



December 9th, 2021

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 15th December 2021** at **11:30 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 Planning Committee Meeting held on Wednesday 17 November 2021. (Attached).

📎 *Planning Committee Minutes 17.11.2021.pdf*

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

📎 *Addendum list - 15-12-2021.pdf*

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Development Management - Planning Applications for determination

- 6.0 **LA07/2020/0485/F -Major city centre mixed use development scheme - see below. (Case Officer report to follow)**

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

- Barry Owens, agent, will be in attendance to answer any queries Members may have.

- 7.0 **LA07/2020/0486/DCA - Conservation area consent application - Nos 46/49/50/51/52/53 & 54 Merchants Quay Newry (Case Officer report to follow)**

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

- Barry Owens, agent, will be in attendance to answer any queries Members may have.

8.0 LA07/2020/0487/LBC - Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry (Case Officer report to follow)

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

- Barry Owens, agent, will be in attendance to answer any queries Members may have.

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

9.0 LA07/2021/0358/O - Proposed erection of outline rural detached infill dwelling house and detached domestic garage Located approximately 50 metres south east of no. 91 Maphoner, Latbirget, Mullaghbawn. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Barney McKeivitt, agent, and Errol Flynn, applicant, will be in attendance to answer any questions Members might have).
- LA07/2021/0358/O - deferred for a site visit on 22-11-2020. Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee attended

📎 [LA07-2021-0358-O.PDF](#)

Page 20

10.0 LA07/2020/1854/0 - Infill dwelling - 40m NW of 169 Bryansford Road, Kilcoo. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Declan Rooney, agent, and Jim McClean, applicant, will be in attendance to answer any questions Members might have).
- 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

11.0 LA07/2021/0108/F - dwelling – 50m sw of 31a Ballydrumman Road Castlewellan. BT31 9UQ. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Colin O'Callaghan, agent, will be in attendance to answer any questions Members might have).
- 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

LA07 2021 0108 F.PDF

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Development Management - Planning Applications for determination

12.0 LA07/2020/1355/F - Erection of replacement dwelling with detached garage (amended proposal) 90 metres north of 14 Upper Clontigora Road Killeen Newry . (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Colin O'Callaghan, agent, will be in attendance to answer any questions Members might have).
- 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.

LA07-2020-1355-F.PDF

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LA07-2020-1355-F- Addendum Report.pdf

Page 47

13.0 LA07/2020/0316/O - Farm Dwelling & Garage 145m North of 12 Polkone Road Ummericam Dorsey Mullaghbawn. (Case Officer report attached)

REFUSAL

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

LA07-2020-0316-O.PDF

Page 49

14.0 LA07/2021/0068/F - New dwelling house and garage Between 140 and 142 Concession Road Crossmaglen Newry BT35 9JE (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Patrick McKeever, in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Shea Gregory, in objection to the application. (Submission attached).
- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, in support of the application. **(Submission attached).**

LA07-2021-0068-F.PDF Page 56

Item 14 - LA07-2021-0068-F (objection).pdf Page 62

Item 14 - LA0720210068F (objection SG).pdf Page 64

Item 14 - LA07-2021-0068-F (support).pdf Page 66

15.0 LA07/2021/0040/O - Infill Dwelling and Garage - Between No 5 & 7 Bog Road Forkhill Newry Co Down. (Case Officer report attached).

REFUSAL

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

LA07-2021-0040-O.PDF Page 68

Item 15 - LA07-2021-0040-O.pdf Page 73

16.0 LA07/2020/1386/F - Demolition of existing buildings and erection of 5 residential dwellings with ancillary works (Amended plans). 12-20 Belfast Road Ballynahinch (Case Officer report attached).

APPROVAL

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

LA07_2020_1386_F 12-20 Belfast Road Ballynahinch.pdf Page 81

17.0 LA07/2021/0531/O - Replacement of 2 storey semi detached dwellings as single 2 storey dwelling with detached garage - 87 & 89 Crawfordstown Road Drumaness. (Case Officer report attached).

REFUSAL

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

LA07_2021_0531_O 87-89 Crawfordstown Road.pdf

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Item 17 - LA07-2021-0531-0.pdf

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18.0 LA07/2021/0974/O - Dwelling and Garage on a Farm - Lands 40m SSE of 50 Clarkill Road Castlewellan. (Case Officer report attached).

REFUSAL

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

LA07-2021-0974-O Clarkill Road (farm Dwelling).pdf

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Item 18 - LA07-2021-0974-0.pdf

Page 112

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

REFUSAL

- Addendum list


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

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20.0 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. (Case Officer report attached).

REFUSAL

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

 *LA07_2021_1041_O_CO_Report.pdf*

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 *Item 20 - LA07-2021-1041-O.pdf*

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21.0 LA07/2021/1178/O - Proposed Infill Dwelling and all associated site works - Lands located between 56A & 56B Crawfordstown Road Drumaness. (Case Officer report attached).

REFUSAL

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

 *LA07-2021-1178-O 56A and 56B Crawfordstown Road infill.pdf*

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 *Item 21 - LA07-2021-1178-0.pdf*

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22.0 LA07/2021/1207/O - 2 infill dwellings and garages - Between 60 and 62 Ballylucus Road Downpatrick. (Case Officer report attached).

REFUSAL

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

 *LA07_2020_1207_O Ballylucas Rd.pdf*

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 *Item 22 - LA07-2021-1207-0.pdf*

Page 154

23.0 LA07/2019/1000/F - Construction of 14 no Social Housing Units together with associated car parking, landscaping and site works for Registered Housing Association - Lands east of Harmony Heights Ballyholland Newry. (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Sean Mulholland and Mr Tinnelly, in objection to the application. **(Submission attached)**
- A request for speaking rights has been received from Michael Rogers, agent, and Paul Fox, applicant (Rural Housing) in support of the application. **(Submission attached)**.

- Representatives from NIHE will be in attendance to answer queries/questions.

📄 <i>LA07-2019-1000-F.pdf</i>	<i>Page 168</i>
📄 <i>Item 23 - LA07-2019-1000-F (objection).pdf</i>	<i>Page 179</i>
📄 <i>Item 23 - LA07-2019-1000-F (support).pdf</i>	<i>Page 180</i>
📄 <i>Item 23 - 15.12.21 - Planning Committee Meeting - Speaking Rights Rural HA.pdf</i>	<i>Page 181</i>

24.0 LA07/2021/0726/F - Proposed Replacement Dwelling - 16A Derryleckagh Road Newry BT34 2NL (Case Officer report attached).

REFUSAL

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

📄 <i>LA07_2021_0726_F.pdf</i>	<i>Page 182</i>
📄 <i>Item 24 - LA07-2021-0726-F.pdf</i>	<i>Page 190</i>

25.0 LA07/2021/0911/F Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF. (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).**

📄 <i>LA07-2021-0911-F.pdf</i>	<i>Page 193</i>
📄 <i>Item 25 - LA07 2021 0911.pdf</i>	<i>Page 201</i>

For Discussion/Decision

26.0 Correspondence from DAERA - actions to address planning delays and associated impacts on current caseload. (Attached).

📄 <i>Letter to Planning Authorities - Actions to Address Planning Delays and Associated Impacts on Current Caseload.pdf</i>	<i>Page 203</i>
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27.0 Historic Actions Tracking Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated December 2021.pdf*

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28.0 Planning Committee Performance Report for November 2021. (Attached).

 *November 2021 Planning Committee Performance Report.pdf*

Page 213

29.0 Current appeals and decisions - November 2021. (Attached).

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

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 17 November 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)

Mr C Mallon	Director Enterprise Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer (via Teams)
Ms A McAarney	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Mr M McQuiston	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/103/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Burgess.

P/104/2021: DECLARATIONS OF INTEREST

Councillor McKee declared an interest in item 20 – LA07/2021/0758/0 – dwelling with garage – lands immediately south of No. 40 Quarter Road, Annalong and advised he would not be taking part in the discussion/decision on this application.

Councillor Devlin declared an interest in item 15 – LA07/2021/0786/RM demolition of former school building, erection of food store and mountain rescue, provision of car parking, landscaping, and associated site works - Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road) and portion of Bryansford Road Newcastle – and advised she would not be taking part in the discussion/decision on this application.

P/105/2021: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

- **Item 10 – LA07/2019/1134/O** – Cllrs Burgess, Hanna, Harte, Larkin, Murphy, O'Hare and Trainor attended the site visit on this application.

MINUTES FOR CONFIRMATION

P/106/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 20 OCTOBER 2021

Read: Minutes of Planning Committee Meeting held on Wednesday 20 October 2021. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor O'Hare, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 20 October 2021 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/107/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 17 November 2021. **(Copy circulated).**

AGREED: **On the proposal of Councillor Devlin, seconded by Councillor Hanna, it was agreed to remove the following applications listed on the addendum list for Wednesday 17 November 2021:**

- Item 14 - 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 **APPROVAL**
- Item 22 - LA07/2021/0911/F Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF **REFUSAL**

AGREED: On the proposal of Councillor Devlin, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 17 November 2021:

- Item 12 - LA07/2020/0873/F - 118 detached & semi-detached dwellings, pumping station, landscaping and all site works - Lands 100m west of 14-24 Lime Trees and 20m SE of 62 & 64 Lisburn Road Ballynahinch. **APPROVAL**
- Item 13 - LA07/2019/0369/F - Erection of Fun Fair Ferris Wheel - Castle Park to rear of 1 to 11 Central Promenade, Newcastle Co. Down **APPROVAL**
- Item 16 - LA07/2021/0921/F - Filling of existing ground level to convert existing horsebox parking area to carparking area. Carparking area to consist of 31 no carparking spaces, a parking space suitable to accommodate a mobile coffee van trailer, turning area, cycle racks, picnic tables & 1.1m high perimeter fence - 300m South-South East of No 141 Drumnaquoile Road Dromara **APPROVAL**
- Item 23 - LA07/2021/1483/F - Proposed new play park - Play Park at Kilmorey Park, Adjacent to and immediately North of 15 Cowan Street Newry BT34 2AR **APPROVAL**
- Item 24 - LA07/2021/1485/F - Proposed new play park - Play park at Annalong Marine Park, 30m East of Community Centre Annalong Glassdrumman Road Annalong BT34 4QL **APPROVAL**

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

AGREED: On the proposal of Councillor McKee, seconded by Councillor Enright, it was agreed to exclude the public and press from the meeting during discussion on the following items:

P/108/2021: LDP: PROGRESS REPORT - QUARTERLY UPDATE

Read: Report dated 17 November 2021 from Mr A McKay Chief Planning Officer regarding a quarterly progress report on the Local Development Plan. **(Copy circulated)**

P/109/2021: LDP: RETAIL & COMMERCIAL LEISURE CAPACITY STUDY

Read: Report dated 17 November 2021 from Mr A McKay, Chief Planning Officer regarding a review and update on the LDP Retail & Commercial Leisure Capacity Study. **(Copy circulated)**

P/110/2021: AMENDMENT OF PLANNING COMMITTEE PROTOCOL

Read: Report dated 17 November 2021 from Mr F O Connor Head of Legal Administration (Acting) regarding a judgement issued following a judicial review which require Councils to consider Standing Orders regarding the Call In process and also the operation of Planning and Licensing Committee Operating Protocols. **(Copy circulated)**

On the proposal of Councillor Enright, seconded by Councillor Hanna, it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairman advised the following decisions had been agreed:

P/108/2021: LDP: Progress - Quarterly Update

AGREED: On the proposal of Councillor McKee, seconded by Councillor Enright, it was agreed to note the quarterly update provided in Report dated 17 November 2021 from Mr A McKay Chief Planning Officer regarding the Local Development Plan.

P/109/2021: LDP: Retail & Commercial Leisure Capacity Study

AGREED: On the proposal of Councillor Devlin, seconded by Councillor McKee, it was agreed to note Report dated 17 November 2021 from Mr A McKay Chief Planning Officer regarding a review and update on the LDP Retail & Commercial Leisure Capacity Study.

P/110/2021: Amendment of Planning Committee Protocol

AGREED: On the proposal of Councillor Devlin, seconded by Councillor O'Hare, it was agreed to approve the draft amendments outlined in Report dated 17 November 2021 from Mr F O Connor Head of Legal Administration (Acting), to Paragraphs 23 and 25 of the Planning Committee Operating Protocol, and the addition of Paragraph 78 also shown in the draft amended Protocol.

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/111/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

(1) LA07/2019/1653/F

Location:

Lands to the East of No 5 Ferry Quarter View and Lands to the North East of No 3 Ferry Quarter View Strangford

Proposal:

Apartments, Bin store, Car parking and Associated Site Works

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms A 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 Tony Stevens and Mr Nick Laird presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Philip Stinson, agent, and Mr Andrew Groves Architect, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues Raised:

- Access road into Ferry Quarter is narrow, at 4.1 m wide, with no pavements.
- Emergency vehicles would be restricted and with additional houses there would be additional car parking space needed, resulting in an overspill into the turning area which would have an impact on vehicle turning and access.
- Concerns regarding sufficient storage and collection area for the additional bins that would result if approval were given.
- Significant loss of privacy highlighted by one objector.
- Consultation had taken place with local residents and scheme had been amended – building was designed to appear as a single development when looking at it from the front and sat sympathetically within the context of the site.
- There was sufficient bin storage provided within the proposed development along with an additional communal area to accommodate the lifting of bins

AGREED: **On the proposal of Councillor Enright, seconded by Councillor McKee, it was agreed to defer Planning Application LA07/2019/1653/F for a site visit and that a representative from DfI be invited to attend the site visit also.**

Councillors Enright, Devlin, McAteer, McEvoy, and McKee withdrew from the discussion/decision on the next application.

It was agreed Councillor Larkin Chair the meeting.

(2) **LA07/2019/1134/O**

Location:

90 Manse Road Darraghcross Crossgar

Proposal:

Replacement 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 Gerry Tumilty agent was in attendance to question any questions from Members.

Issues Raised:

- Application previously considered by Committee – the agent provided the required information to NIEA regarding a bat survey and NIEA has since confirmed they had no ecological concerns to the proposal – as such the second reason for refusal was removed from the recommendation. However the officer's recommendation to refuse still remained on the basis that the building to be replaced in considered to be a vernacular rural building which should be retained.

- Agent said it was not financially viable to retain the existing building as it did not have foundations and did not lend itself to renovation.
- Policy stated this was an important building in the countryside and the only way permission could be granted for its replacement was if it could not be made structurally sound and if this was the case, information/evidence would need to be provided to show this.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Murphy, it was agreed to 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.

(All Councillors who had withdrawn for the application returned to the meeting and Councillor McAteer resumed the Chair)

(3) LA07/2020/0653/O

Location:

Approx 40m south west of 11 St Patrick's Circle Saul Downpatrick

Proposal:

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

Issues raised:

- The application site is within the development limit but the proposed access is outside the settlement limit and therefore lies in the countryside.
- Agent advised access to the site could only be gained by the applicant providing a laneway through lands in his ownership adjacent to housing at St. Partrick's Circle. The applicant would be willing to screen the access with mature hedging and planting.
- Planning were of the view that the site was not landlocked and the applicant should be employing whatever opportunity there was to access this land from within the development limit.
- There were a number of objections to this proposal and any approval would override the agreed Development Plan.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2020/0653/O for a site visit.

(4) LA07/2021/0601/F

Location:

1A Slievemoyne Park Newcastle

Proposal:

Proposed Single & 2 storey side and rear extensions and demolition of existing side and rear extension

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Anette 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 support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues:

- The development pattern in the area was mixed.
- Mature screening exists to the front of the dwelling and the entire frontage was not visible as a whole from any location – particular reference to critical viewpoints along the Tullybrannigan Road.
- Extension is suburbanite to the existing dwelling with a lower ridge height.
- There are a variety of different house types in the area but every site must be considered in terms of it's own unique characteristics – this is a very large side extension to an existing dwelling which has to comply with PPS7 in terms of the scale and massing is it appropriate to the house.
- There will be critical views in terms of this two storey extension in relation to its bulk and mass.

Councillor Hanna proposed and Councillor Devlin seconded to issue an approval in respect of Planning Application LA07/2021/0601/F contrary to Officer recommendation on the basis that it would not detract from the pattern of development in this particular area; it was sympathetic to the type of houses that were there and it would not be disproportionate given the trees and screening that were already there.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	0

The proposal was carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to issue an approval in respect of Planning Application LA07/2021/0601/F contrary to Officer recommendation on the basis that it would not detract from the pattern of development in this particular area; it was

sympathetic to the type of houses that were there and it would not be disproportionate given the trees and screening that were already there.

(5) LA07/2021/0652/O

Location:

Lands adjacent and to the south-east of 32 Dromara Road Leitrim Castlewellan

Proposal:

2 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 William Wallace Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues Raised:

- In depth discussion on CTY8 focusing in issues relating to continuous and built up frontage and how they applied to this site.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of Planning Application LA07/2021/0652/O contrary to Officer recommendation on the basis that No. 30 has 20m frontage to the road and that it creates a bookend for a gap for an infill opportunity, with conditions being delegated to officers.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	2

The proposal was carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to issue an approval in respect of Planning Application LA07/2021/0601/F contrary to Officer recommendation on the basis that No. 30 has 20m frontage to the road and that it creates a bookend for a gap for an infill opportunity, with conditions being delegated to officers.

(6) 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

AGREED:

At the request of Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2019/1000/F for consideration at either the Planning Committee Meeting in either December 2021 or January 2022, to facilitate the preparation of a contribution by local residents of Ballyholland who are objecting to this application.

AGREED:

On the proposal of Councillor Devlin, seconded by Councillor O'Hare it was agreed to exclude the public and press from the meeting during discussion on the following item:

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

(7) LA07/2021/0758/O

Location:

Lands immediately south of No. 40 Quarter Road Annalong BT34 4QZ.

Proposal:

Dwelling and garage

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 Brendan Starkey Agent and Ms Lynn Edgar applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

On the proposal of Councillor Devlin, seconded by Councillor O'Hare, it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairman advised the following had been agreed:

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to defer Planning Application

LA07/2021/0758/O 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.

(Cllr. McKee rejoined the meeting)

(8) LA07/2021/0835/F

Location:

87 Oldtown Road Annalong Co Down

Proposal:

Proposed Domestic Garage and Extension to Existing Curtilage

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 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:-

- It was the opinion of Planning office that the established curtilage was sufficiently sized and had ample room to accommodate the garage proposed and there was no justification for the removal of the existing natural dry-stone wall and the proposed extension to the curtilage, for which there was no Policy support.
- Agent – insufficient space to the rear of the dwelling to provide a garage – the topography of the land to the east, was extremely challenging and dropped in level by over 10 feet and was entirely covered by dense vegetation. Significant site clearing work and land levelling would be required to make the eastern boundary capable of accommodating the garage.
- Details given of the proposed new curtilage.
- Proposal would have no impact on the Mourne Wall.
- New western boundary to be formed from the existing dry-stone wall by re-locating it from it's existing position and amended drawings had been submitted to show this.

Councillor Hanna proposed and Councillor McKee seconded issue an approval in respect of Planning Application LA07/2021/0835/F contrary to Officer recommendation on the basis that this proposal was a gain for the area in that it was reducing the curtilage size; it was retaining some of the natural ruggedness of the Mournes in that the rough countryside would be remaining and there would be minimum intrusion when moving a Mourne stone wall as it sits in the shape of the land.

Ms Largey said the second refusal reason was that the removal of the wall would not be sympathetic to the existing built form and appearance of the existing property and would cause the unacceptable loss of a local landscape feature. She said she was assuming that as part of Councillor Hanna's proposal he did not believe it would be an unacceptable loss of a

local landscape feature because officers would be given authority to impose conditions that the wall would be re-built.

Councillor Hanna said he would be happy to condition that 2 dry stone walls would be replacing those that would be lost.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	0

The proposal was carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2021/0835/F contrary to Officer recommendation on the basis that this proposal was a gain for the area in that it was reducing the curtilage size; it was retaining some of the natural ruggedness of the Mournes in that the rough countryside would be remaining and there would be minimum intrusion when moving a Mourne stone wall as it sits in the shape of the land.

Planning Officers to be delegated authority to impose any relevant conditions, including a condition that the 2 dry stone walls are to be replaced.

(9) LA07/2021/0586/O

Location:

Lands immediately south of No 7 Glenmore Road, Mullaghbane

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms 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 Paul McKernan agent and Mr Oliver Hearty, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Planning Office key concern was the gap between buildings which was 150m in length and was too big and did not constitute a small gap site or respect the pattern

of frontages in the area. Issues also with integration and impact on the special rural character of the area.

- Applicant had the site accurately measured which demonstrated that plot sizes in the immediate area ranged from 63m to over 80m with an average 70m width. The application site was 67.5m and sat comfortably within the range of plot sizes and would easily blend with the settlement pattern.
- Agent also addressed refusal reasons relating to integration, ribbon development and the rural character of the area.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Murphy it was agreed to hold 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 in respect of Planning Application LA07/2021/0586/O.**

Also the agent to provide a map/clearer visuals indicating the plot sizes as discussed.

(10) LA07/2021/0665/O

Location:

Lands approximately 50 meters North East of No. 21 Jacks Road Killeen Newry City Co Armagh N Ireland BT35

Proposal:

Proposed erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping.

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

Issues raised:

- Planning Department accept there are 3 buildings along the frontage of Jack's Road but No. 21 and associated farm buildings are set back from the roadside and are accessed via a laneway which also runs adjacent to the application site and therefore do not benefit from frontage onto the road.
- Area to the front of the main dwelling has the appearance of an agricultural field and not within the residential curtilage of the dwelling. The area was overgrown in nature and appeared separate from the main dwelling and did not appear to have the features of a domestic garden.
- The key issue for Planning is that the buildings are set back from the road and are separated from the road by an agricultural field – proposal falls because there is not a substantial and continuously built-up frontage.

- Agent's view that the adjacent plot, with frontage onto Jacks Road, should be considered at the entire curtilage of No. 21 and therefore met the required frontage.
- The applicant did not claim single farm payment for the garden area which was associated with the dwelling house and buildings which were over 100 years old. Further information given as to why this area should be considered as a garden area and not an agricultural field.

Councillor Larkin proposed and Councillor Hanna seconded issue an approval in respect of Planning Application LA07/2021/0665/0 contrary to Officer recommendation on the basis of the evidence presented by the agent that the agricultural field referred to has been an established garden for the house and that frontage has been achieved.

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

FOR:	11
AGAINST:	0
ABSTENTIONS	0

The proposal was 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 LA07/2021/0665/0 contrary to Officer recommendation on the basis of the evidence presented by the agent that the agricultural field referred to has been an established garden for the house and that frontage has been achieved.

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

(11) LA07/2021/0816/O

Location:

Adjacent to No. 10 Hillhead Road, Newry, BT35 8TN

Proposal:

Proposed replacement dwelling to create an infill dwelling -

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Patricia Manley 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 Feehan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Building did not have the characteristics of a dwelling house and therefore did not meet the Policy for replacement.
- Application was not considered an infill site as the applicant proposed to demolish the existing building to create the infill opportunity.
- Opportunity was given to the applicant to demonstrate that the proposed access would not prejudice road safety or significantly inconvenience the flow of traffic along the Hillhead Road but despite the opportunity to address this Dfi had responded the same as before advising the application was unacceptable as submitted.
- Applicant already has an existing gap between buildings and do not need to replace the building at the front in order to create the gap in order to qualify under CTY8.
- Issues discussed in relation to information required by Roads Department.

(Councillor Harte left the meeting)

(Councillor Enright left the meeting)

Councillor Larkin proposed and Councillor Murphy seconded to hold a site visit in relation to planning application LA07/2021/0816/0 and also request that the Planning Department seek the information that Roads Service had requested from the agent and that it be provided swiftly by the agent to the satisfaction of the Department.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to hold a site visit in respect of Planning Application LA07/2021/0816/0 and also request that the Planning Department seek the information that Roads Service had requested from the agent and that it be provided swiftly by the agent to the satisfaction of the Department.

(Cllr Devlin left the meeting)

(12) LA07/2021/0786/RM

Location:

Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road) and portion of Bryansford Road Newcastle

Proposal:

Demolition of former school building, erection of food store and mountain rescue, provision of car parking, landscaping, and associated site works.

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.

Ms A McAlarney highlighted the following points:

- Outline permission has already been granted in respect of this application and conditions attached have been complied with.
- Consultees reported no objections but indicated approval would be subject to conditions.
- One letter of objection was received.
- Planning Service recommend approval with relevant conditions attached.
- The proposed Food Store is a low level building.
- The proposed landscaping scheme included trees and new planting.

Speaking rights:

Mr Conleth Rooney Don Holdings (NI) Ltd, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Mr Rooney highlighted the following points:

- Primary issue relating to Conditions 2 and 4 have not been addressed since the granting of outline permission, which requires the submission of an accurate scale plan and site survey by the applicant to deal specifically with the proposed access and sightlines which is paramount to road safety at the site.
- Expert evidence has been provided to Council on a number of occasions demonstrating these conditions cannot be met as access visibility splays are not achievable - they cut across neighbouring land on the road front resulting in danger to access users, road users and pedestrians - the revised plan submitted by the applicant still lacks detail regarding this key issue.
- The sightlines proposed are significantly reduced therefore posing the need for even more vigilance by Council when considering this application in terms of road safety.
- The Case Officer's report fails to deal with this particular objection indicating this is a private land issue. In this case the sightlines cannot be achieved due to neighbouring land and therefore should be a planning matter and a relevant safety issue.
- Deferring the matter to DfI Roads is not appropriate but requires full consideration by Council.
- This Reserved Matters application cannot be considered in the absence of a detailed and accurate survey confirming visibility splays are achievable and evidence provided to this effect.

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

Mr Monaghan raised the following points:

- The proposal is a major investment project which will regenerate a derelict site, bring employment and many benefits to the community.
- The application was made following Outline permission previously granted in October 2020, at which proposed access details were debated at length. - following submissions from DfI Roads, the applicant and Planning Department, the outline application was approved with access being approved as part of this permission. Condition 4 of this permission, which was requested by DfI Roads, seeks to ensure that the access, as shown on the Reserved Matters drawings, is consistent with that approved under the outline permission, and shows a satisfactory means of access in the interests of Road Safety and convenience of road users.

- The drawings submitted with the Reserved Matters application is in accordance with details approved under the outline permission and DfI are content with same. The access is safe and will not inconvenience or prejudice road users.
- The Planning Committee decision to approve the outline application was not legally challenged.
- Planning Dept have indicated there is no requirement for land ownership boundaries to be shown on drawings.
- With regard to sightlines not being achievable in terms of road safety, DfI have recommended the inclusion of a condition whereby development cannot commence until access and sightlines have been provided, which therefore will ensure no road safety issue. There has been no reason identified as to why this standard condition should not be in place in respect of this application.
- No other issues have been raised with the content of the Reserved Matters application.

Issues raised:

Cllr Hanna asked for clarification from a legal perspective, on whether the matter of ownership of sightlines should be taken into consideration.

Ms Largey responded, providing clarification as follows:

- The issue of sightlines ownership had been discussed at outline stage during which the Planning Committee heard evidence on the matter and decided to grant approval.
- The outline approval was not judicially reviewed and therefore remains extant.
- The Committee have been advised of all the information required by the applicant, and the objector has had opportunity to submit their information which is before Committee today.
- The application has been assessed by Planning Officers and DfI Roads who have no objection to the application and it is entirely a matter for the Committee to exercise its own discretion in terms of the evidence presented and decide whether or not this is a sufficient issue that would cause to refuse or grant a reserved matters application.

Ms Largey added that deliverability or otherwise of a planning permission by virtue of third party ownership of visibility splays, in her view is not a reason upon which to refuse an application, however should an issue arise at a later stage where pre-commencement conditions cannot be complied with, or are not complied with and development takes place, then this will become an enforcement matter.

Councillor Larkin asked for confirmation from the Planning Officer and DfI Roads that they are content with the situation in relation to the sight splays as raised by Councillor Hanna.

Mr Rice said the issue regarding sight splays had been discussed at length at outline stage and the standards agreed have been provided shown on the outline plan at Reserved Matters stage therefore DfI Roads are content the sight splays appear to be achievable within the red line and DfI Roads have issued a decision of no objections.

Ms McAlarney said the drawings reflected the outline permission and appears to be in order in consultation with statutory consultees and confirmed that on this basis she was content the issue has been addressed and will be subject to a pre-commencement condition.

Councillor McAteer referred to concerns that the type and scale of the drawings were not accurate and asked for clarification from DfI Roads in terms of the size and scale of drawings that would normally be submitted for this type of application.

Mr Rice confirmed the drawings were in line with what would normally be received and the red line appeared to cover ample land for sight splays and added that if land ownership is not as per the red line then the application could not be fulfilled.

Mr Rooney referred to the issue of land ownership being addressed at enforcement stage, and questioned why the Committee would approve a reserved matters application where they cannot be satisfied as to the drawings and given the difference in opinion regarding the drawings and he felt this will present difficulty to Council in making a decision based on inaccurate drawings. He added that the point remains that more detail was required at the outline stage process and the Committee have not been given this detail therefore the issue remained as to why would the Committee approve the application at this point in the absence of the necessary detail to make this determination.

Mr Monaghan said there was nothing contained in planning policy or legislation that indicated to refuse an application if an applicant could not demonstrate ownership of land and added that it was the responsibility of the applicant to ensure they have necessary title in order to deliver a development.

Councillor Hanna proposed to accept the Officer recommendation in respect of Planning Application LA07/2021/0786/RM. Councillor O Hare 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	0
Abstentions	0

The proposal was carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor O Hare it was agreed to issue an approval in respect of Planning Application LA07/2021/0786/RM as per the information and recommendation contained in the Case Officer report presented to Committee.

FOR NOTING

P/112/2021: **HISTORIC ACTION SHEET**

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

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

**P/113/2021: PLANNING COMMITTEE PERFORMANCE REPORT
- OCTOBER 2021**

Read: Planning Committee Performance Report for October 2021.
(Copy circulated)

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

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

Read: Planning Appeals and Decisions Report for October 2021.
(Copy circulated)

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

The meeting concluded at 4.30 pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 15 December 2021.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 15 December 2021

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:

- Item 19 - LA07/2021/0875/O - Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick **REFUSAL**

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



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

Application Reference: LA07/2021/0358/O

Date Received: 22/02/2021

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

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

Site Characteristics & Area Characteristics:

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

The site is an area of land located on the edge of the public road, the site slopes down to the east. To the east of the site in No 52c a detached dwelling with a garage to the side which is located closer to the public road, beyond this property is No 52 which is again a detached property and is set back from the public road although its garden area extends to the public road. On the other side of the site to the west is a hardcore access that leads to a building set back from the public road with a field / paddock area between the road and the building.

Although located in a rural area there are a number of properties and other buildings in the vicinity of the site.

Site History:

LA07/2018/1463/F - Lands approximately 30 metres North West of No 52 Mill Road, Mullaghbawn - Proposed erection of a Replacement Dwelling House and Single Storey Detached Garage, ancillary site works and landscaping – Permission Granted (Constructed No 52c).

No history of the constructed hardcore access lane or the building it provides access with annotated B01 on the submitted plan.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections, conditions suggested.

NI Water - Generic response.

Objections & Representations:

The application was advertised on 09/03/2021, four (4) neighbours were notified on 03/03/2021, no objections or representations have been received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Principle of Development

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

The site has to the east No's 52c and 52 which are considered to have a frontage with the road, to the other side of the site is the access lane leading to a building set back from the road with a field / paddock between the public road and the building in question. The building is not considered to have a frontage with the public road, the agent was advised of this and given the opportunity to submit additional information.

The agent stated in their information that the building in question annotated B01 is a commercial building that has been in place for some time. The agent states that the area between the building and the public road is an ancillary area and is significant to the operations of the building in terms of service access and storage area. At the time of inspection this area of land had the appearance of a field / paddock and not an area used for storage in connection with a commercial building.

The agent argues that the building has a frontage and also that the access to the road results in the building having a frontage, the agent refers to a number of previous applications in the Council area that they feel are relevant to this application, I will provide brief comment on these applications.

LA07/2020/0989/F – The development set back from the public road was not considered to have a frontage to the road, approval was granted as an outbuilding within a plot adjacent to the site was considered to have a frontage.

LA07/2019/0008/F – Application recommended for refusal, committee approved the application as the laneway leading to adjacent development was considered to be of such a significant size that it was deemed to have a frontage.

LA07/2020/1033/F – This application was approved on the grounds that the adjacent buildings had a frontage onto the laneway and not that the laneway had a frontage to the main public road.

LA07/2020/1622/F – This application was approved on the grounds that the adjacent development had a frontage to the lane given that garden areas abut the lane, the development was not considered to have a frontage to the main public road.

LA07/2019/1449/F – This application was recommended for refusal, approval was granted by the committee.

Having considered the examples submitted by the agent this does not alter the view that the building does not have a frontage with the public road given its location set back from the road with only a narrow hardcore access leading to the building. The agent has stated that the commercial building has been in place for some time and also that the access has been in place for a period of time. Although the building has been in place there is no record of any planning approval and so the building would not have the benefit of planning and even if the building has been in place for more than 5 years planning approval would be required to allow it to be considered as part of an infill application. It would also appear that the building was previously accessed directly from No 89 with the hardcore access a recent addition, again this access has no planning approval given that this would be required to access a commercial building. The agent also states that the area between the building and road is used in connection with the commercial building, this would again require planning approval as this would be a change of use of the land.

The building to the west of the application site is not considered to have a frontage to the public road and also the hardcore access and commercial building as referenced by the agent do not have the benefit of planning approval.

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

The proposal is not considered an exception to policy but is contrary to CTY8, as there are no reasons why the development is essential in this rural location and does not meet any exceptions it is contrary to CTY1.

Design, Appearance and Layout

The proposal is for outline planning permission and so specific details have not been provided regarding the design, appearance and layout of any scheme although an indicative layout was submitted. If it was considered that the proposal met all relevant policy requirements then conditions could be included on any approval to ensure the design, appearance and layout of any scheme were acceptable.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. In terms of CTY13 the proposal will be critically viewed from the public road in both directions and so would be considered prominent. The site is unable to provide a suitable degree of enclosure with any existing vegetation providing little screening and as a result the proposal relies primarily on the use of new landscaping to enable the dwelling to integrate into the landscape and as a result, the proposal is contrary to CTY13 (parts a, b and c).

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. As previously stated the site will be critically viewed and so any new dwelling on the site will be prominent in the landscape. Given that the proposal is not considered as an infill opportunity it will create a ribbon of development along Maphoner Road, this will therefore result in a suburban style build-up when viewed with existing buildings. The proposal is considered contrary to parts (a), (b) and (d) of Policy CTY14.

Area of Outstanding Natural Beauty

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

Access and Parking

DFI Roads raised no objections to the proposal although conditions have been suggested, a detailed access plan would be required for approval at reserved matters or full application stage.

Development relying on non-mains sewerage.

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

Recommendation: Refusal

Reasons for Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Maphoner Road and does not represent an exception of policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on the site would be a prominent feature, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would be unduly prominent, result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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: Wayne Donaldson

Date: 18/05/2021

Authorised Officer: David Fitzsimon

Date: 18/05/2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1854/O

Date Received: 14.12.2020

Proposal: Infill dwelling.

Location: 40m North West of 169 Bryansford Road, Kilcoo.



Site Characteristics & Area Characteristics:

The site in question is part of an agricultural field, the land of the site falls away from the point of access at the lane and is located on low lands set much lower than the road and accessed via an existing concrete lane accessed off the Bryansford Road. The site has some planting and screening to the boundaries with boundaries generally defined with stone ditches and post and wire fencing also. The adjacent building, east of the site, is heavily overgrown and the eastern boundary of this site benefits from planting on the boundary of the building adjacent including trees and hedging, none of which is maintained at present.

The site in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site in question is within the Mourne Area of Outstanding Natural Beauty. The site is located within a rural area in a valley type location where there are

a mix of both residential and agricultural buildings and the site is adjacent to Millar's Close Cottages, holiday lets.

Site History:

LA07/2018/1700/F – Lands directly west of 167 Bryansford Road, Kilcoo – reception, amenity block and 4 additional holiday units – granted – 28-08-2019.

LA07/2010/0463/F – proposed dwelling and garage- 140m W of 167 Bryansford Road, Bryansford, Newcastle – granted – 19-05-2011.

R/2009/0662 – 167 Bryansford Road, Bryansford, Newcastle – 2 no additional 1 bedroom chalets to holiday home development – granted – 30-09-2010.

R/1997/0812 – 167 Bryansford Road, Kilcoo – change of use and conversion of farm house and outbuildings together with new build to self catering cluster of 4 self catering units – granted – 23-02-1998.

Other older histories associated with 167 Bryansford Road are noted on the system but not relevant to this application.





Planning Policies & Material Considerations:

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

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)
- 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 8 Ribbon Development
 - 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 to the application.

DFI Roads were also consulted in relation to the application and have responded with no objections in principle however note that in curtilage turning and parking is to be provided.

Objections & Representations

In line with statutory requirements the application was advertised in the local press being the Newry Democrat and Down Recorder on 12.01.2021 and 13.01.2021 respectively, this expired on 26.01.2021 and 27.01.2021. Neighbour notification also issued in relation to the proposal on 05.01.2021 which expired on 19.01.2021.

A letter of objection was received from Emmet J Kelly and Co Solicitors on behalf of Mr Patrick Morgan who objected on the grounds that the application submitted includes an access onto the Bryansford Road over a laneway that is owned by Mr Morgan and the owner of the application has neither an easement for a right of way over the laneway nor has he acquired a right of way over the laneway. The objector also claims the land the application relates to has never been accessed via the Bryansford Road and should be accessed via the Trassey Road.

In response to this the agent was asked to address the P2 challenge and they have done by amending Q27 of the P1 application form and notice was served on the land owner. An e-mail was issued to the solicitor advising of such.

Consideration and Assessment:

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 infill/ribbon development the policy is broadly consistent with those set out in PPS21.

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 8 of PPS 21 Ribbon Development

CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided that it respects the size, scale, siting and plot size. For the purposes of this policy definition of a substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

it appears that for the purposes of this application the buildings used to define the substantial and built up frontage are the buildings known as 169 Bryansford Road, the existing agricultural shed and the dwelling recently constructed dwelling approved under LA07/2010/0463/F that is not yet occupied. The dwelling numbered as 169 on the submitted site location map is an older building that appears derelict, its curtilage does present onto the lane.

The second building utilised is an existing shed that is set back off the lane and connects to the lane via a concrete access. For the purposes of policy accesses and drives do not constitute frontage. The shed has no history of planning approval and is therefore unlawful and cannot be considered as a building for the purposes of CTY8.



The third building used is a dwelling substantially complete but of recent construction and it does have a frontage onto the lane and is accessed via the lane at the corner point. This dwelling and its associated curtilage has a frontage to the lane of approx. 54m.

Given the above it is clear that there is not a line of 3 buildings along a road frontage. The proposal therefore fails CTY8.



The above image shows the relationship of the site to the existing buildings on the lane.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside. CTY 13 states that 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. Planning permission is unacceptable where:

A) It is a prominent feature in the landscape.

A dwelling could be accommodated on these lands without becoming a prominent feature in the landscape. The site is set down from the road in a valley type area that can be seen from both Bryansford Road and also from Trassey Road. A well designed dwelling would not be considered likely to become a prominent feature in the landscape if located at the site in question. The site is not elevated when considered from the main view points and can make use of the back drop and ground to the rear in order to integrate.

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.

The site would require some new boundary treatments however there are boundaries in place at the site at present that a dwelling could make use of, namely the eastern boundary and to a lesser degree the southern boundary. There are considered to be sufficient long established boundaries at the site which are able to provide an adequate level of integration into the landscape.

c) It relies primarily on the use of new landscaping for integration.

The site would benefit from additional planting however the site will not rely on new planting in order to successfully integrate into the surrounding landscape. Any currently undefined boundaries would require a post and wire fenced fence and native planted hedgerow planted on the inside.

d) Ancillary works do not integrate with their surroundings.

It is not considered there will be any issues with ancillary works associated with this development. DFI Roads have indicated they have no objections to the proposal however would require in curtilage parking if a dwelling were approved. There would be no difficulty in providing parking at the site given the size of the proposed site. The lane to access the site is in place and the site can be accessed from it. There is sufficient room within the site for all other ancillary works. It is not envisaged there will be any issues with the provision of ancillary works and no detriment on the surroundings.

e) The design of the building is inappropriate for the site and its locality.

As this is an outline application full particulars have not been provided however a dwelling designed in accordance with the character of the area and relevant design guides would be expected on the site. A proposed dwelling would have to respect the existing character of the

area and be appropriate to its surroundings in order to successfully integrate into the surrounding landscape.

f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The contours of the site are considered to be suitable to allow a dwelling to be developed on the site and a dwelling could be accommodate without requiring much intervention on the site. The site gradually slopes away from the lane to which it fronts onto.

It will not be necessary to remove any substantial elements of planting in order to accommodate a dwelling nor are there any natural features likely to be impacted upon as a result of the provision of a dwelling at this site.

The proposal is also considered against CTY 14 Rural Character whereby 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. A building will be unacceptable where:

a) It is unduly prominent in the landscape.

This aspect of policy has been considered previously in the report under CTY 13 and with suitable condition it is considered that a dwelling at this site will not be an unduly prominent feature in the landscape.

b) It results in a suburban style build-up of development when viewed with existing and approved buildings.

While it is not considered that this proposal meets with the requirements of CTY 8 it is not considered that a dwelling on this site would result in a suburban style of build up when viewed with existing and approved dwellings. When read cumulatively it is not considered that the works would result in a suburban style build-up of development but rather a ribbon of development.

c) It does not respect the traditional pattern of settlement exhibited in that area.

A suitably designed dwelling at this location will respect the traditional pattern of development in this area. There are many single dwellings with similar plot sizes located within the surrounding area and the dwelling. A dwelling on this site would be considered able to respect the traditional pattern of development of settlement exhibited within the area, the plot size can sufficiently accommodate a dwelling and any associated amenity requirements.

d) It creates or adds to a ribbon of development.

Given that it is considered under CTY 8 that a gap site does not exist at the site and taking into consideration when viewing the site from the main viewpoints this will add to the development along the lane it is considered that this site will lead to a ribboning of development along the lane when read with the existing buildings along the lane and this ribboning will have

a negative impact on the character and appearance of the rural area. Policy considers ribbon development to always be detrimental to the character of an area and it contributes to a localised sense of build-up and fails to respect the traditional pattern of development within the countryside.

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

It is considered that ancillary works can be provided at the site without resulting in a damage to rural character. Sufficient space remains within the curtilage of the dwelling and lands owned to provide a septic tank and water and electric should not cause issue given adjacent sites are serviced. It is not considered that ancillary works will impact negatively in rural character.

Recommendation:

Refusal

Reasons for Refusal

- The proposal is contrary to SPPS and Policy CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development does not represent a gap within a substantial and built up frontage of 3 buildings along the lane frontage and would, if permitted, result in the creation of ribbon development along the lane.
- The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create a ribbon of development along the existing lane and would therefore further erode the rural character of the countryside.

Case Officer: Fionnuala Murray

Appointed Officer: Annette McAlarney

Date: 13.05.2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0108/F

Date Received: 19th January 2021

Proposal: Dwelling

Location: 50m SW of 31a Ballydrumman Road, Castlewellan

Site Characteristics & Area Characteristics:



The application site is comprised of a cut out from a larger agricultural field. Access to the site is provided via an existing laneway leading from the Ballydrumman Road. The main portion of the application site is setback approx. 40 metres from the road frontage. Within the south western corner of the site is an agricultural shed. South east of the site and separated by the remaining portion of the larger agricultural field is a two-storey dwelling and detached garage. The immediate surrounding topography is undulating with land levels rising up to the south west within the application site from the road.

The surrounding area is rural in character with development comprising of single dwelling and outbuildings. The application site is located outside any settlement

limits and is designated an Area of Outstanding Natural Beauty (AONB) by the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

- Q/2004/1223/F, 168 metres south east of 29 Ballydrumman Road Ballyward, Erection of dwelling and double garage, Permission Granted.
- Q/2001/0769/O, 168 metres south east of No 29 Ballydrumman Road, Ballyward, Castlewellan, Site for dwelling, Permission Granted.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015 (ADAP)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS21 – Sustainable Development in the Countryside
- DCAN15 – Vehicular Access Standards
- Building on Tradition' Design Guide

Consultations:

There were three consultations carried out for this application. See details below.

- Northern Ireland Water (NI Water) – Generic response. (09.03.2021).
- The Department for Infrastructure Roads (DFI Roads) – No objection to proposal subject to conditions outlined below. (23.03.202).
- Department of Agriculture, Environment and Rural Affairs – Confirmation that Farm business ID has been in existence for more than 6 years. The farm business has claimed payments in 2021 (one year) and the application site is on land for which payments are currently being claimed. (28/05/2021).

Objections & Representations

There were no neighbour notifications required. The proposal was advertised in the local press on the 3rd February 2021. No representations were received.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of a farm dwelling.

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

Policy CTY 10

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

The applicant has provided a DARD business ID. The initial consultation response from DAERA advised that the farm business had been in existence for more than 6 years, no payments have been claimed in the last 6 years and that the proposed site is located on lands associated with another farm business. A second consultation was issued to DAERA following further investigations. Their response received on the 18th May 2021 indicates that single farm payments or other allowances have only been claimed in the year 2021 and no indication that the application site was associated with another business. The agent provided information in the form of Herd records dated from 2012 to present and a copy of the applicant farmers breeders certificate. The information provided is considered sufficient to demonstrate that the farm business has been active for the last 6 years. The proposal meets the policy requirements of CTY10a

A search of planning histories has not revealed any other planning applications in connection with the business ID provided, nor any other developments being sold off. The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25th November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b).

The P1C form submitted with this application outlines that the farm business is registered to 31 Ballydrumman Road. The application site is positioned approx. 50m south west of No. 31a Ballydrumman Road. The agent has explained that DAERA's correspondence refers to the applicant farmers address as No. 31, but maps clearly show the property as 31a. Land registry checks confirm, the dwelling and garage east of the application site (No. 31a) and all land within the application site and outlined in blue on the Site Location Plan is registered to the applicant farmer. On the basis of this information, the dwelling and garage to the north east of the application site is the registered farm dwelling and the agricultural shed within the south western corner of the application site is a building on the farm. During a site inspection in April 2021, the small shed was being used to house cattle. Upon checking, this shed does not appear to benefit from planning permission however aerials show the shed in place as far back as 2015.

Criteria (c) of CTY 10 requires the new dwelling to be visually linked or sited to cluster with the established farm buildings. Paragraph 5.41 of the justification and amplification to the policy indicates that to help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

The new dwelling is proposed on land positioned between the main farm dwelling and garage and the agricultural shed. Travelling west on Ballydrumman Road, the application site cannot be seen until passing the frontage of No.31a. Travelling westwards along Ballydrumman Road, the appeal site falls into view while on the descent of the hill, just past No. 30. At the brow of the hill the registered farm dwelling and garage are visible but not the agricultural building within the application site. The positioning of the new dwelling results in a greater separation distance from the farm buildings at No. 31a then from the agricultural shed within the site, see proposed layout below.



The positioning of the new dwelling will not permit clustering or visually linkage with buildings on the farm. The agricultural shed within the south western corner of the application site represents one building, policy requires grouping with buildings (plural). The physical separation distance between the new dwelling and the group of buildings to the north east hinders its ability to cluster. On approach to the application from the east and while passing the application site, the positioning on the farm buildings, the physical separation distance and the setback of the new dwelling hinders the ability for the new dwelling to visually link with buildings on the farm and is contrary to part (c) of CTY10.

CTY13

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. Seven criteria are listed wherein a new building will be unacceptable. It has already been concluded above that the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on a farm.

The dwelling proposed will be single storey with an under build and will be setback 47m from the Ballydrumman Road. The buildings footprint will resemble a "H" shape and will comprise of two gable fronting building components with pitched roof coverings, linked together by a small flat roof building component accommodating a lobby, utility and W.C. The eastern section of the dwelling will comprise of the bedroom accommodation across two levels. It will stand at 7.1m from GFL. The western section of the building will comprise of the kitchen, dining and living area. It

will be single storey with the ridge height measuring 5.5m above GFL. As previously noted, land levels rise as you move across the site and away from the Ballydrumman Road. The proposed finished floor level for the dwelling would be 127.99 and 129.05. The surrounding drumlin topography results in the dwelling and garage at No. 31a, east of the site, positioned on lower land levels and in comparison, the ridge height of the dwelling to the east matches the FFL of the proposed dwelling. Further, the new dwellings FFL will be close to 9m above the level of section of the Ballydrumman Road just north of the site.

As noted above, when travelling west along the Ballydrumman Road, the application site will come into view while travelling passed the frontage of No.31a. Travelling eastwards along Ballydrumman Road, the application site cannot be seen until decent the hill past No. 31. While there are no long-distance views of the application site, the proposal will be critically viewed from the Ballydrumman Road. Section 5.60 of Policy CTY 13 outlines that *"where a site cannot be readily identified from critical viewpoints, it does not obviate the need for careful site selection to ensure the proposed building blends into its surroundings and is of a high standard of design"*.

Given the elevated nature of the site and the size and scale of the proposed dwelling, the proposal will be a prominent feature in the landscape. The site lacks established natural boundaries to the north and west and is unable to provide a suitable degree of enclosure and relies primarily on the use of new landscaping to enable the dwelling to integrate into the landscape, the submitted site plan shows the level of new boundary treatment proposed. Given the elevated nature of the application site there is not considered to be any backdrop to avail of for enclosure. The presence of the main farm dwelling and garage will intervene views of the new dwelling when travelling west on the Ballydrumman Road, however given the change in levels, the new dwelling will appear incongruous in the landscape. The agent contends that the proposed dwelling will not result in any demonstrable harm and will nestle within the existing contours of the site and occupy a much lower position (FFL) in the landscape than the adjoining shed. The shed referred to is positioned further south (to the rear) of the proposed dwelling and has a lower ridge height. The presence of this shed is not considered justification for the positioning of the dwelling. For the reasons outlined above the proposal is considered contrary to parts (a), (b), (c) and (g) of CTY13.

CTY14

Indicates 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. It states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings, where it does not respect the traditional pattern of settlement exhibited in that area, or where it creates or adds to a ribbon of development.

As the proposal is not considered to meet CTY10 (c), a dwelling on the site would be unduly prominent in the landscape and will result in a suburban style build-up of development when viewed with other development in the area. The proposal is considered contrary to parts (a) and (b) of Policy CTY14.

Policy CTY 16 – Development relying on non-mains sewerage

The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development. The proposal is not contrary to CTY16.

PPS3 – Access, Movement and Parking

This application proposed to use an existing access which serves the agricultural building just south west of the application site. PPS 3 Policy AMP 2: Access to Public Road, is applicable and states that planning permission will only be granted for a development involving direct access, or the intensification of the use of an existing access where;

- Such access will not prejudice road safety or significantly inconvenience the flow of traffic.

Following a consultation with DFI Roads, they have no objections subject to compliance with conditions which will be attached to any future approval.

AONB

As the site lies within an AONB it must be considered if the proposal will have an unacceptable impact on the setting of the AONB. While the dwelling is not considered appropriate for the application site, in the context of the wider AONB it is considered that the proposal is of an appropriate design, size and scale for the locality.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal is unacceptable in planning terms.

Recommendation:

Refusal

<p>Case Officer: Laura O'Hare</p> <p>Date:12.08.2021</p>
<p>Appointed Officer : A.McAlarney</p> <p>Date: 13 August 2021</p>

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the

proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

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



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

Application Reference: LA07/2020/1355/F

Date Received: 22/09/2020

Proposal: Erection of replacement dwelling with detached garage

Location: 90m north of 14 Upper Clontigora Road, Killeen, Newry

Site Characteristics & Area Characteristics:

The application site encompasses the building proposed to be replaced as well as the proposed off-site location (located north-east of this building). The building to be replaced is a two-storey structure set in close proximity to the public road. The field (proposed off-site location) is currently in use as grazing land. This field is bounded to the public road by low-level hedging and post and wire fencing.

The site is a rural area, 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: 02-11-2020

Site History:

Note the road has been re-named Upper Clontigora Road in recent years, and the house renumbered number 14.

P/2006/0324/F

- 22 Ram Road, Killeen, Newry
- Site for replacement dwelling and garage
- Permission Granted 14/08/2007.

P/2006/0328/F

- 90m northwest of 22 Ram Road, Killeen, Newry
- Site for dwelling and garage
- Permission Refused 15/08/2007

Refusal Reasons:

1. *The proposal is contrary to Policies SP 19, DES 4, DES 6 and HOU 8 of the Department's Planning Strategy for Northern Ireland in that the development when considered in the context of the existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up.*
2. *The proposal is contrary to the Joint Ministerial Statement of 31st January 2005 on the grounds of prematurity, as the Draft Banbridge/Newry and Mourne Area Plan 2015, which designated the area in which the site is located as the Newry Green Belt, has reached an advanced stage of preparation and the cumulative effect of an approval for this proposal, in conjunction with that for other applications for single dwellings in proposed Green Belts and Countryside Policy Areas in the Plan area which do not conform to the requirements of Policy GB/CPA3 of 'A Planning Strategy for Rural Northern Ireland', would be prejudicial to the outcome of the plan process, in particular:*
 - i. *The function of the Newry Green Belt as set out in Policies SP12 and GB/CPA1 of 'A Planning Strategy for Rural Northern Ireland; and*
 - ii. *The allocation of housing development between settlements and the countryside, by pre-determining decisions about the scale and location of new development which should properly be taken through the development plan process.*

P/2006/0332/F

- 90m north of 22 Ram Road
- Erection of dwelling house and domestic garage
- Permission Refused 15/08/2007

Refusal reasons:

1. *The proposal is contrary to Policies SP19, DES4, DES 5 and HOU8 8 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of lack of integration and as it is unduly conspicuous.*
2. *The proposal is contrary to Policies SP 19, DES 4, DES 6 and HOU 8 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of the existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up.*
3. *The proposal is contrary to policies DES7, SP19 and HOU8 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by creation of ribbon development along Ram Road.*
4. *The proposal is contrary to the Joint Ministerial Statement of 31st January 2005 on the grounds of prematurity, as the Draft Banbridge/Newry and Mourne Area Plan 2015, which designated the area in which the site is located as the Newry Green Belt, has reached an advanced stage of preparation and the cumulative effect of an approval for this proposal, in conjunction with that for other applications for single dwellings in proposed Green Belts and Countryside Policy Areas in the Plan area which do not*

conform to the requirements of Policy GB/CPA3 of 'A Planning Strategy for Rural Northern Ireland', would be prejudicial to the outcome of the plan process, in particular:

- i. The function of the Newry Green Belt as set out in Policies SP12 and GB/CPA1 of 'A Planning Strategy for Rural Northern Ireland; and*
- ii. The allocation of housing development between settlements and the countryside, by pre-determining decisions about the scale and location of new development which should properly be taken through the development plan process.*

P/2009/0627/F

- 22 Ram Road, Killeen, Newry
- Re-siting of replacement dwelling and garage previously approved under P/2006/0324/F
- Permission granted 04/08/2009.

Planning Policies and Material Considerations:

Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry Mourne Area Plan 2015

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Consultations:

Transport NI - No objection in principle to this application.

NI Water – Generic response to routine planning application

Objections and Representations:

One neighbour was notified of the proposal on 01/10/2020. The proposal was also advertised in local press on 06/10/2020.

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 replacing a dwelling following publication of the SPPS, the retained planning policy is PPS 21 – Sustainable Development in the Countryside. This policy will be given substantial weight in determining the principle of the proposal in accordance of para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

Policy CTY 1 details the range of development that is considered acceptable in principle in the countryside. One such development is a replacement dwelling where it is in compliance with policy CTY 3.

Policy CTY 3 – Replacement Dwellings

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, all references to 'dwellings' will include buildings previously used as dwellings.

Following a site visit, I am satisfied that the proposal is a genuine replacement opportunity. The building exhibits essential characteristic of a dwelling, including two chimneys on each gable, a number of windows and a porch area.

The principle was established with approval of P/2006/0324/F and the building is still in a suitable condition for a replacement opportunity.

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

'The proposed replacement dwelling should 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 proposal is for an off-site replacement. Supplementary information forwarded by the applicant's agent notes that, due to the site's awkward shape and restrictive dimensions (adjoining a third party's commercial business to one side and the rear), the developable area of the existing dwelling is narrow in shape and limited. The agent has proposed that an on-site replacement would be difficult to achieve a dwelling fit for modern purpose, including parking, turning and manoeuvring space clear of the highway.

It has been proposed that the off-site location will bring about access, landscape and amenity benefits. The Planning Department have considered the evidence submitted for an off-site location in coordination with all other relevant planning policy. The Planning Department have concerns regarding the cumulative impact that this off-site location could have upon other policy considerations, and in this instance, cannot accept an off-site location. These concerns are discussed further in the relevant sections of this report.

The proposal is contrary to CTY 3 in that the alternative position does not result in demonstrable landscape, heritage, access or amenity benefits.

'The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building';

The building proposed to be replaced is a two-storey dwelling. The overall size of the new dwelling is appropriate

'The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness';

The design of the replacement is appropriate to its rural setting and has sufficient regard to local distinctiveness.

'All necessary services are available or can be provided without a significantly adverse impact on the environment or character of the locality'; and

All services can be provided without an adverse impact on the environment or character of the locality.

'Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic'.

DfI Roads are content with the proposed access. The proposal does not prejudice road safety or inconvenience the flow of traffic.

CTY 13 – Integration and Design of Buildings in the Countryside

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

It is considered that the proposed new building, given its proposed siting, would be a prominent feature in the landscape. The proposed off-site location does not have long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposal would rely primarily on the use of new landscaping for integration. The proposal does not blend with the surrounding natural features which provide a backdrop. Ancillary works integrate into their surroundings. The design of the building is appropriate for the site and its locality.

A previous application for a dwelling and detached garage on the proposed off-site location – namely P//2006/0332/F was refused Planning Permission for similar concerns regarding integration:

the development would, if permitted, be detrimental to the environmental quality of the area by reason of lack of integration and as it is unduly conspicuous.

CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The new building is unacceptable in that the off-site location is unduly prominent in the landscape. The proposal results in a suburban style build-up of development when viewed with existing and approved buildings. The proposal does not respect the traditional patterns of settlement exhibited in the area. The off-site location creates a ribbon of development along this stretch of the Upper Clontigora Road. Ancillary works do not damage rural character.

A previous application for a dwelling and detached garage on the proposed off-site location – P/2006/0332/F – was refused Planning Permission for similar concerns regarding ribbon development:

the development would, if permitted, adversely affect the visual amenity and character of the countryside by creation of ribbon development along Ram Road.

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 with any planning approval 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; 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 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.

The proposal does not threaten features of importance to the character, appearance or heritage of the landscape. The proposal is respectful of local architectural styles and patterns and local materials, design and colour.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of PPS 21, Sustainable Development in the Countryside in that the alternative position proposed does not result in demonstrable landscape, heritage, access or amenity benefits.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The new building is a prominent feature in the landscape.
 - The site does not have long established natural boundaries to provide a suitable degree of enclosure.
 - The proposal would rely primarily on the use of new landscaping for integration.
 - The proposal does not blend with the surrounding natural features which provide a backdrop.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - It is unduly prominent in the landscape.
 - It results in a suburban style build-up of development when viewed with existing and approved buildings.
 - It does not respect the traditional patterns of settlement exhibited in the area.
 - It creates a ribbon of development along the Upper Clontigora Road.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that:
 - The siting of the proposal is not sympathetic to the special character of the AONB and of the particular locality.

Case Officer: E.Moore

Authorised Officer: David Fitzsimon 22 April 2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1355/F

Date Received: 22/09/2020

Proposal: Erection of replacement dwelling with detached garage (Amended proposal)

Location: 90m north of 14 Upper Clontigora Road, Killeen, Newry

Addendum to Case Officer's Report

This application was originally recommended for refusal, as the proposal was considered contrary to the SPPS and policies CTY 1, CTY 3, CTY 13 and CTY 14 of PPS 21 Sustainable Development in the Countryside, and policy NH 6 of PPS 2.

Following a recommendation of refusal by the Planning Department (26th April 2021), the application was presented to the Planning Committee (25th August 2021) – item 13.

Following discussion, it was agreed to defer this planning application for further discussion with regard to the siting of the proposal and to bring back to Planning Committee in due course.

An amended scheme (amended plans and form) was submitted from the agent for consideration by the Planning Department. The proposal was re-advertised, and re-neighbour notified. A consultation was sent to DfI Roads and following a slight amendment request regarding transportation issues, DfI Roads returned a response with no objections on 19/11/2021.

The Planning Department have considered this amended application, which involves a re-siting of the proposed replacement dwelling closer to the roadside boundary and amended access arrangements. The proposal is still located off-site and the Department's concerns regarding the cumulative impact of this off-site location remain. The proposal is still deemed to be contrary CTY 3 in that the alternative position does not result in demonstrable landscape, heritage, access or amenity benefits.

Having considered the amended site layout plan forwarded, the Planning Department's concerns (outlined in previous report) regarding integration and rural character – CTY 13 and CTY 14 remain.

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

Recommendation: Refusal (For the same reasons previously presented at the 25th August 2021 Planning Committee).

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of PPS 21, Sustainable Development in the Countryside in that the alternative position proposed does not result in demonstrable landscape, heritage, access or amenity benefits.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The new building is a prominent feature in the landscape.
 - The site does not have long established natural boundaries to provide a suitable degree of enclosure.
 - The proposal would rely primarily on the use of new landscaping for integration.
 - The proposal does not blend with the surrounding natural features which provide a backdrop.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - It is unduly prominent in the landscape.
 - It results in a suburban style build-up of development when viewed with existing and approved buildings.
 - It does not respect the traditional patterns of settlement exhibited in the area.
 - It creates a ribbon of development along the Upper Clontigora Road.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that:
 - The siting of the proposal is not sympathetic to the special character of the AONB and of the particular locality.

Case Officer: E.Moore 30.11.2021

Authorised Officer: A.Davidson 30.11.2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0316/O

Date Received: 20/02/2020

Proposal: Farm Dwelling and Garage

Location: 145m North of 12 Polkone Road, Mullaghbawn, Newry.

Site Characteristics & Area Characteristics:

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

The application site is an agricultural field on the edge of the public road, at present a mix of trees and hedges define the boundaries of the field with a large section of the roadside boundary having to be removed to provide visibility splays. The site is located adjacent to a small agricultural shed at the southern corner of the field with a small area of rubble adjacent and south east of the building.

The site is located within a rural area with only a few dwellings located in the vicinity of the site.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

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

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

Consultations:

NI Water – Generic Response.

DFI Roads – No objections.

DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for each of the last 6 years.

The application includes a Biodiversity Checklist, having considered the information within the document and the fact that it has been completed by a qualified person who has stated that there are likely to be no impact to Natural Heritage with an adequate explanation given it is considered that no consultation with Natural Environment Division is necessary.

Objections & Representations:

The application was advertised on 11/03/2020, no neighbouring properties were notified as no properties abut the site, no representations or objections have been received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years, the response also states that subsidies have been claimed for the last 6 years, the proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed of from the information that was available. The Council are content from the information provided that no development opportunities have been disposed of from the holding and so the proposal meets criteria CTY10b.

Policy states that a dwelling should be visually linked or sited to cluster with an established group of buildings on a farm. At the time of my initial site inspection the site was located adjacent to one agricultural building with some remains / rubble/ sheep pen adjacent, it is considered that this is one agricultural building. The agent was made aware that it was considered that the proposal fell short of this policy requirement given that there was only one agricultural building adjacent to the site. The agent provided information to argue that the remains should be considered another building as they fell within the definition of a building. Consideration has been given to the argument put forward by the agent, however the Planning Department remain of the opinion that the remains / rubble does not constitute a building as would have been referred to within the context of the policy but instead only one agricultural building is present adjacent to the application site. The proposal would fail this policy requirement as it would not be visually linked or sited to cluster with an established group of buildings on the farm given that there is only one agricultural building adjacent to the site with the remains / rubble/ sheep pen not constituting a building.

The site would not be considered an exception as there are no demonstrable health and safety reasons or verifiable plans to expand the farm business.

It is considered that the proposal does not meet the policy requirements of CTY10c.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. In terms of CTY13 the proposal will be critically viewed when travelling along Polkone Road given the existing vegetation that will need to be removed to provide adequate visibility splays. As a result of the removal of vegetation to provide visibility splays a dwelling on the site would be a prominent feature, the site will be unable to provide a suitable degree of enclosure and will rely primarily on the use of new landscaping to enable the dwelling to integrate into the landscape and as a result, the proposal is contrary to CTY13 (parts a, b and c). Given that the proposal is for a dwelling on a farm and it is not considered to be visually linked or sited to cluster with an established group of buildings on a farm it also fails to comply with part (g) of CTY13.

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. As the proposal is not considered to meet CTY10 a dwelling on the site would be prominent in the landscape and will result in a suburban style build-up of development when viewed with other development in the area. A dwelling and garage on the proposed site would also create a ribbon of development when viewed with the existing farm building. The proposal is considered contrary to parts (a), (b) and (d) of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location in a designated AONB. The dwelling on this site (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads stated in their consultation response that they have no objections subject to meeting the requirements set out in the RS1 form.

CTY16

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

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that a dwelling on the application site would be visually linked or sited to cluster with an established group of buildings on the farm. No health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at an existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed buildings on the site would be a prominent feature;
 - the proposed site would lack long established natural boundaries and be unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape;

- the proposed buildings would rely primarily on the use of new landscaping for integration;

- the proposal would not be visually linked or sited to cluster with an established group of buildings on the farm;

and therefore, would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the dwelling and garage would, if permitted be unduly prominent in the landscape;

- the dwelling and garage would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

- the dwelling and garage would, if permitted create 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: W.Donaldson

Date: 15.10.2021

Authorised Officer: A.Davidson

Date: 15.10.2021

COMMITTEE BRIEFING NOTE

Application Reference: LA07/2020/0316/O

Proposal: Farm Dwelling & Garage

Location: 145m North of 12 Polkone Road, Dorsey

REASONS FOR REFUSAL

The case officer's recommended refusal reasons refer to the following matters:

- (i) The proposal is not considered to cluster/visually link to a group of buildings on the farm - two of the three structures beside the site are not considered by the case officer to be "buildings".
- (ii) The case officer incorrectly asserts that roadside vegetation needs to be removed to provide visibility splays, and that this would result in: the proposal being prominent in the landscape; it would lack established natural boundaries to provide a suitable degree of enclosure to integrate into the landscape; and it would harm the character of the AONB.
- (iii) The case officer also alleges that the proposal would cause a suburban style build-up and ribbon of development that would harm rural character, when viewed with other existing and approved buildings.

THE EXISTING GROUP OF BUILDINGS

Figure 1 opposite shows the existing group of buildings adjacent to the application site: a large agricultural shed; an old stone structure used as a silo; and a blockwork enclosure used for corralling livestock.

The case officer argues that the stone and blockwork buildings are not really buildings.

Section 250 of the Planning Act (NI) 2011 defines a building as: *"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 legal definition of a building thus includes *"any structure...and any part of a building"* and clearly does not stipulate that it must have a roof. The existing buildings on this site evidently satisfy the planning law definition of a "building".

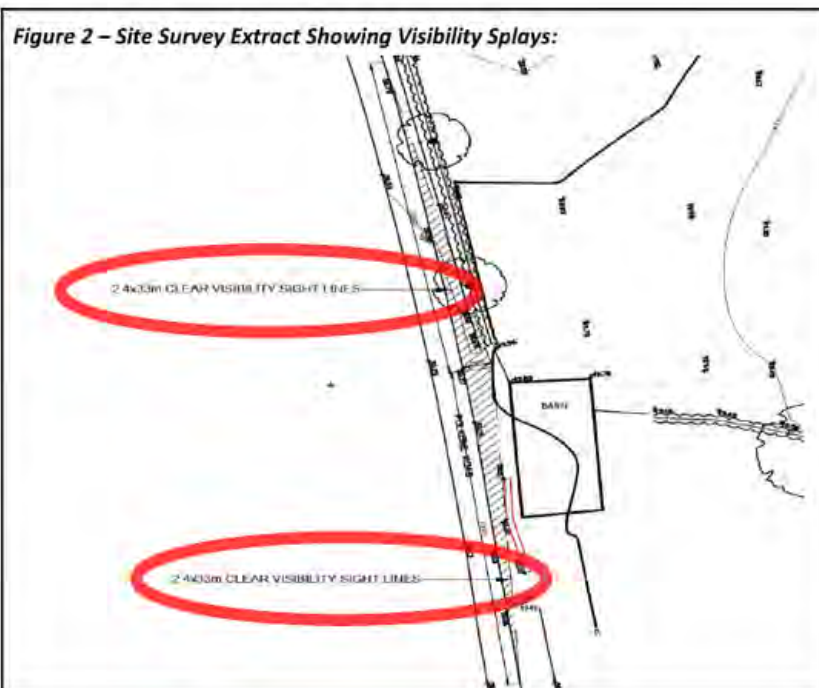


The proposed dwelling and garage are located adjacent to, and will therefore cluster and visually link with, this group of buildings on the farm. The application therefore satisfies the relevant criterion of Policy CTY10.

REMOVAL OF VEGETATION, INTEGRATION/PROMINENCE AND IMPACT ON AONB

The case officer report wrongly asserts: *"the proposal will be critically viewed when travelling along Polkone Road given the existing vegetation that will need to be removed to provide adequate visibility splays"*. This is the case officer's basis for refusals 3, 4 and 5. However, the application is accompanied by a site survey that shows 2.4m x 33m splays can be achieved from the proposed point of access (an existing field gate) without any vegetation having to be removed – see Figure 2 overleaf. DFI Roads' response confirms that visibility splays of only 2m x 33m are required, which is less than the 2.4 x 33m that can be provided.

The substantial screening provided by the existing, mature roadside vegetation will therefore be retained and, together with the extensive mature vegetation along the other site boundaries, will provide more than adequate screening and enclosure for the proposal to integrate into the landscape. The retention of this vegetation ensures that it will not rely on any new planting for integration, and it will not be prominent in the landscape or have any adverse impact on the character of the AONB or area generally. It complies with policies CTY13, CTY14 and NH6 in this regard.



BUILD-UP / RIBBON DEVELOPMENT

The only buildings here are the applicant's existing group of farm buildings. There are no other existing or approved buildings in the area that would create a build-up or ribbon of development with the proposal.

Where a proposed dwelling on a farm under CTY10 clusters with farm buildings along a road frontage, it should not be considered to offend CTY8 or CTY14 with regards build-up or ribbon development, as this will not change or erode rural character. Appeal decision 2019/A0016 for a site in Ballykinler, confirms this - the Commissioner noted: *"The proposed dwelling would, in association with the two adjacent farm buildings, read as visually linked with a common road frontage and would therefore create a ribbon of development for the purposes of Policy CTY 8...Policies CTY 8 and CTY 10 must be considered in the round and I judge that while CTY 8 may be technically contravened, the fact that the proposal would present visually as part of a cluster, would ensure that there would be no resulting detrimental change to or erosion of rural character"*. Just like that appeal, the proposal will not change or erode rural character because it will cluster with an existing group of farm buildings.

Figure 3 - There are no other neighbouring buildings



Just like that appeal, the proposal will not change or erode rural character because it will cluster with an existing group of farm buildings.

CONCLUSION

The proposal:

- will cluster with an existing group of buildings on the farm;
- it does not involve the removal of any roadside vegetation and will not be prominent in the landscape or harm the character of the AONB; and
- it will not cause any build up or ribbon of development that would harm rural character.

It therefore complies with all relevant planning policy and we ask that outline planning permission is granted.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0068/F

Date Received: 06/01/2021

Proposal: New dwelling house and garage

Location: Between 140 and 142 Concession Road Crossmaglen Newry BT35 9JE

Site Characteristics & Area Characteristics:

The application site is a small site accessed via a laneway off Concession Road, Crossmaglen. The site is located between two existing dwellings – numbers 140 and 142 Concession Road. There are a number of other dwellings in the vicinity. Access to the site can currently be gained via an existing agricultural gate. The site is relatively level.

The application site is located outside any settlement limit as designated in the Banbridge/Newry and Mourne Area Plan 2015. The Concession Road is designated a Protected Route.

Date of Site Visit: 24/02/2021

Site History:

P/2003/2661/F

- Adjacent to and north of 142 Concession Road, Crossmaglen, Newry
- Erection of two storey dwelling and garage
- Permission granted 12 May 2004

Planning Policies and Material Considerations:

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Consultations:

Transport NI – No objections in principle; The A37 is a Protected Traffic Route and Planning must be satisfied that this application falls within the exceptions listed in the policy relating to accesses onto protected routes. If this application does not fall within the exceptions listed, then it should be refused.

NI Water – Generic response to routine planning application.

Objections and Representations:

8 neighbours were notified of the proposal on 20/01/2021. The proposal was also advertised in local press on 26/01/2021.

Two objections have been received. Comments are listed below:

Objection one:

- Size of application site, inability to absorb further development and to integrate into the environment.
- An Infill opportunity will only be permitted where it respects the existing development pattern in terms of size, scale and plot size, and meets other planning and environmental requirements. The proposal does not respect plot sizes of numbers 140 and 142A.
- Originally planning permission for property 140 Concession Road included the application site as garden space.
- Proposal in contravention of policy CTY 14 Rural Character (suburban style build-up of development, erosion of rural character of area) and CTY 13 Design and Integration (not a suitable degree of enclosure for the building to integrate into the landscape and over-reliance on new landscaping).
- Concerns re amenity upon property (proximity of septic tank to boundary).
- Concerns re road safety (traffic pole and fence proposed to be relocated).

Objection two:

- Proposed accessway impedes laneway (under ownership of father), with alterations to existing laneway to take place to provide sightlines.
- The site does not resemble the existing development pattern and is contrary to Policy CTY 8 of PPS 21.

Some further information was provided by the agent in response to these objections and is summarised below

- The application has been made by Mark McCoy with certificate C title form from Francis Gregory. An assurance was given to the applicant's agent that Mr Gregory has a legal right-of-way on the lane to access this site and the lands beyond (which he owns).
- Additional points raised by objections have been addressed in Design and Access Statement and subsequent correspondence with the Planning Department.

The Planning Department note that matters relating to land ownership are a civil issue and not a material planning consideration.

Other points raised will be considered within the relevant policy sections (CTY 8, 13, 14).

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

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

However, in regards this particular application, it is important to consider the potential impacts of the proposal upon neighbouring properties. These concerns are aptly addressed in the SPPS and are as follows:

Paragraph 2.3 of the SPPS outlines that we must consider *'whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected'*.

Paragraph 4.12 outlines *'other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas'*.

The proposal brings about significant amenity concerns, especially when one considers the potential relationship with number 140. The proposed dwelling is sited very close to the shared boundary with 140, and would be located only 9m (approx.) from the sunroom of this dwelling. The only (quite limited) private amenity space of this proposed dwelling is located extremely close to and on the boundary to this neighbouring property and relies very heavily on proposed planting. Also, there are amenity concerns with regards to the proposed new vehicular access less than 4 metres from the rear amenity area of No.142.

The application proposes an unacceptable level of overlooking and impact on amenity. It is therefore contrary to Paragraph 2.3 of the SPSS.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Policy CTY 8 – Ribbon Development

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

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

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

The Planning Department consider that there is a substantial and continuously built-up frontage (of at least 3 buildings) along this laneway off Concession Road. There is a gap located within this frontage (between numbers 140 and 142 Concession Road).

However, the Planning Department are of the opinion that this gap is not suitable to accommodate the dwelling proposed as it does not respect the existing development pattern along this frontage, in terms of scale, siting and plot size. The development pattern along this laneway originally included the application site as garden space for number 140 (approved P/2003/2661/F). The proposal is not consistent with the development pattern and is significantly smaller than neighbouring sites 140 and 142A.

The proposal does not meet other planning and environmental requirements. The proposal represents an overdevelopment of the site and has an unacceptable impact on amenity (as outlined above).

The proposal is contrary to CTY 8 of PPS 21 in that the application site is not appropriate to accommodate one house within a substantial and continuously built-up frontage.

There are no overriding reasons why this development is essential in this rural location and as the proposal does not meet any of the exceptions listed within policy, is also contrary to CTY1.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The new building would not be a prominent feature in the landscape. The design of the building is appropriate for the site and its locality.

The proposal relies primarily on the use of new landscaping, particularly to the western boundary shared with number 140 (currently this consists of just timber fencing). The ancillary works associated with the proposal do not integrate with the surroundings, with only minimal space for soft landscaping provided within the site. The siting of the proposal is incongruous with the wider development pattern present along this laneway and the proposal fails to blend with the existing buildings here.

The proposal is contrary to criteria c), d) and f) of CTY 13.

CTY 14 – Rural Character

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

The proposal is contrary to CTY 14 in that it does not respect the existing development pattern of settlement exhibited in the area in terms of size, scale and plot size and if permitted, it would add to a ribbon of development off Concession Road. The impact of ancillary works is excessive and would damage rural character. The proposal is contrary to criteria c), d) and e) of CTY 14.

CTY 16 – Development relying on non-mains sewerage

The P1 form indicates that foul sewage will be disposed of via treatment plant. 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.

Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

- a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.
- b) A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 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.
- c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 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.
- d) 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.

The proposed access is to be obtained from Protected Route - Concession Road.

The proposal does not meet any of the above categories for exemption, including category d) – as the development doesn't meet other policy criteria for development in the countryside.

DfI Roads have advised that Planning must be satisfied that the application falls within the exemptions listed in the policy. As the application does not fall within the exemptions listed, DfI Roads have advised that this application should be refused.

Recommendation: Refusal

Refusal reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 Paragraph 2.3 of the Strategic Planning Policy Statement for Northern Ireland, in that the proposal would unacceptably affect amenities in the local area.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site suitable for a dwelling within a substantial and continuously built up frontage and would, if permitted, add to a ribbon development along Concession Road and does not represent an exception to policy.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed development does not respect the existing development pattern along the road frontage in terms of scale, siting and plot size and does not represent an exception to policy.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed development relies primarily on the use of new landscaping for integration, the ancillary works do not integrate with the surroundings and the proposal fails to blend with the existing buildings.
6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area, the impact of ancillary works would damage rural character and the proposal, if permitted, would add to a ribbon of development off Concession Road, which would result in a detrimental change to further erode the rural character of the countryside.
7. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking, in that the proposed development does not fall within the exceptions listed in policy.

Case Officer: E.Moore 15.10.2021

Authorised Officer: A.Davidson 15.10.2021

Patrick McKeever

140 Concession Road

Crossmaglen

Newry Co down

BT35 9JE

Patrickmckeever78@gmail.com

Ref: Request for speaking rights submission in relation to Agenda Item 14. Planning
LA07/2021/0068/F - New Dwelling house and garage Between 140 – 142 Concession Road,
Crossmaglen Newry BT35 9JE (Objection to planning)

This application which I have raised objection to has already been assessed and refused by the specialist planning officer based on the rules of planning in place, namely

- The proposal does not fall within the exceptions required to access onto the protected route of the Concession Road

-The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21 – Sustainable Development in the Countryside

- The proposal is contrary to Paragraph 2.3 of the Strategic Planning Policy Statement for Northern Ireland and would have an unacceptable effect on amenities in the area including excessive overlooking

-The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 – Sustainable Development in the Countryside and does not constitute a small gap site suitable for a dwelling

-The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 – Sustainable Development in the Countryside and does not respect the existing development pattern in any way

-The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21 – Sustainable Development in the Countryside and relies on new landscaping for integration and fails to blend in with the existing buildings.

-The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside and does not respect the traditional pattern of settlement in the area.

-The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy AMP 3 in relation to access moving and parking.

This application fails on even the most basic of planning requirements and I would fail to see who this could even legally be overturned without requiring further independent review and legal evaluation.

I raised several additional concerns in my objection of which the most serious was road safety.

Accessing the Concession Road is already dangerous where I feel lives are at risk without adding additional traffic to access and egress the laneway.

The planning application proposes to make sightline alterations and to relocate an existing pole to improve sightlines. The land required to make these improvements are not in ownership of any parties making the application. They are made up of newly landscaped gardens, newly installed fencing, rendered walls and significant planting. I do not believe that they will ever be allowed to be taken down to form new sightlines for this planning application.

To further reiterate my concerns on the sightline and road visibility works, the agent representing this planning application had previously included these same sightline improvements in a previous application and confirmed in writing that works were complete in substantial compliance with the planning which was not the case.

On that basis, I would request that if for whatever reason the decision of the planning officer was overturned, and this withstood legal review and oversight, that the planning would be subject to the sightline visibility works being complete before any works could proceed. And that they would be subject to inspection by Roads or Planning authority for sign off – Not the applicants agent.

Patrick McKeever

Shea Gregory

142A Concession Road

Crossmaglen

Newry Co down

BT35 9JE

07858521379

sheagregory@outlook.com

Ref: Request for speaking rights submission in relation to Agenda Item 14. Planning
LA07/2021/0068/F - New Dwelling house and garage Between 140 – 142 Concession Road,
Crossmaglen Newry BT35 9JE (Objection to planning)

The aforementioned planning application has been refused by the Specialist Case Officer as a result of the following;

- The proposal does not fall within the exceptions required to access onto the protected route of the Concession Road
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21 – Sustainable Development in the Countryside
- The proposal is contrary to Paragraph 2.3 of the Strategic Planning Policy Statement for Northern Ireland and would have an unacceptable effect on amenities in the area including excessive overlooking
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 – Sustainable Development in the Countryside and does not constitute a small gap site suitable for a dwelling
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 – Sustainable Development in the Countryside and does not respect the existing development pattern in any way
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21 – Sustainable Development in the Countryside and relies on new landscaping for integration and fails to blend in with the existing buildings.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside and does not respect the traditional pattern of settlement in the area.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy AMP 3 in relation to access moving and parking.

Several issues were raised via the letter of objection in which I submitted, namely the following;

- Impediment of the proposed accessway with proposed alterations to take place to provide sightlines to the new development on land not under ownership of the applicant.
- The site does not resemble the existing development pattern and is contrary to CTY 8 of PPS 21.

I request speaking rights at the committee meeting planned for the 15th December to outline my view on the proposed plans;

- 1) The proposal neglects consideration for the owner of the lane of which the plans intend to alter the existing make-up of the entrance to provide the new sightline.
- 2) The proposal also does not consider residents on the laneway (138, 140 & 142) and provides concerns over the number of vehicles the proposed plans ensue. The laneway in question is not under ownership by the applicant and thus far there has been no consultation between the applicant, or my father (the lane owner) in relation to this matter of further vehicular use.

I trust that this application will find you well and feel free to give me a call at any time.

Shea Gregory.

The planning department have acknowledged that there is a substantial and continuously built up frontage along the laneway off the Concession Road. However, one of the reasons why the officers have recommended this application for refusal is because in their opinion the site does not respect the existing development pattern along the road frontage in terms of scale, siting and plot size. In terms of scale the proposed dwelling is not out of proportion with the neighbouring dwellings footprints along the frontage when viewed on the submitted site layout plan. The officers have not made any substantial comments as to why they feel the scale of the proposed dwelling does not respect the existing development pattern. This is peculiar as later in the case officers report they appear to accept that the design of the proposed dwelling is appropriate for the site and accept that it will not be a prominent feature in the landscape. The three dwellings that make up the substantial and continuously built up frontage consist of two, two storey dwellings and a single storey dwelling. The applicant is proposing to construct a single storey dwelling. This will compliment the development to either side of the site. The scale of the build will not be so large that it will overshadow no.142 and equally it will not be so small that it will be dwarfed by the two storey dwelling at no.140. The dwelling is considered to be sited very close to the shared boundary of No.140, this alone cannot be considered to be a detriment to the amenity of neighbouring properties, particularly based on previous decisions issued by this district planning department (LA07/2020/1302/F). *In that case there was a 1.5 metre separation distance from the common boundary of the application site and neighbouring building to the north, with the proposed dwelling 3m from the common boundary.* However, the applicant would be willing to re-consider the siting of his dwelling to a more centrally located position, in order to mitigate against any concerns around residential amenity. This would also reduce the amount of hard standing and create additional private amenity space/soft landscaping. On plot size, officers seem to only have carried out a partial assessment as they state that the application site is significantly smaller than neighbouring sites no.140 and no.142A and therefore the proposal is not consistent with the development pattern. Officers have failed to acknowledge that the application site is a similar (and slightly larger) plot size to no.142. In fact, when the plot sizes of the application site and neighbouring plots are calculated no.140 = 1244 sqm (0.12 ha), application site = 640 sqm (0.06 ha), no.142 = 417 sqm (0.04 ha) and no.142A = 2520 sqm (0.24 ha) it illustrates the variation in plot sizes. Whilst the application site and no.142 are similar in size, no.142A's plot is twice the size of no.140. If these two properties plots are part of the development pattern then why is it not acceptable that the application site is comparable with the size of no.142's plot. Of the three dwellings within this row of development there is not a strong or traditional pattern of development exhibited. In planning appeal 2019/A0027, it was recognised that "the policy does not necessitate duplication of such a mathematical factor in respect of proposals for infill development. The assessment of whether a proposal would respect the existing development pattern along the frontage requires consideration of the matters of size, scale, siting and plot size in the round" (PAC Ref. 2019/A0027). In terms of plot size in the round, the application site can be considered to respect the existing pattern of development in this regard. The analysis of this plot and importantly, the pattern of development on the frontage, requires greater consideration. Officers are misguided because the policy does not expect one to maintain the existing pattern of development, but the actual requirement is simply to respect it. To "respect" is "to pay due regard to". It is not "to replicate" or to "maintain". Officers state within their report that the development pattern along this laneway originally included the application site as garden space for no.140. This may have been the case when planning permission was granted in 2004 however, an aerial imagery search shows that the application site has not been used for this purpose for a significant number of years and the fact that there is currently a wooden fence creating a boundary between no.140 and the application site further demonstrates this has not been used as garden space. The officers have concerns around the impacts on the amenity of the neighbouring sites as a result of this development. The proposed single storey dwelling has been orientated as to front directly onto the laneway as to prevent any adverse impact in terms of overlooking, overshadowing or loss of amenity to the existing property at no.140. Due to the orientation of the

proposed dwelling, only one elevation of the building will have views towards the shared boundary with No.140. There are no first-floor windows on the gable wall of 140 and the proposed planting will be of the same height of the existing panel fence along the shared boundary. Therefore, there will no additional adverse impact created in relation to the amenity, privacy or overshadowing on the neighbours sunroom. The officers have stated that there are amenity concerns with regards to the proposed new vehicular access situated less than 4 metres from the rear amenity area of no.142. Where the proposed access is located, actually consists of an existing agricultural access that serves the large agricultural section of land to the north of the proposed site. This agricultural access has been formed and used by farm machinery for a substantial number of years, it is not foreseen that a standard domestic vehicle entering or exiting the site would have anymore of impact on the residents of no.142 than that of agricultural machinery would have. In relation to refusal reason 5. The proposal does not rely primarily on new landscaping, as only one boundary of the site is proposed to be planted with new shrubs, whilst the other boundaries where existing hedgerows are to be supplemented. The planners have stated that there is only 'minimal' space for soft landscaping. There is soft landscaping to both the rear and front of the proposed dwelling and the 'minimal' amount is not out of character with the surrounding development as no.142 appears to not have any soft landscaping within their boundary. Under refusal reason 6, officers have vaguely stated that the impact of ancillary works is excessive and would damage rural character. The applicant is proposing to remove an old timber panel fence and replace it with a mere low-lying wall and metal rail fence that will only front onto the western boundary. These works will only be visible to their immediate environs and not be visible from passing vehicles on the Concession Road. No natural vegetation will be lost as a result of this minor development. This boundary feature is not considered to damage rural character and a number of properties located only a short distance from the application site at no.116, 118, 134 and 167 Concession Road have a similar road facing boundary and it is therefore not considered to be an uncommon feature in this rural area that would otherwise cause detriment to the rural character. The proposed garage is small and located to the rear of the dwelling. It will have no impact on the rural character of the area. More clarification is needed on this point as to what is considered to be excessive and as to how it will damage the rural character of the area. While the proposal would extend a ribbon of development, exacerbating a "suburbanised" pattern of development, this situation prevails at this time and this form of development is specifically provided for in Policy CTY 8 of PPS 21. It should be noted that the along this stretch of the Concession Road it is already suburbanised with a number of filling stations, an electrical business, a skip yard, a plant and commercial sales business all located in close proximity to the site. When the application site is viewed with existing and approved buildings on this part of the road, it is not considered that an additional traditionally designed dwelling will further damage the rural character of the area. The site does not offer a visual break in the frontage and is only partially visible when passing. Views into the site will be fleeting and site on, not full frontal. Refusal reason 7, has been included as it is considered that the application is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking as the A37 is a protected route. Whilst the site will be accessed from a protected route, the consequential amendment to Policy AMP 3 of PPS 3 does make provision for this where the access is taken from an existing lane. The proposal is also provided for under category (d) whereby approval may be justified if the development meets the criteria for development in the countryside, i.e. Policy CTY 1 and CTY 8. The site also cannot be accessed from an adjacent minor road as stated within PPS 3. It has been acknowledged that a number of objections were received which are summarised and addressed within the case officers report. The views of the public and in particular neighbouring residents are important and have been taken into consideration by the applicant. No issues in relation to design, appearance or prominence in the landscape have been raised by the planning department. The environmental and access issues arise from this proposal's purported non-constituting an infill opportunity. If the infill argument can be assessed fully the other environmental and access concerns would be set aside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0040/O

Date Received: 22/12/2020

Proposal: Infill Dwelling and Garage

Location: Between No 5 & 7 Bog Road, Forkhill Newry Co Down BT35 9SZ

Site Characteristics & Area Characteristics:

The site is accessed via the Bog Road, Forkhill. The existing laneway also serves number 5 (located on the corner of this road and visible from the road) and number 7 (located at the end of the private laneway). The site outlined in red is overgrown grass land which sits at a lower level to the laneway. The laneway passes by on the western boundary of the site. There is an outhouse building present on site, within the red line of the site location plan.

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

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 2 – Natural Heritage

Consultations:

Transport NI - DfI Roads has no objections in principle to this proposal.

NI Water – Generic response to routine planning application.

NIEA – Water Management Unit and Inland Fisheries Water Management Unit refer the Planning Authority to DAERA Standing Advice.

Objections and Representations:

2 neighbours were notified of the proposal on 19/01/2021. The proposal was also advertised in local press on 19/01/2021.

No objections or representations were submitted for consideration.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Policy CTY 8 – Ribbon Development

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

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

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

The application site is located to the north of number 5 Bog Road and the outbuilding located within the red line. Number 7 Bog Road is located on the opposite side of the existing laneway to these buildings and to the application site.

Number 5 and this outbuilding have a frontage onto this laneway. However, there is no building to the north of the application site which shares the same frontage as these buildings to the south. The positioning of number 7 on the opposing side of the laneway means there is not a shared substantial and continuously built up frontage. There is not a small gap site present onsite, as there is no building located beyond the outbuilding from which to assess the gap. The proposal fails to meet the criteria for an infill opportunity, in that there is not a substantial and continuously built up frontage of at least 3 buildings, and there is no gap site. It is contrary to CTY 8.

The Planning Department have considered the information provided by the agent in email dated 09/03/2021 and the reference to Planning application reference LA07/2020/1033/F within this email. As outlined in the case officer's report for this application, all three buildings shared a common frontage with the site, creating a gap site. In the case of this application, there is no gap site available. It would be inappropriate to liken the circumstances in each of these cases and compare as the same.

CTY 13 – Integration and Design of Buildings in the Countryside

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

A new building would not a prominent feature in the landscape, given the distance from the main road. The site has established natural boundaries which provide a suitable degree of enclosure for the building to integrate into the landscape. The proposal does not rely primarily on the use of new landscaping for integration. Ancillary works would integrate with their surroundings. The design of the building and the ability of the proposal to blend with the landform, existing trees, buildings, slopes and other features would be assessed at Reserved Matters.

CTY 14 – Rural Character

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

The new building proposed would not be unduly prominent in the landscape. The impact of ancillary works would not damage rural character.

The proposal adds to a ribbon of development along this laneway off Bog Road. The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings. It is therefore contrary to CTY 14 of PPS 21.

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; 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.

Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. I consider that the proposal is contrary to 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 CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, add to a ribbon development along the private lane to the north of No.5 Bog Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would, if permitted, add to a ribbon of development along the private lane to the north of No.5 Bog Road, and would result in a suburban style build-up of development when viewed with existing and approved buildings along this private lane, which would result in a detrimental change to the rural character of the area.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: E.Moore 15.10.2021

Authorised Officer: A.Davidson 15.10.2021

Re: Planning Reference: LA07/2021/0040/O

Proposal: dwelling Between No 5 & 7 Bog Road Forkhill Newry .Co Down

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning PPS 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, add to a ribbon development along the private lane to the north of No.5 Bog Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would, if permitted, add to a ribbon of development along the private lane to the north of No.5 Bog Road, and would result in a suburban style build-up of development when viewed with existing and approved buildings along this private lane, which would result in a detrimental change to the rural character of the area.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

With regards Point 2, and under Policy CTY8, the area that seems to be in debate is this substantial and continuous built up frontage. It appears from the Planning officers report that they do not believe this is the case. The officer believes that number 7, which is to the north of the proposed site, does not share the same frontage as the other buildings. The officer believes that no.7 is on the opposite side of the laneway. This is however an incorrect assumption. The shared laneway actually stops at the site of no.7 and does not continue on past no.7. Additional evidence was presented to the department together with land registry deed maps confirming this. At the end of the laneway, which is at site no7, a private driveway starts. This is shown on **Image 1**. This is also shown in the location map **Image 2**

This exact same situation was evident in 2 recent approvals issued by the department. LA07/2929/1033/F & LA07/2019/1080/O. in our application, The Planning Officer stated in their report that *"The Planning Department have considered the information provided by the agent in email dated 09/03/2021 and the reference to Planning application reference LA07/2020/1033/F within this email. As outlined in the case officer's report for this application, all three buildings shared a common frontage with the site, creating a gap site. In the case of this application, there is no gap site available. It would be inappropriate to liken the circumstances in each of these cases and compare as the same."*

This is an inaccurate assumption, as in both applications, the bookend sites / buildings begin at the end of a shared lane way. Both private driveways start at the end of the laneway. As stated above planning reference LA07/2019/1080/O is another case where the department has approved a similar situation and the site beyond the infill begins at the end of the laneway. See image 4. The department cannot consider the private driveway of no7 as a continuation of the existing shared laneway in this application and in turn have different opinions with regards the 2 mentioned approvals.

In the department approved application LA07/2929/1033/F, It is clear from the officers report That No 29 which is positioned similarly as our no 7, has a frontage onto the laneway. **"The buildings considered to make up the frontage are No 29 to the south which has a frontage onto the laneway"**.

Image 3 shows the location map.

I have attached location maps of both approvals. Both maps show a long laneway and at the end of each of the laneways there is an entrance into the curtilage of a house. The end of the laneway in each case is at the start of a private driveway, this is the same scenario in our application.

Attached below is a copy of our location map which clearly shows where the laneway ends. The attached land registry map shows the ownership of the applicants land and it clearly ends at the boundary of no 7. Everything beyond this point is not a continuation of a lane; it is the private driveway of the owners of no 7. The deed map of the applicants land was sent to the department on 09/03/2021 confirming this.

Attached also is a block plan clearly identifying where the lane starts and ends and where the private driveway begins in no.7.

With regards point 1 and 3, both theses Policies will fall when CTY 8 is accepted.

Point 4. This application site is virtually hidden and the department has stated that the siting is not sympathetic to the special character. The case officers report goes on to say , *" Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. The proposed development meets the requirements of Policy CTY 14."*

With regards the special character of the area, it would be fair to say that there is an assortment of recreational, sporting, agricultural, commercial and domestic structures in the immediate vicinity, leaving the *"special character"* of this area highly questionable.

Our siting could not be better positioned in terms of integration, as already stated by the Planning Departments report itself. Please also refer to the attached photos, showing the screening around the site. Please note these images were taken from google map, dated September 2021.



Image 1.

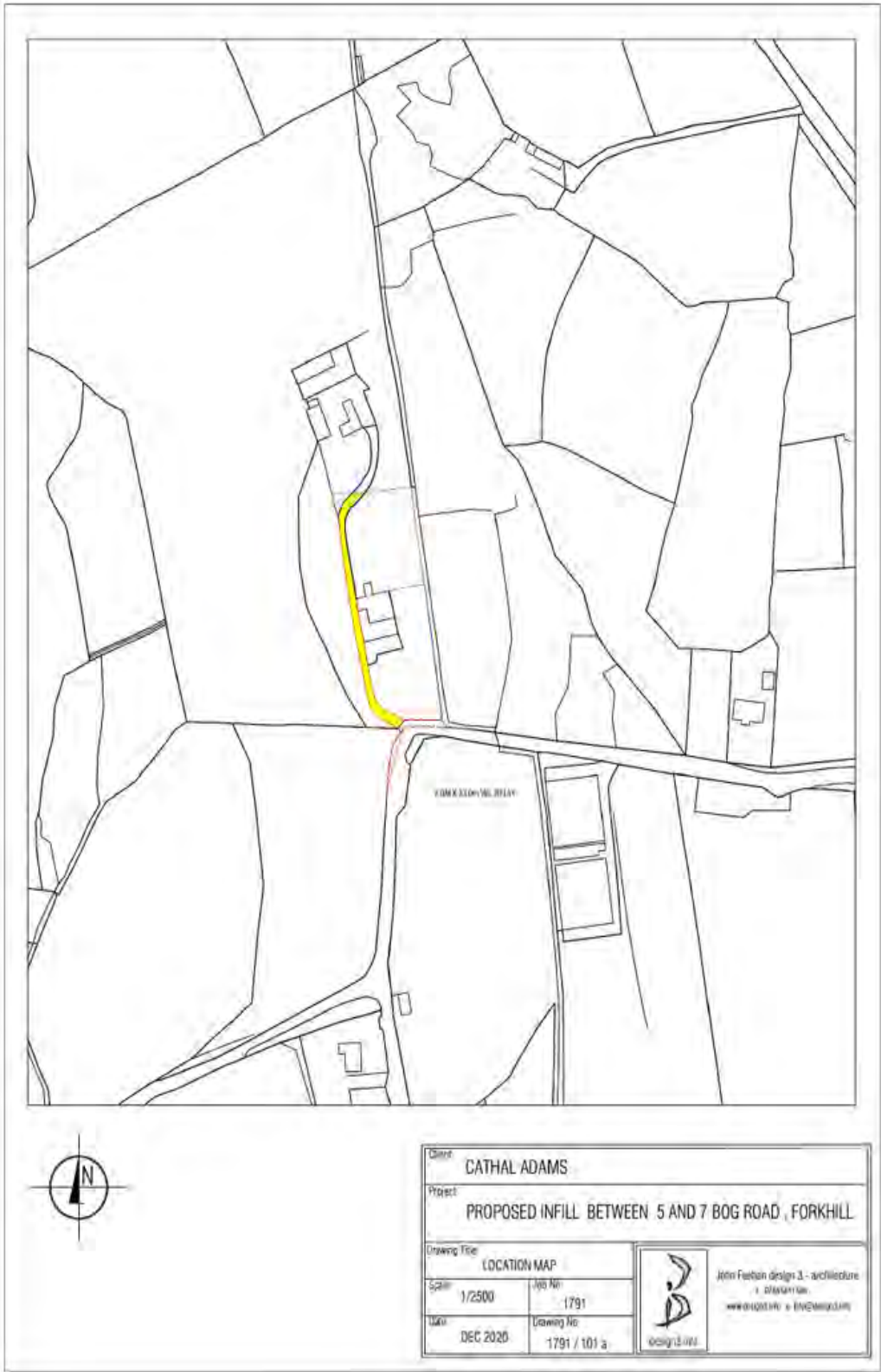


Image 2.

John Feehan · design3 Architectural Consultants

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Image 3

John Feehan M.C.I.A.T.

Image 4

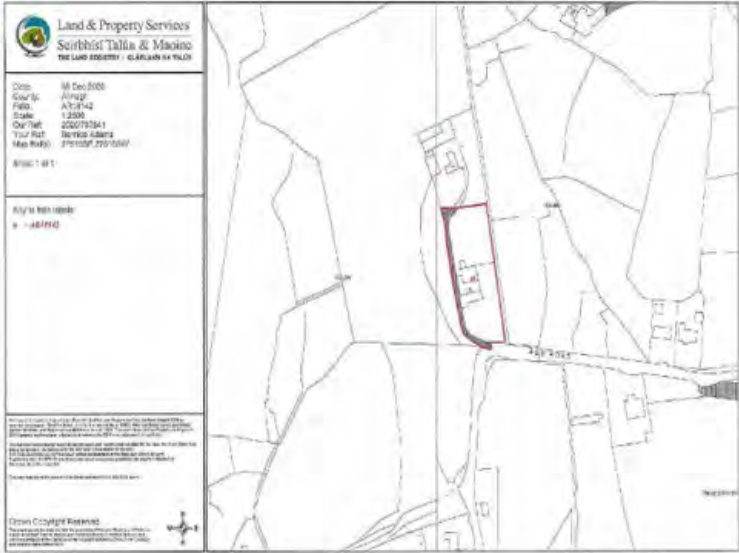


Image 5



Photo1. Showing Sporting Commercial and recreational buildings



Photo . entrance to Quarry



Photo 3 showing screening on approach from east of site



Photo 4. Shows screening at the west of the site



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1386/F

Date Received: 30.09.2020

Proposal: Demolition of existing buildings and erection of 5 residential dwellings with ancillary works.

Location: The application site is located at 12-20 Belfast Road, Ballynahinch.



Site Characteristics & Area Characteristics:

The site is located just off the main Belfast Road in Ballynahinch (protected route) and accommodates a site with 5 dwellings and associated garages/outbuildings to the rear. They appear to be vacant. All five properties front onto the Belfast Road which comprises a pair of semi-detached and separate dwelling which is attached to the row of terraces along this part of the row. The site extends westwards and bounds Murrays Terrace on the west, which is a private laneway which serves a number of different properties including 1-6 Murrays Terrace (a row of two storey dwellings). There is also a pedestrian access through to the Assumption Grammar School. No 22 bounds the site to the north and comprises a large red brick detached

dwelling which sites on land that is higher than the site. The area is predominantly residential however there a number of surrounding uses, including a school to the north.



View of Murrays Terrace

Site History:

R/2011/0426/F | 20 Belfast Road, Ballynahinch | 2 storey rear extension | Permission Granted 21.03.2012.

R/2000/1103/F | 18 Belfast Road, Ballynahinch | Alterations and extension to dwelling | Permission Granted 20.10.2000.

R/1998/1085 | 14 Belfast Road Ballynahinch | Alterations to dwelling including new window and new pitched roof over existing rear extension | Permission Granted

R/1998/1084 | 16 Belfast Road Ballynahinch | Alterations to dwelling to include new pitched roof over rear extension | Permission Granted

R/1982/0006 | 2 Belfast Road, Ballynahinch | Change Of Use From Loft Space To First Floor Meeting Hall | Permission Granted

Planning Policies & Material Considerations:

The site is located within the town of Ballynahinch as designated within the Ards and Down Area Plan 2015.

The following planning policy statements are relevant to the proposal;

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Development
- PPS 7 Addendum Safeguarding the Character of Established Residential Areas
- PPS 12 Housing in Settlements

Published guidance documents will also be considered such as Creating Places, DCAN 8 'Housing in Existing Urban Areas' and DCAN 15 and Parking Standards.

Consultations:

NI Water – No objections – NI Water would comment as follows

Consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for. Under No circumstances will storm water be permitted to enter a public foul sewer. Building over a public water main is not permitted, and only in exceptional circumstances may building over a public sewer be permitted. WWTW ASSESSMENT / STATUS: Waste Water Treatment Facilities (Ballynahinch [Down] WWTW) are presently available to serve this proposal.

NIEA – Water Management Unit – advise that If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management

Unit would have no objection to this aspect of the proposal. No objections subject to NI Water response in relation to sewerage disposal.

DFI Roads – No objections subject to conditions - these comments are on the basis that there will be no intensification in use of Murrays Terrace - as confirmed by Planning- 17/09/2021.

Environmental Health – concerns regarding noise and dust nuisance due to the proximity the proposed dwellings are to existing residential properties. All demolition and construction activities should be undertaken in line with best practice guidance. Demolition and construction activities should pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2. No suggested conditions.

Objections & Representations

In line with statutory requirements sixty one neighbours have been notified on 11.05.2021 and again with amended plans reducing the scheme from 9 dwellings down to 5 dwellings on 20.09.2021 and 05.10.2021. The application was advertised in the Down Recorder on 17.02.2016.

The petition (submitted on behalf of the 6 residents from Murrays Terrace on 28/10/2020 and the follow up petition submitted 21/01/2021 relates to when the proposal related to a layout of 9 dwellings, with issues of overlooking, 3 storey dwellings, separation distances and loss of privacy).

Following amended plans for an amended proposal reducing the scheme from 9 dwellings to 5 dwellings a further 3 letters of objection were received from the residents of No 4, 5 and 6 Murrays Terrace, 1 Belfast Road, and the owner of 1-5 Murrays Terrace who lives at 35 Ballywillin Road (total of 5 letters):-

Issues include

- Separation distance of less than 20m from Murrays Terrace
- Two and a half storeys in height
- Issues over overlooking and loss of privacy from dormer windows
- Issues of loss of light due to the height of the properties
- Unhappy that proposed access of 2 of the 5 properties is via Murrays Terrace
- Impact on the Terrace and the effect additional traffic will have on it.

Consideration and Assessment:

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

In relation to housing in settlements, the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

PPS 7 -Planning Policy Statement 7 Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming.

(a) 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 proposal was originally submitted to redevelop the site by knocking down the existing dwellings on the site and proposing 9 dwelling in their place. This scheme was deemed to be unacceptable and was out of character with the area in terms of materials and finishes, overdevelopment of the site, separation distances, ridge height, streetscape amenity space and parking. The agent then amended the plans further and this is the scheme on which this assessment is considered.



This part of Belfast Road is characterised by a simple row of traditional terraced dwellings with two pairs of semidetached dwellings at the end of the row with rendered walls and a simple façade. Ballynahinch is very much a rural market town with very traditional feel to the housing style particularly along this part of the town, so close to the town centre. The dwellings opposite are simple terraces with either stone finish or render finish with simple frontages and single storey pitched front porches.



The proposal comprises the development of 5 dwellings, three located and fronting onto Belfast Road and two fronting onto and accessing off Murrays Terrace to the rear. The amended plans now show a much simpler form with the elevational treatments changed from red brick to white render, similar to the dwellings directly adjacent. The dormers have now been moved from the front elevations to the rear of the properties, which reduces the impact on the streetscene. The window fenestration has been amended and reduced in size and changed to reflect the sashed window design of the neighbouring properties with Conservation rooflights added to the front sections of the roofs. The upper floor railings have been removed. While the properties will remain 2.5 storey in height, the appearance is of a 2 storey property along the frontage, albeit with eaves heights higher and while the roof is marginally higher than the attached existing adjacent property it gradually continues this height in line with the street level as per existing. One of the existing dwellings along this existing row of terraces has railings to the front so a precedent has been set. Although the walls and railings do extend beyond the width of the house frontage, they are not considered to be a dominant feature. The gaps between dwellings to the frontage onto Belfast Road is obviously greater than what is currently there, however this is deemed to be acceptable.

On balance and taking into account the improvements in the overall layout and design of the dwellings, the development is considered 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 proposal respects the development pattern and the size of dwellings proposed does not offend the DSD Space Standards as detailed within Annex 3 of PPS7 Addendum Safeguarding the Character of Established Residential Areas. The proposal satisfies criteria QD1(a) of PPS7 and Policy LC1(A-C) of PPS7 Addendum.

(b) 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 proposal complies with QD1(b).

(c) 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;

Criterion (c) of PPS 7 seeks to ensure that adequate provision is made for private open space. When read with paragraph 4.31 of the amplification to the policy, it is clear that the provision of private open space is regarded as particularly important for new family dwellings, described in general terms as those of three or more bedrooms. Paragraph 5.19 of Creating Places (CP) supplements policy on this issue and refers specifically to 'back garden provision'. It indicates that this should be calculated as an average space standard for the development as a whole and should be around 70 sqm per house or greater. It goes on to say that garden sizes larger than the average will generally suit dwellings designed for use by families, with smaller areas more appropriate for houses with one or two bedrooms. In assessing the level of private amenity provision appropriate on a particular site, the standards in CP are guidelines to be weighed with other relevant factors such as the particular context of the development. It is deemed that there is above average provision of private amenity space to the rear of dwellings. The proposal satisfies Policy QD1 (c).

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The proposed development is not of a scale that neighbourhood facilities are required.

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

The site is located within the settlement limits of Ballynahinch, there are no issues with regard to walking and cycling and provision of public transport is already in place.

The proposal does not offend QD1 (e).

(f) adequate and appropriate provision is made for parking;

The proposal can provide for 2 car parking spaces for each proposed dwelling. The three properties fronting onto Belfast Road can drive in with a forward gear and turn at the rear of the properties so that they can exist in a forward gear. The properties to the rear which exist off Murrays Terrace have two side by side spaces to the side of the dwelling. The proposal complies with QD1 (f) and Parking Standards.

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

Given the amendments to the design and finishes of the dwellings which now include painted rendered walls, slate (black) look-a-like roof tiles, PPC'd aluminium or uPVC double glazed thermally broken sash look-a-like, these would all be deemed acceptable.

(h) 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; and

The overall development has been assessed against Creating Places guidance. The amended design of the dwellings is now more in keeping with the character of the area.

The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties.

Concerns were raised regarding the potential impact on existing residential amenities on properties along Murrays Terrace due to the height of the properties and the location of front dormer windows. It is acknowledged that due to the levels of the land, the proposed heights of the two dwellings at the rear closest to Murrays Terrace are comparable to those existing properties along Murrays Terrace. While the overall height of the buildings at the rear are 1.3m higher than the properties at Murrays Terrace, when comparing the first floor windows with the proposal and those at Murrays Terrace they are at a similar level. The first floor rooflight has been increased in to a height of 1.7m so there should be no direct overlooking from this second floor bedroom.

Creating Places (CP) suggests good practice indicates that a separation distance of around 20m or greater between the opposing **rear** first floor windows of new houses is generally acceptable. CP also states that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. The two storey dwellings at Murray Terrace are set back from the private road approx. 4.8m. The proposed dwellings are set back 6m from the edge of Murrays Terrace. In terms of the separation distance with Murrays Terrace, this is a *front to front* relationship with a separation distance of 16.2m with Murrays Terrace and not a back to back relationship. This is an urban setting and it is acknowledged that there will always be some degree of overlooking within this context. The objector's concerns are considered but would not have determining weight in this instance.

In terms of the proposal's relationship with other adjoining properties there is a 23m separation distance from unit 4 with No 10 Belfast Road, along with this the units 4 & 5 are angled to the NE so there is no direct overlooking. In relation to No 22, which is set at a higher level than unit 5 and with difference of 2m between ridge heights. Unit 5 is positioned between 5m-6.4 from the common boundary with No 22 and has a side on side relationship with 22, where the sunroom lies more in line with the amenity space of both units 1 and 5. In terms of the internal relationship of the dwellings within the site, there is over 20m separation distances between the three dwellings at the front of the site and the two at the back with approx. 28m, 22m, and 23m separating back to back relationship.

On balance the design and layout will not create conflict and it is considered that the proposed development would have not have an adverse impact on neighbouring properties in terms of overlooking, loss of light, overshadowing, noise or other disturbances so significant that it would warrant refusal of the application.

(i) the development is designed to deter crime and promote personal safety.

The layout has been designed in a manner which would not lead to an unsafe environment for residents.

The proposed development complies with the requirements of PPS 7 (QD1).

APPS 7

Consideration must also be given to the Policy LC1 of Addendum to PPS 7 which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD1 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;

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

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

In consideration of the above and since the proposal involves replacing five dwellings with five dwellings the proposal would comply with criteria (a) of Policy LC1 of PPS7 Addendum: Safeguarding the Character of Established Residential Areas. Criteria (a) requires that the proposed density is not significantly higher than that found in the established residential area. The proposal would comply with this. The dwelling units would comply with Annex A of APPS 7.

Policy DES 2 – Townscape (Planning Strategy for Rural NI)

This policy requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

The proposal involves the demolition of what are attractive older traditional buildings just outside the town centre boundary of Ballynahinch. While the Planning Authority would like to see these types of dwellings being retained, the Planning Authority has to work within the parameters of planning policy and in this respect, the buildings are not listed, nor do they impact on the setting of buildings which are listed. In addition, they do not lie within any designations that would strengthen their protection, i.e. they are not within a Conservation area nor Area of Townscape Character nor are they designated as protected housing designated within the ADAP 2015.

In consideration of SP 18 and DES 2 of PSRNI and following sufficient amendments it would be difficult to argue that given the design proposal put forward, would not make a positive contribution to the townscape along this part of Belfast Road, thus the proposal would meet this aspect of the policy.

PPS 3 – Access, Movement and Parking – Policies AMP 2 and AMP 7

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Policy AMP 2 Access to Public Roads

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:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Policy AMP 7 Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances. In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

DFI Roads were concerned about intensification of the access at Murrays Terrace. There are currently 5 existing dwellings on the site. The agent has submitted a supporting statement that two of these dwellings are currently accessed from Murrays Terrace with no other access point available to them. Three of the dwellings have direct access from the Belfast Road. He claims that all 5 dwellings could be brought back into use at any time. The plan below is a topographical survey for the site, which was also formally submitted with the planning application. The topographical survey aligns closely to what exists on the site. The Plan shows three (3) existing access points off the Belfast Road. These access points are used solely by dwellings 1, 3 and 5 shown below. The agent indicates that it is not possible for the access to dwelling 1 to serve dwelling 2 as there is a boundary wall sitting between the properties. Similarly, a boundary fence sits between the access for dwelling 3 and dwelling 4. The access to dwelling 5 could only serve that property.

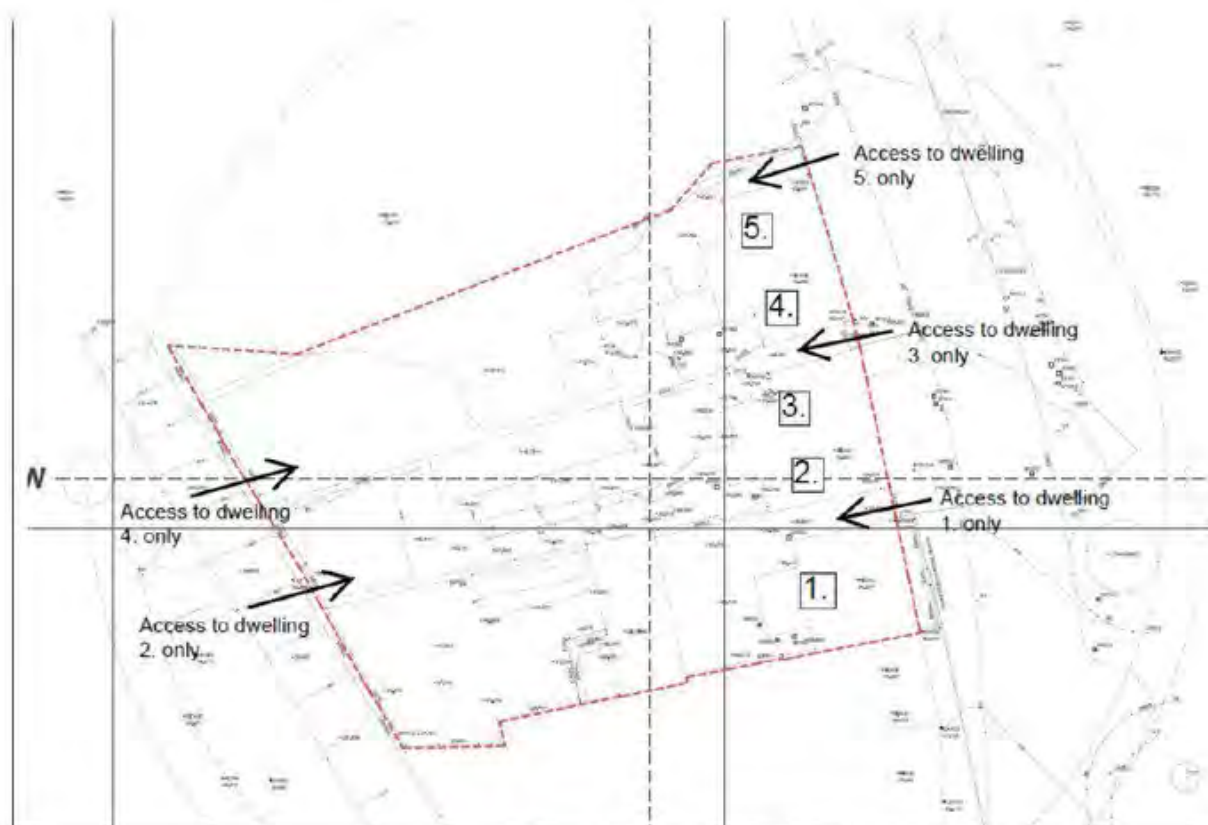


Figure 3: Existing Topographical Survey

Having visited the site and on the basis of the below aerials and in the absence of any evidence to say these are not existing accesses to the rear, it is concluded that there would be nothing preventing the current applicant from using these two rear accesses at present. While the concerns from the objectors with regard to the current state of the private road which serves Murrays Terrace is noted and DFI Roads' concern with the substandard access, the planning Authority does not consider the proposal to be intensification. On this basis, DFI Roads have been reconsulted and now have no objections subject to conditions. It is considered that there is sufficient room for parking and for two in curtilage car parking spaces on the site.



Two areas of hardstanding can be seen



Becoming overgrown

Conclusion

The application has been assessed against the relevant planning policies and material considerations including objections and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable in planning terms. The density remains in keeping with the area and the details and layout of the proposed dwellings, amenity space, parking, design, form, proportion, materials, finishes and boundary treatments are in keeping with the SPPS, PPS7, PPS7 Addendum.

Recommendation:

Approval

The Drawings upon which this approval is based are as follows:

Site location plan – 20.05.PL01.1

Existing site plan – 20.05.PL01

Proposed Site plan – 20.05.PL02H

Proposed Elevations and section – 20.05.PL06F

Proposed Unit B5 (floorplans and elevations) – 20.05.PL08.2C

Conditions:

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

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

Site location plan – 20.05.PL01.1

Proposed Site plan – 20.05.PL02H

Proposed Elevations and section – 20.05.PL06F

Proposed Unit B5 (floorplans and elevations) – 20.05.PL08.2C

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

3. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development.

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

4. The dwellings hereby approved shall not be occupied until sewerage disposal facilities are in place in accordance with details first submitted to and approved in writing by DAERA (NIEA). The approved method of sewerage disposal shall be retained thereafter.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

Informatives

1. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.
2. Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for. Under No circumstances will storm water be permitted to enter a public foul sewer. Building over a public water main is not permitted, and only in exceptional circumstances may building over a public sewer be permitted. WWTW ASSESSMENT / STATUS: Waste Water Treatment Facilities (Ballynahinch [Down] WWTW) are presently available to serve this proposal.

- 3. All demolition and construction activities should be undertaken in line with best practice guidance. Demolition and construction activities should pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2:
- 4. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 5. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development,

Case Officer	C. Moane	Date	20/10/2021
Authorised Officer	A.McAlarney	Date	20 October 2021

PLANNING APPLICATION REF. LA07/2020/1386/F

ADDRESS: 12-20 BELFAST ROAD BALLYNAHINCH

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 5 RESIDENTIAL DWELLINGS WITH ANCILLARY WORKS

SUPPORTING STATEMENT – CARLIN PLANNING LIMITED

On behalf of the applicant, Greentree & Co, Carlin Planning Limited have worked closely with the Council in order to progress a high-quality residential development which is now deemed appropriate for this area of Ballynahinch.

The proposals have been reduced considerably, from 9 dwellings to 5 dwellings following detailed discussions with the Planning Officer and DFI Roads, addressing initial concerns with regard to design, access, parking and potential residential amenity impacts.

The proposals now seek to replace 5 existing dwellings, all fronting onto Belfast Road, with 5 new dwellings, 3 of which front onto Belfast Road, and 2 of which front onto Murrays Terrace to the rear. Access to the dwellings remain as existing, with three dwellings accessed off Belfast Road and two dwellings accessed off Murrays Terrace. The Development Management Report provides a detailed analysis of this current situation.



Figure 1: Existing Site & Vehicular Access Points

The proposals now seek permission for 5 family dwellings comprising 183sqm of floorspace each and generous gardens averaging some 260sqm per dwelling. In curtilage car parking is also provided.



Figure 2: Proposed Site Layout



Figure 3: Proposed Site Frontage

No objections have been received against the amended scheme for 5 dwellings with the Council rightly satisfied that there are no concerns relating to residential amenity.

We concur with the Officers assessment of the scheme in that the proposals are in compliance with both local and strategic planning policy with the proposals in keeping with the character of the surrounding area, offering no detrimental amenity impacts, proposing high quality designed and generous family sized housing in line with PPS 7 and PPS7 Addendum and the SPPS and in curtilage car parking in line with PPS 3 parking standards.

The sites edge of town-centre location offers a sustainable location for housing, representing positive investment and regeneration to the area. We would therefore ask that the Council support this scheme and the Planning Officers recommendation to approve.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0531/O

Date Received: 18.03.2021

Proposal: The application is for outline planning permission for replacement of 2 storey semi detached dwellings as single 2 storey dwelling with detached garage.

Location: The application site is located at 87 & 89 Crawfordstown Road, Drumaness.



Site Characteristics & Area Characteristics:

The site accommodates a pair of semi-detached dwellings which are currently vacant and derelict and in some disrepair. The roof comprises Bangor Blue roof slates which are in fairly good condition with some gaps forming in the roof to the rear. There are two chimneys in total situated on the end gables ridge. The dwellings are one and a half storeys with visible signs of internal staircase. Windows are blocked up with concrete blocks, with window openings vertical in emphasis. The site has recently been cleared of some trees to the front and rear of the site and is now undefined to the road and part of the rear boundary. There are some mature trees which run along the eastern boundary of the adjacent laneway and also which run along the laneway to the west with more trees forming the western rear boundary. The area is rural in character and is sited approximately 0.5km from Drumaness village.

The agent provided spatial evidence that the property is known as 87 & 89 with 89 also known locally as Annagh Lane which is further up the laneway adjacent to the Crawfordstown Road. As the site location clearly identifies the properties, no one is prejudiced in this regard.



Site History:

R/1986/0121 | 87, Crawfordstown Road, Drumaness | Extension To Dwelling | Permission Granted 13.01.1987

Planning Policies & Material Considerations:

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

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)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 15 Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - 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
- Policy CTY 16 Development relying on non main sewerage

Consultations:

DFI Roads – No objections

Ni Water - No objections

Rivers Agency – No objections

NIEA – NED – no objections subject to a condition

Objections & Representations

In line with statutory requirements eighteen neighbours have been notified on 22.04.2021. The application was advertised in the Mourne Observer on 31.03.2021. No letters of objection or representation have been received in relation to the proposal to date.

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 of PPS 21 provides the policy context and 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.

In assessment of this initial criterion, it is considered that the dwelling exhibits the essential characteristics of a dwelling and is a pair of a semi-detached dwellings. Although getting into disrepair exhibits the characteristics of a dwelling house where all four structural walls are substantially in tact. The building is a roadside dwelling with the front elevation fronting onto Crawfordstown Road. The roof consists of Bangor blue slate. Windows to the front elevation are blocked up but are vertical in emphasis. The building is an attractive building of its era and would be described as vernacular.

Non listed Vernacular Dwellings

The existing dwelling which is subject to replacement is an example of a non-listed vernacular dwelling. Retention of such a dwelling is encouraged under Policy CTY3 'Replacement Dwellings'. The test within PPS 3 is whether the existing dwelling makes an important contribution to the heritage, character and appearance of the locality. The retention and sympathetic refurbishment, with adaptation (if necessary) is encouraged in preference to their replacement. The building is an attractive vernacular building, it is located close to the Crawfordstown Road, and commands views from both directions along Crawfordstown Road, given that there has been some tree clearance around the site to open up views and given its location it would make an important contribution to the heritage, appearance or character of the locality.



The principle of a replacement dwelling would therefore not be acceptable.

Notwithstanding the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met.

- the proposed replacement dwelling should 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 should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

-the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

-all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

-access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

- As this is an outline application no design details have been provided to assess design suitability. Additionally as this application is trying to establish the principle of demolishing the building and replacing it with another two storey this has been deemed to be unacceptable. It is worth noting however the following:

- All necessary services can be available or can be provided without significant adverse impact on the environment or character of the locality.

- DFI Roads have been consulted on the application and raise no concerns relating to road safety or the flow of traffic, provided it meets with the RS1 form.

- There are no issues of residential amenity as the closest dwelling to the proposed siting of the replacement dwellings is more than the recommended distance.

The agent was advised that the application falls into the category of Non-listed Vernacular Dwellings (Under CTY 3) where the retention and sympathetic refurbishment, with adaptation if necessary, is encouraged in preference to its replacement. The agent responded by stating that he would query the structural integrity of such a proposal, notwithstanding not being able to facilitate the requirements of pedestrian and vehicular access, egress, ability to manoeuvre, in site parking provision etc. The curtilage to the rear has been derived to facilitate the current proposal. Planning advised that a small extension of the curtilage could be considered acceptable, however, this would be on the basis that the building was retained. In terms of the structural integrity of the building, the agent provided planning with a structural report by Savage Associates (October 2021). The report was based on visual inspection only and no opening up of the structure was carried out.

From reading the report it would appear that the main external structure of the building is sound. There will be stabilising works required but this would not be deemed to be unusual. Internal walls, floors, ceilings, roof timbers etc require to be replaced but this is not a structural matter. The report does not indicate any major deficiencies in the structure...no damp, subsidence etc. Planning would agree that while it will need some work done internally, the report does not say that it is structurally unsound and could not be renovated. While it may make financial sense to demolish and rebuild, financial consideration is not a planning consideration in this case. As Planning consider the building worthy of retention, the report does not alter the view that the building should be retained and not replaced.

Notwithstanding the above the proposal will also be considered under the following policies.

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

The principle of a replacement has not been established. 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 an appropriate design. An appropriately designed dwelling could be integrated into the landscape, given that it is being replaced in situ with the view that the proposed building would not have a visual impact that is significantly greater than the existing dwelling to be replaced.

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 an appropriately designed dwelling on the site would be not unduly prominent in the landscape and would not have a detrimental impact to the rural character of the area.

PPS 2 – Natural Heritage

As part of the application, the applicant provided a Preliminary Ecological Assessment which was emailed to NED on 18 May 2021 and a Bat Survey Report emailed on 31 August 2021. Following consideration of these reports NED is content that the proposed development is unlikely to significantly impact badgers, otters or smooth newts. NED notes that the Ecologist has advised that, *'the scattered scrub, hedgerow vegetation and derelict buildings within the site would offer potential for nesting and breeding birds'*.

NED is in agreement with the Ecologist that clearance of vegetation or demolition of the buildings should be undertaken outside the bird breeding season, 1st March to 31st August inclusive. NED notes that a bat roost was located within the building to be removed and advises that a condition for a Wildlife licence must be attached to the decision notice.

PPS 3 – Access, Movement and Parking

Policy AMP 2 Access to Public Roads

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:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

DFI Roads have been consulted and have no objections providing the access is onto Ballymaginaghy Road and the required splays of 2.4m x 80m onto Crawfordstown Road.

PPS 15 -Planning and Flood Risk

DFI Rivers were consulted as part of the application.

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicates that the proposal does not lie within a 1 in 100 year fluvial flood plain or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water –A Drainage Assessment is not required by policy.

FLD4 - Artificial Modification of Watercourses – Not applicable to this site based on information provided, in the event of an undesignated watercourse being discovered, Policy FLD 4 will apply.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site

Rivers Agency have no objections to the proposal.

Conclusion

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

Recommendation:

Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwellings which are proposed to be replaced make an important contribution to the heritage, appearance and character of this area and it has not been successfully demonstrated that they are not capable of being made structurally sound and improved.

Case Officer

C Moane

Date 08/10/2021

Appointed Officer

A.McAlarney

Date 08 October 2021

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Current Council Planning Officer's opinion is that the proposal is contrary to Policies CTY 1 and CTY3. Policy CTY 3 does not make mandatory the retention and sympathetic refurbishment, with adaption if necessary of a deemed non-listed vernacular dwelling in the countryside. The policy states only it will be encouraged in preference to replacement.

This application is for the replacement of a pair of semi-detached dwellings units each of area of 530 sq ft as a single dwelling, expressed in planning terms a 2 for 1 replacement application deriving planning gain.

These are not listed, there is no recorded local or national reference of alleged or historical importance pertaining to these semi-detached houses. They do not appear on either the Griffiths Valuation map or the OSNI 1901 Historical Map Edition.

Given: the hidden location nature of the replacement units, there are no distant views, the building is not located at a cross roads, it is impossible to agree with the current Planning assessment that the dwellings as a unit make an important contribution to the heritage, appearance and character of this area given its location. Further exacerbated by the extent of reconfiguration required to convert from the existing layout arrangement to a singular unit.



Building Not visible



Building Not visible

Crawfordstown Rd. Northern Approach

Crawfordstown Rd. Southern Approach

The building is not visible, the building does not express a commanding presence.

Policy CTY3 - Replacement Dwellings states planning permission will be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.

The expert Structural Report of Savage Associates Structural Engineers affirmed in conclusion:- "The entire building, floors, roof and internal structures all require to be removed and the chimneys taken down. This leaves only the bare external walls which will require reorganisation, replacing existing lintels, building up some openings and forming new openings to conversion of the property into a dwelling. Unfortunately, what will be left standing of the existing dwelling will be minimal and the remaining walls will require considerable upgrading. In our opinion, due to the amount of demolition and conversion works required, consideration should be given to the replacement of the existing building with emphasis on sustainable construction." PD Savage BSC CEng MStructE.

As in difference to the Structural Assessment to be compelled to rebuild /reconstruct from the minimal remaining walls is a totally unreasonable scope of ask of improvements and structural repairs. Furthermore it is not in keeping with ethos of Policy. Notwithstanding there would be little left of this structure following the necessary stripping of the defective external render. Renovation works will require new window openings and reorganisation of existing openings together with the complete removal, replacement/rebuild and the complete rearrangement of the internal structure layout to utilise the building as a single dwelling. In other words a virtual rebuild is required.

The extents and nature of these works in no way can be considered reasonable and in alignment with Planning Policy.

LA07/2021/0531/O Replacement of 2 storey semi detached dwellings 87 & 89 Crawfordstown Road Drumaness

The results of the as submitted structural assessment inspection reported:-

- The slated roof is still in place but the underlying structure is in poor condition and requires to be replaced.
- The first-floor joists are decayed and unsafe to walk on in a number of areas.
- The first-floor needs to be replaced in its entirety.
- The internal stud walls are in poor condition and dilapidated.
- The suspended ground floor is decayed and partly collapsed.
- The ground floor requires to be replaced in its entirety.
- The internal 100mm separating wall has partly collapsed and is unsuitable as a separating wall.
- The lintels over the windows in some areas are cracked and bowed, probably due to decay of internal timber lintels.
- New window and door lintels are required.
- There are cracks on the north gable wall and the front elevation.
- The property consists of two semi-detached houses with their own staircases with front and rear doors and were self-contained. The existing layout is unsuitable for renovation as the building would require substantial alteration.
- It is likely that any renovation works will require new window openings and reorganisation of existing openings together with the complete removal and replacement of the internal structure to utilise the building as a single dwelling.
- The chimneys have no lead flashing and require to be taken down and rebuilt. The stone walls would require all the render, internally and externally, to be removed and re-rendered internally and externally.



Internal Condition Photographic Illustrations.



External Front Elevation Photographic Illustration.

In conclusion, Policy states planning permission will be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved. To comply with Council Planner's current opinion is not achievable, contrary on both counts to Policy and the Structural Engineer's report. It is respectfully requested that the Committee grant approval of this application.



Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: LA07/2021/0974/O

Date valid: 24th May 2021

Proposal: Dwelling and Garage on a Farm

Location: Lands 40m SSE of 50 Clarkill Road, Castlewellan.

Site Characteristics & Area Characteristics:



The site is located along the minor Clarkill Road Castlewellan and is comprised of a portion of land cut out of a larger agricultural field currently used for grazing. The site is accessed via the existing entrance to No 50 Clarkill Road and is positioned above road level, with a rising backdrop of more elevated land. The site lacks defined boundaries with the exception of that roadside boundary hedging.

To the immediate north of the site lies No 50 Clarkill Road and associated farm buildings further north.

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

Site History:

There is no relevant planning history relating to the site however, it is noted that a farm dwelling was granted on land to the east of the site

R/2004/0383/O - Land 50m East of no 50 Clarkill Road, Castlewellan - Erection of farm retirement dwelling - PERMISSION GRANTED - 06.01.2005

R/2005/0789/RM - Site 50m East Of 50 Clarkhill Road, Castlewellan - Retirement Farm Dwelling - PERMISSION GRANTED - 08.10.2005

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, PPS 21 (CTY 10, 13 and 14), in addition, to the history and any other material consideration.

Consultations:

DfI Roads – No objections

DAERA – the Business has been in existence for more than 6 years and has claimed farm payments in each of the last 6 years

NIW – Statutory Response – informatives apply.

Objections & Representations

No representations or objections were received regarding this proposal.

Application advertised in the local press on 09.06.2021.

Consideration and Assessment:

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

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records reveal that an infill dwelling was permitted on lands within the farm holding at Bannanstown Road Castlewellan, under planning reference number LA07/2018/0996/F. The applicants of this case appear to be family members of the farm

holder but are not named within the farm business. Nevertheless, following a land registry check the site remains within the ownership of John Malone the farm holder. On this basis it appears that a development opportunity has not been sold off / transferred at this time. The proposal therefore complies satisfactorily with Criteria B of CTY 10.

The proposed site is located immediately adjacent to buildings on the farm and a dwelling would therefore be visually linked or sited to cluster with an established group of buildings on the farm. The proposal intends to create a new access by modifying the existing field gate entrance. The proposal complies satisfactorily with Criteria C of CTY 10.

CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13

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

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (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 on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

The site is located adjacent the existing farm dwelling at No 50 Clarkill Road and would visually link with it and the agricultural buildings to the north. However, the site is positioned above the road and any dwelling would be seen to sit above No 50 in the landscape as shown in google street view below.



In addition, while the site benefits from an elevated back drop, it does lack long established natural boundaries which could provide a suitable degree of enclosure for the building. This is predominantly due to the rising topography.

In assessment of critical views of the site a dwelling at this site will be clearly visible on approach from the north along Clarkill Road, at a long distance when viewed near to its junction with Backaderry Road and at closer / shorter view on approach from No 54 Clarkill Road to the site as shown above.

Paragraph 5.60 of CTY 13 states that where a site cannot be readily identified from critical view points, it does not obviate the need for careful site selection to ensure the proposed building blends into its surroundings.

Paragraph 5.65 of CTY 13 states that in exposed hill areas, such as this site, poor siting carries with it a greater potential for adverse impact on visual amenity and rural character.

Consequently this brings into question the suitability of the site for development in terms of its integration into the surrounding landscape. The applicants farm is large at 55 hectares and it is noted from the submitted farm maps that there is additional land around the existing farm buildings which may facilitate the integration of a dwelling more appropriately, than that proposed, given their lower lying position.

The Planning Authority consider that the level of ground works required to facilitate development at the chosen site would be significant and would not therefore integrate successfully into the surrounding landscape.

Based on this assessment it is considered that the proposed dwelling and its associated ancillary works would not integrate into the landscape successfully and the proposal is therefore contrary to Policy CTY 13 of PPS 21 and will be recommended for refusal on this basis.

CTY14

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.

In assessment of this policy and further to that raised in CTY 13, the Planning Authority consider that the level of ancillary works required to facilitate development at this site would have a detrimental impact on rural character of the area. The consequence of allowing such development is evident at 48a Clarkill Road and the Planning Authority would seek to avoid a repetition of this.



It is considered therefore that the proposal does not comply satisfactorily with the requirements of CTY 14 and will be recommended for refusal on this basis.

PPS 3

The site accesses onto the Clarkill Road using the existing access and creating a new lane.
Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

The access and necessary visibility splays can be provided within the site and the land adjacent controlled by the applicant. Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

Drawings

The drawing considered in this assessment was a follows

1852.01 P

Summary

On balance and taking into account all the supporting information, consultation responses it is concluded that the proposal fails the policy requirements of CTY13 and CTY14.

Recommendation: Refusal.

Refusal Reason

1. The proposal is contrary to the SPPS and Policy CTY 13 and Policy CTY 14 of PPS 21 in that the proposed dwelling and its ancillary works, if permitted, would not integrate successfully into the landscape and would have a detrimental impact on the rural character of the area.

Case Officer: C Cooney

Date 24.09.2021

Authorised Officer: A.McAlarney

Date 27 September 2021

Dwelling and Garage on a Farm. 50 Clarkill Road Castlewellan
LA07/2021/0974/O

Written Submission - Planning Committee Meeting 15th December 2021

The principle of replacement is acceptable to Council Planning. Council Planners further stating in their report

"The site is located immediately adjacent to buildings on the farm and a dwelling would therefore be visually linked or sited to cluster with an established group of buildings on the farm."

This application is deemed fully compliant by Council Planning to Planning Policy Statement CTY10 Dwellings on Farms, whereby the proposal has been assessed and considered visually linked and sited to cluster with the established group of buildings on the farm, conforming to CTY 14 Paragraph 5.79.

Policy CTY 13 Paragraph 5.58 States:-Landscapes vary, and this needs to be taken into account. The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings. It is considered the immediate and wider surroundings have not been afforded adequate consideration.

The planning process does not provide for, nor allow or permit for the assessment of an application against what is acknowledged by Council as a good example of a very bad planning decision (case officer's report refers) and to which it is agreed. The comparison of this by Council Planner with the proposed site is wholly erroneous, the photographic reference on the CO's report page 5 does whilst illustrating 48a Clarkill Road virtually a 3 storey dwelling this is in no way reflective of the application site, or the proposal for the site, nor an example of the agent's practises working standard.

The "Google" photographic as reference on the CO's report page 3 is considered inappropriate, even misleading as the reference point for this photograph is 2.5 metres above road level as the photographic scanner located on the roof of the survey vehicle and is not a true representation of this view point. Fig 1 is a true vantage view and static vantage view point representation. Given the exceptional undulating and winding nature of the Clarkill Road vantage views of the proposed site would be very intermitting if at all.

Policy CTY 13 Paragraph 5.59 states: The main criteria against which the degree of visual impact will be considered include: • the location of the site within the landscape, the position of the building within the site and its relationship with surrounding buildings, this will help determine whether the development will be a prominent feature in the landscape; • the attributes of the site and its landscape surroundings and whether these provide sufficient enclosure for the new building. This includes the existence or otherwise of natural boundaries and/or a visual backdrop, and whether there is any intervening vegetation or natural features between the site and critical views, all of which the application site complies with. The case officer within her report acknowledges the existing evidential strong visual backdrop, thus contradicts her assessment of non-compliance to this aspect of Policy. The landscape within which the application site is located /proposed supports compliance.

The case officers in reference to Policy CTY 13 Paragraph 5.65 failed to affirm that this Policy Paragraph does not preclude development in hill areas, rather what is called for is particular care to ensure that new buildings integrate well with their surroundings.

Policy 14 Paragraph 5.79 states In order to maintain and protect the rural character of an area the new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should:

**Dwelling and Garage on a Farm. 50 Clarkill Road Castlewellan
LA07/2021/0974/O**

- adopt the spacing of the traditional buildings found in the locality; or
- integrate sensitively along with a group of existing buildings, such as a farm complex.

The application site is in compliance.

The application site is in compliance to "Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside Supplementary Planning Guidance to PPS 21 May 2012" in that:-

This site is not a full frontal location. The application site meets this criterion.

This site has two in-situ boundaries. The application site meets this criterion.

The proposal will be designed to respect the natural contours and to work with the contours.

The proposed site is not skyline. FIG 1 & Fig 2 affirm.



FIG.1 VP & SVP



FIG.2 Static View Point Junction Wood Rd/Backaderry Rd with the Clarkill Road . A long distance diminished view depicting the character of the area. The proposed site barely visible, nestling some 200 metres below the skyline of Castlewellan Forest, absorbed into the gently sloping land form, a picture perfect backdrop landscape. The proposal in keeping with the character and settlement pattern of the area.

In conclusion, it is respectfully requested that the Committee grant approval of this application.



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



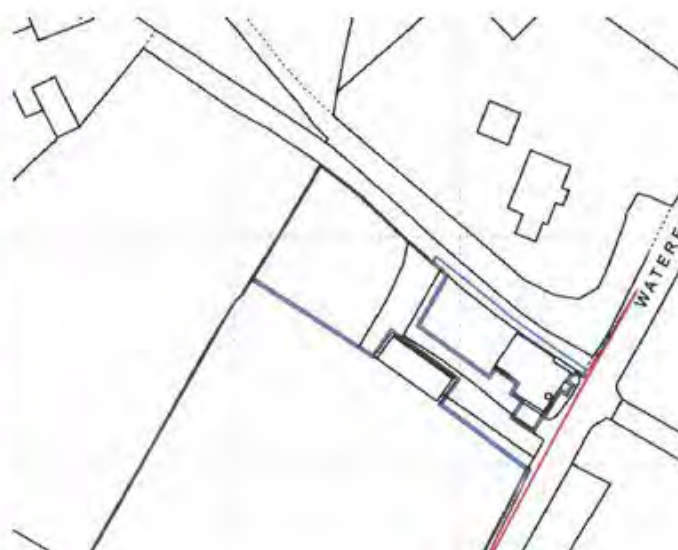
Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1041/O

Date Received: 03/06/2021

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

Location: To the rear of 9 Wateresk Road, Dundrum



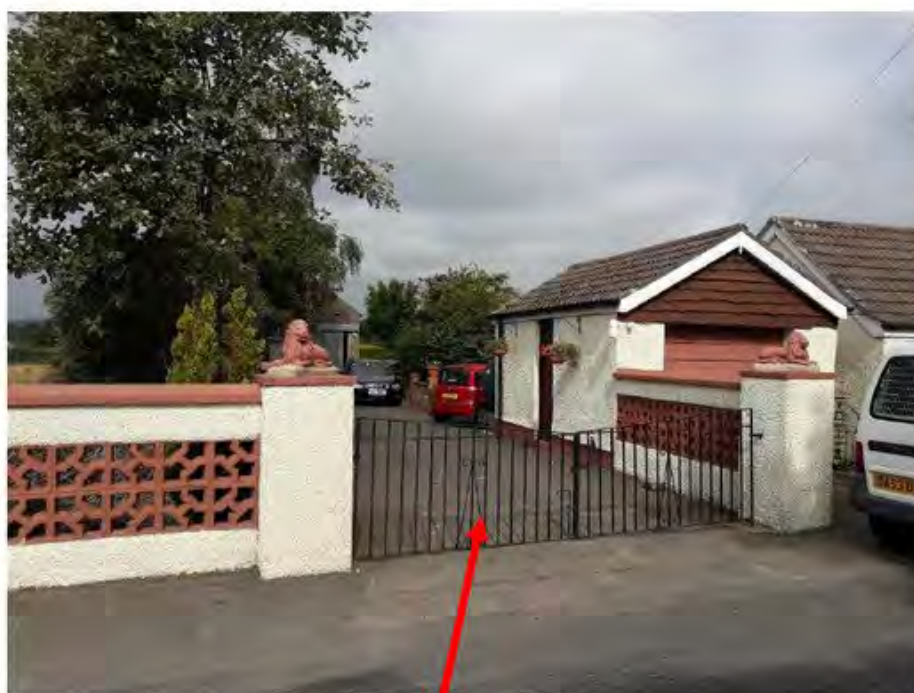
Site Characteristics & Area Characteristics:

The lands outlined in red form an irregular shaped plot, with the bulk of land located to the rear of no. 9 Wateresk Road. This site comprises the existing access and yard that serves no. 9 and portion of an open agricultural field. The field is a maintained condition, resting at a similar level to the adjacent road, and has a strong boundary treatment to the north and west. There is no defined southern and eastern boundary. A laneway runs adjacent to the northern boundary, which serves a neighbouring dwelling.

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, located just outside designated Area of Outstanding Natural Beauty.



Subject lands



Proposed site access

Site History:

R/2013/0375/F - Lands 40m NW of 9 Wateresk Road, Dundrum, Co Down.
Proposed house and garage on the farm for a family member. Permission refused.

R/2006/0550/O - Adj 9 Wateresk Road, Dundrum - Site for dwelling - Planning appeal dismissed.

R/2002/1607/O - Adjacent to No 9 Wateresk Road, Wateresk, Dundrum, Northern Ireland, BT33 0NL - New dwelling - Planning appeal dismissed.

R/2002/0455/O - Adj to 9 Wateresk Road, Dundrum - New dwelling - Withdrawn - 27.11.2002.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

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:

5 Neighbours within close proximity of the site were notified on 03/08/2021 (3 of which have been return as no such address). This application was advertised in the local press on 16/06/2021. No written objections or representations have been received.

Consideration and Assessment:

The application submitted is seeking outline planning permission for Dwelling and detached garage with associated site works, including improvements to existing vehicular access, 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.

Whilst no planning statement has been submitted, based on the submitted indicative site layout, the agent considers that the site is such a gap site for two dwellings, falling within a substantial and continuously built up frontage and suitable for a dwelling. CTY 8 requires a line of 3 or more buildings along a frontage without accompanying development to the rear is required. For the purposes of CTY 8, a building has frontage to the road if the plot on which it stands, abuts or shares a boundary with the road.

The Planning Department accept that on the ground dwelling No. 9 Wateresk Road and associated barn immediate south west have frontage onto both the laneway and the Wateresk Road. The building to the immediately south of no. 11 also is considered to present a frontage on the laneway. The proposal therefore meets the definition of an otherwise substantial and continuously built up frontage.

The size of the gap is approximately 84m. The proposed frontage of the site measures approx. 37m. The size of the gap is such that it can only accommodate 2 dwellings. Whilst it is concluded that the proposal is a gap site, substantial enough in

size, scale and plot size to accommodate a maximum of 2 dwellings it must still meet other planning and environmental requirements.

In consideration of whether the gap site respects the existing development pattern along the frontage, the buildings making up the frontage all access onto the laneway, the proposal is for access onto Wateresk Road utilising the existing access at No.9 Wateresk Road, the gap site is not therefore respectful or in keeping with the pattern of development found along the common frontage and therefore fails this element of policy.

Improving Health and Well-Being is a core principle of the SPPS and paragraph 4.12 seeks to Safeguard Residential and Work Environs. By granting permission for the access arrangements proposed, would be at odds with the SPPS, as it will have adverse impacts on the amenity and living conditions of No.09 Wateresk Rd, by virtue of an increased nuisance caused by the increased traffic movements and general everyday activity so close to the existing dwelling. Case Officers note that whilst No.09 has not expressed any concerns with the scheme, the Council must preserve the amenity of future residents at this property.

Policy CTY13

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. This is an outline application, and whilst design details are usually reserved, the agent has submitted an indicative site layout drawing. The proposed dwelling and garage will be accessed via the existing access and drive which serves the dwelling no. 9 Wateresk Road. The driveway to serve the proposal will transect through this existing driveway and associated curtilage. In terms of visual integration, 2 dwellings on the gap site and the proposed access arrangements, through No.9 Wateresk Rd, could be satisfactorily accommodated in the landscape.

Policy CTY14

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. As already stated the proposal does not find comfort in CTY8 in that the proposal does not respect the existing development pattern along the frontage. Therefore, the proposal would erode rural character.

Policy CTY 16

CTY 16 ensures that new developments will not create or add to a pollution problem. There would be sufficient room within the land in red for a septic tank and soakaways. The proposal appears to conform to Policy CTY 16.

PPS 3 - Access, Movement and Parking

DfI Roads were consulted as part of the assessment of this application. In a response dated 04/08/2021, 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

Recommendation:

Refusal

Refusal Reason:

1. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed layout and access arrangements would not respect the existing pattern of development within the immediate locality.
2. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements which would serve the proposed dwelling would unduly impact on the amenity and privacy enjoyed by the occupiers of the existing dwelling at No.09 Wateresk Road due to noise and disturbance.
3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer:	S. Maguire	Date: 15/10/2021
Appointed Officer:	A.McAlarney	Date: 15 October 2021

WRITTEN SUBMISSION

Planning Committee Meeting Wed. 15th Dec. 2021

Planning Application Details:

Application Reference: LA07/2021/1041/O
 Date Received: 3rd June 2021
 Proposal: New dwelling and detached garage with associated site works.
 Location: Site to the rear of 9 Wateresk Road, Dundrum.
 Applicant: Mr. & Mrs. Anthony & Mary O'Prey
 Recommendation: Refusal

We are grateful to the Planning Committee for the opportunity to present this written submission for their consideration.

The recommendation for refusal on the delegated list, week commencing 18th October 2021 is rebutted as follows:

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed layout and access arrangements would not respect the existing pattern of development within the immediate locality.
2. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements which would serve the proposed dwelling would unduly impact on the amenity and privacy enjoyed by the occupiers of the existing dwelling at No.09 Wateresk Road due to noise and disturbance.
3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Refusal Reason 1 and 3

As stated in the Planning Report a substantial and continuously built-up frontage exists along the laneway off Wateresk Road, this being made up of No. 9 Wateresk Road, its associated barn and No. 11 Wateresk Road.

The Planning Report seems to indicate that refusal reasons 1 and 3 are a consequence of the proposed gap site being accessed from Wateresk Road as opposed to the laneway i.e. not respecting the existing rural character.

Policy CTY8 states that: An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

Policy CTY8 does not require a gap site to have access to it from the substantial and continuously built-up frontage of which it is apart. Furthermore, the policy refers to existing

development pattern along the frontage in terms of size, scale, siting and plot size; access arrangements are not mentioned as a component of existing development pattern.

Notwithstanding the above; of the three buildings making up the substantial and continuously built-up frontage two (No. 9 and its associated barn) are mainly accessed from Wateresk Road while No. 11 is accessed from the laneway. This being the case then the proposed access to the gap site from Wateresk Road is being respectful of the character of the area and in keeping with the pattern of development.

Refusal Reason 2

The Planning Report states that the proposed access arrangement will adversely impact on the amenity and living conditions of No. 9 Wateresk Road due to noise and disturbance.

The Planning Report implies that access to the site from the existing laneway is preferred; we should then compare the laneway access to the proposed Wateresk Road access to see if there would be any discernible differences regarding noise and disturbance on No. 9 Wateresk Road.

The proposed access and the laneway access each pass from the Wateresk Road along the side of No.9 to the gap site to the rear. Each route passes of equivalent distance from the existing dwelling of No.9 and its associated rear garden. The level of disturbance and noise generated by vehicles passing along either route would essentially be the same.

We should bear in mind that the proposal is to develop the gap site for a single dwelling; the additional traffic generated will therefore be quite minimal. Given that No.9 already fronts onto the public road in close proximity to passing traffic noise, then the addition of slow-moving traffic serving a single dwelling will be of little additional consequence.

It is also important to state that although a portion of the existing curtilage of No.9 is to be utilised to allow access to the gap site, that the remaining curtilage of No.9 is of a size to allow the residents (current or future) of No.9 to still enjoy more than adequate amenity and living conditions i.e. ample room for parking and turning, suitable space for bins, clothes drying etc. an extensive private garden space with no overlooking or overshadowing.

In addition to the above it is important to remember that the current residents of No.9 are the applicants for development of the gap site and are completely satisfied with the proposed access arrangements. The current residents have lived at No.9 for 55 years and given their advanced age their intention is to provide for a son/daughter to occupy the proposed new dwelling so they can life in close proximity to each other. Given the applicants current age and health then such an arrangement would be of great benefit and comfort, ultimately improving the living conditions of the current residents.

As an additional benefit to No.9 the proposed access arrangements will improve the existing sight lines to the property, which are currently well below standard. This access improvement will increase the safety and amenity of those residing at No.9 now and in the future. Any assertion that future residents would not be afforded adequate amenity or living standards are unfounded in this case.

We are assured that the Planning Committee will give this submission due consideration and are hopeful the application will be granted approval.

Yours Faithfully

Nicholas O'Neill for O'Neill Architecture.



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

Application Reference: LA07/2021/1178/O

Date Received: 30.06.2021

Proposal: Infill dwelling and all associated site works

Location: Land between 56a and 56b Crawfordstown Road, Drumaness



Site Characteristics and Area Characteristic

The site is accessed via a shared lane off Crawfordstown Road, Drumaness and comprises a portion of land between no 56A and 56B. The lane forks to provide access to no 56A before sweeping southwest to provide access to no 56B.

The application site is relatively flat in topography. It is largely covered in scrub with some trees scattered throughout the site. there is some hedging to both the eastern and western boundaries of the site however the southern end is undefined.

The surrounding land is heavily interspersed with dwellings with large curtilages accessed via shared lanes and drives. The site is located in the countryside, outside any designated settlement areas.

Site History

LA07/2018/1896/F - 54c Crawfordstown Road, Drumaness

Retrospective extension to domestic curtilage and erection of single storey domestic 8 car garage (amended proposal)

Granted 20.11.2019

R/2011/0425/F - 54b Crawfordstown Road Ballynahinch BT24 8LZ

Detached double garage (retrospective)

Granted 27.02.2012

Planning Policies and Material Considerations:

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3 and 21 (CTY1, 8, 13, 14, 15), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

Consultations:

DFI Roads – no objections subject to conditions

NI Water – no objections

Objections & Representations:

The application was advertised in the local press on 14.07.2021 which expired on 28.07.2021 and neighbour notification was also issued on 14.07.2021, expiring on 28.07.2021. To date there have been no objections received in relation to the proposal.

Consideration and Assessment:

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable development in the countryside' (PPS21). Policy CTY1 of PPS21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY8 of PPS21 (infill dwelling).

Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.



In assessment of this proposal, the application site sits between no 56B and 56A. A lane serves both properties however the lane splits in two to provide access to no 56A and 56b individually. As such, there is no line of 3 or more buildings along a road frontage. The northern 'fork' of the lane terminates at 56A and the southern fork of the lane sweeps to the south west to serve no 56B.

There is an area of scrubland to the south of no 56A, part of the curtilage of no 56B, which sits between the dwelling and the lane which means that 56A does not have frontage onto the southern portion of the lane if the application were to be considered that way. The only building which has frontage onto the lane is 56b however it could be argued that the lane actually terminates at 56b rather than 56B having frontage along this lane. As such, it is considered therefore that the site does not comprise a small gap site as there is not a substantial and continuously built up frontage.

The proposal therefore fails to comply with Policies CTY1 and 8 of PPS21.

Policy CTY 14 – Rural Character 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 proposal would fail to comply with (b) as it would result in a suburban style build up of development when viewed in the context of the existing and approved buildings nearby. Furthermore the proposal would offend (d) as it would lead to a ribbon of development when viewed alongside 56B to the west and the garage and dwelling at 56A to the east.

Policy AMP2 of PPS3 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:

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic and
- (B) The proposal does not conflict with Policy AMP3 – Access to protected Routes (which is not applicable in this case).

In assessment of this policy requirement, DfI Roads were consulted and initially sought amendments. Upon receipt of these, DfI Roads have responded with no objections subject to conditions for compliance with the RS1 form in any reserved matters application.

In conclusion, having assessed the proposal against the relevant planning policies and material considerations which apply to the application, it is determined that this proposal is not in accordance with Policy CTY8 of PPS21 and is recommended for refusal.

Recommendation:

Refusal is recommended.

Refusal Reasons:

1. The proposal is contrary to the SPPS and PPS 21 CTY 8 in that the application site cannot be considered a gap site for development in that there is no substantial and built up frontage.
2. The proposal is contrary PPS 21 CTY 14 (b) and (d) in that it would result in a suburban style build-up of development when viewed alongside the existing development and would create in ribbon development.

Informative:

1. This refusal notice relates to the following plans: drawing no. 01 Rev A.

Case officer: Jane McMullan
Authorised by: A.McAlarney
Date: 15 October 2021

Speaking Rights Submission

Ref - LA07/2021/1178/O - Infill Dwelling - between 56A & 56B Crawfordstown Road

- The starting position on all applications is that there is a **presumption in favour of development unless there is demonstrable harm**. The officer's report does not claim the proposal causes harm, rather it seeks to misapply Policy CTY8 & CTY14.
- There are no 3rd party objections and no objections from any of the statutory agencies.
- Policy CTY8 defines a substantial and built-up frontage as including a line of **three** or more buildings along a road or **lane frontage** without accompanying development to the rear.
- For the purposes of this policy a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road or private laneway.
- Paragraph 5.33 of the supporting text of Policy CTY8 states that for the purposes of this policy a **road frontage includes** a footpath or **private lane with buildings sited back, staggered or at angles** can be regarded as having frontage onto a laneway.
- Critically Policy CTY8 **does not state** that the **laneway must continue**, and appeals 2019/A0093 and 2019/A0198, examine this issue and were both allowed.
- The arrangement of the buildings in both appeal cases, are identical with the lane not continuing past the last building in the ribbon, exactly like this circumstance.



Site Location Plans of 2019/A0093 and 2019/A0198 demonstrating that a laneway does not need to continue to meet Policy CTY8, officers are completely incorrect

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- Appeal 2019/A0093 is within the Newry, Mourne & Down District Council area and the objective of the Planning System as per Paragraph 1, Section 1 of the Planning Act (Northern Ireland) 2011 is to secure the orderly and consistent development of land.
- Planning officers have disregarded the approach of the PAC in decision 2019/A0093 (LA07/2018/1995/O) and 2019/A0198 (LA02/2019/0683/O).
- A recent Judicial Review in *ABO Wind NI Ltd & Energia Renewables Ltd v DFI* {2021} NIQB 96 highlights the **precedent value of PAC Decisions** and that they **must be accepted and respected or challenged through the Courts**.
- The PAC decision in 2019/A0093 was not challenged in the Courts by NM&D Council and on that basis the Council planning officers must accept and respect it.
- This proposal is indistinguishable from 2019/A0093 – Tullibrannigan Road and 2019/A0198 – Rockstown Road, shown overleaf.
- This proposal does not add to the ribbon of development, as it is not on the extremity or end, as accepted in the Case Officers Report “the site sits **between** No56B and 56A.”
- If it is located within the existing development, then it cannot add to the ribbon as it is contained by buildings on either side, namely Nos. 56B and 56A.
- If the proposal is contained by existing development and does not extend the extremities of the ribbon, which is defined by the Courts at paragraph 19 of the *Judicial Review of Paul McNamara v Lisburn & Castlereagh City Council* {2018} NIQB 22 as “**denoting a strip of developed houses or other buildings**”, much as the sketches on P.70 & 71 from Building on Tradition (BoT) Design Guidance depict.
- The Planning Officers have failed to identify or demonstrate any harm this proposal would cause to the countryside and their reasons for refusal are based on the flawed and misguided interpretation in respect of Policy CTY8 and CTY14.
- They have also failed to pay regard to the precedent value of PAC, which the courts have reminded us that they need to be accepted and respected.
- The reasons for refusal are completely unsustainable faced with the burden of evidence against the officers interpretation and I would respectfully request the Committee overturn the recommendation and grant permission for this infill site for a single dwelling, which is clearly contained within three buildings with frontage to the laneway.





Appeal Decision

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

Appeal Reference:	2019/A0093
Appeal by:	Mr N Dodds
Appeal against:	The refusal of outline planning permission
Proposed Development:	2 Infill dwellings
Location:	West of No 133 Tullybrannigan Road Newcastle
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2018/1995/O
Procedure:	Written representations and accompanied site visit on 20 th December 2019
Decision by:	Commissioner Helen Fitzsimons 30th December 2019

Decision

1. The appeal is allowed subject to conditions.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and whether it would have an adverse impact on rural character.
3. The appeal site lies outwith any settlement or designation as defined by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the Local Development Plan which operates in the area where the appeal site lies. There are no plans or policies in the plan pertinent to the appeal proposal within BNMAP. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains the policies of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and consequently PPS 21 provides the relevant policy context for the appeal proposal. The appeal site also lies within the Mourne Area of Outstanding Natural Beauty (AONB).
4. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling in accordance with Policy CTY 8 'Ribbon Development'. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it also includes the exception that development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage will be permitted. For the purposes of this policy the definition of a substantial and continuously built

up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. It is under this aspect of Policy CTY 8 that the Council has raised objections.

5. Paragraph 5.33 of Policy CTY 8 of PPS 21 says that for the purposes of this policy a road frontage includes a footpath or private lane. The appeal site has frontage to a private lane which serves two dwellings and a farm complex. It is located between a dwelling and garage at No 131 Tullybrannigan Road and a dwelling at No 133 Tullybrannigan Road all of which have frontage to the lane. I note nothing in policy that distinguishes between in curtilage buildings, such as the garage associated with No 133 Tullybrannigan Road, and individual road frontage buildings on separate plots. Consequently the garage is a building with a frontage to the lane for the purposes of this policy. As there is a substantial and continuously built up frontage comprising a line of 3 buildings the proposed development meets the requirements of Policy CTY 8 of PPS 21. The Council has not sustained its first and second reasons for refusal based on the SPPS and Policies CTY 1 and CTY 8 of PPS 21.
6. Policy CTY 14 of PPS 21 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. It continues that a new building will be unacceptable in five stated cases one of which is (d) it creates or adds to a ribbon of development (see Policy CTY 8). As I have concluded that the proposed development is an infill opportunity under of Policy CTY 8 of PPS 21 it would also meet Policy CTY 14 of PPS 21 and it would not cause a detriment to rural character. The Council has not sustained its third reason for refusal based on Policy CTY 14 of PPS 21.
7. I note from the Design and Access Statement which accompanied the application for planning permission that the appellant proposes dwellings with restricted ridge heights and I consider a condition necessary to secure this in order to ensure that the new dwellings are not prominent features in the landscape. Given their AONB location which the appellant has acknowledged in his Design and Access Statement and his commitment to delivering dwellings of rural designs and finishes I consider that it is necessary and appropriate to require that the dwellings should be designed in accordance with the guidance set out in the Department's document 'Building on Tradition – A sustainable Design Guide for the Northern Ireland Countryside to reflect and respect their AONB location. Landscaping would allow the new dwellings to better integrate into the surrounding landscape and this would assist with protecting the visual amenities of the countryside.

Conditions

1. Except as expressly provided for by Condition 2 and 3 the following reserved matter shall be as approved by the planning authority – the siting of the buildings and the means of access thereto
2. The ridge height of the dwellings shall not exceed 6.45m from the lowest ground level within their footprints.
3. The design and materials of the dwellings shall be in accordance with Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside

4. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing the retention of and augmentation with new native species planting between the points A-B and B-C except for the access onto the lane and new native species planting between points C-D and D-E all as marked on attached annotated drawing PAC 1. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
5. Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
6. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1:2500 scale site location plan and the 1:500 scale drawing entitled Proposed Access.

COMMISSIONER HELEN FITZSIMONS

2019/A0093

List of Documents

Planning Authority: - PA1 Written Statement and Appendices

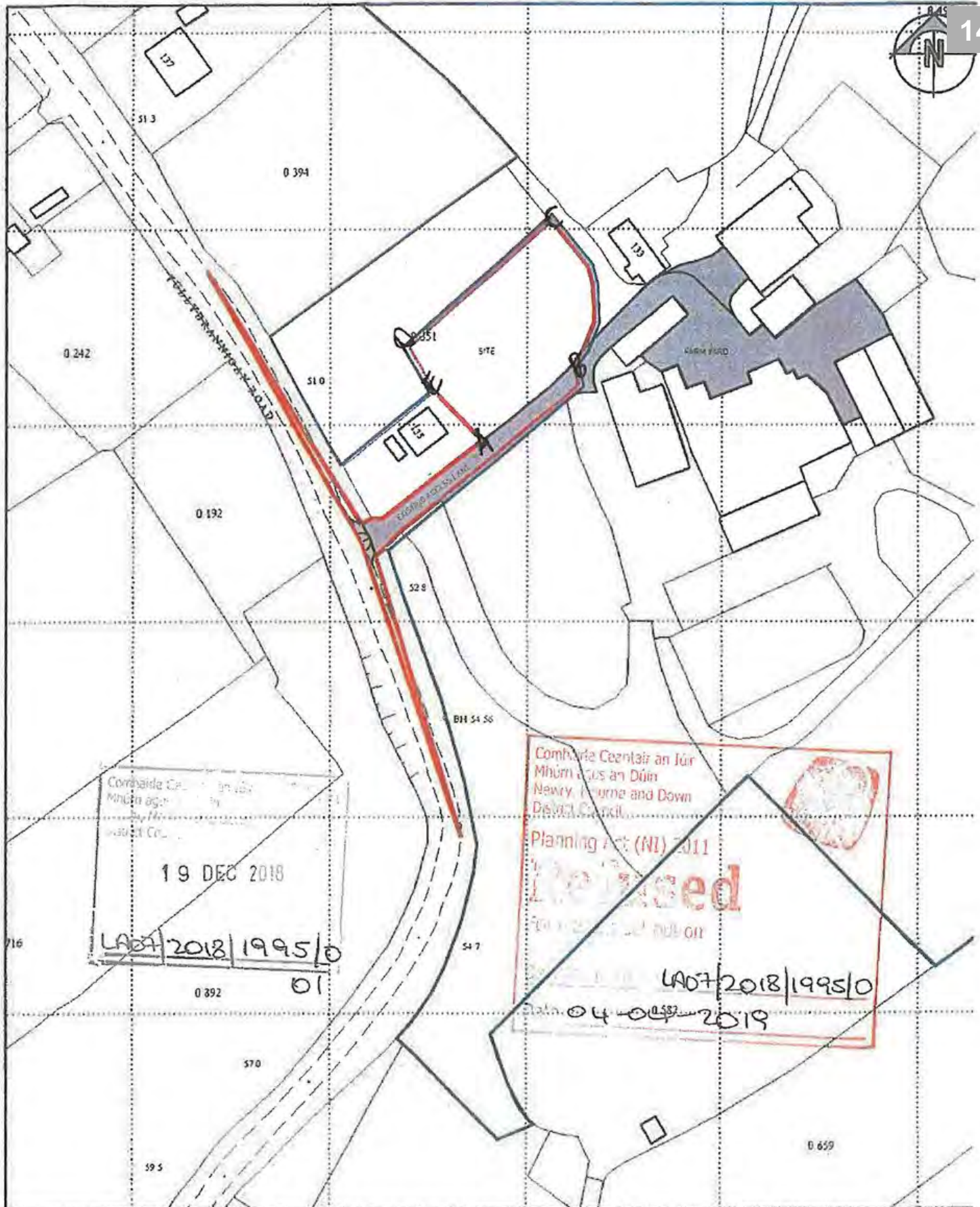
Appellant: - A 1 Written Statement and Appendices
A2 Comments

Attendances

Planning Authority: - Ms C Moane

Appellant: - Mr B Hillen (Hillen Architects)

2017/A0132



CLIENT AMY SCOTT	SCALE 1:1250	DESIGNED BY B.H.	DATE 21/11/2018	STATUS PLANNING	ARCHITECTS HILLEN ARCHITECTS
PROJECT INFILL DWELLINGS SOUTH WEST OF 133 TULLYBRANNIGAN ROAD, NEWCASTLE	PROJECT NO. 2018-1627	DRAWN BY A.C. - 01	DATE 21/11/2018	STATUS PLANNING	ARCHITECTS HILLEN ARCHITECTS
DRAWING NAME LOCATION MAP	ARCHITECTURE : DESIGN : PLANNING	ARB	ARB	ARB	ARB

PAC1



Appeal Decision

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

Appeal Reference: 2019/A0198
Appeal by: Mr Jason McCullagh
Appeal against: The refusal of outline planning permission
Proposed Development: Site for dwelling and domestic garage
Location: 40m west of No.28 Rockstown Road, Ballymena
Planning Authority: Mid & East Antrim Borough Council
Application Reference: LA02/2019/0683/O
Procedure: Written representations and Commissioner site visit on 1 July 2020
Decision by: Commissioner Brigid McGlinchey, dated 10 July 2020

Decision

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

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its impact on rural character.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ballymena Area Plan 1986-2001 (BAP) is the local development plan for the area where the appeal site is located. In it, the site is located outside any settlement development limit and is within the countryside. The BAP contains policies relating to residential development in the rural area. These are however outdated and therefore do not attract determining weight in considering the merits of the appeal proposal.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context to consider the appeal proposal. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant argues that the appeal proposal represents the development of a small gap site within and otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

5. Policy CTY8, entitled 'Ribbon Development', states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 of the supporting text of the policy states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Even though this type of development has been consistently opposed, policy goes on to say that an exception will be permitted for the development of a gap site. Paragraph 5.34 indicates that the gap is between house or other buildings and that an exception will be permitted even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, provided four elements are met. Namely, the gap site must be within an otherwise substantial 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.
6. Reference was made to a number of appeal decisions relating to infill development in other locations throughout Northern Ireland. I have not been persuaded that those sites, the surroundings and the issues arising are directly comparable with the appeal site. Each appeal must be assessed on the basis of its site specific circumstances and individual evidential context.
7. In considering whether an infill opportunity exists, it is first necessary to determine whether there is an otherwise substantial and continuously built up frontage present. The policy defines a substantial and built up frontage as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. The appeal site is situated on a private tarmac laneway between the residential properties of Nos. 24 and 28 Rockstown Road. No.24 is positioned at a right angled bend on the laneway. Its plot has a narrow frontage that includes the access and part of the garden and then widens out. No.28 is positioned further along the laneway with its plot bounding the laneway that becomes a grassed hardcore surface leading to an agricultural field. Paragraph 5.33 of the supporting text of Policy CTY8 states that for the purposes of this policy a road frontage includes a footpath or private lane. As such and irrespective of the setback from Rockstown Road, the appeal site and the residential properties either side can be regarded as road frontage sites onto a laneway.
8. Each of the existing residential plots consist of a dwelling and garage. Whilst the dwelling and garage at No.24 face towards the laneway, the dwelling and garage at No.28 are presented gable end to the laneway. Each of the garages are ancillary and set behind the front building line of the dwellings. The policy does not state that ancillary buildings which form part of a residential unit or curtilage are to be discounted. I consider that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. Despite the subordinate nature and disposition of the garages with the respective dwellings, each building reads as a separate entity with a road frontage. I therefore judge that that the existing development reads as a line of four buildings along the frontage of the laneway.
9. The appeal site appears as a gap site between these existing buildings and thus it lies within an otherwise substantial and continuously built up frontage as defined by the policy. No issue was raised with regard to the size of this gap. Based on the submitted drawings, I judge that the proposal for a dwelling and garage on the appeal site would respect the existing development pattern in terms of plot size

and therefore the subject site represents a small gap. I find that the proposal meets the first three elements that are required to qualify as an infill site.

10. The final element requires that the proposal meets other planning and environmental requirements. The planning authority raised concern about the impact on rural character under Policy CTY14. 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. Though the appeal proposal would represent another incident of development in the area, its location within an existing substantially and continuously built up frontage, means that it would not create a ribbon of development or result in a suburban style build up of development when viewed with the existing buildings. The Council has not sustained its objection under Policy CTY14 and the fourth element for an infill site is fulfilled.
11. I conclude that the proposal satisfies all the elements to qualify as an exception under Policy CTY8. It therefore represents one of the types of development considered acceptable in principle in the countryside under Policy CTY1. Accordingly, the Council has not sustained its two reasons for refusal.
12. In the interest of rural character and having regard to the neighbouring developments, I consider that ridge height and roof pitch restrictions as proposed by the planning authority are necessary. I note that these was uncontested by the appellant. Notwithstanding the appellant's indication on the location map that sight splays of 2.4m x 80m in both direction are already in situ at the point of access onto Rockstown Road, the consultation response from DfI Roads points that alterations to the access arrangement are required to provide the necessary visibility. This was not addressed by the parties. In the evidential context before me, the annotation on the map appears incorrect. I therefore consider that the draft condition presented by the planning authority is necessary to secure a safe means of access. In the interests of visual amenity, a landscaping scheme is required to be submitted.

Conditions

- (1) Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the planning authority – the siting, design and external appearance of the dwellings and the means of access thereto.
- (2) The ridge height of the dwelling and garage shall not exceed 7.0 metres above finished floor level and the angle of roof pitch shall not exceed 40 degrees.
- (3) A scale plan and accurate site survey at 1:500 scale shall be submitted as part of the reserved matters showing the access onto Rockstown Road to be constructed with visibility splays of 2.4 metres by 80 metres in each direction. The access shall be laid out before any building operations commence and shall be permanently retained thereafter.
- (4) A landscaping plan shall be submitted as part of the reserved matters application showing trees and hedgerows to be provided along the boundaries of the site, the location, numbers, species and size of trees to be planted during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming

seriously damaged shall be replaced during the next planting season with others of a similar size unless the planning authority gives any written consent to any variation.

- (5) Application for the approval of reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
- (6) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the following drawings:-

- 01 – 1:2500 scale Location map (except in relation to the annotation on sight splays);
- 02 – 1:500 scale Block/Site plan.

COMMISSIONER BRIGID McGLINCHEY

List of Documents

Planning Authority:-	C1	Statement of case
	C2	Comments
Appellant:-	A1	Statement of case + Appendices



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1207/O

Date Received: 01.09.2020

Proposal: The application is for outline planning permission for 2 infill dwellings and garages.

Location: The application site is located between 60 and 62 Ballylucas Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site is located along the Ballylucas Road and is set between No's 60 and 62 Ballylucas Road. The roughly rectangular plot comprises what is currently an agricultural field, which consists partly of a grassed area and a larger section of whinbush to the southern portion of the site. No 60 is set at road level and comprises a pebble dashed bungalow with front return, integrated garage and ancillary outbuilding set back from the dwelling to the side. The land levels drop significantly to the site and then rise again to the south and then once around the corner approaching No 62 the levels fall again. No 62 is a split level dwelling with the integrated garage set below the dwelling to the RHS. There is a separate outbuilding to the side of the dwelling.



Site History:

No relevant history on the site.

Planning Policies & Material Considerations:

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

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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 CTY2A New dwellings in Existing Clusters
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

Consultations:

NI Water – No objections
 DFI Roads – No objections subject to RS1 form
 HED (HB and HM) – No objections

Objections & Representations

In line with statutory requirements four neighbours have been notified on 27.07.2021. The application was advertised in the Down Recorder on 14.07.2021. No letters of objection or support have been received in relation to the proposal to date.

Consideration and Assessment:

Section 45 (1) of the planning Act 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, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

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

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development.

Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and

built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The agent considers that the site is such a gap site, 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.

Paragraph 5.33 of Policy CTY 8 of PPS 21 says that for the purpose of this policy a road frontage includes a footpath or private lane. No. 60, the roadside bungalow has a frontage to the Ballylucas Road. It has been accepted by the Planning Appeals Commission (PAC) that there is nothing in policy that distinguishes between in curtilage buildings such as the outbuilding/garage associated with No 60 and individual road frontage buildings on separate plots. Even though the ancillary garage is set back and in close proximity to the main dwelling, the outbuilding is a building with a frontage to the Ballylucas Road for the purposes of this policy. Adjacent to No 60 is the site which the agent has indicated is suitable for two dwellings and has provided an indicative layout for consideration.

No.62 is located to the south of the site and consists of a split level dwelling and a detached outbuilding. The curtilage of this residential property is set back and separated from the road by a wide grass verge. The entrance to No. 60 is marked by a stone wall and a set of stone pillars. These features do not, however, meet the meaning of the word 'building'. In these circumstances, and given the intervening grass verge, the curtilage of No 62 does not accommodate a building with a frontage onto the road with only the access to the dwelling converging with the road.

The site is not positioned within a line of three or more buildings along a road frontage. Consequently, the site does not represent a gap within a substantial and continuously built up frontage and thus does not meet the first test to qualify as an infill opportunity under the exception test under 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.

Paragraph 5.32 of the supporting text of Policy CTY8 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Paragraph 5.34 states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality. It is considered that the land between the dwelling at No.60 and No 62 is such a gap. The proposal would remove this visual break and would extend ribbon development on this part the Ballylucas Road which would adversely affect the visual amenity and character of the countryside.

While the agent has indicated that he considers this application to be and an infill site under CTY 8, for completeness the application is also considered under CTY 2a.

Policy CTY2a New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

This policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all of its six criteria are met. A cluster of development is not defined by the Policy. The starting point is whether there is an existing cluster of development at the proposed site. The normal meaning of 'cluster' is a bunch or close grouping of something, and a judgement on this issue is also informed by the first three criteria which give an indication of its intended meaning. The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages) of which at least three are dwellings. The second criterion indicates that the cluster should appear as a visual entity in the local landscape. The third criterion indicates the cluster is to be associated with a focal point such as a social/community building/facility or is located at a crossroads.



When approaching the site from the north a ribbon of development exists at Scollogstown from No 56 on the south side of the road towards No 60. At No 56 there is ribboning on both side of the road until No 59, where there is a gap of approx. 200m until the Church on the RHS of the road. At the front of the Church and graveyard is a road island with two roads that lead to Scollogs Hill. No 5 Scollogs Hill is located to the SW of the Church. The road continues past No 62, where there is a further road to the west called Orchard Road. When approaching from the south, there is a dispersed pattern of single dwellings along the roadside. No 62 and No 5 Scollogs Hill are visible together with the Church, however, there is a visual gap until No 60 which separates the church from the ribbon development at Scollogstown given the distance between the two, it is not considered that there is an existing cluster of development at this location.

The ordinary meaning of 'cluster' is bunch or a close grouping of something. There are only two dwellings located in close proximity to the Church including No 62 and No 5 Scollogs Hill and not the required three. No 2 Orchard Road is on the south side of a different road - Orchard Road and reads as sufficiently separated from the Church. Given then the configuration of the existing dwellings in the vicinity and while there is a Church and an island with three roads converging, there is no sense of arriving at a cluster. Instead the development pattern reads as a dispersed development separated by agricultural lands which form important visual gaps before the ribbon of development continues from No 60 northwards on the RHS. Thus as the surrounding development does not represent a cluster and the development of this site will not result in consolidation or rounding off, instead it will significantly alter the existing character and visually intrude into the open countryside. It is considered that development at this location would not represent a cluster as envisaged by policy 2a.

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 - Integration and Design of Buildings in the Countryside

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that as the site is cut from a larger agricultural field with an undefined eastern boundary. The proposed dwelling closest to no 60 would be set down on lower ground. While the other dwelling would be at a similar level to the roadside, the road is at the highest point here before it turns the bend going downhill towards No 62. This portion of the site is covered with whinbushes. However, it is considered that through the control of planning conditions in relation to ridge heights, modest sized dwellings with additional planting could be integrated on the site.

Policy CTY 14 of PPS 21 'Rural Character' 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. It sets out five circumstances where a new building would be unacceptable. Approval of the dwellings would create a ribbon of development and it would cause a detrimental change to the rural character of the area.

PPS 16 – Development relying on non mains sewerage

There would be sufficient room within the lands in red for septic tanks and soakaways.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted as part of the proposal who have no objections in principle and the access complies with the RS1 form requiring visibility splays of 2.0m x 60m.

PPS 6 – Planning Archaeology and the Built Environment

HED have been consulted as the site is in close proximity to HB18 10 065 – Rathmullan Parish Church of Ireland, Scallogs Hill Road, Rathmullan Upper, Killough (Grade B) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed building and on the basis of the information provided, advises that HED, Historic Buildings, is content in principle with proposed development at these sites. They wish to be consulted on any full/reserved matters application for the proposed dwellings. HED will require elevations and massing sections showing finished floor and ridge heights of the proposed buildings in relation to the existing site and road levels and to the listed building.

Historic Environment Division (HED), Historic Monuments were also consulted regarding the proposal. The application site is in close proximity to the site of a Medieval church and graveyard,

originally known as the 'church of Rathmoyln'. The ecclesiastical site dates to at least the 13th century and was noted as in ruinous condition in the 17th century, later replaced by the church that stands today. The church site is likely part of a Medieval manorial group which would include Rathmullan motte to the south. HED (HM) state that the recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6.

HED (Historic Monuments) also advise that in order for the scheme to integrate into the surrounding historic environment the dwellings should be of modest rural design surrounded by appropriate boundary treatment.

Conclusion

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

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, result in the creation of ribbon development along Ballylucas Road and does not represent an exception of policy.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Informative

This refusal relates to site location plan: A3-01

Case Officer

C. Moane

Date 01/10/2021

Appointed Officer

A.McAlarney

Date 01 October 2021

Application Reference: LA07/2021/1207/O

Proposal: 2 infill dwellings and garages
 Location: Between 60 and 62 Ballylucus Road Downpatrick

The above application has been scheduled for refusal for the following reasons:

1. 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. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a substantial and continuously built up frontage comprising 3 buildings and therefore would, if permitted, result in the creation of ribbon development along Ballylucas Road and does not represent an exception of policy.
3. 3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Plannings opinion of refusal for this application is on the basis that the proposal does not meet the infill criteria.

Reading through the case officers report for this application, the three refusal reasons all relate to the fact that planning do not accept that the dwelling at 62 Ballylucas Road has a frontage to the Ballylucas Road, and therefore say the proposal is not actually an infill. The report accepts that the garage and dwelling at 60 Ballylucas Road both front the road, and account for 2 of the 3 dwellings required under policy for an infill opportunity to fit between. The building at the other side of the application site, 62 Ballylucas Road, has a grass verge located between the road edge and the boundary hedge of this dwelling. Given the turn in the road and the relatively steep topography of the road, the verge is obviously there for road safety reasons, to provide forward visibility splays for traffic travelling in both directions. Also note that there is a road junction at this location opposite the application site and the roadside verge increases at this point in much the same way. It is not a field or a paddock that sits between the road and the boundary hedge, but a grass verge. The verge also narrows to the point where the boundary hedge meets the access pillars/gates of the property, which is along the road edge. Please see images.

Policy CTY8 states that "Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and 4 built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear."

I have emailed the senior officer on 5th October 2021 in this instance to ask if there are any precedents for an infill proposal to be refused on the basis of a grass roadside verge being present between the road edge and the boundary hedge of one of the key properties, but have

not had a response to date, other than an automated email response on the same date. I am certainly not aware of any precedents of this nature. I also asked the case officer for the application the same question and she was unaware of any application refused on this basis.

I will also point out that it is evident from the accompanying map that the proposed plot sizes are similar to those on either side and so the development pattern is maintained, the frontage lengths are similar, and the sites are on lower lying land and so will not be prominent in the landscape. There is certainly nothing in planning policy that stipulates what size of roadside verge is acceptable when assessing Policy CTY8, and we feel that this recommendation is extremely harsh. We feel that the proposal fully satisfies all of the relevant policies that apply.

By way of an example of an infill application that has been approved with a similar distance between the site boundary and the road edge, I refer to application LA07/2016/0651/O, for proposed 2 no infill dwellings and detached garages on Land between 78 and 84 Castlewella Road Newcastle. In the picture below, all property boundaries are set back from the road edge, with a distance of 7.2m from the front boundaries to the road edge.



Site for approved application LA07/2016/0651/O on Castlewella Road, Newcastle, with boundary hedges set back from road edge.



Aerial photo of approved application LA07/2016/0651/O with boundary hedges set back 7.2m from road edge.

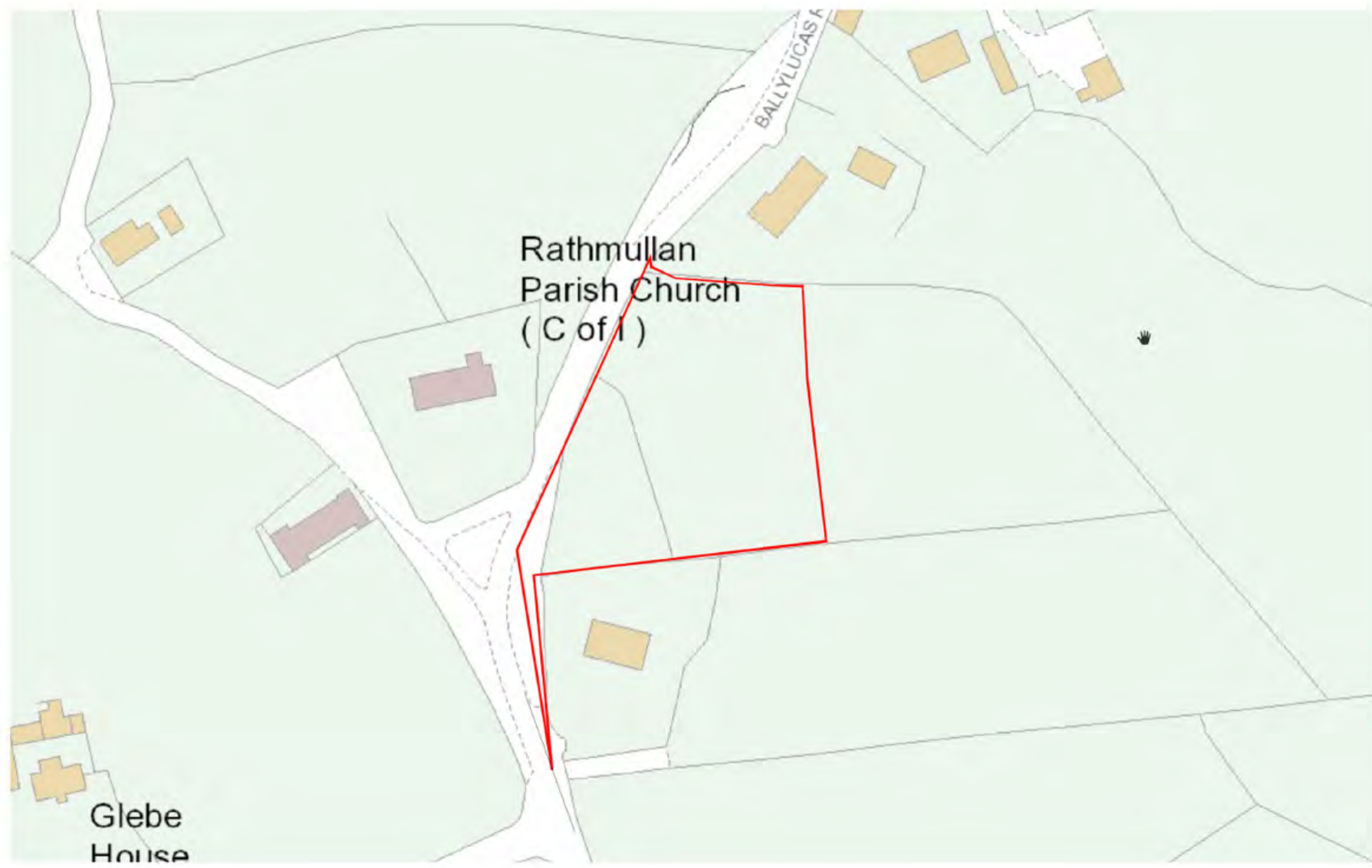


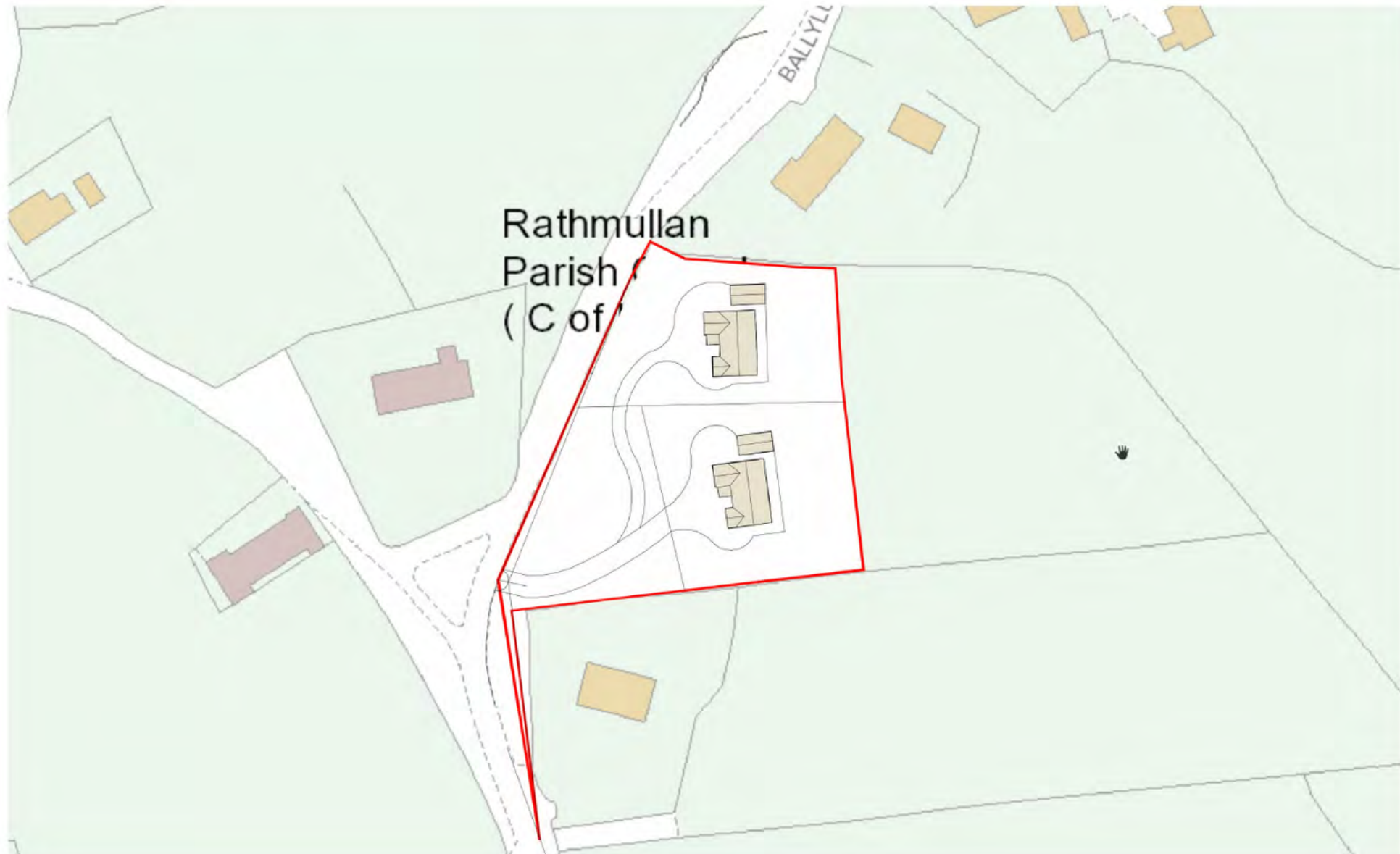
Aerial photo of this application with existing boundary hedge for 62 Ballylucas Road set back 7.6m from road edge at the maximum, diminishing to the access point at 62 Ballylucas Road, and the proposed access point for this application.

Application LA07/2021/1207/O

2 infill dwellings and garages
Between 60 and 62 Ballylucus Road Downpatrick









an
fir













Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1000/F

Date Received: June 2019

Proposal:

Full permission is sought for the Construction of 14 no Social Housing Units together with associated car parking, landscaping and site works for Registered Housing Association under policy CTY5 of PPS21, on lands East of Harmony Heights, Ballyholland.

Applicant: Rural Housing Association

Location:

The lands comprising the application site are located just outside the development limits of Ballyholland as identified in the Banbridge, Newry and Mourne Area Plan 2015, and comprises 3 fields at present.

The site adjoins and will be accessed via the existing housing development of Harmony Heights to the west, while the remainder of the site adjoins fields.

Site Characteristics & Area Characteristics:

The site outlined in red extends from the existing housing development of Harmony Heights, and includes several fields at present. Harmony Heights comprises a cul-de-sac at present made up of detached and semi-detached dwellings. The units backing on to the application site comprise 4 detached dwellings which are single storey in form to the front, however this development also includes 2 storey

dwelling. The dwelling of no.6 Bettys Hill Rd also adjoins the site, which is also accessed via the development of Harmony Heights.

The lands comprising the application site undulate and slope steadily downhill from Harmony Heights towards the sheds which adjoin the western boundary. These fields are overgrown with gorse wyndbushes at present.

Site history

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

Representations

Having account the extent of the red line and current practice neighbour notification was undertaken with a number of properties within Harmony Heights and also 6 Bettys Hill Road initially in Sept 2019, and again in Nov 2019, Jan 2020 and August 2020 following receipt of amended plans/additional info.

Several additional properties were also identified to be notified during the processing of the case and following receipt of amended red line for access purposes.

The application was also advertised in July 2019.

To date some 30 representations in opposition to the proposal have been received (Nov 2021) from the owner/occupiers of properties in Harmony Heights, Caiseal

Court, Mourne View, Innisfree Park and Bettys Hill Rd, whereby the main issues raised include:

- Very few of those seeking these units have any association with the area,
- If approved would set a dangerous precedent, for small settlements being targeted by Social Housing providers who cant access towns/cities,
- Policy CTY5 is discriminatory in favour of social housing providers,
- Concerns regarding intensification of traffic,
- The roadway cannot cope with any extra traffic,
- All other options of potential sites have not been investigated. There are a number of other sites outside the development limits that would lend themselves more favourably,
- The potential effect on wildlife needs to be considered,
- Overdevelopment of the land with extra traffic which will create increased dangers to pedestrians,
- The site address provided is vague,
- Support by the NIHE should not be a deciding factor,
- Development of this nature should be directed inside the settlement limit, and only if it is proven there is no land available, should consideration be given to this,
- A decision should only be made when the development plan has investigated the availability of all housing lands,
- The analysis provided of 2 sites within the development limits is inadequate,
- Analysis of other sites outside the development limits is inadequate,
- While the site is beside the development limit, the development cannot be visually integrated into the landscape thus is contrary to policy CTY1 of PPS21,
- Development will result in urban sprawl, marring the distinction, being contrary to Policy CTY15 of PPS21,
- The applicant has not provided an assessment of local housing needs,
- The plans indicate pumping apparatus however no details have been provided,
- There is potential a pumping station will harm the amenities of residents due to odour and noise,
- Excessive excavations and retaining walls are required which are not reflective of the character of the area,
- Future residents will have no outlook with walls and fencing,
- Sections provided are inadequate,
- The development is dominated by mass car parking and areas of hard-standing
- No evidence has been provided for consent to discharge to the watercourse,
- The drainage assessment is deficient,
- A working strip is required along the boundary with the watercourse,
- The ecological assessment is deficient,
- The site is surrounded by farm land and agricultural buildings,
- The existing roads infrastructure within Harmony Heights is not adequate to accommodate the increase in traffic,
- Health and safety issues with construction traffic,
- Traffic calming measures are required,
- Issues with the red line for Roads,
- Individual access arrangements and in-curtilage parking are inadequate,

- Lack of detail how the 2 roads will meet,
- Details of retaining structures have not been provided,
- This application should be refused due to the deficiencies,
- Issues of prematurity related to the LDP and distortion of housing figures,
- Devalue existing properties,
- General objection to the erection of social housing in Ballyholland. This is no an area for social housing,
- There are a number of electronic objections who state they object with no reasons provided,

The above is a summary of the main issues raised. It is not an exhaustive list. See file for full content of all reps received.

Consultations-

Having account the nature of this proposal and location and constraints of the site, and also having account the content of the representations received, consultations have been carried out with a number of bodies including Transport NI, NI Water, NIEA, Rivers Agency, Shared Environmental Services, Environmental Health, and NIHE as part of this application.

TNI- During the processing of the case consultation has been issued to TNI on 5 separate occasions. TNI in its most recent response (Oct 2021) offer no objections in principle subject to conditions.

NIW- No objections subject to informatives

NIEA- No objections subject to informatives.

Rivers- Following submission of further info offer no objections subject to informative. (The site is not in a floodplain. A maintenance strip has been provided for and a Drainage Assessment was provided).

SES- No objection in principle subject to conditions.

Env Health- No objections in principle subject to condition.

NIHE- NIHE complete housing need assessments annually across all the common landlord / local housing areas within NIHE Districts. At 31 March 2019 NIHE identified a projected housing need, to 31 March 2024, of 14 social housing units for Ballyholland / The Commons local housing area. NIHE fully support the need for this scheme to help address unmet need in the area.

In addition to the above, comment was sought internally from The Planning Depts Development Plan Team.

During the processing of the case further information has been submitted to address concerns from the Planning Dept but also in response to issues and request from consultees.

Policy considerations-

RDS, Banbridge, Newry and Mourne Area Plan 2015, SPPS, PPS2, PPS3, PPS15, PPS21, and supplementary guidance.

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.

As stated above the application site is located in the countryside, on the outer edge of the development limits of the small settlement of Ballyholland as identified in the Area Plan.

The existing development of Harmony Heights marks the end of the settlement development limit, whereby the application site will access and extend from this existing housing cul-de-sac.

Although located in the countryside and outside any settlement development, whereby the provisions of PPS21 and the SPS apply, this is a housing scheme whereby the general thrust and principles of PPS7 and supplementary guidance are noted.

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

Since being received in June 2019, there have been several amendments, whereby this report is now based on the most recent submission including site plan Drawing No. D02K.

Principle of Development

As the site is located in the countryside PPS21 applies, whereby Policy CTY5 (Social and Affordable Housing) makes provision for such developments adjacent to or near small settlements, subject to a maximum of 14 units, however this is subject to the application being made by a registered Housing Association and where need has been demonstrated, which cannot be met within an existing settlement in the locality. Any development associated with this policy would be restricted and conditioned for social housing only accordingly.

Following informal consultation with the Local Development Plan team (LDP), it is accepted Ballyholland meets the criteria and definition of a small settlement (population of less than 2250) for the purposes of this policy.

The LDP offer no objection to the principle of this development at this location.

This application has been submitted by Rural Housing Association.

As stated above consultation was undertaken with NIHE who have identified a projected housing need, to 31 March 2024, of 14 social housing units for this area and fully support the need for this scheme to help address unmet need in the area.

The applicant provided an assessment of alternative sites within the development limit and has discounted these.

As such it is considered this proposal does not offend the requirements of policy CTY5, thus there can be no objection to the principle of 14 social housing unit on this site, despite the opposition as listed above.

Policy CTY1 of PPS21 and Paragraph 6.70 of the SPPS requires all development proposals in the countryside to be designed and sited to integrate sympathetically with their surroundings, respect rural character, and to meet other planning and environmental considerations.

These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area.

Policy CTY13 and CTY14

These policies state 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 an appropriate design. PP will also be granted for a build in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Policies CTY13 and 14 set out a number of criteria.

As stated above the lands comprising the application site slope steadily downhill from the existing Harmony Heights development. This existing development will act as a backdrop to the application site and will effectively read as an extension to it.

The proposed development will respect the existing ground levels and gradient and will comprise 2 storey detached and semi-detached units proposed, which are in keeping with the character, scale, density, layout and appearance of the area.

(Finishes include blue/black tile roof, white render walls, hardwood windows and upvc RWG's which are considered acceptable).

As such it is considered the topography of the lands is such that the development proposed will not appear unduly prominent in the landscape and will integrate with the surroundings given the siting and house types proposed.

The existing boundary stone walls are to be retained with additional planting to assist in the integration of the site and to reduce its impact both on the area and also existing properties.

A retaining wall is proposed along the rear of Sites 11-14, due to the lower level of the site below Harmony Heights. This wall will have limited visual impact from any public viewpoint due to its location and the positioning of the units proposed.

Each unit will have front and rear gardens with in-curtilage parking.

The relationship of the layout with existing properties is also noted, whereby it is considered the proposed development will not result in any unacceptable adverse impact on any existing property due to the layout, levels and separation distances.

It is considered the proposals do not offend the requirements of CTY13 and 14.

Impact on Residential Amenity

As stated, the site adjoins an existing housing development, whereby it is considered the separation distance of the development including the siting of proposed units to any existing property together with the topography of the lands will ensure no unacceptable impact will result on the amenity of any existing property, in terms of overlooking, overshadowing, loss of light, dominance or noise.

Sites 11-14 back onto Harmony Heights, however will be at a much lower level with a planted buffer also separating these opposing developments.

It is also noted the entrance road and footpaths will run along the boundary with no.6 Bettys Hill Rd, whereby this boundary will comprise planting, fencing and retaining wall to protect the amenity of this property.

Policy CTY15

The content of policy CTY15 is noted, and while it may appear this proposal contravenes this policy, the fact that it complies with policy CTY5 is determining in this instance and is considered to outweigh this.

Policy CTY16

It is noted the development will be connected to the mains with a pumping station in the bottom corner of the site, whereby consultees have returned no objections. This pumping station is far removed from any existing property.

PPS 2 - Natural Heritage

The application site is hydrologically connected to the Carlingford Lough Area of Special Scientific Interest (ASSI)/ Special Protection Area (SPA)/ Ramsar (hereafter referred to as the designated site) which is of international and national importance and is protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. A Preliminary Ecological Appraisal was submitted by the agent.

During the processing of the case consultation was undertaken with NIEA and SES, who offered no concerns/objections to the proposals, advising the proposals are unlikely to have any significant impact on any protected species or habitats that resembles a Northern Irish Priority Habitat

PPS3 Access, Movement and Parking

This development will be accessed via Harmony Heights, connecting to this development at a point which appears like a natural extension of the road, with a footpath to either side.

All units will access from this new entrance road, each with its own in-curtilage parking.

Works are proposed to the entrance of the site where it adjoins the existing Harmony Heights development as indicated on the site plan, with realignment and increased radius to be provided at the request of DFI Roads.

DFI Roads initially had concerns with the proposals which overlapped with some of the concerns raised by interested third parties, however following receipt of amended plans are now content the proposals meet the policy requirements, and offer no objections in principle.

It is noted a number of the representations received relate to traffic and access matters. Transport NI have been consulted on a number of occasions throughout the processing of the case, and now offer no objections in principle.

Summary

While it is noted there is significant local opposition to this proposal, it is considered it complies with the relevant policy, and there are no grounds to sustain a refusal.

As such Approval is recommended subject to conditions.

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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings hereby approved (C101-303-01 Rev A, bearing the date stamp 15 June 2021)

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

1. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number C101-303-01 Rev A, bearing the date stamp 15 June 2021 The Department hereby attaches to the determination a

requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

3. The visibility splays at the junction of the proposed access road with the public road shall be provided in accordance with the plans hereby approved, prior to the commencement of any other works or other development.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 space per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

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

Reason: Road safety and convenience of traffic and pedestrians.

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

(These works will be carried out entirely at the developer's expense.)

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

8. The Existing natural boundary treatments as indicated in the plans hereby approved along the site boundaries shall be retained.

Reason: To protect the biodiversity value of the site, including protected species.

9. ALL landscape and planting proposals shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The planting plan shall be carried out during the first available planting season after construction works have been completed, in accordance with the plans hereby approved.

Reason: In the interests of visual and residential amenity.

10. The boundary with no.6 Bettys Hill Road shall be secured at all times, and the proposals along this boundary as indicated on the plans hereby approved, shall be completed in their entirety prior to the occupation of any unit hereby approved, which shall be permanently retained thereafter.

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

Reason: To ensure the provision of landscaping to the site..

12. The boundary fencing associated with each unit as indicated on the plans hereby approved shall be completed prior to the occupation of the unit it serves, which shall be permanently retained thereafter.

Reason: In the interests of visual and residential amenity.

13. A suitable buffer of at least 10 metres must be maintained between the location of refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the adjacent watercourse.

Reason: To protect water quality within the adjacent watercourse and the site features of designated sites downstream.

14. There shall be no direct discharge of untreated surface water run-off during the construction and operational phase to the adjacent watercourse along the eastern boundary.

15. A maintenance strip shall be provided adjacent to the watercourse in line with the plans hereby approved. This maintenance strip shall be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development at all times. Clear access and egress should be provided at all times.

Reason: To ensure the orderly development of the site.

16. The approval hereby granted is purely for the provision of social housing and shall be carried out by or on behalf of Rural Housing Association or a registered Housing Association and the units shall be managed by Rural Housing Association or a registered Housing Association.

Reason: In order to allow the Department to control the use of the development hereby permitted.

17. The units hereby approved shall be occupied only by a person or persons who have been selected from the Northern Ireland Housing Executive housing waiting list.

Reason: To service the social housing need as identified in the Housing Needs Assessment prepared by NIHE, and in the interests of roads safety.

(Informatives)

Signed: M Keane 03-11-21

Authorised Officer: A McKay 03-11-2021

Item 23 - LA07/2019/1000/F

As Chair of Committee I have been asked by Mr Sean Mullholland Ballyholland Rd Ballyholland & Mr Damien Tinnelly of Harmony Heights Ballyholland to forward their request for speaking rights at the Planning meeting on 15th December.

There are 2 issues they will request clarification on :-

- 1: The allocation procedure for the proposed dwellings.
- 2: Access and Road safety in and out of Harmony Heights and the site.

I am doing this without preconception or prejudice towards the application.

Thanks,

Declan,

Your Ref: LA07/2019/1000F
Our Ref: 18168-PL14-SDLW-101121

10th November 2021

FAO Democratic Services
Newry, Mourne & Down District Council
Planning Office,
O'Hagan House,
Monaghan Row,
Newry
BT35 8DL

Dear Sir / Madam,

Re: Lands East of Harmony Heights, Ballyholland, Newry, Co.Down

As the agents for the development at the above address, we wish to request speaking rights in support of the Case Officers recommendation to grant Planning Approval for the social housing scheme.

I trust this is in order. Please contact the office should you have any queries.

Yours sincerely

Michael Rogers

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Michael Rogers
Director
Studiorogers

Enc

RE: Rural Housing Association Request for Speaking Rights at Planning Committee Meeting 15th December 2021

Lands East of Harmony Heights, Ballyholland Newry

LA07/2019/1000/F

Submission on behalf of Paul Fox, Property and Procurement Manager, Rural Housing Association

The Association's aim is to deliver social housing in rural areas where there is an identified housing need. Ballyholland was identified as an area with unmet social housing need and therefore the Association undertook an assessment of lands available to deliver suitable housing at this location.

Our submission for planning approval to build 14 units at lands East of Harmony Heights will help to provide accommodation for those in housing stress. These 14 units are supported by NIHE with a housing mix reflective of those currently on the waiting list.

Concerns have been raised by local people regarding the allocation of these properties and who will reside in them. These 14 units will be allocated under the Housing Selection Scheme. The scheme comprises a Common Waiting List and a Common Selection Scheme for the assessment of all applicants for social housing. The Waiting List and the Selection Scheme encompass applications to, and allocations made, by the NIHE and registered Housing Associations.

Under the scheme, all social housing applicants are assessed according to a common set criteria and awarded points against those criteria to reflect their housing need. The total points awarded to an applicant determines their rank order on the Common Waiting List.

As a general rule each dwelling will be offered to the applicant with the highest points.

Social housing is available to everyone. It is allocated in a fair and transparent way with priority established according to a common definition and understanding of need.

The properties in Ballyholland shall be allocated under these guidelines. There is currently an established list for Ballyholland/The Commons which is managed and maintained by NIHE.

Rural Housing Association will access this list at the appropriate time when the properties are ready for occupation.

We are aware of suggestions that applicants who may not currently reside in Ballyholland may change their preference to Ballyholland to avail of new housing. It should be noted that if applicants do so, they will not be offered housing as it becomes available in areas such as Newry City, which is close to Ballyholland. Newry has a significant social housing development programme on site in 2021/22 to address housing need across the city, with 448 units currently programmed.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0726/F

Date Received: 16/04/2021

Proposal: Proposed erection of replacement dwelling and garage

Location: 16A Derryleckagh Road, Newry, BT34 2NL

Site Characteristics & Area Characteristics:

The application site is located at 16A Derryleckagh Road, 2.5km (approx.) east of Newry City and 3km west of Mayobridge. It is a rural area located outside the development limits of a designated settlement as defined in the Banbridge, Newry and Mourne Area Plan 2015 (map no - 3/01). This application relates to a mobile home located to the rear of No.16 Derryleckagh Road with an attached store and decking located to the eastern elevation. The building is situated within a large gravel yard area with a large shed located to the west. The site can be accessed via the rear of No.16 or via a laneway leading from Derryleckagh Road.



Image 1 Application Site (dwelling to be replaced)

Planning Policies & Material Considerations:

This planning application has been assessed against the following policies:

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

Site History:

Planning Reference	Address	Proposal	Status
LA07/2020/0159/LDE	16A Derryleckagh Road Newry, BT34 2NL	Retention of building of temporary construction.	Approval 13.05.2020
2020/E0017		Subsequently modified following appeal to: Retention of a permanent building for use as a dwelling.	Appeal Upheld 22.02.21

Note: An Appeal Decision (2020/E0017) was upheld that made the judgement that the mobile home building located at 16A Derryleckagh Road was a “permanent building for use as a dwelling”. This decision was made based on the following material factors:

- The building offers generous living space
- Over the years considerable works have been carried out to extend the building and make it suitable for more living space
- It is embedded into the ground by virtue of its foundations and block work plinth.

Because of these factors it was concluded by the PAC that the building lacked mobility and could not be readily moved from the land and therefore could not be considered temporary.

On this basis the PAC have determined this structure is a permanent dwelling.

Consultations:

DFI Road – No objection.

HED – No objection.

NIW – Generic response

Objections & Representations:

2 neighbours were notified on the 21st June 2021. The application was advertised in the local press on the 5th May 2021. No objections have been received to date (31/09/2021).

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 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 policies of PPS21, PPS 2 and PPS 3.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive the retained 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 considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3.

Note: Following an Appeal Decision (2020/E0017) that determined that the (mobile home) building to be replaced was of a permanent nature, it must be considered the existing building displays all the essential characteristics of a permanent building for use as a dwelling with doors and windows all intact.

On the basis of the PAC ruling, it is considered the subject building is eligible for replacement under CTY 3.

Design, Siting and Size

The agent's site location map indicates in green the proposed dwelling to be replaced. It is proposed that the replacement dwelling will be located 20m (approx.) north east of the existing property and form a new separate curtilage.

The existing structure to be replaced is single storey and measures 7m in width and 10m in length (approx.) with an overall footprint of 70sq.m (approx.). The proposed dwelling is irregularly shaped and comprises of two components, a front projection and rear return joined by a central living area. The front projection is single storey and measures 6.9m long by 16m wide with a ridge height of 5m. The rear return is two storeys in height and measures 6m long by 12m wide with a ridge height of 6.4m from FFL. The overall footprint of the proposed dwelling is 210sq.m (approx.). The proposed dwelling is significantly larger with regards to size and height to that of the existing dwelling. It is noted that the proposed rear return is not subordinate to the front projection, this is

contrary to good design principles. Furthermore, it is considered that the proposal will have a significantly greater visual impact than the existing dwelling.

The proposed replacement dwelling includes smooth plaster white render finish, black roof tiles and aluminium windows coloured grey. The Planning Department consider that the design does not resemble any traditional features such as chimneys placed on the ridge at or close to the gable ends.

It is of the opinion of the Planning Department that the Design, Siting and Size of the proposed dwelling is unacceptable and therefore the proposal is contrary to the criteria as set out in CTY3.

Servicing and Access

It is anticipated that all the necessary services can be extended to the new dwelling without significant adverse impact on the environment or character of the locality. The proposed dwelling will use an existing access on to Derryleckagh Road, which DFI Roads confirmed there is no objection.

Residential Amenity

The nearest dwelling is located to the west approx. 30m from the application site. However, the site is very flat and there are no existing landscape features separating No.16 from the proposed dwelling. Therefore, it is considered that the proposal could adversely affect the amenity of No.16.

Subsequent correspondence with Agent:

Following initial assessment of the case, the agent was advised to submit any further information/ amended drawings to be considered, as it was the opinion of the Planning Department that *"the excessive scale of the proposed replacement dwelling, its design detailing and its location outside of existing established curtilage beyond the existing footprint" were of a concern to the department.*

The Planning Department stated that it considered that the proposal should be located within the established curtilage of the existing dwelling to be replaced preferably on the footprint of the dwelling to be replaced. It was also highlighted that the Planning Department considered that the overall size of the proposed new dwelling to be excessive and would not be able to integrate into the surrounding landscape, likely resulting in a significantly greater visual impact than the existing building.

Furthermore, it was brought to the agents attention that the existing dwelling is single storey, 7m in width and 10m in length (approx.) with an overall footprint of 70sq.m (approx.) and for the proposal to conform with Policy CTY 3 the overall size of the proposed replacement dwelling should be reduced to a scale more similar to that of the existing dwelling to be replaced. It was further highlighted that the proposed replacement dwelling (current scheme) is two storeys in the rear section and has an overall footprint of 210sq.m (approx.). Therefore, the proposed footprint is currently 300% larger than the existing dwelling to be replaced and does not represent a modest sized dwelling.

Notwithstanding this, it was also advised that in terms of the proposed ridge height, the return to the rear (rear section), which projects beyond the main elevation, must be significantly reduced in scale and set down to be subordinate to the main 'west' elevation. The traditional rural form should also include appropriately scaled chimneys placed on the ridge at or close to the gable ends.

The agent responded with a rebuttal, citing five case precedents to further support the application. No amended drawings were provided. However, the agent did provide a section. The rebuttal was considered by council as follows.

With regards to staying within the same curtilage as the existing dwelling, the agent argued that the new siting of the proposed dwelling is located within an area with better defined natural boundaries. With regards to the overall size of the new dwelling, the agent contested that the dwelling is of a single storey with a max height of 6.4m height ridge from FFL and cannot be seen from the public road. The submitted section provided further clarity with regards to the proposed dwellings visibility from the main road. However, with regards to residential amenity the site will be more visible with No.16 (located along the road), as the existing mobile hut dwelling is currently hidden behind the existing large shed. Therefore, the visual impact will be significantly greater than the existing building contrary to the criteria set out in CTY 3. Furthermore, the dwelling is one and a half storey at its rear projection, this is 2.1m higher than the bungalow ridgeline to the front of the building and contrary to good design principles.

The first precedent (LA07/2020/0050/F) that was provided was from 2020, located at 21 Derryleckagh Road. The agent used this precedent to justify an increased footprint. However, the Planning Department has considered this application and are not convinced it justifies such a significant increase. The agent appears to be arguing with floorspace (counting both the 1st and 2nd floor), whilst the planning department is concerned with footprint. As highlighted below, the footprint of the building to be replaced in Precedent 1 (as shown in drawing 1) included the outbuilding to justify such a large increase of floorspace (as the footprint is similar). Whilst the existing footprint of the building (to be replaced) in this proposal has a significantly smaller footprint to what is being proposed as its replacement dwelling (as shown in drawing 2).

The fifth precedent (LA07/2019/1610/F) that was provided was from 2019 located between 16 & 18 Derryleckagh Road. It is acknowledged by the Planning Department that the design of one of the approved dwellings very similar in design to what was approved in Precedent 5. However, this is sited in a different orientation to that proposed in the application. The design approved in Precedent 5 sat gable end to road and read completely different to that proposed on this

application. The Planning Department have significant concerns with the way the proposed development is orientated with a larger return to the rear and consider it unacceptable.

Following consideration of additional information provided by the agent, the Planning Department is still of the opinion that there are significant concerns relating to design, overall size and siting and therefore the criteria as set out in CTY 3 has not been met.

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

I consider the proposed dwelling will be a prominent feature in the landscape as it is significantly larger dwelling and sited in a more prominent location than the existing dwelling (to be replaced). Furthermore, as stated above, the site is very flat and there are no landscape features separating No.16 with the proposed dwelling. I consider the proposal could result in a build-up of development detrimental to the rural character of the area.

Recommendation: Refusal

Refusal Reasons:

The proposal is contrary to the SPPS and Policies CTY 1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design, size and siting are unacceptable.

The proposal is contrary to Policies CTY1 and 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.
- the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- the design of the replacement dwelling is not of the high quality appropriate to its rural setting;

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- a) the building would, if permitted, be unduly prominent in the landscape;
- 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;
- c) the development would rely primarily on the use of new landscaping for integration

e) the design of the building is inappropriate for the site and its locality and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: J Shearer

Date: 30-09-2021

Appointed Officer Signature: M Keane

Date: 04-10-2021



Policy CTY 3 Replacement Dwellings of Planning Statement 21 states that in all replacement cases, *replacement dwellings will only be permitted where all the following criteria are met*

- ***the proposed replacement dwelling should 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 existing dwelling has no actual curtilage, so it was proposed to site the new dwelling at the back of the open area with 3 natural side boundaries. This proposed area is 20m from the replacement dwelling. There are natural drystone walls around southern & eastern sides and a timber fence on the northern boundary. This allows a natural area for the proposed site with only one new boundary to be established. The walls and fence can be augmented with additional planted if required.

See photo 1

- ***the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;***

The existing dwelling cannot be seen from the public road network. This automatically provides natural integration with no visual impact. The proposed dwelling is of single storey design with a max 6.4m high ridge line from finished floor level which also cannot be seen from the public road network. The proposed dwelling will be 3 times the size of the existing dwelling. It should be stated that the Planning Policy allows for new replacement dwellings to be able to provide current living standard. **See photo 2**

- ***the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;***

The proposed dwelling is designed to allow for a modest sized modern family home of low elevation and simple rural form. It has a mixture of traditional and modern design which respects the rural form of the area. The Derryleckagh Road has a mixture of modern and traditional design, large and small houses and mostly visible from the road. **See photo 3**

For the purposes of this policy 'curtilage' will mean the immediate, usually defined, and enclosed area surrounding an existing or former dwelling house.

As the statement states – usually defined but not always defined – as this existing dwelling has no defined boundaries other than the natural field dry stone walls and can't be seen from the main public road network, we believe that there is flexibility in the positioning of the proposed dwelling. This total site is completely hidden from the road.

See photo 4

There have been many replacement dwellings approved on the Derryleckagh Road of substantially increased footprints than the original dwelling to be replaced.

LA07/2020/0050/F – 21 Derryleckagh Road. – 300% - See Photo 5

Original House – 54m²

New dwelling – 149m²

The planning report for this application states that the proposed house is 149m² on the ground floor. They have not included the first-floor area in the overall floor area. The dwelling to be replaced measures internally 12m long x 4.5m wide which equates to 54m². This gives a 275% increase in footprint size. Also this approved application is road frontage unlike the application site is not visible from the road. Another important phrase used in the Planning report was that 'Whilst it is acknowledged that the proposal would be larger than the existing dwelling, it is important to note that this larger dwelling would be required to provide the current living standards'.

47 Derryleckagh Road LA07/2020/0007/F – 300% increase in size – See Photo 6

The Planning report, for the above application, states that although the existing dwelling is a small single storey that because of the distance from the road the Council will allow a 2-storey dwelling. The ratio of increase of the existing and proposed floor areas are comparable to our application of around 300% increase on floor area which the Planning Officer has stated in relation to the floor area/size difference that 'this existing structure is so small it would not meet today's standards, and taking into account the location of the site and associated set back from the road, and size of existing curtilage, it is considered the site and area can accommodate a dwelling of the size proposed.

On design of the proposed dwelling the Planning Officer states 'Although the proposed plans indicate projections to the front, side and rear, given its location and minimal impact from any public viewpoint, on balance the proposals are considered acceptable in this instance.

We feel the application site should be considered and reviewed, based on these statements from previous planning approvals in this Council area.

P/2015/0198/F - 52 Derryleckagh Road – 750% - not constructed yet

6,000sq ft replacement dwelling for replacement of a 80 sq mtr dwelling

This was a renewal of previous application P/2009/0584/F

We have highlighted this application as it has been approved at 750% higher than existing.

Design of proposed house

LA07/2019/1610 – Between 16 & 18 Derryleckagh Road

There has recently been an approval for a similar house design albeit an infill dwelling. The house position is circa 50m from the application dwelling on a prominent road frontage site. Gable fronted, floor area and ridge heights being like the proposed dwelling. This house is nearing completion on the site and accepted as traditional by Council – **see photo 7**



Conclusion

We agree and totally understand that the Council Planning Department are the custodians of the countryside and rightly so.

We understand that the Council must follow the planning policies set out in PPS21.

We also understand that siting and design are of importance and attached to PPS3.

What we see is that there are lots of replacement dwellings around the application site that are similar size, height, and design as our proposed dwelling, as described previously.

It is very important to the Applicant that they have a new house that sits well in the countryside and is not an eye sore. They want it to integrate and nestle within the landscape of Derryleckagh.

In real terms, views of the site are non-existent when travelling along Derryleckagh Road, due to the undulations and drumlin nature of the land. The new house will be 120m from the Derryleckagh Road. It is considered that the dwelling proposed can be integrated on the application site as it is of a size, scale and design that will not be unduly prominent in this rural area. The natural stone walls can be augmented with natural blackthorn hedge if required to soften the site.

What we request is consistency in the decisions taken by the Planning Department to allow the Applicants to build a modern reasonably sized dwelling fit for a growing family in 2021.





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2021/0911/F

Date Received:

05.05.2021

Proposal:

Conversion of existing agricultural barn to self-contained holiday accommodation

Location:

6 Clonduff Road
Ballyaughian
Hilltown
Co. Down

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.

The application site comprises No. 6 Clonduff Road which is a 1 ½ storey dwelling and associated farm buildings and farm yard. The subject building is sited approximately 10m east from the roadside and is finished in natural stone with a tin roof. Part of the application building appears to have been extended overtime. The building is

accessed via an existing entrance that serves the farm yard and dwelling. The application proposes to use this access also.



Subject building outlined in red



Subject building

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 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside

Site History:

No planning history.

Consultations:

Roads – No objections

Environmental Health – No objections

Water – Generic response

Objections & Representations:

Neighbour notifications - 15.07.2021

Advertisement - 02.06.2021

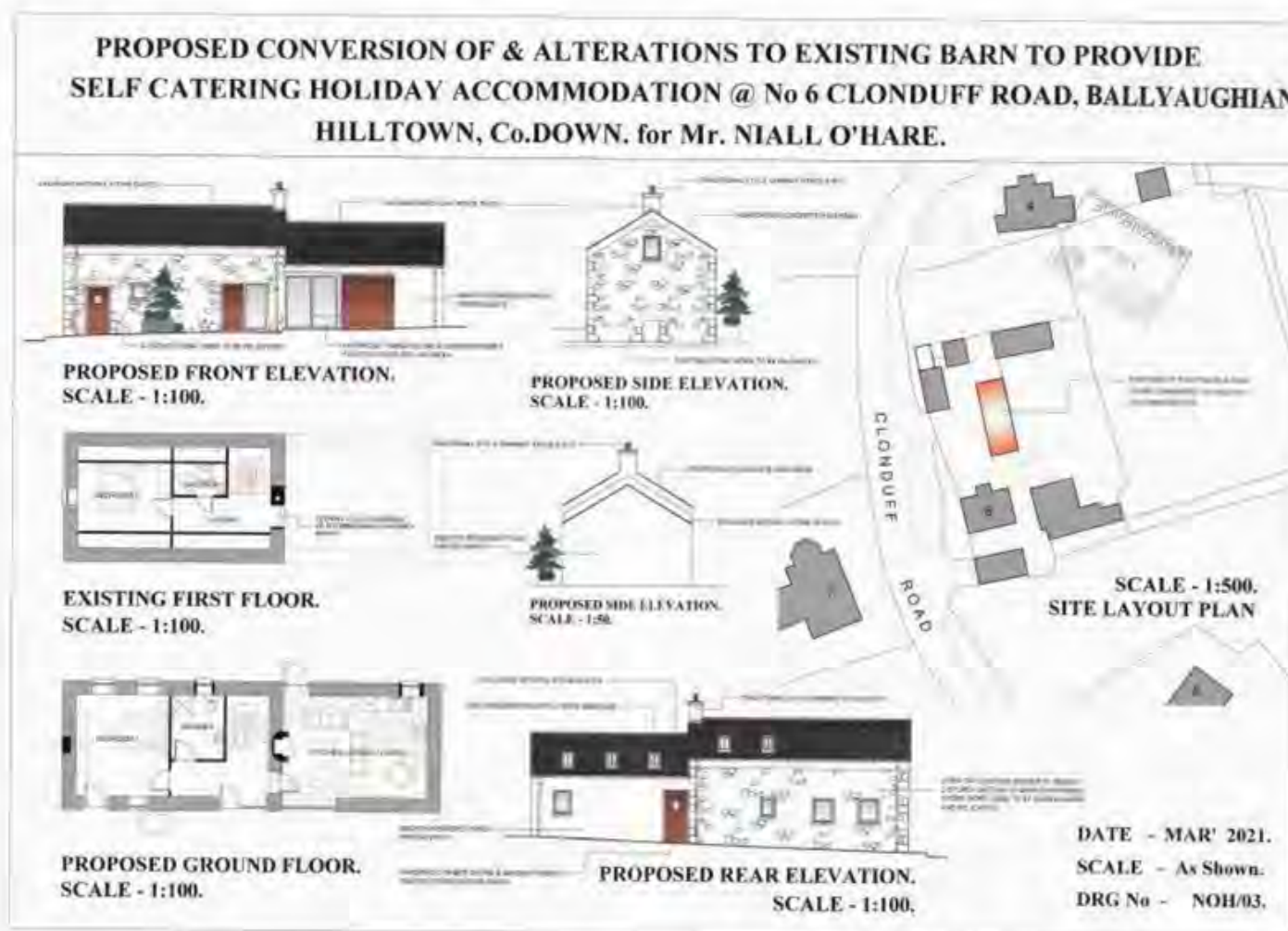
A letter of objection was received from the occupier of neighbouring property No. 4 Clonduff Road. It was considered that the letter contained sensitive information and therefore wasn't uploaded onto the Planning Portal and will not be discussed in full within this report. The main concerns were in relation to additional noise that the proposal may bring to the area as well as safety concerns over strangers coming to the area.

The letter of objection has been considered in full and Environmental Health have no concerns with the proposal in terms of noise, air pollution, general amenity, air quality, contaminated land and other considerations.

Assessment

Proposal

The proposal involves the conversion of an existing agricultural barn to self-contained holiday accommodation. The proposal does not involve the creation of any additional footprint. There will be a large kitchen/dining/living area, bedroom and shower at ground floor and a second bedroom and shower at first floor level. The existing exterior stone work is to be re-jointed while the extended part of the building is to be finished in a smooth render painted white. The roof is to be finished with salvaged natural stone slates and the windows and doors are to be hardwood timber painted red or green. The proposal is shown below.



Proposed plans

Strategic Planning Policy Statement

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

Paragraph 6.73 relates to the conversion and re-use of existing buildings for residential use and states "Provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy".

This application seeks a "Conversion of existing agricultural barn to self-contained holiday accommodation".

No supporting information was submitted alongside this application. An email was sent to the applicant 7th July 2021 requesting more information as to what policy the application is being submitted under. Further information was received 22nd July 2021 in the form of a Design and Access Statement which outlined "the fact that this proposal involves the conversion of an existing building, ensures that Policy TSM 5 of PPS 16 is not engaged." The DAS goes on to consider Policy CTY 4 of PPS 21, however no reference was made to the greater weight that should be applied to the SPPS in relation to conversions. No information was submitted to show how the building is a "locally important building".

A second email was sent to the applicant 29th July to advise of the further criteria that needs to be met since the introduction of the SPPS. The applicant was advised that due to the lack of information provided, the application will be moved forward recommended for refusal.

Further information was received 5th August in the form of a document by O'Callaghan Planning. The further information outlined that:

"The building, being an older traditional barn / outbuilding, does in fact fit the definition laid out in the SPPS, and it is felt that officers have looked to the first part of the (non-definitive) list of typologies i.e. former school houses and churches without regard to the later reference to older traditional barns. To emphasise this building's age, we would draw your attention to the historic map extract below, dating to 1957. While the Policy does not define "old", we feel that a building of this age cannot be characterised otherwise. The building is traditional insofar as it is linear, rectangular, of low elevation, and it could almost be characterised as vernacular."

In consideration of all the information to date, the Planning Department consider that the building is not considered a locally important building and it has no distinguishable features than standard outbuildings. The subject building is set back from the road within a farm yard with public views subsequently obscured and part of the building appears to have been extended more recently. The Department consider that the building is not of any particular importance and therefore the proposal does not comply with the SPPS.

The document submitted goes on to state: "If, upon reflection, the Council remains of the view that the subject building is not an old traditional barn or outbuilding, we would emphasise that the assessment of the proposal has to shift elsewhere, to the "other policies set out within the SPPS"". The document makes reference to PPS 16 and goes on to outline "6.260 of the SPPS states that the guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the

countryside **such as** appropriate farm diversification schemes, **the re-use of rural buildings.....".**

PPS 16 refers the proposed conversion of an existing building to provide a tourist amenity to Policy CTY 4 (discussed above – more weight given to SPPS) and states that proposals involving the reuse or adaptation of existing farm buildings should be assessed under Policy CTY 11 – Farm Diversification of PPS 21. Criterion (a) of CTY 11 requires the farm business to be currently established and active. Although the information provided does not allude to the proposal being assessed under Policy CTY 11 I will make comments for clarity. No information (business ID, farm maps, invoices etc) has been provided to show that this is the case therefore an informed assessed could not be made and the proposal fails to comply with criterion (a) of this policy.

The application proposes self-catering accommodation which is of a permanent fixed nature. The relevant Policy within PPS 16 is Policy TSM 5. The criteria within this policy is outlined below:

Planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:

(a) one or more new units all located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park;
(b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
(c) the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.

- (a) The subject building is not located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park;
- (b) The proposal does not involve a cluster of 3 or more new units to be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right;
- (c) The proposal does not involve the restoration of an existing clachan.

It is considered that the proposal fails to comply with Policy TSM 5 as outlined above.

For the reasons outlined above, it is considered that the principle of development cannot be established at this site. I will consider the other relevant policies for future reference.

Policy CTY13

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

appropriate design. As the proposal does not involve the creation of any floorspace and the existing structure is to remain with the exception of proposed finishes, the proposal is considered to comply with Policy CTY13.

Policy CTY14

Policy CTY 14 relates to rural character. As previously stated, as the proposal does not involve the development of any new buildings, it is not considered that the proposal will appear as unduly prominent in the landscape. It will not result in suburban style build up nor add or create a ribbon of development. The proposal is considered to comply with Policy CTY14.

Policy NH6

Policy NH6 relates to areas of Outstanding Natural Beauty and states that planning permission will only be granted where it is of an appropriate design, size and scale for the locality. As the proposal does not involve the development of any new buildings or floorspace, it is considered to comply with Policy NH 6.

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.
2. The proposal is contrary to the Strategic Planning Policy Statement in that the subject building is not considered a locally important building.
3. The proposal is contrary to Policy TSM 5 of PPS 16 in that the proposal does not involve:
 - (a) The subject building is not located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park;
 - (b) The proposal does not involve a cluster of 3 or more new units to be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right; and
 - (c) The proposal does not involve the restoration of an existing clachan or close.

Case Officer Signature: Eadaoin Farrell

Date: 09.09.2021

Appointed Officer Signature: M Keane

Date: 10-09-21

LA07/2021/0911/F

Conversion of existing agricultural barn to self-contained holiday accommodation**6 Clonduff Road Ballyaughian Hilltown**

This application has been recommended for refusal and there is considerable disagreement surrounding the actual requirements of the salient policies that are engaged. Planning officers feel that the test to be applied in the assessment of an application to convert a rural building for tourist purposes is that building must be suitable and locally important. This question arises because Policy CTY 4 of PPS 21 provides for the conversion of rural buildings for a variety of non-residential uses but the SPPS introduces a higher threshold – it states that the buildings to be converted must be locally important. Officers rely upon the SPPS' general provisions for the conversion of rural buildings, erroneously, because this is a tourist development and PPS 16 is engaged along with the SPPS' tourism policies. Officers appear not to have addressed the SPPS' tourism policy or PPS 16, nor have they explained why the SPPS should take greater weight than PPS 16 despite its policies being less prescriptive when it comes to tourist proposals in particular.

*Paragraph 6.260 of the SPPS states that the guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside **such as appropriate farm diversification schemes, the re-use of rural buildings.....***

The use of commas shows there is more than one provision available. Our earlier submission highlighted that provision was available for farm diversifications **AND** the re-use of rural buildings. Officers addressed the matter of farm diversification only (which was not in fact argued by the applicant at that point) but could not explain how the re-use of rural buildings, for tourist purposes, is purportedly at odds with the SPPS' "guiding principle". There is no disputing that the SPPS has a preference, in general, for the conversion of buildings that are locally important (as distinct from any building), when it relates to non-residential development in general however this is actually not the test that is engaged when it comes to tourist proposals.

This analysis has not been understood, referenced or dismissed, and the Council has failed to pick up on the distinction that O'Callaghan Planning has identified i.e. that there are differences between the SPPS and PPS 16's tourism policy and it is felt that the SPPS' tourism policy was more favourable to the applicant.

There is concern that the planning department's tests strayed beyond the tests that are laid out in Policy: not only did the department apply a locally important test when tourist policy has none, but officers looked for distinguishing features when this is not even a requirement of "locally important buildings".

Despite being directed to the SPPS' tourist policy, officers have not picked up on the subtle differences here.

The building, being an older traditional barn / outbuilding, does in fact fit the general definition (of suitability) laid out for non-residential conversions (in the SPPS), and it is felt that officers have looked to the first part of the (non-definitive) list of typologies i.e. former school houses and churches without regard to the later reference to **older traditional barns**. Accordingly, even if this more stringent test was applicable, it was actually met.

This application is intended to provide tourist accommodation. Tourism projects are assessed against PPS 16 and the SPPS. Para. 6.251 of the SPPS recognises that tourism makes a vital contribution to the Northern Ireland economy. Para. 6.252 highlights that The Executive identifies tourism as one of the building blocks to underpin its priority of growing a sustainable economy and investing in the future. These matters have not been acknowledged by officers, hence it is left to Members to deliberate.

That the tourism section of the SPPS sets the bar lower still is confirmed later in paragraph 6.260 wherein it is stated that "other acceptable tourist development in the countryside may include appropriate self-catering accommodation, particularly in areas where tourist amenities and accommodation have become established or likely to be provided as a result of tourism initiatives, such as the Signature Projects, or a new or extended holiday park that must be a high quality and sustainable form of tourism development". **In effect this means that self-catering projects are provided for, whether they involve the conversion of rural buildings or not, in**

areas where tourist amenities and accommodation have become established or likely to be provided. This site lies in close proximity to the Mourne Mountains and a host of other tourist assets.

It has been indicated that PPS 21's provisions for the conversion of rural buildings (CTY 4) have been overridden by those of the SPPS, presumably on foot of paragraphs 6.73 and 6.74 of the SPPS, which deal with the subject of conversion of rural buildings for non-residential use:

*provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and **older traditional barns and outbuildings**) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.*

Paragraph 6.74 suggests that "*Other types of development in the countryside apart from those set out above (i.e. not a former school house, church or old traditional barn) should be considered as part of the development plan process **in line with the other policies set out within the SPPS**". Put simply, if a proposal does not fit the "suitable locally important building" typology, the decision maker is directed to "the other policies set out within the SPPS".*

In this case, we suggest that the building, being an older traditional barn / outbuilding, does in fact fit the definition laid out in the SPPS, and it is felt that officers have looked to the first part of the (non-definitive) list of typologies i.e. former school houses and churches without regard to the later reference to older traditional barns.

The building to be converted is old (more than 70 years old) and traditional (rectangular form, of stone-wall construction, with traditional pitched roof). It is also a barn. It is eligible for conversion to non-residential use therefore. That part of the SPPS is not self-contained. Clearly, where other policies provide for development then those other parts of the SPPS must be consulted also. In this case the tourism section of the SPPS must be consulted also and it does not carry a requirement of local significance. Since tourism is a specific topic that is addressed in the SPPS, then one must recognise that the tourism policy is different from the general approach to be taken to proposals for non-residential use of a rural building.

The re-use of rural buildings is specifically provided for in section 6.260 of the SPPS wherein it is stated that the guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside **such as** appropriate farm diversification schemes, **the re-use of rural buildings**.

The reality is that although CTY 4 of PPS 21 is trumped by the SPPS when it comes to the conversion of rural buildings, the SPPS' policy for the conversion of rural buildings is trumped by its tourism policy (which does not have a requirement of local importance).

If it is ultimately held that the test of local importance does indeed apply, then we must look to other recent approvals in the District to see what the standard is. Two examples that are known to us are:

- LA07/2020/0772/F – Carn Road Killeavey (AONB)
- LA07/2016/1710/F – Foxfield Road, Crossmaglen

The standard of building in this case is not considered to be inferior to the standard of building deemed to be in keeping with Policy in the aforementioned cases.

TSM 5 of PPS 16 Tourism

Although it is considered Policy TSM 5 of PPS 16 is not engaged, because this is a conversion project, if it was applicable then permission could be granted as the project involves the restoration of a traditional clachan. It can be seen from 70 year old historic maps (see attached slides).

CTY 11 of PPS 21 Farm Diversification (NOTE: NEW INFORMATION)

The applicant's family are actively engaged in farming. They have an active and established business (ID number 605137, assigned to applicant's father Eugene) and are in receipt of Single Farm Payments for farming the adjoining lands. The proposal should therefore be acceptable under Policy CTY 11 of PPS 21 also. Compliance with CTY 11 is sufficient to obviate the SPPS' purported test of local importance. It is recognised that this information ought to have been submitted earlier and while we would apologise for any inconvenience we believe that it is imperative that the application be considered afresh, on foot of this significant new information.



Name
Address/Email Address

Natural Environment Division

3rd Floor
Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast
BT7 2JA

Telephone: 028 90 650207

Email: Planningresponse.team@daera-ni.gov.uk

Your reference:
Our reference:

Date: 8 November 2021

Dear [HEAD PLANNER]

DAERA ACTIONS TO IMPROVE PLANNING CONSULTATION DELAYS AND TEMPORARY IMPACT ON CASELOAD MANAGEMENT PRACTICES.

The purpose of my writing to you at this time is twofold: to provide you with an update in relation to the actions which the Department, as a Statutory Consultee in the planning process, is taking to improve our planning consultation response times, and consequently advise you of the temporary impact of these actions on a number of caseload management practices currently in operation.

Over the last 6 to 8 months the Department has been experiencing an increasing trend in the number of planning consultations being submitted to DAERA in our role as a Statutory Consultee; data provided by DfI in their most recent Northern Ireland Planning Statistics Bulletin for the first quarter of 2021/22 supported this position of increased levels of planning activity. While interventions undertaken in the earlier part of 2021 demonstrated that NIEA had significantly improved our performance, the Department recognises that this improvement is now in reverse and backlogs are accumulating.

The Department is taking a number of actions to address this situation with the aim of reducing the backlog over the coming months including the redeployment of staff and additional casual workers being secured. Nonetheless a significant contributory factor in the escalation of the backlog has been the large volume of queries from planners, agents and citizens alike seeking updates and prioritisations in relation to specific applications,

Update Requests

Since 1 January 2021 NIEA has dealt with approximately 1,750 update requests for information in addition to the number of direct phone calls and e-mails that case officers continue to receive. As I'm sure you can appreciate, only the specific case officer dealing with the consultation can evaluate the estimations of response times associated with these types of request, consequently this diverts their time away from processing actual responses.

Action One: To maximise the time case officers spend on assessing and responding to consultations, from **8 November 2021 DAERA will no longer provide indicative response times for any consultation until further notice.**

While the Department recognizes the negative impact this action may have on our communications messaging it is hoped that the redirection of effort on the actual processing of consultations will yield an immediate impact on improving our statutory consultation return rates and response times; the ability to reduce the backlog will in turn reduce the number of such queries arising.

Prioritisation Requests

As Head Planners you will be familiar with the competing priorities in relation to the processing of a range of applications within your Planning Authority at any given time. To assist with these competing demands NIEA has provided a mechanism whereby requests can be made via yourselves to prioritise particular planning applications; over the past year the Department has received an ongoing and wide range of such types of requests. Although it was intended that this mechanism should only be used in exceptional circumstances, as there could be equality implications, we are receiving numerous requests for prioritisation per week which given our current resourcing level cannot be accommodated.

Action Two: To maximise the time case officers spend on assessing and responding to consultations and to consider whether a more robust prioritisation process could be developed, from **8 November 2021 DAERA will not be accommodating any prioritisation requests until further notice.**

Similar to Action One above, it is hoped that concentrated focus on the actual processing of consultations within these competing demands will yield an immediate impact on improvements in our performance. The cumulative effect of both of these actions will in itself provide a more consistent framework for delivery thereby reducing the backlog which will in turn reduce the number of such queries arising.

DAERA Webpage Alert

To assist with the Departments communication around these temporary arrangements, an advisory message has been uploaded onto the DAERA webpage. This advises all users of our service that the Department has implemented a number of actions to improve our performance and we anticipate these steps will enable us to respond to our current backlog within the next **16 weeks**. The Department has consequentially taken the decision that we will no longer be providing responses to any requests for updates or prioritisations until further notice.

This is the standard departmental response that will be issued for the next 16 weeks should any update or prioritisation request be sought.

Action Three: A message has been uploaded onto the DAERA webpage advising customers of our actions; a copy of this message has been attached at **Annex A** for information.

As one of the major consultees in the planning process providing advice on a wide range of technical and environmental areas to support planning authorities, DAERA recognises the need to deliver in relation to our performance rate. With competing priorities for staff time it is essential that the actions above are taken to provide a more consistent daily framework to maximise the time case officers are spending on assessing and responding to planning consultations.

Thank you for your cooperation and patience as we adopt these measures to improve our performance rate.

Yours sincerely,

MARK HAMMOND
Head of Natural Environment Division Operations

Communications Alert for DAERA Website - Planning

Natural Environment Division - Planning Consultation Update

DAERA wish to alert all customers that we are currently experiencing a very heavy workload resulting in delays to planning consultation responses. The Department has implemented a number of actions to improve our customer service and to enable us to address our current backlog.

Providing indicative response times for inquirers diverts resource from making responses to consultations, the large volume of these are therefore slowing down our ability to respond. We appreciate the concerns of those waiting for responses so we will be focussing all resources **on making responses asap** rather than using resource to indicate when responses are anticipated.

The Department has consequentially taken the decision that it will no longer be providing responses to any requests for updates until further notice.

We acknowledge the delays in the current process and appreciate your cooperation and patience as we seek to address this situation and improve performance rates.

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

	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 25 AUGUST 2021					
LA07/2020/1355/F	90 metres North of 14 Upper Clontigora Road, Killeen, Newry - Erection of replacement dwelling with detached garage	Defer	Andrew Davidson	Dec Planning Committee	Y
PLANNING COMMITTEE MEETING 22 SEPTEMBER 2021					
LA07/2020/1854/O	Infill dwelling 40m NW of 169 Bryansford Road Kilcoo	Site visit to be held	Annette McAlarney	Site visit held 22-11-2021 Dec Planning Committee	Y
PLANNING COMMITTEE MEETING – 20 OCTOBER 2021					
LA07/2021/0358/O	Proposed erection of outline rural detached infill dwelling house and detached domestic garage Located approximately 50 metres	Site visit to be held	Andrew Davidson	Site visit held 22-11-2021 Dec Planning Committee	Y

	south east of no. 91 Maphoner Latbirget Mullaghbawn				
LA07/2021/0108/F	Dwelling – 50m sw of 31a Ballydrumman Road Castlewellan	Site visit to be held	Annette McAlarney	Site visit held 22-11-2021 Dec Planning Committee	Y
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
LA07/2021/0911/F	Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF	Removed from the addendum list for full presentation at the next Committee Meeting	Mark Keane	Dec Planning Committee	Y
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
LA07/2019/1000/F	Construction of 14 no Social Housing Units together with associated car parking, landscaping and site works for Registered Housing Association Lands east of Harmony Heights Ballyholland Newry	Defer for consideration at either the Planning Committee Meeting in either December 2021 or January 2022, to facilitate the preparation of a contribution by local residents of Ballyholland who are objecting to this application.	Mark Keane	Dec Planning Committee	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.	Andrew Davidson	Proposed date for site visit 07-01-2022	N

		Also the agent to provide a map/clearer visuals indicating the plot sizes as discussed.			
LA07/2021/0816/0	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 had requested from the agent and that it be provided swiftly by the agent to the satisfaction of the Department.	Patricia Manley	Proposed date for site visit 07-01-2022	N
END					

Newry, Mourne & Down District Council – November 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

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

Newry, Mourne & Down District Council – November 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

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

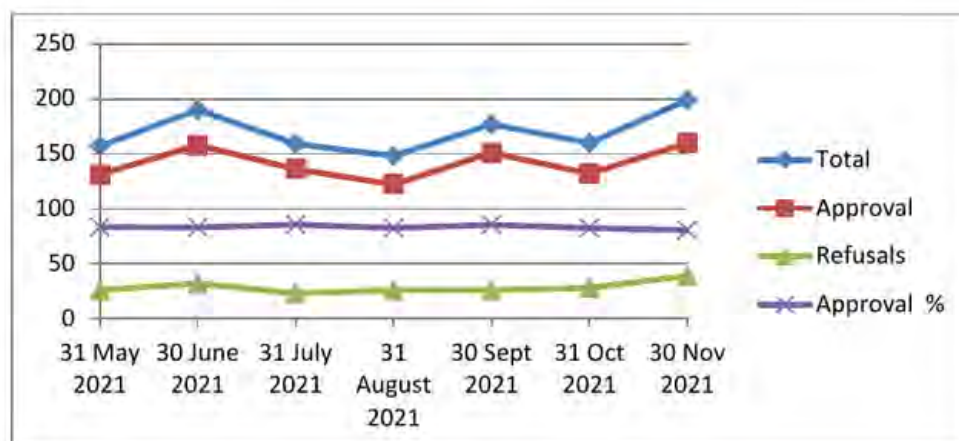
5. Decisions Issued YTD

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%

Newry, Mourne & Down District Council – November 2021

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October	1,152	Approvals (974)	85%
		Refusals (178)	15%
November	1,351	Approvals (1,134)	84%
		Refusals (217)	16%



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

Newry, Mourne & Down District Council – November 2021

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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
Totals	117	77	40	29

8. Appeals

Planning Appeal Commission Decisions issued during period 1 July 2021 to 30 November 2021

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	19	1	0	1	0
Down	28	1	1	0	0
TOTAL	47	2	1	1	0

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Statutory targets monthly update - October 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%		126	136	17.0	41.2%		37	27	85.2	51.9%
August	0	-	0.0	0.0%		140	140	17.1	38.6%		35	67	89.2	53.7%
September	2	-	0.0	0.0%		149	166	19.8	28.3%		47	37	158.4	37.8%
October	0	-	0.0	0.0%		145	147	17.8	34.0%		26	75	122.0	40.0%
November	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
December	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
January	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
February	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
March	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
Year to date	7	2	42.6	0.0%		1,070	1,042	17.4	38.4%		258	296	91.0	48.3%

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".

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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.

Newry, Mourne & Down District Council – November 2021

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Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019/A0159
Planning Ref:	LA07/2019/1313/	DEA	Newry
APPELLANT LOCATION	EDB Construction Ltd 58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		

APPEAL TYPE DC - Non Determination of a Planning Application

Appeal Procedure Informal Hearing **Date Appeal Lodged** 13/11/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT LOCATION	Mr James Rogan Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE DC- Refusal of Planning Permission

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

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

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ITEM NO	3		
Planning Ref:	LA07/2017/1559/	PAC Ref:	2020/A0002
APPELLANT	EDB Constructions Ltd	DEA	Newry
LOCATION	58 Armagh Road 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			

ITEM NO	4		
Planning Ref:	LA07/2019/1021/	PAC Ref:	2020/A0003
APPELLANT	Mrs E Fitzsimons	DEA	Rowallane
LOCATION	53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals**222**

ITEM NO	5		
Planning Ref:	LA07/2020/0836/	PAC Ref:	2020/A0103
APPELLANT	Mr Dodds	DEA	Rowallane
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			

ITEM NO	6		
Planning Ref:	LA07/2019/1119/	PAC Ref:	2020/A0124
APPELLANT	John McKay	DEA	Slieve Croob
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

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ITEM NO	7	PAC Ref:	2020/A0126
Planning Ref:	LA07/2020/0027/	DEA	Downpatrick
APPELLANT	Judy Meharg		
LOCATION	7 Rocks Road Ballyhornan Downpatrick		
PROPOSAL	Wooden hut on a raised deck (retrospective)		
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			

ITEM NO	8	PAC Ref:	2020/A0142
Planning Ref:	LA07/2020/1072/	DEA	Downpatrick
APPELLANT	Chris Ball		
LOCATION	67 St Patricks Avenue Downpatrick		
PROPOSAL	Change of use from commercial/office to a 2 bedroom dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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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			

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	Crossbar 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**225**

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 RT34 47N		
PROPOSAL	Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay.		
APPEAL TYPE	DC- EIA Determination - app ES is required		
Appeal Procedure	Formal Hearing	Date Appeal Lodged	11/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2020/0258/	PAC Ref:	2021/A0008
APPELLANT	Johnny Farrell	DEA	Crotlieve
LOCATION	49a Greenan Road Newry Co Down		
PROPOSAL	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			

Current Appeals

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ITEM NO	13		
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	Drumanness 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			

ITEM NO	14		
Planning Ref:	LA07/2020/1187/	PAC Ref:	2021/A0013
APPELLANT	Norman Harvey	DEA	Rowallane
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			

Current Appeals

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ITEM NO	15		
Planning Ref:	LA07/2020/1360/	PAC Ref:	2021/A0022
APPELLANT	Charlie Magennis	DEA	The Mournes
LOCATION	Base And Morelli's 71-73 Central Promenade Newcastle		
PROPOSAL	Proposed erection of temporary retractable awning and lightweight structure		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
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			

Current Appeals

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ITEM NO	17		
Planning Ref:	LA07/2020/1077/	PAC Ref:	2021/A0031
APPELLANT	Mr Eammon McAteer	DEA	Crotlieve
LOCATION	12 Cullion Road Mayobridge RT34 2H11		
PROPOSAL	Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard polystyrene for transfer to re cycling centers		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	LA07/2021/0148/	PAC Ref:	2021/A0032
APPELLANT	Paul Wilson	DEA	Slieve Croob
LOCATION	75 Dromore Road Ballykine Upper Ballynahinch		
PROPOSAL	Erection of replacement dwelling, detached garage and conversion of existing dwelling to stables		
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

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ITEM NO	19		
Planning Ref:	LA07/2021/0096/	PAC Ref:	2021/A0033
APPELLANT	Mr Bailey	DEA	Rowallane
LOCATION	18a Drumgivan Road Drumgivan Ballvnahinch		
PROPOSAL	Extension and renovation of Schoolhouse to domestic dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
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			

Current Appeals

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ITEM NO	21	PAC Ref:	2021/A0046
Planning Ref:	LA07/2020/0115/	DEA	Slieve Croob
APPELLANT	Brendan Ferris		
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			

ITEM NO	22	PAC Ref:	2021/A0049
Planning Ref:	LA07/2020/0079/	DEA	Newry
APPELLANT	M Farrell		
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			

Current Appeals

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ITEM NO	23		
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			

ITEM NO	24		
Planning Ref:	LA07/2021/0616/	PAC Ref:	2021/A0052
APPELLANT	Andrew Davis	DEA	Downpatrick
LOCATION	East And Adjacent To 4 Turmennan Road Crossgar		
PROPOSAL	Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a		

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

Current Appeals

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ITEM NO	25		
Planning Ref:	LA07/2021/0302/	PAC Ref:	2021/A0058
APPELLANT	Anne Mullan	DEA	Rowallane
LOCATION	20 Darragh Road Crossgar		
PROPOSAL	Retention of dwelling as annexe to 20 Darragh Road, Crossgar, with construction of new garage link (Retrospective)		
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			

ITEM NO	26		
Planning Ref:	LA07/2020/0387/	PAC Ref:	2021/A0074
APPELLANT	Mr C O'Connor	DEA	Slieve Croob
LOCATION	59 Drumnaquoile Road Castlewellan		
PROPOSAL	Change of house type and siting in substitution to Planning permission LA07/2018/1590/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	27		
Planning Ref:	LA07/2021/0450/	PAC Ref:	2021/A0075
APPELLANT	Paul Smith	DEA	The Mournes
LOCATION	57 Castlewellan Road Newcastle		
PROPOSAL	Artist studio and study to existing dwelling, for domestic use associated with the dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2020/1830/	PAC Ref:	2021/A0083
APPELLANT	Briege 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			

Current Appeals

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ITEM NO	29		
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	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			

ITEM NO	30		
Planning Ref:	LA07/2020/0936/	PAC Ref:	2021/A0092
APPELLANT	Mr James Hughes	DEA	Crotlieve
LOCATION	Mountview Business Park Rathfriland Road		
PROPOSAL	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			

Current Appeals

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ITEM NO	31		
Planning Ref:	LA07/2021/0055/	PAC Ref:	2021/A0105
APPELLANT	Heather & Stephen Verner	DEA	Rowallane
LOCATION	Adjacent & 40m North Of 22 Tullyveery Road Killyleagh		
PROPOSAL	Dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32		
Planning Ref:	LA07/2021/0790/	PAC Ref:	2021/A0107
APPELLANT	Mr & Mrs Wayne Garrett	DEA	Rowallane
LOCATION	135m South Of 58 Carsonstown Road Saintfield		
PROPOSAL	Single dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	33	PAC Ref:	2021/A0109
Planning Ref:	LA07/2021/0473/	DEA	The Mournes
APPELLANT	Rhys Dowsall		
LOCATION	5 Killowen Road Rostrevor		
PROPOSAL	Retention of mobile home on concrete hardstanding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		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			

ITEM NO	34	PAC Ref:	2021/A0112
Planning Ref:	LA07/2020/1834/	DEA	Slieve Croob
APPELLANT	Mr & Mrs Christopher Kelly		
LOCATION	Approx. 200m SE Of No. 36 Mountain Road Ballynahinch		
PROPOSAL	Dwelling on a Farm		

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			

Current Appeals

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ITEM NO	35		
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			

ITEM NO	36		
Planning Ref:	LA07/2019/1206/	PAC Ref:	2021/A0118
APPELLANT	Kilbroney Timberframe Limited	DEA	Newry
LOCATION	Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street		
PROPOSAL	Proposed 8 dwellings (2 blocks of four terrace dwellings)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	13/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	37	PAC Ref:	2021/A0120
Planning Ref:	LA07/2021/0762/	DEA	Rowallane
APPELLANT	Mr B McCallister		
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			

ITEM NO	38	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		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	39	PAC Ref:	2021/A0128
Planning Ref:	LA07/2020/1002/	DEA	Slieve Gullion
APPELLANT	Cathal McGroder & Moira Fegan		
LOCATION	Site 50m West Of 15 O'Callaghan Road Tullydonnell Silverbridge		
PROPOSAL	Proposed erection of a dwelling house and garage.		

APPEAL TYPE	DC- Refusal of Planning Permission	
Appeal Procedure		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		

ITEM NO	40	PAC Ref:	2021/A0137
Planning Ref:	LA07/2021/0092/	DEA	Crotlieve
APPELLANT	Mr Paul Henry Murney		
LOCATION	39 Chapel Hill Road Mayobridge Newry		
PROPOSAL	Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery		

APPEAL TYPE	DC- Refusal of Planning Permission	
Appeal Procedure		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	41		
Planning Ref:	LA07/2021/0174/	PAC Ref:	2021/A0138
APPELLANT	Mary Boal	DEA	Crotlieve
LOCATION	To The Rear Of No. 56 Milltown Street Burren Warrenpoint Proposed dwelling		
PROPOSAL			
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		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			

ITEM NO	42		
Planning Ref:	LA07/2021/1066/	PAC Ref:	2021/A0141
APPELLANT	Sean & Linda Tumelty	DEA	Slieve Croob
LOCATION	Adjacent To And North West Of 150A Vianstown Road Downpatrick		
PROPOSAL	Single Dwelling House		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

241

ITEM NO	43	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		

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			

ITEM NO	44	PAC Ref:	2021/A0148
Planning Ref:	LA07/2021/0536/	DEA	Downpatrick
APPELLANT	Messrs. M & P Fitzsimons		
LOCATION	Lands 186m Due West Of 83 Crew Road Ardglass		
PROPOSAL	Downpatrick Proposed building for mixed use agricultural purposes.		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	23/11/2021
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**242**

ITEM NO	45		
Planning Ref:	LA07/2020/1906/	PAC Ref:	2021/E0010
APPELLANT	Eamonn McAteer McAteer Recyclin	DEA	Crotlieve
LOCATION	Lands At And To The Rear Of No. 12 Cullion Road Mayobridge		
PROPOSAL	Newry 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			

ITEM NO	46		
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			

Current Appeals

243

ITEM NO	47		
Planning Ref:	LA07/2020/1532/	PAC Ref:	2021/E0014 LDC
APPELLANT	Ms Colleen McGinnis	DEA	Crotlieve
LOCATION	Lands At No.33B Ballyvally Road Ballyvally Mavohridge		
PROPOSAL	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			



Appeal Decision

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Appeal Reference:	2020/A0130
Appeal by:	Greg Kirkpatrick Esq
Appeal against:	The refusal of Outline Planning Permission
Proposed Development:	Farm dwelling and garage
Location:	Approximately 5) metres South East of 80 Monlough Road, Saintfield.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2020/0802/O
Procedure:	Written representations and accompanied site visit on 15 October 2021
Decision by:	Commissioner Rosemary Daly, dated 26 November 2021

Decision

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

Reasons

2. The main issue in this appeal is whether the development is acceptable in principle in the countryside.
3. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that determination of proposals must be made in accordance with the local development plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the area where the appeal site is located. The plan offers no specific policy to determine farm dwellings in the countryside. The provisions of regional policy as set out by the Strategic Planning Policy Statement (SPPS) therefore must be considered. The SPPS indicates that the provisions of Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) are retained and will continue to apply until such times as a new development plan is in place for the council area.
4. The appeal site is accessed via an existing private lane off Monlough Road. The lane provides access to an existing dwelling and surrounding land at 80 Monlough Road. The appeal site is set to the rear and east of the existing dwelling and comprises the west side of a larger agricultural field. The land within the site is relatively flat. The southern and western site boundaries are defined by mature trees and established hedgerows. The remaining site boundaries are undefined. A field gateway exists in the south west corner of the site. The land surrounding the site consists of agricultural land and rolling drumlins.

5. Policy CTY1 of PPS21 relates to development in the countryside. The policy sets out a range of types of development which in principle are considered to be acceptable in the countryside that will contribute to the aims of sustainable development. One type is a dwelling on a farm in accordance with Policy CTY10.
6. Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where all of criteria (a) to (c) are met. The reason for refusal only raised concern relating to criterion (a) which requires that the farm business is currently active and has been established for at least 6 years. In respect of the appellant's farm business the Council's evidence states *'while seemingly active (through the payments received over the past two years) it has not been established for at least 6 years'*. Additionally in the evidence the Council also recognises and states *'the farm business will be established for 6 years in 2022'*.
7. Whilst paragraph 5.38 of the justification and amplification of the policy CTY10 states that *"the applicant will therefore be required to provide a farm's DARD business ID number along with other evidence to prove active farming over the required period"*, this is not a requirement stipulated by the head note of Policy CTY10. Clearly the provision of a Farm Business ID number is a non-disputed way of demonstrating compliance with criterion (a) of Policy CTY10. However there may be certain instances in the absence of the appellant having a farm business ID number for the required 6 years, where other evidence is provided to demonstrate that there is an established farm business.
8. The test posed by Criterion (a) of Policy CTY10 is not whether the applicant is an active farmer over this period but whether the farm business is active and established for at least 6 years. I note the appellant purchased the farm holding on 15 November 2015. Background evidence was provided to explain the circumstances which led to the purchase of the land as a result of compensation which the appellant had received in 2015. Furthermore it was also explained that the appellant's sister, who rents the farm dwelling, will take over protection for the appellant in the long term. The appellant's evidence states that they are not seeking a dwelling in the countryside in accordance with Policy CTY6 – Personal and Domestic Circumstances, but rather an application under CTY10.
9. In respect of the farm holding the appellant's evidence states it was previously owned and farmed by a Mr Shaw. A farm survey and owner reference numbers were provided for Mr Shaw. The appellant also stated that for a period in excess of 20 years, the entire holding was farmed by Mr Prescho and Sons on a continuous basis. A business number was provided relating to that farm. There is no dispute that prior to the appellant's ownership of the land which the appeal relates to was farmed by other businesses. However for the appellant to satisfy the requirements of criterion (a) the justification and amplification text at paragraph 5.38 states *'new houses on farms will not be acceptable unless the existing (my emphasis) farm business is both established and active'*. The appellant's business is therefore the existing farm business on this land. For the purpose of the policy it is this business singular that must be considered.
10. The appellant's evidence states that following the purchase of the land the business was carried on by the Prescho Bros for a short period. No supporting

evidence was provided to indicate to what extent or level of activity this related to. The evidence indicates that in the period 2016 to 2017 the appellant applied for and was granted a DARD Category 1 Business Number. This evidence was substantiated by a letter on the file dated 28 June 2016 confirming that an application for a DARD Business Number has now been processed and that the appellant has been given a Category 1 DARD Number.

11. To my mind the fact the appellant acquired the business number so soon after the purchase of the holding is significant. This is an indication that on the balance of probabilities the farm business, which the appellant now owned, was active at the time of purchase. The appellant also stated that improvements to the farm dwelling and the land took place during this period. I note that an extension to the dwelling at 80 Monlough Road (the farm dwelling) was granted permission on 8 April 2016. I am satisfied that this evidence corroborates the appellant's claims about making improvements to the farm dwelling. A letter dated 6 May 2020 from the Department of Agriculture, Environment and Rural Affairs (DAERA) states that they are satisfied the appellant met the active farm requirements for 2019. That letter it also indicates that DAERA had written to the appellant on 22 July 2019 to explain that the appellant was eligible for payment under the Basic Payment Scheme (BPS). The consultation response from DAERA to the Council indicates that two payments were claimed 2019 and 2020. Collectively I am satisfied the evidence indicates that the farm business is currently active.
12. In considering whether the farm business has been established for at least 6 years I find the following to be relevant:
 - The appellant purchased the farm holding on the 15 November 2015;
 - At the time of purchase and thereafter the evidence indicates the farm business was and continued to be farmed. I do not find the fact Presho Bros continued to farm the land for a short period to be determining. The farm business was clearly established at the time of purchase and when transferred to the appellant the farm business continued;
 - Within some 7 months, from the purchase of the farm holding, the appellant has applied for and received a Category 1 farm business number;
 - Following the purchase of the holding the appellant states improvements to the farm dwelling and land took place during 2016 – 2017. This evidence was not disputed and is an indication of the appellant's role in farming activity at this time; and
 - the Council's recognition that the farm business will be established in 2022. Therefore according to the Council's evidence, at this point in time, the appellant now has less than 2 months to wait for the farm business to be considered as established.
13. On the balance of probability, the evidence indicates that the appellant's farm business was established when he purchased the farm holding on the 15 November 2015. I accept in this case the timeline for the recognising the establishment of the appellant's business is very finely balanced and in this case delays in the planning process have therefore weighed in the appellant's favour. Accordingly now at this point in time the appellant's farm business has been established for at least 6 years.

14. Taking into account the thrust and intention of Policy CTY10 which is permissive for dwellings on farms. Paragraph 5.37 of the justification and amplification recognises the need for new dwellings on farms to accommodate those engaged in the farm business and other rural dwellers. It is evident the appellant purposely purchased the holding with the clear intention to establish his own business and actively farm the holding. All in all I am satisfied that the appellant has sufficiently demonstrated that the farm business is active and has been established since it's purchased on 15 November 2015. The proposal therefore satisfies criterion (a) of Policy CTY10.
15. The access to the site is via the existing farm lane and is in situ. However the appeal development would be the second dwelling on this lane. Details of the layout and means of access should be provided as part of the reserved matters details in order to demonstrate a safe means of access. A native species hedgerow with trees should be planted along the site's undefined north and east boundaries to ensure any development on the site is in keeping with the character of the rural area. Planning conditions can ensure these requirements.
16. A consent to discharge of effluent is a separate requirement to planning permission. However the appellant has stated on the P1 form that foul sewage will be disposed of via a sewage treatment plant. Accordingly this development will therefore rely on non-mains sewerage. Details of the onsite sewage treatment plant should be provided at reserved matters stage to allow the planning authority to consider the full proposal in the context of Policy CTY16 – Development relying on Non-Mains Sewerage. A planning condition can ensure such details are provided with the reserved matters application.
17. As the farm business is now active and established for at least 6 years the Council's sole reason for refusal in respect of Policy CTY10 is not sustained. Subject to conditions the appeal is allowed.

Conditions

- (1) Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the planning authority – the siting, design and external appearance of the dwelling and garage, the means of access thereto and the landscaping of the site.
- (2) A row of native species trees, including at least five trees at some 2 metres in height, shall be planted along the north and east boundary of the site before development commences on the site. Thereafter the trees shall be permanently maintained and allowed to grow above that height. Any trees dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of similar size and species unless the Council give written consent to any variation.
- (3) Details of a non mains sewerage treatment works shall be submitted at reserved matters stage.
- (4) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of

approval of the last of the reserved matters to be approved, whichever is the later,

This decision relates to the following drawings:

- Site Location Map Scale 1:2500 received by Newry, Mourne and Down District Council 15 May 2020 drawing number 20-20-01;
- Site concept Scale 1:500 dated received by Newry, Mourne and Down District Council 15 May 2020 drawing number 20-20-02.

COMMISSIONER ROSEMARY DALY

2020/A0130

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List of Documents

Planning Authority:-	"A" Statement of Case, Newry Mourne and Down District Council
Appellant:-	"B" Statement of Case, John Kirkpatrick, Agent "B1" Comments, John Kirkpatrick, Agent



Appeal Decision

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Appeal Reference:	2020/A0155
Appeal by:	Mr John Markey
Appeal against:	The refusal of outline planning permission
Proposed Development:	Farm dwelling with garage
Location:	110 metres south of 11A Ballintemple Road, Meigh, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2020/0939/O
Procedure:	Remote Hearing on 19 th October 2021
Decision by:	Commissioner B Stevenson, dated 24 th November 2021

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council provided a clearer readable site location plan to that referred to in the decision notice (Drawing 12393/1). It was common case that the site location plan be admitted and that the Certificate of Ownership that was supplied both at application and appeal stages remains valid. Given that the plan identifies the land to which it relates in accordance with Article 3 of the Planning (General Development Procedure) Order (NI) 2015, I am content to replace Drawing 12393/1 and proceed on the basis of the legible site location map (PAC1).

Reasons

3. The main issues in this appeal are whether:
 - the proposal is acceptable in principle in the countryside;
 - it would visually integrate into the surrounding landscape;
 - the proposal would erode the rural character of the countryside;
 - it would adversely impact upon the integrity of the setting of the regionally important State Care monument (Conlum South Cairn); and
 - the proposal would be unsympathetic to the special character of the Ring of Gullion Area of Outstanding Natural Beauty (AONB).
4. Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate

otherwise. Until such time as a new LDP is adopted, the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) acts as the relevant LDP for the area wherein the appeal site is located. The appeal site is identified in BNMAP as outside any development limit and lying within the countryside. In BNMAP, a State Care archaeological site and monument is identified in the adjacent field. The appeal site is also situated within the Ring of Gullion AONB. BNMAP offers no specific policies pertinent to the appeal proposal.

5. Planning policy of relevance to this appeal is contained in the Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS). In the absence of an adopted Plan Strategy, retained policies namely Planning Policy Statement 2 "Natural Heritage" (PPS2), Planning Policy Statement 6 "Planning, Archaeology and the Built Heritage" (PPS6) and Planning Policy Statement 21 "Sustainable Development in the Countryside" (PPS21) are also relevant.
6. Located west of Meigh settlement and east of Killeavy Castle, the appeal site comprises the northern portion of an agricultural field. A stone wall, dispersed trees and a hedgerow define the western boundary of the appeal site. The northern boundary is demarcated by a stone wall and field gate that provides access into a neighbouring field. A low 1 metre hedgerow defines the eastern boundary. The southern boundary is undefined. There is a gentle south-westerly rise across the relatively flat appeal site. A narrow field separates the appeal site from the neighbouring dwelling (No. 11). Further dwellings (Nos. 9, 13 and 15) are adjacent to No. 11 and another dwelling is north of the appeal site. These residential properties use the same laneway as the appeal site to gain access onto the Ballintemple Road.
7. Policy CTY1 of PPS21 'Development in the Countryside' sets out the types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes a dwelling on a farm subject to complying with certain criteria in Policy CTY10 entitled 'Dwellings on Farms'. There is no conflict or change in policy direction between the provisions of the SPPS and those of the retained PPS21 insofar as it relates to dwellings on farms. PPS21 is therefore the appropriate policy context for assessing this appeal. The Council found the appeal proposal to offend criterion (c) of Policy CTY10 in that the new building would not visually link or cluster with an established group of buildings on the farm. I will therefore focus my consideration on this criterion.
8. The appellant's farm maps dated January 2020 show that the farm holding comprises of farmland off Ayallogue Road where the farmhouse is located, and at an out-farm close to Meigh settlement. It was common case that the established group of farm buildings are off Ayallogue Road. It was undisputed between the parties that there is no established group of farm buildings at the out-farm, where the appeal site is located.
9. Policy CTY10 states that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: (i) demonstrable health and safety reasons; or (ii) verifiable plans to expand the farm business at the existing building group(s)."

10. The first part of the exceptions test is that there must be no other sites available elsewhere at a group of farm buildings. The Council said at the hearing that there may be scope for a dwelling south of the farm buildings off Ayallogue Road, and from my on-site observations, I agree. As there is the possibility of an available site elsewhere at a group of buildings on the farm, this part of the exceptions test is not met.
11. In regard to the second part of the exceptions test, paragraph 5.42 of the amplification text of Policy CTY10 expands to say that "where an alternative site is proposed under criterion (c) which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid planning permission, building control approvals or contractual obligations to supply farm produce." No evidence was presented either to demonstrate health and safety reasons or plans to expand the farm business at the existing group of buildings on the farm that would justify a dwelling on the appeal site. The second part of the exceptions test is therefore not met.
12. The appellant argued that as there is more land at the out-farm than at the original farm holding, this would justify the proposed siting of the farm dwelling. He explained that he intends to reinstate a former agricultural building on the site and erect a farm shed in close proximity to the appeal proposal in the near future and that this would allow the appeal dwelling to visually link to a farm building. The Council had no record of either any planning permission or Certificate of Lawfulness of Proposed Use or Development (CLPUD) for such farm sheds. The appellant was also not cognisant of such approvals. No persuasive evidence was therefore presented by the appellant to demonstrate that there were firm plans for such a farm building. In the absence of such, the Council was of the view that limited weight should be given to the appellant's future plans, and I agree. As no convincing evidence was presented on the appellant's future plans, no determining weight can be attached to the appellant's intention to erect farm sheds close to the appeal proposal.
13. The appellant also advanced further arguments which included that the proposed dwelling is for the appellant's son and that this appeal proposal would facilitate him taking over the farm and create an opportunity for him to farm, and that the family home is not available at the main farm as it is to be inherited by another son. I do not find any of these further arguments either individually or cumulatively sufficiently persuasive to outweigh the provisions of policy that require a new dwelling to be sited to visually link or cluster with an established group of buildings on the farm.
14. As the appeal proposal would offend criterion (c) of Policy CTY 10 of PPS 21, the Council has sustained its second reason for refusal. No persuasive overriding reasons were advanced as to why the development is essential and could not be located in a settlement. The appeal proposal therefore fails to comply with Policy CTY1 of PPS21 and would not be acceptable in principle in the countryside. The Council's first reason for refusal is sustained.
15. Policy CTY13 of PPS21 'Integration and Design of Buildings in the Countryside' states that a new building will be unacceptable where certain criteria cannot be met.

The Council argued that the appeal proposal offends criterion (b) in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, criterion (c) in that the proposed building relies primarily on the use of new landscaping for integration and criterion (g) in that the proposed farm dwelling is not visually linked or sited to cluster with an established group of buildings on a farm. The headnote of Policy CTY10 also requires that the proposed site must also meet the requirements of CTY13 (a-f).

16. The appeal site is in the second field back from the Ballintemple Road to the west and two fields back from the same road to the north with existing landscape features on the surrounding field boundaries. An existing dwelling provides a degree of backdrop to the east and trees provide backdrop towards the south-west. Given the existing surroundings, it is my opinion that the site provides a suitable degree of enclosure for the building to integrate into the landscape from the Council's identified viewpoints along the Ballintemple Road. Therefore, I do not consider the appeal proposal to offend criteria (b) and (c) of Policy CTY13.
17. Although the appeal proposal would meet the requirements of criteria (b) and (c) of Policy CTY 13, given that the proposed dwelling would not visually link or cluster with an established group of buildings on a farm, it would fail criterion (g) of Policy CTY 13. Thus, the Council's third reason for refusal is sustained insofar as stated.
18. Policy CTY14 of PPS21 entitled 'Rural Character' 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. The policy goes on to set out certain criteria that a new building must accord with in order to be considered as acceptable. The Council raised concerns relating to criterion (b) of the policy in that it would result in a suburban style build-up of development when viewed with existing buildings, and criterion (d) in that it would create or add to a ribbon of development.
19. The Council argued that existing nearby buildings are visually linked from the road immediately north of the site, and I agree. Given that there are four visually linked dwellings staggered in a row along the laneway, the addition of the appeal proposal would result in a suburban style build-up of development that would add to a substantial and built up frontage and result in ribbon development. The appeal proposal would therefore be contrary to criteria (b) and (d) of Policy CTY14 and the Council's fourth reason for refusal is sustained.
20. Some 70 metres back from the roadside, the rectangular appeal site is approximately 1 metre below the field to the west where the Clonlum South Cairn, a monument of regional significance, is located. Policy BH1 of PPS6 states that a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings will operate. The policy explains that development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. Paragraph 6.8 of the SPPS applies the same policy test in that it states that "development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances." Given that there is no conflict or change in policy direction between the provisions of the SPPS and the retained policy insofar as they relate to the appeal proposal, PPS6 provides

the policy context for assessing this appeal in regard to the impact on Clonlum South Cairn.

21. In assessing proposals in the vicinity of such monuments, the amplification text of Policy BH1 states that particular attention will be paid to the impact of the proposal on (i) the critical views of, and from the site or monument; (ii) the access and public approaches to the site or monument; and (iii) the understanding and enjoyment of the site or monument by visitors. The Council argued that the appeal site forms a key part of the immediate visual backdrop of critical public views to the east when first approaching the monument from the public access on Ballintemple Road and that it also forms the backdrop to public views of the monument from the Ballintemple Road. The Council also considered that these critical views are a key aspect of the setting of the State Care monument and that the appeal proposal would adversely change these critical views by competing with, and becoming an incongruous visual distraction from Clonlum South Cairn. The Council was of the opinion that the appeal proposal would adversely intrude into critical public views when moving around and experiencing Clonlum South Cairn. It was stated that the introduction of built development into the adjacent pasture field would adversely change the ambience and rural pastoral character of the immediate setting of the monument which is key to how the monument is understood, enjoyed and experienced by visitors. The Council also considered that the appeal proposal would have a dominating effect, both visually and physically, on the immediate setting of the monument. Their view is that the monument has a functional relationship with the landscape to the east with the chamber entrance aligned west-east towards the appeal site. The appellant did not dispute this.
22. Despite the appellant offering to site the dwelling towards the eastern boundary of the appeal site and restrict the ridge height to no higher than the existing buildings on the same laneway, in my view, an adverse impact on the setting of the regionally important monument would remain given the close proximity of the confined rectangular appeal site. With respect to introducing supplementary planting and a buffer zone of mature trees on the western boundary of the appeal site, it would take considerable time for such planting to grow to a sufficient height and depth before filtering any views of the appeal proposal. In any event, given the close proximity of the appeal site to the Cairn and the west-east alignment of the chamber entrance towards the appeal site, it is my view that an adverse impact upon the integrity of the monument's setting would remain irrespective of new planting. As such, the appeal proposal would adversely affect the State Care monument. I was given no evidence to justify that this is an exceptional case. Both Policy BH1 of PPS6 and the SPPS would therefore be offended. The Council's fifth reason for refusal is sustained.
23. Policy NH6 of PPS2 'Areas of Outstanding Natural Beauty' states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and that certain criteria are met. Other than the SPPS specifically referring to the assessment of cumulative impacts in AONBs, there is no conflict or change in policy direction between the provisions of the SPPS and those of the retained PPS2 regarding designated AONBs. The Council found the appeal proposal to offend criterion (a) of Policy NH6 in that its siting would be unsympathetic to the special character of the AONB in general and of the particular locality. The Council also advised that the appeal proposal would threaten features which contribute to the local heritage namely

Clonlum South Cairn and be contrary to criterion (b) of Policy NH6. As I have already concluded that the appeal proposal would adversely impact on the integrity of the setting of Clonlum South Cairn, the appeal proposal would be contrary to criterion (b) of Policy NH 6 in that it would not respect or conserve the features of importance to the heritage of the landscape. Consequently, given that the setting of the State Care monument characterises the particular local area of the AONB, the appeal proposal would offend criterion (a). Thus, I find that the Council's sixth reason for refusal is sustained insofar as stated.

24. The Council has sustained its six reasons for refusal based upon policies CTY1, CTY10, CTY13 and CTY14 of PPS21, Policy BH1 of PPS6, Policy NH6 of PPS2 and the SPPS insofar as stated. The appeal must fail.

This decision is based on PAC1 to scale 1/2500 which the Commission received on 19th October 2021.

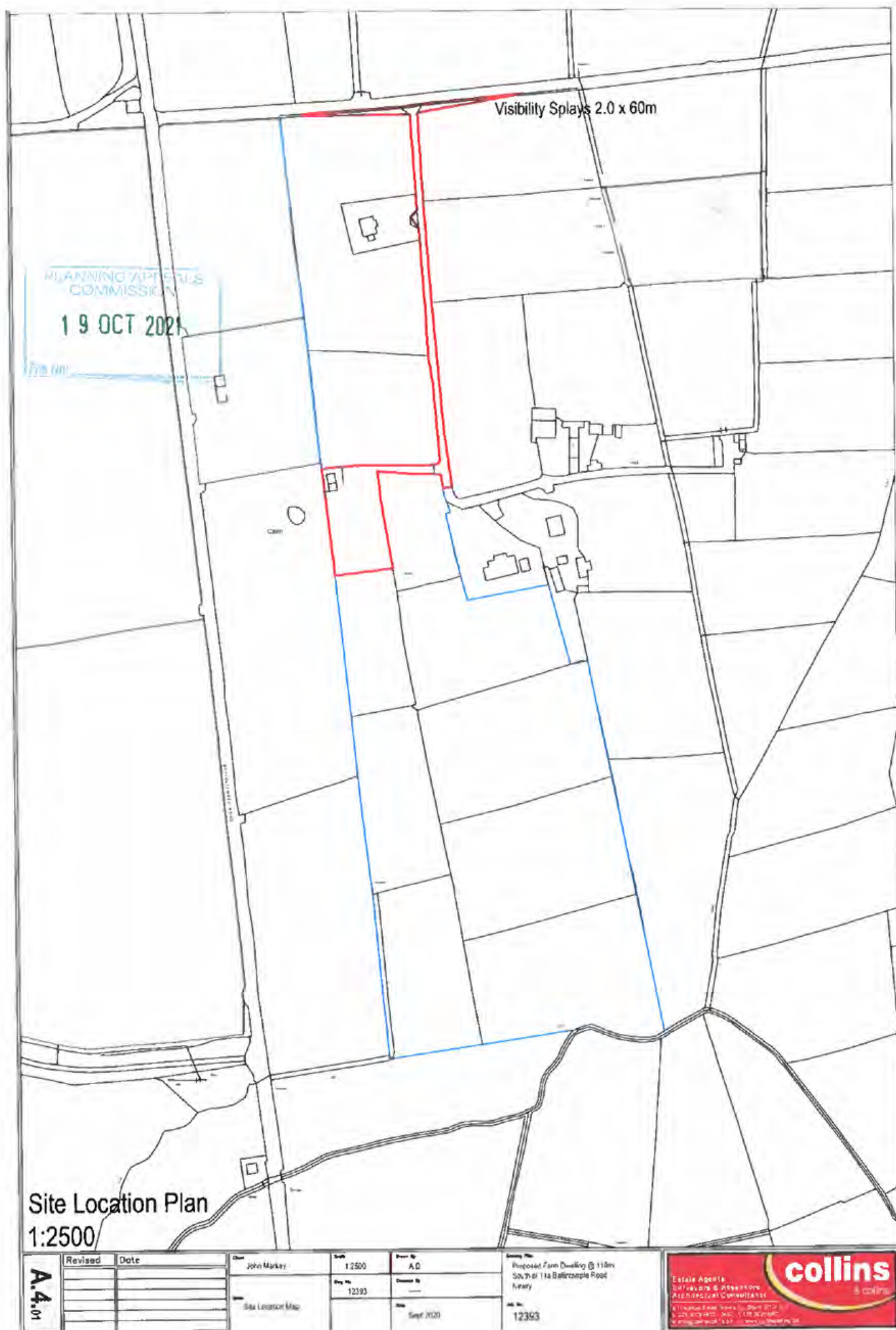
COMMISSIONER B STEVENSON

Remote Hearing Appearances

Council: -	Mr A Donaldson Newry, Mourne and Down District Council, Planning Department
	Ms E Hart (observing only) Newry, Mourne and Down District Council, Planning Department
	Mr A Gault Department for Communities, Historic Environment Division
	Mr A McAleenan Department for Communities, Historic Environment Division
Appellant: -	Mr J Young Collins & Collins

List of Documents

Council: -	"A" Written Statement of Case Newry, Mourne and Down District Council
Appellant: -	"B" Written Statement of Case Collins & Collins



PAC1