



July 21st, 2022

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 27th July 2022** at **10:00 am** in **Boardroom Monaghan Row Newry** and via **Microsoft Teams**.

**Committee Membership 2022-2023**

- Councillor D McAteer (Chairperson)
- Councillor D Murphy (Deputy Chairperson)
- Councillor R Burgess
- Councillor P Byrne
- Councillor L Devlin
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor A Lewis
- Councillor L McEvoy
- Councillor G O'Hare
- Councillor H Reilly

# 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 29 June 2022. (Attached).

[Planning Committee Minutes - 29.06.2022\\_.pdf](#)

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

[Addendum list - 27-07-2022.pdf](#)

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## *Development Management - Planning Applications for determination*

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6.0 LA07/2021/0987/F - Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F - Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road. (Case Officer report attached).

### APPROVAL

- A request for speaking rights has been received from Richard O'Toole; Stewart Beattie QC and John Cowan on behalf of their client EDB, in objection to the application. **(Submission attached)**.
- A request for speaking rights has been received from Tom Stokes; Karen McShane and Brian McConville, in support of the application. **(Submission attached)**.

[Watsons Road.pdf](#)

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[Item 6 - LA07-2021-0987-F \(objection\).pdf](#)

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[Item 6 - LA07 2021 0987 F \(support\).pdf](#)

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7.0 LA07/2020/1864/F - proposed barbers shop / hairdressers - Between no. 39 Church Street Rostrevor & no. 2 Water Street Rostrevor. (Case Officer report attached).

REFUSAL

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

📄 *LA0720201864F Water Street Rostrevor.pdf*

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📄 *Item 7 - LA07-2020-1864-F.pdf*

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## **8.0 LA07/2022/0121/O - Farm Dwelling - Lands approx. 30m South-West of 108a Longstone Road Annalong. (Case Officer report attached).**

REFUSAL

- Councillor G O'Hare has requested this application be removed from the agenda as the agent is unavailable to attend the meeting to be re-presented at a future Committee Meeting

📄 *LA07-2022-0121-O Longstone Rd Annalong.pdf*

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### *For Noting*

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## **9.0 Historic Action Sheet. (Attached).**

📄 *Planning HISTORIC TRACKING SHEET - Updated July 2022.pdf*

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## **10.0 Planning Committee Performance Report for June 2022. (Attached).**

📄 *June 2022 Planning Committee Performance Report.pdf*

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## **11.0 Current appeals and decisions. (Attached)**

📄 *Current Appeals and Decisions issued in June 2022.pdf*

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## NEWRY, MOURNE & DOWN DISTRICT COUNCIL

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 29 June 2022 at 10.00am in Boardroom, Monaghan Row, Newry and via Microsoft Teams.**

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**Chairperson:** Councillor D McAteer (via Teams)

**In attendance:** **(Committee Members)**

Councillor P Byrne  
 Councillor L Devlin  
 Councillor G Hanna  
 Councillor A Lewis  
 Councillor M Larkin  
 Councillor D Murphy  
 Councillor L McEvoy  
 Councillor H Reilly

**(Officials)**

Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

**P/063/2022: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from:

Councillor V Harte  
 Councillor G O Hare

The Chair welcomed Councillor Lewis and Councillor Reilly as the two new members to the Planning Committee.

**P/064/2022: DECLARATIONS OF INTEREST**

No declarations of interest.

**P/065/2022: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

No declarations of interest.

**MINUTES FOR CONFIRMATION****P/066/2022:            MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 01 JUNE 2022**

Read:                    Minutes of Planning Committee Meeting held on Wednesday 01 June 2022.  
(Copy circulated)

**AGREED:**            **On the proposal of Councillor Hanna seconded by Councillor Byrne it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 01 June 2022 as a true and accurate record.**

**FOR DISCUSSION/DECISION****P/067/2022:            ADDENDUM LIST**

Read:                    Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 29 June 2022.  
**(Copy circulated).**

The Chair advised that Item 12, LA07/2021/1187/F had been added to the addendum list with a recommendation for approval.

**AGREED:**            **On the proposal of Councillor Larkin seconded by Councillor Devlin it was agreed to approve the Officer recommendation in respect of the following application listed on the addendum list for Wednesday 29 June 2022:**

- **LA07/2021/1187/F** – Proposed erection of Battery Energy storage facility, lighting and closed-circuit television columns, new site boundary fencing, construction of private service laneway, ancillary development works and additional landscaping – Lands located approximately 85 metres north of No 68 Cloughanramer Road Newry City Co Down.

**LOCAL DEVELOPMENT PLAN (CLOSED SESSION)**

**AGREED:**            **On the proposal of Councillor Devlin seconded by Councillor Larkin it was agreed to exclude the public and press from the meeting during discussion on the following item:**

On the proposal of Councillor Devlin seconded by Councillor McEvoy it was agreed to come out of closed session.

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

**P/068/2022:            LDP: Revised Timetable**

Read:                    Report dated 29 June 2022 by Mr A McKay, Chief Planning Officer regarding progress on the preparation of the Local Development Plan and to agree a revised timetable. **(Circulated)**

**AGREED:** On the proposal of Councillor Murphy seconded by Councillor Larkin the following was agreed:

- To note the content of the above report
- To approve the draft revised Timetable
- Following Council approval, the Planning Department liaises with the PAC and other key stakeholders prior to submitting the revised Timetable to Department for Infrastructure for its agreement.
- Following agreement of the revised Timetable by the Department for Infrastructure, that it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/069/2022: PLANNING APPLICATIONS FOR DETERMINATION**

**(1) LA07/2019/0868/F**

**Location:**

107 Camlough Road Newry BT35 7EE

**Proposal:**

Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works

**Conclusion and Recommendation from Planning Official:**

Approval

**AGREED:** It was agreed to note this application had been removed from the schedule at the request of Planning Department.

**(2) LA07/2021/1009/O**

**Location:**

Residential development at 113 South Promenade Newcastle.

**Proposal:**

Redevelopment of existing residential site.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

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

**Speaking rights:**

In objection



Liz Farley presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

#### In Support

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

#### **Issues Raised:**

- Concerns regarding lack of parking, footway provision, access problems by public transport along Kings Road.
- Residents had not been informed by Planning Department regarding the application.
- According to objectors there has never been vehicular access from the proposed site.

(10.52am – Cllr Lewis left the meeting)

(10.55am – Cllr Lewis re-joined the meeting)

**AGREED: On the proposal of Councillor Devlin seconded by Councillor Reilly it was agreed to defer Planning Application LA07/2021/1009/O to allow a site visit to take place and that representatives from Dfi Roads be requested to be in attendance**

**It was also agreed Planning Department seek clarification regarding the possible withdrawal of the Translink bus service from Kings Street due to the ongoing parking issues along this route.**

### **(3) LA07/2021/2010/O**

#### **Location:**

Approx 100m west of 42 Crawfordstown Road Downpatrick

#### **Proposal:**

Farm dwelling and garage

#### **Conclusion and Recommendation from Planning Official:**

Refusal

#### **Power-point Presentation:**

Mr A McKay, Senior Planning Officer gave a power point presentation 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.

Ms Largey said the application did not comply with Policy as it requires the farm business to be active and established along with other criteria and that if the Committee were of the view to overturn the decision, that in her view such a decision would fall within the category of an irrational decision and concerned this would be unlawful and while the Committee is exceptionally allowed to depart from policy she did not believe this case would meet the exceptionality test.

**Issues Raised:**

- Clarity on the period during which the farm was not active – DEARA advice refers to the impact of covid on the day to day running of a farm, ie, difficult to maintain the farm business alone as the sharing of equipment between neighbours/families was not allowed – this highlights the difficulties for someone who is vulnerable and shielding and given the DAERA advice during Covid leniency should be given in this case.
- There is no evidence that supports this was an active and established farm over 6 years.
- The Planning approval should have been open for a longer period within which plans could have been submitted.
- The applicant was not in a position to submit a renewal prior to September 2021 due to the unique situation regarding Covid.
- Exemptions were provided to the public during Covid by other statutory agencies, ie, MOTs, driving licence applications.

**AGREED: On the proposal of Councillor Byrne seconded by Councillor Hanna it was agreed Planning Department to reconsider Planning Application LA07/2021/O and report back via the Planning Committee in due course.**

(11.50am – The meeting adjourned)

(12noon – The meeting resumed)

**(4) LA07/2021/1050/F****Location:**

The Pines 10 Rostrevor Road Warrenpoint Co Down

**Proposal:**

Proposed, part single, part 2 storey dwelling located in the side garden of an existing dwelling, associated site works, including a proposed vehicular entrance the site boundary at the rear laneway and a proposed pedestrian gate at the Rostrevor Road site boundary.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Pat Rooney Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site. Mr Rooney outlined a number of objections to the proposal which the Planning Department shared. He emphasised the Planning Department's concerns with the proposal and the basis for its recommendation for refusal, including:

- The applications site's location on a high-profile site in Warrenpoint and within a designated protected area within the statutory plan, an Area of Townscape Character;
- The proposed sub-division of the existing large curtilage would be contrary to planning policies which have been formulated in the public interest and are intended to protect such sites from inappropriate development;
- Inappropriate design of the proposed dwelling;
- Application site cannot be regarded as a gap site;
- Road safety concerns due to the proposed use of a sub-standard vehicular access - DfI Roads had recommended refusal on this basis.



**Speaking rights:**

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

**Issues Raised:**

- DfI Roads suggested closing an access as initially specified sightlines could not be achieved.
- Intensification guideline is only being breached by 0.8% - this is a guideline not a policy
- Main issue of concern by Planning is sub-division of the curtilage and the impact on townscape character.
- The area already contains an eclectic range of properties therefore the proposal will not be impacting in terms of the built form of the area.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2021/1050/F contrary to Officer recommendation on the basis that intensification shows only a slight breach of the guidance, regarding sub-division and density it appears as a gap site, and matches with adjacent buildings and would only be conjecture to say this is setting a precedent, and the design of the area already contains a mixture of designs and the proposal will not detract from the character of the area. The proposal was seconded by Councillor Hanna on the basis the application will not upset the balance along this route as the proposed building fits in with the variety of buildings in the area.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1050/F contrary to Officer recommendation, on the basis that intensification shows only a slight breach of the guidance; to address sub-division and density it appears as a gap site and matches with adjacent buildings therefore is not setting a precedent; the design of the area already contains a mixture of designs and the proposal will not detract from the character of the area; the application will not upset the balance along this route as the proposed building fits in with the variety of buildings in the area.**

**Planning Department to be granted authority to impose relevant conditions.**

**(5) LA07/2021/1664/O****Location:**

Between 8 and 12 Ballykeel Road Ballymartin Kilkeel BT34 4PL

**Proposal:**

Proposed site for infill dwelling and domestic garage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Pat Rooney Principal Planning Officer gave a power point presentation 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.

**Issues raised:**

- The application is based on the combination of 2 separate frontages, one onto a private laneway and one onto the Ballykeel Road. The proposal will lead to ribbon development and does not meet the requirements of CTY 8.
- No. 8 is not relevant to the application – there is accompanying development to the rear and it cannot be developed for the purposes of this application.

Councillor Larkin proposed to issue a refusal in respect to Planning Application LA07/2021/1664/O, as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor Devlin seconded the proposal.

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

FOR:	6
AGAINST:	3
ABSTENTIONS:	0

The proposal was carried.

**AGREED:**                                **On the proposal of Councillor Larkin seconded by Councillor Devlin it was agreed to issue a refusal in respect of Planning Application LA07/2021/1664/O as per the information contained within the Case Officer report and presented to Committee.**

**FOR NOTING**

**P/070/2022:**                                **HISTORIC ACTION SHEET**

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

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

**P/071/2022:**                                **PLANNING COMMITTEE PERFORMANCE REPORT - February 2022**

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

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

**P/072/2022:**                                **CURRENT APPEALS AND DECISIONS**

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

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

The meeting concluded at 1.10 pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 27 July 2022.

**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 27 July 2022**

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

- There are no applications on the addendum list for the Planning Committee Meeting on 27 July 2022

**-0-0-0-0-0-0-**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**1.0 Application Reference:** LA07/2021/0987/F

**2.0 Date Received:** 13.05.21

**3.0 Proposal:**

Section 54 Application to vary Condition 17 of Planning Permission P/2013/0242/F. Condition 17 reads:

"Prior to the commencement of any works hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI"

to read:

'No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order

and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure.

#### **4.0 Site Characteristics & Area Characteristics:**

The application site is composed of 2 main sections, one section to the east of Watsons Road and one section to the west of Watsons Road located within the urban limits of Newry City. (Full details of site and characteristics/area can be viewed in planning report P/2013/0242/F)

#### **5.0 Site History:**

- P/2013/0242/F approved 6th September 2019 included condition No. 17 which read as:

Prior to the commencement of any works hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI

- LA07/2020/0282/DC - Discharge of condition No. 17 of Planning Application P/2013/0242/F. Condition not discharged. 23.07.20
- LA07/2020/1918/DC - Discharge of condition no. 17 of P/2013/0242/F. Withdrawn

#### **6.0. STATUTORY CONSULTATIONS**

##### **Consultation responses from DfI (Roads)**

**23.12.21** - DfI Roads have noted the objection letters and our previous comments dated the 20th November (**20.11.21** - DfI Roads are content that this condition can be varied as per the wording submitted) are still applicable.

DfI Roads are content that the stopping up and abandonment are done in line with the phasing plan as the proposed roundabout and existing road network is deemed acceptable to cope with the initial phasing of the

development prior to completion of the remaining phases and the proposed spine road.

## 7.0. OBJECTIONS & REPRESENTATIONS

### Objections & Representations

- 36 neighbours notified
- Advertised initially in June 2021 and following change of proposal description was re-advertised November 2021.
- 6 letters of representation received:
  1. Carson Mc Dowell (3 letters from the same address).
  2. 25 Dromiskin court
  3. 16 Watsons Rd
  4. Watsons Road residents (no address)

#### Issues raised by objectors:

- Why this change is being requested by the developer/ applicant?

*It is the right of the developer/ agent in relation to any application to seek planning permission, this can also include applications made under Section 54 of the Planning Act (2011). This is outside of the remit of the Planning Department to control.*

- Adverse effect on all road users and existing residents.

*DFI in their consultation responses dated 20.11.21 and 23.12.21 raised no issues of concern.*

- The new link road may never happen/ phases 1-4 could be developed without need to construct the new road and phase 5.

*The Planning Department cannot pre-determine whether or not the developer will proceed with the development as this lies outside the remit of the Planning Department to control.*



- The introduction of a significant variation to the timescale of developing the road infrastructure is not acceptable to the local community

*The applicant seeks to vary condition No. 17 of P/2013/0242/F only, this does not introduce a significant variation to the timescale as the remaining conditions set out within the original notice P/2013/0242/F remain applicable including the time restriction in which to implement the permission.*

- Agreed with the developer that planning approval required before any houses are occupied to ensure the single-track Watsons Rd at the southern end does not become more dangerous.

*DFI in their consultation response dated 20.11.21 and 23.12.21 raise no issue of concern in relation to road safety.*

- Request for variation has not been set out in the letter

*It is not an unreasonable request by a developer or agent to seek a variation of condition.*

- Developer has not been able to reach an agreement with an adjoining landowner to allow the proposed new Watson's Rd to tie into the existing Watsons Rd to comply with planning and road service requirements.

*Agreements between landowners are a civil matter which lies outside the remit of the Planning Department.*

- Developer does not have the actual possession of every part of the land to which the application relates therefore the RVC1 application section 7 certificate of ownership dated 11th May 2021 not be acceptable to planning.

*The developer has completed the Certificate of Ownership under Section 42 of the Planning Act (NI) 2011, confirming ownership and control of lands for the development.*

- Increased volume of traffic in highly congested area



*DFI in their consultation response dated 20.11.21 and 23.12.21 raise no issue of concern.*

- Higher level ground will cause loss of light and privacy

*The application relates solely to a roads related matter, amendment to the condition will not cause loss of light or impact upon privacy.*

- Correspondence not uploaded

*All letters of representation have been uploaded to the Planning Portal*

## **8.0. PLANNING POLICY, GUIDANCE AND OTHER CONSIDERATIONS**

8.0.1 The principle for residential development and access arrangements have been established through the granting of planning permission under P/2013/0242/F with relevant planning policy and guidance considered which is fully detailed within the planning report.

Matters relating to policy will not be revisited as the application remains extant.

8.0.2 The applicant has applied for a variation of condition No. 17 of P/2013/0242/F under Section 54 of the Planning Act 2011 which is a roads related condition. The applicant proposes to amend the wording of the former condition as outlined in the proposal description (See 3.0).

8.0.3 Issues for consideration include impact upon road safety, traffic progression, phasing/orderly development of the site, ensuring that the development does not deviate from the requirements of the area plan and there is no impact upon neighbouring amenity, these will be considered further in detail below.

### **8.1 Background**

8.1.1 The original application for a housing development P/2013/0242/F was approved on 6<sup>th</sup> September 2019 included condition No. 17 which is now subject to a Section 54 application (see wording at section 3.0).

8.1.2 An application to discharge this condition was submitted on the 29<sup>th</sup> January 2020 (LA07/2020/0282/DC) with consultation carried out with DFI who advised (26.02.20) that the condition could not be discharged until the stopping up process has been fully completed through DFI Roads.

8.1.3 As the condition could not have been complied with, the Planning Department issued correspondence on the 23<sup>rd</sup> July 2020 refusing to discharge condition No. 17 of P/2013/0242/F until the stopping up process had been fully completed.

8.1.4 Following this, a further application to discharge Condition No. 17 of application P/2013/0242/F was sought some 11 months later (LA07/2020/1918/DC – received 16.12.20).

Having consulted DFI roads they responded on the 24<sup>th</sup> March 2021 advising that they could not discharge the condition. Given the likely outcome that condition No. 17 of P/2013/0242/F would proceed to refusal the agent subsequently withdrew the application.

8.1.5 After these unsuccessful attempts to discharge condition No. 17 of P/2013/0242/F. It was not deemed an unreasonable request by the agent to seek an amendment/ variation of the condition.

8.1.6 Within 4 months of the previous application (LA07/2020/1918/DC) a Section 54 application (Application for permission to develop land without compliance with conditions previously attached) was submitted on the 13<sup>th</sup> May 2021 (LA07/2021/0987/F).

8.1.7 Initially the Section 54 application LA07/2021/0987/F was submitted seeking planning permission to vary condition No. 17 of P/2013/0242/F from:

‘Prior to the commencement of any works hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby

permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI' to read:

'Prior to the occupation of any part of the development hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI'

8.1.8 Following consultation with DFI in their reply dated 7<sup>th</sup> October 2021 it was advised that they considered the application unacceptable as submitted and further added that DfI Roads do not require this variation of condition to be a prior to occupation condition for the whole development.

The Department would accept a variation similar to the wording of condition 15 of P/2013/0242, which would link the phasing of the proposed development to this condition.

8.1.9 Given the consultation response from DFI the agent submitted a RVC 1 form on the 7<sup>th</sup> October 2021 which included a change of wording to:

'No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure'

8.1.10 The application was re-advertised on the 15<sup>th</sup> November 2021 and neighbours re-notified with the amended proposal.

8.1.11 DFI were reconsulted on LA07/2021/0987/F regarding the amended wording of the Section 54 and advised on the 20<sup>th</sup> November 2021 that they were content that the condition could be varied as per the wording provided.

A further consultation was forwarded to DFI on the 25<sup>th</sup> November 2021 asking for them to consider all representations received in relation the Section 54 application. They responded on the 23<sup>rd</sup> December 2021 advising that DfI Roads have noted the objection letters and our previous comments dated the 20th November 2021 are still applicable.

Overall DFI have no objection in principle to the proposed variation of condition and have raised no matters of concern in relation to road safety matters.

## **8.2 Phasing of Development/ Orderly development of the site:**

The decision notice P/2013/0242/F has specified planning conditions 13-15 in relation to the phasing of the development which allow for the progression of development through from:

Condition 13 (Relating to Phase 1 of the development):

No more than those dwellings indicated in Phase 1 shall be occupied prior to the completion of all roadworks associated with Phase 1 on Doran's Hill, Watsons Road and internal housing roads.

Condition 14 (Relating to Phase 2 of the development):

No more than those dwellings indicated within Phase 2 shall be occupied prior to completion of all road works associated with Phase 2 on the new distributor road, Glen Hill, Watsons Rd and internal housing layout.

Condition 15 (Relating to Phases 1, 2 and 3):

No more than dwellings indicated in Phases 1, 2,3 shall be occupied prior to the completion of all road works associated with Phase 3 on the new distributor road, Watsons Road and internal housing layout.



The proposed variation of condition of no.17 in this case follows the existing phasing of the development as set out within the original permission but also binds the developer to provide the required works within each of the phases and complete the legislative process to stop up and abandon relevant parts as identified by DFI.

DFI in their consultation response dated 20.11.20 and 23.12.20 confirm that they are also content with the variation of condition in this regard.

### **8.3 Road Safety/ Traffic Progression:**

DFI in its consultation response dated 23<sup>rd</sup> December 2021 are content with proposals and have not raised any objection upon road safety or traffic progression matters.

### **8.4 Area Plan**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, insofar as material to the application, and to any other material considerations.

The site is located within the development limit of Newry. The section of the site which lies to the east of Watsons Road is zoned for housing development (NY53) with defined key site requirements.

The variation of Condition 17 of P/2013/0242/F will not prejudice the residential development of the site nor impact upon the key site requirements as set out within the Banbridge/ Newry and Mourne Area Plan 2015. Despite the requested variation of the condition, key site requirements can still be fully complied with. This proposal is not prejudicial to the area plan requirements.

### **8.5 Impact to Amenity:**

The variation of the condition relates specifically to a roads condition in relation to road safety and traffic progression. DFI in their consultation response dated 23.12.21 have raised no issues of concern and are content that the stopping up and abandonment are done in line with phasing plan as the proposed roundabout and existing road network is deemed acceptable to cope with the initial phasing of the development prior to completion of the remaining phases.

## 9.0 Recommendation:

The Planning Department has considered the objections submitted in relation to the planning application.

The development of the site for residential purpose as approved under P/2013/0242/F will not be prejudiced by the variation of the condition as proposed. The variation of the condition is in the public interest in that: it will enable the phased release of zoned housing lands; maintain the orderly development of the site; ensure that the key site requirements of the area plan are adhered to; ensure road safety and traffic progression is not compromised. DFI Roads is content with the proposal and has raised no issues of concern. There are no amenity concerns with proposal.

As this is a variation of condition proposal, all other conditions of approval P.2013/0242/F remain applicable unless otherwise discharged.

In this context and for reasons set out within the planning report above it is recommended to approve the application.

**Case Officer:** P Manley

**Date:** 20/06/2022

**Authorised Officer:** P Rooney

**Date:** 20/06/2022

## 11.0 Conditions:

1. The condition No. 17 of planning reference P/2013/0242/F is hereby varied to read:

'No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to

commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure.

Reason: In the interests of road safety and traffic progression.

2. This permission hereby granted relates solely to the variation of condition No. 17 of planning permission P/2013/0242/F and shall be read in conjugation with that decision notice. All other conditions of P/2013/0242/F remain (unless otherwise discharged) and shall be adhered to thereafter.

Reason: To ensure orderly development and that all other conditions of the previous approval are adhered to.

## WRITTEN SUBMISSION

21

**Application Reference:** LA07/2021/0987/F

**Proposal:** Section 54 Application to Vary Condition 17 of Planning Permission P/2013/0242/F.

**Location:** Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road

**WE REQUEST THE APPLICATION IS REFUSED**

As outlined within the correspondence of Carson McDowell LLP dated, 8<sup>th</sup> August 2021, 8<sup>th</sup> December 2021, 18<sup>th</sup> February 2022 and most recently 24<sup>th</sup> June 2022, significant legal issues arise with the application before the Council, the position of DFI Roads and the recommendation of the Planning Service of the Council. The correspondence of 18<sup>th</sup> February 2022 has been ignored altogether and the recent correspondence of 24<sup>th</sup> June 2022 remains unanswered. The significant legal issues remain.

The proposal seeks permission to allow Phases 1-3 of the approved housing to be completed and occupied before relevant parts of Watsons Road have been stopped up and abandoned, and to allow housing in the remaining Phases 4 & 5 to be built before the applicant completes the stopping up/abandonment process.

The application is devoid of any justification or explanation for the change in timing of the commencement of development in advance of the determination of the stopping up/abandonment process. No Transport Assessment has been submitted to properly consider the impacts of allowing Phase 1-3 traffic onto the network, which is contrary to PPS3 Policy AMP6.

The stopping up and abandonment of Watsons Road is required for road safety and traffic progression reasons and goes to the heart of the acceptability of the development under PPS3 Policy AMP2. The delivery of the new road would be required in order to complete the stopping up/abandonment process. Anyone affected by the stopping up/abandonment of Watsons Road also has an opportunity to object to it through that statutory process.

The Applicant invites the Council to pre-determine that stopping up/abandonment process. One outcome of that process could be negative. If the outcome is negative, then critical roads infrastructure cannot be delivered.

If the legislative process required to stop up and abandon the relevant parts of Watsons Road is not successful, the implementation of the road in Phases 1-3 of the development would prejudice road safety and significantly inconvenience the flow of traffic, contrary to PPS3 Policy AMP2.

To downgrade such a condition from precondition immediately compromises the open and transparent independent process required by statute to obtain approval for abandonment and stopping up of public road.



## WRITTEN SUBMISSION

DFI Roads is well aware the (then) Minister overturned its original objection to the development proposal specifically on the basis of the delivery of the road improvements to Watsons Road, which includes its realignment and stopping up/abandonment. The proposed development was previously considered unacceptable by DFI Roads under PPS3 policy without the delivery of these works. If they are not delivered, the purported justification for the approval of this development is gone.

The existing infrastructure is unsuitable for all associated traffic. That is the rationale underpinning the original approval that requires stopping up and abandonment from the outset. Permitting this development to commence absent the delivery of the necessary stopping up/abandonment determination is premature and prejudicial to the potential objectors, because the on-going development on the ground gives rise to the inevitable conclusion that the decision-maker in the stopping up/abandonment process will be influenced by that on-going work.

The proposed condition would allow the construction of Phases 4 and 5 housing before the necessary stopping up/abandonment. Should people proceed to occupy this housing in breach of the amended condition, there is a significant difficulty when third party householders are involved, and where it would be difficult for the planning authority to confirm if and when the dwellings are occupied. The difficulty this creates in enforcing this condition is therefore contrary to SPPS Paragraph 5.65, which requires all conditions to be enforceable.

Approving the proposed variation of condition would allow the piecemeal development of housing zoning NY19, which is contrary to PPS7 Policy QD2. This would be of particular concern if the stopping up/abandonment process were to fail and Phases 4 and 5, were to be completed and not able to be occupied. There is legitimate concern that the applicant is unable to deliver the comprehensive development of the zoning and their intention is to undertake piecemeal development contrary to Policy QD2.

The proposal is contrary to the Key Site Requirements of BNMAP Zoning NY55, which requires Watsons Road to be widened and realigned to agreed standards with footway linkage provision – the proposed variation of condition specifically seeks to avoid satisfying this requirement.

The application should therefore be refused for the following reasons:

1. The applicant has not submitted a Transport Assessment to properly consider the impacts of allowing Phase 1-3 traffic onto the existing road network, contrary to PPS3 Policy AMP6.
2. The proposal would prejudice road safety and significantly inconvenience the flow of traffic, contrary to PPS3 Policy AMP2.
3. The condition would be difficult to enforce, contrary to SPPS Paragraph 5.65.
4. The proposal would allow the piecemeal development of BNMAP Zoning NY19, which is contrary to PPS7 Policy QD2.
5. The proposal is contrary to Key Site Requirement 4 of BNMAP Zoning NY55, which requires Watsons Road to be widened and realigned to agreed standards with footway linkage provision.

**Reference:** LA07/2021/0987/F

**Address:** Lands at Watsons Rd/Dorans Hill, Newry, inc. lands to the east of Watsons Road

**Proposal:** Section 54 application seeking to vary condition No.17 of P/2013/0242/F

**Committee Meeting:** Wednesday 27<sup>th</sup> July 2022, Item No. 6.0

Dear Members,

I write on behalf of MJM Group to set out the applicant's statement of support, welcoming the officer's recommendation to approve the requested variation of Condition No. 17 referenced above. The purpose of this application was to ensure a practical timeline in construction terms for the lawful delivery of road network improvements granted under P/2013/0242/F. Full Planning Permission was approved on 6<sup>th</sup> September 2019 for 200no. dwellings and associated improvements to existing road infrastructure. In addition to changes on Watsons Hill Road, these works included construction of a new roundabout at the junction of Watsons Road and Doran's Hill.

The applicant has positively engaged with the Council and other statutory bodies throughout the interim period to successfully discharge conditions regarding Roads, Drainage and Ecology. This work of complying with conditions remains ongoing, with the final prior to commencement conditions currently being worked through by the applicant to enable construction of these family homes to commence later this year.

This submission regarding Condition No. 17 requests variation of the condition wording to allow the applicant to commence development works on site, whilst still ensuring that all other legislative processes out with the remit and process of Planning are complied with. This will ensure the condition wording is not overly restrictive as to stymie the programme of development works commencing. The applicant has sought to tie these legislative processes for the compliance of the abandonment / stopping up processes of DfI Roads to each relevant phase of development works, rather than the original wording requiring these to be actioned prior to commencement of any works approved on site. The site phasing has previously been agreed across five phases of development on these lands, including for all associated road and infrastructure improvements in full within Phases 1 – 3 (as ensured under Conditions 13 – 15 of the parent permission).

We note there have been several representations objecting to the proposed variation on behalf of the adjacent developer (EDB Construction) to the south. We believe that the motive behind objecting is nothing to do with orderly planning or road safety, but the ill-conceived notion that they hold a ransom strip over the commencement of development of these lands due to the wording of this condition, having stopped their own access works 500mm short of the site boundary.

We note that the objector alleges in their submitted correspondence that DfI Roads has failed to understand that the proposed amendment of the condition pre-determines the outcome of the statutory vesting process and further invites the Council to pre-determine that stopping up/abandonment process. This is incorrect and the determination of this application does not pre-determine or fetter in any way what is a separate legislative process. In fact, the objector does remark that one possible outcome of that process could be negative, and the proposal refused and that moreover, participants in that process have a right to object. Nothing before the Committee today prejudices that right or process. They allege that if the outcome is negative, then critical roads infrastructure cannot be delivered, which again is a falsehood

considering that all necessary road works and infrastructure for the housing within Phases 1 – 3 are delivered. The effect of this wording change would be to prohibit the occupation of later phases until the relevant legislative process is satisfied.

The objector further alleges that our client's submission is not sufficient in content and form, and they seek to misrepresent the wording of the original DfI Roads consultation response dated 7<sup>th</sup> October 2021. However, following further engagement between the Council and DfI Roads, it was noted that this is standard wording employed, and that the requested amendments (from DfI Roads) to the application were met. The applicant now welcomes confirmation from DfI Roads, in both consultation responses dated 20<sup>th</sup> November 2021 and 23<sup>rd</sup> December 2021, that DfI Roads are content Condition No. 17 can be varied in accordance with the proposed wording.

The wording before the Council has been presented, upon recommendation from DfI Roads, to tie back to the phasing of housing development and roadworks as stipulated by other conditions attached to the parent permission (P/2013/0242/F). Condition Nos. 13-15 of the parent permission also remain as originally worded, ensuring that all road works associated with each phase will be completed prior to occupation of that number of houses within each.

This ensures that orderly and lawful development works can commence, in line with the approved plans, and to meet with the legislative requirements of the stopping up and abandonment processes.

The applicant remains committed to fulfilling all necessary road improvements, as already agreed with DfI Roads, and fulfilling all relevant statutory processes. The applicant intends to complete the relevant section of approved spine road within their land holding and to the boundary of their control, in accordance with the originally approved Private Streets Determination drawing. The actioning of these legislative processes, beyond the remit of Planning, are tied to the varied wording of occupation of dwellings within Phases 1-3 rather than prior to commencement of any works hereby permitted. This ensures that both the Planning and DfI Roads processes will be complied with in full.

The varied wording of Condition No.17 has been assessed by Officers to be necessary, relevant to the development permitted, enforceable, precise, and reasonable. All tests of a sound planning condition have been met through decision making of the Council and DfI Roads. The proposed variation does not prejudice the delivery of the zoning under the applicant's control, those lands under adjacent ownership, or nearby residents on Watsons Road.

The applicant welcomes assessment by the Council and DfI Roads to approve and respectfully requests members to endorse the officer recommendation so that all relevant legislative processes can be completed, and construction commence expediently on site, thereby ensuring the full upgrade of Watsons Road for not only the proposed development but those already residing in the surrounding locality.

Yours faithfully,

Tom Stokes *MRTPI MIOD*  
Director  
TSA Planning





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

<b>Application Reference:</b>	LA07/2020/1864/F
<b>Date Received:</b>	09.12.2020
<b>Proposal:</b>	Proposed Barbers Shop / Hairdressers
<b>Location:</b>	Between no. 39 Church Street, Rostrevor & no. 2 Water Street, Rostrevor.

#### **1.0. Site Characteristics & Area Characteristics:**

- 1.1.** The site is 'L' shaped and narrow, linear and restrictive in form. The north-western frontage, to Church Street, is 4 metres in width, increasing in width to 7.6 metres to the rear and it measures some 18 metres in length. The site is vacant and has recently been cleared of mature vegetation. The site abuts the common boundaries of No 2 and 4 Water Street to the southwest. The north-eastern boundary is formed by a narrow laneway, which provides an access to a building to the rear. There is an existing restaurant adjacent to the site on the opposite side of the laneway. The application site sits approximately 3m above the adjacent ground level at Water Street.
- 1.2.** The immediate area comprises a mix of small-scale community, residential and commercial uses. It is located within the vicinity of a number of additional listed



buildings, including St Mary's Church (NE), Old School House (N) and St Bronagh's Church (SW).



Image 1: Site viewed from Church Street



Image 2: Orthophotography dated April 2018

**1.3.** The site is located within the Rostrevor Conservation Area, the Mourne Area of Outstanding Natural Beauty (AONB) and Area of Archaeological Potential (AAP) designations.

**2.0. Site History:**

**P/1987/0495:** Site for shop. Granted 07.10.1987.

**3.0. PLANNING POLICY MATERIAL CONSIDERATIONS**

**3.1.** The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- Rostrevor Conservation Area Booklet
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

#### 4.0. STATUTORY CONSULTATIONS.

- **DFI Roads:** Initially (28.01.2021) requested car parking/ turning within the site and sight visibility splays of 2.0m x 60m to be outlined in red. In response, the applicant removed any internal vehicular access and provides no parking. The assessment is provided below under Transport and Access Arrangements.
- **NI Water:** No Objections (11.01.2021)
- **Environmental Health:** No Objections (25.01.2021)
- **Historic Environment Division: Archaeology and Built Heritage.** No objections to the proposal and note the impact of the proposal on the Conservation Area is subject to the Council's assessment (07.05.2021).

#### 5.0. OBJECTIONS & REPRESENTATIONS.

- 5.1. Neighbouring properties were notified on 31.12.2020 and 12.05.2022. The application was advertised on 14.01.2021 and 1 representation has been received to date (30/05/2022).

#### 6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1. In summary, the application is for the erection of a building to provide a proposed Barbers Shop / Hairdressers in Church Street, Rostrevor.
- 6.2. The Planning Department carefully assessed the proposal in the context of the prevailing planning policy and in consultation with relevant statutory bodies. The main issues to be considered are the principle of the development on the site, the proposed design and detailing and its impact on the historic environment, parking provision, sewerage and amenity impacts.
- 6.3. **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 so far as the material to the application, and to any other material

considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site is located within the development limit of Rostrevor as designated on the Banbridge, Newry and Mourne Area Plan 2015 and is within the Rostrevor Conservation Area, referred to and identified in the Area Plan, an Area of Archaeological Potential and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

**6.4. Strategic Planning Policy Statement (SPPS).** The SPPS sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment.

As stated, the application site is within the Rostrevor Conservation Area. **Para 6.29** of the SPPS states that these are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. **Paras 6.18 – 6.20** specifies how development proposals in Conservation area, such as this, should be considered. **Para 6.18** puts an onus firmly on the planning authority, in managing development within a Conservation Area, to enhance the character of a Conservation Area or to preserve its character or appearance where an opportunity to enhance does not arise. There is a general presumption against the grant of planning permission for development in conservation area which conflict with this principle. This should only be relaxed for matters in the public interest. **Para 6.19** of the SPPS requires that development proposals should, amongst other things be sympathetic to the characteristic built form of the area; respect the characteristics of adjoining buildings by way of its scale, form materials and detailing; and conform with the guidance set out in published Conservation area guidance. The Planning Department considers that, for the reasons

outlined below, the application does not comply with the SPPS in that its form and design would not preserve and enhance the character of the Conservation Area.

- 6.5. Rostrevor Conservation Area.** Rostrevor was designated a Conservation Area in February 1979. Amongst other things, the Conservation Area Booklet describes the features of the Conservation Area and provides a developer's brief for the designated area, which includes the application site. It requires new buildings to take account of the character of their neighbours and which, in mass and outline, should continue the rhythm of a street scene. Of particular relevance to this application, the designation booklet highlights that rooflines have tended to reflect street levels resulting in an interesting skyline. It requires that any development within the village core should normally reflect the proportions, fenestration and roof pitch of existing buildings and be, in general, two-storeys high. New dormer windows should be traditional in style.
- 6.6.** The Planning Department advised the Agent, by email on 3 August 2021, of the planning reasons why the proposed development was unsatisfactory. The Agent submitted a Supporting Statement, in response. This has been fully assessed by the Planning Department. It is considered that the Statement and proposed amendments did not address the stated concerns of the Planning Department, as outlined below, and the Planning Department considers that the proposed development does not preserve and enhance the character of the Conservation Area.
- 6.7.** In this context, the proposal is also considered to be not in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should 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.



- 6.08.** The proposed commercial use is considered acceptable in principle, given its location within the settlement boundary on Whiteland and the mixed nature of adjacent uses.



### Design and Detailing

- 6.5.** As per Paragraph 6.18 of the SPPS, the guiding principle in dealing with development within a Conservation Area is to afford special regard to the desirability of enhancing the Conservation Area's character or appearance where an opportunity exists, or to preserve its character or an appearance where an opportunity to enhance does not arise.
- 6.6.** Paragraph 6.19 of the SPPS states 'In the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should, amongst other things be: sympathetic to the characteristic built form of the area; respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing; not result in environmental problems such as noise, nuisance or disturbance; protect important views within, into and out of the area; protect trees and other landscape features contributing to the character or appearance of the area; and conform with the guidance set out in any published Conservation Area design guides.
- 6.7.** Paragraph 6.19 is amplified by Policy BH 12 of Planning Policy Statement 6 (PPS 6) 'Planning Archaeology and the Built Heritage' which deals with 'New

Development in a Conservation Area'. It states that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- a) the development preserves or enhances the character and appearance of the area;
- b) the development is in sympathy with the characteristic built form of the area;
- c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- e) important views within, into and out of the area are protected;
- f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- g) the development conforms with the guidance set out in conservation area documents.

**6.9.** The Rostrevor Conservation Area Guide states the following:

*'New buildings will be required to take account of the character of their neighbours. They should, in mass and outline, continue (where applicable) the rhythm of a street scene. The Village Core is comprised of mainly two-storey buildings, mostly terraced, with various groupings of buildings indicating the various stages of its development and growth buildings are generally of simple rectangular form with a pitched roof and gabled ends. Any development within the village core should reflect the proportions, fenestration and roof pitch of existing buildings and be, in general, two storeys high.'*

**6.4.** The proposed building measures 10.47m in length from front to rear elevation, with a width of 5m fronting onto Church Street. The footprint of the building, which has been designed to meet the specific site constraints, will fill the entire width of the site. As a result, the building exhibits a complex form which appears

very much at odds with the prevailing building form within the Conservation Area.

- 6.5.** The prevailing building form within this part of Rostrevor Conservation Area largely comprises conventional 2/3 storey buildings, based on a simple rectangular form with pitched roofs and gable ends and with appropriate design details and materials, fronting onto Church Street, in a largely stepped formation.
- 6.5.** In contrast, the proposed building features a staggered boundary wall on the north-eastern elevation, designed to fit with the shape and form of the site, which increases in size from northwest to the southeast. The main elevation to Church Street presents as a narrow single storey building with a pitched roof. The narrow width, dictated by the site constraints, is out of keeping with adjacent properties. In addition, as outlined, the northern eastern elevation is complex in form, consisting of a half gable width to the front and a staggered rear elevation; its peculiar form dictated by the site constraints. In total, the overall form of the proposed building is totally incongruous in the immediate townscape and street scape and is considered visually unacceptable in any townscape setting. The fact that the application site is located within a designated Conservation Area, emphasises its acceptability in design terms. The proposed design is not considered acceptable for its location. The proportions do not reflect those present within the Conservation Area.
- 6.11.** As a result, the proposal is considered unsympathetic and directly inconsistent with the established built form and therefore contrary to paragraph 6.19 of the SPPS and Policy BH 12 of PPS 6, criteria (a), (b), (c) and (g).
- 6.12.** The site is also within the designated Mourne Area of Outstanding Natural Beauty (AONB). Policy NH6 of Planning Policy Statement 2 (PPS2), 'Natural Heritage', which deals with development with AONBs, sets out the requirements to be met for all new development in these areas. It states that planning permission for new development within an Area of Outstanding

Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

**6.13.** For reasons considered above, the proposal is not considered to respect or conserve the features of importance to the character and appearance of the landscape or the locality, (in this case, the Conservation Area). The layout and design are considered inappropriate for this locality and contrary to criteria a), b) and c) of Policy NH6.

**6.14.** The agent produced two supporting documents, a Transport Assessment Form and map identifying parking following discussions, on the 18.08.2021 and 13.10.2021. The supporting statements advanced an argument that the proposal satisfied the requirements of paragraph 6.18 of the SPPS and Policy BH12. The 18.08.2021 statement argues that the proposal would preserve or enhance the character and appearance of the area by stating that:

*The location of the proposal is on a site that previously had a building sited within its boundaries, which can be seen from the map and photograph provided. The proposal which resembles the building previously on site would clearly enhance the area compared to the overgrown waste area it has become. The site if not developed will detract from the streetscape.*

**6.15.** It is noted by the agent that the building was demolished and removed in 1970 prior to the introduction of modern planning legislation. It is also noted that there



is no established planning history for the original building. the agent also states that the building was not present upon submission of application P/1987/0495. As the building appears to have been removed prior to the introduction of modern planning legislation, there is not established planning history or consent to demolish the original building the Council does not afford any weight to the original building. agent also argue that there was a historical approval under P/1987/0495. The Council does not afford any weight to an expired approval originally approved almost 25 years ago.

**6.16.** Notwithstanding the Council's objection to the consideration of the building the agent's contention that the proposed building resembles the building previous is factually incorrect. The previous building was two storeys with a finished floor level similar to Water Street with form, scale and proportions sympathetic to the conservation area. This is clearly demonstrated by an historical image available to view at National Museums Northern Ireland's website (the image does not feature in this report as it is subject to copyright © National Museums Northern Ireland).

**6.17.** The 18.08.2021 statement also argues the proposal is sympathetic with the characteristic built form of the area, including the subject building and adjoining buildings by stating:

*The proposed building has been designed to resemble the building that was previously on the site, attached image shows the original building. Rostrevor Conservation Area document state that 'Buildings are generally of rectangular form with pitched roof and gable ends' which is exactly what the proposal has been designed to look like.*

**6.17.** Again, notwithstanding the Council's objection to assign material weight to the previous building the proposed building does not present a rectangular form and the recesses in the northern wall are do not present as the gable of an apex roof. The proposed building does not preserve or enhance the established form

nor does it fit with the requirements of the Conservation Area, for the reasons outlined above.

### **Impact on Residential Amenity of adjacent Residents**

- 6.18.** The proposed site sits approximately 3m above the finished floor level of the No 2 and No 4 Water Street which are residential properties. The proposal will create a large blank uninterrupted wall abutting the rear boundaries of 2 homes dominating and enclosing their amenity space. The rear of these residential properties is the only private amenity space afforded to residents of these homes. The proposal will also attract more people to the site resulting in further overlooking of the site (see image 4 below). Policy PED 9 of Planning Policy Statement 4: Planning and Economic Development in addition to the other policy provisions, will be required to meet all the following criteria. The proposal is considered contrary to Criterion (b) (*it does not harm the amenities of nearby residents*) for the reasons stated above.



### **Transport and Access Arrangements**

- 6.19.** The proposal seeks to utilise existing public parking provision within Rostrevor to satisfy the developments parking requirements. The Parking standards

indicate that the proposal requires 3 in-curtilage parking spaces, however, no spaces are provided. The agent also submitted additional information, in support of the application, and for a relaxation of the car parking requirement.

**6.20** While the Planning Department acknowledge the parking, provision is already under significant pressure, it is considered that due to the nature of the proposed use there is not expected present a significant increase demand.

**6.21** Policy AMP 7 of PPS 3 deals with car parking and servicing arrangements. It requires that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy states that a reduced level of car parking provision may be acceptable to serve a proposal in certain circumstances including: where it forms part of a package of measures to promote alternative transport modes; if it is in a highly accessible location well served by public transport; where it would benefit from spare capacity in nearby public car parks or adjacent on street car parking, where shared car parking is available; where flexibility would assist in the conservation of the built or natural heritage.

**6.22** The Planning Department acknowledges the need to ensure appropriate car parking generally and also acknowledges the demands that are placed on existing on-street provision in Rostrevor, as highlighted by an objector. On balance, however, it is considered that flexibility and a reduced car parking requirement is justified in this instance.

**6.23** In the light of the above, it is considered that the application is in general accordance with Policy AMP7 of PPS 3 and Policy QD1(f) of PPS 7 in that, given the particular circumstances of the application and all relevant material

considerations, an adequate and appropriate provision is available for car parking to serve the proposed development.

#### Environmental

- 6.24.** HED:HM advise that the proposal meets PPS6 and SPPS archaeological policy requirements.



## 7.0. Recommendation: Refusal

- 7.1. The material considerations have been carefully assessed and the proposed development is considered to constitute over development of a significantly constrained site within an important Conservation area.

### Refusal Reasons/ Conditions:

1. The proposal is contrary to Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH12 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that the site is located within Rostrevor Conservation Area and the development would, if permitted, detract from its character as:
  - it would not preserve or enhance the character and appearance of the area;
  - it is not sympathetic with the characteristic built form of the area, including the subject building and adjoining buildings;
  - its form, materials and detailing do not respect the characteristics of adjoining buildings;
  - and it does not conform to the guidance set out in the Rostrevor Conservation Area document.
  
2. The proposal is contrary to Paragraphs 6.18 and 6.278 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that:
  - the development would, if permitted, be detrimental to the character of the surrounding area by reason of its design and materials which are out of character of the area and its relationship to adjoining buildings;
  - the design is inappropriate to the character of the settlement.
  
3. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Statement for Northern Ireland (SPPS) and Policy NH6 of the Department's Planning Policy Statement 2 Natural Heritage, in that the site is located within a designated Area

of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the character and appearance of this designated area as:

- The siting and scale of the proposal is unsympathetic to the special character of the AONB in general and of the particular locality;
  - It would not respect or conserve the built features of importance to the character and appearance of this area; and
  - It would not respect local architectural styles and patterns.
4. The Proposal is contrary to Policy PED 9 Planning Policy Statement 4, Planning and Economic Development in that the proposal would harm the amenities of nearby residents.

**Case Officer Signature: Eamonn McArdle**

**Date: 30/05/2022**

**Authorised Officer Signature:**

**M Keane**

**Date: 30-05-22**



KILBRONEY ROAD, ROSTREVOR



KILBRONEY ROAD, ROSTREVOR



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

**Proposed barber's shop/ hairdressers between No.39 Church Street and No.2 Water Street Rostrevor.**  
**Ref: LA07/2020/1864F**

This is a planning application for a single storey barbers/hairdressers located at Church Street Rostrevor within the Rostrevor Conservation area.

The application was determined under a number of polices where there are a number of criteria of which the planning department feel are not met:

Para 6.18 of SPPS states that in regards to development within a conservation area the principle should be one of *'enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise'* Image one in the presentation shows the site in its present state, the land is an unused site with the remains of the building that was previously on site. There is little to nothing to preserve on site. Prior to the applicant clearing the site it was overgrown and an area within the conservation area for litter and rubbish to gather. The proposal for this site will only enhance the character of the conservation area of Rostrevor.

The case officers report references para 6.19 of SPPS and feels that the proposal does not *'respect the characteristics of adjoining buildings by way of its scale, form materials and detailing; and conform with the guidance set out in published Conservation area guidance'* The proposed building in terms of scale resembles what was previously on site an L shaped single storey building, which can be seen in image 2 and in the map in image 3. As can be seen from the images the proposal will resemble what was historically on site and will clearly improve the appearance of the conservation area.

The case officer's opinion is that the form, materials and detailing do not respect to the characteristics of adjoining buildings. The form of the proposal resembles the single storey building that was previously on site, the proposal would enhance the street scape and return it to what it previously was. We fail to see how the materials and detailing do not respect the characteristics of the adjoining building. The proposed materials and details meet exactly what is required in the conservation guide. The guide states wall finish *'smooth render finish mostly painted'*, *'roofs are generally slate'* and *'windows are generally vertical sliding sash'*. The proposed building has all these finishes noted. We would be grateful if the department could explain how the proposal does not meet form materials and details.

The proposal does not conform to the guidance set out in Rostrevor Conservation Guide. The proposal does meet the design guidelines set out in the document as previously mentioned. The proposal falls under section 3-part 1 replacement of some derelict buildings. The design scale, form materials and detailing resemble the previous building on site and meets word for word the materials and detailing set out in this document.

DES 2 of Planning Strategy for Northern Ireland sets out at the beginning that development proposals in towns and villages must *'make a positive contribution to the character of the area surrounding in terms of design, scale, and use of materials'* The proposal is to develop a vacant site within the conservation area of Rostrevor. There had previously been a building on the site, which had fallen into disrepair and was partly removed by a previous owner. The site was overgrown with vegetation and rubbish gathered in the site. It is eyesore on the street scape. The design is similar to the previous building and meets the applicable guidance set out in Rostrevor Conservation Area document in that the building is of simple rectangular form with pitched roof and gable ends. The scale of the proposal resembles what was previously on site.

The materials match exactly what is set out in the Rostrevor Conservation Area document in terms of slate roof, smooth render finish painted and painted hardwood up and down sliding sash windows.

We would note that the adjacent restaurant has recently received approval for a flat roof terrace with frameless glass guarding and cedar cladding all of which are out keeping with the conservation area, image 4, in contrast all the finishes and details in this proposal meet guidelines set out in the Rostrevor Conservation Guide. A similar proposal was approved



under P/1987/0495 using the Rostrevor conservation guide, which was published in 1979, the same guidance which is being used for the current application. The case officers report states that the department does not afford any weight to the expired approval from 1987 but will apply policy from the Rostrevor Conservation Guide published in 1979.

Under PPS 6 the case officers' opinion is that the proposal is not sympathetic with the characteristic built form of the area, including the subject building and adjoining buildings – The case officers report states that the submission was 'factually incorrect' and that the previous building was two storey with a FFL the same as Water Street. It would be impossible for the previous building to be two storey. The boundary wall between 2 Water Street and the proposed site remains intact and shows no sign of access to the proposed site. Image 1 and image 5 show the access to the previous building and proposed site from Church Street, the bolt fixings from the original gate can still be seen. The images provided in the case officers report show an outhouse and door providing access to the rear of 2 Water Street and no access to the proposed site. Images provided to the case officer clearly show a single storey building. The proposal would clearly be in keeping with the historical built form of the area. We would note there are single storey buildings adjacent to two storey buildings within the conservation area of Rostrevor, along Water Street (which the conservation guide refers to) and at Horner's Lane.

In relation to PPS 2 it is felt that the proposal will be detrimental to the character and appearance of the area. The proposal will only enhance the character and appearance of the area. The proposed building will restore what was historically on site and will drastically improve the street elevation to what it was previously. The built features of importance in the area are the two listed churches. The building that was previously on site was there when the churches were constructed, the proposal is restoring the area to what it was previously.

The case officers report states that the proposal will fail policy PED 9 of PPS 4 in that the proposal will harm amenities of nearby residents. The reports states that the proposal of the 'will also attract more people to the site resulting in further overlooking' A glance at the proposed floor plans shows that there is only one window in the proposal, to the front elevation, we fail to see how there can be any 'overlooking' into neighbouring properties when there are no windows overlooking the neighbouring properties. We would note that should the approved first floor veranda extension to the adjoining restaurant be completed and no building constructed on the proposed site Anyone sitting on the veranda will be overlooking the rear amenity space of No 2 Water Street.

Information presented in the case officers report is inaccurate. The proposal is developed on the site of a former building which will enhance the area. The form, materials, and detailing match the existing buildings in the area and the guidance set out in the Rostrevor Conservation Guide. The built form matches other single storey buildings adjacent to two storey buildings in the conservation area. The proposal resembles the local architecture in terms of styles and patterns. There physically cannot be any overlooking of the adjacent dwelling as there are no windows in the side walls.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2022/0121/O

**Date received:** 05.01.2022

**Proposal:** Farm Dwelling

**Location:** Lands approx. 30m South-West of 108a Longstone Road, Annalong



**Area Characteristics & Site Characteristics:**

The application site is located outside any settlement development limits as designated within Banbridge, Newry and Mourne Area Plan 2015. The site is located within an AONB. The application site is located on the edge of the Longstone Road and is currently used for agricultural purposes. The topography of the land is generally flat, with the Eastern boundary defined by a stone wall. The site bounds No.108A to the North-East, a dwelling associated with the farm holding. Beyond No.108A is the original farm dwelling and associated outbuildings.

**Date of Site Visit:** 16.03.2022

**Site History:**

P/2011/0955/RM- 50 metres Southwest of 108 Longstone Road Ballyveaghmore Annalong Co Down BT34 4XA- Proposed new dwelling and detached garage- Permission Granted 06.02.2012

P/2009/0380/O- 50m Southwest of no 108 Longstone Road Annalong- Site for farm workers dwelling & detached garage- Permission Granted 16.06.2009

P/2004/1838/O- 30 metres Southwest of No 108 Longstone Road, Moneydarragh, Annalong- 30 metres Southwest of No 108 Longstone Road, Moneydarragh, Annalong- Permission Refused 07.07.2005

**Planning Policies and Material Considerations:**

Banbridge, Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

PPS 2 Natural Heritage (July 2013)

PPS 3 Access, Movement and Parking

PPS 21- Sustainable Development in the Countryside

- CTY 1- Development in the Countryside
- CTY 10 - Dwellings on Farms
- CTY 13 - Integration and Design of Buildings in the Countryside
- CTY 14 - Rural Character
- CTY 16 - Development Relying on Non-Mains Sewerage

Building on Tradition, a Sustainable Design Guide for the Northern Ireland Countryside

**Consultations:**

DAERA - The Business ID number has been in existence for more than 30 years and subsidies have been claimed in 2016 and 2017.

NI Water- Generic response.

DfI Roads- No objections in principle to this proposal, subject to compliance with attached form RS1.

HED- Content.

**Objections and Representations:**

3 neighbours were notified of the proposal which expired 09.03.2022. The proposal was also advertised in local press which expired 23.02.2022. No objections or representations have been received date (12.05.2022).

**Consideration and Assessment:**

The proposed development is seeking outline planning permission for a farm dwelling and garage.



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 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.

Supplementary guidance on the assessment of replacement dwellings is contained in Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

#### 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 a Dwelling on a Farm in accordance with Policy CTY 10.

#### CTY 10

DAERA advised in a consultation response dated 03/03/2022 that the associated farm has been in existence for more than 6 years, the farm ID having been allocated in 1991. Their response also confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in 2016 and 2017.

In order to establish if the farm business is active and established, the agent submitted evidence consisting of:

- Herd Flock Number Confirmation from DAERA 2014
- Herd Book-Movement Documents 2015-2019
- Linden Food- Remittance Advice 2015-2019
- Invoices from Mourne Veterinary Clinic 2015-2021
- Invoices for miscellaneous items relating to farming activities 2015-2021

All evidence is available in hard copies in the casefile.

Following analysis of the evidence, and taking DAERA's response into consideration, the council determines the application meets the policy requirements of CTY (a).

A site history check was carried out on the lands submitted and shown on the farm maps. Confirmation was sought regarding the ownership of lands occupied by previous approval P/2011/0955/RM. The agent provided a Land Registry Folio listing Mrs Sinead Quinn and Mr Eamon Quinn as the registered owners of the lands, dated 25<sup>th</sup> January 2017.

Subsequently, DAERA were contacted seeking the named members on the provided Farm Business ID. DAERA confirmed the Business ID was registered to Edward Quinn and Eamon Quinn, with Eamon Quinn having joined the business on 2<sup>nd</sup> November 2021.

The agent was contacted regarding the Planning Departments concerns that a development opportunity had been sold off from the farm holding within 10 years of the date of this application. The agent responded stating that P/2011/0855/RM submitted 03.11.2011 had Certificate A signed, stating that Eamon was in actual possession of the land and that this indicated that the site was in Eamon's name over ten years ago.



P/2011/0855/RM was applied for under the same Farm Business ID as the current application for a dwelling on a farm. The dwelling was approved for that Farm Business and therefore was to remain in farm ownership for at least 10 years to ensure CTY 10 (b) was met for any subsequent application. The dwelling was registered under Eamon Quinn's name on 25<sup>th</sup> January 2017, who at that time was not a named member on the farm business. The Planning Department therefore judge this development opportunity to be sold off from the farm holding.

Appeal 2021/A0028 dated 18<sup>th</sup> February 2022 saw similar circumstances to this application. In this appeal case, Full planning permission (LA07/2018/0691F) was granted in August 2018 for a replacement dwelling in a field associated with a Farm Business ID. The site was transferred to the appellant in August 2018, who then joined the Farm Business in 2021. The commissioner states 'it must be the case that the replacement dwelling site was transferred from the farm holding to a family member who was not involved in the farm business associated with the farm holding. The recent addition of the appellant to the farm business does not overcome this. I therefore conclude that a development opportunity was disposed of from the farm holding within 10 years of the date of the application for planning permission. Accordingly, the appeal proposal fails to meet criterion (b) of Policy CTY10'.

The application site is located directly adjacent to, and Southwest of an existing farm dwelling granted approval under the same Farm Business ID (P/2009/0380/O and subsequent P/2011/0955/RM). Further Northeast is the original farm dwelling and group of farm outbuildings.

As this is an outline application, full details of the proposal have not been supplied. It is considered that with the appropriate siting and orientation of the proposal at the reserved matters stage, the development would appear visually linked with the existing farm dwellings and outbuildings. Access is to be achieved through an existing agricultural entrance and is deemed acceptable. It is therefore considered that the application meets CTY 10 (c).

CTY10 has therefore been met, however policy also states that CTY 13, 14 and 16 must be adhered to.

### CTY 13

It is considered that a suitably designed dwelling would be acceptable on the land in question without appearing a prominent feature within the landscape. With the appropriate siting and orientation, it can be viewed as part of the existing cluster, with the existing farm dwelling and outbuildings providing a backdrop when travelling Northeast along Longstone Road.

The site benefits from a stone wall to its Eastern boundary and along the length of the roadside boundary. It is considered that the site is suitably enclosed from views along the public road. There is nothing to suggest that ancillary works would not integrate with the surroundings.

This application is for outline permission only, the design elements of the dwelling would be considered under a subsequent reserved matters application however it is considered that a building could be successfully accommodated on the site given the existing farm buildings provided.

It is therefore considered that the proposal meets CTY 13.

### CTY 14

The proposed dwelling is not likely to lead to a suburban style build-up of development when viewed with existing farm buildings.

The proposed plot size is considered acceptable, respecting the surrounding pattern of development.

It is considered that while the proposal would lead to a degree of ribboning given that there would be three buildings in a row sharing a common frontage, the fact that the proposed farm dwelling would be sited to visually link and cluster with the existing farm holding will mean this degree of ribboning would be acceptable in this instance.

There is nothing to suggest that ancillary works would not integrate with the surroundings.

It is therefore considered that the proposal meets CTY 14.

#### CTY 16

Foul Sewage is proposed to be disposed of via a septic tank. Further details of this would be submitted at reserved matters stage and the necessary permission from NIEA Water Management Unit and NI Water are required. The proposal is therefore not contrary to CTY16.

#### PPS 2 Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6- requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality. As this is an outline application the design, size and scale of the proposal will be given full considered at the Reserve Matters stage.

#### PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DfI Roads were consulted and responded on 15.03.2022 with no objections to this proposal, subject to the access being constructed in accordance with Condition RS1. The proposal therefore meets this policy.

#### **Conclusion:**

The Planning Department, having assessed the application against the relevant planning policies and material considerations, consider the proposal fails on CTY 10 (b) and therefore recommend refusal.

#### **Recommendation:**

Refusal

#### **Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and 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 that a development opportunity out-with settlement limits has been sold off from the farm holding within 10 years of the date of the application.

**Case officer:** Gareth McShane  
**Authorised by:** M Keane  
**Date:** 12.05.2022

**TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>PLANNING MEETING – 1 AUGUST 2018</b>			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	<b>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</b>	Annette McAlarney	<b>Legal Advice received. Further information sought from the agent.</b>	N
<b>PLANNING COMMITTEE MEETING 26 AUGUST 2020</b>					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking	<b>Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can</b>	A McAlarney	<b>Awaiting agent on submission of requested information.</b>	N



	area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	<b>be secured for this proposal.</b>			
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	<b>Removed from the agenda as agent unable to attend</b>	A McAlarney	<b>Application on hold to allow a Bat survey to be carried out by applicant. Survey season is May – August.</b>	N
<b>PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020</b>					
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	<b>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</b>	A Davidson	<b>Under consideration by Planning Office</b>	N
<b>PLANNING COMMITTEE MEETING 09 MARCH 2022</b>					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	<b>Removed from the schedule at the request of Planners – to be brought back to Committee</b>	Patricia Manley		N
LA07/2017/0978/F and LA07/2017/0983/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	<b>Defer back to officers to see if agreement on design can be reached and delegate decision to officers</b>	Annette McAlarney	<b>Agent to submit revisions following meeting.</b>	N

<b>PLANNING COMMITTEE MEETING 06 APRIL 2022</b>					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	<b>Removed from the schedule at the request of Planners</b>	Annette McAlarney	<b>Under consideration by Planning Office</b>	N
<b>PLANNING COMMITTEE MEETING 01 JUNE 2022</b>					
LA07/2019/1748/F	Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works - Site on Upper Burren Road between No's 6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road Burren	<b>Removed from the agenda at the request of Planners</b>	Mark Keane	<b>Remains under consideration</b>	
<b>PLANNING COMMITTEE MEETING 29 JUNE 2022</b>					
LA07/2019/1009/O	Redevelopment of existing residential site - Residential development at 113 South Promenade Newcastle	<b>Defer for a site visit – Roads Service to attend</b>	Patricia Manley	<b>Site visit 10-08-2022</b>	
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	<b>Removed from the schedule at the request of Planners</b>	Pat Rooney		
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	<b>Defer for further consideration by Planners and take back to Planning Committee</b>	Annette McAlarney		
<b>END</b>					

## Newry, Mourne & Down District Council – June 2022

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### 1. Live Applications

MONTH 2022/23	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2022	142	1,120	235
May 2022	132	1,070	248
June 2022	187	1,074	266

### 2. Live Applications by length of time in system

Month 2022/23	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2022	660	225	89	37	109	<b>1,120</b>
May 2022	609	213	94	43	111	<b>1,070</b>
June 2022	618	190	115	42	109	<b>1,074</b>

### 3. Live applications per Case Officer

Month 2022/23	Average number of Applications per Case Officer
April	69
May	66
June	66

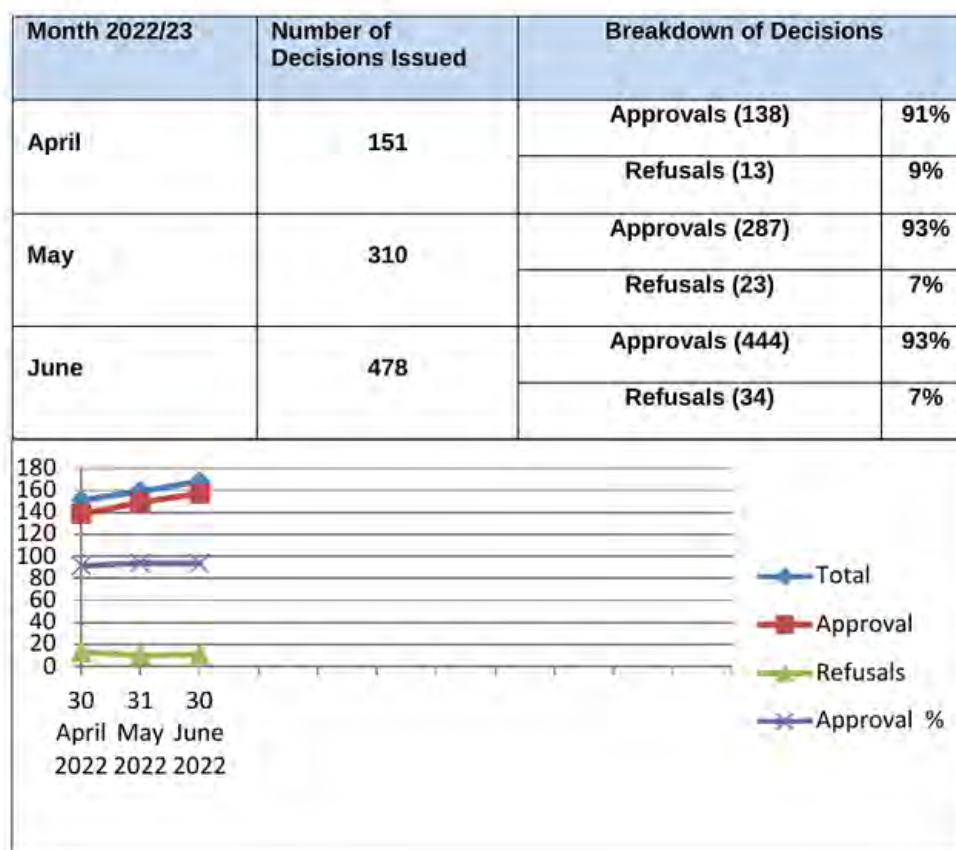
### 4. Decisions issued per month

Month 2022/23	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	151	139
May	159	152
June	168	162



## Newry, Mourne &amp; Down District Council – June 2022

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5. Decisions Issued YTD6. Enforcement Live cases

Month 2022/2023	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	214	154	75	74	78	96	691
May	218	144	79	79	75	97	692
June	209	149	73	75	82	96	684

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting	Number of Officer recommendation overturned
6 April 2022	10	7	3	1
11 May 2022	9	7	2	5
1 June 2022	9	6	3	3
29 June 2022	6	3	3	1
<b>Totals</b>	<b>34</b>	<b>23</b>	<b>11</b>	<b>10</b>



## Newry, Mourne & Down District Council – June 2022

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### 8. Appeals

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

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	27	0	-	-	-
Down	47	2	1	1	-
<b>TOTAL</b>	<b>74</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>-</b>

## Newry, Mourne &amp; Down District Council – June 2022

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## Statutory targets monthly update - May 2022 (unvalidated management information)

## Newry, Mourne and Down

Major applications (target of 30 weeks)												
				Major applications (target of 30 weeks)				Major applications (target of 30 weeks)				
Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks	
April	0	1	303.8	0.0%	128	147	20.8	34.0%	30	46	98.9	45.7%
May	1	-	0.0	0.0%	87	142	19.5	31.7%	36	39	61.6	59.0%
June	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
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%
<b>Year to date</b>	<b>1</b>	<b>1</b>	<b>303.8</b>	<b>0.0%</b>	<b>215</b>	<b>289</b>	<b>20.4</b>	<b>32.9%</b>	<b>66</b>	<b>85</b>	<b>79.8</b>	<b>51.8%</b>

Source: NI Planning Portal

**Notes:**

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

## Newry, Mourne & Down District Council – June 2022

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*3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

## Current Appeals

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**AUTHORITY** Newry, Mourne and Down

<b>ITEM NO</b>	1	<b>PAC Ref:</b>	2019 /A0248
<b>Planning Ref:</b>	LA07/2019/1130/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Mr James Rogan Site Adjacent To 33 Dunwellan Park Newcastle		
<b>PROPOSAL</b>	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**

<b>ITEM NO</b>	2	<b>PAC Ref:</b>	2020/A0003
<b>Planning Ref:</b>	LA07/2019/1021/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mrs E Fitzsimons 53A Saintfield Road Crossgar		
<b>PROPOSAL</b>	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

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

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

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

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

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## Current Appeals

59

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

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	LA07/2018/1616/	<b>PAC Ref:</b>	2020/C002
<b>APPELLANT</b>	David Trevor Shields	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel		
<b>PROPOSAL</b>	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.		
<b>APPEAL TYPE</b>	DC- EIA Determination - app ES is required		
<b>Appeal Procedure</b>	<b>Formal Hearing</b>	<b>Date Appeal Lodged</b>	11/08/2020
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

60

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

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

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## Current Appeals

61

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

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

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## Current Appeals

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<b>ITEM NO</b>	<b>11</b>	<b>PAC Ref:</b>	2021/A0031
<b>Planning Ref:</b>	LA07/2020/1077/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Mr Eammon McAteer		
<b>LOCATION</b>	12 Cullion Road Mayobridge RT34 2H11		
<b>PROPOSAL</b>	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		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	25/05/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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

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## Current Appeals

63

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

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

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## Current Appeals

64

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

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

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## Current Appeals

65

<b>ITEM NO</b>	<b>17</b>		
<b>Planning Ref:</b>	LA07/2020/0387/	<b>PAC Ref:</b>	2021/A0074
<b>APPELLANT LOCATION</b>	Mr C O'Connor 59 Drumnaquoile Road Castlewellan	<b>DEA</b>	Slieve Croob
<b>PROPOSAL</b>	Change of house type and siting in substitution to Planning permission LA07/2018/1590/F		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/07/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>18</b>		
<b>Planning Ref:</b>	LA07/2021/0450/	<b>PAC Ref:</b>	2021/A0075
<b>APPELLANT LOCATION</b>	Paul Smith 57 Castlewellan Road Newcastle	<b>DEA</b>	The Mournes
<b>PROPOSAL</b>	Artist studio and study to existing dwelling, for domestic use associated with the dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	28/07/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>19</b>		
<b>Planning Ref:</b>	LA07/2020/0936/	<b>PAC Ref:</b>	2021/A0092
<b>APPELLANT</b>	Mr James Hughes	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Mountview Business Park Rathfriland Road		
<b>PROPOSAL</b>	Newry Replacement free standing vertical sign with logos to both faces		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/08/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>		
<b>Planning Ref:</b>	LA07/2021/0055/	<b>PAC Ref:</b>	2021/A0105
<b>APPELLANT</b>	Heather & Stephen Verner	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Adjacent & 40m North Of 22 Tullyveery Road Killyleagh		
<b>PROPOSAL</b>	Dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

67

<b>ITEM NO</b>	<b>21</b>		
<b>Planning Ref:</b>	LA07/2021/0790/	<b>PAC Ref:</b>	2021/A0107
<b>APPELLANT LOCATION</b>	Mr & Mrs Wayne Garrett 135m South Of 58 Carsonstown Road Saintfield	<b>DEA</b>	Rowallane
<b>PROPOSAL</b>	Single dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>		
<b>Planning Ref:</b>	LA07/2021/0473/	<b>PAC Ref:</b>	2021/A0109
<b>APPELLANT LOCATION</b>	Rhys Dowsall 5 Killowen Road Rostrevor	<b>DEA</b>	The Mournes
<b>PROPOSAL</b>	Retention of mobile home on concrete hardstanding		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	16/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>23</b>		
<b>Planning Ref:</b>	LA07/2020/1834/	<b>PAC Ref:</b>	2021/A0112
<b>APPELLANT</b>	Mr & Mrs Christopher Kelly	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Approx. 200m SE Of No. 36 Mountain Road Ballynahinch		
<b>PROPOSAL</b>	Dwelling on a Farm		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	28/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>		
<b>Planning Ref:</b>	LA07/2021/1088/	<b>PAC Ref:</b>	2021/A0113
<b>APPELLANT</b>	MPG Wind	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Lands Approximately 230m To The North West Of 15 Barnmeen Road Rathfriland		
<b>PROPOSAL</b>	Proposed retention of existing turbine tower, replacement of existing turbine nacelle and blades with new nacelle and blades. The replacement nacelle and blades will create a hub height of 40m with a maximum rotor diameter of 31m and tip height of 55.5m (up to 250kW)		
<b>APPEAL TYPE</b>	DC - Non Determination of a Planning Application		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	09/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>25</b>		
<b>Planning Ref:</b>	LA07/2018/0932/	<b>PAC Ref:</b>	2021/A0116
<b>APPELLANT</b>	Dynes Bros	<b>DEA</b>	Downpatrick
<b>LOCATION</b>	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)		
<b>PROPOSAL</b>	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)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>		
<b>Planning Ref:</b>	LA07/2019/1206/	<b>PAC Ref:</b>	2021/A0118
<b>APPELLANT</b>	Kilbroney Timberframe Limited	<b>DEA</b>	Newry
<b>LOCATION</b>	Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street		
<b>PROPOSAL</b>	Proposed 8 dwellings (2 blocks of four terrace dwellings)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	13/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>27</b>	<b>PAC Ref:</b>	2021/A0120
<b>Planning Ref:</b>	LA07/2021/0762/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr B McCallister 70 Old Belfast Road Saintfield		
<b>PROPOSAL</b>	Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>28</b>	<b>PAC Ref:</b>	2021/A0122
<b>Planning Ref:</b>	LA07/2020/0921/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Alan Humphries Adjacent To 127a Shore Road Kilclief		
<b>PROPOSAL</b>	Dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	18/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>29</b>		
<b>Planning Ref:</b>	LA07/2020/1002/	<b>PAC Ref:</b>	2021/A0128
<b>APPELLANT</b>	Cathal McGroder & Moira Fegan	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Site 50m West Of 15 O'Callaghan Road Tullydonnell Silverbridge		
<b>PROPOSAL</b>	Proposed erection of a dwelling house and garage.		

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

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<b>ITEM NO</b>	<b>30</b>		
<b>Planning Ref:</b>	LA07/2021/0092/	<b>PAC Ref:</b>	2021/A0137
<b>APPELLANT</b>	Mr Paul Henry Murney	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	39 Chapel Hill Road Mayobridge Newry		
<b>PROPOSAL</b>	Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery		

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

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## Current Appeals

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<b>ITEM NO</b>	<b>31</b>	<b>PAC Ref:</b>	2021/A0138
<b>Planning Ref:</b>	LA07/2021/0174/	<b>DEA</b>	Croilieve
<b>APPELLANT</b>	Mary Boal		
<b>LOCATION</b>	To The Rear Of No. 56 Milltown Street Burren		
<b>PROPOSAL</b>	Warrenpoint Proposed dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	04/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>	<b>PAC Ref:</b>	2021/A0141
<b>Planning Ref:</b>	LA07/2021/1066/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Sean & Linda Tumelty		
<b>LOCATION</b>	Adjacent To And North West Of 150A Vianstown Road Downpatrick		
<b>PROPOSAL</b>	Single Dwelling House		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>33</b>	<b>PAC Ref:</b>	2021/A0143
<b>Planning Ref:</b>	LA07/2020/0518/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Mr Alan Milne		
<b>LOCATION</b>	100m North Of 245 Armagh Road Tullyhappy		
<b>PROPOSAL</b>	<sup>Newry</sup> Retention of replacement agricultural store		

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

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<b>ITEM NO</b>	<b>34</b>	<b>PAC Ref:</b>	2021/A0148
<b>Planning Ref:</b>	LA07/2021/0536/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Messrs. M & P Fitzsimons		
<b>LOCATION</b>	Lands 186m Due West Of 83 Crew Road Ardglass		
<b>PROPOSAL</b>	<sup>Downpatrick</sup> Proposed building for mixed use agricultural purposes.		

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

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## Current Appeals

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<b>ITEM NO</b>	<b>35</b>	<b>PAC Ref:</b>	2021/A0149
<b>Planning Ref:</b>	LA07/2019/1375/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Cacola Ltd		
<b>LOCATION</b>	Lands Immediately South Of 17 Leitrim Road Ballymaginaghy Castlewella Co Down		
<b>PROPOSAL</b>	Erection of 2 Dwellings		

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

<b>ITEM NO</b>	<b>36</b>	<b>PAC Ref:</b>	2021/A0150
<b>Planning Ref:</b>	LA07/2021/1061/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Mr Dermot O'Hare		
<b>LOCATION</b>	Lands Between 17A And 17B Hilltown Road Mayobridge RT34 2A1		
<b>PROPOSAL</b>	Proposed dwelling and garage		

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

## Current Appeals

75

<b>ITEM NO</b>	<b>37</b>		
<b>Planning Ref:</b>	LA07/2019/1490/	<b>PAC Ref:</b>	2021/A0154
<b>APPELLANT</b>	Castlehinch Ltd	<b>DEA</b>	Rowallane
<b>LOCATION</b>	North Of 7 And 9 Saintfield Road Ballynahinch		
<b>PROPOSAL</b>	Vary condition 10 of planning approval R/2011/0648/F;  Condition 10: No other development hereby permitted shall be commenced until the works necessary for the improvement of a public		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	02/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>38</b>		
<b>Planning Ref:</b>	LA07/2021/0502/	<b>PAC Ref:</b>	2021/A0156
<b>APPELLANT</b>	Mr & Mrs J Wade	<b>DEA</b>	Rowallane
<b>LOCATION</b>	71 Lisburn Road Lisdalgaun Saintfield		
<b>PROPOSAL</b>	Replacement dwelling and conversion of existing dwelling to domestic store.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

76

<b>ITEM NO</b>	<b>39</b>	<b>PAC Ref:</b>	2021/A0158
<b>Planning Ref:</b>	LA07/2019/1262/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	SJ Anderson & Sons		
<b>LOCATION</b>	11 Lisburn Road Ballynahinch		
<b>PROPOSAL</b>	Replacement of existing dwelling with 4 townhouses and associated site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	03/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>40</b>	<b>PAC Ref:</b>	2021/A0161
<b>Planning Ref:</b>	LA07/2021/0639/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Declan Clarke		
<b>LOCATION</b>	Located Upon Lands Approximately 50 Meters North Of No 33 Ferryhill Road Clontarf		
<b>PROPOSAL</b>	Proposed Erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>41</b>		
<b>Planning Ref:</b>	LA07/2021/0578/	<b>PAC Ref:</b>	2021/A0162
<b>APPELLANT</b>	Mr Brendan Quinn	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Located Upon Lands Approximately 40m South East Of No. 20 Creamery Road		
<b>PROPOSAL</b>	Carran Proposed erection of a rural infill detached dwelling house together with detached domestic garage, site works and associated landscaping		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>42</b>		
<b>Planning Ref:</b>	LA07/2021/0361/	<b>PAC Ref:</b>	2021/A0163
<b>APPELLANT</b>	Gerard Murphy	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Approximately 84 Metres North East Of No. 2 Milltown Road Lislea		
<b>PROPOSAL</b>	Co. Armagh Proposed erection of an agricultural storage building and associated site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>43</b>	<b>PAC Ref:</b>	2021/A0168
<b>Planning Ref:</b>	LA07/2020/1025/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Patrick Fitzsimons		
<b>LOCATION</b>	Adjacent To And North West Of 59 Annacloy Road Downpatrick		
<b>PROPOSAL</b>	RT30 9AQ Proposed dwelling accessed by existing entrance and proposed new entrance for 59 Annacloy Road, Downpatrick		

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

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<b>ITEM NO</b>	<b>44</b>	<b>PAC Ref:</b>	2021/A0169
<b>Planning Ref:</b>	LA07/2021/0066/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Mr Peter Connolly		
<b>LOCATION</b>	3 River Street Newry BT34 1DQ		
<b>PROPOSAL</b>	Conversion of commercial property to four number self contained one bedroom apartments		

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

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## Current Appeals

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<b>ITEM NO</b>	<b>45</b>		
<b>Planning Ref:</b>	LA07/2021/0552/	<b>PAC Ref:</b>	2021/A0173
<b>APPELLANT</b>	Stephen Grogan	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Between 1a And 1b Mullavat Road Newry		
<b>PROPOSAL</b>	Private dwelling on gap/infill site (two storey requested)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	17/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>46</b>		
<b>Planning Ref:</b>	LA07/2021/0408/	<b>PAC Ref:</b>	2021/A0177
<b>APPELLANT</b>	Irwin Carr Consulting Ltd	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Lands Located To The Rear Of No. 7 Osbourne Promenade (together With Rear Access And Parking From Great Georges Street South)		
<b>PROPOSAL</b>	Proposed Retention of Existing Office/Storage Building to be used in conjunction with No. 7 Osbourne Promenade (amended description)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	20/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

80

<b>ITEM NO</b>	<b>47</b>		
<b>Planning Ref:</b>	LA07/2020/0982/	<b>PAC Ref:</b>	2021/A0178
<b>APPELLANT</b>	Mr Noel McKeivitt	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Approximately 55 Metres North West Of No.5 Upper Fathom Road		
<b>PROPOSAL</b>	Fathom Lower Proposed erection of 2 No. Rural infill detached dwelling houses and detached garages, rural entrance pillars and gates, additional landscaping and associated site works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	20/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>48</b>		
<b>Planning Ref:</b>	LA07/2021/0598/	<b>PAC Ref:</b>	2021/A0179
<b>APPELLANT</b>	Ryan Kelly	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Adjacent To 104 Downpatrick Road Ballynahinch		
<b>PROPOSAL</b>	Farm dwelling, detached garage and site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>49</b>	<b>PAC Ref:</b>	2021/A0182
<b>Planning Ref:</b>	LA07/2021/0246/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Gerard Milligan		
<b>LOCATION</b>	Immediately North-west Of 102 Tullybrannigan Road Newcastle		
<b>PROPOSAL</b>	Proposed 3no. self contained tourism units		

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

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<b>ITEM NO</b>	<b>50</b>	<b>PAC Ref:</b>	2021/A0185
<b>Planning Ref:</b>	LA07/2021/0428/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Michael Berrill		
<b>LOCATION</b>	Casa Bella Interiors 4 The Mall Newry		
<b>PROPOSAL</b>	Replacement of existing shop front sign		

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

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## Current Appeals

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<b>ITEM NO</b>	<b>51</b>	<b>PAC Ref:</b>	2021/A0186
<b>Planning Ref:</b>	LA07/2021/1747/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Walter Watson		
<b>LOCATION</b>	Site Between 121 And 121a Ballylough Road Castlewellan		
<b>PROPOSAL</b>	New Infill Dwelling (CTY 8)		

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

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<b>ITEM NO</b>	<b>52</b>	<b>PAC Ref:</b>	2021/A0192
<b>Planning Ref:</b>	LA07/2021/0339/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr Daniel Clarke		
<b>LOCATION</b>	Lands Approx. 30m To North East Of No 16 Ringhaddy Road, Killinchy		
<b>PROPOSAL</b>	Proposed site for dwelling in accordance with Policy CTY8 of PPS21		

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

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## Current Appeals

<b>ITEM NO</b>	<b>53</b>		
<b>Planning Ref:</b>	LA07/2020/1796/	<b>PAC Ref:</b>	2021/A0196
<b>APPELLANT</b>	Joseph McKeivitt	<b>DEA</b>	Croilieve
<b>LOCATION</b>	Immediately North West Of No. 4 Aughnamoira Road Warrenpoint BT34 2PR		
<b>PROPOSAL</b>	Erection of dwelling (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>54</b>		
<b>Planning Ref:</b>	LA07/2021/1407/	<b>PAC Ref:</b>	2021/A0197
<b>APPELLANT</b>	Mr & Mrs Orr	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Adjacent To 60 Carsonstown Road Carsonstown Saintfield		
<b>PROPOSAL</b>	Erection of Replacement Dwelling and Retention of existing building as outbuilding		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	18/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>55</b>	<b>PAC Ref:</b>	2021/A0200
<b>Planning Ref:</b>	LA07/2021/0956/	<b>DEA</b>	Newry
<b>APPELLANT</b>	David Og Downey		
<b>LOCATION</b>	101m North West Of No.60 Lower Foughill Road Jonesborough		
<b>PROPOSAL</b>	Newry Proposed off site replacement dwelling and associated site works		

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

<b>ITEM NO</b>	<b>56</b>	<b>PAC Ref:</b>	2021/A0203
<b>Planning Ref:</b>	LA07/2021/0620/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr Martin Russell		
<b>LOCATION</b>	Magheralagan Corn Mill Opposite 68 Drumcullan Road		
<b>PROPOSAL</b>	Downpatrick Restoration and Conversion of Magheralagan Corn Mill to single dwelling		

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

## Current Appeals

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<b>ITEM NO</b>	<b>57</b>	<b>PAC Ref:</b>	2021/A0211
<b>Planning Ref:</b>	LA07/2021/1079/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Bridgeen King		
<b>LOCATION</b>	7 Woodgrove Castlewellan		
<b>PROPOSAL</b>	Use of building as salon for home-working (retrospective)		

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

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<b>ITEM NO</b>	<b>58</b>	<b>PAC Ref:</b>	2021/A0225
<b>Planning Ref:</b>	LA07/2021/1123/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr & Mrs Malone		
<b>LOCATION</b>	Lands Approx. 50m South East Of 55 Leitrim Road Castlewellan		
<b>PROPOSAL</b>	Proposed Site for erection of 1no detached off site Replacement Dwelling		

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

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## Current Appeals

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<b>ITEM NO</b>	<b>59</b>		
<b>Planning Ref:</b>	LA07/2021/1188/	<b>PAC Ref:</b>	2021/A0229
<b>APPELLANT</b>	Frank Clerkin	<b>DEA</b>	Croilieve
<b>LOCATION</b>	170 Metres North West Of 107 Kilbroney Road Rostrevor		
<b>PROPOSAL</b>	RT34 3RW Proposed extension to existing farm yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	25/02/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>60</b>		
<b>Planning Ref:</b>	LA07/2021/1091/	<b>PAC Ref:</b>	2021A0234
<b>APPELLANT</b>	Mr Garth & Mrs Kathryn Belshaw	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Land Adjoining 26 Windmill Avenue Ballynahinch		
<b>PROPOSAL</b>	Single Dwelling House		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/03/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>61</b>	<b>PAC Ref:</b>	2021/A0235
<b>Planning Ref:</b>	LA07/2021/0251/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Robin Dalzell		
<b>LOCATION</b>	Site Adjacent To 57 Castlewellan Road Newcastle		
<b>PROPOSAL</b>	Single Dwelling		

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

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<b>ITEM NO</b>	<b>62</b>	<b>PAC Ref:</b>	2021/A0239
<b>Planning Ref:</b>	LA07/2021/0368/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr & Mrs L Venney		
<b>LOCATION</b>	Lands Contained Between 1 Minerstown Road And 55 Rossglass Road		
<b>PROPOSAL</b>	Downpatrick 2 no. Infill dwellings and detached garages		

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

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## Current Appeals

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<b>ITEM NO</b>	<b>63</b>		
<b>Planning Ref:</b>	LA07/2021/1640/	<b>PAC Ref:</b>	2021/A0244
<b>APPELLANT</b>	Luke Rea & Claire McIlwaine	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Lands Adjacent To And 35m West Of 73 Lisbane Road Ballynahinch		
<b>PROPOSAL</b>	Proposed Site for a Single Infill Dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/03/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>64</b>		
<b>Planning Ref:</b>	LA07/2020/1906/	<b>PAC Ref:</b>	2021/E0010
<b>APPELLANT</b>	Eamonn McAteer McAteer Recyclin	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Lands At And To The Rear Of No. 12 Cullion Road Mayobridge		
<b>PROPOSAL</b>	Newrv Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>65</b>		
<b>Planning Ref:</b>	LA07/2021/0778/	<b>PAC Ref:</b>	2021/E0057
<b>APPELLANT</b>	Norman Graham	<b>DEA</b>	Rowallane
<b>LOCATION</b>	50m North To Rear Of 46 Riverside Road Ballynahinch		
<b>PROPOSAL</b>	Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide lambing/calving, TB Testing onsite facilities with crush		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	21/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>66</b>		
<b>Planning Ref:</b>	LA07/2021/0780/	<b>PAC Ref:</b>	2021/E0058
<b>APPELLANT</b>	Norman Graham	<b>DEA</b>	Rowallane
<b>LOCATION</b>	50m North To Rear Of 46 Riverside Road Ballynahinch		
<b>PROPOSAL</b>	Erection and Use of Dwelling House		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	22/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

<b>ITEM NO</b>	<b>67</b>	<b>PAC Ref:</b>	2021/E0069 LDC
<b>Planning Ref:</b>	LA07/2021/1361/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr Christopher Skelly		
<b>LOCATION</b>	Land Adjacent And NW Of 50 Flush Road Ballyward Castlewella		
<b>PROPOSAL</b>	The formation of a laneway to the site and the digging of foundations		

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

<b>ITEM NO</b>	<b>68</b>	<b>PAC Ref:</b>	2021/E0074 LDC
<b>Planning Ref:</b>	LA07/2021/0990/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr Brendan Starkey		
<b>LOCATION</b>	Approx 90m East Of 27 Bright Road Downpatrick		
<b>PROPOSAL</b>	The digging of foundations, the lying of concrete and the construction of a portion of block-work		

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

## Current Appeals

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<b>ITEM NO</b>	<b>69</b>	<b>PAC Ref:</b>	2022/A0019
<b>Planning Ref:</b>	LA07/2021/1781/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Trevor Lindsay Between 5 & 7 The Nursery Killyleagh		
<b>PROPOSAL</b>	Site for Dwelling and Garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	26/04/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>70</b>	<b>PAC Ref:</b>	2022/A0020
<b>Planning Ref:</b>	LA07/2022/0021/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Terence O'Hanlon 161 Bryansford Road Cross Kilronn		
<b>PROPOSAL</b>	Retrospective application for Garage building, also accommodating Home office and Gymnasium on hardstanding on increased Dwelling Curtilage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	27/04/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>71</b>		
<b>Planning Ref:</b>	LA07/2021/1011/	<b>PAC Ref:</b>	2022/A0024
<b>APPELLANT</b>	Gary Gordon	<b>DEA</b>	The Mournes
<b>LOCATION</b>	14 Church Road Kilkeel County Down		
<b>PROPOSAL</b>	Proposal for the erection of a shed for equestrian use and retention of extension to domestic curtilage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	03/05/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>72</b>		
<b>Planning Ref:</b>	LA07/2019/1084/	<b>PAC Ref:</b>	2022/A0028
<b>APPELLANT</b>	CP & A Supplies Ltd	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	110m South West Of No. 1 Carrickcroppan Road Camlough BT35 7HA		
<b>PROPOSAL</b>	Extension to the existing commercial yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	06/05/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>73</b>	<b>PAC Ref:</b>	2022/A0029
<b>Planning Ref:</b>	LA07/2021/1982/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Mr Trevor Nelson 70m SE Of 5 Coach Lane Cottage Road Seaford		
<b>PROPOSAL</b>	New agricultural shed		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	09/05/2022
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>74</b>	<b>PAC Ref:</b>	2022/A0046
<b>Planning Ref:</b>	LA07/2021/1041/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Mr & Mrs Anthony & Mary O'Prey To The Rear Of 9 Wateresk Road Dundrum		
<b>PROPOSAL</b>	Dwelling and detached garage with associated site works, including improvements to existing vehicular access		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	17/06/2022
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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**PLANNING APPEALS COMMISSION**

**THE PLANNING ACT (NORTHERN IRELAND) 2011**

**SECTION 58**

**Appeal by**

**Mr Elvis Kirk**

**against the refusal of outline planning permission for an infill dwelling and garage  
between 81 and 83 Crossgar Road, Killyleagh**

**Report**

**by**

**Commissioner M McKearney**

**Planning Authority Reference: LA07/2021/0566/O**

**Procedure: Written Representations**

**Commissioner's Site Visit: 21<sup>st</sup> April 2022**

**Report Date: 16<sup>th</sup> June 2022**

## 1.0 **BACKGROUND**

1.1 Newry, Mourne and Down District Council received the application on 24<sup>th</sup> March 2021. By notice dated 12<sup>th</sup> August 2021, the Council refused permission giving the following reasons: -

1. **The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
2. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a line of 3 or more buildings in a substantial and built up frontage and it would, if permitted, result in the creation of ribbon development along the Crossgar Road.**

1.2 The Commission received the appeal on 31st August 2021 and advertised it in the local press on 15<sup>th</sup> September 2021. No representations were received from third parties.

## 2.0 **SITE AND SURROUNDINGS**

2.1 The appeal site is a rectangular shaped parcel of land that is located between two dwellings at Nos. 81 and 83 Crossgar Road, Killyleagh. The appeal site sits above the level of the road by approximately 1 metre. The land within the appeal site is relatively flat, with a gradual rise in levels from the road to the north westerly corner of the site.

2.2 The appeal site is bounded on all sides. The roadside boundary consists of a hedgerow approximately 2 metres in height. The rear boundary consists of a hedgerow approximately 1.5 - 2 metres in height. The boundary of the appeal site which adjoins the property at No. 83 Crossgar Road is defined by a close boarded fence, around 2 metres in height. The remaining boundary adjoining No. 81 consists of the rear wall of a large shed and a separate wall which is approximately 2 metres in height. The dwelling at No. 81 is positioned on land at a lower level than the appeal site. Two trees are located within the appeal site, in close proximity to No. 83. These trees range in height from approximately 6 metres to 12 metres. A further tree is located closer to No. 81 and is approximately 6 metres to 8 metres in height.

2.3 The roadside plot on which No. 83 Crossgar Road is situated consists of a single storey dwelling and attached garage. A corrugated steel shed approximately 2 metres high is located to the side of the dwelling and to the side and rear of the attached garage. To the front of this corrugated steel shed there is a wooden close boarded gate and fence around 1.5 metres in height. This site is around the same level as the appeal site.

2.4 The roadside plot on which No. 81 Crossgar Road is situated consists of a storey and half dwelling which is orientated gable onto the road. To the rear gable of this

property there are two sheds which would appear to form part of a business. There is a yard area to the front of these sheds.

### **3.0 PLANNING AUTHORITY'S CASE**

- 3.1 The lands form a rectangular shaped plot, adjacent to the Crossgar Road between No. 81 and No. 83. Both No. 81 and No. 83 are designed to provide a frontage to the road with No. 81 sited gable end to the road. The front elevation of No. 81 is single storey in form, although the side gable includes upper floors windows. No. 83 appears to be single storey and sits slightly further back from the road than No. 81. This stretch of Crossgar Road rises gently from No. 81 towards No. 83 and beyond. There is a business yard to the rear of No. 81 which shares the same access. The application site comprises a small field currently in a maintained condition, this is enclosed by a grass verge and hedging along the frontage and rear, a boarded fence and 2 mature trees with No. 83, and a low retaining wall with No. 81.
- 3.2 The application site is located outside any settlement development limits as designated within the Ards and Down Area Plan 2015. The area is of typical rural character and in predominately agricultural use.
- 3.3 The Strategic Planning Policy Statement (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 Planning Policy Statement 21, Sustainable Development in the Countryside (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.
- 3.4 Policy CTY1 of PPS21 – 'Development in the Countryside' 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 certain cases. One such case is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8 – 'Ribbon Development'.
- 3.5 Policy CTY8 indicates 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 an otherwise substantial 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 without accompanying development to the rear.
- 3.6 The appellant's agent considers that the appeal site is such a gap site, to accommodate one dwelling and garage. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required. The submitted Design and Access Statement states that the subject site



fronts onto Crossgar Road in a row of 4 buildings, those 4 buildings being two at No. 81 and two at No. 83. It is accepted that on the ground dwellings No. 81 and No. 83 have frontage onto the Crossgar Road (total of 2 buildings).

- 3.7 The second building at No. 83 is a detached garage with a pitched roof construction and corrugated steel finish. This garage rests to the rear and behind that of a flat roof garage adjoined to the dwelling house. On the ground it is considered that this building would not represent a building with a frontage to the road given its subordinate location with the parent building and location directly to the rear of the adjoining garage. As such, the ancillary building at No. 83 must be discounted as a building with road frontage. The planning history indicates that the ancillary building, "new detached garage" was approved under LA07/2018/1686/F.
- 3.8 The second building associated with No. 81 as described by the agent must presumably be one of the two commercial units located to the rear of the dwelling. On the ground, these units (buildings) are not considered to represent buildings with frontage to the road given their siting and relationship with the Road and No. 83.
- 3.9 Planning appeal (2019/A0075) relates to the planning assessment for 'Infill Dwellings' contained within CTY8 of PPS21. This appeal specifically dealt with buildings associated with a dwelling house, in a similar arrangement to this application. This appeal sets out what constituted as buildings within a substantial and continuously built-up frontage as envisaged by the policy. The Commissioner stated, "*Their positioning to the rear of the plots behind their respective dwellings ensures that they do not form part of a line of three buildings (my emphasis). Instead, they read as ancillary and subordinate buildings which do not contribute to a substantial and continuously built-up frontage*". This recent appeal supports the planning authority's opinion that the detached garage associated with No. 83 is ancillary and subordinate, and the units to the rear of No. 81 do not contribute to a substantial and continuously built-up frontage.
- 3.10 There is no line of three or more buildings to constitute a substantial and continuously built-up frontage, as envisaged by the policy. Accordingly, there is no gap or infill opportunity. As there is no substantial and continuously built-up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the Planning Appeals Commission) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.
- 3.11 Policy CTY14 – '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 the area. Having considered the proposal, the planning authority consider that the appeal, if approved, would create a ribbon of development at this location as detailed in the consideration of CTY8 above. The development of this site would result in the creation of ribbon development along Crossgar Road, contrary to criterion (d) of CTY14.
- 3.12 Without prejudice, in the event the appeal is allowed, the following conditions are suggested:
  - a) Standard time limit;

- b) A dwelling with a ridge height of less than 5.5 metres above existing ground level at the lowest point within its footprint;
- c) Under build shall not exceed 0.4 metres at any point above existing ground level;
- d) Imposition of visibility splays of 2.4 metres by 90 metres at the access onto the public road;
- e) Submission of landscaping details including retention of landscaping at reserved matters stage;
- f) The dwelling shall not be occupied until all new boundaries have been defined by a timber post and wire fence and with a native species hedgerow; and
- g) Submission of details at reserved matters stage, showing siting, design and external appearance of building, access, existing and proposed ground levels.

#### **4.0 APPELLANT'S CASE**

- 4.1 The application was made under Policy CTY8 – 'Infill Dwellings' of Planning Policy Statement 21, Sustainable Development in the Countryside (PPS21). The application complies with the part of the policy that accommodates the development of a gap site.
- 4.2 The amplification text in the policy (at paragraph 5.34), describes the exception that will be permitted providing specific elements are met, namely:
- a) Frontage - the gap site must be within an otherwise substantial and continuously built-up frontage.
  - b) Gap - the gap site must be small but can accommodate up to 2 dwellings.
  - c) Pattern - the existing development pattern along the frontage must be respected in terms of size, scale, siting and plot size.
  - d) Planning - other planning and environmental requirements must be met.
- 4.3 The first step in determining whether an "infill" opportunity exists is to identify whether there is a substantial and continuously built-up frontage present. For the purpose of policy this "includes a line of three or more buildings along a road, lane or footpath frontage without accompanying development to the rear". The policy makes clear that a building has a frontage to a road, lane or footpath if the plot on which it stands abuts or shares a boundary with that road, lane or footpath.
- 4.4 Policy CTY8 applies as the plot fronts onto the Crossgar Road in a row of 3 buildings on each side of the proposed site, one at No. 81 and two at No. 83. The row of buildings along the frontage runs from No. 81, the garage to the northeast of No. 83 and the dwelling at No. 83. The gap lies between the garage and No. 81. A total of 3 buildings comprises the row, all of which front the road on the plot of land on which they sit. The gap in the row is such that it will accommodate one dwelling. Policy does not require these buildings to be visually linked nor does it distinguish between the type, use or size of the buildings; all buildings with a frontage must be counted. There is a continuous frontage.
- 4.5 The plot frontage for the new dwelling is in keeping with the plot frontage of the row. The gap is bound on each side by existing buildings and is in a continuous row of buildings therefore compliant with that part of the policy.

- 4.6 The gap site is in keeping with the existing pattern of development. It is proposed to locate the dwelling as shown on the attached map. The plot size and development style are in keeping with the pattern of the existing row.
- 4.7 The site has existing boundaries, is within a row of other buildings and the proposal will read with them and integrate into the row. The site is of ample size to accommodate a domestic septic tank or packaged treatment unit and associated soakaway. This part of the policy is met. Compliant access is gained through a vehicular access.
- 4.8 The main reason for refusal relates to the Planning Department discounting the garage at No.83. This is not an accurate interpretation of policy. The Planning Department accept that on the ground dwellings No.81 and No.83 have frontage onto the Crossgar Road. The Case Officer's Report (COR) cites planning appeal (2019/A0075) and its decision which relates to the planning assessment for 'Infill Dwellings'. The COR states that the appeal case is similar to the current application and based their refusal on that. In fact, appeal 2019/A0075 confirms that the current application does comply with policy and that garages that are not further behind the rear line of the dwelling do contribute to the row. Paragraph 10 of the Commissioners report refers to another appeal 2014/A0152 which states, *"Whilst one of the garages was set behind the dwelling, the other garage was aligned with the gable wall of the residential property. The latter garage was found to contribute to the continuously built-up frontage unlike the garage to the rear"*.
- 4.9 In paragraph 11 of appeal 2019/A0075 the Commissioner states, *"I am satisfied that the current appeal proposal is distinguishable from all of these appeals in so far as both garages on which the appellant relies are sited behind the rear elevation of their associated dwellings. Their positioning to the rear of the plots behind their respective dwellings ensures that they do not form part of a line of three buildings (my emphasis)"*.
- 4.10 The decision for appeal 2014/A0152 states at paragraph 4, *"The appeal site is a roadside field that is situated between the residential property of No.36 located to the north and that of No.34 to the south. On each of these properties there is a dwelling and a detached garage. Albeit that the garages are subordinate to and sit back from the building line of the dwellings, they are clearly visible from the road. Policy CTY8 does not state that the other buildings which form part of a residential curtilage are to be discounted or that they must have an independent relationship to the road. I consider that the disposition of the existing development on the two adjoining sites reads as a line of four buildings fronting onto Derrycraw Road and consequently constitute a substantial and continuously built-up frontage as defined in the policy"*.
- 4.11 The garage at No. 83 in the current proposal is situated alongside the dwelling, not set behind it. Planning Appeal (2019/A0075) discounts garages behind the rear line of dwellings but affirms that those that are alongside the dwelling do contribute to the row of buildings.
- 4.12 The policy is therefore met and the site should be approved. The image and map show No. 81 and the commercial buildings to the east of the site and No. 83 (with a double rear extension and grey roofed garage) to the west of the site. This complies with policy.



- 4.13 As the proposal meets Policy CTY8, then it falls within one of the accepted forms of development permitted by Policy CTY1. The proposal forms an acceptable form of infill development so the reason for refusal associated with Policy CTY14 cannot be sustained.

## 5.0 CONSIDERATION

- 5.1 The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and if it would damage rural character through the creation of ribbon development.
- 5.2 Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) acts as the LDP for the area wherein the appeal site is located. In the ADAP 2015, the site is located in the countryside outside of any settlement limit and in an Area of Constraint on Mineral Development. As the rural policies in the LDP are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. The Area of Constraint on Mineral Development has no bearing on this appeal proposal.
- 5.3 Regional planning policies of relevance to this appeal are set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and retained policy, Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21). There is no conflict or change in policy direction between the provisions of the SPPS and retained PPS21 on the issues raised in this appeal. Therefore, PPS21 takes precedence in decision making in accordance with the transitional arrangements set out in the SPPS.
- 5.4 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. One of which is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
- 5.5 Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy permits an exception 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. 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 rear. The Council did not argue that the appeal site was not a small gap site. Their concern centred on whether there was a substantial and continuously built up frontage.

- 5.6 In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane. The dwellings at No. 81 and No. 83 Crossgar Road are road frontage buildings in that the plots of land upon which they stand both abut the road. The appeal site is situated between both plots and has road frontage.
- 5.7 The garage, which is physically attached to No. 83, only counts as one building and this is not in dispute. A shed has been constructed to the side and rear (behind the building line) of the attached garage at No. 83. The appellant has argued that this corrugated steel shed counts towards the line of three or more buildings. Policy CTY8, in referring to the definition of a substantial and built-up frontage uses the word "includes" when referring to a line of three or more buildings along road frontage without accompanying development to the rear. In so doing it does not exclude situations where there is accompanying development to the rear. Furthermore, a line does not have to be straight. In addition, the policy makes no reference to the size of the buildings, their relationship with the main building, whether they should have individual curtilages or accesses, or their visual impact when viewed from the road frontage. The policy does not state that the buildings should be prominent or that ancillary or subordinate buildings which form part of a residential unit or curtilage are to be discounted. It is my opinion that this shed, although subordinate in scale and to the side and rear of the dwelling, does have a frontage onto the Crossgar Road as it sits alongside the dwelling and garage at No.83. Accordingly, the shed is part of a line of 3 buildings in conjunction with the dwellings at No. 83 and No. 81.
- 5.8 The Council is of the opinion that appeal 2019/A0075 reflects the position they have held in this appeal. In that case it would appear that the subject garages were positioned to the rear of the plots but situated behind their respective dwellings, so they did not form a line of three buildings. That appeal is therefore distinguishable to the circumstances of this. Even if not, it would not justify refusing this proposal which is considered to be compliant with Policy CTY8. In any event, each appeal is taken in its own site specific and evidential context and direct comparables are rare. For the reasons give above, the existing development reads as a line of three buildings with frontage onto Crossgar Road. Consequently, it comprises a substantial and continuously built-up frontage as defined in the policy. The second reason for refusal in so far as it refers to policy CTY8 has not been sustained.
- 5.9 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 an area. It then specifies five situations where a new building will be unacceptable. One of these, criterion (d) is where a building creates or adds to a ribbon of development. This is specifically cross referenced to Policy CTY8. As this proposal is considered to be an exception to Policy CTY8 as outlined above the proposal cannot fall foul of criterion (d). Therefore, the second reason for refusal in so far as it refers to Policy CTY14 has not been sustained.
- 5.10 This appeal site represents a small gap site in an otherwise substantial and continuously built-up frontage. The matters regarding size, scale, siting or plot size in terms of whether or not the proposal respects the existing development pattern have not been raised by the Council. This is another explicit policy requirement and it is for the Council to defend its objection fully at appeal. In not engaging with the policy



fully, I take it that the Council are satisfied that the proposal accords with the existing development pattern. I would concur because the appeal site is reflective of the adjoining plots in terms of its size, scale and plot size.

- 5.11 To ensure the existing pattern of development is respected the proposed dwelling should be sited in line with the existing dwelling at No. 83 Crossgar Road. In order to respect the scale and proportions of the adjacent dwellings, conditions are necessary given the topography to restrict the height of the dwelling and garage to no more than 5.5 metres above existing ground level. The dwelling at No. 81 Crossgar Road is positioned below the level of the appeal site and is orientated gable onto the road. Therefore, it is necessary that a landscaping scheme is provided via a condition to ensure that the residential amenity of adjoining neighbours is protected. The proposal involves the creation of a new access with visibility splays of 2.0 metres x 90 metres. The required visibility splays are necessary in the interest of road safety. As the provision of the access will require the removal of the roadside hedge, new planting of a native species hedgerow behind the visibility splays would also be necessary in the interest of visual amenity. This requirement can be incorporated into the aforementioned landscaping scheme.
- 5.12 I have concluded that this proposal represents an exception to Policy CTY8 and is acceptable in principle subject to conditions. Consequently, it satisfies the requirements of Policy CTY1. The two reasons for refusal are not sustained.

## 6.0 **RECOMMENDATION**

- 6.1 I recommend to the Commission that the appeal is allowed and that outline permission be granted, subject to the following conditions: -
1. Except as expressly provided for by Conditions 2, 3, and 5 the following reserved matters shall be approved by the Council - the siting, design and external appearance of the dwelling, garage and means of access thereto.
  2. The dwelling and garage shall be sited in the cross hatched area as indicated on the attached 1:2500 scale block plan marked PAC1.
  3. The ridge height of the dwelling and garage shall not exceed 5.5 metres above existing ground level at the lowest point within their footprints.
  4. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.
  5. Visibility splays of 2.4 x 90 metres in both directions shall be laid out at the point of access onto Crossgar Road before any building operations commence and shall be permanently retained and kept clear thereafter.
  6. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme providing for the planting of a native species hedgerow along the north eastern boundary of the site and to the rear of the visibility splays. Both shall be allowed to grow on and retained at a height of not less than 1.5 metres. 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.

7. 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.
8. 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.

6.2 This recommendation relates to Drawing PAC1 – at scale 1:2500.

**List of Documents**

Planning Authority: -

"A"- Statement of Case Newry, Mourne and Down District Council.

Appellant: -

"B"- Statement of Case by David Burgess on behalf of Mr Elvis Kirk.



PAC 1



Site Location Plan 1:2500



Applicant Elvis Kirk 81 Crossgar Road Killyleagh BT30 9SX	Location Between 81 and 83 Crossgar Road Killyleagh BT30 9SX	Title Site for Infill Dwelling and garage
Scale 1:2500	Date March 2021	Dwg No A 5561





# Appeal Decision

Park House  
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<b>Appeal Reference:</b>	2021/A0096
<b>Appeal by:</b>	Mr Elvis Kirk
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Infill dwelling and garage
<b>Location:</b>	Between 81 and 83 Crossgar Road, Killyleagh
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2021/0566/O
<b>Procedure:</b>	Written Representations
<b>Decision by:</b>	The Commission, dated 28 June 2022

The Commission has considered the report by Commissioner McKearney and accepts her analysis of the issues and recommendation that the appeal should be allowed. The Commission agrees that the reasons for refusal have not been sustained.

**Decision** – the appeal is allowed and outline planning permission is granted subject to the following conditions: -

1. Except as expressly provided for by Conditions 2, 3, and 5 the following reserved matters shall be approved by the Council - the siting, design and external appearance of the dwelling, garage and means of access thereto.
2. The dwelling and garage shall be sited in the cross hatched area as indicated on the attached 1:2500 scale block plan marked PAC1.
3. The ridge height of the dwelling and garage shall not exceed 5.5 metres above existing ground level at the lowest point within their footprints.
4. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.
5. Visibility splays of 2.4 x 90 metres in both directions shall be laid out at the point of access onto Crossgar Road before any building operations commence and shall be permanently retained and kept clear thereafter.
6. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme providing for the planting of a native species hedgerow along the northeastern boundary of the site and to the rear of the visibility splays. Both shall be allowed to grow on and retained at a height of not less than 1.5 metres.

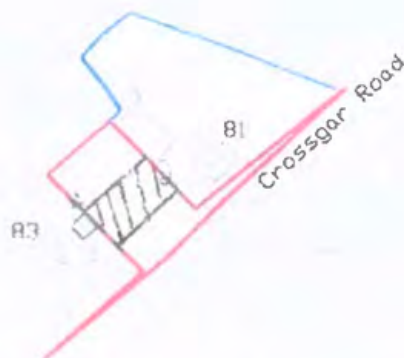
The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

7. 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.
8. 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 Drawing 'PAC1' – at scale 1:2500.

**PAMELA O'DONNELL**  
**Deputy Chief Commissioner**

PAC 1



Site Location Plan 1:2500



Applicant Elvis Kirk 81 Crossgar Road Killyleagh BT30 9SX	Location Between 81 and 83 Crossgar Road Killyleagh BT30 9SX	Title Site for Infill Dwelling and garage
Scale 1:2500	Date March 2021	Dwg No A 5561





# Appeal Decision

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<b>Appeal Reference:</b>	2021/A0052
<b>Appeal by:</b>	Mr Andrew Davis
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Dwelling at Crossroads/Cluster in compliance with PPS Policy CTY 2a
<b>Location:</b>	East and adjacent of 4 Turmennan Road, Ballygally, Crossgar
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	LA07/2021/0616/O
<b>Procedure:</b>	Written representations and Commissioner's site visit on 5 April 2022.
<b>Decision by:</b>	Commissioner Pauline Boomer dated 8 June 2022.

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside and its impact on rural character. Objectors have also raised concerns about the impact of the appeal proposal on their residential amenities, natural habitat, road safety and flooding.
3. Section 45(1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that, where in making any determination, regard is to be had to the LDP and the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Banbridge Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area and it contains no plan policies pertinent to the appeal proposal. As the appeal site is located outside any settlement development limit (SDL) within the BNMAP, the relevant planning policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21) which is identified by the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside. The appellant argued that the proposal constituted acceptable development as a dwelling sited

- within an existing cluster of development in accordance with Policy CTY 2a of PPS 21. In any case, if the appeal proposal were found to be compliant with Policy CTY 2a, this would ensure support in Policy CTY 1.
5. Policy CTY 2a 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 is not defined by the policy but its first three criteria give an indication of its intended meaning. The first criterion requires that the cluster of development must lie outside of a farm and consist of four or more buildings (excluding buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. The second criterion indicates that the cluster should appear as a visual entity in the landscape. The third criterion indicates that the cluster is to be associated with a focal point such as a community/community building /facility or is located at a crossroads.
  6. The appeal site is located at the crossroads where the Turmennan Road, Scaddy Road and Wallace Hill Roads meet and comprises a sizeable agricultural field which slopes steeply from south to north and from west to east. It is enclosed by hedgerows on three and a half sides, bounded by a mature copse to the south. A low stone wall with post and wire fencing at the junction offers views into the appeal site. The appeal site has a 90m frontage onto the Turmennan Road with a 40m frontage onto Scaddy Road.
  7. There is no dispute that there are a considerable number of dwellings and other buildings in the vicinity of the appeal site. The appellant has submitted an aerial photograph showing a total of 21 buildings, including 14 dwellings, with all but one lying within a 200m radius of the crossroads, 11 of which lie to the east of these junctions with a further 2 to the west, 1 to the north and 6 to the south. However, this "birdseye view" does not accurately reflect the public aspect that is visible when travelling along the public roads towards the appeal site from all directions. This appeal must therefore firstly assess whether or not these buildings read as a visual entity in the landscape.
  8. It is noteworthy that there are currently no dwellings or buildings at the crossroads (my emphasis) as required to comply with the third Criterion of Policy CTY2a. Whilst the appeal site does abut the junctions of the Turmennan and Scabby Roads, none of the 21 buildings referred to me by the appellant extend to or lie at or close to the crossroads. At present, the closest building (No. 1 Wallace Hill Road) is set back 75m from the crossroads with all but 2 of those identified buildings over 100m distant from those junctions.
  9. I shall consider the intervisibility between the appeal site, the crossroads and those existing buildings referred to me by the appellant:
    - When approaching the appeal site from Wallace Hill Road, there are 2 detached dwellings (Nos 8 &10) on the northern side of that road, 120m and 190m distant from the crossroads. Four semi-detached bungalows (Nos 1-7) lie a minimum of 75m east of the junction with a detached bungalow (No. 9) 140m distant. Given the mature trees and bushes positioned closer to the crossroads on both sides of Wallace Hill Road and the adequate separation distances, there is limited visual linkage between this group of buildings and



the junctions/ appeal site. There would be no awareness of the appeal site when travelling across the frontages of that grouping.

- Travelling northwards along Scaddy Road, the bungalow and garage at No. 61 sits on the eastern side of that road, 110m distant from the crossroads. Read with the rear elevations and rear gardens of the semi-detached dwellings referred to above, the intervening vegetation and substantial separation distance reduces any intervisibility with the crossroads with no views available of the appeal site from this aspect.
- Two groups of buildings (Nos. 60 & 62) are located on the western side of Scaddy Road, both set well back from the public road. A mature copse of trees has been planted immediately south of the appeal site which not only screen all but the top of the roof of the buildings at No. 62 but obscures any views of the appeal site when travelling northwards towards the crossroads. There is no visual linkage between these dwellings and outbuildings and the appeal site on this approach.
- Immediately west of the appeal site, 110m and 170m distant from the crossroads, there are two detached bungalows at Nos 4 & 6 Turmennan Road. Both are sited on or beyond the local crestline and given the separation distances and the mature vegetation enclosing both plots, there is limited visual linkage with the crossroads when travelling eastwards across their frontages.
- To the north of the crossroads, the nearest dwelling and garage sits over 110m back from the junction. This closest dwelling at No. 69 is enclosed by mature hedges on all sides and has limited visibility when viewed from the crossroads. Travelling southwards along Scabby Road, from the entrance to No. 69, long distant views of the dwellings at Nos. 4 & 6 Turmennan Road are available with no visual linkages with other properties on other roads.
- At present the closest properties located to the north (No. 69) and south (No. 61) of the crossroads along Scaddy Road are 220m distant whilst No. 1 Wallace Hill Road and No. 4 Turmennan Road are separated by a distance of 190m.

10. Whilst the aerial photograph supplied by the appellant confirms that there are 20 buildings within 75 -190m of the crossroads, on the ground they read as a loose collection of individual buildings rather than a particular discrete unit at the crossroads. Given the separation distances from the crossroads and the intervening vegetation, there is limited visual linkages between any of these buildings and the crossroads. I do not agree with the appellant's conclusion that "the development has grown up around the crossroads". In these circumstances, I concur with the LPA that the existing configuration of buildings does not read as a visual entity in the local landscape as required to comply with the 2<sup>nd</sup> criterion of Policy CTY2a. Whilst I agree with the appellant that there is no requirement in the policy for development to extend on all sides of the crossroads, at present there is no development on any side of it.

11. As the introduction of the appeal building would represent the first building at or close to the crossroads, there is currently no sense of arriving at "a cluster " on any approach. This reinforces my conclusion that the loose grouping of buildings identified by the appellant neither read as a visual entity nor are located at the crossroads. In concluding that development in the vicinity of the appeal site does not represent a cluster as envisaged in Policy CTY2a, the appeal proposal fails to

comply with the 2<sup>nd</sup> and 3<sup>rd</sup> Criterion. In these circumstances, I do not need to consider the other tests set out in the remaining criteria. I am satisfied that the appeal proposal does not find support in Policy CTY2a.

12. There is no evidence to suggest that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. It therefore does not comply with Policy CTY1 or Policy CTY2a and the first reason for refusal is sustained.
13. Policy CTY8 addresses the issue of ribbon development, stating that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 goes on to say that ribbon development is detrimental to the character, appearance and amenity of the countryside. Policy CTY14 addresses the issue of buildup of development altering the rural character of an area. The 2<sup>nd</sup> reason for refusal states that the proposed development would conflict with Policies CTY 8 and CTY14 as the introduction of a dwelling here would add to an existing ribbon of development and would result in a detrimental change to the rural character of the countryside. The appellant has not presented any argument that the appeal proposal represents an exception to Policy CTY8 as a gap site within a continuously built up frontage.
14. In their Statement of Case, the LPA indicate that the proposed development would "create" a ribbon of development rather than "add "to an existing ribbon as cited in their reason for refusal. Neither party has acknowledged this anomaly in their submissions and the appellant has offered no assessment on this matter, other than concluding that the "inclusion of another building ..... will have little or no affect on the character of this existing developed area". The LPA indicates that the appeal site would result in a ribbon of development alongside 4 & 6 Turmennan Road. When travelling southwards along Scaddy Road, I am satisfied that any dwelling on the appeal site would be visually linked with the two adjacent dwellings at Nos 4& 6 and would read as a ribbon of development from this aspect. Similarly, when travelling in both directions along Turmennan Road, there would be an awareness of three dwellings in a linear form on the southern side of that road. In so doing, it would conflict with Policy CTY8 as well as Criterion (d) of Policy CTY14, resulting in a concentration which would cause a detrimental change to the rural character of the area. I therefore conclude that the 2<sup>nd</sup> reason for refusal has been sustained.
15. Objectors have raised concerns about the potential adverse impact of the proposed development. This is an outline application but given the size of the plot, the mature enclosure and the adequate separation distances from neighbouring properties, I am satisfied that a dwelling could be satisfactorily sited and orientated to prevent any detrimental impact on the residential amenities of neighbouring properties. Levels, orientation of windows and the retention of existing mature hedgerows around the plot could also be controlled by way of conditions to ensure that no loss of privacy would result. DFI Roads are satisfied that a safe access would be achievable onto Turmennan Road without any prejudice to road safety. Concerns have been raised about the steep gradient causing excessive runoff from the site and flooding on the public road, which would be further exacerbated by the construction of a building and area of hardstanding. This is a matter which would be addressed by DFI Roads at Reserved Matters stage and could be

controlled via condition. With the exception of minimal loss of frontage hedge onto Turmennan Road to provide the necessary sightlines, all other trees and hedgerows around the site could be retained by way of condition and I am not persuaded that the development would result in a loss of habitat which would adversely impact on wildlife. Any increase in noise during construction would be temporary. There is no requirement in policy to retain agricultural land if found to accord with all relevant planning policies. Each site is considered on its own merits and any approval on this site would not set a precedent for future development. I therefore find that none of the objectors' concerns are determining in this appeal.

16. As I have concluded that both reasons for refusal have been sustained, this appeal must fail.

This decision relates to Drawing 2120/01 date stamped received by the Council on 29 March 2021.

**COMMISSIONER PAULINE BOOMER**

**2021/A0052****List of Documents**

LPA1	Statement of Case from Newry Mourne and Down District Council
APP 1	Statement of Case from Appellant
APP2	Rebuttal from Appellant
OBJ1	Statement of Case from Objector
OBJ2	Statement of Case from Objector