTEREST IN ACCORDANCE WITH
PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

Councillor Devlin stated she would not take part in discussion / decision on Items 9, 11 and 12 as she did not attend the site visits or presentations to Committee.

Item 9 -LA07/2021/0358/O deferred for a site visit on 22-11-2020. Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee attended

Item 10 LA07/2020/1854/0 - deferred for a site visit on 22-11-2020. Cllrs. Burgess, Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare attended

Item 11 LA07/2021/0108/F - deferred for a site visit on 22-11-2020. Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare attended

Item 12 LA07/2020/1355/F - Previously at Committee on 25 August 2021 - Councillor Devlin recorded an apology for this meeting and Councillor Burgess left the meeting before this application was discussed.

MINUTES FOR CONFIRMATION

**P/118/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 17 NOVEMBER 2021**

Read: Minutes of Planning Committee Meeting held on Wednesday 17 November 2021. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McEvoy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 17 November 2021 as a true and accurate record.

FOR DISCUSSION/DECISION

P/119/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 15 December 2021. **(Copy circulated).**

AGREED: On the proposal of Councillor McEvoy, seconded by Councillor O'Hare, it was agreed to remove the following application listed on the addendum list for Wednesday 15 December 2021:

- **LA07/2021/0875/O** - Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick. holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF
REFUSAL

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/120/2021: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC

Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC were determined together.

Ms Largey said the agent had referred the Committee to PPS3 at the Pre Determination Meeting earlier in the day, however she said the provisions of the SPPS (para.6.3 04) indicated where there was a reduction in parking standards it could only be addressed via either the LDP or a Transport Assessment and as there was no provision in the LDP in respect of a reduction in parking spaces, that only left a Transport Assessment. She said a Transport Assessment had not been received and, given the significant difference in the parking spaces proposed by the applicant and that requested by Planning, she considered the Committee was not in a position to reach a decision today and the application should be deferred to allow the parking issue to be addressed.

Ms Largey said it was up to the applicant as to whether to agree to submit a Transport Assessment or accept the condition. She said if a Transport Assessment was submitted, it would then have to be consulted upon with DfI Roads. Ms Largey referred to a similar case in Belfast where a reduction in car parking had been applied and which was subsequently the subject of judicial review proceedings.

Ms Largey also referred to the Tribeca Review Belfast where all mitigating measures had been in place and a Transport Assessment submitted but was still the subject of a judicial review. Ms Largey said for all the reasons stated, and with the agreement of Planning, she strongly advised the Committee that the application be deferred.

Discussion took place with the following issues raised:

- Councillor Murphy said it was very disappointing the application could not be processed as it was a very necessary development for Newry city and asked if a timeframe could be given.
- Ms Largey said the timeframe would be determined by whether the applicant chose to accept the condition imposed, or submit a Transport Assessment and if a Transport Assessment was submitted it would then have to be consulted on with DfI Roads.
- Councillor McAteer asked what the situation would be if the Committee decided to change the existing conditions as there was an argument the full parking standard should not be applied. Ms Largey said the policy required a Transport Assessment to be carried out to evidence that argument.
- Ms McShane said the threshold had not been met to warrant a Transport Assessment and said the car parking element of the Transport Assessment would reach the same conclusion that 62 spaces was the optimum number to move forward with.
- Mr Rooney said Planning would have to look at the issue of the thresholds, however, he said the previous recommendation to approve was on the basis of meeting full standards and it was now being proposed those standards would not

be met. He said legal advice should not be ignored and a proper assessment would be required.

- Mr McKay said the car parking surveys had not taken into account subsequent developments and he considered the Committee was not in a position to proceed with a decision given the legal advice and the advice from DfI Roads.
- Ms McShane said paragraph 3.5 of the Transport Assessment Guidelines referred to the size threshold and said the application did not meet the threshold. She said one of the primary functions of the Transport Assessment would be the impact on the road network and with the allocation of only 11 spaces on the site, there would be little or no impact on the road network and even if there was full car parking provision, there were three roads from the site so the traffic would dissipate very quickly. In relation to car parking, the Transport Assessment would set out a statement on the car parking provision, identify mitigating measures in place and decide on a number that would be appropriate to serve the development. Ms McShane acknowledged the subsequent approvals that had not been included in the car parking report, however there would still be over 400 spaces available at night and they would be putting forward 62 spaces as a proposal.
- Mr Killen said the Department could request a Transport Assessment where it saw fit, eg when it may affect the road infrastructure. He said the 62 proposed spaces would not be acceptable and in addition, there were other refusal reasons that had not been addressed, and if all the reasons were not addressed, he would be recommending the application be called in by DfI Planning if the Committee were to approve it.
- Councillor Enright said he would like to see the car parking issue resolved in terms of mitigating measures and meeting sustainability commitments.

Councillor McKee proposed to defer making a decision in respect of Planning Applications LA07/ 2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC. Councillor Devlin seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

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|--------------|----|
| FOR: | 12 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was carried.

Ms Largey said they would look at the issue of whether the standards apply.

AGREED: **On the proposal of Councillor McKee seconded by Councillor Devlin, it was agreed to defer Planning Applications LA07/2020/0485/F, LA07/0486/DCA and LA07/2020/0487/LBC to allow the parking issue to be addressed and to look at whether the standards apply.**

P/120/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

(2) LA07/2021/0358/O

(Councillors Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee were in attendance at the site visit)

(Councillors Enright, Devlin, Hanna, O'Hare and Trainor withdrew from the discussion/decision on this application)

Location:

Located approximately 50 metres south east of no. 91 Maphoner, Latbirget, Mullaghbawn.

Proposal:

Proposed erection of outline rural detached infill dwelling house and detached domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr A Davidson, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

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

Mr B McKeivitt, agent and Mr E Flynn, applicant were in attendance to answer any questions from Members.

Issues Raised:

- There was evidence to support the building referred to on the site without planning permission had been in situ for at least 10 years.
- The PAC and Council approach has been that buildings should have either planning permission or a certificate of lawful use before they can be considered as part of an infill application.
- In the past the PAC had accepted an application where a certificate of lawful use was not required as there was other evidence to prove the building had been in place for more than 5 years.
- Mr Davidson said there were two elements to consider, 1. There was no planning permission for the building and 2. Even if the building had planning permission, Planning did not consider it had access to the road and therefore it could not be considered as a third building.

Councillor Murphy proposed to issue an approval contrary to officer recommendation on the basis that the building was in situ for a considerable time and was being used. He said he considered there were three buildings with frontage. Councillor Larkin seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

| | |
|----------|---|
| FOR | 6 |
| AGAINST: | 0 |

ABSTENTIONS: 0

The proposal was carried.

AGREED: On the proposal of Councillor Murphy, seconded by Councillor Larkin, it was agreed to issue an approval in respect of Planning Application LA07/2021/0358/O contrary to officer recommendation on the basis that the building on the site without planning permission had been in situ for approximately 10 years and was considered to be a third building thereby satisfying the requirements of an infill application.

(3) LA07/2020/1854/O

(Cllrs. Burgess, Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare were in attendance at the site visit).

(Councillors Enright, Hanna, and Trainor withdrew from the discussion/decision on this application)

Location:

40m NW of 169 Bryansford Road, Kilcoo.

Proposal:

Infill Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Mr D Rooney, agent and Mr J McClean, applicant were in attendance to question any questions from Members.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/1854/O saying following the site visit he considered it to be an infill site and there was a substantial shed along the laneway creating the third building. Councillor O'Hare seconded the proposal.

Ms McAlarney reminded Members the shed on the site did not have planning permission and could not therefore be considered. Councillor Larkin said he was referring to the historical building along the lane as referenced by the agent.

The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR: 6
AGAINST: 0
ABSTENTIONS: 2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor O'Hare, it was agreed to issue an approval in respect of Planning Application LA07/2020/1854/O contrary to officer recommendation on the basis that the historical building on the lane was considered to be a third building thereby satisfying the requirements of an infill application.

Councillor Devlin expressed concern about setting a precedent if the Committee was now approving applications where in the past they would have been refused and potentially creating a precedent that could see people erect buildings to then gain an infill site.

Ms Largey said the Committee had taken a change in position in this type of application recently and she said it was something that would have to be looked at in January.

(4) LA07/2021/0108/F

(Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare were in attendance at the site visit).

(Councillors Enright, Devlin, Hanna, and Trainor withdrew from the discussion/decision on this application)

Location:

50m sw of 31a Ballydrumman Road Castlewellan. BT31 9UQ

Proposal:

Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Mr C O'Callaghan, agent was in attendance to question any questions from Members.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor O'Hare it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2021/0108/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(5) LA07/2020/1355/F

(Councillor Devlin withdrew from the discussion/decision on this application)

Location:

90 metres north of 14 Upper Clontigora Road Killeen Newry

Proposal:

Erection of replacement dwelling with detached garage (amended proposal)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Mr C O'Callaghan, agent was in attendance to question any questions from Members.

Issues Raised:

- The agent considered he had complied with the request from the Committee regarding the re-siting issue.
- The narrow strip of land next to the site was not in the ownership of the applicant and the proposed siting was positioned as close as possible to the old house.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/1355/F contrary to officer recommendation on the basis that all of the refusal reasons could be applied to other applications within the Slieve Gullion AONB, it complied with policy in relation to the AONB and he considered the proposed application to be sympathetic to the character of the area. Councillor Harte seconded the proposal.

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

| | |
|--------------|---|
| FOR: | 9 |
| AGAINST: | 0 |
| ABSTENTIONS: | 1 |

The proposal was carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Harte, it was agreed to issue an approval in respect of Planning Application LA07/2020/1355/F contrary to Officer recommendation on the basis that it complied with policy in relation to the AONB and was sympathetic to the character of the area.**

(6) LA07/2021/0068/F

(Councillor Enright left the meeting)

Location:

Between 140 and 142 Concession Road Crossmaglen Newry BT35 9JE

Proposal:

New dwelling house and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In objection

Mr Patrick McKeever and Mr Shea Gregory (via Teams) presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

Mr Colin O'Callaghan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr O'Callaghan offered condolences to the family, friends and colleagues of the late Councillor Sean Doran on his recent sad passing and asked that it be noted.

Issues Raised:

- The proposed site line works were the same as was proposed in 2004 and since that time a new wall, fence, substantial planting and electric gates had been installed, all of which would have to be removed to facilitate the site line works.
- Mr Davidson said the issue of ownership was addressed on page 2 of the Case Officer report and Planning was satisfied that appropriate notice had been served to the appropriate people regarding this issue.
- Ms Largey advised that generally matters of ownership were a civil matter and not planning considerations.
- Mr Davidson said whilst approval may be justified for developments that would meet the criteria for development, Planning considered this application did not meet that criteria.
- Mr Davidson said there were inaccuracies in the drawings, overlooking issues and privacy concerns to neighbouring properties. He said the proposed site was previously a garden for No. 140 and it was simply too small to be considered as an acceptable site.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Devlin, it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2021/0068/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(7) **LA07/2021/0911/F**

Location:

6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF

Proposal:

Conversion of existing agricultural barn to self-contained holiday accommodation

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Colin O'Callaghan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Issues Raised:

- Mr Keane said the proposal failed to meet any of the criteria set out in TSM 5 for self - catering accommodation.
- No information in support of farm diversification had been submitted.
- In response to a query as to whether a new application would be required if the application was to be assessed under farm diversification, Ms Largey said that Planning would request a new application, however it would be up to the Committee to decide.
- Mr O'Callaghan said he could not confirm if the building had ever been residential and said he considered there was no requirement for the building to have local importance.
- Mr Keane said policy required that the building would have to be deemed locally important, which he said Planning considered it was not.
- Mr McKay said there was a lack of information and a lack of assessment of policy and suggested the Committee defer the application.
- Mr O'Callaghan said there two different policies and they had gone with the Tourism policy that referred to the reuse of local buildings with no reference to having to be of local importance.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2021/0911/F to allow for the appropriate information to be submitted and to investigate the relevant policies in more detail.**

(Cllr. McKee and Cllr Trainor withdrew from the discussion/decision on the next application)

(8) LA07/2020/0316/O

(Councillor Enright re-joined the meeting)

Location:

145m North of 12 Polkone Road Ummericam Dorsey Mullaghbawn.

Proposal:

Farm Dwelling and Garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Brendan Starkey, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues Raised:

- Mr Davidson did not consider the block structure without a roof could be deemed a building and said there was only one building that could be taken into account in planning terms.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/0316/O on the basis that the buildings on the site could be accepted as a cluster within an existing group, the site lines did not need vegetation to be removed so therefore it would not be prominent in the countryside.

Councillor Larkin seconded the proposal saying in the past the Committee had accepted similar type structures without roofs as buildings.

The proposal was put to a vote by way of a show of hands and voting was as follows:

| | |
|--------------|---|
| FOR: | 8 |
| AGAINST: | 2 |
| ABSTENTIONS: | 1 |

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of Planning Application LA07/2020/0316/O contrary to officer recommendation on the basis that the buildings represented a cluster, the site lines did not need vegetation to be removed and it would not be prominent in the countryside.**

(9) LA07/2021/0040/O

Location:

Between No 5 & 7 Bog Road Forkhill Newry Co Down,

Proposal:

Infill Dwelling and Garage

Conclusion and Recommendation from Planning Official

Refusal

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Ms Margaret Smith Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:-

- Mr Davidson said the lane ended at No. 7 Bog Road, however the issue was not where the lane ended, but that No. 7 was on the opposite side of the lane way to buildings located at No. 5 and the proposed application site and there were no bookends.
- Ms Smith said the laneway ended at the private boundary of No. 7 and the driveway to No. 7 was private property and not a continuation of the lane.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2021/0040/O for a site visit to allow Members to assess the site in more detail.

(10) LA07/2020/1386/F

Location:

12-20 Belfast Road Ballynahinch

Proposal:

Demolition of existing buildings and erection of 5 residential dwellings with ancillary works (Amended plans).

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr John Scally, agent presented in support of the application, (via Teams) detailing and expanding upon a written statement that had been circulated to Committee Members.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/1386/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(11) LA07/2021/0531/O

Location:

87 & 89 Crawfordstown Road Drumaness

Proposal:

Replacement of 2 storey semi detached dwellings as single 2 storey dwelling with detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Sam Hawthorne, agent and Mr Paul Hamilton, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- In response to a comment from a Member that the two existing semi-detached dwellings were very small, Ms McAlarney said the building was an example of a non listed vernacular dwelling and as such the starting point that it be retained and any extension be in keeping with it.
- Ms McAlarney said policy did not consider the economics in the restoration of a building, just the importance of the building and seeking to retain it.
- Ms McAlarney said the starting point of the structural report was the demolition of the building as opposed to its retention.
- Mr Hawthorne said all internal walls would have to be removed and nothing of the character of the existing dwellings would be retained.
- Planning based their decision on the character of the building which they deemed to be vernacular and this was done via a visual inspection.
- Ms McAlarney said there were not many non listed vernacular buildings left in the countryside and it was important to retain them. She said annex 2 listed the primary characteristics of a vernacular building and said the subject building exhibited all of the characteristics listed.
- Mr Hawthorne said he considered it was incorrect that the building was circa 1925 and the maps referred to by the Department refer to the period 1920 – 1958 and there was no reference to the subject building being in situ in 1901.
- Mr Hawthorne said the reality was such that the amount of work required would result in none of the character being retained and the conclusion of the engineer was that the building was not fit for renovation.
- Mr McKay agreed with Ms McAlarney's view of the structural report that had been submitted saying it was important that it addressed the conservation element and not just the visual structural defects.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/0531 on the basis that he considered the agent had provided enough evidence and the structural report had demonstrated the building was beyond repair. Councillor Larkin seconded the proposal.

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

| | |
|-------------|---|
| FOR: | 8 |
| AGAINST: | 2 |
| ABSTENTIONS | 1 |

The proposal was carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/0531/0 contrary to officer recommendation on the basis that the structural engineers report demonstrated the building was beyond repair.**

Planning Officers to be delegated authority to impose any relevant conditions.

(Councillor Devlin left the meeting)

(12) LA07/2021/0974/O**Location:**

Lands 40m SSE of 50 Clarkill Road Castlewella

Proposal:

Dwelling and Garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Sam Hawthorne, agent and Mr Paul Hamilton presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Ms McAlarney said the backdrop alone was not sufficient to render the site acceptable in terms of integration and it was important to look at the application site in its immediate context from the Clarkill Road.
- Ms McAlarney said the proposed development would sit much higher up than the existing farm dwelling and it was unacceptable as a site in its own right.
- Ms McAlarney said as the application was only outline, there was no detail on the proposed building, but she said even a single storey would require a considerable amount of cutting into the hillside which would not be acceptable.
- Mr Hawthorne said he was content to leave the siting and design of the proposed dwelling open and to accept and adhere to any conditions applied.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/0974/O on the basis that he considered if the proposed development was suitably conditioned, it would not be detrimental to the area, that sympathetic materials be used that would blend with the landscape and it be located as close as possible to the lowest point on the red site line. Councillor Larkin seconded the proposal saying the application could be conditioned and the site was adjoining farm buildings.

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

| | |
|--------------|----|
| FOR: | 10 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/0974/O contrary to officer recommendation on the basis that if the development was suitably conditioned it would not be detrimental to the area, sympathetic materials used, and it be located as close as possible to the lowest point on the red site line.

All conditions be delegated to officers.**(13) LA07/2021/1041/O**

To the rear of 9 Wateresk Road Dundrum

Proposal:

Dwelling and detached garage with associated site works, including improvements to existing vehicular access

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Nicholas O'Neill, agent presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Issues raised:

- No. 9 and the proposed dwelling would share an access.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2021/1041/O for a site visit so Members could assess the site in more detail.

(Break 4.15pm – 4.35pm)

(14) LA07/2021/1041/O**Location:**

Lands located between 56A & 56B Crawfordstown Road Drumanness

Proposal:

Proposed Infill Dwelling and all associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Andy Stephens, agent presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Issues raised:

- Ms McAlarney said Planning considered the application did not comply with CTY8 in that No. 56A did not have frontage and there were not 3 buildings.
- Mr Stephens said he considered No. 56A did have frontage and he referred the Committee to two appeals one of which he said had an identical access arrangement to the application and the other one which demonstrated an application where the lane did not continue.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/1178/O on the basis that he considered the application did have frontage and met relevant policy. Councillor McKee seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

| | |
|--------------|---|
| FOR: | 7 |
| AGAINST: | 3 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2021/1178/O contrary to officer recommendation on the basis that the site had road frontage and it complied with policy.

(15) LA07/2021/1207/O

Location:

Between 60 and 62 Ballylucus Road Downpatrick

Proposal:

Two Infill Dwellings and garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Barry Hillen, agent presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1207/O on the basis that he considered it was obvious that No. 62 had roadside frontage and complied with policy. Councillor McKee seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

| | |
|--------------|---|
| FOR: | 9 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2021/1207/O contrary to officer recommendation on the basis that the site had road frontage and it complied with policy.

(16) LA07/2019/1000/F

Location:

Lands east of Harmony Heights Ballyholland Newry

Proposal:

Construction of 14 no Social Housing Units together with associated car parking, landscaping and site works for Registered Housing Association

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Mark Keane, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Michael Rogers, agent and Mr Paul Fox, Rural Housing (applicant) presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Planning to remove the words 'and in the interests of road safety' from the end of Condition 17.
- Mr Fox confirmed the allocations would be taken specifically from the Ballyholland Commons list.
- Ms Collins said there were 23 on the Ballyholland Commons list but the waiting list would determine what the allocations would be when the scheme is ready to allocate.
- Ms Collins said all social housing was allocated from the common waiting list.
- Mr Keane said he was content to amend the conditions to include the allocations would be taken specifically from the Ballyholland Commons list.

AGREED:

On the proposal of Councillor O'Hare seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1000/F as per the information and recommendation contained in the Case Officer report presented to Committee.

Condition to be added stating that the allocations would be taken specifically from the Ballyholland Commons list.

(17) LA07/2021/0726/F**Location:**

16A Derryleckagh Road Newry BT34 2N

Proposal:

Proposed Replacement Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

Mr Mark Tumilty presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Mr Keane said each application was site specific and in the case of the proposed application, whilst Planning had no objection in principle to replacing a dwelling with a larger dwelling, what was being proposed was excessive.
- Mr Keane said the house under construction next door was a completely different orientation to the proposed application and this was an important point to note.
- Mr Keane said the proposed application was not acceptable in terms of size, siting and design.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0726/F contrary to officer recommendation on the basis that the proposed design was reflective of others in the area, would be integrated into the countryside and complied with CTY 1 and CTY 3.

Planning officers to be delegated authority to impose any relevant conditions.

P/121/2021**DAERA - ACTIONS TO ADDRESS PLANNING DELAYS**

Mr McKay referred to the letter received from DAERA dated 8 November 2021 and circulated to Members. He said that due to a backlog of planning consultations, DAERA had advised in the short term, they would be unable to respond to any requests that sat outside of their core function of planning applications.

Mr McKay said this was a temporary measure and was being done so they could deal with the backlog and then revert back to their usual practice of response within the defined statutory periods.

Mr McKay said in the case of any applications requiring funding, sufficient time should be allowed for proper processing.

FOR NOTING

P/122/2021: HISTORIC ACTION SHEET

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Historic Action Sheet.

P/123/2021: PLANNING COMMITTEE PERFORMANCE REPORT - NOVEMBER 2021

Read: Planning Committee Performance Report for November 2021, **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Committee Performance Report November 2021.

P/114/2021: CURRENT APPEALS AND DECISIONS -NOVEMBER 2021

Read: Planning Appeals and Decisions Report for November 2021, **(Copy circulated)**

AGREED: It was unanimously agreed to note the Report on Planning Appeals and Decisions for November 2021.

The meeting concluded at 5.17 pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 12 January 2022.

Signed: _____ Chairperson

Signed: _____ Chief Executive

Item 6 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 12 January 2022

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

- **LA07/2021/0875/O** - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick Proposed Replacement Dwelling **REFUSAL**
- **LA07/2021/1290/F** Knocknashina Road Downpatrick Provision of a public car park to provide parking for Knocknashina Play Park **APPROVAL**

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1756/F

Date Received: 26/11/2020

Proposal: Single storey extension to rear and side of dwelling to allow new kitchen and disabled person accommodation

Location: 86 Lismore, Crossmaglen, Newry, BT35 9ET

Site Characteristics & Area Characteristics:

The application site is dwelling 86 Lismore. The dwelling is a single storey building. The application site is the end building of a terrace of three dwellings within the Lismore housing development. To the rear of the property is existing garden space (hardstanding) where a garden shed is stored. The garden space is separated from neighbouring garden (to the south-west of the site) by a garden fence of approximately 1.25m and demarcated from an area of grassed open space (to the north-east of the site) by another wooden fence of approximately 2m. The application site is located within the development limit for Crossmaglen, as designated in the Banbridge/ Newry and Mourne Area Plan 2015.

Site History:

P/2007/1394/F

- 86 Lismore, Crossmaglen, Newry
- Alterations and extension to dwelling
- Permission granted 10/12/2007.

The Planning Department have considered the above history related to this application.

This decision was granted by the previous Planning Authority and whilst it is a material consideration, it does not outweigh the serious planning concerns as outlined within this report.

Planning Policies and Material Considerations:

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to Planning Policy Statement 7

Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation

Consultations:

DfI Roads – No objections in principle with this application.

NI Water – Existing premises already connected to Public water network and public sewerage network. There are 150mm diameter foul sewers at the rear and to the side of the property. Applicant should contact NI Water to discuss if any alterations are required ahead of any planned building works.

Northern Ireland Housing Executive – Confirmed area shown as the garden in the site layout plan is in Housing Executive ownership and applicant has requested to purchase. The land sales application is currently being processed with various internal departments in the NIHE being consulted.

Objections and Representations:

5 neighbours were notified of the proposal on 08/12/2020. The proposal was also advertised in local press on 15/12/2020.

No objections or representations have been submitted for consideration.

Consideration and Assessment:

Banbridge/Newry and Mourne Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for the proposed alteration and extension of a dwelling following publication of the SPPS, the retained planning policy is PPS7 Addendum. This policy will be given substantial weight in determining the principle of the proposal in accordance of paragraph 1.12 of the SPPS.

PPS7 (Addendum) EXT 1: Residential Extensions and Alterations

Scale, Massing and Design

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) *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 proposal is for an extension to the existing property at both the side and the rear of the dwelling. Policy guidance outlines 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. The height, width and general size of an extension should be smaller than the existing house and the proposal subordinate. The scale and massing of the proposal are not sympathetic with the built form and appearance of the existing property. The proposal, approximately 59m², is not in proportion or subordinate to the main property (approximately 68m²) and represents an over-development of the application site. The scale of development proposed is unacceptable and is therefore contrary to criteria a) of EXT 1.

A proposal to extend a residential property can have a significant impact on the character and appearance of the local environment. The Planning Department are concerned that given the scale and massing of the proposed extension to both the side and to the rear of the existing development, the proposal will adversely impact on the character and appearance of the local environment. The proposal is contrary to policy EXT 1 in that it is not keeping with the locality and will detract from the appearance and character of the surrounding area.

Additional medical information was forwarded to the Planning Department in October 2021. Whilst the addendum to PPS 7 (paragraph 2.7) outlines the need for sympathetic consideration to proposals for persons with a disability, the policy also outlines that proposals must fully explore imaginative and innovative design approaches. The Planning Department cannot accept that this proposal, given the unacceptable scale and massing, is a satisfactory solution in line with policy. The Department have considered the specifics of this case but consider that the concerns are too great to warrant a relaxation of the policy to the level proposed within this application.

- (b) *The proposal does not unduly affect the privacy or amenity of neighbouring residents;*
The amenity of all residents should be protected from 'unneighbourly' extensions. There are some concerns with the rear element of this extension in regards amenity.

The proposal involves a new window to the SW elevation of the site. This window looks into neighbouring property number 85. Whilst this does create overlooking into the neighbouring garden, in this case, this window is acceptable as the proposed window is located in a hallway and not a main room of the house.

The proposal brings about issues of dominance upon the neighbouring property. The proposal contributes to the sense of being 'hemmed in'. The rear extension is nearly the full length of the plot size of the property. The proposal dominates outward views from the adjoining ground floor window and appears excessively large and overbearing.

In regards the loss of light brought about by the proposal, a 60-degree line has been drawn from the neighbouring property's closet window. The light test is an assessment tool which should be used with other factors in order to gauge the acceptability of proposals in terms of overshadowing/loss of light. The Planning Department consider

that the proposal will cause an unacceptable level of overshadowing on neighbouring property, when considering the light test on number 85.

The proposal, given its scale and proximity to neighbouring dwelling, unduly affects the amenity of neighbouring residents and is contrary to criteria b) of EXT 1.

- (c) *The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and*

The area located to the north-east of the application site is located outside the existing curtilage of the dwelling. This area is an area of open space which enhances the quality of the residential environment. The proposal involves using this land for both a side extension and a garden.

The proposal causes the unacceptable loss of this landscape feature, which contributes to the local environmental quality and is contrary to criteria c) of EXT 1.

- (d) *Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

Existing parking arrangements are located outside the curtilage of the property and are not impacted by the proposal.

The extension to the rear of the existing development encompasses most of the private garden space of the property. The new proposed garden space is outside the current ownership of the applicant (confirmation received by NIHE) and outside the existing curtilage of the property. Space to the front of the property is limited. There is not sufficient space within the curtilage of the property for recreational or domestic purposes and the proposal is therefore contrary to criteria d) of EXT 1.

Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation

Policy OS 1 – Protection of Open Space

The Planning Department will not permit development which would result in the loss of existing open space or land zoned for the provision of open space.

The proposal involves incorporating an area of open space to the north of the dwelling to facilitate the side extension to number 86 Lismore. Evidence has been forwarded to demonstrate that the area proposed for the extension is within the ownership of the applicant. Despite the applicant's ownership of this land, open space needs to be protected. It is essential in any community for both amenity and recreation purposes and enhances the quality of the residential environment. As outlined in para 5.2 of OS 1, the Planning Department operate a general presumption against the loss of open space to competing land uses.

Clarification was requested by the Planning Department in regards the area marked on proposed plans as 'garden', as this appeared to lie outside the ownership of the applicant on the Folios provided. The response is included below:

'Our clients do not intend to construct anything on the area referred to as a new garden and at the present time the Northern Ireland Housing Executive are considering whether to transfer that area to our clients. It is presently within the ownership of the Housing Executive'

The Planning Department cannot accept that an area outside the ownership of the applicant, outside the existing curtilage of number 86 and which operates as an area of open space be incorporated into this proposal.

The proposal is contrary to Policy OS 1 in that it involves the loss of existing open space within the Lismore housing development.

Recommendation:

Refusal

Refusal reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to criteria (a) (b) (c) and (d) of policy EXT 1 of Planning Policy Statement 7 (addendum): Residential Extensions and Alterations for the following reasons:
 - the scale and massing the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area;
 - the proposal will unduly affect the amenity of neighbouring properties;
 - the proposal will cause the unacceptable loss of landscape features which contribute to local environmental quality; and
 - sufficient space will not remain within the curtilage of the property for recreational purposes.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy OS 1 of PPS 8 Open Space, Sport and Recreation in that it involves the loss of existing open space.

Case Officer: E.Moore 12.11.2021

Authorised Officer: A.Davidson 12.11.2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0306/F

Date Received: 15/02/2021

Proposal: Proposed new domestic infill dwelling house.

Location: Adjacent to No. 08 Chapel Road, Meigh.

Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Meigh as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is partly an enclosed access lane which runs between two properties, the site also includes a portion of the garden area to the front of No 8 Chapel Road.

The area is a mix of properties both in their design and layout, the enclosed access lane which forms part of the site helps to define a clear break from detached properties within relatively large plots to the south of the enclosed area and also on the opposite side of the public road, to the north and north west of the enclosed area, plot sizes are smaller and semi-detached properties are more prominent.

Site History:

LA07/2016/0165/F - Proposed new access to serve 4 No. dwellings using existing development access from Chapel Road, via. Toberline Housing Development. Approved access to be retained to serve 1 No. dwelling (No. 5) - Lands to the rear of No. 8 Chapel Road, Meigh – Permission Granted 16/09/2016

The new access approved as part of the above application is that area of the enclosed access which forms part of this current application site. The above application provided access to a new dwelling directly from Chapel Road, any development on the current application site would remove any potential to provide the previously approved access. The dwellings approved under the previous approval have been constructed and access available to all properties and as such the direct access to Chapel Road is not necessary to access any dwelling.

Planning Policies & Material Considerations:

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

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015
- PPS 12 – Housing in Settlements
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS3 – Access, Movement and Parking / DCAN 15
- Planning Strategy for Rural Northern Ireland
- Creating Places
- DCAN 8

Consultations:

NI Water – No objections.

Transport NI – no objections.

Objections & Representations:

The application was advertised on 02/03/2021, seventeen (17) neighbours were notified on 03/03/2020, three representations have been received, two of these are objections and one was a miscellaneous comment.

The points of objections raised are identified below:

- Impact on character of area given visual prominence which will appear incongruous to the front of building line,
- Narrow plot out of keeping with area,
- Access may have safety issues including location close to local school,
- Loss of amenity.

The points of objection raised will be given detailed consideration within the main consideration and assessment section of the report.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for single dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the Development Limit for Meigh on 'whiteland' the Area Plan is silent on this area however all development proposals within settlement development limits are to be considered against prevailing planning policies and proposals. There are no objections with regard to the Area Plan provided the proposal meets the policy requirements of the retained policies listed below.

The main policy context is provided by PPS7, which states in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential

amenity. The Addendum to PPS7, PPS12, Creating Places, DCAN 8 and PPS3 are also pertinent to the application.

PPS 7 Quality Residential Environments Policy QD1. Proposals for residential development are expected to confirm to the following criteria.

Criterion (a) of QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The site is within an area of residential development that contains a variety of dwellings although the area has a character of detached properties with quite large gardens to the south of the site and also on the opposite side of the public road, to the north the area contains a number of more recently constructed semi-detached properties.

The area of the enclosed access which forms part of the site at present defines the break between the two differing residential characters. The proposal looks to develop the enclosed laneway and an area of garden to the front of No 8, the site is not considered to respect the context and character of the area given that the site will be narrow and cramped and not in keeping with the character of the existing area to the south or to the north. The narrow and uneven shape of the site results in the property having to be shoehorned into the front section adjacent to the road and positioned in front of existing properties and not respecting any existing building line. The cramped site will result in a visually prominent dwelling which will appear incongruous to the existing area.

The proposed dwelling is one and a half storey in design with a small single storey return, the agent has amended the design to address issues that were initially raised, although the proposed dwelling may be generally acceptable in an urban setting it is not considered to be in keeping with the surrounding context given the cramped nature of the site and the layout in front of the building line of any adjacent properties. At present the area of the site which is an enclosed lane offers a small break between single storey and two storey properties, although the proposal is to be one and a half storey it will remove any visual break and replace it with a property that will be prominent and out of keeping with the character of the area on a site that is to be a combination of two existing parcels of land.

The proposal is not considered to respect the surrounding context and is not appropriate to the character of the site in terms of the cramped nature of the site and positioning of the property. It is agreed with the point of objection raised that the proposal will impact on the character of the area given the cramped nature of the site and prominence of the proposal.

Criterion (b) requires features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

The site has no archaeological or built heritage issues, the application is in general compliance with this policy criterion.

Criterion (c) requires adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order

to soften the visual impact of the development and assist in its integration with the surrounding area.

The submitted layout drawing shows an area of amenity space to the rear measuring 117sq metres, although this area of open space falls within the required level, open space is not simply a calculated number. Although the area of amenity space is shown as 117sq metres consideration must be given to how useable it is and is the overall provision adequate.

The rear amenity space proposed is very narrow measuring approximately 4.5 metres, this area is the width of the existing enclosed access lane. It is considered that the rear amenity space would not be useable given its narrow nature and also its position sandwiched between existing development which would give a sense of overlooking and so result in any resident being unable to adequately use and enjoy the area of rear amenity space. As such it is considered that the proposal does not include an adequate and suitable level of useable private amenity space, the proposal fails this criterion.

Picture shows the extremely narrow enclosed access between existing development; this narrow area would be that of the proposed amenity space.



Criterion (d) requires adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. This is not applicable for single dwellings.

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

This is not applicable for single dwellings however the proposed site will be within walking distance to public transport within Meigh.

Criterion (f) requires adequate and appropriate provision is made for parking.

The submitted plans shows provision for parking and turning arrangements on site. DFI Roads has raised no objections to the proposal the objection received raised safety concerns with the proposed access, as stated no objections were raised by DFI

Roads. The proposal is in compliance with this criterion and the area of objection raised has been considered.

Criterion (g) requires the design of the development draws upon the best local traditions of form, materials and detailing.

The proposal is for a detached narrow one and a half storey property, the area is currently defined by quite large detached or semi-detached properties. The proposed design does not draw upon the existing form in the area but instead is trying to create a dwelling that can be shoehorned into this very narrow cramped application site. The proposal is not considered to meet this policy criterion.

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

The proposed dwelling is sited very close to No 8 and also No 10b, although design changes have been made to remove any overlooking issues consideration must be given to how the proposed dwelling may impact on these properties.

No 10b to the north of the site is to be a distance of 4 metres from the proposed dwelling, the proposed dwelling is to be set in front of No 10b. Given the close proximity to the neighbouring property and the position set to the front of the property it is considered that the proposed dwelling will have a dominant impact on No 10b and will result in a loss of light and overshadowing to the adjacent property.

No 8 which is owned by the applicant is to lose an area of garden space to its front, although at this time there are no objections from No 8 consideration must be given to how the proposal might impact the property and any future residence. Again, the proposed property is located very close to No 8 and it is considered that the property will have a dominant impact along with resulting in a loss of amenity space due to the area being included within the application site. One area of objection raised issue with a potential loss of amenity and it is agreed that the proposal may impact on the amenity of surrounding properties although not directly on the property of the objector given their location on the opposite side of the Chapel Road.

The proposal is not considered to meet this policy criterion.

Criterion (i) requires the development is designed to deter crime and promote personal safety. The proposed would not be isolated and is surrounded by other properties. This is considered to provide a safer environment and likely to deter crime.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity.

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

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

As previously stated the area varies from single dwellings in larger plots to smaller semi-detached properties in small plots. Although the density of the plot would not be in keeping with existing properties in the area within larger plots it would generally be similar to other properties in the area within small plot sizes.

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

As previously stated it is not considered that the development is in keeping with the overall character and environmental quality of the established residential area given the narrow and cramped nature of the site along with the proposed layout and positioning of the property.

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

The size of the proposed dwelling unit would be considered acceptable given the level of living space that is proposed.

The proposal does not meet criteria (b) of Policy LC1.

PPS2 12 Housing in Settlements states 'all new housing developments should demonstrate a high quality of design, layout and landscaping. The quality of the design and layout has been considered unacceptable for the reasons outlined in the above report, as such the proposal is considered contrary to PCP 2 of PPS12.

The proposal is considered unacceptable as it fails to meet a number of relevant policy criteria as detailed above, the points of objection have been considered within this report.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD 1 (Criteria A, C, G and H) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, as it is considered that the proposal would not respect the surrounding context and is not appropriate to the character of the site, the proposal does not include the provision of adequate and suitable levels of useable private amenity space, the design does not draw upon the best local traditions and the design and layout will result in an adverse impact on the amenity of neighbouring properties.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy LC1 of Planning Policy Statement 7 (PPS7) (Addendum) Safeguarding the Character of Established Residential Areas in that the applicant has failed to demonstrate that all of the criteria set out in Policy QD1 of PPS7: Quality Residential Environments has been met and fails to meet the additional criteria (b) of policy LC1 in that the development is not in keeping

with the overall character and environmental quality of the established residential area.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Control Principle 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements as it is not considered that the proposal demonstrates a high quality of design and layout.

Case Officer: Wayne Donaldson **Date:** 05/11/2021

Authorised Officer: Andrew Davidson **Date:** 05/11/2021



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The application has been determined under Policy QD1 of PPS7, Policy LC1 of Addendum to PPS7 and Planning Control Principle 2 of PPS12 where there are a number of criteria of which the Planning Department feel are not met:

- A. In relation to Criterion A, the case officer states that the proposal does not meet the criteria in terms of "the proposal will impact on the character of the area given the cramped nature of the site and prominence of the proposal". The proposal is for a two-bedroomed dwelling, Creating Places states in "1 and 2 bedroom houses on small urban infill sites private communal open space will be acceptable... these should range from 10 sqm to 30 sqm per unit". The private amenity space that is being provided to the proposed dwelling is 117sqm. If the proposal already exceeds the requirements set out in creating places document for a two-bedroomed dwelling how can the proposal be deemed as not including the provision of adequate and suitable levels of private amenity space. There is adequate space between the proposal and the adjoining properties, this will allow for car parking, two spaces and access to the rear amenity of the proposal with the design of the proposed dwelling taking reference from the adjoining properties at 10b and 10a Chapel Road.
- B. Criterion C relates to open space. The Planning Report indicates that "consideration must be given to how useable it is and is the overall provision adequate". The Case Officer states that "the rear amenity space proposed is very narrow measuring approximately 4.5 metres... It is considered that the rear amenity space would not be useable given its narrow nature and its position between existing developments would give a sense of overlooking". Creating Places states "garden sizes larger than 70m² will generally suit dwellings designed for families". The proposal is for a two bedroomed dwelling and has not been designed for family use, thus the private rear amenity space exceeds the limit required. In terms of the private amenity spaces usability 4.5 metres is a distance of almost 15 feet, which in a dwelling which is suitable for two-three people creates an ample amount of space for any resident to use. In terms of overlooking, any windows at both adjoining properties are located at a ground floor level with the proposal retaining all dividing walls to ensure privacy is retained and therefore any sense of overlooking is eliminated.
- C. In relation to Criterion G, the Case Officer states that "the proposed dwelling does not draw upon the existing form in the area". The scale and massing of the proposed dwelling is similar to the adjoining properties No. 10a and 10b Chapel Road. The existing plot is currently a disused laneway which rear access has since been blocked off. The proposal aims to provide a dwelling which is in keeping with the form, material and detailing of the adjoining properties and local area.

for consideration in order to better understand, this was not requested by the Case Officer when making their assessment of the application.

Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity

- E. The local area is made up of a number of differing property types, with a detached bungalow at No. 8 Chapel Road and a Semi-Detached Storey and a Half Dwelling being located at 10b Chapel Road. The proposal has been designed to be a two-bedroomed storey and a half dwelling, taking design reference from the neighbouring housing development Tobar Blinne, which surrounds the proposal. Therefore, it is considered that the proposal matches the character of the surrounding residential area.

Planning Control Principle 2 of PPS12 Housing in Settlements

As previously stated the design of the proposal takes consideration of the local surroundings and is largely designed to be in keeping with adjoining properties, namely 10a, 10b Chapel Road and the adjoining housing development Tobar Blinne. Adequate parking provision and turning space for two cars is provided for at the front of the proposal, and it is concluded that there is ample rear private amenity space for a two-bedroom dwelling in this area.





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0338/O

Date Received: 22nd Feb 2021

Proposal: Site for dwelling and detached garage

Location: 105m north west of No. 37 Polkone Road Mullaghbawn Newry BT35 9YQ

Site Characteristics & Area Characteristics:

The application site is currently in use as agricultural land located off Polkone Road, Mullaghbawn. The site is located to the north of a number of farm buildings, separated by an existing laneway, and is approximately 105m the west of number 37 Polkone Road, the main farm dwelling, as well as a number of additional farm buildings. The site area is approximately 0.32 hectares. The site is bounded to the roadside by low level hedging. Part of the site encompasses an existing laneway, which serves number 37 and these additional buildings.

The site is located outside any settlement limits as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The site is designated as an Area of Outstanding Natural Beauty (AONB).

Date of Site Visit: 12/04/2021



The application site to the left-hand side, with farm buildings to the opposite side of the laneway.



Site History: N/A

Planning Policies and Material Considerations:

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 6

Planning Policy Statement 2

Consultations:

Transport NI – No objections in principle to proposal.

NI Water – Generic response to routine planning application

DAERA – Farm business Id has been in existence for more than 6 years; farm business has claimed payments in a scheme in each of the last 6 years; application site is on land for which payments are currently being claimed by farm business.

HED - Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

NIEA –

- NED acknowledges receipt of a Biodiversity Checklist uploaded to the Planning Portal on 27th August 2021 and has considered the contents. Planners should refer to hedgerow Standing Advice. The Planning Department are satisfied that further survey is not necessary given that the application for outline permission could be appropriately conditioned if an approval is forthcoming (including appropriate separation distance from hedgerows and retention of vegetation). Furthermore, no biodiversity issues were noted by the Planning Department on their site visit.
- NED is content that the proposed development is unlikely to significantly impact the Cully Water/Ummercam SLNCI, due to adequate buffer to the site.

Objections and Representations:

One neighbour was notified 01.04.2021. The proposal was advertised in local press on 16th March 2021.

No objections or representations have been submitted for consideration.

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

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

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

CTY10 – Dwellings on Farms

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*
DAERA have confirmed that the farm business has been in existence for more than 6 years, and the farm business has claimed payments in each of the last 6 years.
- b) *No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25th November 2008; and*
There are no dwellings or development opportunities sold off from the farm holding within 10 years of the date of application.
- c) *The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*
 - *Demonstrable health and safety reasons; or*

- *Verifiable plans to expand the farm business at the existing building group(s)*

The proposed dwelling is located in an agricultural field which lies to the north of a number of agricultural buildings. The Planning Department do not consider that the proposal meets the policy requirements in terms of CTY 10 (c). Given the separation distance of the site to the agricultural buildings, and how the site reads at the ground level – appearing separate to the agricultural buildings given the laneway – a dwelling here would not be visually linked and would not be sited to cluster with an established group of buildings on the farm.

The Planning Appeals Commissions decision in regards 2020/A0022 also considered a proposed dwelling on a farm. Objection was raised from the Planning Authority that the new building proposed did not comply with CTY 10 criterion (c). In this case, the proposed dwelling would have been more than 40m from farm buildings and separated by a road and roadside vegetation. The PAC ruled that given these separation distances between the existing and proposed buildings, and the impact of the intervening road and vegetation, the proposed building would not read as sited to cluster with the agricultural buildings when assessed from public viewpoints. This proposal would, the PAC wrote, present as a standalone dwelling on open land, close to but with no obvious physical or functional connection with the existing farm buildings.

Whilst this application is not and cannot be a direct comparison to the above appeal decision, the Planning Department consider that the siting on the opposite side of the laneway and a considerable distance to the farm yard and buildings does not visually link or is sited to cluster with established buildings on the farm. It would read as independent to the farm and standalone and is therefore contrary to policy.

The Planning Department made the agent aware of these concerns via email 18th June 2021 and 27th August and noted that there may be more appropriate siting's within the farm holding which would comply with policy.

The agent forwarded the below response for consideration:

'Approaching the site from the SW along Polkone Road, the proposed dwelling would be completely screened by the buildings at the farm yard until a road user passes the farm yard. Once the dwelling would become visible it would be viewed in conjunction with the buildings at the farm yard which would be to the immediate right of the view of a road user with land well covered in hedges rising to the rear of the dwelling'

This information from the agent has been considered and does not warrant a change in opinion from the Department. In this response, the agent did not offer any information which would demonstrate the proposal met the requirements for exceptional siting elsewhere on the farm – namely that there are no other sites available at another group of buildings on the farm or out-farm; and that there are demonstrable health and safety reasons for this siting, or verifiable plans to expand the farm business at the existing building group(s).

It is considered that the proposal fails to meet criteria c) of CTY 10.

CTY10 also states "the proposed site must also meet the requirements of CTY 13 (a-f) and CTY 14.

CTY13 – 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 proposal is contrary to criteria (g) in that this proposed dwelling on a farm is not visually linked or sited to cluster with an established group of buildings on a farm. The low-level hedging to the roadside boundary of the site means the site is relatively exposed. A new building in this site would be a prominent feature in the landscape. The site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on new landscaping, in particular along this roadside boundary, for integration purposes. The design of the building and its ability to integrate with surroundings would be assessed at Reserved Matters stage. Ancillary works would integrate with their surroundings.

CTY14 – Rural Character

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

The new building proposed is contrary to CTY 14 in that it creates a ribbon of development along Polkone Road (d). It is considered that ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up. The proposed dwelling, would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings.

CTY 16 – Development relying on non-mains sewerage

The P1 form indicates that foul sewage will be disposed of via septic tank. The application complies with Policy CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage**Policy NH 6 - Areas of Outstanding Natural Beauty**

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

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

The siting of the proposal is contrary to NH 6 in that the proposal is for a farm dwelling which does not visually link or cluster with other farm buildings within the holding. The siting of this proposal appears incongruous with the special character of the AONB and the local area.

The proposal is contrary to PPS 2 NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - It has not been demonstrated that a dwelling on the application site would be visually linked or sited to cluster with an established group of buildings on the farm;
 - It has not been demonstrated that there are no other sites available at another group of buildings on the farm or out-farm, and that there are demonstrable health and safety reasons, or verifiable plans to expand the farm business at the existing building group(s).
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 proposal would be a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the proposal would not visually link or 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 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;
 - the dwelling would, if permitted add to a ribbon of development along Polkone Road;and would therefore result in a detrimental change to further erode the rural character of the countryside.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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: E.Moore 01.10.2021

Authorised Officer: A.Davidson 01.10.2021

Application LA07/2021/0338/O. Site for a dwelling and detached garage at Polkone Road, Mullaghbawn for Martin Morgan.

This application seeks outline permission for a dwelling and a garage on the applicant's family farm. Whilst the application has several refusal reasons, they all relate back to the same question:-

Will the new dwelling cluster or link visually with the group of buildings at the farmyard??

It is possible to site the new dwelling within 45m of the group of buildings at the farmyard. The farm buildings are very close together. As such, the applicant and I accept that a 45m separation distance between the farm buildings and the proposed dwelling will all but prevent clustering.

CTY 10, however, allows a new dwelling to be approved provided it clusters **or** links visually with existing buildings. A visual link can be achieved in circumstances where clustering can't.

Buildings are linked visually when they can be seen together in the same viewing angle. To put it another way, if a building can't be viewed in isolation from other buildings, then it has a visual link to those buildings.

The main views of the proposed dwelling will be from Polkone Road, travelling SE towards the site. From this location the farm buildings are right in front of a road user. The viewing angle would ensure that it would be impossible to view the new dwelling in isolation as it would be viewed in the same view, just to the left of the farm buildings. Regardless of whether or not the new dwelling would be located on the opposite side of a lane from the farm buildings; it would still have a strong visual link to the buildings at the farm yard.

I will use some photographs and maps during the committee hearing to better demonstrate this point.

On 18th June past, the case officer advised me by email that the application did not comply with CTY 10 and further advised "*The Department are of the opinion that a site to the east of the farmyard and buildings would be a more appropriate site in regards PPS 21 policy requirements*"

Whilst I attempted via email and photos to change the planning department's view on the application, the opinion to refuse still stood. The applicant, having read the relevant documents, contends that the planning department perhaps undertook their recent deliberations on this application with a blinkered approach which supported a recommendation to refuse. He contends that this stance was taken in an attempt to have him submit a fresh application in the field beside the farm yard which was identified by the planning officer in the email to me on 18th June.

The officer's report quotes the findings of a planning appeal to bolster the recommendation to refuse this application. After doing so, and surprisingly so, the officer then advises that the appeal which has just been quoted relates to a **different set of circumstances** than those at Polkone Road. This admission is unfortunately made after the officer has used the appeal to assist with a recommendation to refuse this application. The Committee will no doubt know

from experience that appeals should only be used by planning departments or agents when their circumstances are "*on all fours*" with the circumstances at hand.

To conclude, it is entirely possible to site a new dwelling within the application site in a location where it will link visually with the buildings at the applicant's farm yard. The location/siting of the new dwelling could be easily controlled by a siting condition and a shaded area on the OS map which is very common practice

Brendan Quinn,

BSc Hon's

ICIOB



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1252/O

Date Received: 1st July 2021

Proposal: Site for dwelling and detached garage

Location: 40m south west of No. 67 Tullyframe Road, Attical, Kilkeel

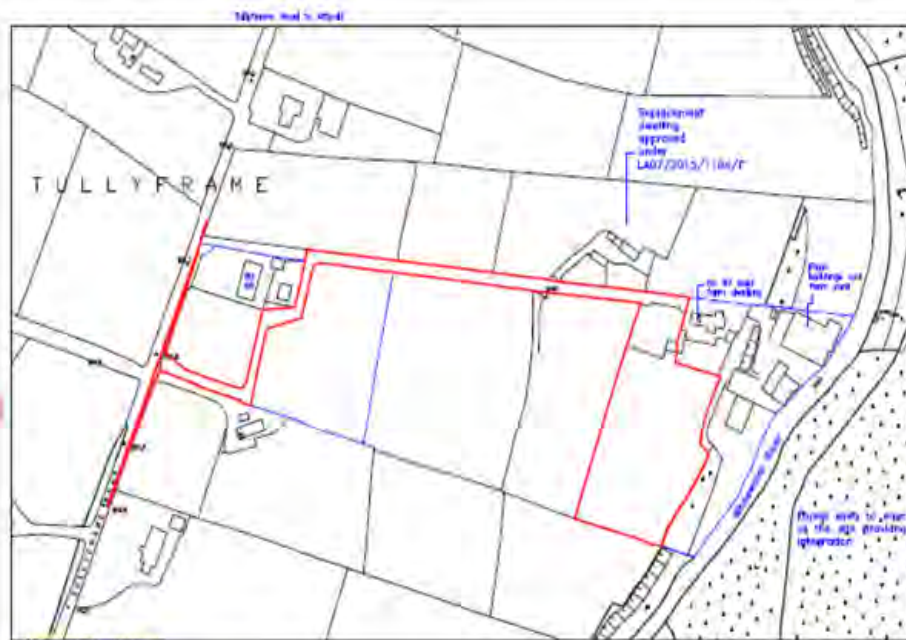
Site Characteristics & Area Characteristics:

The application site is located outwith any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015 (Map 3/01 Newry and Mourne District). The application site is located approximately 1.32 miles south west of the settlement development limit of Attical.

The site is located within an agricultural field close to number 67 Tullyframe Road. Image 1 below shows the red line boundary to be assessed. The proposed application extends to the Tullyframe Road exiting adjacent to the access for number 63 Tullyframe Road. The revised red line boundary extends down the laneway upon which the main farm dwelling at number 67 Tullyframe Road is accessed; the applicant then proposes to create a new laneway to the rear of number 65 Tullyframe Road (currently agricultural fields) and exits onto the Tullyframe road at the boundary of the agricultural field north of the access to number 63 Tullyframe Road. The dwelling is to be located South West of the main dwelling house and is approximately 262m east of the Tullyframe Road and

includes agricultural fields and part of the existing laneway used to access the Tullyframe Road.

Image 1 Revised Site Location Plan



The site is located within an Area of Outstanding Beauty namely Mourne and is approximately 60m west of the White Water river ASSI.

Planning Policies & Material Considerations:

This planning application has been assessed against the following policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Site History:

Whilst there is no planning history on the application site; there is planning history within proximity to the revised red line (dated received on the 22nd September 2021) as well as the laneway upon which the application site resides.

It has been noted that the revised laneway extends to the curtilage of the approved application: P/2013/0347/O and associated reserved matters LA07/2016/0536/RM.

| Reference | Location | Proposal | Status |
|-----------|----------|----------|--------|
|-----------|----------|----------|--------|

| | | | |
|-------------------|--|--|----------------------|
| LA07/2021/1753/RM | Site adjacent to and north of 65 Tullyframe Road, Attical, Kilkeel, BT34 4RZ, | Infill site for dwelling and garage | Neighbours notified |
| LA07/2020/0405/O | Site adjacent to and North of 65 Tullyframe Road, Attical, Kilkeel, | Infill site for dwelling and garage | Approved |
| LA07/2019/0303/RM | 20m North East of No. 61 Tullyframe Road, Kilkeel, BT34 4RZ, | Dwelling and detached garage with new access | Approved |
| LA07/2018/1010/DC | 25 metres SouthWwest of No. 65 Tullyframe Road, Kilkeel, | Discharge condition No. 7 of planning approval LA07/2016/0536 | Condition discharged |
| LA07/2017/1837/F | From existing line approximately 90m W of 67 Tullyframe Road, Kilkeel to existing line approximately 20m SE of 109 Tullyframe Road, Kilkeel, | Erection of a new 11kV overhead line on wood pole structures to provide an electrical system upgrade between existing NIE Networks equipment | Approved |
| LA07/2016/0536/RM | 25 metres south west of No. 65 Tullyframe Road, Kilkeel, | Dwelling and detached garage | Approved |
| P/2015/0191/O | 20 metres north east of 61 Tullyframe Road, Attical, Kilkeel, | Site for dwelling and detached garage with new access onto public road | Approved |
| LA07/2015/1184/F | 55 metres North West of 67 Tullyframe Road, | Proposed storey and a half replacement dwelling 55 metres North West of 67 Tullyframe Road. for, Mr John Magee | Approved |
| P/2013/0347/O | 25 metres south west of No.65 Tullyframe Road, Kilkeel, | Site for infill dwelling and detached garage | Approved |
| P/2007/1678/F | 63 Tullyframe Road, Tullyframe, Kilkeel. BT34 4RZ. | Erection of replacement dwelling. | Approved |
| P/2004/0672/F | 65 Tullyframe Road, Kilkeel, Co.Down. | Attic conversion with provision of 3 dormer windows. | Approved |
| P/2004/0546/RM | 80m South of No 63 Tullyframe Rd Kilkeel | Erection farm retirement dwelling and garage | Approved |

| | | | |
|---------------|--|---|-----------|
| P/2002/1438/O | 80m South of No 63 Tullyframe Rd Kilkeel | Site for farm retirement dwelling & garage | Approved |
| P/1998/1637 | Adjacent to 65 Tullyframe Road Kilkeel | Erection of Farm retirement dwelling | Withdrawn |
| P/1998/1378 | Site adjacent to no 65 Tullyframe Road Kilkeel | Farm retirement dwelling | Withdrawn |
| P/1988/1204 | Tullyframe Road, Kilkeel | Site for farm retirement dwelling | Approved |
| P/1991/0917 | Tullyframe Road Kilkeel | Erection of farm retirement dwelling and garage | Approved |

Consultations:

Consultations were issued to the following consultees on the 11th of August 2021.

- NI Water – No objections subject to Planning Conditions
- NIEA – Water Management Unit responded with standing advice- single dwellings which contains and informatives relevant to this proposal.
- DFI Roads – No objections in principle to this proposal subject to conditions
- DAERA Downpatrick – Responded "Prior to 2021 proposed site was located on land associated with another farm business"

A further consultation was issued to DAERA Downpatrick on the 29th September 2021. DAERA responded on the 7th October again with the same response "Prior to 2021 proposed site was located on land associated with another farm business"

Note:

With regards to DAERA consultation response; DAERA state that the Farm Business ID has been in existence for more than 6 years; the farm ID was allocated in January 2011 and is a category 1 farm business. Payments have been claimed through the Basic Payment Scheme in each of the 6 years.

Further, submitted alongside the Planning Application was a letter from DAERA dated 3rd of June. The letter contains an image of the application site and confirms that the application site (field number 3/081/032/3) has claimed payment on the field upon which DAERA can confirm that they are actively farming the field for the calendar year of 2021.

Therefore, it can be considered for the purposes of this application that the application site is contained within an active and established farm.

Objections & Representations:

10 neighbours were notified with regards to the application on the 13th of August 2021 and subsequently on the 23rd of September 2021 due to a red line change. The application was advertised in the local press on the 4th August 2021.

One representation was received on the 12th of August in relation to the proposed application which set out the following:

- P1 form section 27 states that John Magee has been notified; the letter claims that there was no P2a received. Further, Mrs Maureen Magee is the joint owner of the lane upon which is to be used as an access to the proposed site.
- No knowledge of a P2a being issued
- The applicant is not in control of all lands required to form the new laneway junction. The field to the North of the junction is owned by Mr and Mrs Martin Magee; visibility splays are therefore not available without their consent. The proposal to widen the first 5m of the laneway requires third party land from Mr and Mrs Magee. Consent has not been agreed.

This representation has been uploaded to the portal and the agent made aware of this. Following this representation, the applicant proceeded to change the access to the proposed dwelling and submitted a revised P1 form. Whilst the Planning Department aren't responsible for ensuring a P2a has been issued to the relevant landowners they are responsible for neighbour notifying.

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

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The site is located within the Mourne Area of Outstanding Natural Beauty.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

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

PPS21 Sustainable Development in the Open Countryside

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

CTY 10 – Dwellings on Farms

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

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

This has been confirmed via a consultation response dated 2nd of September 2021 from DAERA.

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

The criteria has been complied with.

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

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

The application site is located within close proximity to the main farm dwelling and does cluster within an established group of farm buildings.

When originally submitted the red line of the application site extended along the existing laneway and access, however this was then amended to that shown in Image 1 above.

The red line now extends along a portion of the laneway however then cuts across agricultural fields, with a new access exiting onto the Tullyframe Rd adjacent to the access serving no.63.

The policy states: *where practicable, access to the dwelling should be obtained from an existing lane.*

The agent states in an email of the 20th September 2021, the following:-

That those whos lands are required upon which to provide splays are no longer providing the offer; the applicant has decided to seek approval to upgrade an existing agri access to provide access to the new dwelling.

The email further states *that the existing lane which serves the farm yard and main farm dwelling does not benefit from modern visibility standards, in fact the current visibility splay to the north of the access achieves 2.4 x 13.36m. This, along with the applicant's inability to widen the existing lane to 5m for the first 10m outside the public road has*

informed the applicant's decision seek approval in principle for an alternative access which achieves the required standards.

The visibility splays proposed are the same as those which have already been accepted by DFI Roads and should therefore be acceptable once again to DFI Roads.

In relation to access, criterion C in CTY 10 advises "and where practicable, access to the dwelling should be obtained from an existing lane". The inclusion of the word "practicable" confirms there is no absolute requirement to access a new dwelling via an existing access lane. For very obvious road safety reasons it is not "practicable" to obtain access via the existing lane. As such the applicant seeks permission to improve an existing access onto Tullyframe Road.

Proposing to serve the existing dwelling via a new access is in keeping with the text in CTY 10, decisions taken by the Council's Planning Committee in similar circumstances and in keeping with the Councils fairly recent decision on application LA07/2020/0222/O close to Bessbrook.

The Planning Department has considered the email and revised drawings received from the applicant. Every application is assessed on its own merits and whilst the Planning Department are sympathetic to the applicant with regards to splays and access to the dwelling house. The Planning Department are of the view that an amicable solution must be made between those with control over the lane and adjoining lands in order to bring the access up to modern standards.

The existing laneway leading to the application site is currently used to serve number 67 Tullyframe Road; the proposed application site is accessed via this lane however, following a revision the proposed application does not propose to use the full length of this existing lane to the Tullyframe Road; in doing so a justification has been provided however, the justification is not considered to be an extenuating circumstance upon which a divergence of access, which will cut across fields, and along the rear and side of a recently approved dwelling should be granted which may impact the amenity of neighbouring dwellings upon which the proposed 'new' laneway would be created and located.

Whilst it is noted that within the email received to planning the agent refers to another application and decision made by the Council. The application referred to is of differing circumstances and in that instance, it was not *practicable* to connect to the existing access; this application has differing circumstances upon which the Department do not feel there is extenuating circumstances upon which to approve a differing access away from the current access to the farm and main farm dwelling.

CTY10 states that the proposed application must also meet the requirements of CTY13 (a-f) CTY14 and CTY16.

Policy CTY13- 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. A new building will be unacceptable where:

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

The site for the dwelling is set back from the road, located along a lane accessed from the Tullyframe Road. The application site is a large open field with some vegetation/walls to enclose it; whilst it is considered that the applicant would rely on the use of landscaping for further enclosure the proposed dwelling would be sufficiently removed from the Tullyframe Road in order to not be a prominent feature within the landscape. It would be expected with any further application a landscaping plan would be submitted.

It is considered that the application does not comply with criterion D in that the ancillary works which include the creation of a new stretch of laneway cutting across fields and new access, would be visually prominent and not integrate with their surroundings, and there is no reasonable justification for doing so.

This new stretch of laneway will run along the rear and side of a recently approved dwelling, and will effectively result in no.65 being enclosed by a road/laneway on 3 sides.

Policy recommends new access driveways should run unobtrusively. It is considered cutting across fields in the manner proposed is not acceptable.

Policy CTY14 – Rural Character

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

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

As above, the application site is located a sufficient distance from the Tullyframe Road, on this occasion whilst it is considered that the development would rely on new landscaping to enclose the dwelling house it wouldn't be considered a prominent feature in the landscape. In any instance a landscaping plan would be expected to be submitted with any further application on the site.

The proposal is contrary to criterion E in that the ancillary works comprising the new stretch of laneway, which cuts across fields and new access onto the Tullyframe Rd, will damage the rural character of the area.

It is noted the existing holding is accessed via the existing laneway and access, whereby a further access point, will result in the proliferation of accesses along this stretch of road which will damage rural character.

Policy CTY16 – Development Relying on Non-Mains Sewerage

Planning permission will only be granted for development relying on nonmains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

As this is an outline application details of non-mains sewerage have not been provided and would be assessed within a further application on the site.

Planning Policy Statement 2 – Natural Heritage

Policy NH6 states planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of appropriate design, size and scale for the locality and where additional criteria are met. This cannot be thoroughly assessed at Outline stage.

Planning Policy Statement 3- Access, Movement and Parking

DCAN 15- Vehicular Access Standards

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads have no objection to the proposal and the proposed access will not prejudice road safety. It is considered the proposal meets PPS 3 and DCAN 15.

Recommendation: Refusal**Reasons:**

1. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21; Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that access to the dwelling is not obtained from an existing lane.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that the ancillary works will damage the rural character.

Case Officer Signature: Roisin McGrane

Date: 03/11/2021

Appointed Officer Signature: M Keane

Date: 03-11-21

Application LA07/2021/1252/O. Site for a dwelling and detached garage at Tullyframe Road, Kilkeel for Sean Sloan.

This application proposes a dwelling on the applicant's farm. The lane which serves the farm has very poor visibility to the north. Before the application was submitted, the applicant had an agreement with the land owner who owns the land to the north of the existing access to allow him to improve visibility and to facilitate widening of the lane as required by DCAN 15. The land owner has during the course of the application withdrawn this offer and has commissioned his Architects to object to this planning application as it was initially submitted raising issues re land ownership.

After the objection letter was submitted, the applicant and the land owner to the north of the access met on a few occasions. From these meetings it is very clear that the land required to provide the northern splay and widen the lane will not be forthcoming. Despite me communicating this to the planning officer who dealt with the application, the Officer's report advises that "*Planning Department considers that it has not been demonstrated that this option has been fully explored*"

The application was revised to show access via an alternative & existing access to Tullyframe Road which requires the construction of a short section of new lane to join the existing lane to the revised access.

In relation to access, criterion C in CTY 10 advises "*and where practicable, access to the dwelling should be obtained from an existing lane*". The inclusion of the words "*practicable*" & "*should*" confirms there is no absolute requirement to access a new dwelling via an existing access lane.

The non availability of land required to improve visibility etc at the point where an existing access/access lane meets a public road has been sufficient to convince NMDDC to approve a new access to serve a new dwelling on a farm in relation to applications LA07/2020/0222/O at Maytown Road, Bessbrook and LA07/2018/0789/O at Lurgan Road, Silverbridge. In the case of application LA07/2015/0936/O close to Burren Village, the unavailability of land at the access to the farm yard on Milltown Street Burren was used to convince the Planning Committee to approve a new dwelling with a new access on land 580m away from the existing group of buildings at the farm.

Application LA07/2020/0265/F was approved under CTY 10 during the summer of 2021 with a new access directly onto Derryoge Road, close to Kilkeel. The file for this application does not provide a reason as to why the existing lane was not used to serve the new dwelling. Notably, the Planning Officer who dealt with the application did not seek a reason. More notably, the senior officer who dealt with the Derryoge application, dealt with this application at Tullyframe Road. The inconsistent stance adopted by the planning dept in relation to the access to this application is clearly at odds to the stance adopted by the planning department and the planning committee.

Refusal reason 2 considers the formation of the new section of lane as ancillary works and seeks to withhold permission as the ancillary works do not integrate with their surroundings. Firstly, the vast majority of the new section of lane will not be visible from the public road as it will run to the rear of dry stone walls and buildings. Secondly, Appeal 2020/A0018 dealt with this matter in January 2021. At paragraph 7, the commissioner advised "*Policy CTY 13*

of PPS 21 'Integration and Design of Buildings in the Countryside' 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. It sets out seven circumstances where a new building will be unacceptable". The commissioner continues to advise "Part 15 of the Planning Act (Northern Ireland) 2011 (the Act) says a "building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building" The proposed access lane which has given rise to the second refusal reason does not fall within this definition of a building. Appeal 2020/A0018 confirms Policy CTY 13 can't be used to refuse the access lane.

Finally, the Derryoge approval referred to above requires the formation of 63m of new lane which will be in full view of the road users on Derryoge Road. The officers who dealt with the application found this to be acceptable in terms of CTY 13.

Refusal Reason no 3. Policy CTY 10 does not refer to ancillary works. Against this background, Refusal reason 3 has no foundation based on policy.

Refusal Reason no 4. The new section of lane would run between no 63 and the dwelling approved for the applicant's nephew under P/2013/0347/O & LA07/2016/0536/RM before running to the rear of the approved dwelling and the applicant's sister's garage at no 65. The drawings which were submitted show that the access has been laid out as per the requirements of Paragraph 5.72 in PPS21 in that the lane will follow existing features. The separation distances from the existing and approved dwellings which could be achieved are similar to the existing separation distances between the existing lane and no 65. Notably, the Council's EHD are not supporting this refusal reason.

The Council must be seen to be consistent in their deliberations on planning policies. The applicant is at a loss to understand why the Planning Department & indeed individual officers have adopted an in-consistent approach and are not content to approve a new dwelling under CTY 10 in a case where land is not available to improve an existing access which has very poor visibility.

In relation to the wording in CTY 10 re access, the inclusion of the words "*Practicable*" and "*Should*" were very obviously included to ensure that access via an existing lane is not an absolute requirement.

The decision for Appeal 2020/A0018 was published on the PAC website in January 2021 and clarified that an access or an access lane is **not a building** in terms of CTY 13. The applicant finds it difficult to understand how the Council is not aware of such a recent, successful and relevant planning appeal which has circumstances very similar to those of the subject case.

The inclusion of refusal reason no 4 is conjecture on behalf of the planning department and is not supported by scientific evidence.

For the reasons above, I would respectfully ask that the recommendation to refuse this application is overturned and that OPP is granted.

Brendan Quinn.

BSc Hon's ICIOB



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2020/1584/F

Date Received:

30.10.2020

Proposal:

Proposed infill dwelling and attached garage with associated site works

Location:

Lands between Nos 228 and 230 Kilkeel Road Annalong Newry BT34 4TW

Note: The original site address outlined on the P1 form read as "Land between Nrs 220 and 232 Kilkeel Road Annalong Newry BT34 4TW".

An email was sent to the agent 25th November 2020 advising that the house numbers referenced on the P1 were different to those shown on Spatial Maps. The agent was asked to clarify the discrepancy. The agent responded the following day stating that an ACE Map purchased from OSNI website showed the addresses as 220 and 232. No further information was provided.

During the day of the site visit 2nd December 2020, I called to the neighbouring dwellings. The dwelling to the east had a number plaque on the pillars showing "228". The applicant Mrs Louise Kearney answered the door of the dwelling to the west and advised that the correct number was 230. The agent was requested to revise the site location address on the P1 form accordingly. An amended address was then received from the agent (Lands between 228-230).

The Planning Department are content with the address outlined above.

Site Characteristics & Area Characteristics:

The site is located within the rural countryside outside any settlement limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP, 2015). The site is also within an Area of Outstanding Natural Beauty and an Area of Scientific Interest (Mourne Coast ASI).

The site is situated between Nos. 228 and 230 Kilkeel Road and appears to be in use for agriculture and is well maintained. There is a small outhouse sited at the northern corner of the site. The site itself slopes downwards south-east from Kilkeel Road. Existing boundaries comprise a dry natural stone wall. During a site visit 2nd December 2020, it was noted that a section of the dry-stone wall along the rear boundary of the

site had been removed leading to the shore. Following consultation with NIEA, it was also noted that the unlawful construction of a sea wall had been carried out south-east of the application site (outside the red line for this application). An enforcement case LA07/2021/0061/CA has been opened to investigate this further.

The existing dwellings along this stretch of Kilkeel Road comprise of different designs, scales and masses and include single storey dwellings of modest scale and design and larger 1 ½ and 2 storey dwellings with dormer windows. Both hipped and pitched roofs can be seen along this stretch of Kilkeel Road with the finishes of the existing dwellings also varied.



Application site



Existing agricultural access to application site



No. 228 Kilkeel Road east of the application site



No. 230 Kilkeel Road west of the application site



Google Maps screenshot of application site dated June 2016

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- DCAN 15: Parking Requirements
- Building on Tradition

Site History:

- P/1975/0325 - PROPOSED USE OF LAND FOR ERECTION OF NON SUBSIDY BUNGALOW – Permission refused
- P/1977/0637 - PROPOSED SITE FOR BUNGALOW – Permission refused

Consultations:

- **SES** - Having considered the nature, scale, and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.
- **Rivers** – No objections
- **NI Water** – Generic response
- **Environmental Health** - Environmental Health have reviewed this application and have no objections to it.
- **Roads** – 26th November 2020: Please ask the applicant to submit the following amendments:
 1. Red line extended on 1/2500 scale plan to clearly include all lands for sight visibility splays.
 2. 1/500 scale plan clearly showing 2.4m x 120m in both directions.
 3. NIE/SL pole to be recited clear of the required sight visibility splays.
 4. Details of retaining walls/side slopes in order to achieve the sight visibility splays.
 5. Footpath widened along the full frontage of the site to 2.0m.

30th March 2021: No objections to this proposal. Please ask the applicant to submit 7 coloured copies of proposed footpath along the site frontage for adoption purposes. Within the response, DfI Roads noted that the A2 is a protected traffic route and that Planning must be satisfied that this application is an exception to the policy. In this case Annex A within PPS 21 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking is applicable and states:

“Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases: Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be

obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route."

It was noted that the existing access to the site is agricultural only, therefore the Department do not consider the proposal to be an exception. An email was sent to the agent 1st April 2021 advising of this concern.

An amended site layout was submitted with a new proposed access through the existing access serving No. 230 Kilkeel Road. Planning are satisfied that the proposal makes use of an existing vehicular access onto the Protected Route.

8th June 2021: No objections to this proposal. Please ask the applicant to submit 7 coloured copies of proposed footpath along site frontage for adoption purposes.

7th October 2021: Conditions and informatives relating to the Private Streets (NI) Order 1980 attached to response.

- **NIEA –9th February:** **Natural Environment Division** has considered the reason for consultation and notes that there is no accompanying ecological information. Please refer to DAERA's Environmental Advice for Planning web pages to assist in the identification and/or assessment of the potential adverse effects to designated sites/other natural heritage interests.

Water Management Unit refer the Planning Authority to DAERA Standing Advice - Single Dwellings available at: <https://www.daera-ni.gov.uk/publications/standing-advicedevelopment-may-have-effect-waterenvironmentincluding-groundwater-and-fisheries> which contains Conditions and Informatives relevant to this proposal.

Marine and Fisheries Division: The applicant should be aware that it is an offence under the Marine and Coastal Access Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DAERA Marine and Fisheries Division.

Note: An original response was received 9th February 2021. I received an email from Darryn Coey of NIEA 10th February 2021 advising that a premature response had been uploaded and requested a re-consultation is issued to allow all teams within NIEA to comment. A second consultation was issued 10th February.

11th February: **Marine and Fisheries Division:** has considered the impacts of the proposal on the marine environment and on the basis of the information supplied considers that the proposal may be contrary to policy due to its location along the undeveloped coast.

Marine and Fisheries Division has considered the impacts of the proposal on the marine environment and on the basis of the information supplied considers that the proposal may be contrary to policy due to its location along the undeveloped coast. A lack of available scientific data on sea level rise and

coastal erosion means we are unable to determine if the proposal will be significantly impacted by future changes in coastal processes or if the impacts of climate change, such as sea level rise and increased storm events will have an impact on the proposal in the future. Should the Planning Authority be minded to approve the proposal, the applicant should be made aware of the risks associated with building in close proximity to the high water mark and that any sea defence repairs may not receive approval as it could be contrary to policy. Until such time as there is more scientific data available, we advise that the precautionary approach should be considered by the Planning Authority.

An email was sent to the agent 12th March 2021 advising of the response and that in the absence of reliable, scientific information on coastal change it is recommended that Planning should defer to the precautionary principle, particularly in areas known to be experiencing coastal flooding and/or erosion. The agent was advised that as per Paragraph 119 of the draft Marine Plan, public authorities will apply a precautionary approach in assessing proposals including when considering the impacts of proposals on national and international natural heritage resources (paragraph 228). Public authorities should only authorise a proposal if they are satisfied that there are no unacceptable adverse impacts on coastal processes. The agent was finally advised that on that basis, the application would be moved forward recommended for refusal. A deadline of 26th March was set for any additional information to be submitted.

A number of emails were received in the following days from the agent making reference to the unlawful sea wall that is being constructed. The agent advised that the sea wall is outside the application red line boundary and therefore should be treated separately.

An email from the agent was received 31st March requesting an extension of time to 10th May to allow for an Environmental Engineer report to be submitted to address NIEA's concerns. An email from the agent was received 23rd March 2021 requesting a meeting between NIEA, Planning, planning agents, applicants and RPS Group to discuss what is required from NIEA to overcome the issues.

A meeting took place virtually over Microsoft Teams 10th May. The main points discussed included;

- If the sea wall was removed (live enforcement case opened) would the additional information be required;
- Jen Firth (Marine and Fisheries Division, NIEA) outlined that she did not realise the sea wall was not within the application red line. However, she discussed that shore defences sometimes create edge effects and that the sea wall that

has been built may have an impact on other people's sites, in particular it may cause erosion to the sites either side of the wall;

- Jen Firth stated that if the sea wall was removed, it is up to the Planning Department to decide if further investigation is required, however ultimately it is at the applicant's own risk;
- Jen Firth went on to advise that if the sea wall was to be removed, NIEA's response would not change a lot. Jen explained that due to scientific data not being available, NIEA can only advise the Planning Authority that the proposal MAY be contrary and that the decision ultimately lies on the Planning Authority;
- Jen stated that although the application site is 20m removed from the high tide water level, the sea level is expected to rise by 0.5m within the next few years and that in order to fully assess the risk, she needs to know what is going to happen to a house on this site within the next 50 years, however there is not enough scientific data available and therefore she needs to operate on a precautionary level;
- Jen advised that personal development in terms of a single dwelling house would be given less weight than the possible effect on the environment in future years in comparison to a development that brings national and regional benefits;
- Jen explained that the only way to get a different response from Marine and Fisheries Division is to prove in some way that this proposed property is not going to be affected in the future, however Jen advised the agent that she is almost certain that this information is not available to date;
- Jen outlined that there are studies taking place at present however this will take years to finalise and referred to various documents, maps, studies that may help understanding – DAERA Marine Map Viewer, National Trust report, Coastal Forum and Baseline Study and Gap Analysis of Coastal Erosion Risk Management NI.

The meeting ended by both parties advising that internal discussions will take place to decide what step to take next. Following the meeting an email was sent to the agent 19th May 2021 advising that in the absence of reliable, scientific information on coastal change, the Planning Department have no option but to adopt the precautionary approach and, on this basis, the application will be moved forward recommended for refusal.

Following this email, an email was received 21st May from the application, Louise Kearney. The email enclosed a letter from Old Forge Surgery advising that the applicant's mother in law suffers ill health which affects her on a day to day basis. Within the email, Mrs Louise Kearney requests that the letter is attached to the application and advised that their intention is to build next door to her mother in law as her main carers.

The proposal description outlined on the P1 form for this application is for an infill dwelling and therefore Policy CTY 8 is applicable. Nonetheless, I will make comment on the information provided.

The letter from the GPs outlines the applicant's mother-in laws address as 136 Kilkeel Road, Annalong. The address of the applicants is outlined on the P1 form as 130 Kilkeel Road Annalong. During the day of the site visit, I called at No. 130 and Mrs Louise Kearney answered the door. From this information, I can suppose that the applicants and the applicant's mother-in-law already live next door to one another and that the proposed dwelling would be further away from the existing residence of the applicants.

I also received an email from the landowner and Mrs Louise Kearney's father in law. 21st May 2021. Within the email Mr John Kearney states that the application site is not along the undeveloped coast. Mr Kearney refers to an infill site at 244 Kilkeel Road that was granted permission last year. Mr Kearney also refers to his wife's health.

In reference to the approval at 244 Kilkeel Road, the approvals were for a replacement dwelling - LA07/2018/0013/O and LA07/2018/1800/RM – and therefore a dwelling was already on site. This is a different circumstance than this application whereby there is no existing building.

I received an email from Mr and Mrs William and Louise Kearney 21st September 2021 with two photographs attached of dwellings currently under construction in Annalong along the shoreline.

The email advises that the apartments have been approved as a replacement but are much closer than the old dwelling and that the other building is a new built. I advised Mrs Kearney that as addresses/maps were not provided, I cannot look into the history of these developments. Mrs Kearney advised that they were on Shore Road and Waterwheel Wharf Annalong, however no specific address/location was provided.

I received an email from the applicant 6th October 2021 Mr William Kearney with a number of maps attached showing the location of recent coastal new builds within the Annalong area.

1. The first map attached outlines No. 73 Glasdrumman Road. The most recent approval on this site is LA07/2016/0529/F for the erection of replacement dwelling and detached garage and 2 additional dwellings accessed via the existing car park to the south, in substitution of P/2012/0744/F. NIEA were consulted as part of this application and advised "Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal with conditions and informatives."

2. The second map attached relates to land to the south of 69 Glassdrumman Road Annalong. The most recent approval on this site is LA07/2020/0223/F which was approved for the erection of 2 semi detached houses with associated site works in part substitution to the extant approval granted under P/2008/0059/F. NIEA Coastal Development were consulted as part of this application and advised that they are "unable to determine whether the proposal would have significant adverse impact contrary to the UK Marine Policy Statement." Coastal Development requested additional information required to demonstrate:
 - a) How the impact has been considered; and
 - b) Measures to address the adverse impact, where appropriate.The Planning Report available on the Public Portal refers to NIEA's concerns and states: "There is an extant approval on this site for a similar proposal which constitutes a valid 'fall-back' position. On this basis, determining weight is given to the planning history in this regard and the planning department will not be seeking any further information to assess the principle of development against coastal policy requirements. Informatives will be attached however in respect of this matter and the applicant should familiarise themselves with the requirements and be made aware that any future proposals on this site will be assessed on its own merits against the coastal policy requirements."
3. The third map attached relates to 26 Shore Road Annalong which was approved under P/2015/0182/F for 4 dwellings. NIEA were consulted on this application and in a response dated 29th May 2015, Coastal Development advised "Marine Environment Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal with informatives."
4. The fourth and final map provided outlines land adjacent to no.57 Shore Road Annalong. This site was granted permission for the erection of a dwelling under P/2012/0579/F. This application was approved October 2012. NIEA were not consulted on this application and therefore did not provide comment.

Objections & Representations:

Neighbour notification: A number of neighbour notifications were issued 10th November 2020, 18th December 2020 and 24th May 2021.

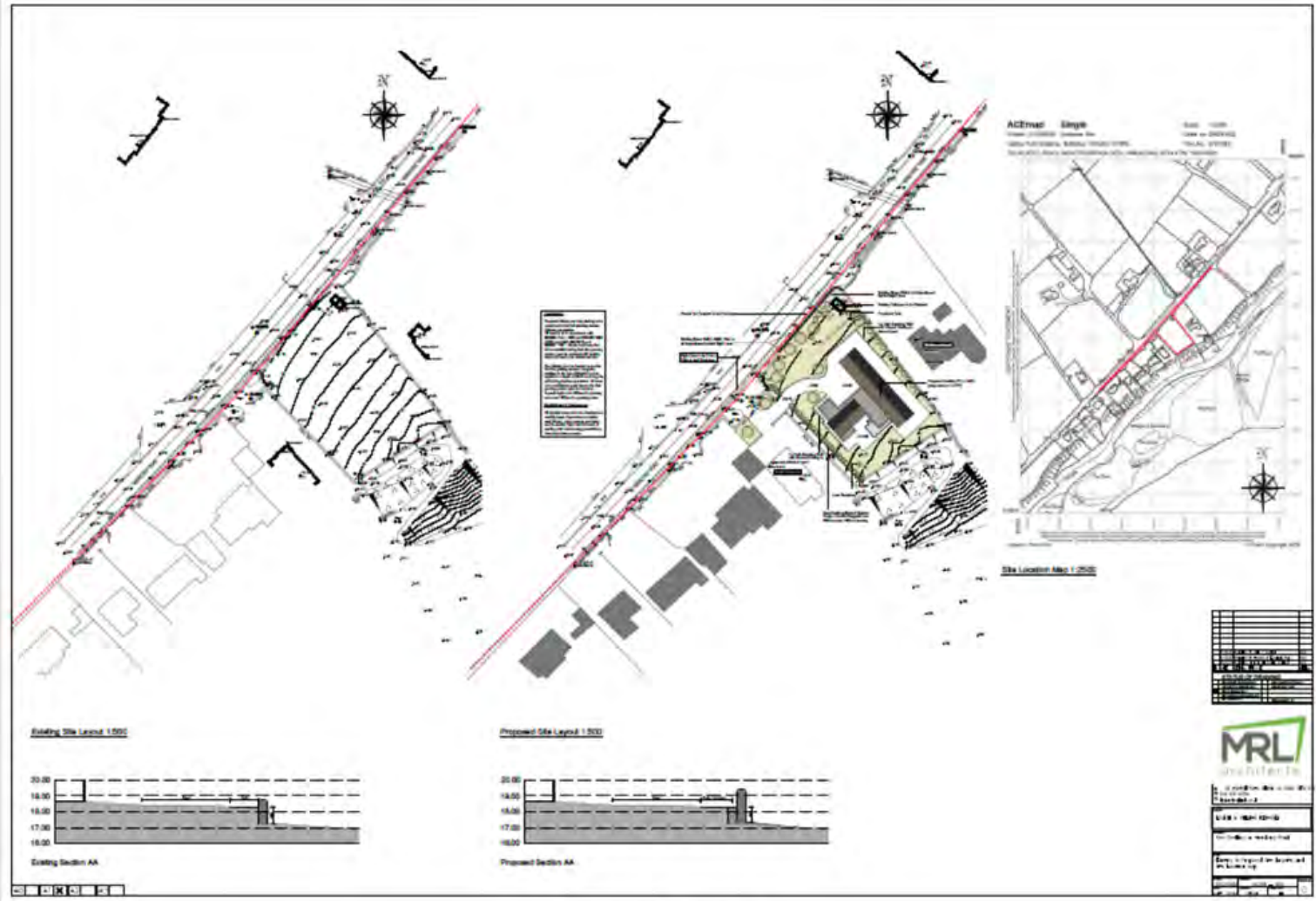
Advertisement: The application was initially advertised 17.11.2020 and re-advertised 12.01.2021.

No objections or representations have been received to date (19.10.2021).

Assessment

Proposal

The proposal is full application for the infill of a site to provide 1 dwelling and attached garage on Lands between Nos 228 and 230 Kilkeel Road Annalong. The proposed site plan and elevations are shown below.



Proposed site plan



Proposed floor plans and elevations

The proposed dwelling comprises a single storey and 2 storey 'wing' with the maximum ridge height as visible from Kilkeel Road being approx. 7.3m from ground level. Like several others along this stretch of road, the dwelling will be split level appearing single storey to the front and 2 storey to the rear.

The proposed finishes include; off-white coloured rendered walls, glazed aluminium/PVC windows and doors, blue/black natural roof slates for the pitched roof and trocal for the flat roof. The proposed access to the site is along the western boundary and utilises the existing access that serves the adjacent dwelling, No. 230 Kilkeel Road. The existing stone wall along the roadside boundary and NIE/SL pole are to be repositioned behind the required sight lines. All other stone walls along the boundaries are to be retained as existing. The existing small outbuilding in the northern corner is to be retained. A 1m high retaining wall with ground grading to natural level is proposed around the perimeter of the dwelling. Planting has also been proposed to the inside of the existing stone walls along the north, east and western boundaries.

Principle of Development

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge /

Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan and is un-zoned. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

As the application is for the infill of a site, the relevant policy would be Policy CTY 8 – Ribbon Development. This policy provides the criteria to be met in order to grant permission for an infill site.

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):

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

This approach will be followed below.

The site in question sits along Kilkeel Road, Annalong. Either side of the application site are No. 228 and 230 Kilkeel Road. Beyond No.228 is an agricultural field. Beyond No. 230 are a number of existing dwellings and buildings; all of which have front to Kilkeel Road.

A substantial and continuously built up frontage is defined as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. As outlined on the screenshot below, I am content that there are more than 3 buildings with road frontage which therefore constitutes a substantial and continuously built up road frontage and thus the first test of the policy is met.



The average frontage for developed sites is 23.7m with the frontages ranging from approx. 15.2m to 40m. The application site has a frontage of 38.1m with a 'building to building' gap of 51m. Although the frontage of the application site is larger than the average frontage of developed sites along this stretch of Kilkeel Road, appeal 2019/A0001 states that it is not merely a mathematical exercise. I am satisfied that the application site constitutes a small gap site that could not accommodate more than 2 dwellings. The development of this site with 1 dwelling would respect the existing pattern in terms of plot size.

Design, Scale, Size and Massing

Policy CTY13 -Integration and Design of Buildings in the Countryside outlines that a dwelling will be acceptable where it is visually integrated into the landscape and is of an appropriate design. As mentioned above, the existing dwellings along this stretch of Kilkeel Road comprise of different designs, scales and masses and include single storey dwellings of modest scale and design and larger 1 ½ and 2 storey dwellings with dormer windows. Both hipped and pitched roofs can be seen along this stretch of Kilkeel Road with the finishes of the existing dwellings also varied. I am content that the design of the build is acceptable given the existing character of the area. The maximum ridge height proposed is 7.3m from ground level. Due to the built up character of this stretch of the road, and large dwellings either side of the site, I am content that the proposed dwelling would not be a prominent feature on the landscape. All existing stone wall boundaries around the site are to be retained. Planting is also proposed on the inside of these walls. The proposed access is via and existing access which serves No. 230. The proposal complies with CTY 13.

Policy CTY14- Rural Character outlines that a dwelling will be acceptable where it does not cause a detrimental change to, or further erode the rural character of an

area. As outlined above, it is not thought the proposed dwelling will be a prominent feature in the landscape. 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. The proposed development respects the traditional pattern of settlement exhibited in the area. The proposed dwelling is on a gap site which is compliant with Policy CTY 8 and therefore wont create or add to ribbon development. Ancillary works are unlikely to damage the rural character. The proposal fails to comply with Policy CTY 14.

Impact on Amenity

The closest neighbouring dwellings are Nos. 228 and 230 Kilkeel Road abutting the site to the east and west respectively.



No. 228 Kilkeel Road



No. 230 Kilkeel Road

The proposed floor plans show that there are no upper floor windows proposed on the side elevation facing No. 228. The proposed separation distance between the proposed dwelling and No. 228 is approx. 14m therefore it is not considered the dwelling will impact on the amenity of the neighbouring property in terms of loss of light or overshadowing to an unacceptable level.

There is an upper floor bedroom window and balcony proposed on the side elevation facing No. 230. The proposed separation distance between the side elevation and No. 230 is approx. 14.5m therefore it is not considered the dwelling will impact on the amenity of the neighbouring property in terms of loss of light, overshadowing or overlooking to an unacceptable level. However, in the event permission is granted a screen shall be required along the side of the balcony to protect the amenity of adjoining residents.

It is noted the dwelling also includes ground floor glazing along both side returns however it is considered these will not adversely impact on the amenity of the adjoining properties due to the ground floor nature, spacing and boundary treatments.

Accessibility & Transportation

DfI Roads noted that the A2 is a protected traffic route and that Planning must be satisfied that this application is an exception to the policy. In this case Annex A within

PPS 21 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking is applicable and states:

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases: Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route."

It was noted that the existing access to the site is agricultural only, therefore the Department did not consider the proposal to be an exception.

An amended site layout was submitted with a new proposed access through the existing access serving No. 230 Kilkeel Road. Planning are satisfied that the proposal makes use of an existing vehicular access onto the Protected Route. DfI Roads issued a final response 7th October advising of conditions and informatives relating to the Private Streets (NI) Order 1980 to be attached.

PPS 2: Natural Heritage

The site is also within an Area of Outstanding Natural Beauty therefore Policy NH 6 applies.

Planning permission will be granted if all of the following criteria is met:

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

The existing dwellings along this stretch of Kilkeel Road comprise of different designs, scales and masses and include single storey dwellings of modest scale and design and larger 1 ½ and 2 storey dwellings with dormer windows. Both hipped and pitched roofs can be seen along this stretch of Kilkeel Road with the finishes of the existing dwellings also varied. I am content that the design of the build is acceptable given the existing character of the area. The proposal complies with Policy NH 6 of PPS 2.

Other Material Considerations

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

Summary:

Although the principle of development can be established at this site, and the proposal is considered to comply with the integration and character policies, it is considered that the application is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that this area of the coast is known to be at risk from coastal erosion and insufficient information is available to determine that this development will not exacerbate the coastal erosion problem. During the meeting that took place 10th May 2021, the Marine and Fisheries Division officer, Jen Firth, explained that the only way to get a different response from Marine and Fisheries Division is to prove in some way that this proposed property is not going to be affected in the future, however Jen advised the agent that she is almost certain that this information is not available to date. An email was sent to the agent 19th May 2021 advising that in the absence of reliable, scientific information on coastal change, the Planning Department have no option but to adopt the precautionary approach and, on this basis, the application will be moved forward recommended for refusal.

Recommendation:

Refusal

Reasons for refusal:

1. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that this area of the coast is known to be at risk from coastal erosion and insufficient information is available to determine that this development will not exacerbate the coastal erosion problem.

Case Officer Signature: Eadaoin Farrell

Date: 19.10.2021

Appointed Officer Signature: M Keane

Date: 19-10-21

Dear Sir / Madam

LA07/2020/1584/F Planning Application for New Dwelling at Kilkeel Road, Annalong

In relation to the above Planning Application we request speaking rights for the Planning Committee meeting due to be held on the 12th January 2022. Please refer below to some of the concerns we wish to raise;

- Due regard has not been given to the set back from high tide water level nor the height of the dwelling above sea level (i.e. the vertical distance from the finished floor level to the high tide level) which is circa 11.0m, this is a substantial height above sea level and has not been considered in relation to potential sea level rise. Furthermore there have been many recently approved planning applications and constructed developments with lower finished floor levels matched against the high tide level. Given this, we believe the Planning Department in this instance is not using a similar approach to determining this application as has done recently with others in a similar setting;
- The Planning Department's opinion to refuse appears to be based upon on the *Marine and Fisheries Division* unsubstantiated opinion which is not evidence based;
- Consideration has not been given to the geology of the site in relation to costal erosion. This is a proposed infill site set within a substantial line of established residential development, which over many years has not shown any signs of coastal erosion that would affect the use of this site or the others for use as a residence.

Thanks, we would appreciate if you could confirm receipt of this email and forward us any information we require to join the meeting at the appropriate time.

Kind Regards,

Eamon Larkin BSc (Hons) Arch DAAS RIBA RIAI

Director

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**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2021/0329/O

Date Received: 18.02.2021

Proposal: Proposed replacement of redundant non-residential building with new storey and half dwelling on former industrial ground to the rear of No. 30 Grove Road, Annalong and improvement accesses to Nos 28, 30 & 30A Grove Road.

Location: To the rear of No.30 Grove Road, Annalong, BT34 4XB

1. Site Characteristics & Area Characteristics:

- 1.1. The application site is located to the rear of No.30 Grove Road. The application site is accessed from the Grove Road through a shared access. The site is overgrown while there are concrete bases present. The building to be replaced exhibits a mono-pitch lean-to corrugated roof and green painted doors. The walls are finished with a rough render. The site is relatively flat with a gentle descend from the Grove Road.
- 1.2. The application site is located outside any settlement development limits as designated with Banbridge/Newry and Mourne Area Plan 2015. The area is of typical rural character and predominately agricultural use. The site is within a designated Area of Outstanding Natural Beauty.

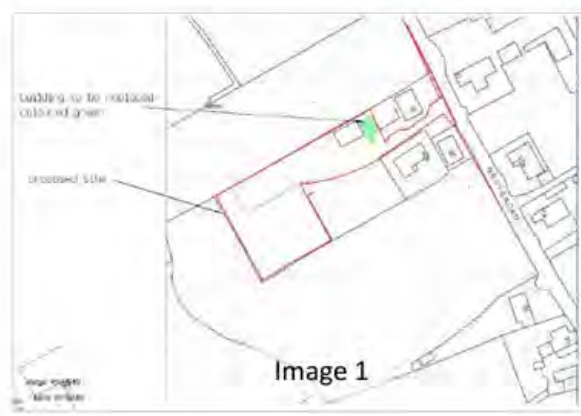


Image 1



Image 2

2. Site History:

P/1987/0940: Erection of retirement bungalow. Granted 12.10.1987.

P/1986/1158: Proposed site for retirement dwelling. Granted 28.04.1987

P/1986/0236: Site for dwelling. Granted 07.05.1986

P/1998/1656: Erection of replacement dwelling. Granted 23.07.1999.

3. Planning Policies & Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 2 - Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside

4. Consultations:

DfI Roads: No objections subject to conditions 13.10.2021

Environmental Health: No objections 08.09.2021

DfI Rivers: No objections 24.05.2021

NI Water: Generic response received 05.05.2021

5. Objections & Representations

5.1. 8 neighbouring properties were notified on 06.05.2021 and the application was advertised in two local newspapers on the 02.03.2021 and 03.03.2021. No representations have been received to date 11.11.2021.

6. Consideration and Assessment

6.1. The proposal is for the replacement of a small outbuilding (see image 3 and 4) which housed canteen fridges, toilets for employees on site associated with mushroom production and allowed for administration duties and the removal of concrete bases, previously used for mushroom polytunnels, and replacement with a 1 and a half storey dwelling.



Banbridge, Newry and Mourne Area Plan 2015

6.2. Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application

and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of a designated settlement. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

Strategic Planning Policy Statement (SPPS)

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

PPS21 - Sustainable Development in the Open Countryside

- 6.4. Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3. This application proposes the replacement of a redundant non-residential building with a dwelling.
- 6.5. CTY 3 states '*Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy*'.
- 6.6. The accompanying Design and Access Statement stated that the building to be replaced housed canteen fridges, toilets for employees on site and allowed for administration duties associated with mushroom growing. Section 250 (1) of the Planning Act (Northern Ireland) 2011 definition of agriculture includes horticulture i.e. growing mushrooms. The Council considers the subject building is designed for the purposes of agriculture for the housing canteen fridges, toilets for employees on site and allowed for administration duties ancillary and reasonably necessary to the production of mushrooms. The interpretation is supported by the Commissioners Decision in appeal decision 2019/E0026.
- 6.7. Notwithstanding the Council's objections to the building's eligibility CTY 3 allows for the replacement of non-residential building in certain circumstances stating:

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed

or otherwise makes an important contribution to the heritage, appearance or character of the locality.

- 6.8. The Council, after carefully considering the information submitted including, inter alia, the design and access statement, raised concerns with the principle of development on the site. The design and access statement stated, in support of demonstrating the proposal would bring significant environmental benefit:

The replacement of this existing redundant building and the removal of existing concrete bases will provide beneficial environmental impacts to the area. concrete bases and building will be removed and replaced by landscaping as shown on the site plan. This will have benefits to the ecosystems in the area.

- 6.9. The proposal does not demonstrate how there would be a significant environmental benefit. While an argument was presented that the removal of hardstanding would benefit the 'ecosystems in the area', it has not been demonstrated how this would be the case. However, the submitted evidence does not establish delivery of these benefits to be dependent on the grant of planning permission or that the required measures could not be taken regardless.
- 6.10. Regarding the visual impact of the building to be replaced, its design and appearance is typical of the older agricultural outbuildings commonly found throughout the countryside and has a relatively low ridge height approximately 2.3m, therefore it is not considered out of place. The critical views of the building are transient and largely screened by the presence of No.40 Grove Road.
- 6.11. The environmental benefits of the proposal are ambiguous, and the Council does not consider them, when weighed either individually or in combination, to constitute significant environmental benefits for the purposes of Policy CTY 3.
- 6.12. Further to the above, the CTY 3 requires that all replacement cases would not have a visual impact significantly greater than the existing building. As stated above the building to be replaced has a relatively low ridge height, approximately 2.3m, is located to the rear of No.40 Grove Road. The proposed dwelling would have a greater visual impact due to the increase in ridge height and sited in a more exposed part of the site.
- 6.13. Consequently, the proposal fails this critical policy test and does not constitute development acceptable in the countryside as the replacement of a redundant non-residential building in compliance with Policy CTY 3.

CTY 13 and CTY 14

- 6.14. The application site gently slopes away from the Grove road and is located behind a large 2 storey dwelling. The dwelling with a restricted ridge height would not be a prominent feature in the landscape. the site is enclosed on by dry stone walls typical of the area. The proposed would not result in

ribbon style development the existing planting to the rear of the application site could be supplemented with additional native planting.

- 6.15. I do not consider the proposal, subject to conditions, to offend CTY13 or CTY 14.

CTY 16

- 6.16. A pre-commencement condition requiring an approved application to NI Water Consent to Discharge to be agreed in writing by the Planning Authority would ensure the proposal satisfies the policy requirements of CTY 16.

Planning Policy Statement 3: Access, Movement and Parking

- 6.17. DfI Roads have been consulted and are content with the proposal subject to conditions. The application site is large enough to accommodate two in-curtilage parking spaces and sufficient space to manoeuvre and turn vehicles without the need to prejudice the flow of traffic. The proposal, subject to conditions, satisfies the policy requirements of PPS 3.

7. Recommendation: Refusal

8. Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced is designed and used for agricultural purposes, and is not eligible for replacement.
3. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development does not represent a significant environmental improvement.
4. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would have a visual impact significantly greater than the existing building.

Case Officer Signature: Eamonn McArdle

Date: 12.11.2021

Authorised Officer Signature: M Keane

Date: 12-11-21

Cole Partnership
Architecture and Project Management
 12A Duke Street Warrenpoint
 Co.Down BT34 3JY

Proposed one and a half storey dwelling to the rear of No.30 Grove Road Annalong with improvement to accesses to dwellings Nos 28, 30 and 30A Grove Road Annalong. Ref: LA07/2021/0329/O

This is an outline planning application for a storey and a half dwelling to the rear of No. 30 Grove Road Annalong. The dwelling at No.30 belongs to one of the applicants' parents. The applicants Mr. Newell and Ms Trainor currently live in and work in Derby England and it is their intention to move back to Annalong to live close to Ms Trainors parents. Mr Newell and Ms Trainor wish to move back to Annalong to live for family support.

The application was determined under PPS 21 CTY1, CTY3, CTY 13, CTY14, and CTY16 where there are a number of criteria of which the planning department feel are not met:

CTY 1of PPS 21. States that there are a range of types of development which in principle are considered to be acceptable in the countryside, we are of the opinion that the replacement of the redundant non-residential building to the rear of No.30 with a new dwelling would fall into this range under CTY3.

CTY 3 of PPS 21 states that *'Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy'* The building to be replaced on this site is not a shed, store or of temporary construction, the existing building has been insitu for a substantial period of time and has now fallen into disrepair. The building was used for office/administration purposes, a canteen and toilets on site in association with an agricultural business. The building to be replaced does not have the appearance of an agricultural building. An agricultural building is defined as a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. An agricultural building is not to be used for human habitation; processing, treating or packaging agricultural products; nor shall it be a place used by the public. The existing building to be replaced is not an agricultural building.

CTY3 of PPS 21 goes further to state that *'favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality'* At present on site there are seven concrete bases and the building to be replaced. The total area of the impermeable concrete footprint on site is 1,648m², this surface area prevents storm water from running off to natural drainage within the area and creates ponding and causes water to lie on site. The redundant building attracts vermin to an area where there are a number of houses with young children. The hard surface prevents any local fauna and vegetation from growing and therefore decreasing habit for local wildlife, it also an eye sore in the landscape of the area.

The proposed footprint of the proposed development including dwelling and driveway consist of only 505m² which is less than a third of the hard surface that is presently on site. An increase of 66% landscaped area on a brown field site is a *'significant environmental'* improvement allowing for a substantial area of landscaping which will allow for considerably more runoff to enter the strata and surrounding watercourses, reduce places where vermin can live, increase the growth of local fauna and vegetation therefore increasing habitat for local wildlife and removing an eye sore from the local area of outstanding natural beauty.

The concrete bases on site will be not be broken up of and taken to landfill. The concrete bases will be recycled on site which as defined by the Waste Management Hierarchy is the most environmentally friendly solution when it comes to disposing of waste. The recycled concrete will be crushed on site and used for hard core within the footprint of the proposed driveway and dwelling which will reduce the need for raw materials on site.

The case officers report states that the environmental improvements to the site are *'ambiguous and the council does not consider them'* to make a significant environmental improvement. As previously mentioned, the removal of this hard surfacing will increase landscaped area, improve storm runoff of water, decrease vermin within the area, promote habitat

for local wildlife, remove an eyesore from the landscape and the existing concrete on site will be recycled and reused in the proposed development. The area of hardstanding which will be removed from the existing site is 1,143m², this is equivalent to footprint of 10.5 pairs of typical semidetached dwellings (21 dwellings in total)

The case officers report also states the delivery of these benefits is not dependent on planning permission being granted and that measures could be taken regardless. If this is the case, then no application would meet the requirement of environmental benefits as all proposals similar to this could be carried out without the request for planning for a dwelling.

CTY3 of PPS 21 requires that replacement dwellings do not have a visual impact greater than the existing building. Very few replacement dwellings meet this criteria, as the vast majority of replacement dwelling applications are for the replacement of small farm dwellings that are no longer habitable. Recently approved storey and a half dwelling LA07/2020/1177/F has a footprint of 180m², the single storey dwelling that is being replaced has a footprint of 57m² another example of this is approval LA07/2019/0223/F which is a storey and a half dwelling with a footprint of 144m² the dwelling that it is replacing is a single storey dwelling with a footprint of 55m². The building which we will be replacing has a footprint of 65m² and the indicative proposed dwelling has a footprint of 182m² similar ratio to the approved replacement dwellings mentioned above.

In relation to integration on approach to the proposed site there is a cluster of nine dwellings which appear as an entity. This section of public road has street lighting. An additional dwelling at this location will resemble the design of existing dwellings and have the exact same integration as the existing dwellings within the area with a boundary consisting of a natural stone. The existing dwellings in the area have no mature vegetation integrating them into the landscape. Significant improvements to the existing access are proposed. This will also give benefit to the accesses, 28, 30 and 30A Grove Road.

The case officer is satisfied that a proposed dwelling would meet the criteria set out in CTY 13 and 14 in that the proposed dwelling would not be a prominent feature in the landscape and not result in ribbon development. If approved a pre-commencement condition for consent to discharge under CTY 16 of PPS 21 would be acceptable to the applicants.

For the reasons stated above we feel that the proposal meets the criteria for replacement of a redundant non-residential building.

Proposed site circled





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0953/F

Date Received: 24.03.2020

Proposal: Erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme

Location: Lands approx. 55m north west of 108 Leitrim Road Hilltown

Site Characteristics & Area Characteristics:

The site is located outside the settlement development limits as defined by the Banbridge, Newry and Mourne Area Plan 2015. The site is also within the Mourne Area of Outstanding Natural Beauty.

The site is located approx. 55m north west of No. 108 Leitrim Road Hilltown and is accessed via a long rural laneway off Leitrim Road. The application site slopes upwards east to west towards the crest of Sheep's Hill. Due to the elevated and open nature of the application site, there are critical views from Sandbank Road to the south-east. The surrounding area is rural in character with agricultural grassland, single dwellings and holdings comprising the locality.



Application site



Views of the application site from Sandbank Road

Site History:

There is no planning history on this site however there is history for No. 108 Leitrim Road.

P/2007/0057/F - Erection of replacement dwelling and detached garage – Permission granted

Planning Policies & Material Considerations:

This planning application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 16 – Tourism
- PPS 21 – Sustainable Development in the Countryside
- DCAN 15 – Vehicular Access Standards
- Building on Tradition, A Design Guide for Rural Northern Ireland

Consultations:

- Roads – No objections
- Water – Approval
- EH – no objections in principle to this proposal, however should the development proceed, then a consent to discharge under the Water Order 1999 shall be required.
- DAERA – farm business Id has been in existence for more than 6 years and the farm business has farm business claimed payments in each of the last 6 years.

Objections & Representations

The latest neighbour notification was issued 30.07.2021. The application was advertised 02.06.2021.

No objections or representations have been received to date (10.11.2021).

Proposal:

The proposal is for the erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme. The pods will measure 7.4m by 3.9m and will have a ridge height of 3.2m. The proposed communal pod will measure the same. The proposed finishes include; green roof construction, pre-fab walls with timber cladding, PVC windows and doors. All pods have a covered seating area to the front.

The proposal involves the cutting of land to facilitate the recessing of the pods into the land. New gravel paths are proposed within the site to provide access to the pods. Existing boundaries are to be retained and supplemented where necessary and a new dry-stone wall is proposed along the northern boundary of the site to separate the site from the host field. A 3m wide buffer of wildflowers is proposed



along all boundaries. The proposal is shown below.

Assessment

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the Mourne AONB outside any development limits.

Strategic Planning Policy Statement

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.

Planning Policy Statement 21

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a relevant retained policy document. Policy CTY1 of PPS21 lists the types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. It indicates that planning permission will be granted for tourism development in accordance with the TOU Policies of PSRNI.

While the SPPS also contains policies dealing with agricultural diversification, these do not conflict with any retained policies and consequently the relevant policy context in respect of this development is provided by Planning Policy Statement 21 Policy CTY 11 while the content of PPS 16 is also relevant.

Following the submission of this application, it was noted that no P1C form or farm maps were submitted alongside this application despite the proposal description. Initial discussions of the application considered CTY 11 and TSM 5 and 6 of PPS 16. An email was sent to the agent 5th August 2021 outlining the fact that no supporting information in reference to the proposed agri diversification scheme was submitted. Moreover, the agent was advised that the proposal was considered to be contrary to Policy TSM 5 of PPS 16 in that it is not located within the grounds of an existing hotel, self-catering complex, guest house or holiday park; it is not to be located at or close to an existing tourist amenity and it does not involve the restoration of an existing clachan or close. The agent was also advised that the proposal is considered to be contrary to Policy TSM 6 in that due to the proposed level of accommodation provision (proposed pods were larger than those shown in the drawing above), it was not considered to be a holiday park as per the definition outlined in PPS 16.

A P1C form and farm maps were received for this application and the size of the pods reduced and a communal pod proposed as well.

Policy CTY 11 states:

"Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- (a) the farm or forestry business is currently active and established;*
- (b) in terms of character and scale it is appropriate to its location;*
- (c) it will not have an adverse impact on the natural or built heritage; and*
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.*

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Within the Supporting Statement submitted alongside the application, it is outlined that “the existing buildings on this holding are all just small tin sheds...clearly unsuitable for adaptation and reuse”. During the site visit, it was noted that the adjacent farm buildings all comprised “tin sheds”. The lands outlined on the farm maps have also been checked. I am satisfied that this proposal meets the exceptionality case.

A consultation was issued to DAERA whereby DAERA stated that the farm business had been in existence for more than 6 years and had also claimed payments in each of the last 6 years. I am satisfied that the applicant has an active and established farm business (a).

Due to the elevated and open nature of the site, there are critical views from Sandbank Road. The proposal involves the cutting of land to allow the pods to be recessed into the land. The need for engineering works to try and achieve integration essentially acknowledges the fact that the proposed siting is wholly inappropriate especially within an AONB setting. It is considered that the site does not have the capacity to absorb the proposed development and visual integration into the landscape is not achievable and that effective integration into the landscape has not been achieved through the utilisation of existing natural or built features. The Department relayed concerns to the agent in relation to the proposal failing to comply with criterion (b) and (c) of CTY 11. In response, a Landscape and Visual Assessment (spouncerEcology) was submitted. The report includes a number of photographs taken of the application site from a number of different viewpoints. The report summarises that:

“The site has limited visibility from Sandbank Road. Main receptors are 5 private dwellings. The development is contained and small. The development will have minimal impact on local landscape setting.

The Landscape Plan has been proposed to incorporate the following principles:

- *The pods will be set within the landform and set within the slope.*
- *Native species planting in keeping with setting will enhance biodiversity and soften impact of development for users and adjacent land users*
- *Figure 3 sets out the Landscape Framework to include additional native planting to set new development within landscape setting and enhance biodiversity.”*

The Planning Department consider the Landscape and Visual Impact Assessment insufficient to outweigh the genuine concerns of the proposal in relation to the inappropriate location/siting (elevated and open nature of the site) which will in turn harm the character of the area and have an adverse impact on the AONB setting. The Department do not consider the proposed landscaping plan sufficient to alleviate these concerns.

Due to the isolated nature of the proposal, the department have no concerns of the proposal impacting the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

For the reasons outlined above, the Council consider the proposal to be contrary to criteria (b) and (c) of CTY 11.

Although the principle of development cannot be established at this site under Policy CTY 11, I will also give comments on the other relevant policies contained within PPS 21 – CTY 13, 14 and 16.

The proposal involves engineering works to recess the pods into the land to provide a degree of integration. The open and elevated nature of the site gives rise to critical views from adjacent public roads and viewpoints.

Para 5.64 of CTY 13 states: "A building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development. Similarly, a new building that **relies on significant earth works, such as mounding or cut and fill for integration will be unacceptable.**"

Para 5.65 goes on to state: "Due to the widespread views generally available in flat landscapes or **exposed hill areas** it is all the more important to ensure that new buildings integrate well with their surroundings. **In such areas, poor siting and design carries with it a greater potential for adverse impact on visual amenity and rural character. Particular care is therefore required in site selection so that new buildings will integrate into these landscapes.**"

For the reasons outlined above, the proposal is considered to be contrary to criteria (c), (d) and (f) of Policy CTY 13.

The proposal involves the continuation of the existing laneway into the application site to provide access. The elevated nature of the site and the vulnerability of the landscape means that the site would not have capacity to absorb the proposed ancillary works. IT is considered that the proposal would erode the rural character of the countryside and the proposal is considered contrary to criterion (e) of CTY 14.

A septic tank has been outlined as the means of sewerage. If the application were to be approved, a Consent to Discharge condition will be attached to ensure that CTY 16 is complied with and to protect the environment.

Planning Policy Statement 16

Within the Design and Access Statement submitted alongside the application, the agent also refers to Policy TSM 6 of PPS 16 if the principle of development cannot be established under Policy CTY 11. Although the proposed description refers to a

proposed agri-tourism scheme which therefore engages Policy CTY 11, I will also give comment on the relevant tourism policy.

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for tourism development in accordance with the TOU policies of the PSRN. However, those policies have since been superseded by the provisions of Planning Policy Statement 16 – Tourism (PPS16). It follows that if the development complies with the relevant provisions of PPS16 it will comply with Policy CTY1 of PPS21.

Policy TSM 6 - New and Extended Holiday Parks in the Countryside is applicable.

“Planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.”

The policy outlines criteria (a)-(g) that must be met in order for planning permission to be granted.

the proposal to fail criteria (a) and (b) of the policy in that the open and elevated nature of the site does not have the capacity to absorb the proposed development and visual integration into the landscape is not achievable and that effective integration into the landscape has not been achieved through the utilisation of existing natural or built features. The policy provisions reflect the importance of landscaping in order to achieve high quality development that integrates into the landscape and respects the surrounding rural context.

As outlined above when assessing the application under the policies within PPS 21, it is considered that due to the open and elevated nature of the site, the site does not have the capacity to absorb the proposed development and visual integration into the landscape is not achievable and that effective integration into the landscape has not been achieved through the utilisation of existing natural or built features.

Para 7.31 of TSM 6 states “Appropriate site selection is therefore crucial in order to ensure visual integration into the landscape and to avoid detrimental impact upon environmentally sensitive sites.”

It is considered that the proposal fails to comply with criteria (a) and (b) of Policy TSM 6 in that the proposal including the engineering works and ancillary works will have an adverse impact on the visual amenity and rural character of the area. Moreover, effective integration into the landscape is not achievable. The proposed cutting of land to allow the pods to be recessed into the steep topography of the site acknowledges the fact that works needs to be carried out to try and achieve integration at this open and elevated site. It is considered that the site selection is not appropriate. The proposed recessing of the pods into the land and proposed landscaping is not

considered to negate concerns in relation to visual integration and detrimental impact upon environmentally sensitive sites.

Consideration was given to the Visual Impact Assessment that was submitted. Again, as outlined above, the Planning Department consider the Landscape and Visual Impact Assessment insufficient to outweigh the genuine concerns of the proposal in relation to the inappropriate location/siting (elevated and open nature of the site) which will in turn harm the character of the area and have an adverse impact on the AONB setting. The Department do not consider the proposed landscaping plan sufficient to alleviate these concerns.

Planning Policy Statement 2

The application site is located within an Area of Outstanding Natural Beauty and as such Policy NH6 is applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It is considered that the siting of the development will harm the character of the area and will have an adverse impact on the AONB setting. The open and elevated nature of the site means that there are critical views from various public view points. It is considered that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty.

Planning Policy Statement 3

The application proposes to use an existing laneway off Leitrim Road and DFI Roads have raised no objections. The proposal will result in the intensification of the use of an existing access, but this is considered to be a minor intensification as the proposal will not be used for permanent residential accommodation. The proposal is considered to be in accordance with Policy AMP2.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - (b) the character and scale of the development is not appropriate to its location);
 - (c) the development, if permitted, will have an adverse impact on the natural heritage.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - (c) it relies primarily on the use of new landscaping for integration;
 - (d) ancillary works do not integrate with their surroundings; and
 - (f) it 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.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - (d) the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the area.
5. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage in that:
 - (a) The siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in which it is located within.
6. The proposal is contrary to Policy TSM 6 of Planning Policy Statement 16, Tourism in that the location and layout does not respect the surrounding landscape and rural character and:
 - (a) the site is not located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
 - (b) effective integration into the landscape cannot be secured primarily through the utilisation of existing natural or built features.

Case Officer Signature: Eadaoin Farrell

Date: 11.11.2021

Appointed Officer Signature: M Keane

Date: 11-11-21

The planning department feel that the development, which is comprised of 3 small pods, is not appropriate to its location. The concerns are based on: scale / character / impact upon natural heritage (visual amenity). It is felt that the development will be prominent and cannot be integrated into the landscape; that it will rely upon new planting and that ancillary works will not integrate with their surroundings. These factors are said to show that the siting and scale of the development will impact on the character of the AONB. It is also said that the layout of the development does not respect the surrounding landscape and the area's rural character, and "integration" and the landscape's ability to absorb the development are again raised as concerns under the tourism policy. So, while there are six reasons for refusal, there is considerable overlap. The principle of the development is resisted only because of the purported environmental concerns, so if these concerns can be allayed then the principle of the development is not contentious.

The development is farm-based and should be encouraged as a farm diversification initiative. Officers appear to accept this, and accept also that the exceptionality clause within PPS 21's Policy CTY 11 has been fulfilled. Compliance with this policy would be sufficient to set aside the concerns that are based upon Tourism policy, further diminishing the scope of the department's opposition to this. Officers accept that the development is clustered as required by Policy, which undermines the suggestion it is not sited properly.

Prior to submitting this application, a detailed site analysis was carried out, and the site viewed from various points of general public access or assembly. This analysis showed that the site is only visible from the lower ground to the east of the site, at a distance of almost 400 metres. The road below is set around 40 metres below the level of the site. The site lies on the side slope of Sheeps Hill, which peaks approximately 75 metres in elevation above the site. What has to be recognised here is that the pods are modest structures. They are 3.2 metres to the highest part of the roof. They are 7 metres long, and the majority of this 7 metres will be burrowed into the hillside. What could be visible from the road below would be a face that measures 3.9 metres wide and has been finished in timber. Respectfully, given the distance from the suggested critical viewpoint, there is no prospect of this development blotting this landscape. Contrary to what has been suggested, it will appear wholly inconspicuous in this landscape. The visual impact will be lessened further by the fact that the pods' front faces are recessed. The recess will result in the creation of a shadow that will minimize the perception of the structures.

It is said that the site is open and exposed. This is flatly contested. The site is actually undulating, and is partially sheltered by the steep incline to the west. The first photograph in the planning report shows the topography within the site. Remember that we are dealing with very modest, moveable pods. Small parts of the hill will be carved out so that the pods can be set in neatly. The pods will thus benefit from an immediate backdrop of very steeply sloping land, when viewed from the lower Sandbank Road. The development's presence in the landscape will be mitigated by a clump of dense gorse just above the site, and by a belt of mature screening along the lower field boundary, which is only metres away from the proposed pods.

It is said that there are critical views from the Sandbank Road, below the site. The planning report shows a photograph and an arrow is directed at the applicant's residence. The pods are proposed approximately 60 metres from the applicant's house however. However prominent one considers the applicant's dwelling (which he purchased in a half-finished state), if the pods are visible at all from the position highlighted by the planning department, what will be seen will be a grassed roof, just to the left of a line of mature trees, set below and subsumed by a mountain top. The pods will be simply be set in burrows, so the impression portrayed of significant excavations and (un-qualified) ancillary works is simply not an accurate representation of what is proposed. The cutting of land described by officers is akin to burrowing or furrows in the hillside, large enough only to allow a pod to be neatly set in.

Paths leading to and surrounding the pods are to be finished with gravel. There are no elaborate works taking place, for this would be contrary to the applicant's intention to retain a rugged and un-disturbed appearance. The pathway shown on plan form draws the eye much more than will be possible on the ground simply because one is looking at a birds-eye plan of a path on a 2-dimensional map, but this path will be barely perceptible 400 metres away, and 40 metres below. Respectfully, there is little prospect of a gravel track that has been laid along existing contours, from blemishing this landscape or being conspicuous.

Officers recognize the existence of a number of tin sheds, with which the pods will be clustered. However, the tin sheds are barely visible in the landscape despite the unfinished tin not blending with the greenery of the grass and other vegetation. This is indicative of the reality that the proposed pods will not be conspicuous (and in fact the pods will be less visible as they are to be set in burrows).

Officers have portrayed the burrowing of an area of 7 x 4 metres (times three) as an engineering work necessary to achieve integration. This is not the case. Even if it was, the scale of the excavation is hardly excessive considering the modest pods proposed.

A chartered landscape architect was commissioned to independently appraise the issue of integration. The landscape and visual assessment were carried out in accordance with the following guidelines and guidance

documents: Guidelines for Landscape and Visual Impact Assessment (GLVIA), published by the Landscape Institute and the Institute of Environmental Management and Assessment (2002); Landscape Character Assessment (LCA) - Guidance for England and Scotland, published by the Countryside Agency and Scottish Natural Heritage (2002). It was also cognisant of DAERA's Landscape Character Assessment. This report has been acknowledged but it has not been critiqued or fully appraised. Significantly, the planning department suggests plural critical viewpoints but illustrates only one and does not identify any others. All that has been said is that it is insufficient to outweigh concerns relating to a purportedly elevated and open site. The entire point of the visual assessment was to show that the location is not in fact open or exposed, in terms of its ability to absorb this scale of development, however there has been no attempt to rebut the findings of the landscape designer's assessment. Significantly, the landscape consultant has actually been commissioned by this Council in the past and their work is therefore recognised by the Council as being of considerable standing but yet there has been no attempt to show how or why the landscape architect's conclusions that the site will have minimal impact upon the local landscape setting or the finding that the main receptors are five private dwellings (which are not critical viewpoints) are not determinative.

Officers cite an extract from PPS 21 which states that new buildings relying upon significant earth works, such as mounding or cut and fill for integration will be unacceptable. However, these works are neither significant nor do they constitute mounding. This situation is not comparable with the level of cut and fill needed to accommodate a house, which would also need a cleared area between it and the face of the adjacent ground. This is a modest burrow, that is necessary to present as semi- subterranean overnight accommodation, which is the objective for attracting visitors who seek to sleep in a basic shelter while walking in this area. The excavations are necessary to avoid having an excessive amount of underbuild, not to achieve integration. Excessive underbuild would necessitate steps into the pods, which would undermine the objective of facilitating disabled access. The department does not actually specify what it considers to be the inappropriate ancillary works: the burrows / bunkers to be dug for these pods will involve modest excavations, and the inner faces will not be visible. With the pods' green roofs there will be little to distinguish between the current greenery and the proposed pods. In the event the pods are later removed, the amount of fill needed to reinstate the bunkers would be minimal.

Officers refer to policy guidance for exposed hill areas. We consider this is misplaced for this lower side-slope is not comparable with the exposed slope above the applicant's home. The general environmental concerns are the key considerations and there has been no objection to the principle of new pods on this applicant's farm. There has been no acceptance of the fact that the pods will be less visible than the tin sheds they are clustered with, and which are barely visible from the public road. There has been no recognition of the immediacy of the shelter provided by dry stone walls proposed for the site. Views from the road below would be significantly impeded by new dry-stone walls, which are typical of this area and which the applicant has recently set about constructing around his house and along other field boundaries. Significantly, critical views are side-on, at considerable distance, with significant elevational change, and the views are captured in an environment containing multiple intervening features which will attract the eye much more than this development will. It cannot be overlooked that the critical views are on a public road upon which the national speed limit applies. Views from this direction will therefore be no more than fleeting.

A nearby application for a more significant tourist development was approved (LA07/2020/1267/F) despite officers acknowledging that there was no certainty that the development could be absorbed into the landscape (the assessment then was that it "should be capable of being integrated into the landscape" because of the low ridge height of the pods and additional landscaping proposed). The same, lesser, test should apply in this instance also.

In order to try and help Members understand the potential visual impact of this development, we arranged for the applicant to park a tractor and trailer on the site. Bearing in mind that the tractor and trailer will have a greater profile than the pods, which are to be nestled into a furrowed bunker, one cannot escape how difficult it is to identify the tractor on the site at the distances involved, even with leaves having fallen from the majority of the trees in the area.

All consultees have responded with no concerns in relation to the proposal and no objections have been received from members of the public. The planning department's main concern is the integration of the development into the landscape. From their report it is clear that this site has not been comprehensively appraised (with only a solitary critical viewpoint identified, at a distance of almost 400 metres) and the landscape designer's findings (that there will be minimal impact) have not actually been contested.

In order to bring balance and consistency to decision making within this area, members should be afforded the opportunity of viewing this site for themselves whereupon it will become apparent that the landscape designer's assessment (that there will be minimal impact) is correct.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0650/F

Date Received: 30/03/2021 (date valid 12/04/2021)

Proposal: Proposed off site replacement dwelling and domestic garage

Location: 30m NWE of 11 Glen Road Downpatrick BT30 8AY



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red form a rectangular shape plot located to the immediate west of the address known as 11 Glen Road and directly opposite no. 20 Glen Road. Within the lands in red is an existing single storey dwelling which currently has no roof. The dwelling is sited adjacent to the Glen Road, located to the south of a farm shed with a barrel faulted roof. The dwelling shaded green is single storey, with a first floor window on the western gable, has a smooth render finish, linear footprint, with 2 chimneys projecting from the ridge. The lands in red fall in levels from east to west. The site is carved out of a larger agricultural field, benefiting from limited natural screening to the west and south.

Characteristics of area: The application site is located outside any settlement development limits as designated with Ards and Down Area Plan 2015. The area is of typical rural character and predominately agricultural use. It is noted that a number of detached dwellings are located within close proximity to the site.



Dwelling to be replaced



Looking east toward replacement dwelling



Looking north onto subject lands (streeview image)

Site History:

LA07/2020/1476/O - Proposed site for off site replacement dwelling and domestic garage. 11 Glen Road, Downpatrick, BT30 8AY. Application withdrawn.

R/2013/0299/F - Dwelling on a farm and domestic garage. Adjacent to 11 Glen Road Downpatrick. Permission granted.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 2 - Natural Heritage

NH 6 - Areas of Outstanding Natural Beauty

PPS 3 - Access, Movement and Parking

AMP 2 - Access to Public Roads

PPS 6 - Planning, Archaeology and the Built Heritage

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

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

Consultations:

NI Water – Generic response.

DfI Roads - No objections subject to access being constructed in accordance with submitted plans.

NIEA – No objections

Objections & Representations:

3 Neighbours within close proximity of the site were notified on 04/05/2021 and renotified on 14/06/2021. This application was advertised in the local press on

28/04/2021 and re-advertised on 23/06/2021. At the time of writing no objections or representations have been received.

Consideration and Assessment:

This application is seeking full planning approval for the erection of an offsite replacement dwelling and garage.

The proposed dwelling will have an 'L' shaped footprint, with an orientation along an east and west axis with the principal elevation facing south and rear elevation pointing north. The dwelling will have a pitched roof construction, with maximum ridge height of approx. 5.7m above finished floor level providing first floor accommodation via the use of rear dormers. The dwelling will feature a single storey front return gabled onto the road. The front return will extend approx. 8.3m beyond the front elevation. The dwelling will have a frontage of approx. 24.9m with a gable depth of approx. 6.5m.

A detached garage will be located to the north east of the dwelling. It will have a rectangular footprint measuring 10.0m x 8.0m. It will have a maximum ridge height of 4.5m above ground floor level. The garage will be finished to match that of the dwelling house

The material and finishes will consist of blue/black slate, painted cement rendered exterior walls, green/grey uPVC windows and composite doors. A portion of natural stone is proposed, and whilst no details have been provided, a condition can be imposed ensuing the details of the materials are submitted to the planning authority prior to commencement.

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings the policy is broadly consistent with the policies set out in PPS21 apart from a tightening of policy in relation to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building. Whereby the emphasis has moved from 'should' within CTY 3 to 'must'. 'Replacement dwellings must be located within the curtilage of the original

dwelling where practicable'....'Replacement dwellings must not have a visual impact significantly greater than the existing building'.

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside but makes an exception for a replacement dwelling in accordance with Policy CTY 3. For planning permission to be granted the replacement dwelling all the following criteria must be met.

- Proposed dwelling must be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The overall size of the new dwelling must integrate into the surrounding landscape and have no greater visual impact than the existing building.
- The design of the replacement dwelling should be of a high quality appropriate to its rural setting.
- All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality.
- Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.
- It further states that this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling.

Applying these criteria to this planning application it is considered:

The planning agent submitted a supporting statement demonstrating why the existing location is not suitable. The agent put forward the case that replacement is required off site as the location is not suitable and the immediately adjacent farmyard has a tank which would be unsuitable and unsafe to build beside. The agent revised the siting, relocating the proposed siting of the dwelling and garage forward toward the road and closer to the farm to minimise the impact on the field. The agent also put forward the case that its current location would not allow for adequate off-street parking or indeed a suitable recreational area and ultimately would not be a safe option.

The Planning Authority acknowledge the restrictive nature of the siting of the existing dwelling, however the alternative site does not provide any benefit in terms of significant landscape, heritage, access or amenity benefits from the relocation elsewhere. The proposed alternative site is located within an open and exposed field with limited natural enclosure or separation from surrounding grounds. A replacement on a site immediately west of the existing dwelling would have a lesser visual impact than the proposed site as it would benefit from the clustering with other buildings and would integrate better at this location.

On assessment of the elevations and floor plans, there are no concerns regarding the design of the replacement dwelling being of a high quality appropriate to its rural setting. However, a dwelling on this offsite location would result in a significantly greater visual impact than the existing.

It has been indicated on the drawings that the mature vegetation along the existing dwellings road side boundary is to be removed with planting proposed to the rear of sight line. New boundaries are proposed to the north and west, partitioning the site off from the rest of the field. Three new boundaries are to be formed to enable integration of a dwelling within the application site into the surrounding area and provide a suitable level of enclosure. The proposed planting along these boundaries will inevitably take a considerable length of time to mature and in the interim would not mitigate the impact of new development.

There is nothing to suggest all necessary services cannot be provided without significant adverse impact on the environment or character of the locality. A new driveway will be formed off the access leading into the application site.

Overall proposals fail against the SPPS and CTY 3 of PPS21.

CTY 8

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. A dwelling and garage on the site would create a ribbon of development with existing buildings along Glen Road. The proposal will create a ribbon of development and is therefore contrary to Policy CTY8.

CTY 13

CTY 13 requires new buildings to be visually integrated into the surrounding landscape and be of an appropriate design. The position of the proposed replacement dwelling will occupy a portion of a separate agricultural field of a much larger roadside agricultural field with only two full boundaries formed (one of which must be removed to accommodate access arrangements. Given the lack of screening to the west and north, the proposed dwelling on this prominent and exposed site would fail to integrate into the landscape. As noted above, landscaping proposed to form the new boundaries will take a length of time to mature and in the interim would not mitigate the impact of new development. The proposal would fail to comply with Policy CTY 13.

CTY 14

New dwellings in the countryside must not cause a detrimental change to, or further erode the rural character of an area. Given that the proposed replacement is to be located approx. 65m West in an entirely new field west of the. CTY 14 sets out five circumstances where a new building would be unacceptable. Approval of the dwelling on the proposed site would create a ribbon of development, and it would cause a detrimental change to the rural character of the area.

CTY 16

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the Planning Department prior to the commencement of development. The proposal appears to conform to Policy CTY 16.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DFI Roads were formally consulted and responded on 12/05/2021 with no objections to this proposal. In view of this officers consider access arrangements to be acceptable.

PPS 2 - Natural Heritage

The proposal involves the removal of quite dated structures which could have an impact of Bats. The agent submitted a Biodiversity Checklist and associated Ecological statement, which was forwarded to NIEA for their consideration. In a response dated 14/11/2021. NIEA have no objections to the proposal. Case officers have considered these comments and will place an informative on the Decision Notice drawing the applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended).

Recommendation:

Having considered the relevant policy, the proposal does not meet with the criteria as set out in CTY 1, CTY 3, CTY 8, CTY 13 and CTY 14 and refusal is recommended.

Refusal Reasons:

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 and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that 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.
3. The proposal is contrary to the SPPS and Policies CTY8, CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, introduce a dwelling to open land in a prominent location resulting in ribbon development both on the Glen Road and therefore it would not integrate into the landscape resulting in a detrimental change to the rural character of the countryside.

Case Officer Signature: S. Maguire

Date: 12/11/2021

Appointed Officer Signature: David Fitzsimon

Date: 12/11/2021

COMMITTEE BRIEFING NOTE

Application Reference: LA07/2021/0650/F
Proposal: Proposed Off Site Replacement Dwelling and Domestic Garage
Location: 30m NW of 11 Glen Rd, Downpatrick

REASON FOR REFUSAL

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 and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that 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.
3. The proposal is contrary to the SPPS and Policies CTY8, CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, introduce a dwelling to open land in a prominent location resulting in ribbon development both on the Glen Road and therefore it would not integrate into the landscape resulting in a detrimental change to the rural character of the countryside.

PROPOSAL NOT SITED WITHIN ESTABLISHED CURTILAGE & VISUAL IMPACT (PPS21 POLICY CTY3)

It is firstly important to note that the applicant was advised by the Council's Planning Department that this site to the west of the farm buildings would be acceptable. It was upon this advice that the applicant withdrew application LA07/2020/1476/O and submitted a fresh application on this site. It is highly unreasonable that, having followed the advice of the Planning Department (and having incurred additional planning application and architectural fees) this application is now being recommended for refusal for siting reasons. This advice was given both verbally and by email by Jane McMullan dated 27 Nov 2020 following consultation with senior officers. A copy of this email is provided at **Appendix A** to this Note.

This aside, officers contend that it has not been shown that the chosen off-site location would result in demonstrable landscape, heritage, access, or amenity benefits (as is required by PPS21 policy CTY3). We disagree. The curtilage of the existing dwelling is tightly constrained on 3 sides by an active farmyard, and it directly abuts a large cattle shed which presents amenity concerns in terms of noise and odour. Replacing the dwelling on-site is not possible because there would be insufficient space for an adequately sized dwelling let alone parking or private amenity space (i.e., a garden) and its proximity to a large cattle shed is not conducive of a quality or pleasing residential environment. The proposed off-site replacement location would provide demonstrable amenity benefits by creating an opportunity to deliver an adequately sized dwelling with a garden in a safe location outwith the active farmyard.

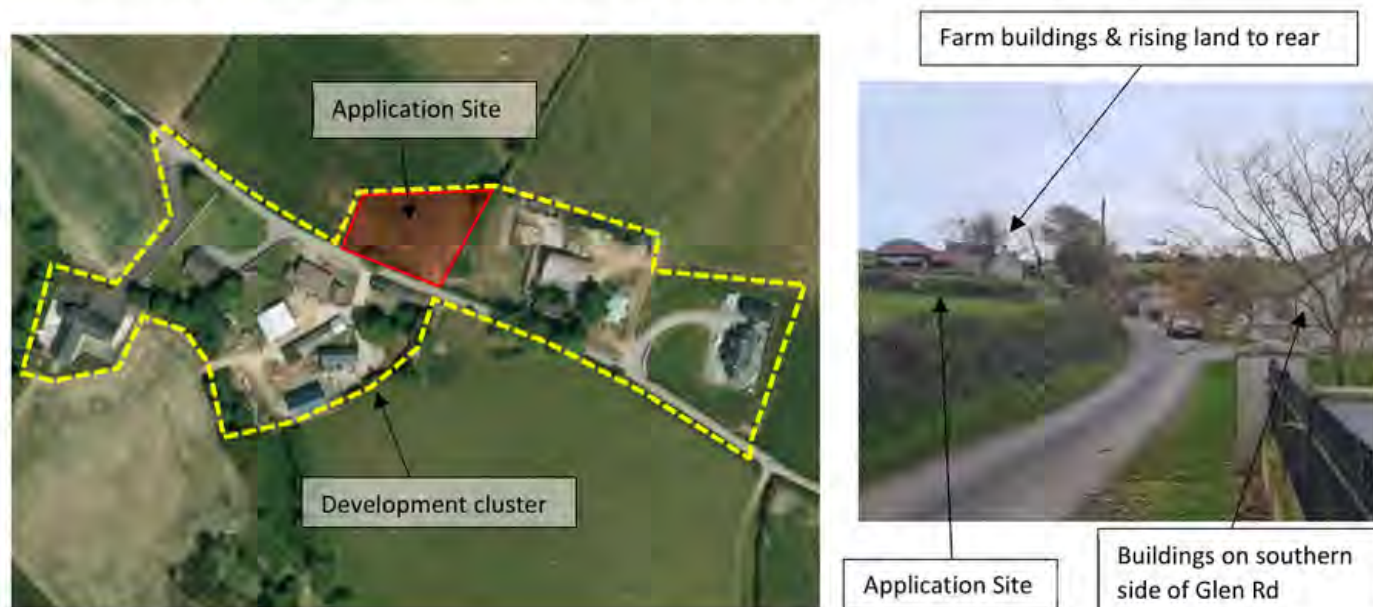
In terms of visual impact, the planning officer report states that *"the proposed alternative site is located within an open and exposed field with limited natural enclosure or separation from surrounding grounds"* and ultimately concludes that a dwelling in this location would have a significantly greater visual impact than existing. This assessment is erroneous for the following reasons:

- The application site is set significantly below the level of the cluster of farm buildings present to the immediate east (there is no mention of this within the Case Officer Report). Consequently, the proposal would not be visible upon approach from the east along the Glen Road. Upon approach from the west, the rising land to the rear forms a strong backdrop to the development and the proposal would very evidently visually cluster [and integrate] with the group of farm buildings (see images below)
- The current dwelling is in a dilapidated state and is prominently sited immediately adjacent to Glen Road. In its present condition the existing dwelling has a very harmful visual impact upon the character of the area. There is no mention of this within the Case Officer Report. The introduction of a new dwelling on the application site set back from the Glen Road and removal of existing dwelling would represent a significant betterment to the present situation. The net consequence is a visual improvement, not a 'significantly greater visual impact'

RIBBON DEVELOPMENT

Officer's state that the proposal would create a ribbon of development and it would cause a detrimental change to the character of the area. We disagree with this for the following reasons:

- There is no definition of ribbon development within planning policy or legislation. This is therefore a subjective term. The proposal is set back from the Glen Rd and would not extend a linear pattern of development along the road frontage. Rather, it would visually cluster with the existing farm building group.
- The site is set centrally within an established building group comprising farm buildings and a dwelling on the northern side of Glen Rd and approximately 12 dwellings and outbuildings on the southern side - see map below. No reference is made to this significant cluster of buildings in the assessment section of the Case Officer Report. The proposal would round off and consolidate this existing building group and would not project further into the countryside than the buildings on the opposing side of Glen Road.



For these reasons, the proposal would not cause a ribbon development and would integrate acceptably without causing a detrimental change to the character of the area. The proposal therefore complies with PPS21 policies CTY8, CTY13 and CT14.

APPENDIX A

PLANNING OFFICER EMAIL

From: McMullan, Jane <Jane.McMullan@nmandd.org>
Sent: 27 November 2020 14:37
To: info@mourne.org
Subject: FW: 11 Glen Road

Good afternoon,

Following my telephone conversation with (one of you – sorry I didn't write down your name!) last week where concerns were discussed with the proposed siting of the replacement dwelling on Glen Road, Downpatrick, I have had a chance to discuss with the senior planner. Unfortunately we would not be recommending approval for this siting. It would result in ribboning and a harmful spread of development.

As discussed in the conversation, the preferred siting would be to the west side of the house to be replaced, or to the rear of the farm buildings.

Unfortunately given the restricted red line, this will need to be either refused or withdrawn, we cannot allow for an amended site given that the red line is v specific. Please advise how you wish to proceed with this application.

Many thanks,

Jane McMullan
Planning Assistant
Newry Mourne and Down District council

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate, Ardglass Road
Downpatrick BT30 6GQ



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0875/O

Date Received: 10.05.2021

Proposal: The application is an outline application for a replacement dwelling.

Location: Adjacent to and North of 5 Loughkeelan Road, Strangford, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is located adjacent to a residential dwelling known as 5 Loughkeelan Road, Downpatrick. The site consists of a linear building and part of an agricultural field. The northern and eastern boundaries of the site are undefined, the eastern boundary is made up in part of planting and of the wall of the building which sits outside but on the boundary of the agricultural field. The southern boundary is a mature plated boundary shared with no 5

Loughkeelan Road. The site itself is relatively flat though the site and building sit raised from the access lane that serves them. The building is a linear building with a barn opening at the gable facing north, north west. It is a stone building.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale AoNB and also within the sphere of influence of an archaeological site and monument of an unlocated burial with urn. The area is a rural area of single dwellings and farm steds and the access is via a minor road.

Site History:

R/2004/1884/O – NW of 7 Loughkeelan Road, Downpatrick – dwelling and garage – refusal – 15.03.2006.

R/1996/0943 – 150M SW of no 9 Loughkeelan Road, Downpatrick – dwelling – granted – 24.03.1997

Planning Policies & Material Considerations:

The proposal has been assessed against the following policies and plans:

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 3 Replacement dwellings
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

Consultations:

NI Water was consulted in relation to the application and has responded with no objections.

DFI Roads was consulted and have no objections in principle but have suggested conditions to be attached to any approval.

Historic Environment Division was consulted and Historic Monuments has responded with no objections, the application does not offend the provisions of PPS 6.

Objections & Representations

In line with statutory requirements one neighbour was notified on 24.05.2021 which expired on 07.06.2021 and the application was advertised in the local press on 26.05.2021 which expired on 09.06.2021 and to date there have been no representations made in relation to the application.

Consideration and Assessment:

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings the policy is broadly consistent with the policies set out in PPS21 apart from a tightening of policy in relation to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building. Whereby the emphasis has moved from 'should' within CTY 3 to 'must'. 'Replacement dwellings must be located within the curtilage of the original dwelling where practicable'....'Replacement dwellings must not have a visual impact significantly greater than the existing building'.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. One such instance is a replacement opportunity in accordance with Policy CTY 3 of PPS 21.

Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy reference to dwellings will include buildings previously used as dwellings.

The policy also goes on to state that buildings designed and used for agricultural purposes such as sheds or stores will not be eligible for replacement.





The building presented is a linear building with what appears to be an asbestos type sheeted roof. The building is of a stone construction with plastered walls inside and exposed rafters. At one gable of the building is a large barn opening which could not be mistaken for any type of residential opening. There are two small windows facing into the field and a single door opening and single window on the other side elevation. There are limited openings with large stretches of blank walls. Typically, older dwellings in the country would have been smaller in size compared to this large barn type building. The openings presented are not typical of older dwelling houses and there are no internal features that would suggest characteristics of a dwelling such as a fire place or mantle, nor are there any markings on the walls to suggest a source of heat. There are also no internal divisions evident or even holes in the walls or any evidence in the roof structure or walls to suggest it was ever divided, again leaning more towards the character of an agricultural barn than that of a dwelling house.

The door and window formation of the building is not characteristic of a dwelling house. The four walls are structurally intact however the building lacks any characteristics of a dwelling.

The scale, layout and openings of the building do not demonstrate any characteristics of a dwelling house.

To the exterior of the building there is no evidence of what would have been a curtilage, the building clearly forms part of the boundary to the adjacent field. The area to the front of the building, past the large opening in the gable, is a path to the field and to the lane side of the building is an area overgrown but with no evidence of a curtilage or garden area or pedestrian paths suggestive of a curtilage of an older dwelling.

The agent has submitted what he believes to be evidence that the building was once a dwelling. An Abstract was submitted in relation to Fr Denvir, claiming he was born in Loughkeelan. Another letter was from A Mr Magill and it states that his grandfather and father both told him of putting in the barn door at the gable and also blocking the chimney up and using what they called a former dwelling house belonging to Fr Denvir as a barn.

The third piece of evidence submitted was extracts from census documents and Griffith maps – the map identifies a building occupied by Fr Denvir noted as 4B however the maps do not exactly identify the building in question. It would appear to be within the vicinity but notably there were historically a number of buildings at the site as confirmed in the accompanying Design and Access Statement.

In any case the policy does not allow for a replacement where there are testimonies that the dwelling was occupied in instances where the main characteristics are not evident. The policy clearly states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling. While it is stated that the chimney has been blocked up there was no obvious evidence of this on the day of the inspection. In addition to this the policy states that buildings designed and used for agricultural purposes will not be eligible for replacement. It has been stated that the works took place to a dwelling however there is inconclusive evidence to determine the level of amendments and to identify any former dwelling. If the works that are to have taken place to the dwelling are correct i.e. the barn door being implemented, the building being re roofed to remove thatch and also the chimney being removed and the building re designed for cattle then this would result in the building being designed and used for the purposes of agriculture and therefore is not eligible for replacement.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

Consideration is given to the points of CTY 13 and it is considered that a dwelling at this site could be accommodated as it would not result in the building becoming a prominent feature in the landscape. The site can make use of some existing boundaries at the site and some planting however it is acknowledged that the building to be demolished does form one of the boundaries and two further boundaries remain undefined. The red line of the application site is generous and in reducing the proposed curtilage less new planting would be required and the site would integrate more successfully.

Ancillary works can integrate into their surroundings, the proposed dwelling would make use of an existing lane serving the lands at present. Other utilities currently serve dwellings and lands adjacent and should not cause any negative impacts visually on the surroundings.

As this is an outline application the full design and particulars have not been submitted but it is considered that a dwelling can be accommodated within the site without causing any detrimental impacts. A building could be accommodated within the existing landform.

Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. In this case a dwelling on the site would not be unduly prominent in the landscape and would therefore not have a detrimental impact to the rural character of the area. A dwelling could be accommodated on this site without offending any of the provisions of CTY 14.

CTY 16 Development relying on non main sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The proposed means of sewerage disposal is a septic tank, again as this is an outline application information is limited but it is considered that the site can accommodate this and would not offend CTY 16.

Impact on Residential Amenity

The dwelling is located beside another residential dwelling however the dwelling would be sufficiently separated so as to not cause any detrimental impacts onto neighbouring properties.

PPS 3 – Access, Movement and Parking

DFI Road have been consulted and have no objections in relation to the proposal but have suggested conditions should approval be granted.

PPS 6 – Planning, Archaeology and the Built Heritage

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

PPS 2 Natural Heritage, NH 2 Species Protected by Law is considered. The building has a large opening to one side and appears to be used as shelter for cattle, on the day of the site inspection there were no obvious signs of bat activity at the building. There are a few trees adjacent to the site which are noted. The site sits adjacent to an existing dwelling, it is not considered likely that there are bats present at the building.

NH 6 is also taken into consideration, the proposal is not considered to be likely to offend any of the provisions in NH 6.

Recommendation:

The application is recommended as a refusal as it is not considered that the application complies with CTY 3 Replacement Dwellings for the reasons set out below.

Reason for Refusal

- The proposal is contrary to SPPS 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 and the building this application relates to has been designed and used for agricultural purposes and therefore is not eligible for replacement.

Case Officer: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 15.10.2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1162/F

Date Received: 15.06.2021

Proposal: The application is for full planning permission for a Proposed agricultural shed, secure store, yard and paddock (to replace existing agricultural shed).

Location: The application site is located 190m south west of no. 46 Moneyslane Road Ballyward, Castlewellan.



Site Characteristics & Area Characteristics:

The site is located beyond the settlements of Dechomet in the open countryside and comprises a roughly 0.25Ha plot of land. The site accommodates a small shed/shelter made from corrugated sheeting (walls and roof) and is open to the NW elevation and located close to the roadside. The NE boundary is a mature hedge and the rest of the plot is cut out from a larger agricultural field so is undefined. There is some roadside boundary hedging. The land at crossroads is on higher ground, falls and then starts to rise in a southerly direction. The

actual field levels rise in a SW direction. The site is within an Area of Archaeological Potential and lies across the Moneyslane Road from a Local Landscape Policy Area. The area immediately surrounding the site is defined by open rolling countryside to the south and west with the settlement of Dechomet to the north east.

Site History:

Q/2011/0037/F | Site to Southwest of 46 Moneyslane Road | Provision of Equestrian Menage (Sand School) | Application withdrawn 03.01.2012

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside within the Mourne AONB as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Banbridge, Newry and Mourne Area Plan 2015

Consultations:

NI Water – Statutory response

DFI Roads – No objections subject to conditions

DAERA – No objections (has been established for 6 years and has made claims in the last 6 years)

Historic Environment Division – No objections

Informal consultation with Shared Environmental Services – No objections - *shed not within 7.5kms of any European site. No viable hydrological linkages identified to any European site.*

Concluded that there can be no conceivable effects on any European site arising from any aspect of this proposal.

Objections & Representations

In line with statutory requirements no neighbours have been notified. The application was advertised in the Mourne Observer on 07.07.2021. No letters of objection or support have been received in relation to the proposal.

Consideration and Assessment:

SPPS

The SPPS outlines provision should be made for agricultural development on an 'active and established' (for a minimum of 6 years) agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing buildings on the farm holding. An alternative site away from existing buildings will only be acceptable in exceptional circumstances. The SPPS also recognises that there are occasions where new buildings in the countryside are acceptable. Where this is the case, the policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. In addition, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

PPS 21

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is agricultural development in accordance with PPS 21 policy CTY 12. The latter indicates that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. Policies CTY 13 and CTY 14 will also be considered.

Policy CTY10 advises that

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

The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
 - the design and materials to be used are sympathetic to the locality and adjacent buildings;
- and

- the proposal is sited beside existing farm or forestry buildings.

The key considerations in this assessment therefore are:

- The principle of a farm building on the proposed site.
- The effect of the proposal on the Mourne Area of Outstanding Natural Beauty and on the visual amenity and rural character of the area.

In assessing this application, the farm holding will be considered in its entirety.

In assessment of these above criterion it is noted that the applicant has provided a DARD (DAERA) business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for the required 6 years. DAERA have advised that the business has claimed payments for the required 6 years. On this basis, it is considered that the farm business can be considered as an active and established business.

The initial test for farming activity has been met. Given this is the case; criteria (a) to (e) of policy CTY12 must also be met:

(a) It is necessary for the efficient use of the agricultural holding;

According to the DAERA maps the farm holding is 68.08 HA in size. The registered address for the farm holding is located at 46 Moneyslane Road and includes lands at the site, Ballydrumman, Magheramayo, Dechomet, Ballyward and Derryneill.

The agent states that the proposal is a replacement of the existing shed on the site. He states that the main farmyard is located 170m from the building to be replaced. He states that the buildings on the farm of older construction and are not suitable for the required purpose. The existing sheds are full of agricultural machinery and materials. The topography around the existing farm would require extensive ground works to construct new sheds and a suitable yard/access. He states there is no suitable shed for horses and cattle. The small shed is currently used to house cattle but is too small.

The agent states they have looked at the other land in the holding in the vicinity of the farmyard and the chosen site is deemed to be the most suitable. The other land is either located within the settlement limit of Dechomet or in a location that may be considered for the future expansion of the hamlet. The land opposite the site although at a lower level is directly in front of the old chimney and graveyard and would be detrimental to the area. He states the current farmyard is located within the settlement limits of Dechomet. It is adjacent to the primary school and surrounded by lands deemed for future housing. He states that any expansion of the farmyard in its current location would be detrimental to the provision of future housing stock and would affect the amenity of any proposed houses and the school. The present access to the yard is via the carpark of the family dwelling and associated public house. A separate yard and area for the horses is required. There is no specific entrance to the farmyard from Closkelt Rod which is higher than the farmyard.

He states the applicant needs the new shed for the day to day running of his farm. He states the existing agricultural gates will be utilised and upgraded. The design is modern but feels it

would still respect the traditional form of older rural sheds. The smaller store is required for controlled storage of hazardous chemicals required for the running of the farm.

The agent has submitted a current herd list which identifies a total of 86 animals on the holding. Taking the above statements from the agent into account, the proposed facility can be considered necessary for the efficient use of the agricultural holding. The proposal meets this criterion.

(b) In terms of character and scale it is appropriate to its location;

The proposed building measures 17.6m in length by 11.8m in width with a height of 7.5m to the ridge with a floor area of 207sqm. The building is comprised of reinforced concrete walls, profile metal wall sheets (colour not specified), sliding profile metal doors on the side elevation and timber doors on the rear yard elevation. The roof has a curved design orientated towards Dechomet. The proposed building, while the roof design does have a less traditional appearance, these types of buildings are now becoming more common in the rural area and is therefore considered appropriate within agricultural or forestry holdings in the rural location.

(c) It visually integrates into the local landscape and additional landscaping is provided as necessary;

The site is cut from a larger field with only the roadside boundary and the NE boundary in situ. Views of the site are open when travelling along the Moneyslane Road, given the straight alignment of the road when coming from Dechomet travelling towards the site in a SW direction. On approach from the south, the shed would be viewed partly against the rising landform beyond. However, given the openness of the lands on this side of the road and given the building's height and close proximity to the roadside, the building would appear as prominent for a long stretch along the site frontage. In this context there are insufficient natural boundaries to adequately integrate the building into the surrounding landscape. The removal of the roadside vegetation and the introduction of a yard area would exacerbate its visual presence further. A stock proof fence will define the new boundary with the remaining field and no additional landscaping has been provided.

(d) It will not have an adverse impact on the natural or built heritage;

The proposal will not have an adverse impact on the natural or built heritage. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

(e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The closest property to the site is over 92m away at 41 Moneyslane Road. Environmental Health recommends that a minimum separation distance of 75m between a livestock building and a residential dwelling should be applied. Given that the proposal meets this requirement the proposal would not impact detrimentally on the amenity of neighbouring properties.

In addition to the above criteria, policy CTY12 also requires applicants to provide sufficient information to confirm all of the following:

There are no suitable existing buildings on the holding that can be used;

The agent has submitted evidence to demonstrate that the proposal meets policy CTY 12, He has also provided details of current herd numbers on the farm.

The agent has identified the current use of the sheds at the registered holding and that these are unsuitable. The existing yard and sheds were originally intended for machinery storage and to be used as hay and silage storage for wintering cattle. These forms of buildings are not suitable for horses as open sheds with slatted floors are difficult to adapt for the specific needs of horses. It is accepted that these sheds are unsuitable and can therefore not be used.

The design and materials to be used are sympathetic to the locality and adjacent buildings;

These types of buildings are now typical in the rural area. The proposed building as described above would be in keeping with the rural area would not appear out of character in this rural context.

The proposal is sited beside existing farm buildings

The proposal is not sited beside existing farm buildings and given the scale and size of the building it is replacing this is considered to be a new building, exceptionally, consideration may be given to an alternative site away from the existing farm buildings, provided there are no other available sites at another group of buildings on the holding, and where

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons

The main reason for not siting the building closer to the existing is that the other land is either located within the settlement limit of Dechomet or in a location that may be considered for the future expansion of the hamlet. The policy within the SPPS is to cluster, consolidate and group new development with existing established buildings. It is the Planning Authority's view that the issue here is the isolated position and consequent visual impact of the shed and that there are other sites closer to the main farm holding which would be more acceptable and if sited appropriately that would not have an impact on residential amenity of neighbouring properties. The fact that some of these lands are within the settlement limit would not have determining weight in this case.



The proposal is therefore contrary to policy CTY1 and CTY12 as noted above.

PPS 21 - CTY 13 - Policy CTY 13 – Integration and Design of Buildings in the Countryside

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of appropriate design.

A new building will be unacceptable where:

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

As mentioned previously the proposal is cut from a larger field. Given the openness of the lands on this side of the road and given its height and close proximity to the roadside, the building would be clearly visible and appear as prominent for a long stretch along the site frontage. In this context 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.

PPS 21 - CTY 14 – 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 an area. A new building will be unacceptable where:

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

The proposed development would be unduly prominent in the landscape, in conjunction with the removal of the frontage hedging, yard area, and lack of planting all contribute to causing a detrimental change to the rural character.

PPS 2 - Natural Heritage

Policy NH 1 – European and Ramsar Sites – International

As mentioned above, having considered the nature, scale, timing, duration and location of the shed is not within 7.5kms of any European site. No viable hydrological linkages identified to any European site. Concluded that there can be no conceivable effects on any European site arising from any aspect of this proposal.

NH 6 Areas of Outstanding Natural Beauty

Planning permission will only be granted for new development within an AONB where it is of appropriate design, size and scale for the locality and where a number of criteria are met. The proposal is considered acceptable in terms of the local architectural styles of agricultural sheds, materials finishes and design.

PPS 3 - Access, Movement and Parking

The proposal involves the construction of a new access onto Moneyslane Road. DFI Roads have been consulted regarding the proposal and following the request for additional information now have no objections to the proposal and have provided conditions.

Conclusion

Based on careful consideration of all the relevant material planning considerations, it is contended that the application does not meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for NI and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping and the proposal is not sited beside existing farm or forestry buildings.
2. 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 new building is a prominent feature in the landscape and 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 for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is unduly prominent in the landscape and would cause a detrimental change to the rural character of the area.

| | | | |
|--------------------------|--------------------|-------------|-------------------|
| Case Officer | C Moane | Date | 29/10/2021 |
| Appointed Officer | A.McAlarney | Date | 29/10/2021 |

PROPOSED AGRICULTURAL SHED, SECURE STORE, YARD & PADDOCK (TO REPLACE EXISTING AGRICULTURAL SHED) 190M SOUTH WEST OF 46 MONEYSLANE ROAD, BALLYWARD, CASTLEWELLAN.

REFUSAL FOR THE FOLLOWING REASONS.

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of PPS21, Sustainable Development in the Countryside in that the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping and the proposal is not sited beside existing farm or forestry buildings.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of PPS21, Sustainable Development in the Countryside, in that the new building is a prominent feature in the landscape and the site lacks long established 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 for Northern Ireland and Policy CTY14 of PPS21, Sustainable Development in the Countryside in that the new building is unduly prominent in the landscape and would cause a detrimental change to the rural character of the area.

WE WOULD COMMENT ON THE REFUSAL REASONS AS FOLLOWS;

1. Reason 1. The site chosen is on a portion of the farm where there is an existing shed which is to be replaced. The new shed is to be located beside the old shed to be replaced and it will in turn be demolished as part of the new development. The design of the new building has taken into consideration the rolling hills in Ballyward and the colour green means it will integrate into the landform. Within CTY12 there is provision for an alternative site for a farm building where "it is essential for the efficient functioning of the business." Information has been provided as part of the application and it was agreed by the Case Officer that none of the existing farm buildings were suitable for the proposed use of the new shed.
2. Reason 2. The site is located on the lower portion of an agricultural field. The rising hill to the west and north east ensures there is a suitable backdrop and the mature hedge to the north east also aids integration. The careful design of the shed to reflect the locality also will ensure integration in conjunction with the chosen colour.
3. Reason 3. This reason is not sustainable in that the proposal is for agricultural use so cannot be deemed detrimental to the rural character. As for the prominence issue there is a backdrop of rising ground and existing hedgerow. Additional planting can be added as part of the proposal if deemed necessary as the applicant is currently seeking advice on planting portions of his lands in native species trees.

We wish the application to be discussed in detail today as in our opinion the application has been assessed without giving the fact that the new shed is to replace an existing shed the due weight it should have. The chosen site is beside the old shed and on the lowest portion of the field and adjacent to the road with an upgraded access. The Policies have been interpreted very literally and more consideration should have been given to the location and the development pattern in the area. The site is in the roiling drumline landscape of this part of County Down and as such most development is visible when travelling on the local roads.

We have provided substantial information as to why the existing location of the farmyard is unsuitable for this new development and this was acknowledged, we believe by Planning. The Committee must be given the opportunity to cross examine all parties and to seek clarification as to why valuable development land for housing would be sacrificed for a farm shed and paddock which could be located outside the development limit and only 170m from the existing farmyard. The applicant is a local landowner and farmer and you can see from the existing farm the pride he has taken in his property. Careful thought has been given to the siting and design of the building which is necessary for the active and expanding use of his farm

Should through the course of the discussions a site visit be deemed necessary then we would welcome this to give all concerned the opportunity to view the existing farm, the site of the proposal under consideration and the development pattern in the area.



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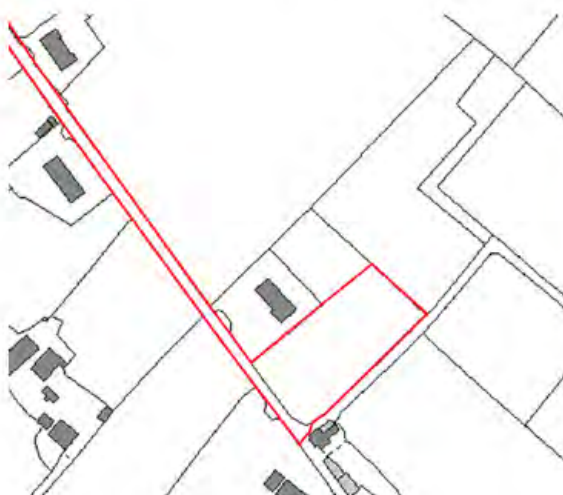
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1203/O

Date Received: 30/06/2021

Proposal: Infill dwelling, with domestic garage plus associated site works

Location: Between 60 & 62 Drumee Road, Castlewellan



Site Characteristics & Area Characteristics:

The lands outlined in red form an irregular shaped site located between 60 & 62 Drumee Road. The site forms a rectangular shaped plot with a frontage onto Drumee Road. The site is located in an open agricultural field, currently in a maintained condition, resting at a similar level to the adjacent road. The site has defined boundary treatments enclosing the majority of the site. A field gate provides access to the field. A Public Right of Way runs along the entire south western and south eastern site boundary. To the NW of the site rests neighbouring no. 60 which has a single storey construction, to the SE is no. 62 which consists of a 2 storey dwelling.

The application site is located outside any settlement development limits as designated within Ards and Down Area Plan 2015. The area is of typical rural

character and predominately agricultural use, located within a designated Area of Outstanding Natural Beauty.

Site History:

R/2007/0280/F - Removal of agricultural condition. 60 Drumee Road, Castlewellan, BT31 9HQ. Permission granted.

R/1988/0672 – Bungalow. Between 60 & 62 Drumee Road Castlewellan. Permission refused.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 2 - Natural Heritage

NH 6 - Areas of Outstanding Natural Beauty

PPS 3 - Access, Movement and Parking

AMP 2 - Access to Public Roads

PPS 21 - Sustainable Development in the Countryside

CTY 1 - Development in the Countryside

CTY 8 - Ribbon Development

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

CTY 14 - Rural Character

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

Consultations:

NI Water - Generic Response.

DfI Roads – No objections subject to access being constructed in accordance with RS1

Objections & Representations:

3 Neighbours within close proximity of the site were initially notified on 29/07/2021. Having submitted revised access arrangements, an additional 10 neighbours were notified on 29/09/2021. This application was advertised in the local press on 14/07/2021. To date (26/10/21) 2 representations have been logged in respect of this

application, both letters of support. The representations in support of the proposal include the following: -

- Siting of proposed dwelling
- Traffic pressures along Drumee Road and location of existing field gate
- Application meets the policy requirements of CTY 8
- Personal and domestic circumstances

The comments made are considered further below.

Consideration and Assessment:

The application submitted is seeking outline planning permission for the erection of a dwelling in the countryside. The SPPS along with PPS 21 provide the relevant planning context for determining this application.

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

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 identifies a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY 8

Policy CTY 8 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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 a substantially and continuously built up frontage. This policy requires four specific elements to be met, the gap site must be within a substantially and continuously built up frontage, the gap must be small, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met. The policy defines a substantial and built up frontage as a line of three or more buildings along a road frontage within accompanying development to the rear.

The agent considers that the site is such a gap site for one dwelling and garage, falling within a substantial and continuously built up frontage and suitable for a dwelling. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.

The accompanying Design and Access Statement states that the subject site fronts onto Drumee Road in a row of 4 buildings, those 4 buildings being one at No. 60, one at no. 62 and two at no. 64. The Planning Department accept that on the ground the dwellings at No. 60 and No. 62 share a common frontage with the Drumee Road (total of 2 buildings). However, the planning department reject the agents' assessment regarding no. 64 and its detached garage as forming part of the common frontage as it is located on the opposite side of the laneway.

Following a site visit, case officers note a detached shed located to the rear of no. 62. On the ground it is considered that this shed would not represent a building with a frontage to the road given its subordinate location to No.62. As such, the ancillary building at No. 62 must be discounted as a building with road frontage.



Case officers note planning appeal (2019/A0075) and its decision which relates to the planning assessment for Infill Dwellings contained with CTY-8 of PPS21. This appeal dealt specifically whether buildings associated with a dwelling house in a

similar arrangement to this application, constituted as buildings with substantial and continuously built up frontage, as envisaged by the policy.

The commissioner stated; *"Their positioning to the rear of the plots behind their respective dwellings ensures that they do not form part of a line of three buildings (my emphasis). Instead they read as ancillary and subordinate buildings which do not contribute to a substantial and continuously built-up frontage"*.

This recent appeal supports the Planning Departments opinion that the shed associated with no. 62 is ancillary and subordinate, do not contribute to a substantial and continuously built-up frontage.

There is no line of three or more buildings to constitute a substantial and continuously built up frontage, as envisaged by the policy. Accordingly, there is no gap or infill opportunity. As there is no substantial and continuously built up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the PAC) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

Policy CTY 13 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. Whilst there would have to be some ancillary works and partial removal of drystone wall and ditch to achieve visibility splays, there would be sufficient landscaping to provide a satisfactory backdrop for a dwelling of low elevation, a similar pattern of development exists further along the road. This is an outline application and design details are not available to assess at this stage. The proposal would comply with Policy CTY 13 subject to suitable conditions.

Policy CTY14 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. Having considered the proposal, the planning authority consider that the application if approved, would create a ribbon of development at this location as detailed in the consideration of CTY 8 above the site is considered to result in the creation of ribbon development along Drumee Road therefore it is not in compliance with criterion (d) of CTY 14.

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the Planning Department prior to the commencement of development. Environmental Health, drew reference to the need for a 'Consent to Discharge'. The proposal appears to conform to Policy CTY 16.

PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6- requires new development will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

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

As I have already found that the proposed development would create ribbon development along the Drumee Road, then therefore for this reason it fails to be sympathetic to the special character of this AoNB

PPS 3 - Access, Movement and Parking

DfI Roads were consulted as part of the assessment of this application. In a response dated 19/10/2021, DfI Roads have no objections to the proposal with regard to the above policy criteria subject to access being in accordance with the RS1 form. The proposal can accommodate adequate curtilage parking.

Other matters

Whilst the proposal description has been described as an infill dwelling with domestic garage, the agent has submitted a case under CTY6 Personal and Domestic circumstances. Policy CTY6 states planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site-specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

- the applicant can provide satisfactory 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
- there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or

the use of a temporary mobile home for a limited period to deal with immediate short-term circumstances.

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents. Any application under this exception must provide an explanation why care can only be provided at the specific location and how genuine hardship would be caused if planning permission is refused.

The application is accompanied by two supporting statements giving details of the relevant circumstances. In addition, the agent has submitted medical letters from several health bodies. Whilst the planning department will consider the medical documents as part of the assessment, it is noted that these materials are dated approx. 2016-2017 with the exception of one letter dated 2020. The application site is located adjacent to the applicant's parents who currently reside at no. 60.

Whilst sympathetic to the situation of the applicant, there is insufficient evidence to show that genuine hardship will be caused by not allowing a dwelling on this specific site. The applicants' parents/siblings current care needs/package are not clear and none of the medical correspondence submitted demonstrate any site-specific needs for a dwelling required at this location. The agent stated an annexe to the main dwelling or an extension is not feasible for both logistical and financial reasons. No further evidence was submitted to support this assertion. In my view, while I sympathise with the applicant, there is insufficient evidence to show that genuine hardship will be caused by not allowing a dwelling on this specific site. The applicant's parents current care needs/package are not clear and financial costs are not a material consideration. A change in circumstance to demonstrate genuine hardship has not been demonstrated. The proposal therefore fails to meet the requirements of Policy CTY6.

Public Right of Way

The proposed site abuts a Public Right of Way to the SW and SE. Having carried out an informal consultation with the Councils Right of Way officer, no objections have been raised subject to the following conditions;

1. Repairs any damage to the lane caused by lorries delivering goods to the site.
2. That should the lane need to be closed at any point the developer should request from the Council a temporary path closure order giving a minimum of a two week notice period.
3. That the developer erect signs on the lane to warn users, particularly horse riders, of the increased activity on the lane.

Recommendation:

Having considered the relevant policy, the proposal does not meet with the criteria as set out in CTY 1, CTY 8, CTY 6, CTY 14 of PPS 21, NH6 of PPS2 and refusal is recommended.

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 for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a line of 3 or more buildings in a substantial and built up frontage and it would, if permitted, result in the creation of ribbon development along the Drumee Road.
3. The proposal is contrary to the SPPS, Policy CTY1 and 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 satisfactorily demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
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 proposed dwelling and garage, which creates a ribbon of development, is unsympathetic to the special character of this Area of Outstanding Natural Beauty.

| | |
|---------------------------------------|------------------------------|
| Case Officer: S. Maguire | Date: 28/10/2021 |
| Appointed Officer: A.McAlarney | Date: 28 October 2021 |



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2021/1290/F

Date Valid: 10th July 2021

Proposal: Provision of a public car park to provide parking for Knocknashina Play Park

Location: Knocknashina Road Downpatrick

Site Characteristics & Area Characteristics:



The site is located along Knocknashina Road Downpatrick. It is contained within an existing amenity open space area comprising a play park and green field area.

There is currently no vehicular access to the site, users park on Knocknashina Road or Edward Street and enter via the pedestrian gates to the play park on each road. The site is defined along Knocknashina Road by a post and rail fence, the remaining boundaries are undefined.

The site is located within the settlement limit of Downpatrick and is designated with the Ards and Down Area Plan 2015 as an existing amenity / open space area.

**Site History:**

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

Planning Policies & Material Considerations:

In assessment of the proposal consideration has been given to the SPPS, Ards and Down Area Plan 2015, Planning Policy Statement 2, 3 6 and 8 in addition to any other material consideration.

The application was advertised in the local press on 04.08.2021.

Relevant neighbours were notified of the proposal on 05.08.2021

Consultations:

In assessment of the proposal it was considered necessary to carry out consultations with DfI Roads and Rivers, to which no objections have been received.

Objections & Representations

No objections or representations have been received from neighbours or third parties.

Consideration and Assessment:

The site is located within the settlement limit of Downpatrick, in a designated amenity / open space area. The site is also located within the AONB as designated in the Ards and Down Area Plan 2015.

The proposal seeks full planning permission for the provision of a public car park which will be 19m x 33m (0.06ha) in size and will contain 21 spaces and 2 additional spaces for disabled persons. The car park will be accessed via a new vehicular access onto Knocknashina Road and will be defined with a 2m path and a 1.2m high ranch fence.

Strategic Planning Policy Statement

The SPPS was adopted in September 2015 consolidating all the separate Planning Policy Statements (PPSs) into one document setting out strategic planning policy. Paragraph 3.8 of the SPPS states "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 the other material

considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance”.

As there is no significant change to the policy requirements for the proposal following publication of the SPPS, the retained planning policies PPS 3 Access Movement and Parking and PPS 8 Open Space and Recreation will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 3 – Access, Movement & Parking

In assessment of the proposed new access **Policy AMP 2** is applicable which states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

1. Such access will not prejudice the road safety or significantly inconvenience the flow of traffic.

In assessment of this DfI Roads were consulted and have no objections to the proposal subject to standard conditions.

Policy AMP 9 Design of Car Parking is applicable to this case and states that a high standard of design, layout and landscaping to accompany all proposals for car parking is expected. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;
- (b) it will not adversely affect visual amenity; and
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

As described above users of the adjacent playground park along Knocknashina Road and Edward Street. It is known to the Planning Authority that this parking, particularly during busy times of the playground can cause disruption to the flow of traffic within the immediate area and nuisance to neighbours of the playground.

It is considered therefore that the proposal in principle has good intentions to alleviate the parking and nuisance issues for local residents and road users by providing a designated parking area for those who wish to use the playground.

As described above the site is relatively flat and open, the provision of a car park defined with a low fence is not considered to be detrimental to the local townscape or landscape. The car park would not adversely affect visual amenity given its inconspicuous nature. A height restrictor is proposed which will limit the use of the car park to low vehicles only and DfI Roads have advised the Planning Authority that they consider the new access to be acceptable in terms of road safety.

On the basis of the above it is considered that the proposal complies satisfactorily with AMP 9 of PPS 3.

Policy AMP 10 of Planning Policy Statement 3: Access Movement and Parking is also applicable and states that planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that they meet the 5 listed criterion.

It is important to point out at this stage that only criterion 1,2 and 5 are relevant to this application and they are listed below

Proposals should demonstrate that

- They do not significantly contribute to an increase in congestion
- Are not detrimental to local environmental quality
- They are compatible with adjoining land uses.

In assessment of the above, it is generally acknowledged by all that parking within the immediate area of the site can be problematic, in that there is no off-street car parking provision for users of the adjacent playground, resulting in daily congestion at peak usage times. The creation of this car park will alleviate some of the traffic congestion that occurs within the area.

The proposed site is an existing amenity / open space area which is approximately 0,5 hectares in size (not including the playground). The proposed car park will occupy approximately 0.06 hectares of this area and will be defined by a low fence. It is not considered that the proposal would be detrimental to local environmental quality.

The provision of a car park in association with an existing amenity / open space is considered entirely compatible and one which has the potential to promote the use of the area along with the benefits discussed above regarding traffic issues.

PPS 8 – Open Space and Recreation

For the purposes of PPS 8, open space is taken to mean all open space of public value, including not just land, but also inland bodies such as rivers, canals lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

Policy OS 1 - Protection of Open Space states that development will not be permitted which would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open will apply irrespective of its physical condition and appearance.

The existing open space area to the immediate west of Knocknashina Road comprises an area of approx. 0.5 hectares. The proposal will use approximately 10% of the overall area for the new car park.

Policy OS 1 states that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

As described above, the use of this portion of the amenity area for a car park, represents a very small proportion of the overall area, with approximately 90% of it remaining for its designated use. As described above the provision of the car park has the potential to bring benefits to the local community which would justify the loss of this small area of open space. The Council have advised on-going concerns regarding health and safety of the public using the park have prompted the submission of the application and they consider the use of this small area as a car park will not prevent the normal functioning of the zoning.

On balance, the Planning Authority consider that the proposal satisfactorily complies with Policy OS 1 given the community benefits that could be achieved from its approval.

PPS 15 Planning and Flood Risk

In assessment of the proposals potential impact on drainage and flood risk, the Planning Authority consulted with DfI Rivers, who have advised that there are no watercourses within the bounds of the site, therefore FLD 1 and 2 are satisfied.

The flood hazard map indicates that portions of the site lie within an area of predicted pluvial flooding, however, given the scale of the development a Drainage Assessment is not required by policy.

FLD 4 and 5 are not applicable to the proposal.

On the basis of the above, it is considered that the proposal is compliant with PPS 15.

PPS 2 – Natural Heritage

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that; Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

Based on the assessment above, considering the nature and scale of the development and surrounding context, it is considered that the proposal complies satisfactorily with the requirements of Policy NH 6.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application, it is determined that the proposal is acceptable.

Drawings

The drawings considered as part of this assessment are as follows

1 Rev A and 2 Rev A

Recommendation: APPROVAL

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans 1 Rev A and 2 Rev A

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 2 Rev A prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The access gradient to the proposal hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users

Case Officer: C Cooney

Date 09.12.2021

Authorised Officer: A.McAlarney

Date: 10 December 2021

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

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

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|---|---|--|-------------|---|---|
| | between 54 and 58 Edenappa Road, Jonesborough | | | | |
| PLANNING COMMITTEE MEETING 26 AUGUST 2020 | | | | | |
| LA07/2019/1302/F | Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle. | Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal. | A McAlarney | Awaiting consultation response from DFI Roads on new info submitted. | N |
| LA07/2019/1087/0 | Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar | Removed from the agenda as agent unable to attend | A McAlarney | Application on hold to allow a Bat survey to be carried out by applicant. Survey season is May – August. | N |
| LA07/2019/1134/0 | Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar | Removed from the agenda as agent unable to attend | A McAlarney | Structural Survey submitted and to be consulted upon. | N |
| PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020 | | | | | |
| LA07/2020/0176/F | Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough | Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered | A Davidson | Under consideration by Planning Office | N |
| PLANNING COMMITTEE MEETING – 05 MAY 2021 | | | | | |

| | | | | | |
|--|--|---|-------------------|--|---|
| LA07/2017/1779/F | Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to planning approval LA07/2015/0782/F. - change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m | Removed from the addendum list at the request of Planning Officers | A McAlarney | Under consideration by planning office | N |
| PLANNING COMMITTEE MEETING – 17 NOVEMBER 2021 | | | | | |
| LA07/2020/1689/F - | Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage - Land 120m NW of 5 Donard Park & west of the existing Donard Park car park Newcastle | Removed from the schedule at the request of Planners | Annette McAlarney | Awaiting Consultee responses | N |
| LA07/2019/1653/F | Apartments, Bin store, Car parking and Associated Site Works Lands to the East of No 5 Ferry Quarter View and Lands to the North East of No 3 Ferry Quarter View Strangford | Defer for a site visit and a representative from Dfi be in attendance also | Annette McAlarney | Proposed date for site visit 07-01-2022 | N |

| | | | | | |
|------------------|--|---|-------------------|--|---|
| LA07/2019/1134/O | Replacement Dwelling 90 Manse Road Darraghcross Crossgar | Defer Planning Application LA07/2019/1134/O for the agent to submit an Engineer's report on the existing building. The application to be brought back to the December Committee Meeting. | Annette McAlarney | Structural Survey submitted and to be consulted upon. | N |
| LA07/2020/0653/O | Dwelling and garage. Approx 40m south west of 11 St Patrick's Circle Saul Downpatrick | Defer for a site visit | Annette McAlarney | Proposed date for site visit 07-01-2022 | N |
| LA07/2021/0758/O | Dwelling and garage - Lands immediately south of No. 40 Quarter Road Annalong BT34 4QZ. | Defer for 3 months to allow for additional medical consultants information to be forwarded to the Planning Department and also to have a site visit on this application. | Mark Keane | Proposed date for site visit 07-01-2022 | N |
| LA07/2021/0586/O | Proposed dwelling and garage - Lands immediately south of No 7 Glenmore Road, Mullaghbane | Defer for a site visit to see what the situation on the ground was and to get a broader picture of what the situation was in relation to measurements. Also the agent to provide a map/clearer visuals indicating the plot sizes as discussed. | Andrew Davidson | Proposed date for site visit 07-01-2022 | N |
| LA07/2021/0816/O | Proposed replacement dwelling to create an infill dwelling Adjacent to No. 10 Hillhead Road, Newry, BT35 8TN | Defer for a site visit and also request that the Planning Department seek the information that Roads Service | Patricia Manley | Proposed date for site visit 07-01-2022 | N |

| | | | | | |
|--|---|---|-------------------|--|---|
| | | had requested from the agent and that it be provided swiftly by the agent to the satisfaction of the Department. | | | |
| PLANNING COMMITTEE MEETING – 15 DECEMBER 2021 | | | | | |
| LA07/2020/0485/F LA07/2020/0486/DCA LA07/2020/0487/LBC | Merchants Quay Newry | Defer | Pat Rooney | | |
| LA07/2021/0911/F | Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF | Defer | Mark Keane | | N |
| LA07/2021/0040/O | Infill Dwelling and Garage - Between No 5 & 7 Bog Road Forkhill Newry Co Down. | Defer for a site visit | Andrew Davidson | Proposed date for site visit 07-01-2022 | N |
| LA07/2021/0875/O | Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick | Removed from the addendum list | Annette McAlarney | January 2022 Planning Committee | |
| LA07/2021/1041/O | Dwelling and detached garage with associated site works, including improvements to existing vehicular access To the rear of 9 Wateresk Road Dundrum | Defer for a site visit | Annette McAlarney | Proposed date for site visit 07-01-2022 | N |
| END | | | | | |

Newry, Mourne & Down District Council – December 2021

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1. Live Applications

| MONTH 2021/22 | NEW APPLICATIONS | LIVE APPLICATIONS | LIVE APPLICATIONS OVER 12 MONTHS |
|----------------|------------------|-------------------|----------------------------------|
| April 2021 | 206 | 1,195 | 232 |
| May 2021 | 204 | 1,238 | 228 |
| June 2021 | 172 | 1,219 | 236 |
| July 2021 | 176 | 1,190 | 224 |
| August 2021 | 152 | 1,174 | 226 |
| September 2021 | 182 | 1,175 | 226 |
| October 2021 | 188 | 1,188 | 232 |
| November 2021 | 184 | 1,158 | 234 |
| December 2021 | 112 | 1,097 | 232 |

2. Live Applications by length of time in system

| Month 2020/21 | Under 6 months | Between 6 and 12 months | Between 12 and 18 months | Between 18 and 24 months | Over 24 months | Total |
|----------------|----------------|-------------------------|--------------------------|--------------------------|----------------|--------------|
| April 2021 | 770 | 193 | 81 | 54 | 97 | 1,195 |
| May 2021 | 818 | 192 | 76 | 53 | 99 | 1,238 |
| June 2021 | 777 | 206 | 82 | 43 | 111 | 1,219 |
| July 2021 | 787 | 179 | 79 | 44 | 101 | 1,190 |
| August 2021 | 754 | 194 | 84 | 49 | 93 | 1,174 |
| September 2021 | 737 | 212 | 87 | 44 | 95 | 1,175 |
| October 2021 | 724 | 232 | 85 | 46 | 101 | 1,188 |
| November 2021 | 687 | 237 | 81 | 50 | 103 | 1,158 |
| December 2021 | 623 | 242 | 78 | 48 | 106 | 1,097 |

Newry, Mourne & Down District Council – December 2021

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3. Live applications per Case Officer

| Month 2021/22 | Average number of Applications per Case Officer |
|---------------|---|
| April | 83 |
| May | 85 |
| June | 89 |
| July | 83 |
| August | 75 |
| September | 67 |
| October | 64 |
| November 2021 | 66 |
| December 2021 | 66 |

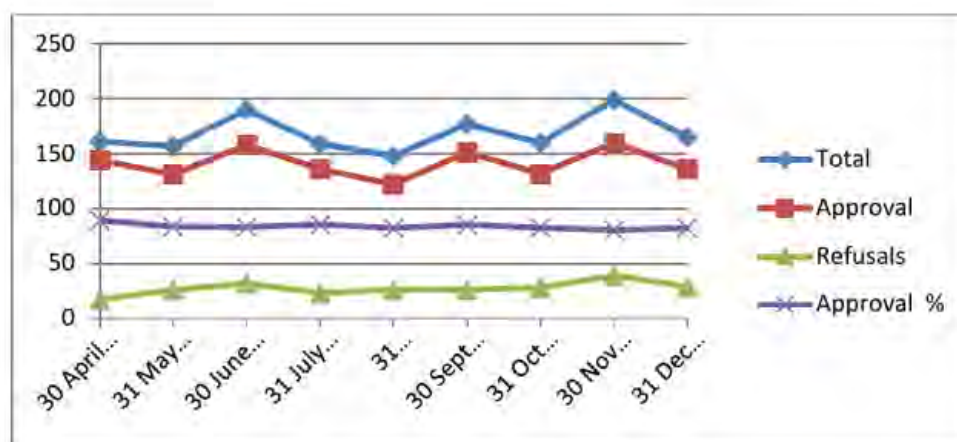
4. Decisions issued per month

| Month 2021/22 | Number of Decisions Issued | Number of Decisions Issued under delegated authority |
|---------------|----------------------------|--|
| April | 161 | 155 |
| May | 157 | 146 |
| June | 190 | 184 |
| July | 159 | 150 |
| August | 148 | 145 |
| September | 177 | 166 |
| October | 160 | 155 |
| November 2021 | 199 | 183 |
| December 2021 | 165 | 147 |

Newry, Mourne & Down District Council – December 2021

5. Decisions Issued YTD

| Month 2021/22 | Number of Decisions Issued | Breakdown of Decisions | |
|---------------|----------------------------|------------------------|-----|
| April | 161 | Approvals (144) | 89% |
| | | Refusals (17) | 11% |
| May | 318 | Approvals (275) | 86% |
| | | Refusals (43) | 14% |
| June | 508 | Approvals (433) | 85% |
| | | Refusals (75) | 15% |
| July | 667 | Approvals (569) | 85% |
| | | Refusals (98) | 15% |
| August | 815 | Approvals (691) | 85% |
| | | Refusals (124) | 15% |
| September | 992 | Approvals (842) | 85% |
| | | Refusals (150) | 15% |
| October | 1,152 | Approvals (974) | 85% |
| | | Refusals (178) | 15% |
| November | 1,351 | Approvals (1,134) | 84% |
| | | Refusals (217) | 16% |
| December | 1,516 | Approvals (1,270) | 84% |
| | | Refusals (246) | 16% |



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6. Enforcement Live cases

| Month 2021/2022 | <=1yr | 1-2 yrs | 2-3 yrs | 3-4 yrs | 4-5 yrs | 5+yrs | Total |
|-----------------|-------|---------|---------|---------|---------|-------|-------|
| April | 285 | 133 | 127 | 122 | 62 | 101 | 830 |
| May | 291 | 134 | 122 | 128 | 64 | 104 | 843 |
| June | 267 | 132 | 121 | 136 | 60 | 102 | 818 |
| July | 269 | 134 | 114 | 137 | 68 | 102 | 824 |
| August | 266 | 132 | 107 | 133 | 71 | 103 | 812 |
| September | 279 | 136 | 103 | 129 | 71 | 102 | 820 |
| October | 269 | 121 | 99 | 126 | 65 | 101 | 781 |
| November | 248 | 129 | 93 | 123 | 60 | 98 | 751 |
| December | 244 | 126 | 85 | 126 | 59 | 92 | 732 |

7. Planning Committee

| Month | Number of Applications presented to Committee | Number of Applications Determined by Committee | Number of Applications Withdrawn/ Deferred for future meeting | Number of Officer recommendation overturned |
|--|---|--|---|---|
| 8 April 2021 | 14 | 11 | 3 | 3 |
| 5 May 2021 | 16 | 8 | 8 | 3 |
| 2 & 30 June 2021 (Meetings cancelled) | - | - | - | - |
| 28 July 2021 | 15 | 7 | 8 | 2 |
| 25 August 2021 | 15 | 9 | 6 | 6 |
| 22 September 2021 | 13 | 10 | 3 | 5 |
| 20 October 2021 | 25 | 22 | 3 | 6 |
| 17 November 2021 | 19 | 10 | 9 | 4 |
| 15 December 2021 | 20 | 13 | 7 | 9 |
| Totals | 137 | 90 | 47 | 38 |

8. Appeals

Planning Appeal Commission Decisions issued during period 1 July 2021 to 31 December 2021

| Area | Number of current appeals | Number of decisions issued | Number of decisions Allowed | Number of decisions Dismissed | Withdrawn |
|----------------|---------------------------|----------------------------|-----------------------------|-------------------------------|-----------|
| Newry & Mourne | 20 | 0 | 0 | 0 | 0 |
| Down | 35 | 0 | 0 | 0 | 1 |
| TOTAL | 55 | 0 | 0 | 0 | 1 |

Newry, Mourne & Down District Council – December 2021

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Statutory targets monthly update - November 2021 (unvalidated management information)
Newry, Mourne and Down

| | Major applications (target of 30 weeks) | | | | Local applications (target of 15 weeks) | | | | Cases concluded (target of 39 weeks) | | | |
|---------------------|---|---------------------------------------|--------------------------------------|--------------------------------------|---|---------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|---|------------------------------------|--------------------------------------|
| | Number received | Number decided/withdrawn ¹ | Average processing time ² | % of cases processed within 30 weeks | Number received | Number decided/withdrawn ¹ | Average processing time ² | % of cases processed within 15 weeks | Number opened | Number brought to conclusion ³ | "70%" conclusion time ³ | % of cases concluded within 39 weeks |
| April | 2 | - | 0.0 | 0.0% | 172 | 143 | 16.6 | 43.4% | 44 | 19 | 69.8 | 52.6% |
| May | 2 | 1 | 35.4 | 0.0% | 159 | 137 | 17.2 | 41.6% | 31 | 30 | 57.0 | 66.7% |
| June | 1 | 1 | 49.8 | 0.0% | 179 | 173 | 16.8 | 42.8% | 38 | 41 | 85.8 | 46.3% |
| July | 0 | - | 0.0 | 0.0% | 124 | 136 | 17.0 | 41.2% | 38 | 27 | 85.2 | 51.9% |
| August | 0 | - | 0.0 | 0.0% | 138 | 140 | 17.1 | 38.6% | 35 | 67 | 89.2 | 53.7% |
| September | 2 | - | 0.0 | 0.0% | 148 | 166 | 19.8 | 28.3% | 48 | 37 | 158.4 | 37.8% |
| October | 0 | - | 0.0 | 0.0% | 158 | 147 | 17.8 | 34.0% | 27 | 75 | 122.0 | 40.0% |
| November | 0 | 2 | 75.3 | 0.0% | 127 | 173 | 20.2 | 32.9% | 22 | 69 | 129.2 | 44.9% |
| 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 | 7 | 4 | 60.2 | 0.0% | 1,205 | 1,215 | 17.8 | 37.6% | 283 | 365 | 99.2 | 47.7% |

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

Newry, Mourne & Down District Council – December 2021

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3. *The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

Current Appeals

156

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 3 | | |
| Planning Ref: | LA07/2017/1559/ | PAC Ref: | 2020/A0002 |
| APPELLANT LOCATION | EDB Constructions Ltd 58 Armagh Road Newry | DEA | Newry |
| PROPOSAL | Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 16/07/2020 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 4 | | |
| Planning Ref: | LA07/2019/1021/ | PAC Ref: | 2020/A0003 |
| APPELLANT LOCATION | Mrs E Fitzsimons 53A Saintfield Road Crossgar | DEA | Rowallane |
| PROPOSAL | Retention of building in substitution of previous approval LA07/2015/1224/F | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 16/07/2020 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

157

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 5 | PAC Ref: | 2020/A0103 |
| Planning Ref: | LA07/2020/0836/ | DEA | Rowallane |
| APPELLANT | Mr Dodds | | |
| LOCATION | Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield | | |
| PROPOSAL | Erection farm animal shelter and wintering shed | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 12/11/2020 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|--------------|
| ITEM NO | 6 | PAC Ref: | 2020/A0124 |
| Planning Ref: | LA07/2019/1119/ | DEA | Slieve Croob |
| APPELLANT | John McKay | | |
| LOCATION | 75 Mill Hill Castlewellan | | |
| PROPOSAL | 2 semi-detached dwellings and 1 detached dwelling | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 25/01/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

158

| | | | |
|---------------------------|---|-----------------|-------------|
| ITEM NO | 7 | PAC Ref: | 2020/A0126 |
| Planning Ref: | LA07/2020/0027/ | DEA | Downpatrick |
| APPELLANT LOCATION | Judy Meharg 7 Rocks Road Ballyhornan Downpatrick | | |
| PROPOSAL | Wooden hut on a raised deck (retrospective) | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 22/01/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|---------------------------|--|-----------------|-------------|
| ITEM NO | 8 | PAC Ref: | 2020/A0142 |
| Planning Ref: | LA07/2020/1072/ | DEA | Downpatrick |
| APPELLANT LOCATION | Chris Ball 67 St Patricks Avenue Downpatrick | | |
| PROPOSAL | Change of use from commercial/office to a 2 bedroom dwelling | | |

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

Current Appeals

159

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|--|---|---------------------------|--------------|
| ITEM NO | 9 | | |
| Planning Ref: | LA07/2020/1485/ | PAC Ref: | 2020/A0145 |
| APPELLANT | Leo Mcgrenaghan | DEA | Slieve Croob |
| LOCATION | Land Adjacent To 32 Teconnaught Road Downpatrick | | |
| PROPOSAL | Dwelling House | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 12/02/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 10 | | |
| Planning Ref: | LA07/2018/0293/ | PAC Ref: | 2020/A0156 |
| APPELLANT | Paul McEvoy | DEA | Rowallane |
| LOCATION | Opposite 49 And Adjacent To 56 Darragh Road Darraghcross | | |
| PROPOSAL | Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/03/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

160

| | | | |
|--|--|---------------------------|-------------|
| ITEM NO | 11 | | |
| Planning Ref: | LA07/2018/1616/ | PAC Ref: | 2020/C002 |
| APPELLANT | David Trevor Shields | DEA | The Mournes |
| LOCATION | Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel | | |
| PROPOSAL | RT34 47N Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay. | | |
| APPEAL TYPE | DC- EIA Determination - app ES is required | | |
| Appeal Procedure | Formal Hearing | Date Appeal Lodged | 11/08/2020 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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

Current Appeals

161

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|--|--|---------------------------|------------|
| ITEM NO | 13 | | |
| Planning Ref: | LA07/2020/0258/ | PAC Ref: | 2021/A0008 |
| APPELLANT | Johnny Farrell | DEA | Crotlieve |
| LOCATION | 49a Greenan Road Newry | | |
| PROPOSAL | <small>On Down</small> Retention of construction access with new improved sight lines- previously approved under P/2011/0702/F | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 20/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|--------------|
| ITEM NO | 14 | | |
| Planning Ref: | LA07/2020/1568/ | PAC Ref: | 2021/A0009 |
| APPELLANT | Mr & Mrs Pat Hayes | DEA | Slieve Croob |
| LOCATION | To The Rear And Immediately South West Of 62 Crawfordstown Road | | |
| PROPOSAL | <small>Drumanness</small> Retrospective extension to domestic curtilage, construction of garden feature and greenhouse along with all associates hard and soft landscaping. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 18/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

162

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|--|--|---------------------------|------------|
| ITEM NO | 15 | PAC Ref: | 2021/A0013 |
| Planning Ref: | LA07/2020/1187/ | DEA | Rowallane |
| APPELLANT | Norman Harvey | | |
| LOCATION | Approx. 25m South Of 32 Kilmore Road Crossgar | | |
| PROPOSAL | Dwelling | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 19/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|-------------|
| ITEM NO | 16 | PAC Ref: | 2021/A0022 |
| Planning Ref: | LA07/2020/1360/ | DEA | The Mournes |
| APPELLANT | Charlie Magennis | | |
| LOCATION | Base And Morelli's 71-73 Central Promenade Newcastle | | |
| PROPOSAL | Proposed erection of temporary retractable awning and lightweight structure | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 09/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

163

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|--|--|---------------------------|------------|
| ITEM NO | 17 | | |
| Planning Ref: | LA07/2020/0920/ | PAC Ref: | 2021/A0028 |
| APPELLANT | Michael McCarthy & Jarleth McCart | DEA | Crotlieve |
| LOCATION | North East And Adjoining No 9 Rock Road Newry | | |
| PROPOSAL | Dwelling on a Farm with Domestic Garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Informal Hearing | Date Appeal Lodged | 08/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 18 | | |
| Planning Ref: | LA07/2020/1077/ | PAC Ref: | 2021/A0031 |
| APPELLANT | Mr Eammon McAteer | DEA | Crotlieve |
| LOCATION | 12 Cullion Road Mayobridge RT34 2H11 | | |
| PROPOSAL | Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard, polystyrene for transfer to re cycling centers | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

164

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|----------------------|--|-----------------|--------------|
| ITEM NO | 19 | PAC Ref: | 2021/A0032 |
| Planning Ref: | LA07/2021/0146/ | DEA | Slieve Croob |
| APPELLANT | Paul Wilson | | |
| LOCATION | 75 Dromore Road Ballykine Upper Ballynahinch | | |
| PROPOSAL | Erection of replacement dwelling, detached garage and conversion of existing dwelling to stables | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|--|-----------------|------------|
| ITEM NO | 20 | PAC Ref: | 2021/A0033 |
| Planning Ref: | LA07/2021/0096/ | DEA | Rowallane |
| APPELLANT | Mr Bailey | | |
| LOCATION | 18a Drumgivan Road Drumgivan Ballynahinch | | |
| PROPOSAL | Extension and renovation of Schoolhouse to domestic dwelling | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

165

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|--|---|---------------------------|------------|
| ITEM NO | 21 | | |
| Planning Ref: | LA07/2020/0770/ | PAC Ref: | 2021/A0034 |
| APPELLANT | Jamie McDonald | DEA | Newry |
| LOCATION | Lands Approx. 40m NE Of 29 Clontigora Hill Newry | | |
| PROPOSAL | Infill dwelling and garage, associated landscaping and site works | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 25/05/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|--------------|
| ITEM NO | 22 | | |
| Planning Ref: | LA07/2020/0115/ | PAC Ref: | 2021/A0046 |
| APPELLANT | Brendan Ferris | DEA | Slieve Croob |
| LOCATION | 110 Southwest Of 50 Crawfordstown Road Downpatrick | | |
| PROPOSAL | Retrospective change of use of agricultural building to gym | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 28/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

166

| | | | |
|--|---|---------------------------|------------|
| ITEM NO | 23 | | |
| Planning Ref: | LA07/2020/0079/ | PAC Ref: | 2021/A0049 |
| APPELLANT | M Farrell | DEA | Newry |
| LOCATION | Lands Approximately 50m North West Of No. 53 Ayalogue Road Newry | | |
| PROPOSAL | Dwelling and garage on gap site | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 14/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|--------------|
| ITEM NO | 24 | | |
| Planning Ref: | LA07/2020/1828/ | PAC Ref: | 2021/A0051 |
| APPELLANT | Richard Hall | DEA | Slieve Croob |
| LOCATION | Adjacent And Immediately North Of 42 Old Belfast Road Dundrum Newcastle | | |
| PROPOSAL | Infill site for dwelling with domestic garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 16/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

167

| | | | |
|----------------------|---|-----------------|-------------|
| ITEM NO | 25 | PAC Ref: | 2021/A0052 |
| Planning Ref: | LA07/2021/0616/ | DEA | Downpatrick |
| APPELLANT | Andrew Davis | | |
| LOCATION | East And Adjacent To 4 Turmennan Road Crossgar | | |
| PROPOSAL | Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a | | |

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

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|----------------------|---|-----------------|------------|
| ITEM NO | 26 | PAC Ref: | 2021/A0058 |
| Planning Ref: | LA07/2021/0302/ | DEA | Rowallane |
| APPELLANT | Anne Mullan | | |
| LOCATION | 20 Darragh Road Crossgar | | |
| PROPOSAL | Retention of dwelling as annexe to 20 Darragh Road, Crossgar, with construction of new garage link (Retrospective) | | |

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|--|------------------------------------|---------------------------|------------|
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 28/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

168

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|--|--|---------------------------|--------------|
| ITEM NO | 27 | PAC Ref: | 2021/A0074 |
| Planning Ref: | LA07/2020/0387/ | DEA | Slieve Croob |
| APPELLANT LOCATION | Mr C O'Connor 59 Drumnaquoile Road Castlewellan | | |
| PROPOSAL | Change of house type and siting in substitution to Planning permission LA07/2018/1590/F | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 21/07/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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

Current Appeals

169

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|--|---|---------------------------|------------|
| ITEM NO | 29 | | |
| Planning Ref: | LA07/2020/1830/ | PAC Ref: | 2021/A0083 |
| APPELLANT | Briega McComiskey | DEA | Crotlieve |
| LOCATION | Approx 160m North West Of No.26 Leode Road Hilltown | | |
| PROPOSAL | Newry Erection of dwelling and domestic garage on a farm | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 03/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 30 | | |
| Planning Ref: | LA07/2020/1702/ | PAC Ref: | 2021/A0088 |
| APPELLANT | Mr Hewitt | DEA | Rowallane |
| LOCATION | North West And Adjacent To 59 Glasswater Road Creevycarnon | | |
| PROPOSAL | Crossbar Erection of Sheltered Accommodation for the Elderly | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 11/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

170

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|--|---|---------------------------|------------|
| ITEM NO | 31 | PAC Ref: | 2021/A0092 |
| Planning Ref: | LA07/2020/0936/ | DEA | Crotlieve |
| APPELLANT | Mr James Hughes | | |
| LOCATION | Mountview Business Park Rathfriland Road | | |
| PROPOSAL | New Replacement free standing vertical sign with logos to both faces | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 17/08/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 32 | PAC Ref: | 2021/A0105 |
| Planning Ref: | LA07/2021/0055/ | DEA | Rowallane |
| APPELLANT | Heather & Stephen Verner | | |
| LOCATION | Adjacent & 40m North Of 22 Tullyveery Road Killyleagh | | |
| PROPOSAL | Dwelling and garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 17/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|---|---------------------------|------------|
| ITEM NO | 33 | | |
| Planning Ref: | LA07/2021/0790/ | PAC Ref: | 2021/A0107 |
| APPELLANT LOCATION | Mr & Mrs Wayne Garrett 135m South Of 58 Carsonstown Road Saintfield | DEA | Rowallane |
| PROPOSAL | Single dwelling and garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|-------------|
| ITEM NO | 34 | | |
| Planning Ref: | LA07/2021/0473/ | PAC Ref: | 2021/A0109 |
| APPELLANT LOCATION | Rhys Dowsall 5 Killowen Road Rostrevor | DEA | The Mournes |
| PROPOSAL | Retention of mobile home on concrete hardstanding | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 16/09/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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| | | | |
|----------------------|---|-----------------|--------------|
| ITEM NO | 35 | | |
| Planning Ref: | LA07/2020/1834/ | PAC Ref: | 2021/A0112 |
| APPELLANT | Mr & Mrs Christopher Kelly | DEA | Slieve Croob |
| LOCATION | Approx. 200m SE Of No. 36 Mountain Road Ballynahinch | | |
| PROPOSAL | Dwelling on a Farm | | |

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

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|--|---|---------------------------|-------------|
| ITEM NO | 36 | | |
| Planning Ref: | LA07/2018/0932/ | PAC Ref: | 2021/A0116 |
| APPELLANT | Dynes Bros | DEA | Downpatrick |
| LOCATION | No's 12 And 14 St Patrick's Way And Lands Between 12 And 14 St Patrick's Way Ballyhornan Road Ballyalton Downpatrick (amended Address) | | |
| PROPOSAL | Detached dwelling on lands between 12 and 14 St Patrick's Way and amendments to existing dwellings 12 and 14 to provide additional lands, landscaping and amendments to previously approved parking arrangements. (Amended Proposal) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 13/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 37 | | |
| Planning Ref: | LA07/2019/1206/ | PAC Ref: | 2021/A0118 |
| APPELLANT | Kilbroney Timberframe Limited | DEA | Newry |
| LOCATION | Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street | | |
| PROPOSAL | Proposed 8 dwellings (2 blocks of four terrace dwellings) | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 13/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 38 | | |
| Planning Ref: | LA07/2021/0762/ | PAC Ref: | 2021/A0120 |
| APPELLANT | Mr B McCallister | DEA | Rowallane |
| LOCATION | 70 Old Belfast Road Saintfield | | |
| PROPOSAL | Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|----------------------|---|-----------------|-------------|
| ITEM NO | 39 | PAC Ref: | 2021/A0122 |
| Planning Ref: | LA07/2020/0921/ | DEA | Downpatrick |
| APPELLANT | Alan Humphries | | |
| LOCATION | Adjacent To 127a Shore Road Kilclief | | |
| PROPOSAL | Dwelling and garage | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 18/10/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|--|-----------------|----------------|
| ITEM NO | 40 | PAC Ref: | 2021/A0128 |
| Planning Ref: | LA07/2020/1002/ | DEA | Slieve Gullion |
| APPELLANT | Cathal McGroder & Moira Fegan | | |
| LOCATION | Site 50m West Of 15 O'Callaghan Road Tullydonnell Silverhridge | | |
| PROPOSAL | Proposed erection of a dwelling house and garage. | | |

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

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 41 | | |
| Planning Ref: | LA07/2021/0092/ | PAC Ref: | 2021/A0137 |
| APPELLANT | Mr Paul Henry Murney | DEA | Crotlieve |
| LOCATION | 39 Chapel Hill Road Mayobridge | | |
| PROPOSAL | Newry Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 04/11/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 42 | | |
| Planning Ref: | LA07/2021/0174/ | PAC Ref: | 2021/A0138 |
| APPELLANT | Mary Boal | DEA | Crotlieve |
| LOCATION | To The Rear Of No. 56 Milltown Street Burren | | |
| PROPOSAL | Warranpoint Proposed dwelling | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | Written Reps | Date Appeal Lodged | 04/11/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|----------------------|--|-----------------|--------------|
| ITEM NO | 43 | PAC Ref: | 2021/A0141 |
| Planning Ref: | LA07/2021/1066/ | DEA | Slieve Croob |
| APPELLANT | Sean & Linda Tumely | | |
| LOCATION | Adjacent To And North West Of 150A Vianstown Road Downpatrick | | |
| PROPOSAL | Single Dwelling House | | |

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| APPEAL TYPE | DC- Refusal of Planning Permission | Date Appeal Lodged | 10/11/2021 |
| Appeal Procedure | | | |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|----------------------|---|-----------------|----------------|
| ITEM NO | 44 | PAC Ref: | 2021/A0143 |
| Planning Ref: | LA07/2020/0518/ | DEA | Slieve Gullion |
| APPELLANT | Mr Alan Milne | | |
| LOCATION | 100m North Of 245 Armagh Road Tullyhappy | | |
| PROPOSAL | ^{Newry} Retention of replacement agricultural store | | |

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

Current Appeals

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| | | | |
|----------------------|--|-----------------|-------------|
| ITEM NO | 45 | | |
| Planning Ref: | LA07/2021/0536/ | PAC Ref: | 2021/A0148 |
| APPELLANT | Messrs. M & P Fitzsimons | DEA | Downpatrick |
| LOCATION | Lands 186m Due West Of 83 Crew Road Ardglass Downpatrick | | |
| PROPOSAL | Proposed building for mixed use agricultural purposes. | | |

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

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|----------------------|---|-----------------|--------------|
| ITEM NO | 46 | | |
| Planning Ref: | LA07/2019/1375/ | PAC Ref: | 2021/A0149 |
| APPELLANT | Cacola Ltd | DEA | Slieve Croob |
| LOCATION | Lands Immediately South Of 17 Leitrim Road Ballymaginaghy Castlewellan Co Down | | |
| PROPOSAL | Erection of 2 Dwellings | | |

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

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 47 | PAC Ref: | 2021/A0150 |
| Planning Ref: | LA07/2021/1061/ | DEA | Crotlieve |
| APPELLANT | Mr Dermot O'Hare | | |
| LOCATION | Lands Between 17A And 17B Hilltown Road Mayobridge RT34 2A.1 | | |
| PROPOSAL | Proposed dwelling and garage | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 02/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|------------|
| ITEM NO | 48 | PAC Ref: | 2021/A0156 |
| Planning Ref: | LA07/2021/0502/ | DEA | Rowallane |
| APPELLANT | Mr & Mrs J Wade | | |
| LOCATION | 71 Lisburn Road Lisdalgaun Saintfield | | |
| PROPOSAL | Replacement dwelling and conversion of existing dwelling to domestic store. | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 01/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 49 | PAC Ref: | 2021/A0158 |
| Planning Ref: | LA07/2019/1262/ | DEA | Rowallane |
| APPELLANT LOCATION | SJ Anderson & Sons 11 Lisburn Road Ballynahinch | | |
| PROPOSAL | Replacement of existing dwelling with 4 townhouses and associated site works | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 03/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|---|---------------------------|-------------|
| ITEM NO | 50 | PAC Ref: | 2021/A0168 |
| Planning Ref: | LA07/2020/1025/ | DEA | Downpatrick |
| APPELLANT LOCATION | Patrick Fitzsimons Adjacent To And North West Of 59 Annacloy Road Downpatrick BT30 9AQ | | |
| PROPOSAL | Proposed dwelling accessed by existing entrance and proposed new entrance for 59 Annacloy Road, Downpatrick | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 14/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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|--|--|---------------------------|------------|
| ITEM NO | 51 | PAC Ref: | 2021/A0169 |
| Planning Ref: | LA07/2021/0066/ | DEA | Newry |
| APPELLANT LOCATION | Mr Peter Connolly 3 River Street Newry BT34 1DQ | | |
| PROPOSAL | Conversion of commercial property to four number self contained one bedroom apartments | | |
| APPEAL TYPE | DC- Refusal of Planning Permission | | |
| Appeal Procedure | | Date Appeal Lodged | 15/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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|--|--|---------------------------|------------|
| ITEM NO | 52 | PAC Ref: | 2021/E0010 |
| Planning Ref: | LA07/2020/1906/ | DEA | Crotlieve |
| APPELLANT LOCATION | Eamonn McAteer McAteer Recyclin Lands At And To The Rear Of No. 12 Cullion Road Mayobridge Newry | | |
| PROPOSAL | Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure | | |
| APPEAL TYPE | DC- Refusal of CLUD | | |
| Appeal Procedure | | Date Appeal Lodged | 10/06/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

Current Appeals

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ITEM NO 53

Planning Ref: LA07/2020/0622/ **PAC Ref:** 2021/E0013 LDC

APPELLANT Mr Robert Hollywood **DEA** Slieve Gullion

LOCATION Located Upon Lands Approximately 100 Meters North West Of No.34 Church Road

PROPOSAL ^{Shean}
The use of the building is agricultural and used for agricultural storage purposes associated with the existing farm enterprise

APPEAL TYPE DC- Refusal of CLUD

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 09/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO 54

Planning Ref: LA07/2020/1532/ **PAC Ref:** 2021/E0014 LDC

APPELLANT Ms Colleen McGinnis **DEA** Crotlieve

LOCATION Lands At No.33B Ballyvally Road
Ballyvally

PROPOSAL ^{Mavohridne}
The applicant is seeking a Certificate of Lawfulness (COLEUD) for an existing use or development in relation to an existing access arrangement, hardcore access laneway, 2 No ancillary oil tanks and boiler enclosure, ancillary 1 No detached timber garage, ancillary hard

APPEAL TYPE DC- Refusal of CLUD

Appeal Procedure **Written Reps** **Date Appeal Lodged** 09/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

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| | | | |
|--|--|---------------------------|------------|
| ITEM NO | 55 | | |
| Planning Ref: | LA07/2021/0778/ | PAC Ref: | 2021/E0057 |
| APPELLANT | Norman Graham | DEA | Rowallane |
| LOCATION | 50m North To Rear Of 46 Riverside Road Ballynahinch | | |
| PROPOSAL | Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide lambing/calving, TB Testing onsite facilities with crush | | |
| APPEAL TYPE | DC- Refusal of CLUD | | |
| Appeal Procedure | | Date Appeal Lodged | 21/12/2021 |
| Date of Hearing | | | |
| Date Statement of Case Due for Hearing | | | |
| Date Statement of Case Due - Written Representation | | | |
| Date of Site Visit | | | |

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Planning Appeals
Commission

Decision Details

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|-------------------------------------|---|
| PAC Reference : | 2021/E0030 |
| Departmental Reference : | LA07/2021/0150/CA |
| Development : | Alleged Unauthorised change of use of domestic garage to a hairdressing salon |
| Location : | 7 Wood Grove, Castlewellan, Co Down, BT31 9JD |
| Appellant : | Mrs Bridgen King |
| Appeal Type : | Enforcement Appeal |
| Commission Decision Issued : | 08/12/2021 |
| Commission Decision : | Withdrawn |