

July 29th, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 5th August 2026** at **10:00 am** in **Mourne Room, Downshire Civic Centre**.

Committee Membership 2026-27

Councillor M Larkin **Chairperson**

Councillor M Rice **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor V Harte

Councillor O Magennis

Councillor D McAteer

Councillor S Murphy

Councillor A Quinn

Councillor H Reilly

Councillor J Tinnelly

Councillor H Young

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

4.0 Minutes of Planning Committee Meeting held 1 July 2026

Attachment: Planning Committee Minutes 2026-07-01.pdf

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5.0 Addendum list – planning applications with no representations received or requests for speaking rights

Attachment: Addendum list - 25-02-2026.pdf

Page 15

Development Management - Planning Applications for determination

6.0 LA07/2025/0242/F - On street car parking area immediately in front of No. 2 O'Hagan Street, Newry - Proposed parklet area with associated site works

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

Attachment: LA07-2025-0242-F.pdf

Page 17

7.0 LA07/2025/0243/F - On street car parking area immediately in front of no. 14-16 & 18B Hill Street, Newry BT34 2BN - Proposed parklet area with associated site works

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

Attachment: LA07-2025-0243-F.pdf

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8.0 LA07/2020/0156/O - 11B Edward Street Newry - Erection of Apartment Development

APPROVAL

On agenda as a result of the Operating Protocol

Attachment: LA07-2020-0156-O.pdf

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9.0 LA07/2026/0377/F - 156A Drumaness Road, Drumaness, Ballynahinch, BT28 8RL - Installation of a modular building, associated site works, changing facilities, toilets, and a multifunctional community hub. Access remains via the existing entrance to the cricket grounds.

APPROVAL

On agenda as a result of the Operating Protocol

Attachment: LA07-2026-0377-F.pdf

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10.0 LA07/2025/0555/O - 75m NW of 4 Upper Ballinran Road, Kilkeel - Site for dwelling & detached garage with associated site works.

REFUSAL

On agenda as a result of the Call in process

Speaking rights have been requested in support of the application by Mr Brendan Quinn

Attachment: LA07-2025-0555-O.pdf

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Attachment: 10. LA07-2025-0555-0.pdf

Page 66

11.0 LA07/2025/0378/F - 26 Lisburn Street, Electrotech, Ballynahinch - Change of use from commercial shop unit to 2-bedroom dwelling house

REFUSAL

On agenda as a result of the call in process.

Previously tabled in February 2026.

Speaking rights have been requested in support of the application by Mr William Getty.

Attachment: LA07-2025-0378-F.pdf

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Attachment: 11. LA07-2025-0378-F.pdf

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12.0 LA07/2023/3550/O - 60m S of 36 Killyleagh Road, Crossgar, BT30 9LA - Proposed replacement dwelling and retention of existing structure as ancillary building.

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by Mr Richard Jamison

Attachment: LA07-2023-3550-O.pdf

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Attachment: 12. LA07-2023-3550-O.pdf

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13.0 LA07/2025/0641/F - Approx. 125m NW of 15 Killybawn Road, Saintfield, Co. Down, BT24 7JP - Dwelling on a farm.

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Gerry Tumelty, supported by Mr Ross.

Attachment: LA07-2025-0641-F.pdf

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Attachment: 13. LA07-2025-0641-F.pdf

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14.0 LA07/2025/0057/O - Approx. 28m N of 51 Derryboy Road, Crossgar, BT30 9LH - Site for dwelling with access on to Holly Park Road.

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Gerry Tumelty, supported by Mr & Mrs Gibson

Attachment: LA07-2025-0057-O.pdf

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Attachment: 15. LA07-2025-0057-O.pdf

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For Noting

15.0 Proposed Material Alterations to Proposed Variation No.2 to the Monaghan County Development Plan 2025-2031

16.0 Historic Action Sheet

Attachment: Planning Historic Tracking Sheet - 01-07-2026.pdf

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Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Mr Caolain Boyd

Fionnuala Branagh

Cllr Jim Brennan

Lorraine/Emma Burns/McParland

Cllr Pete Byrne

Cllr Philip Campbell

Cllr William Clarke

Cllr Laura Devlin

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Mr Conor Haughey

Cllr Martin Hearty

Cllr Roisin Howell

Cllr Tierna Howie

Mrs Lois Jackson

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Sheila Kieran

Cllr Aurla King

Cllr Cathal King

Ms Elaine Kirk

Cllr Mickey Larkin

Cllr Niall Lawlor

Cllr David Lee-Surginor

Cllr Alan Lewis

Mrs Annamarie Loughan

Cllr Oonagh Magennis

Mr Conor Mallon

Mrs Patricia Manley

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Jonathan McGilly
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Mr Martin McKibbin
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Ms Tracie McLoughlin
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Michael McQuiston
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Cllr Selina Murphy
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Cllr Kate Murphy
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Cllr Declan Murphy
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Sinead Murphy
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Ms Patricia Murtagh
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Cllr Siobhan O'Hare
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Mr Andy Patterson
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Ms Alison Robb
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Ms Maria Rogan
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Mr Peter Rooney
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Mr Pat Rooney
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Cllr Michael Ruane
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Mr Conor Sage
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Mrs Amanda Smyth
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Conor Smyth
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Donna Starkey
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Sarah Taggart
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Cllr David Taylor
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Mr David Telford
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Cllr Jarlath Tinnelly
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Ms Sinead Trainor
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Cllr Jill Truesdale
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Mrs Marie Ward
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Cllr Helena Young
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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 1 July 2026 at 11am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

Councillor W Clarke	Councillor V Harte	
Councillor O Magennis	Councillor S Murphy	
Councillor M Rice	Councillor J Tinnelly	
Councillor H Young		

Officials in attendance:

- Mr J McGilly, Assistant Director: Regeneration
- Mrs A McAlarney, Planning Manager
- Mr M Keane, Senior Planning Officer
- Ms A Loughan, Senior Planning Officer
- Ms L Jackson, Development Plan Manager
- Ms E Kirk, Assistant Director: Legal & People
- Mr P Rooney, Head of Legal Administration
- Ms S Taggart, Democratic Services Manager
- Ms F Branagh, Democratic Services Officer
- Mr C Smyth, Democratic Services Officer

Officials in attendance

On Teams: Mr P Rooney, Principal Planner

P/043/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin, McAteer and Reilly.

P/044/2026: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/045/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/046/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 27 MAY 2026

Read: Minutes of Planning Committee Meeting of Wednesday 27 May 2026.
(Copy circulated)

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Rice, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 27 May 2026 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/047/2026: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 1 July 2026.
(Copy circulated)

Ms Kirk advised that there were erroneous statements made in the Addendum Report for item 8 – LA07/2021/0809/F, outlined the corrections to be made as detailed below and asked Members to note that the two statements would be corrected.

- Page 2 referenced "SES therefore advises that, in this instance, a negative condition is not recommended", with page 3 paragraph entitled "conclusion" implying that SES advice was binding.

Ms Kirk confirmed that while SES provided a recommendation not to use a negative condition, this did not mean that a negative condition could not be used to achieve the required standard.

- Page 3 also stated "in line with legal precedent"

Ms Kirk affirmed that this should have referred to the SES quotation of the case of R Wyatt v Fareham Borough Council [2022] EWCA Civ 983, as referenced in the last paragraph of their response letter dated 22/04/2026

"Planning permission can only be given following an appropriate assessment where the decision-maker is certain /beyond reasonable scientific doubt, as to the absence of lasting adverse effects on the integrity of designated sites (R (Wyatt) v Fareham Borough Council [2022] EWCA Civ 983). If reasonable doubt remains, permission must be refused. SES therefore advises that, in this instance, a negative condition is not recommended"

- Page 5, paragraph 1, stated that "Senior Management and the Council's Legal Services...."

Ms Kirk advised that this should read "Planning Manager and Officers sought legal advice, and the use of a negative condition can be used as no development will take place unless deliverable wastewater treatment solution is agreed with NI Water.

Councillor Larkin confirmed that Members were content with the proposed amendments.

AGREED: **On the proposal of Councillor Rice, seconded by Councillor Clarke, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 1 July 2026:**

- **LA07/2022/1521/F** - Lands at 8 Corcreechy Road Newry - Erection of new commercial store with packing lines and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; partial retention of extended yard area with the relocation of fireworks storage containers and associated landscaping and ancillary siteworks to include the permanent closure of the existing access point onto the Lisserboy Road (reduced scheme). Amended description) (Amended Plans and Site Address)

APPROVAL

- **LA07/2023/3213/O** - Land immediately northwest of 12 Middle Tollymore Road, Newcastle, Down, BT33 0JJ - Proposed demolition of existing dwelling and construction of 2no detached dwellings (Amended Proposal Description)

APPROVAL

- **LA07/2021/0809/F** - Land at 189-197 Main Street Dundrum - Erection of Petrol Filling Station to include electric charging points for electric/hybrid vehicles, underground fuel storage tanks and ancillary works.

APPROVAL

DEVELOPMENT MANAGEMENT

P/048/2026: **PLANNING APPLICATIONS FOR DETERMINATION**

(1) **LA07/2023/2910/F**

On agenda as a result of the Call in Process

Location:

1 The Square, Annalong, Newry, BT34 4TS

Proposal:

Proposed Change of an Existing Chemist to a Butchers Shop (non-class change) with internal alterations. Change of First Floor 4 Bedroom Apartment into a 2 No 1 Bedroom Apartments and associated works. (Amended Description)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that the application sought full planning permission for the change of use of an existing chemist to a butcher's shop, together with internal alterations at ground floor level and the conversion of the former first-floor four-bedroom apartment into two one-bedroom apartments. He noted that the case officer's report was taken as read.

Mr Keane explained that the site was located within the settlement limits of Annalong, close to the harbour, within an Area of Outstanding Natural Beauty (AONB) and an Area of Archaeological Potential. He stated that while the principle of the proposed land uses was considered acceptable, the application was recommended for refusal due to objections from NI Water. He confirmed that NI Water had advised that the proposal could not be accommodated within the existing sewerage network, creating a risk of detrimental environmental impacts and adverse effects on existing properties. He noted that the applicant had been advised to engage directly with NI Water and to submit a Wastewater Impact Assessment (WwIA) to explore alternative drainage or treatment solutions, however to date, this had not happened.

He further advised that NI Water had clarified its position on the basis that the building had not been in use for the previous five years and, as such, the proposal would constitute an intensification of foul sewerage and surface water discharge.

Speaking rights:

Ms Rachel Moffitt and Ms Stephanie Reddick, representatives from NI Water, were present to answer any questions relating to the refusal reason for the application.

In Support:

Mr Brendan Starkey spoke in support of the application, stating that the application related to the re-use of an existing vacant building in the historic centre of Annalong, close to the harbour, and represented an opportunity to regenerate a prominent site, which would bring the building back into productive use through the provision of a butcher's shop at ground floor level and two one-bedroom apartments above, improving the appearance of the building and supporting the vitality of the village.

Mr Starkey noted that the sole reason for refusal related to NI Water's objection on wastewater network capacity and argued that NI Water had assessed the proposal as though it were a new connection, despite the building already benefiting from an existing connection and previously accommodating both retail and residential uses. He further stated that the Planning Department had confirmed that the ground floor retail use remained within the same use class and that the first-floor residential use was already established. In his view, the proposal would not result in a material intensification of wastewater discharge, as the change from one four-bedroom apartment to two one-bedroom apartments would generate a broadly comparable level of demand.

Mr Starkey concluded by stating that the proposal fitted with the objectives of the SPPS by promoting the reuse of an existing building, supporting village regeneration and contributing to the local economy and requested that Members approve the application.

Councillor Harte queried why the applicant's agent had not engaged with either the Planning Department or NI Water following notification of the wastewater network concerns several months earlier.

Mr Starkey advised that he had become involved after the application had been recommended for refusal and explained that commissioning a WwIA for a development of this scale would incur significant costs, in addition to engineering fees, and that the process often resulted either in no viable solution or the need for costly engineering works that would make the proposal financially unviable. He further noted that the lawful fallback position would allow the existing retail use and four-bedroom apartment to resume without planning permission and stated that the proposed two one-bedroom apartments were likely to generate lower water demand than the previous residential use.

Councillor Clarke sought clarification from NI Water on its assessment that the proposed butcher's shop and two one-bedroom apartments would result in greater wastewater demand than the previous retail use with a four-bedroom apartment. He also queried whether the planned upgrade to the Annalong pumping station could enable the application to proceed, potentially by way of a negative planning condition.

Ms Moffitt advised that NI Water assessed the proposal before it rather than the site's previous use and, based on its modelling, considered the development would represent an intensification of wastewater discharge due to the proposed butcher's shop and two residential units. She further explained that the issue did not relate to the pumping station but to the Harbour Main Street Combined Sewer Overflow (CSO), which was already discharging significant volumes of sewage to the environment. She added that there were also properties in the area included on NI Water's DG5 Register of properties at risk of sewer flooding and that NI Water could not support additional connections that would increase those risks.

Councillor Clarke queried the anticipated timeframe for the proposed upgrade to the Annalong pumping station and noted that several businesses in the village had closed in recent years. He also expressed the view that requiring a WwIA for a small-scale proposal could render the development financially unviable.

Ms Moffitt advised that, despite repeated requests, NI Water had received no engagement from the applicant. She noted that NI Water's website set out the process applicants should follow to establish the feasibility of development proposals, which had not been undertaken in this case. While acknowledging that these requirements could affect the viability of smaller schemes, she stated that NI Water's priority remained protecting existing customers and the environment. She further confirmed that improvements for Annalong were included within the proposed PC28 investment programme, subject to funding availability and investment priorities.

Councillor Tinnelly queried the basis and origin of NI Water's five-year rule, under which the proposal was treated as a new connection, and sought clarification on the evidence supporting NI Water's assessment that a butcher's shop would generate greater wastewater demand than a chemist.

Ms Moffitt advised that NI Water had applied the five-year rule to a number of planning applications in recent years where premises had been vacant for an extended period. She further explained that NI Water's assessment was informed by meter readings and historical consumption data, which provided average water usage figures for different business types.

Councillor Tinnelly sought clarification from the Planning Department that, should the applicant restore the building to its previous use as a chemist with a four-bedroom apartment above, no planning permission would be required.

Mr Keane confirmed that planning permission would not be required where the building was restored on a like-for-like basis to its lawful former use. However, he advised that, as the current proposal sought a different form of development and had been submitted as a planning application, it was necessary for the consultation process to be completed, and the application determined on its merits.

Councillor Rice sought clarification from NI Water on how the proposed change from a four-bedroom apartment to two one-bedroom apartments was considered to represent an intensification of use, to which Ms Moffitt advised that NI Water's assessment was based on its standardised domestic calculation rates. She explained that, as the applicant had not submitted any supporting information regarding anticipated discharge rates or water usage, NI Water could only assess the proposal using its baseline standard methodology.

Councillor Rice queried why the agent had not engaged with NI Water in relation to water usage comparisons between a four-bedroom apartment and two one-bedroom apartments, to which Mr Starkey advised that, in his view, NI Water should already have access to the relevant baseline information and stated that it was common sense that a four-bedroom apartment would typically accommodate a larger household than two one-bedroom apartments, which would generally be occupied by fewer persons.

Councillor Rice sought legal advice on the differing positions presented, specifically whether it was within the Planning Committee's discretion to determine the application contrary to the recommendation, or whether greater weight should be afforded to the response of the statutory consultee.

Mr Rooney advised that NI Water, as a statutory consultee, had raised an objection which Members should give careful consideration to. However, he noted reservations about the conclusion that the proposal represented an unacceptable intensification of wastewater discharge, given the existing sewer connection and the ability for the building to lawfully revert to its previous retail and residential use. He advised that, should Members be minded to approve the application contrary to the officer's recommendation, consideration could be given to imposing a condition requiring further engagement with NI Water to address the outstanding wastewater issues. He also advised that Members may be minded to ascertain from NI Water's objection, particularly in relation to any apparent change in position, whether this stemmed from internal policy or procedural considerations rather than statutory requirements.

Councillor Rice requested that NI Water expand on its position following the legal advice provided.

Ms Moffitt advised that NI Water's original consultation response had been issued in February 2024 on the incorrect assumption that the proposal represented a like-for-like development. She explained that, upon re-consultation in September 2025, outside the 18-month validity period for consultation responses, the error was identified and the response was amended accordingly. She confirmed that NI Water, as a statutory consultee, was entitled to revise its response where appropriate. She further explained that NI Water assessed applications based on the proposal submitted and applied a five-year rule, in place for over ten years, to determine whether previous uses could be taken into account. As the

building had been vacant for more than five years, the previous use was no longer reflected in NI Water's network modelling, and the proposal was therefore treated as an intensification of discharge to the sewerage network.

Ms Moffitt also advised that NI Water had a duty to balance facilitating new connections with protecting the environment under its agreement with the NIEA and its "no detriment" approach. She stated that approving a new connection in these circumstances would be contrary to that agreement and could expose NI Water to enforcement action. She therefore confirmed that NI Water maintained its objection to the application.

Councillor Larkin queried the 3,000 cubic metres of discharge per year, and the issues mentioned regarding other customers connected on that particular line, where the discharge went and what other issues were known on the line.

Ms Moffitt advised that NI Water maintained a DG5 Register of properties that had experienced, or were at risk of, internal sewer flooding. She confirmed that there were properties within the area already included on the register and that additional wastewater discharges could increase the risk of further flooding. She noted that NI Water's objective was to reduce, rather than increase, the number of properties on the DG5 Register. She further explained that the Main Street CSO discharged excess flows to the receiving watercourse when the sewer network exceeded capacity. She stated that permitting additional discharges would exacerbate existing pressures on the network, risk breaching NI Water's environmental consent, and could expose NI Water to potential regulatory enforcement action or prosecution.

Councillor Larkin queried the end point of the CSO, to which Ms Moffitt confirmed she did not have the specific locations but that the discharge would eventually end up in the sea.

Councillor Larkin queried what information would be required from the applicant to enable the application to proceed, to which Ms Moffitt advised that the appropriate course of action would be for the applicant to submit a WwIA, which would allow NI Water to assess the proposal in detail and identify any potential solution to the identified network constraints. She explained that the affected CSO did not have sufficient pipe capacity and was unscreened, resulting in untreated material being discharged to the environment. She further advised that, under NI Water's agreement with the NIEA, developments impacting this type of CSO would be required to deliver significant stormwater offsetting measures to reduce surface water entering the combined sewer system and advised that any such mitigation would need to be funded, secured and implemented by the developer.

Following a query from Councillor Tinnelly regarding the five-year rule, a discussion took place on whether it constituted an internal policy or a statutory requirement. Ms Moffitt advised that the rule formed part of a "heads of agreement" between NI Water and the NIEA and was treated by NI Water as a statutory requirement. Mr Starkey, however, advised that it was not a statutory obligation in legislative terms and instead reflected an internal arrangement between the two bodies.

Following this discussion, Members requested legal advice on whether the five-year rule constituted a statutory requirement or an internal process to be taken into account in the determination of the application.

Ms Kirk advised that NI Water's references to statutory obligations related to its own legal duties and regulatory arrangements with the NIEA in respect of mitigation measures, rather

than representing a statutory requirement that the Planning Committee was obliged to follow. She explained that statutory consultees provide a consultation response to the Planning Committee, whether by way of objection, support or suggested conditions, and that it remained for Members, as decision-makers, to determine the application in the exercise of their planning judgement.

Ms Kirk further advised that, on the basis of the information before Members, there was insufficient evidence to conclude that planning conditions could address NI Water's concerns. She therefore advised that Members should consider whether they agreed with NI Water's assessment that it had not been demonstrated that there was sufficient capacity within the sewerage network to accommodate the proposal, and that it would not result in significant detrimental impacts on the environment or existing properties.

Councillor Clarke queried whether the number of derelict buildings in the area had been factored into NI Water's capacity modelling, to which Ms Moffitt advised that NI Water's position was based on its network modelling, which reflected current assumptions on wastewater discharges. She explained that individual changes in occupancy or business use were not routinely captured and that any reassessment would require the relevant catchment area to be remodelled as part of NI Water's prioritised programme of work. She further advised that, should remodelling identify different discharge levels, NI Water would be required to seek approval from the NIEA to amend its assumptions and network constraints, a process which would take additional time.

Councillor Clarke expressed the view that the wastewater network modelling should be reviewed to reflect recent changes in the area, noting that a number of businesses within the village centre and harbour area had closed. While acknowledging existing issues within the sewerage network, he considered these to be primarily related to infrastructure capacity rather than overall wastewater loading and suggested that infrastructure investment, rather than restricting development, was required to address the underlying issues, with reference to the Council's role in supporting regeneration and development.

Ms Moffitt advised that the capacity of the sewerage network and the condition of the infrastructure were intrinsically linked. She noted that while future investment through the PC28 programme could deliver improvements, there remained existing properties at risk of flooding in the meantime. She further stated that increasing rainfall associated with climate change added pressure on the network and emphasised that removing surface water from the CSO was necessary to alleviate those pressures.

Councillor Larkin requested clarification on whether the Planning Department were able to impose a negative condition to allow the application to proceed to which Mr Keane confirmed that NI Water had issued its objection in September 2025, which was subsequently relayed to the agent. He noted that, despite further contact from officers in March and April, no additional information, evidence or commitment to engage with NI Water had been provided. Consequently, officers were unable to conclude that the matter could be addressed by way of a negative planning condition and therefore maintained the recommendation for refusal.

Following the extensive discussions, Councillor Rice proposed to overturn the recommendation to an approval, stating that, in his view, there would be a negligible change in the intensity of water use arising from the proposal and that he was not satisfied there would be an adverse impact on the wastewater network as suggested by NI Water.

This was seconded by Councillor Clarke.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Rice, seconded by Councillor Clarke it was agreed to issue an approval in respect of planning application LA07/2023/2910/F contrary to officer recommendation as contained in the Case Officer Report.**

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2025/1106/F

On agenda as a result of the Call in Process

Location:

Site between 27 Beechmount Park and 2 Elmwood Park facing onto Rathfriland Road, Newry, BT34 1LA.

Proposal:

1 dwelling to be built on site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application for consideration and noted that the case officer's report was taken as read with a recommendation for refusal. He explained that the principal concern related to the impact on the residential amenity of the adjoining property, No. 27, due to the size, scale, layout and siting of the proposed dwelling in close proximity to the side and rear boundaries. He confirmed that although no third-party objections had been received and consultees had raised no objections, officers remained of the view that the proposal was unacceptable. He noted that, despite discussions with the agent and amendments to window positions, the overall size, scale and siting of the dwelling had remained largely unchanged.

Mr Keane advised that, while the principle of a dwelling on the site was considered acceptable, officers considered the proposed dwelling would result in overlooking, loss of privacy, overshadowing, loss of light, and an overbearing impact on the neighbouring property due to its proximity to the shared boundaries. He emphasised that the concern related to residential amenity rather than the wider streetscape. He further noted that the adjoining plot had already been developed with a similar dwelling, but that property was

sited significantly further from the side and rear boundaries, resulting in a different relationship with No. 27.

Mr Keane concluded by reiterating the recommendation for refusal under Policy QD1(a) and (h) of PPS 7 and Policy LC1 of Addendum to PPS 7.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application, supported by Mr Colin Dalton and Mr Malachy McCourt. He stated that the principle of residential development on the site was not in dispute, noting that it was located within the Newry settlement limit in an established residential area. He highlighted that NI Water had confirmed there was sufficient wastewater capacity to serve the development and considered that, given the current infrastructure constraints affecting housing delivery, sustainable development on suitable sites should be supported. He noted that neither statutory consultees nor neighbouring residents had objected to the proposal and confirmed that he believed that it complied with Policies QD1 and LC1. He advised that the proposed dwelling was identical in scale, form and design to the dwelling approved and currently under construction on the adjoining plot and therefore respected the character of the area and would complete an infill site within the existing streetscape.

Addressing residential amenity, Mr Rooney advised that amendments had been made to the window arrangement following discussions with the Planning Department and argued that overlooking would be limited due to the orientation of the dwelling and the presence of an established mature hedge along the shared boundary. He further submitted that any overshadowing or dominance would not be unacceptable, noting the existing vegetation, the site's orientation and the urban context.

Mr Rooney concluded by stating that the proposal represented sustainable infill development on a site where infrastructure capacity existed and requested that Members disagree with the officer's recommendation and approve the application.

Councillor Tinnelly queried the similarities between the proposed dwelling and the dwelling currently under construction, and whether the refusal reasons would equally apply to the adjacent approved dwelling.

Mr Keane advised that although the dwellings were of a similar scale, size and footprint, the key distinction related to siting and proximity to neighbouring boundaries. He explained that the adjacent dwelling under construction benefited from a rear separation distance of approximately 12 metres, which exceeded the 10-metre guidance in *Creating Places*, whereas the proposed dwelling would be set approximately 6 metres from the rear boundary, resulting in different amenity considerations. He confirmed that while the site could accommodate a dwelling in principle, officers considered the proposed dwelling to be excessive in size for its context. He noted that amendments had been made during the process, but these were limited to window arrangements and did not materially alter the overall scale or siting.

Councillor Tinnelly queried whether No. 27 had been consulted, to which Mr Keane confirmed that it had been notified as part of the neighbour notification process and no response had been received. He further advised that site visits had been undertaken,

including during the construction of the adjoining dwelling, and that photographic evidence was included within the case officer's report.

Councillor Tinnelly asked about the purpose of a window overlooking the neighbouring garden, to which Mr Dalton confirmed that it served a bathroom and would be fitted with frosted glazing.

Councillor Harte queried how the proposal could be considered out of character given the varied nature of dwellings along the road.

Mr Keane acknowledged the mix of dwelling types in the area but reiterated that the key concerns related to the scale, footprint and proximity of the proposed dwelling to shared boundaries rather than the general streetscape.

Councillor Magennis queried what weight had been given to the absence of an objection from No. 27, to which Mr Keane advised that while neighbour responses were taken into account, recommendations were made in accordance with planning policy.

Following the discussion, Councillor Larkin proposed to overturn the recommendation to an approval, stating that he considered the design and scale of the proposal to be in keeping with the character of the area and that existing hedging and trees would provide effective screening to limit overlooking. He further advised that he considered the proposal compliant with Policy QD1, and did not anticipate unacceptable impacts in terms of loss of light or overshadowing.

This was seconded by Councillor Harte.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Harte, it was agreed to issue an approval in respect of planning application LA07/2025/1106/F contrary to officer recommendation as contained in the Case Officer Report.

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

(3) LA07/2023/2585/F

On agenda as a result of the Call in Process

Location:

Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle

Proposal:

Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

AGREED:

This application was withdrawn by the Planning Department to allow for further consideration.

ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed:

On the proposal of Councillor Harte, seconded by Councillor Magennis, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information) – and the public may, by resolution, be excluded during this item of business.

Agreed:

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

The Chairperson advised the following had been agreed whilst in closed session:

P/049/2026:

QUARTERLY PLANNING ENFORCEMENT UPDATE

Read:

Report from Mr J McGilly, Assistant Director of Regenerations, regarding Quarterly Planning Enforcement Update **(Copy Circulated)**.

AGREED:

It was agreed on the proposal of Councillor Harte, seconded by Councillor Magennis, to note the enforcement update.

FOR NOTING

P/050/2026:

LDP PROGRESS REPORT

Read:

Report from Mr J McGilly, Assistant Director of Regeneration, presented by Mrs L Jackson, Development Plan Manager, regarding LDP Progress Report. **(Copy circulated)**

Ms Jackson provided an update on the progress of the LDP process, advising that it remained a lengthy and detailed process and that officers were currently analysing the

representations received. She advised that it was anticipated a further consultation would be undertaken on proposed focused and minor changes, in line with the process followed by councils that had already adopted their plans and expressed the hope that this stage of the process would be completed later in the year.

AGREED: **It was agreed on the proposal of Councillor Harte, seconded by Councillor S Murphy, to note the contents of the report.**

P/051/2026: NOTIFICATION OF WITHDRAWAL OF PLANNING APPLICATION

Read: Correspondence from DFI Regional Planning regarding Notification of Withdrawal of Planning Application. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Harte, seconded by Councillor S Murphy, to note the correspondence.**

P/052/2026: HERATIGE AT RISK NORTHERN IRELAND (HARNI) REGISTER – UPDATE 2025/26

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Heritage at Risk Northern Ireland (HARNI) Register – Update 2025/26. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Harte, seconded by Councillor S Murphy, to note contents of the report and Appendix A.**

P/053/2026: HISTORIC ACTION SHEET

Read: Historic action sheet for agreement **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Harte, seconded by Councillor S Murphy, to note the historic action sheet.**

There being no further business the meeting ended at 12.30pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 40% of decisions overturned.

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 25 February 2026

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

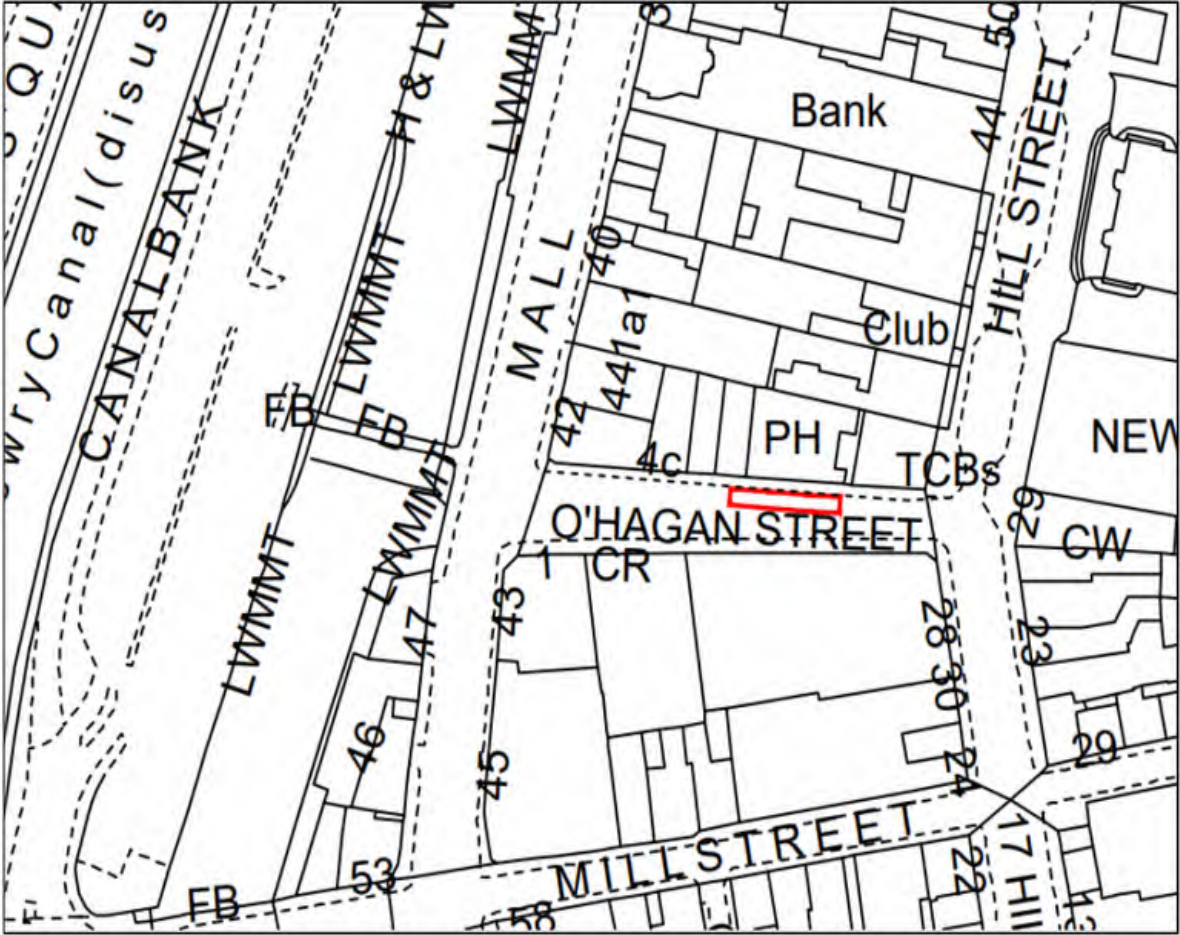
- **LA07/2023/3241/F** - Land adjacent to the rear of No 115 Chapel Street, Newry, BT34 2DP - - Erection of two semi-detached dwellings including 4 no. car parking spaces and associated site works (amended description)
APPROVAL
- **LA07/2025/0187/F** - Site falls between St Patricks Avenue Downpatrick and Dunleath Park and is approximately 11m to the east of Number 45 St Patricks Avenue, Downpatrick Avenue - Proposed installation of DDA Access from St Patricks Avenue to Dunleath Park walking trail in the form of a ramp with complimentary steps to the side.
APPROVAL
- **LA07/2025/0171/F** - Beach Centre, Shop & Toilets Clanmaghera Road, Tyrella, Downpatrick, BT30 8SU - Provision of new disabled access pathway from amenity building to beach.
APPROVAL
- **LA07/2025/0431/F** - 24 Gantry Lane, Newry, BT35 6FX - Proposed Extension & Alterations to Existing Dwelling and Retention of Garden Room
APPROVAL
- **LA07/2024/0639/F** - Lands to the east of Camlough Lake, Newtown Road, Camlough, BT35 7JJ - Development of a 'Recreational Hub' to provide facilities for both water and non-water based activities at Camlough Lake. Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway and floating pontoon, kayak storage, picnic areas, vehicular turning and separate bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance of cars and buses, exit lane for cars and associated visibility splays. Separate bus exit point provided onto the Newtown Road to the northwest of the site. Vehicular access track and separate pedestrian pathways provided from the Newtown Road to the 'Hub' facility. Proposal includes landscaping scheme, boundary fencing, drainage system and all associated site works.
APPROVAL
- **LA07/2023/3341/F** - 22m East of no 16 Chancellors Hall, Newry - Proposed Dwelling
REFUSAL

- **LA07/2024/1017/F** - On lands 70m east of No. 66 Drumnaconagher Road, Downpatrick - Erection of house and garage on farm as per PPS21 CTY10.
REFUSAL

-o-o-o-o-o-o-

Delegated Application

Development Management Officer Report	
Case Officer: Richard McMichael	
Application ID: LA07/2025/0242/F	Target Date:
Proposal: Proposed parklet area with associated site works	Location: On street car parking area immediately in front of No. 2 O'Hagan Street, Newry
Applicant Name and Address: Eamonn Connolly Unit 8 Monaghan Street Newry BT35 6BH	Agent Name and Address: Ola Jaroszevska 40-41 The Mall Newry BT34 1AN
Date of last Neighbour Notification:	11 September 2025
Date of Press Advertisement:	19 March 2025
EIA Determination:	
Consultations: DfI Roads (17/02/26): No objection, subject to conditions HED (17/09/25): No objection DfI Rivers (19/06/26): The site falls within a potential area of inundation from Camlough Reservoir. Using the Defra/Environment Agency Hazard to People Classification, the overall hazard rating at the site has been assessed as high, representing an unacceptable combination of depth and velocity in the event of an uncontrolled release from the reservoir. Rivers Directorate has further advised that it has not been demonstrated that the condition, management and maintenance regime of Camlough Reservoir is sufficient to provide the necessary assurance regarding reservoir safety as required under Policy FLD 5 of PPS 15. Policy FLD 5 establishes a presumption against development in areas where there is the potential for an unacceptable combination of depth and velocity, and the Rivers Directorate response is a material consideration in the determination of this application.	
Representations: No representations received.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit:	
Characteristics of the Site and Area The application site consists of one on street car parking space immediately in front of 2 O'Hagan Street, Newry. The site is adjacent to the public footpath and outside a restaurant. It is located on a one way street with parking on one side outside commercial premises. The left hand side is the rear entrance for a derelict grocery unit. Parking is prohibited on the left hand side of the street. The surrounding area is predominately commercial	
Description of Proposal Proposed parklet area with associated site works	
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> Application Number: LA07/2019/0161/F	

Decision: Permission Granted

Decision Date: 17 October 2019

Proposal: Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing street pedestrian footpaths, new street lighting scheme, street furniture, and all associated works including new pedestrian path in St. Colman's Park.

Application Number: LA07/2022/0322/F

Decision: Permission Granted

Decision Date: 14 December 2022

Proposal: Proposed parklet area with associated site works

SUPPORTING DOCUMENTS

- *Flood Risk Assessment*, Tetra Tech (May 2026)

PLANNING POLICIES & MATERIAL CONSIDERATIONS

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 15 (Revised): Planning and Flood Risk

CONSIDERATION AND ASSESSMENT

Banbridge, Newry and Mourne Area Plan 2015

The site is located within the settlement of Newry, within the city centre boundary, Primary Retail Core and Newry Conservation Area. The site also falls within an Area of Archaeological Potential and Archaeological Site and Monument, with listed buildings adjacent and to the east. These designations remain unchanged from the original permission. The city centre designation seeks to ensure the continuance of a compact and attractive shopping environment offering both choice and convenience. The proposal represents a renewal of a time-limited permission for a parklet of identical design, scale and siting. It is not considered the proposal will prejudice the objectives of the plan in relation to retail and city centres, and the proposal is considered to be in general conformity with the plan, subject to prevailing regional planning policies.



The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS acknowledges the importance of planning supporting the role of town centres and contributing to their success, with established town centres promoted as the appropriate first choice location for retailing and other complementary functions. The proposal relates to the renewal of a small parklet and does not involve the creation of additional retail space. The parklet is located within the Primary Retail Core and City Centre and is considered to be in broad compliance with the SPPS. The proposal will not prejudice the objectives of the SPPS and will continue to serve as a complementary feature supplementary to the role and function of the town centre.

Impact on the Character of the Area

The parklet measures 12m wide by 2.4m deep, occupying the footprint of two car parking spaces. The structure is open toward the footpath and enclosed by timber-effect cladding and planters on the two ends and roadside. The structure has been in situ during the period of the original permission and has demonstrated in practice that it does not detract from the character of the surrounding area. Public seating and planters remain a common feature along the nearby Hill Street to the east. The parklet continues to be innovative and complementary to the city centre offering, and is of a scale that does not dominate or detract from adjacent buildings. On renewal, there are no material changes to the proposal and no issues have been identified in respect of character during the operational period of the original permission. It is not considered the proposal will detract from the surrounding character of the area.

Impact on Amenity

The site is located in a busy city centre location within a predominantly commercial area with no residential properties in the immediate vicinity. Environmental Health were previously consulted and raised no objection. Given that there are no changes to the proposal and no issues have arisen during the operational period of the existing permission, it is not considered that the renewal will give rise to any adverse amenity impacts and therefore reconsultation of Environmental Health is not considered necessary.

Impact on Car Parking and Access

The proposal continues to involve the loss of two car parking spaces. Policy AMP 2 of PPS 3 requires that proposals do not prejudice road safety or significantly inconvenience the flow of traffic. A number of public car parks remain available in the wider area, including to the rear of Newry Cathedral, the multi-storey on Abbeyway, and the two car parks at Canal Bank. The loss of two spaces must again be balanced against the associated benefits to the city centre environment.

DfI Roads were reconsulted and raised no objection to the renewal, subject to conditions. These require that existing street furniture be repositioned; that the parklet structure does not exceed a maximum height of 1.05m; that proposed vegetation is carefully maintained so as not to obstruct visibility for other road users; that no parklet furniture encroaches beyond the designated area onto the adjacent footway; and that the road works are completed in accordance with the approved plans prior to commencement of any other development. There is no evidence from the operational period of the existing permission that road safety or traffic flow has been adversely affected. On balance, it is considered that the benefits of renewal continue to outweigh the loss of two parking spaces, and the proposal is not considered to prejudice the safety of road users or pedestrians subject to the conditions outlined above. Informatives will be attached regarding the requirement to hold the appropriate DfI licence prior to commencement of works.

Impacts on Built Heritage

The application site remains approximately 5m from the nearby listed building at 32 Hill Street, Newry (HB16/28/033A). The proposal is small scale and sufficiently removed from the listed building to have a negligible impact on its setting. The proposal continues to accord with Paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH 11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED have been consulted and no objection has been raised.

Impact on Flooding

The site falls within a potential area of inundation emanating from Camlough Reservoir as identified on Rivers Directorate reservoir inundation maps. In their initial consultation response, Rivers confirmed that Camlough Reservoir held Responsible Reservoir Manager Status and on that basis raised no objection to the proposal from a reservoir

flood risk perspective. Following this response, and in accordance with Rivers' wider consultation requirements regarding flood risk, the applicant commissioned and submitted a Flood Risk Assessment. That assessment raised no issues of concern.

However, upon reconsultation, Rivers materially changed their position, advising that it had not been demonstrated that the condition, management and maintenance regime of Camlough Reservoir is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5. Rivers carried out an assessment of flood risk to people at the site using the Defra/Environment Agency Hazard to People Classification and concluded that the overall hazard rating is high, representing an unacceptable combination of depth and velocity in the event of an uncontrolled release from the reservoir. On this basis, Rivers objected to the proposal under Policy FLD 5, which establishes a presumption against development in areas where there is the potential for an unacceptable combination of depth and velocity.

The Council notes that this objection represents a significant departure from Rivers' initial position, in which no concern was raised in respect of Policy FLD 5 and no indication was given that the Responsible Reservoir Manager Status previously confirmed would subsequently be called into question. The applicant acted in good faith in commissioning the Flood Risk Assessment as requested, and that assessment identified no issues. The initial consultation response provided a clear basis upon which the applicant and Council could reasonably proceed.

Notwithstanding the objection, the Council considers that significant weight must be given to the temporary and reversible nature of the development. The proposal is a small parklet structure, time limited in its permission, with no permanent built fabric, no habitable accommodation, and no vulnerable use. The structure can be readily removed and involves no permanent alteration to the site. In this context, the Council considers that the risks associated with reservoir inundation, while acknowledged, must be weighed proportionately against the nature of the development proposed. The parklet does not introduce a sensitive or vulnerable land use, and the consequences of inundation for this particular development type are materially different from those associated with permanent built development or residential uses.

Having regard to the temporary nature of the structure, the absence of any issues identified in the submitted Flood Risk Assessment, the inconsistency in Rivers' consultation responses, and the material considerations weighing in favour of the proposal as set out elsewhere in this report, the Council is satisfied that approval of this application is justified notwithstanding the objection received. The Rivers response has been treated as a material consideration and has been carefully weighed in the overall planning balance.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Approve, subject to conditions.

Drawing Numbers: 201

Conditions:

1. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission.

Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area.

2. Prior to the commencement of development, all existing street furniture within the application site shall be repositioned in accordance with details to be submitted to and approved in writing by the Council.

Reason: In the interests of road safety and the safe and convenient movement of pedestrians and road users.

3. The parklet structure hereby permitted shall not exceed a maximum height of 1.05m.

Reason: In the interests of road safety and to ensure adequate visibility and accessibility for all users.

4. All vegetation associated with the parklet hereby permitted shall be carefully maintained at all times so as not to obstruct the visibility of road users or pedestrians.

Reason: In the interests of road safety and the safe and convenient movement of road users and pedestrians.

5. No element of the parklet structure or associated furniture hereby permitted shall encroach beyond the designated area onto the adjacent footway.

Reason: In the interests of road safety and to ensure the free and safe movement of pedestrians.

6. No other development hereby permitted shall be commenced until the road works, indicated on Drawing No. 201, have been completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

Case Officer Signature: 
Date: 29 June 2026
Appointed Officer Signature: A Loughan
Date: 29 June 2026

Development Management Consideration

Agree with DMO Assessment.

The proposal is a small parklet structure, time limited in its permission, with no permanent built fabric, no habitable accommodation, and no vulnerable use. The structure can be readily removed and involves no permanent alteration to the site. In this context, the Council considers that the risks associated with reservoir inundation, while acknowledged, must be weighed proportionately against the nature of the development proposed. The parklet does not introduce a sensitive or vulnerable land use, and the consequences of inundation for this particular development type are materially different from those associated with permanent built development or residential uses.

Letter(s) of objection/support considered: N/A

Group decision:

Approve

D.M. Group Signatures R McMichael

A Loughan

F Connolly

Date 29/6/2026

Delegated Application

Development Management Officer Report	
Case Officer: Richard McMichael	
Application ID: LA07/2025/0243/F	Target Date:
Proposal: Proposed parklet area with associated site works	Location: On street car parking area immediately in front of no. 14-16 & 18B Hill Street, Newry BT34 2BN
Applicant Name and Address: Eamonn Connolly Unit 8 Monaghan Street Newry BT35 6BH	Agent Name and Address: Ola Jaroszevska 40-41 The Mall Newry BT34 1AN
Date of last Neighbour Notification:	11 September 2025
Date of Press Advertisement:	19 March 2025
EIA Determination:	
Consultations: DfI Roads (17/02/26): No objection, subject to conditions HED (17/09/25): No objection DfI Rivers (19/06/26): The site falls within a potential area of inundation from Camlough Reservoir. Using the Defra/Environment Agency Hazard to People Classification, the overall hazard rating at the site has been assessed as high, representing an unacceptable combination of depth and velocity in the event of an uncontrolled release from the reservoir. Rivers Directorate has further advised that it has not been demonstrated that the condition, management and maintenance regime of Camlough Reservoir is sufficient to provide the necessary assurance regarding reservoir safety as required under Policy FLD 5 of PPS 15. Policy FLD 5 establishes a presumption against development in areas where there is the potential for an unacceptable combination of depth and velocity, and the Rivers Directorate response is a material consideration in the determination of this application.	
Representations: No representations received.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Site Visit Report
Site Location Plan:

Date of Site Visit:
Characteristics of the Site and Area The application site consists of one on-street car parking space immediately in front of no. 14-16 & 18B Hill Street, Newry. Hill Street is lined on both sides by commercial premises and on-street parking. The site is adjacent to the public footpath and outside a café. The area is predominately commercial.
Description of Proposal Proposed parklet area with associated site works
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> Application Number: LA07/2022/0323/F Decision: Permission Granted Decision Date: 14 December 2022

Proposal: Proposed parklet area with associated site works

SUPPORTING DOCUMENTS

- *Flood Risk Assessment*, Tetra Tech (May 2026)

PLANNING POLICIES & MATERIAL CONSIDERATIONS

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 15 (Revised): Planning and Flood Risk

CONSIDERATION AND ASSESSMENT

Banbridge, Newry and Mourne Area Plan 2015

The site is located within the settlement of Newry, within the city centre boundary, Primary Retail Core and Newry Conservation Area. The site also falls within an Area of Archaeological Potential and Archaeological Site and Monument. These designations remain unchanged from the original permission. The city centre designation seeks to ensure the continuance of a compact and attractive shopping environment offering both choice and convenience. The proposal represents a renewal of a time limited permission for a parklet of identical design, scale and siting. It is not considered the proposal will prejudice the objectives of the plan in relation to retail and city centres, and the proposal is considered to be in general conformity with the plan, subject to prevailing regional planning policies.

Strategic Planning Policy Statement for Northern Ireland

The SPPS acknowledges the importance of planning supporting the role of town centres and contributing to their success, with established town centres promoted as the appropriate first choice location for retailing and other complementary functions. The proposal relates to the renewal of a small parklet and does not involve the creation of additional retail space. The parklet is located within the Primary Retail Core and City Centre and is considered to be in broad compliance with the SPPS. The proposal will not prejudice the objectives of the SPPS and will continue to serve as a complementary feature supplementary to the role and function of the town centre.

Impact on the Character of the Area

The parklet measures 6m wide by 2.5m deep, occupying the footprint of one car parking space. The structure is open toward the footpath and enclosed by timber effect cladding and planters on the two ends and roadside. The structure has been in situ during the period of the original permission and has demonstrated in practice that it does not detract

from the character of the surrounding area, which is predominantly commercial and typical of a traditional high street. Public seating and planters remain a common feature along Hill Street. The parklet continues to be innovative and complementary to the city centre offering, and is of a scale that does not dominate or detract from adjacent buildings. There are no material changes to the proposal and no issues have been identified in respect of character during the operational period of the original permission. It is not considered the proposal will detract from the surrounding character of the area.

Impact on Amenity

The site is located within a busy city centre in a predominantly commercial area, with no residential properties in the immediate vicinity. Environmental Health were consulted as part of the original application and raised no objection. The proposal is unchanged in nature, design and siting, and there is no indication that any amenity issues have arisen during the operational period of the existing permission. In these circumstances, reconsultation of Environmental Health is not considered necessary, and it is not considered that renewal of the permission will give rise to any adverse amenity impacts.

Impact on Car Parking and Access

The proposal continues to involve the loss of two car parking spaces. Policy AMP 2 of PPS 3 requires that proposals do not prejudice road safety or significantly inconvenience the flow of traffic. A number of public car parks remain available in the wider area, including to the rear of Newry Cathedral, the multi-storey on Abbeyway, and the two car parks at Canal Bank. The loss of two spaces must again be balanced against the associated benefits to the city centre environment.

DfI Roads were reconsulted and raised no objection to the renewal, subject to conditions. These require that existing street furniture be repositioned; that the parklet structure does not exceed a maximum height of 1.05m; that proposed vegetation is carefully maintained so as not to obstruct visibility for other road users; that no parklet furniture encroaches beyond the designated area onto the adjacent footway; and that the road works are completed in accordance with the approved plans prior to commencement of any other development. There is no evidence from the operational period of the existing permission that road safety or traffic flow has been adversely affected. On balance, it is considered that the benefits of renewal continue to outweigh the loss of two parking spaces, and the proposal is not considered to prejudice the safety of road users or pedestrians subject to the conditions outlined above. Informatives will be attached regarding the requirement to hold the appropriate DfI licence prior to commencement of works.

Impacts on Built Heritage

The application site is located approximately 70m from the nearby listed building at 32 Hill Street, Newry (HB16/28/033A). The proposal is small scale and sufficiently removed from the listed building to have a negligible impact on its setting. The proposal continues to accord with Paragraph 6.12 of the Strategic Planning Policy Statement for Northern

Ireland and Policy BH 11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED have been consulted and no objection has been raised.

Impact on Flooding

The site falls within a potential area of inundation emanating from Camlough Reservoir as identified on Rivers Directorate reservoir inundation maps. In their initial consultation response, Rivers confirmed that Camlough Reservoir held Responsible Reservoir Manager Status and on that basis raised no objection to the proposal from a reservoir flood risk perspective. Following this response, and in accordance with Rivers' wider consultation requirements regarding flood risk, the applicant commissioned and submitted a Flood Risk Assessment. That assessment raised no issues of concern.

However, upon reconsultation, Rivers materially changed their position, advising that it had not been demonstrated that the condition, management and maintenance regime of Camlough Reservoir is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5. Rivers carried out an assessment of flood risk to people at the site using the Defra/Environment Agency Hazard to People Classification and concluded that the overall hazard rating is high, representing an unacceptable combination of depth and velocity in the event of an uncontrolled release from the reservoir. On this basis, Rivers objected to the proposal under Policy FLD 5, which establishes a presumption against development in areas where there is the potential for an unacceptable combination of depth and velocity.

The Council notes that this objection represents a significant departure from Rivers' initial position, in which no concern was raised in respect of Policy FLD 5 and no indication was given that the Responsible Reservoir Manager Status previously confirmed would subsequently be called into question. The applicant acted in good faith in commissioning the Flood Risk Assessment as requested, and that assessment identified no issues. The initial consultation response provided a clear basis upon which the applicant and Council could reasonably proceed.

Notwithstanding the objection, the Council considers that significant weight must be given to the temporary and reversible nature of the development. The proposal is a small parklet structure, time limited in its permission, with no permanent built fabric, no habitable accommodation, and no vulnerable use. The structure can be readily removed and involves no permanent alteration to the site. In this context, the Council considers that the risks associated with reservoir inundation, while acknowledged, must be weighed proportionately against the nature of the development proposed. The parklet does not introduce a sensitive or vulnerable land use, and the consequences of inundation for this particular development type are materially different from those associated with permanent built development or residential uses.

Having regard to the temporary nature of the structure, the absence of any issues identified in the submitted Flood Risk Assessment, the inconsistency in Rivers' consultation responses, and the material considerations weighing in favour of the proposal as set out elsewhere in this report, the Council is satisfied that approval of this

application is justified notwithstanding the objection received. The Rivers response has been treated as a material consideration and has been carefully weighed in the overall planning balance.	
Neighbour Notification Checked	Yes
Summary of Recommendation Approve, subject to conditions.	
Drawing Numbers: 202 Conditions: 1. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission. Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area. 2. Prior to the commencement of development, all existing street furniture within the application site shall be repositioned in accordance with details to be submitted to and approved in writing by the Council. Reason: In the interests of road safety and the safe and convenient movement of pedestrians and road users. 3. The parklet structure hereby permitted shall not exceed a maximum height of 1.05m. Reason: In the interests of road safety and to ensure adequate visibility and accessibility for all users. 4. All vegetation associated with the parklet hereby permitted shall be carefully maintained at all times so as not to obstruct the visibility of road users or pedestrians. Reason: In the interests of road safety and the safe and convenient movement of road users and pedestrians. 5. No element of the parklet structure or associated furniture hereby permitted shall encroach beyond the designated area onto the adjacent footway. Reason: In the interests of road safety and to ensure the free and safe movement of pedestrians.	

6. No other development hereby permitted shall be commenced until the road works, indicated on Drawing No. 202, have been completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

Case Officer Signature:



Date: 29 June 2026

Appointed Officer Signature: A Loughan

Date: 29 June 2026

Development Management Consideration

Details of Discussion:

Agree with DMO Report

The proposal is a small parklet structure, time limited in its permission, with no permanent built fabric, no habitable accommodation, and no vulnerable use. The structure can be readily removed and involves no permanent alteration to the site. In this context, the Council considers that the risks associated with reservoir inundation, while acknowledged, must be weighed proportionately against the nature of the development proposed. The parklet does not introduce a sensitive or vulnerable land use, and the consequences of inundation for this particular development type are materially different from those associated with permanent built development or residential uses.

Letter(s) of objection/support considered: N/A

Group decision:

Approve

D.M. Group Signatures R McMichael

F Connolly

A Loughan

Date 29 June 2026

Delegated Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2020/0156/O	Target Date:
Proposal: ERECTION OF APARTMENT DEVELOPMENT	Location: 11B Edward Street Newry
Applicant Name and Address: Mr Michael & Nadejda Carlin 38 Forest Hills Newry BT34 2FH	Agent Name and Address: M Tumilty 16 Glenvale Road Newry BT34 2JX
Date of last Neighbour Notification:	31 December 2020
Date of Press Advertisement:	4 January 2021
EIA Determination: N/A	
Letters of Support	12
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The proposal shall be considered against all relevant planning policies along with any relevant material considerations.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The application site is located within the City Centre of Newry as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site sits with its entrance onto Edward Street via an existing small entrance arch leading to the main area of the site which sits behind existing residential dwellings and apartments. The main area of the site contains a single storey building within a modest sized yard area, large walls run along the side and rear boundaries of the site.



The site is located on a street containing a number of existing residential units which are a mix of dwellings and apartment fronting the street. The area also contains a number of buildings set to the rear of buildings this includes a more recently constructed apartment block which is accessed via a small arch entrance and set to the rear of existing development. A few vehicle garages are located in the area and a primary school is set to the rear of the site behind the existing large wall.

The site is located within the centre of Newry with a range of land uses in the vicinity including residential, education and commercial. The area has no defined character with building having a range of size, scale and designs.

Description of Proposal

Erection of apartment development.

Planning Assessment of Policy and Other Material Considerations

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS6 - Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards

PLANNING HISTORY

Application Number: P/2003/1057/F Decision: Permission Granted
Decision Date: 16 October 2003

Proposal: Change of use from single family houses to flats
Application Number: P/2004/2329/F Decision: Permission Granted
Decision Date: 16 November 2004

Proposal: Alterations & extensions to existing flats including a 2 storey return
Application Number: LA07/2019/0981/LDP Decision: Permission Granted
Decision Date: 23 August 2019
Proposal: Proposed internal alterations to layout of existing apartment

CONSULTATIONS

Roads – Following the submission of additional information the latest response raises no objection subject to the Planning Department being satisfied with the proposed access, parking and turning arrangement.

NIW – NIW referred to a WWIA that has been submitted for the application site, given that a WWIA has been submitted this shows that the agent has engaged with NIW and as such a negative condition can be included on any approval.

Environmental Health – No objections.

DFI Rivers – The latest response raised no objection to the proposal having considered additional information submitted.

HED

(Historic Monuments) – no objections raised considered in line with PPS6.

(Historic Buildings) - no objections raised considered in line with PPS6.

REPRESENTATIONS

The application was advertised on 10 & 12/02/2020 and 12/01/2021, a total of nineteen (19) neighbouring addresses were notified across a period of time from 31/01/2020 to 17/12/2020. No objections to the proposal were received with 12 representations of support received.

EVALUATION

EIA Screening

The proposal does not fall within the threshold set out in the Planning (Environmental Impact Assessment) Regulations (NI) 2017 and so an EIA determination is not required.

Given the urban location within the City Centre and existing buildings on the site it was not considered necessary to request a Biodiversity Checklist, the proposed development is not within a designated site.

Strategic Planning Policy Statement (SPPS).

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

The SPPS states that the Local Development Plan process is the primary focus for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives.

Development Plan:

Banbridge Newry and Mourne Area Plan 2015

The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area Plan 2015.

The application site is not zoned within the plan and so is viewed as whiteland where the Plan is silent on the use and decision making is deferred to the retained policies explored below.

PPS 7

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

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

The proposal seeks outline planning permission although conceptual drawings have been provided in which the development is shown as a small apartment block containing only two apartments.

The conceptual drawings have been considered to be appropriate given the modest size and scale of the proposed apartments with an acceptable layout including parking area and amenity space.

Although the site sits behind existing buildings which may not generally be considered acceptable consideration has been given to a similar development previously mentioned which is located at a site on the opposite side of Edward Street to the rear of buildings. Having viewed this development it is evident that in this area this type of development to the rear is acceptable for small scale apartment development.

The conceptual drawings submitted can be conditioned to ensure the final design and layout draws upon the details shown in the submitted drawings.

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

HED (Historic Monuments) and (Historic Buildings) provided comments stating they have considered the impacts of the proposal, HED is content that the proposal satisfies PPS 6 policy requirements.

The proposal is considered in line with relevant policy and HED are content with the proposal.

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

Although the application is for outline approval as previously stated a conceptual layout has been submitted, the layout indicates the provision of an area of shared amenity space of 100 sqm. The provision of an area of this size would be considered acceptable with regard given to the city centre location in close proximity to other areas of green space and the local recreation centre.

Given the location set behind buildings the site will not be seen and existing boundaries are to be retained with more details of any planting to be provided at RM stage.

The proposal is considered to meet this criterion although final details will be agreed as part of an RM application.

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

All the necessary services are located in close proximity to the site given its town centre location.

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

The site provides a good location in terms of providing a movement pattern that supports walking and cycling, the proposal meets the needs of people whose mobility is impaired as there are good public footpath links. Proposal offers proximity to good public transport links and neighbourhood facilities.

f) Adequate and appropriate provision is made for parking;

Although an outline application the conceptual layout shows the provision of 3 parking spaces and a bicycle rack.

Consideration has been given to the application site's City Centre location, existing parking areas close to the site and the close proximity to public transport including the nearby bus and train stations, as such the level of parking proposed is considered acceptable in this case.

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

The conceptual drawings submitted show a modest two-storey building which is very similar to the existing apartment development previously mention in this report which is on the opposite side of the street behind buildings, as such the proposal in terms of the conceptual drawings provided has drawn upon existing development in the area.

The conceptual drawings can be conditioned and full consideration given at RM stage.

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

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

No objections have been received from any neighbouring properties.

The proposed development will not result in any overlooking, loss of light etc given the tall boundary walls and the separation distance to existing buildings along Edward Street. Further consideration can be given at RM stage.

The proposal is considered to be in line with this policy requirement.

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

The proposal will be designed to deter crime and promote personal safety as far as is appropriate for a proposal of this size and scale. The proposal is considered to comply with this criterion.

Overall, the proposal complies with Policy QD 1.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

Policy LC 1 of Addendum PPS 7 states:

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

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.”

Para 2.4 of Policy LC 1 states

“When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.”

The proposal involves the creation of 2 apartments with this number to be conditioned, I am content that the proposed density is not significantly higher than that found in the surrounding area. The pattern of development is considered in keeping with the overall character and environmental quality of the established area and the proposed apartments will be designed in line with Annex A.

PPS 12: Housing in Settlements

The proposal complies with the planning control principles detailed in both PPS12 and the SPSS.

Increased housing density without town cramming – the proposal will increase the housing density in the city centre without eroding local character, environmental quality or amenity. It is acknowledged that the proposal introduces a development with a low density, accessibility to public transport and the need to achieve more sustainable compact urban forms, it is considered a suitable location for this proposal.

Good design – the design of the scheme as show in concept drawings respects the context of the area and follows local traditions in respect of form, materials and detailing while providing a modern development.

Sustainable forms of development – This proposal supports the principle of the creation of compact urban forms through the reuse of derelict lands within the city centre and in doing so is promoting more sustainable patterns of development by assisting urban regeneration and optimising existing infrastructure.

Balanced communities – The proposal will create apartments offering choice to meet different needs within the community.

DES 2 - Townscape

In view of the above, it is considered that the proposal is 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. The proposal will re-develop the site and is considered respectful of the existing character in terms of design, scale and use of materials as shown in concept drawings.

It is noted that Policy DES 2 refers specifically to towns and villages. It is however considered that while Newry is now a designated city, it was a town for the purposes of this policy requirement. It is considered appropriate to apply it in the context of this planning application.

PP3 Access, Movement and Parking

As stated above the parking is considered adequate for the site given its location, DFI Roads raised no objections to the proposal, the proposal is considered in line with the requirements of PPS3.

PPS 15: Planning and Flood Risk

DFI Rivers had acknowledged that the proposal was identified as an exception to FLD1. The latest response from DFI Rivers considered all information provided and raised no objections.

Summary

The proposed development will look to redevelop the site and provide additional apartment stock in the area. The conceptual drawings submitted are seen as acceptable and any approval will condition that the final scheme shall be in general accordance with the details shown within these drawings.

The proposal is considered to be in line with all relevant policy as detailed in the above report and as such is recommended for approval subject to relevant planning conditions.

Neighbour Notification Checked

Yes

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Site Layout: The layout of the overall development including buildings, roads, private and open space, hard surfaced areas and all associated development.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. Full particulars, detailed plans and sections of the reserved matters required in Condition 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

5. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 04, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

6. The development hereby approved shall be for a maximum of two apartments only.

Reason: To ensure that the development fits into the streetscape.

7. The proposed development shall be designed in general accordance with the details shown on conceptual drawings 102C, 203 and 204

Reason: To ensure the proposed development is of an acceptable design and layout.

Case Officer Signature: W Donaldson

Date: 01/07/2026

Appointed Officer Signature: A Loughan

Date:02/07/2026

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2026/0377/F	Target Date:
Proposal: Installation of a modular building, associated site works, changing facilities, toilets, and a multifunctional community hub. Access remains via the existing entrance to the cricket grounds.	Location: 156a Drumaness Road, Drumaness, Ballynahinch, BT24 8RL
Applicant Name and Address: Darren Oldroyd 156A Drumaness Road Drumaness BT24 8RL	Agent Name and Address: Darren Oldroyd 156A Drumaness Road Drumaness BT24 8RL
Date of last Neighbour Notification:	3 June 2026
Date of Press Advertisement:	15 April 2026
EIA Determination:	
Consultations: See Evaluation below.	
Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: July 2026

Characteristics of the Site and Area

The application site is located within the development limits of Drumaness as designated by the Ards and Down Area Plan 2015. The site is cut out from larger cricket grounds. To the west of the site is Drumaness Mills Football Club comprising two football pitches. A building is positioned adjacent the site and is in use as the social club for Drumaness Mills. To the north west of the site is another soccer pitch.

Access to the site is afforded via an existing car park leading off the Drumaness Road to the south west of the site.

The site is fairly level with the cricket grounds and has recently been laid out with stone surface. There is a fall in levels to the rear (north east) of the site resulting in lands beyond this at a lower level.

The site is also located on land zoned for Existing Amenity Open Space and Recreation. The site sits in a relatively built-up area comprising a range of different land uses. Residential properties are located to the north, south and west of the site. Opposite the site is the Dan Rice Hall, a community building.

Description of Proposal

Installation of a modular building, associated site works, changing facilities, toilets, and a multifunctional community hub. Access remains via the existing entrance to the cricket grounds.

Planning Assessment of Policy and Other Material Considerations

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland 2nd Edition
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation.

PLANNING HISTORY

Planning

Application Number: LA07/2026/0219/DC Decision: Decision Date:

Proposal: Discharge of condition 8 of planning approval LA07/2020/1572/F

Application Number: R/1973/0070 Decision: Permission Granted Decision

Date: 08 January 1974

Proposal: EXTEND EXISTING PLAYING FIELDS.

Application Number: R/1980/0756 Decision: Permission Refused Decision

Date: 07 January 1981

Proposal: HOUSING

Application Number: R/1980/0297 Decision: Permission Granted Decision

Date: 09 April 1981

Proposal: EXTENSION TO PLAYING FIELDS AND PROVISION OF CAR PARK

Application Number: R/1989/0498 Decision: Permission Granted Decision

Date: 31 October 1989

Proposal: Temporary changing facilities

Application Number: R/1991/0179 Decision: Withdrawal Decision Date: 27

July 1991

Proposal: Playing field, car park and changing facility

Application Number: R/1991/0596 Decision: Permission Granted Decision

Date: 01 January 1992

Proposal: Playing field, car park and changing facility

Application Number: R/1993/0828 Decision: Permission Granted Decision

Date: 29 December 1993

Proposal: Temporary accommodation and storage units 4 no of each

Application Number: R/1995/0843 Decision: Permission Granted Decision

Date: 18 January 1996

Proposal: Sectional building for use by Drumaness Cricket Club as Store

Application Number: R/1996/0252 Decision: Permission Granted Decision

Date: 09 October 1996

Proposal: 2 Football Stands

Application Number: R/1999/1240/F Decision: Permission Granted Decision

Date: 21 April 2000

Proposal: Provision of a green line portable type facility for youth club.

Application Number: R/1999/0726/O Decision: Permission Granted Decision
Date: 28 April 2000
Proposal: New building providing social club for Drumaness Mill FC

Application Number: R/2001/0269/F Decision: Permission Granted Decision
Date: 26 July 2001
Proposal: New club house facility and social rooms.

SUPPORTING DOCUMENTS

- Application form
- Full set of plans

CONSULTATIONS

- Environmental Health – No objection, information provided to be attached to any approval. (11/05/2026)
- NI Water (strategic) – Approve with standard planning conditions (10/06/2026)

REPRESENTATIONS

Neighbour notification and advertising of this application was undertaken in line with statutory requirements. There were no representations received to date.

EVALUATION

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Ards and Down Area Plan 2015.

The application site is included within the settlement limits of Drumaness and is on land zoned for Existing Amenity Open Space and Recreation as demonstrated on Map No. 3/011 of the LDP.



Planning Policy Statement 8 and SPPS2

Policy OS1 Protection of Open Space of Planning Policy Statement 8 (PPS8) states the following:

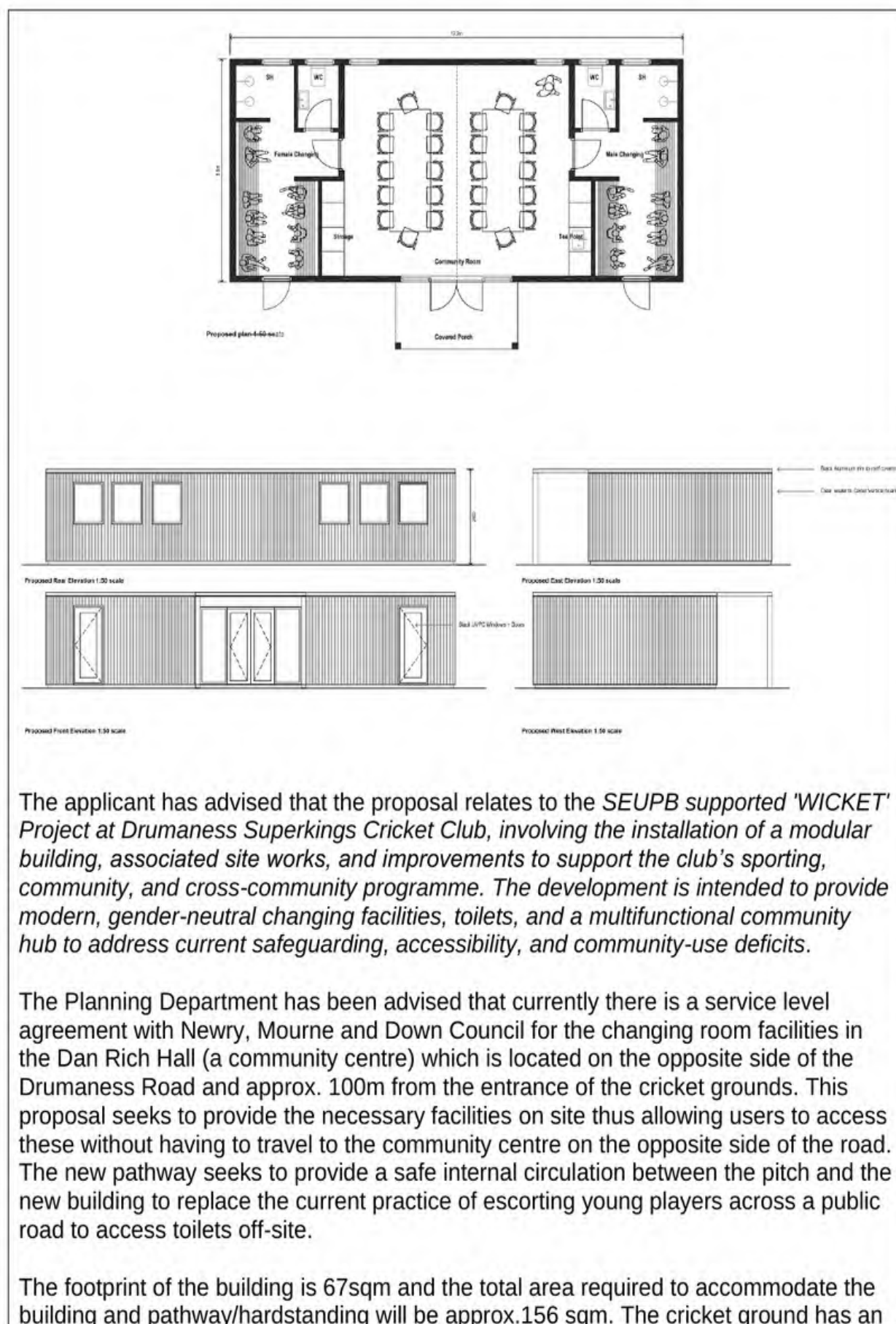
“The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

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

This is echoed by paragraph 6.205 of the SPPS2 where it states “any exception to this approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.”

This application relates for the provision of new community facilities to be used in conjunction with the Cricket ground. The building proposed will measure 12.2m by 5.5m and will have a flat roof covering standing at 2.6m in height. External finishes include cedar vertical cladding, a black aluminium trim to its roof covering and black UPVC windows and doors. The building will comprise of changing room facilities and a small community room with kitchen facilities. The building will sit adjacent to a cricket ground. As part of the proposal a gravel path will be provided to enable pedestrian access to the building. See below proposed plans.





area of approx. 0.85 hectares, with the adjoining wider area of open space including the soccer pitches having a total area on 33.3hectares. The new development proposed accounts for only a very small proportion of the overall open space and only 0.8% of the area designated for open space in the Local Development Plan and it will be positioned outside the outfield area of the cricket grounds. The building will function as ancillary to the main use of the site for sport and recreation and will complement it. As indicated by the by agent, the facilities are intended to improve the current arrangements in place for users of the grounds by providing safer access to necessary facilities. The proposal is considered to accord with Policy OS1 of PPS8 and the SPPS2 in this regard.

Design / Impact on character and appearance

The building proposed will be set approx. 90m back from the Drumaness Road. It will sit adjacent to an existing building. It will be visible on passing the site when travelling along the Drumaness Road, however due to its positioning and scale it won't be prominent. The building will be clad in timber and its design is considered appropriate and not be harmful to the character and appearance of of the surrounding area.

Impact on Residential amenity

Residential properties are located to the north, west and south of the site. The new building will be 90m from the closest neighbouring dwelling. Given the existing use of the site and the wider area including there is not envisaged to be any negative impact on neighbouring amenity. Environmental Health were consulted during the processing of this application and have offered no objections to the proposal but have requested an information be included with regards to the any plant and equipment associated with the new building.

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

The application relates to lands which are owned by Newry, Mourne and Down Council but which are leased to Drumaness Superkings Cricket Club. In line with the Councils Scheme of Delegated, the application is required to be determined by the Planning Committee as the application relates to land in which the Council has an interest or estate.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval

Conditions:

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. Informative: 1. The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby sensitive receptors.
Case Officer Signature: Laura O’Hare
Date: 21 July 2026
Appointed Officer Signature: B.Ferguson
Date: 22/07/2026

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2025/0555/O	Target Date:
Proposal: Site for dwelling & detached garage with associated site works.	Location: 75m NW of No 4 Upper Ballinran Road, Kilkeel
Applicant Name and Address: Michael White 1 Upper Ballinran Road Kilkeel	Agent Name and Address: Quinn Design & Engineering Services 36 Carrogs Road, Burren, Warrenpoint, BT34 3PY
Date of last Neighbour Notification:	26 September 2025
Date of Press Advertisement:	18 June 2025
EIA Determination:	
Consultations: • DFI Roads • DAERA • Historic Environment Division (HED) • Environmental Health	
Representations: No representations have been received in respect of this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:n.a	

Site Visit Report

Site Location Plan:

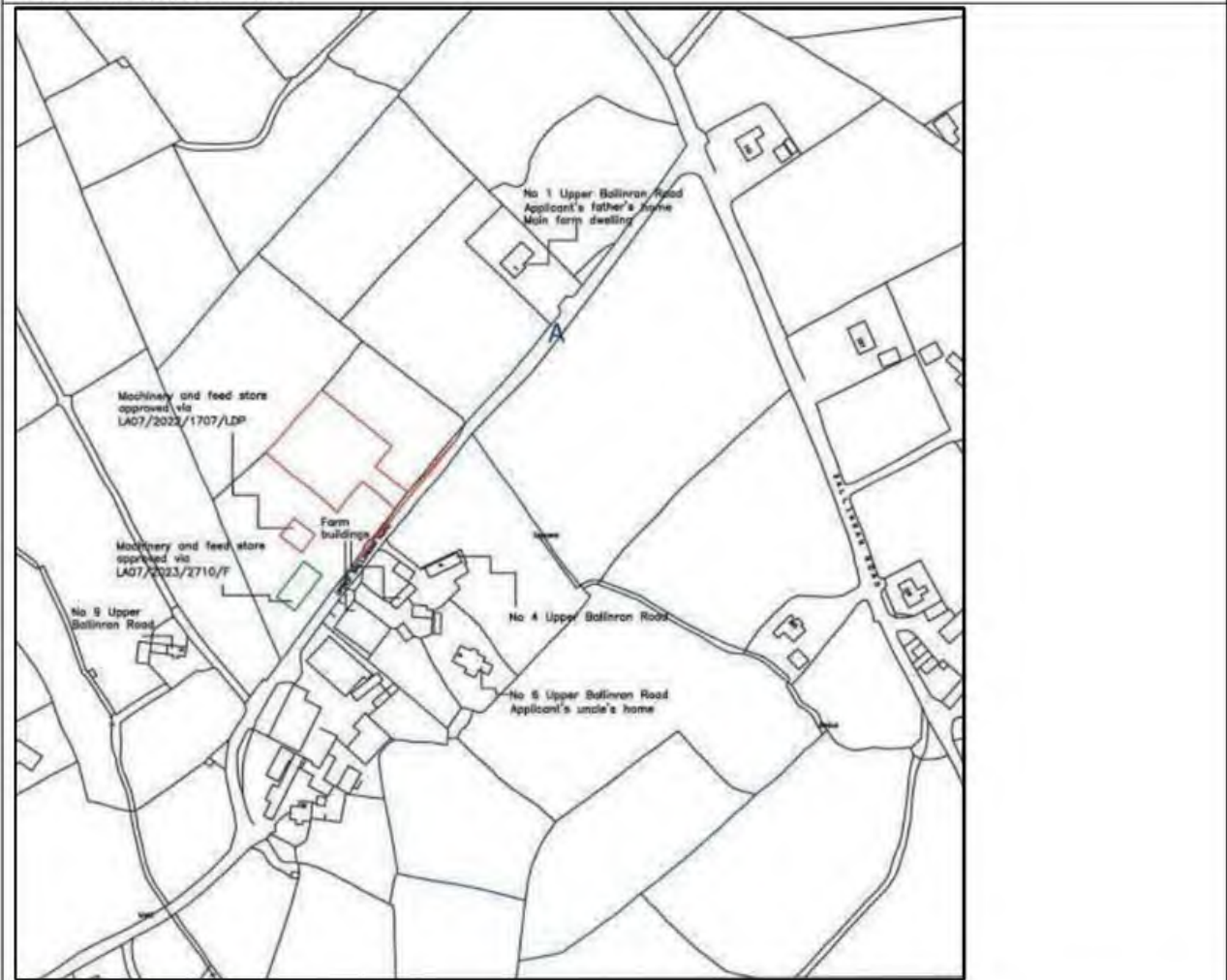


Figure 1- Site Location Plan

Date of Site Visit:

Characteristics of the Site and Area

The application site is located within a large agricultural field located off the Upper Ballinran Road. The site itself is located outside any defined settlements as designated within the Banbridge, Newry and Mourne Area Plan (BNMAP) and is defined as open countryside, the application is however located within the Mourne Area of Outstanding Natural Beauty (AONB). The application site is located across the road from a working farmyard and is located immediately adjacent to two agricultural sheds, the remaining boundaries are currently undefined however the wider agricultural field is bounded by stone walls which are a common feature in this area, the application site is generally flat however it rises slightly towards the north and north west.

The immediate surrounding area is dominated by agricultural activity (fields and buildings) with one off dwellings located in the area also.

Description of Proposal

This application is seeking outline permission for a dwelling and detached garage. As this is an outline application no detailed plans have been submitted.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed against the following guidance and policy:

- Banbridge, Newry and Mourne Area Plan, 2015
- The Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- PPS21 Sustainable Development in the Countryside
- PPS6- Planning Archaeology and the Built Heritage
- PPS3- Access, Movement and Parking
- PPS2- Natural Heritage
- DCAN 15- Vehicular Access Standards
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

There is no direct planning history on the application site however there is recent planning history for the lands surrounding the application site, including two agricultural sheds directly adjacent the site. These are detailed below:

Application Number: P/2009/1442/F

Proposal: Erection of farm dwelling and garage

Decision: Permission Granted

Decision Date: 04 May 2011

Application Number: LA07/2021/0700/O

Proposal: Proposed new farm dwelling and detached garage

Decision: Withdrawal

Decision Date: 18 August 2021

Application Number: LA07/2021/1780/F

Proposal: Retrospective Application for Farm Shed and Access Yard

Decision: Permission Refused

Decision Date: 29 September 2022

Application Number: LA07/2022/1707/LDP

Proposal: Erect agricultural shed to store animal feed, bedding and machinery

Decision: Permitted Development

Date: 24 February 2023

Application Number: LA07/2023/2710/F

Proposal: Retention of an agricultural storage shed, access to the public road and small hardcore yard.

Decision: Permission Granted

Decision Date: 14 November 2024

SUPPORTING DOCUMENTS

The application was supported by the following:

- Application Form
- Site Location Plan
- Design and Access Statement
- Biodiversity Checklist & Ecological Appraisal
- Farm Maps

CONSULTATIONS

The following consultations took place:

- DAERA- Confirmed farming activity.
- DFI Roads- Offered no objection, subject to conditions.
- HED- Content, no objection
- Environmental Health- Content no objection

REPRESENTATIONS

Six neighbouring properties were notified and no representations have been received in respect of the application. The proposal was advertised in the Mourne Observer on the 18th June 2025 and no wider representations were received.

EVALUATION

Environmental Impact Assessment

As the proposal is within a designated area (Mournes AONB) it falls under Schedule 2 category 10b of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council has determined through an EIA screening on 28th April 2026 that an Environmental Statement was not required, a copy of the EIA screening determination is retained on file, with the agent also notified of this.

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 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 have not yet adopted a LDP. The application site lies outside any settlement limits, as designated within this Plan.

Strategic Planning Policy Statement

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged. A transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be

resolved in favour of the provision of the SPPS i.e., where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy. There is no significant change to the policy requirements for farm dwellings following the publication of the SPPS and as it is arguably less prescriptive, the retained policies of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 21 – Sustainable Development in the Countryside

PPS 21 Sustainable Development in the Countryside is the relevant planning policy in determining the principle of development for this proposal. Policy CTY 1 gives a number of opportunities for housing development in the countryside. One such opportunity is for a dwelling on a farm providing the criteria of Policy CTY 10 are all met.

Policy CTY 10 Dwellings on Farms

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

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

Following consultation with DAERA, it has been confirmed that the farm business ID was allocated in March 2015 as a category 1 farm. It is also noted that the proposal is located within field 3/082/003/12, which has been claimed by the business listed in the application form for the Farm Sustainability Payment (FSP) in 2025. The Planning Department are content that the farming business is currently active and has been established for at least 6 years. Criterion A of this policy has been met.

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

Following a review of the farm maps submitted by the applicant, an approval to the south of the application site and adjacent to field 003/15 under reference P/2009/1442/F, now known as No.6 Upper Ballinran Road was queried with the agent. The agent advised that lands and dwelling in question belong to the applicant's uncle who remains a part owner of the existing farm business and that they were transferred over ten years prior the application being submitted. The agent has also provided a solicitor's letter confirming that no lands have been sold off the holding within ten years of submission of the application. With this in mind, the Planning Department are satisfied that this criterion has been met.

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

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

From the documentation submitted by the agent, it is noted that the farm business is registered at No. 1 Upper Ballinran Road, which is an existing farm house approx. 110m to the north east of the application site. The farm yard and sheds which are associated with the farm holding are located on both sides of the Upper Ballinran Road as shown in the below figure. It should be further noted that there are two recently approved farm buildings (Machinery & feed stores) immediately adjacent the application site, LA07/2023/2710/F & LA07/2022/1707/LDP all of which allow the proposal to both visually link and cluster with. The Planning Department are satisfied that this criterion has been met.



Figure 2- Application Site & Existing Farm Buildings

The application is therefore considered to meet the requirements of CTY10 of PPS21. Policy CTY1 of PPS21 however also requires that all proposals for developments in the countryside must also be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. All proposals must therefore also comply with the other policy requirements contained within PPS21.

CTY 8 Ribbon Development

Whilst the proposal has been assessed under Policy CTY 10, it is considered that the application also fails to comply with Policy CTY 8 of PPS 21, which states that *'Planning permission will be refused for a building which creates or adds to a ribbon of development.'* Having assessed the application site and its surroundings, it is noted that two agricultural buildings are situated immediately adjacent to the application site, both sharing a common boundary and having frontage onto the Upper Ballinran Road. The proposed development would introduce an additional building along this road frontage, and in doing so would, in combination with the existing adjacent buildings, create a ribbon of development along this section of the Upper Ballinran Road. This is precisely the form of incremental, linear development that Policy CTY 8 seeks to prevent. The Justification and Amplification of Policy CTY 8 is clear that ribbon development does not necessarily require individual accesses or a continuous and uniform building line. Buildings that are set back, staggered, angled, or separated by gaps may still constitute ribbon development where they share a common frontage or are visually linked. It is therefore considered that the proposed development, when assessed in conjunction with the existing adjacent buildings, would result in ribbon development contrary to Policy CTY 8.

'Building on Tradition' acknowledges that the assessment of ribbon development is dependent upon the specific siting and circumstances of each individual case. Having carefully considered the particular characteristics of this site and its immediate context, it is nevertheless considered that this application represents a clear and demonstrable example of ribbon development. The cumulative impact of the proposed dwelling, read alongside the existing buildings sharing the same road frontage, would result in a continuous built form along the roadside that would be visually harmful to the rural character of the area.

Further support for this position is found in Appeal Decision 2024/A0098, in which the Commissioner noted the presence of buildings adjacent to the appeal site sharing a common road frontage and concluded that a visual linkage between the appeal site and the qualifying buildings would be clearly discernible on the ground. On that basis, the Commissioner determined that permitting the development would add to an existing ribbon of development. It is noteworthy that the circumstances of the current application are of greater concern than those considered in that appeal in that case the issue was the extension of an already established ribbon, whereas in the present case, no such ribbon currently exists. The proposed development would, if permitted, create a ribbon of development where none previously existed, representing a more fundamental conflict with the aims and objectives of Policy CTY 8.

CTY 13- Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. The policy notes the following: *'A new building will be unacceptable where:*

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

g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

It is acknowledged that Policy CTY 13 sets out a number of criteria against which the visual integration of new buildings in the countryside must be assessed. The proposed farm dwelling has been carefully considered in the context of these criteria, and it is submitted that the proposal accords with the policy for the reasons set out below.

While it is noted this is an Outline application with no detailed plans submitted, the following is considered.

With regard to criterion (a), it is considered a suitably designed and sited dwelling will not form a prominent feature in the landscape. The site is positioned in close proximity to the existing farm building complex, which provides an established built form within the landscape. The dwelling will sit within this context rather than presenting as an isolated or visually intrusive element.

Turning to criterion (b), it is acknowledged that the application site does not benefit from long-established natural boundaries. However, it is respectfully submitted that this must be considered in the context of the site's relationship with the adjoining farm buildings. The clustering of the proposed dwelling with the existing farm building group will, in itself, provide a degree of enclosure and visual containment that assists the integration of the development into the landscape. The absence of long-established boundaries at this particular site should not therefore be considered determinative, given the contribution made by the adjacent built form to the overall integration of the proposal.

In respect of criterion (c), the proposal does not rely primarily on new landscaping to achieve integration. Whilst appropriate boundary treatment may be introduced as part of the development, this is supplementary to the visual containment already afforded by the existing farm building cluster.

With regard to criterion (d), it is anticipated that all ancillary works, including access and any associated infrastructure, will be designed to be sympathetic to the rural setting and will integrate appropriately with the surrounding environment.

On the matter of criterion (e), as this is an outline application, detailed matters of design are reserved for future consideration. Notwithstanding this, the principle of the dwelling's form and scale will be guided by the character of the existing farm buildings and the vernacular of the locality. It is submitted that there is no reason in principle why an appropriate design cannot be achieved, and this will be fully demonstrated at the Reserved Matters stage.

In relation to criterion (f), the siting of the proposed dwelling has had regard to the existing built form, landform and natural features of the site and its surroundings. The dwelling will be positioned to take advantage of the backdrop provided by the existing farm buildings, ensuring that it does not read as an isolated feature within the open countryside.

Finally, and critically in the context of criterion (g), the proposed dwelling is specifically intended to serve the agricultural enterprise associated with the farm. The dwelling is sited so as to visually link and cluster with the established group of farm buildings on the holding. This clustering is a fundamental aspect of the site selection and layout, and it is considered that the proposal satisfactorily meets this criterion.

In conclusion, whilst it is accepted that the site does not possess long-established natural boundaries, the proposal's relationship and clustering with the adjacent farm buildings is considered to provide the necessary degree of visual integration to satisfy the requirements of

Policy CTY 13. As an outline application, it is further submitted that any remaining detailed matters relating to design and integration can be appropriately addressed and demonstrated at the Reserved Matters stage.

CTY 14 – Rural Character

Policy CTY 14 requires that new buildings in the countryside do not cause a detrimental change to, or further erode, the rural character of an area. Having carefully considered the criteria of this policy, it is considered that the proposal conflicts with criterion (d), which requires that a building does not create or add to a ribbon of development.

The principles of Policy CTY 8 and the issue of ribbon development have been assessed in detail above and it is not considered necessary to repeat that assessment in full here. As set out in that assessment, the proposed dwelling would, if permitted, create a ribbon of development along this section of the Upper Ballinran Road where none currently exists, by virtue of its position in relation to the two adjacent agricultural buildings sharing a common road frontage. This would result in a detrimental change to the rural character of this section of the road, introducing a continuous and visually prominent built form into what is currently an open rural setting.

Building on Tradition

The development of a farm dwelling must also satisfy the integration policies of CTY 13 and CTY 14 as well as ribboning policy CTY 8. Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Supplementary guidance on the assessment of farm dwellings advises that new buildings should be positioned sensitively so as form an integral part of that building group, or when viewed from surrounding vantage points, the new building reads as being visually interlinked with those buildings.

Amenity

The nearest occupied dwellings are No.6 Upper Ballinran Road to the south east of the application site. It is also noted there are dwellings located on the same side of the road as the application, although which are some distance from the application site, either beyond the existing fields to the NE or beyond the existing buildings to the SW.

It is considered that there is sufficient in curtilage space for a dwelling to be sited without unduly impacting on neighbouring amenity, whereby it is considered plans could be submitted at Reserved Matters stage which would achieve an acceptable separation distance between the proposed site and neighbouring properties, which would avoid unacceptable overlooking, overshadowing or loss of light. Proposed landscaping conditions together with the existing vegetation would also assist in providing and protecting privacy. There have been no objections received from any neighbouring properties.

PPS 6 Planning, Archaeology and Built Heritage

The Development falls within the consultation zone of an archaeological site DOW055:002 – RATH. HED were consulted in light of the outline proposal and have provided no objection. This rath and HED response has been reviewed whereby the Planning Department agree and consider therefore that the application will not have any significant influence on any historical sites and complies with the requirements of PPS 6.

PPS 3- Access, Movement and Parking

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposal involves the creation of 1 new access onto the Upper Ballinran Road. DFI Roads were consulted on this application and have no objections in principle to the proposal subject to conditions and the submission of detailed plans at Reserved Matters Stage.

PPS2 Natural Heritage

PPS 2 outlines the Department's planning policies for conserving, protecting, and enhancing our natural heritage. The application site is not located near any designated sites such as ASSIs, SACs, SPAs, Ramsar sites, or SLNCIs. The closest designated site is the Eastern Mourne ASSI & SAC, situated approximately 1km north from the application site. Given the domestic nature of the proposal, it is not anticipated that any airborne pollutants will arise that could cause concern. The potential impact on Special Protection Areas, Special Areas of Conservation, and Ramsar sites has been assessed in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It has been concluded that the proposal is unlikely to have a significant effect on these or any other European sites. Policies NH 1, NH 3, and NH 4 are not impacted by the proposal.

Policies NH 2 and NH 5 of PPS 2 stipulate that planning permission will only be granted where a proposal is unlikely to result in unacceptable adverse impacts on, or damage to, habitats, species, or features of natural heritage importance, including legally protected species. The application site, as discussed above is located within a larger agricultural field consisting mainly of improved grassland. The large field itself in which the application sits is bounded on all sides by stone walls and the application site currently has no defined boundaries.

A completed biodiversity checklist was submitted with the application. Due to the application site's location within the Mourne AONB, a Preliminary Ecological Assessment (PEA) was carried out. The PEA found no evidence that the proposed development would negatively affect protected species or habitats, and therefore no additional surveys were deemed necessary.

The application site is located within the Mourne AONB and the Kingdom of the Mourne Landscape Character Area (LCA). Policy NH 6 states that planning permission will only be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality. As this is an outline application, no detailed plans have been submitted at this stage. The design, size and scale of any proposed dwelling would fall to be considered at reserved matters stage, however having account the existing character and extent of built form, it is considered this low lying landscape and site could accommodate the principle of an appropriately sited, sized and designed house type, in line with the requirements of this policy. Having regard to the wider context of the site, it is acknowledged that the application site is situated off a minor public road which effectively links two public roads (Ballinran & Leitrim Road), and that development in this general area is minor in nature, consisting largely of agricultural development and the occasional dwelling. When considered in this context, it is not considered that the proposed development of an additional single dwelling on this site, in the context of the pre existing development, would cause significant unacceptable harm to the landscape character of the Kingdom of the Mourne, nor is it considered that the proposal would offend the wider scenic qualities of the AONB in landscape terms, and as such does not offend this policy.

The following drawings were considered as part of this assessment:
MWhite2

Neighbour Notification Checked

Yes

Summary of Recommendation

Having considered the above it is recommended to refuse this application for the below reasons.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development and does not represent an exception to policy.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the development creates a ribbon of development.

Case Officer Signature: Fergal Connolly

Date: 16 June 2026

Appointed Officer Signature: M Keane

Date: 16-06-26

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date _____

Application LA07/2025/0555/O. Site for a dwelling and detached garage at Upper Ballinran Road, Kilkee for Michael White.

This application seeks OPP for a dwelling & garage on the applicant's family farm. The dwelling has been proposed beside 2 lawful farm sheds.

The OS map and siteplan sketch submitted with the application shows that the new dwelling will be sited back from road edge in a manner that will prevent the new dwelling from having a common frontage with Upper Ballinran Road. The 2 existing sheds will screen the new dwelling from view on approach from the south west. When viewed from the north east the new dwelling will appear right beside 2 farm sheds with the Mourne Mountains providing a backdrop.

The officer's report confirms that the application complies with all off the requirements in CTY 10. The officer's report then advises that the application is contrary to CTY8 and criterion D of CTY 14 in that the planning department feels that the proposed dwelling would create a ribbon of development. The report draws on the findings of appeal 2024/A0098 which was decided in December 2025.

The test cases. Application LA07/2025/0575/O Ballyveaghbeg Road Ballymartin, & Application LA07/2025/0797/O, Barrons Hill Camlough.

The planning department used appeal 2024/A0098 to bolster a recommendation for refusal for application LA07/2025/0575/O. Soon after application LA07/2025/0797/O was also recommended for refusal using similar logic. Both applications proposed dwellings on farms and both were found to be contrary to CTY 8.

The respective planning committee hearings for these 2 applications took place in March and April past. The appeal case was mentioned once by the senior officer for the Ballymartin application. After brief discussions on both applications, the planning committee agreed that permission should be granted for both. The committee delivered a unanimous decision for the Ballymartin application. 8 of the 9 members present agreed to approve the Camlough application with 1 member abstaining.

Since the April committee hearing, the planning officers who consider planning applications in the Newry and South Armagh area have approved 4 applications where there may be a conflict between the siting requirements of Criterion C in CTY 10 and the prevention of ribbon development as controlled by CTY 8.

The officers have simply been giving more weight to compliance with CTY 10.

Unfortunately for the applicant and indeed all applicants in the Mourne area, the planning officers who assess applications in the Mourne area are still it would appear intent on using CTY 8 to recommend applications for dwellings on farms for refusal.

The planning department operating from the Council's Newry Office are now actively using what is best described as a postcode lottery system in relation to applications for dwellings on farms in that an application for a dwelling on a farm in Camlough, Crossmaglen or Cullyhanna will be approved as long as the application complies with CTY 10.

If such an application begins to offend, CTY 8, the Newry and South Armagh area officers simply give determining weight to CTY 10.

If a similar application is submitted in Burren, Ballymartin or Ballinran, CTY 8 is given determining weight and the application is recommended for refusal. The planning department are acting in the most in-consistent manner imaginable.

Between them, the planning department and the planning committee have approved 6 similar applications since March 2026.

Previous decisions are material to the consideration of similar applications. As such, similar cases must be decided in a like manner so that there is consistency.

Unfortunately, in the case of this application there is absolutely no consistency of approach.

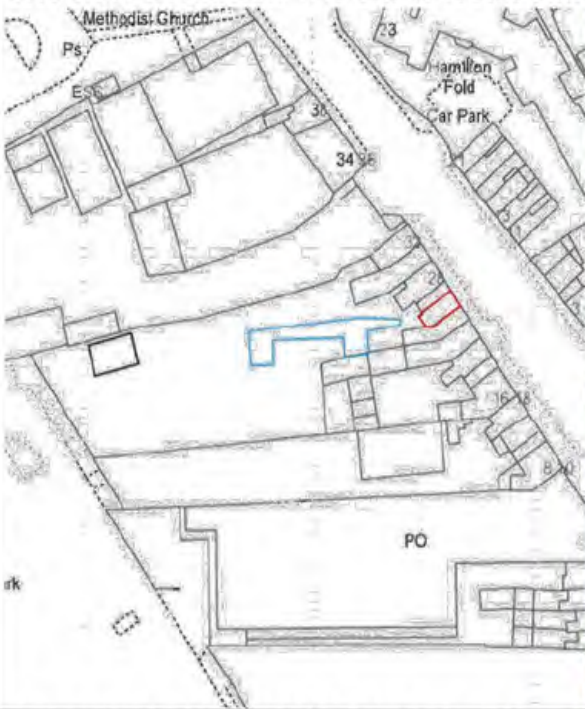
I will be making a presentation which will elaborate on the points raised in the short document before the committee deliberates on this application and I would urge the planning committee to take a consistent view on this application to that which has been taken on similar applications in recent weeks.

Brendan Quinn.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2025/0378/F	Target Date:
Proposal: Change of use from commercial shop unit to 2 bedroom dwelling house.	Location: 26 Lisburn Street, Electrotech, Ballynahinch BT24 8BD
Applicant Name and Address: William Getty 2 Purdysburn Village Belfast BT8 8LJ	Agent Name and Address: William Getty 2 Purdysburn Village Belfast BT8 8LJ
Date of last Neighbour Notification:	15 September 2025
Date of Press Advertisement:	30 April 2025
EIA Determination: None required The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 nor does it exceed the thresholds within column 2 of Schedule 2 (site area 0.02ha) of the Regulations, being a development on lands less than 0.5 hectares. The development is not located within a sensitive area, therefore an EIA determination is not required by Schedule 2 of the EIA Regulations.	
Consultations: see report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Main issues	The main issues to consider in the determination of this application are: • Policy Context and Principle of Development • Loss of Retail Development • Layout and Quality of Development • Open Space and Residential Amenity • Access Movement and Parking • Other Matters
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Site Visit Report	
Site Location Plan: The site is located at 26 Lisburn Street, Ballynahinch	
	
Date of Site Visit: 27 th October 2025	
Characteristics of the Site and Area The building is located on a commercial and residential street lined with two-storey terraced buildings and is a former Electrotech commercial premises (sales, service and repair shop). The building sits directly at the edge of the footpath, with no setback and is part of a continuous row of shopfronts being situated between a Chinese takeaway on one side and a Ballynahinch Veterinary Clinic. Further to the SE is the post office and to The NW is McKelvey Bros farm supplies business. There is a roller shutter door at the front of the premises and signage has been removed from the front façade. The area is mixed-use commercial with small local businesses along this part of the street.	
Description of Proposal Change of use from commercial shop unit to 2 bedroom dwelling house.	
Planning Assessment of Policy and Other Material Considerations The site is located within the settlement limits of Ballynahinch within the town centre boundary, within an area of Archaeological potential but outside the primary retail core as designated within the Ards and Down Area Plan 2015 (ADAP 2015).	



Map 3/003C from ADAP 2015 – site location indicated by green star

The following planning policy statements are relevant to the proposal;

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 7 – Quality Residential Development
- Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 Housing in Settlements
- DES 2 Planning Strategy for Rural Northern Ireland

Guidance

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

PLANNING HISTORY

Planning

Application Number: R/1988/0753

Decision: Permission Granted

Decision Date: 10 October 1988

Proposal: Shop sign

Application Number: R/1988/0996

Decision: Permission Granted

Decision Date: 24 January 1989
Proposal: Change of use to small animal veterinary clinic

Application Number: R/1990/0294
Decision: Permission Granted
Decision Date: 19 February 1991
Proposal: Internal illuminated projector sign

Consultations

DfI Roads – No objections on the basis that planning are content that this proposal will not lead to intensification of use of the existing sub-standard vehicular access and that there is adequate parking for this proposal.

Northern Ireland Water – Approval (based on proof of occupancy) Existing premises/site may already be connected to public wastewater network. A formal surface water sewer connection application will be required to be submitted where it is proposed to re-use existing connection.

Environmental Health – no objections - informative

Objections & Representations

In line with statutory requirements neighbours have been notified on 01.09.2025. The application was advertised in the Down Recorder (Statutory expiry 15.05.2025). No letters of objection or support have been received in relation to the proposal.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application and to any other material considerations. The application is located within the settlement of Ballynahinch within the ADAP 2015.

The Strategic Planning Policy Statement for NI Ireland -SPPS

The SPPS is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The SPPS provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density

without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development. The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Principle of development

The application site is located within the Settlement Limit of Ballynahinch as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP policy for development within settlement limits is contained in Policy SETT 1.

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

Addendum PPS 7

In terms of LC 1 of Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas (APPS7) - Annex E of APPS 7 lists a number of exceptions where Policy LC 1 will not apply. One of these is where the site is within a designated town centres within large towns. As detailed previously, the site is within Ballynahinch Town Centre in ADAP 2015. Therefore, the provisions of Policy LC 1 of APPS 7 do not apply in this case.

Proposal

The proposal involves a change of use from a commercial shop unit to 2 bedroom dwelling house.

Retail Impact

Paragraphs 6.267-6.292 of the SPPS set out policy in relation to 'Town Centres and Retailing', incorporating a town centres first approach for retail and other main town centre uses. The SPPS states that where retail uses are proposed outside of main town centres, a sequential test should be applied to establish whether or not sequentially preferable sites exist within the catchment area of the proposal. Para 6.281 states *'Applications for main town centre uses are to be considered in the following order of preference (and consider all of the proposal's catchment):*

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good public transport modes.'*

The proposal will involve some loss in retail floorspace on the ground floor. It is accepted that the reduction of this small level of retail floorspace would not be significant given that the proposal is not located within the primary retail core of Ballynahinch. This element of the proposal would be deemed to be acceptable.

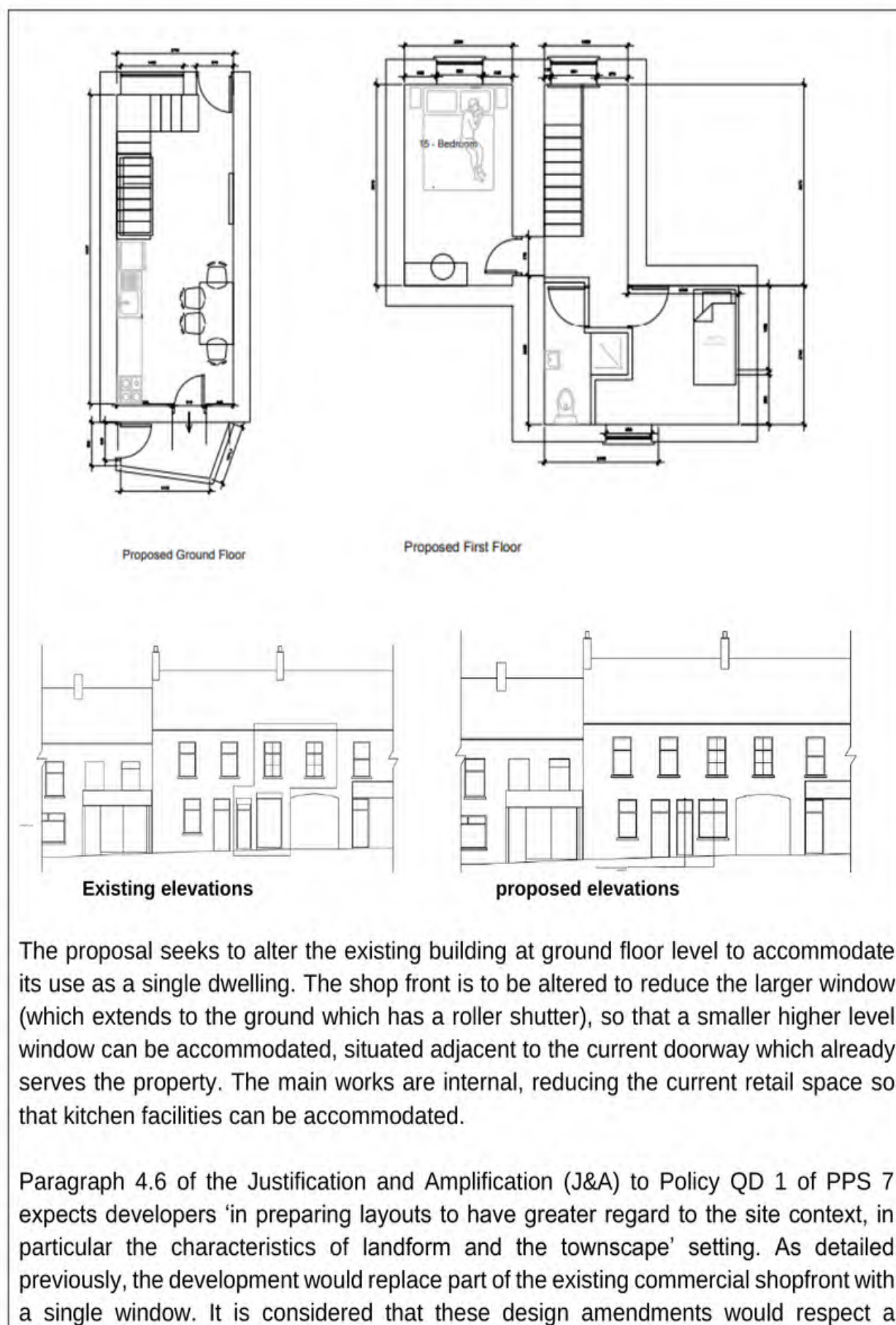
Layout and Quality of Development

Policy QD 1 of PPS 7 'Quality in New Residential Development' states that "planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment". It goes on to state that "the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area". Paragraph 4.27 of the SPPS also refers to the need for good design and states that 'Planning Authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale or incompatible with their surroundings'.

Within Policy QD1 of PPS 7 there is a requirement for all proposals for residential development to conform to the listed criteria A - I.

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

It is proposed to change the use of the building to a single dwelling. The GF comprises a small kitchenette/dining with limited living room area. Upstairs there is two bedrooms and a shower room.



fenestration pattern that would be in keeping with the surrounding context that prevails along Lisburn Street. Therefore, this new aperture would not detract from the character or appearance of the building itself or its setting, it is considered that the proposal would not cause unacceptable damage to the character or appearance of the area in respect of criterion (a) of Policy QD 1 of PPS 7 and is acceptable in respect of scale, proportions, massing and the appearance of buildings, structures and hard surfaced areas

However, it is considered that the layout of the development is unacceptable because of the no rear private amenity space that it provides. The agent was asked to provide justification with regard to the lack of amenity space.

The agent indicates that the property is located within the designated Town Centre, offering immediate walking access to a variety of public spaces and facilities. Like many of the neighbouring properties amenity space is constrained by proximity to other properties and neighbouring lands. He indicates that at number 24 no amenity is provided, as well as limited amenity provided at those dwellings immediately opposite, thus in keeping with the scale, proportions and character of the surrounding context. He indicates that this is unfortunately a physical and economic reality of dwellings within the town centre environment, however, a trade off which is necessary to cater to the varying needs of some who wish to avail of the convenience of town centre living as noted in the previous response. Ballynahinch has had a recent public realm upgrade, with small gathering points interspersed along key routes and the traditional gathering place at the market square. There is also a leisure centre, play park, and a number of segregated walks within 5 minutes walk of the property.

Creating Places (CP) states that the provision of adequate private open space should also be considered as an integral part of the design in order to, provide for residents' amenity, enhance visual attractiveness and enhance safety, especially for young children. It goes on to state in para 5.19 that while smaller areas will be more appropriate for houses with 1 or 2 bedrooms or houses located opposite or adjacent to public or communal open space. For any individual house however an area less than around 40 sq m will generally be unacceptable.

Had there even been a reduction in amenity space from 40sqm, this could have been a consideration, the properties to which the agent refers are long standing and PPS 7 was introduced subsequent to this. Given then that the proposal does not include any form of private rear amenity space, the justification is not sufficient to overcome this issue. It is therefore considered that the development is contrary to this section of policy on the basis of the layout.

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

While the proposal falls within the consultation zone of an area of Archaeological potential, this is a change of use application where there are minimal changes to the building that would impact on archaeology. There are minimal elevational changes to the front and none to the side (given it is in a terrace) that would impact on the street scene. There are no landscape features are impacted by the proposal. The proposal complies with part (b)

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

As discussed above, Creating Places (CP) states that the provision of adequate private open space should also be considered as an integral part of the design in order to, provide for residents' amenity, enhance visual attractiveness and enhance safety, especially for young children. It goes on to state in para 5.19 that while smaller areas will be more appropriate for houses with 1 or 2 bedrooms or houses located opposite or adjacent to public or communal open space. For any individual house however an area less than around 40 sq m will generally be unacceptable. The proposal is contrary to part (c).

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

The provision of neighbourhood services is not applicable to this application given the scale of development and its location within Ballynahinch.

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

Given the scale of development a movement pattern is not required, The site provides a good location in terms of providing a movement pattern that supports walking. Proposal offers proximity to good public transport links and neighbourhood facilities. The proposal complies with part (e).

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

Parking Standards provides the guidance of 1.5 unassigned spaces for a 1 and 2 bedroom terrace house. Para A1 of Annex 1 of Parking Standards states "Lesser provision may be acceptable in inner urban locations and other high-density areas. In special circumstances, in some inner urban locations, 'car-free' developments may be considered appropriate - where it can be demonstrated that households will not own a car or will keep it elsewhere". The current situation is there is only on street parking for the properties along Lisburn Street.

Given the scale of the development and surrounding on street car parking that can be utilised it is considered that on balance no issues of concern shall arise in respect of parking. It is noted that DFI Roads have outlined that they have no objections to the development.

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

As this is a conversion of a GF shop to a single dwelling there are minimal changes to the external appearance of the building. The external changes involve reduction in the size of the front window and removal of previous signage (which has been done). This minimal change is considered acceptable and will have no impact on the character of the area.

Minimum floorspace standards (which endorse DSD/Department for Communities space standards) are set out on Annex A of APPS 7.

The proposal falls short of the standards identified, which should be 70/75 sqm over 2 storeys. Even when the stairwell is included, the property measures at 52sqm.

The agent was asked for further justification for the reduced space standards, he indicates that in practice a property of this size will assist in catering to an often underserved portion of the population. The property is more likely to appeal to a single adult living alone, perhaps with a child visiting on occasion, or a single parent. Due to the proximity to local amenities and public transport the property will also appeal greatly to someone who cannot drive or an independent disabled person. He states that as such, this property is more reflective of a 2 person property whilst providing 2 separate bedrooms and being set over 2 floors, making its 53sqm fit within the band for a 2 person flat. He continues that a property of this size and proportion has innumerable contextual examples of traditional terraces providing utility to families all over Northern Ireland. Being an existing property enclosed on all sides, extension of the property is not a viable option to increase the area and deviation from policy is the only means of the property succeeding as a dwelling in a town which is oversubscribed with small retail units.

Taking the above into account and that LC (c) is not applicable in this case, the proposal is considered to meet with the above and refusal could not be sustained on the basis of the space standards. The proposal complies with criteria g.

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

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Environmental Health were consulted as part of the application and indicate in their response that care should be taken to ensure future occupants are not adversely impacted by noise. Advice should be sought from an acoustic consultant with respect to suitable glazing and if necessary acoustic ventilation to ensure suitable internal acoustic design targets are met. Environmental Health have no objections to the proposed development subject to a condition. Should the council be minded to approve this scheme, this could be dealt with by condition, the proposal complies with criterion (h).

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

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and have no objections to the proposal on the basis that no off street parking is required for this proposal.

	Dwelling size (bedrooms)	Total no. of parking spaces required per dwelling (unassigned spaces)	Total no. of parking spaces required per dwelling (assigned spaces)*
Apartments	Bedsit and 1 bed	1.25	1.5
	2 bed	1.5	1.75
	3 bed	1.75	2.0
Terrace houses	1 and 2 bed	1.5	1.75
	3 bed	1.75	2.0

Parking Standards provides the guidance of 1.5 unassigned spaces for a 1 and 2 bedroom terrace house. As considered above under part (f), the current situation is there is only on street parking for the properties along Lisburn Street. The proposal does not involve any in curtilage car parking. Historically no parking is associated with the previous retail use. While it is generally not appropriate to use DFI car parks to serve a private development such as this in consideration of this it is recognised that there is on street parking within walking distance and council owned public car parks within a short walk. The site is located within a town centre location where there is access to public transport. The agent has provided justification also, on this basis the proposal complies with PPS 3 AMP 7.

The parking arrangement is considered acceptable.

Residential Amenity

The proposal is sited in a mixed area of both residential and commercial. Environmental Health have been consulted and have no objections to the proposal subject to an informative to ensure that all demolition and construction activities should be undertaken in line with best practice guidance.

Summary:

After consideration of all relevant planning policies and material considerations this proposal does not comply with the above policy.

Recommendation: Refusal

Refusal Reason:

The proposal is contrary to the SPPS and policy QD1(c) of Planning Policy Statement 7: 'Quality Residential Environments' in that adequate provision has not been made for private amenity space to serve the development, therefore it fails to create a quality and sustainable residential environment. Informative The plans to which this refusal relate include: Site location plan – A1000 REV A Site block plan – A1003 REV A Elevations and Floorplans – A- 1002	
Neighbour Notification Checked	Yes
Summary of Recommendation	
<i>Refusal</i>	
Case Officer Signature: C.Moane	Date: 5 December 2025
Appointed Officer Signature: B.Ferguson	Date: 08/12/2025

1. Introduction and Nature of the Proposal

- Application seeks change of use from a vacant commercial unit to a 2-bed dwelling.
- Site is within the Ballynahinch settlement limit and town centre boundary.
- Proposal involves re-use of an existing building, with minimal external alteration.
- No objections from statutory consultees or neighbouring properties.
- All other derogations are deemed accepted apart from private amenity provision, per planning report.

2. Policy Context and Decision-Making Framework

Strategic Planning Policy Statement (SPPS)

Key overarching principles:

- SPPS is the primary material consideration where conflicts arise. This supports:
 - Housing in settlements
 - Town-centre living
 - Re-use of existing buildings
 - Efficient use of land and infrastructure
 - Provision of a range of housing types and sizes
- Emphasises a flexible, context-sensitive approach, particularly in existing urban areas.

SPPS requires planning decisions to consider the overall quality and sustainability of development, not the rigid application of individual standards where site constraints exist. The approval of this application would add to a diversity to housing stock within the Ballynahinch town enhancing options available to areas of society who may be under represented in modern housing stock.

3. Principle of Development

ADAP 2015 – Policy SETT 1

- Favourable consideration for development within settlement limits where it:
 - Is sensitive to the size and character of the settlement
 - Is appropriate in scale, form and use

The principle of residential use in this location is acceptable given the continued use of adjacent properties and the former use of the property in question.

4. PPS12 – Housing in Settlements

Relevant objectives:

- Encourage housing within settlements
- Promote re-use and conversion of existing buildings
- Support a range of housing types to meet differing needs
- Reinforce sustainability through accessible locations

The proposal directly aligns with PPS12 objectives by:

- Bringing a vacant unit back into use
- Providing a small dwelling suited to town-centre living
- Supporting the vitality of the town centre

5. PPS7 – Quality Residential Environments

QD1(a): Context and Character

- Requires development to respect surrounding context.
- Lisburn Street contains existing dwellings with limited or no private amenity space.
- The proposal reflects the established urban grain of the street.

QD1(c): Amenity Space

- Requires “adequate provision... where appropriate”.
- The policy does not set a mandatory minimum.
- Adequacy must be assessed in context, particularly in constrained town-centre sites.

The surrounding context demonstrates that private amenity space is not a defining characteristic of this part of the town centre.

6. Creating Places – Application of Amenity Guidance

- Creating Places is guidance, not policy.
- Paragraph 5.19:
 - Recognises that smaller areas may be appropriate for 1–2 bed dwellings.
 - Accepts reduced provision where dwellings are near public or communal open space.
 - Uses the term “generally unacceptable”, meaning consideration can be given to other factors and not absolute.

The guidance anticipates circumstances where public realm and accessibility compensate for reduced private amenity, particularly in urban centres.

7. Public Realm and Alternative Amenity Provision

- The site benefits from:
 - Immediate access to Ballynahinch town centre
 - Recent public realm improvements
 - Market Square and public seating areas
 - Leisure centre, park and walking routes within short walking distance
- This aligns with SPPS considerations of health, wellbeing and accessibility.

Amenity should be assessed by quality of living environment, not solely by private garden provision. In relation to accessibility, availability of town centre dwellings are crucial for those on lower incomes or disabled individuals who rely exclusively on public transport and walking.

8. Consistency with Officer Assessment on Floorspace

- Officer accepts reduced internal space standards, applying policy flexibility.
- Justified on:
 - Housing need
 - Sustainability
 - Town-centre context
 - Provision of smaller units

The principal of applying flexibility to internal space can also be applied to that of amenity space as both arise from the same physical constraints and respond to in alternative means to policy objectives.

9. Other Material Considerations Supporting Approval

- No adverse impact on
 - Character or appearance
 - Residential amenity of neighbours
 - Parking or traffic
 - Noise or environmental health
- No objections from:
 - DfI Roads
 - Environmental Health
 - NI Water
 - Public or neighbours

The planning balance is not undermined by any technical or environmental concerns.

10. Overall Planning Balance

- The application was deemed to conflict to the extent of refusal with one element of policy, amenity guidance only.
- That conflict must be weighed against:
 - SPPS strategic objectives
 - PPS12 housing delivery
 - Town-centre sustainability
 - Re-use of existing buildings
 - Established local context

It should also be noted that the applicant has noted lands in their control on the site block plan to the rear of the property accessed via a shared hardstanding. Whilst not forming part of this application these are lands which will form additional informal outdoor space for the benefit of the property.

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/3550/O	Target Date:
Proposal: Proposed replacement dwelling and retention of existing structure as ancillary building.	Location: 60m south of 36 Killyleagh Road, Crossgar, BT30 9LA (amended address)
Applicant Name and Address: W.J. (Jim) Jamison 36 Killyleagh Road Crossgar	Agent Name and Address: Declan Rooney 32a Bryansford Avenue Newcastle BT330LG
Date of last Neighbour Notification:	10 March 2024
Date of Press Advertisement:	18 September 2024
EIA Determination:	
Consultations: • DFI Roads – No objection in principle subject to compliance with the attached RS1 form. (26/09/2024) • NI Water – Approve with standard conditions (27/05/206) • NIEA – refer Council to flowchart. (04/03/2024)	
Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 25 July 2024	
Characteristics of the Site and Area The application site is located on northern side of Killyleagh Road and comprises a cut out of the curtilage associated with No. 36 Killyleagh Road. No. 36 is a bungalow type dwelling, setback approx. 82 from the Killyleagh Road. The red line comprises the front, roadside section of the garden area currently in use with No. 36 and within it is a stone building that sits gable ended to the road and a polytunnel. The buildings sit within a grassed plot with trees sporadically planted around and between the buildings. The sites southern boundary forms the roadside boundary and is defined partially by a block wall and a grass bank with trees planted behind. The sites western and eastern boundaries are defined by timber post and wire fencing and with hedgerows and trees planted on the inside. Given the site is cut out from the curtilage of No. 39, there is no defined northern boundary. Access to the site is afforded via an existing crossover from the Killyleagh Road that currently serves No. 36. A driveway along the eastern boundary leads to the dwelling at No. 36 and there is a turn off at the start of the laneway permitting access the stone building on site. The wider area is characterised by detached dwellings of varying design and finishes, with agricultural buildings and open fields, and is rural in character. The application site is located just outside the settlement of Crossgar, outside the designated development limit as reflected in the Ards and Down Area Plan 2015.	
Description of Proposal	
Proposed replacement dwelling and retention of existing structure as ancillary building.	

Planning Assessment of Policy and Other Material Considerations

This planning application has been assessed against the following policies:

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement of Northern Ireland 2nd Edition (SPPS2)
- PPS 21- Sustainable Development in the Countryside
- PPS 2 - Natural Heritage
- PPS 3- Planning Policy Statement 3 – Access, Movement and Parking
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

Application Number: R/1988/0246 Decision: Permission Granted Decision Date: 10 May 1988
Proposal: Extension to Dwelling

Application Number: LA07/2016/0101/O Decision: **Permission Refused** Decision Date: 05 October 2016
Proposal: Single Dwelling

SUPPORTING DOCUMENTS

- Biodiversity Checklist
- Site Location Plan
- Design and Access Statement / Supporting Statement

CONSULTATIONS

- DFI Roads – No objection in principle subject to compliance with the attached RS1 form. (26/09/2024)
- NI Water – Approve with standard conditions (EXPIRED)
- NIEA – refer Council to flowchart. (04/03/2024)

REPRESENTATIONS

Neighbour notification and advertising of this application was undertaken in line with the statutory requirements. Re-neighbour notification and re-advertising was undertaken in light of an amendment made to the site address.

EVALUATION

Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Council, in dealing with an application, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the Local Development Plan (LDP), the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Ards and Down Area Plan 2015 operates as the relevant LDP. In the plan, the site is located in the countryside. There are no policies in the plan that are pertinent to this proposal.

The Strategic Planning Policy Statement 2nd Edition (SPPS2) sets out transitional arrangements that will operate until a Plan Strategy for a Council area is adopted. In this Council area, no Plan Strategy has been adopted yet. As such, during the intervening transitional period, the SPPS retains certain Planning Policy Statements (PPSs) including Planning Policy Statement 21: Sustainable Development in the Countryside.

The SPPS2 sets out the transitional arrangements to be followed in the event of a conflict between it and retained policy. Any conflict arising between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the SPPS2. As no such conflict arises in this instance, the retained policy contained in PPS21 applies.

The proposal seeks outline planning permission for a replacement dwelling with the retention of the existing dwelling for ancillary purposes.

Policy CTY 3 Replacement Dwellings

CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. It goes on to say that for the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings.

The photos below are of the building which is the subject of this replacement dwelling application and demonstrate both the internal and external fabric.







Notwithstanding the fact that the building is partially overgrown in vegetation, the building has four intact external walls and a roof. Thus, for the purposes of the policy this test is satisfied. The remaining issues relate to whether the building was previously used as a dwelling and if it exhibits the essential characteristics of a dwelling.

The essential characteristics of a dwelling are not prescribed by the policy, but it would not be unreasonable to expect to see a chimney, domestic scaled window and door openings, a chimney breast and some internal room divisions all of which would give a building the appearance of a dwelling.

Within the supporting statement accompanying this application, it has been stated by the agent that the *“proposed building to be replaced exhibits the essential characteristics of a dwelling. It has stone walls which are all substantially intact, a pitched slated roof, and domestic scale window and door openings.”*

On inspection of the building, there is a double door opening, with one window opening to the front (eastern) elevation and one opening which is closed up and larger in scale. There is a very small opening along the buildings rear (western) elevation. No windows appear to be present to the rear of the building. The absence of windows at the rear could be characteristic of older agricultural buildings and this arrangement would not have been uncommon.

The agent had advised that due to the Window Tax during the 18th and 19th century, windows on the building had been reduced or made smaller. He also stated that the large opening along the eastern elevation historically served the agricultural function within the building, he explained that the subject building had a dual residential and agricultural function, a Bryre-dwelling, whereby the larger opening visible today would historically have served this agricultural function, with the byre separated from the domestic living quarters positioned to the north. It is evident that works have been undertaken around the larger opening which features the double doors, with repointing of the stone evident on external walls and smooth plaster around the opening and so it is difficult to determine if this opening was an original feature of the building or later addition.

The agent made reference to the slate roof covering being a domestic feature, however slate was not specific to dwellings only, this type of roof covering would have featured on agricultural buildings also.

The subject building is linear in form and measures approx. 10m x 5m. Internally it is divided into two rooms by a stone wall which extends to the roof height. The floors are laid out with concrete. Within the larger room, timber trusses are evident and a small mezzanine has been erected. Given the condition of the timber these are not considered original features. This larger room is currently in use for domestic storage. The smaller room is accessible through an opening made in the dividing stone wall. It's not possible to discern if this opening is a recent addition or original to the building given the block work around the opening and the concrete head above which are modern materials. There is a second opening in this dividing wall at a higher level.

The second room within the building is much smaller and appears to serve as a workshop area with units and a worktop evident. The outer walls of this room have been covered up with ply wood.

On inspection of the building, the officer was unable to distinguish any domestic features internally such as chimney breasts or hearths and externally there is no evidence of chimneys.

In support of the application and to demonstrate residential use of the building, the agent provided information extracted from Griffiths Valuation. The screenshot below is of the application site and immediate surrounds from the Griffiths Valuation mapping document, it is identified as holding 1A b and appears to show an 'L' shaped building within it. The corresponding text document outlines that holding 1A b comprised of a house, office and garden and was occupied by Daniel Doran in 1863.



The footprint on the 1863 valuation map does not appear to match that of the building on site today, whereby the footprint on the ground today is rectangular in its shape. The agent acknowledges this and has advised that *"Policy CTY3 does not require the building to retain the footprint of the original dwelling. Such a requirement would be unreasonable, particularly in the context of traditional rural buildings, which often undergo structural alterations over time, including the removal or addition of projections"*. It is not clear when the buildings footprint changed, the 'L' shaped building is evident on OSNI Historical Map-County Series OS 6 – Edition 4 (1905-1957). On review of Google Earth imagery, the rectangular footprint building is in place on the 2009 aerial imagery. It cannot be determined whether the previous building on the site had been demolished in whole or not, but clearly if not, physical works have since been undertaken to the original building to account for the change in footprint

The agent also provided evidence in the form of land registry documents relating to the application site. Within the supporting statement it is noted that *the dwelling was given its own folio number (38588) in 1972 when it was transferred out of the wider folio (802) (Appendix B)*. The map submitted shows three parcels of land each with folio numbers and written documentation with regards to land transfer, however, it is not clear how these provide supporting evidence the subject building was a former dwelling.

On seeking comments in regards any works undertaken to the building, the Council were informed that *the only remedial works carried out would have been to add in a lintel and supporting blockwork to an internal door to stop the stonework eroding above. Aside from that the applicants would have patched up around some of the external doors and windows and in some areas had to repoint if the stonework was unsafe. There were no other major structural remedial works carried out whilst the applicant has owned the building.*

With regards to the historical evidence, the Council can be satisfied that the corresponding Griffiths mapping and text indicate a house was once present within the lands comprising the application site at the time of the 1860 valuation. It is conceivable that through the passage of time the subject building would have gone through changes in its appearance. Notwithstanding, even if the in-situ building comprises part of the same building as that as shown on the historical mapping, it is the Councils opinion that the essential characteristics can no longer be observed.

The fenestration evident on the eastern elevation is more akin to a shed whereby the large opening and double doors would facilitate this use. The openings along this elevation are not consistent with what you would expect on a dwelling, with the domestic sized door opening providing entry to the smaller of the two internal room. There are no openings along the buildings rear (western) elevation and thus no further light source for the smaller room other than the door opening. What is on the ground presents not as a former dwelling, but its current use as shed (domestic). If part of the original building as demonstrated on the historical mapping remains, that would not

satisfy the policy test, which relates to assessment of “the building to be replaced”, meaning the in-situ building as a whole.

This part of the Policy is not considered to be met.

For completeness, a full review of the proposal has been undertaken against the remaining policy requirements should the building be considered eligible for replacement under CTY3.

Proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- *the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*

This application seeks outline permission for a replacement dwelling so there have been no detailed drawings submitted for consideration. The subject building has been absorbed into the curtilage of No, 36 and so does not exhibit its own curtilage. The historical mapping indicates the curtilage previously extended to the west. It is considered a modest sized dwelling to the west of the existing building on site (to be retained) could be accommodated within the red line as demonstrated on the Site Location Plan which follows the pattern of the established curtilage for No. 36.

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

The proposal seeks outline planning permission, therefore details of the proposed dwelling are not before the Council, however it is considered that a suitably designed dwelling could integrate into the surrounding landscape and not have a visual impact significantly greater than the existing building. On considering the existing built form and site conditions, a ridge height condition, restricting the overall height of the new dwelling to 5m or less above the dwellings finished floor level is considered necessary to ensure new development would integrate and not have a greater visual impact.

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

As above, the design of the replacement dwelling is not before the Council for consideration given this is an Outline application. The design of the new dwelling is an issue that will be considered in detail in any subsequent reserved matters application. The applicant will however be advised to have regard to the guidance document Building on Tradition on designing the new dwelling.

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

It is considered that the proposal would comply satisfactorily with the above criterion.

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

The proposal will use the existing lane. A consultation with DFI Roads has concluded that the use of this access is safe.

In addition, notwithstanding the above that the building does not meet the initial tests of CTY 3, PPS21 requires that additional criteria included in Policy CTY13 - Integration (CTY13) and Policy CTY14 – Rural Character (CTY14) are also met and determining weight should be given to them.

Policy CTY 13 requires that development integrates into the surrounding landscape and is appropriately sited to utilise existing natural features, such as landform and established vegetation, in order to minimise visual impact. It is accepted that whether a new building integrates is not a test of invisibility but rather an assessment of how the development of the proposed site will blend unobtrusively with its immediate and wider surroundings. Given the new dwelling could be accommodated within the limits of the established curtilage of No, 36, the proposal would not be a prominent feature in the landscape. Existing planting and boundary delineation in-situ would assist with the new dwelling's integration here. The critical views would be on approach, from both directions, whilst travelling along the Killyleagh Road. On approach from the east, a new dwelling, with conditioned siting and ridge height, would be mostly screened by the existing building, aided further by vegetation along the site's eastern boundary. On approach from the west, mature landscaping would mostly screen the new building from views.

Policy CTY 14 seeks to ensure that development does not result in a detrimental change to, or further erode, the rural character of the countryside through prominent siting, excessive scale, or inadequate integration. The site is well screened from views from the Killyleagh Road, with established roadside and other boundary vegetation providing a degree of natural enclosure, limiting longer-range views, such that the site is primarily experienced in short-range views when passing directly alongside it. It is considered that a sensitively designed and appropriately sited dwelling could be accommodated without resulting in undue prominence or harm to the rural character of the area. As outlined above, should outline planning permission be granted, it would be necessary to attach conditions relating to the siting and ridge height to ensure appropriate integration with the surrounds and safeguarding of the rural character.

CTY 16- Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic is proposed to serve the new dwelling. It is considered that there is sufficient

land within the redline boundary to accommodate this and associated soakaways without impacting the amenity of existing and future residents. This proposal is not contrary to CTY 16. The installation of a septic tank is subject to NIEA consent which would be conditioned to this effect.

Amenity

The new dwelling is to be erected within the front garden area of No. 36, however there is considered sufficient separation between the dwelling at No. 36 and the application to offset any adverse impacts on residential amenity including unacceptable overlooking, overshadowing or loss of light. The applicant is the occupier of No. 36. Further details and particulars will be considered at Reserved Matters stage to ensure the existing residents and futures residents' amenities are protected.

No. 33 Killyleagh Road sits opposite the application site and contains a bungalow that fronts onto the Killyleagh Road. Given the dwellings orientation, and the physical separation from the application site, it is not considered any adverse impacts would be resulting on the amenity of these residents.

There have been no objections received from any neighbouring properties. It is not considered the proposal would have impact on neighbouring property.

PPS 2 – Natural Heritage

Policy NH 2 -Species Protected by Law & NH 5 - Habitats, Species or Features of Natural Heritage Importance.

In assessment of the above, the agent provided a Biodiversity Checklist. For each question in the checklist the agent selected No, there was no further ecology assessment required. The subject building sits within the residential curtilage No. 36 Killyleagh Road. As indicated by the proposal description, the subject building will be retained and will continue to be used as an ancillary building and thus no changes are proposed to the building. The Council are therefore satisfied no further ecological assessment is necessary. The proposal complies with NH 2 & NH 5.

PPS 3 – Access, Movement and Parking Policy

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

As indicated by the plans and accompanying application form, the proposal seeks to use the existing access that serves No. 36. DFI Roads were consulted on this arrangement and have returned with no objections in principle subject to compliance with the RS1 form provided. Within the RS1 it has been noted that sight visibility splays measuring 2.4m x 100m are required. The proposal complies with AMP 2 of PPS 3.

<u>Conclusion</u> The proposal is contrary to Policy CTY3 and does not represent any other type of development listed in Policy CTY1 considered to be acceptable in principle in the countryside. No overriding reasons have been provided to demonstrate why this development is essential in this rural location and could not be located within a settlement. Therefore, the development is also contrary to Policy CTY1.	
Neighbour Notification Checked	Yes
Summary of Recommendation <i>Refusal</i>	
Reasons for Refusal: 1. The proposal is contrary to the Strategic Planning Policy Statement and to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that building to be replaced does not exhibit the essential characteristics of a dwelling.	
Case Officer Signature: Laura O'Hare	
Date: 12 May 2026	
Appointed Officer Signature: B.Ferguson	
Date: 22/05/2026	

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Chair, members of the Committee,

Thank you for the opportunity to address you today regarding this application for a replacement dwelling, with retention of the existing structure as an ancillary building.

Background to the Application Site

Before turning to the issue in dispute, it's worth setting out some background to this application site. The site was subject to a previous planning application in 2016, which was refused. On review of that earlier application, it's clear no evidence or case had been made by the applicant at that time to support a replacement dwelling under Policy CTY3.

When we reviewed the site for this application, we noticed a long history of a dwelling being present. Griffith's Valuation records, dated to the 19th century, confirm that a dwelling stood on the site, occupied by Mr Daniel Dornan (**Figure 1**). That building appears to remain largely in place to this day. The site also carries its own separate folio number(38588), reinforcing its status as a distinct residential unit (**Figure 2**).

When this history is combined with the residential characteristics still present, intactness of external walls, domestic-scale windows and doors, internal wall divisions, and a pitched roof, it is clear that the building on site comprises the essential characteristics of a dwelling and complies with the relevant criteria of Policy CTY3.

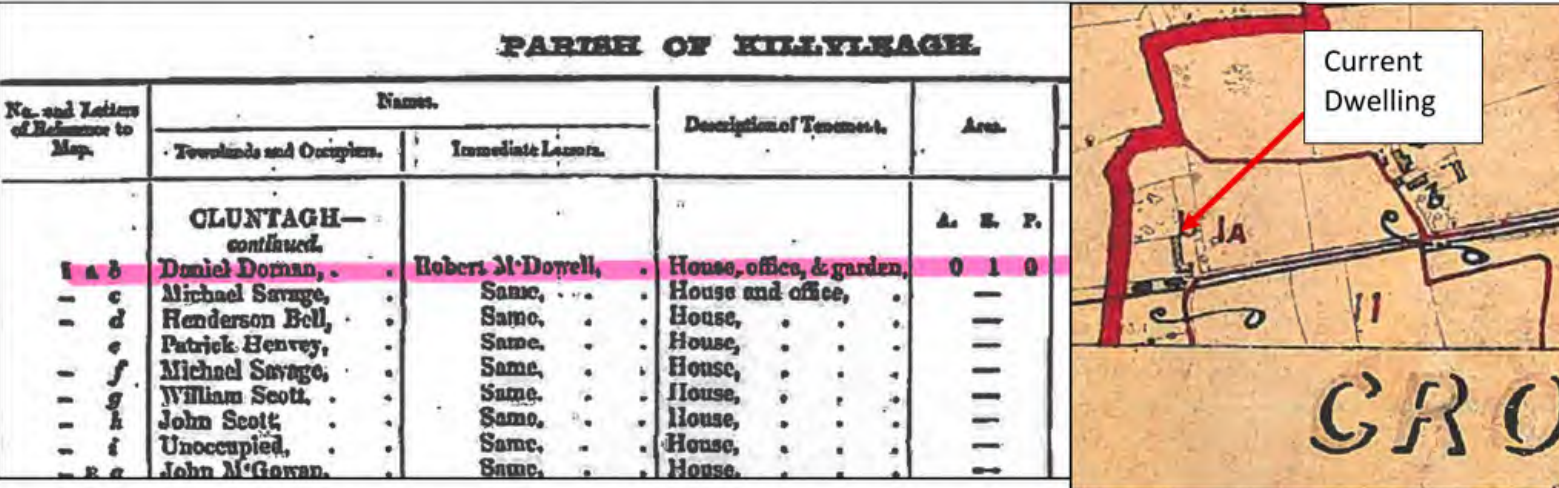


Figure 1: Griffiths Land Valuation: Evidence the dwelling was lived in by Mr. Daniel Dornan



Figure 2: Dwelling has its own separate folio (38588) – confirming a distinct residential use.

The issue in dispute

The case officer's only concern with this application is whether the building exhibits the essential characteristics of a dwelling.

What the officer already accepts

I'd ask members to note what the Planning Department itself accepts in its report:

- Griffith's Valuation records confirm a house on this holding, occupied in the mid-19th century.
- The Department's own assessment agrees this evidence demonstrates a dwelling was historically present on the site.
- All four external walls are substantially intact, meeting the minimum policy requirement.
- The building has internal wall divisions, domestic-scale windows and doors, and a pitched roof.

Addressing the wider door opening

The report flags a larger door opening on one elevation. This is not unusual. It reflects the building's age and its use as a byre-dwelling, a well-documented rural building type found in structures over 200 years old, where domestic living space on the ground/first floors and animal housing sat under one roof, separated internally. This is not evidence of a standalone agricultural building; it's a feature of a dual-purpose rural dwelling. Policy CTY3 confirms that, for the purposes of the policy, references to dwellings include buildings previously used as dwellings, which this building clearly was.

Addressing the lack of a Chimney

The Case Officer also raises a concern about the lack of a chimney breast. Policy CTY3 does not require a chimney to be present for a building to exhibit the essential characteristics of a dwelling. Such a requirement would be unreasonable, since many older dwellings, particularly byre-dwellings of this type, had internal chimneys rather than gable-mounted ones. Over time, these internal chimney stacks would have collapsed, with the roof simply re-slatted over where the chimney pot once stood.

Council Precedent – LA07/2022/0662/O

The Planning Department has previously accepted domestic-scale windows and doors, together with substantially intact walls and no surviving chimney features, as representative of the essential characteristics of a dwelling. For example, in the replacement dwelling application at Dundalk Road, Newtownhamilton (LA07/2022/0662/O), the case officer's report confirmed:

"The building outlined in green on the site location plan exhibits the essential characteristics of a dwelling. The stone walls are structurally intact and the building has domestic scale windows and door openings. Given the specific characteristics, it is considered a replacement opportunity."

We respectfully ask members to weigh the substantially intact external walls, domestic-scale window and door openings, internal room divisions, pitched roof, and documentary evidence of historic occupation together. Balanced against this precedent, it is clear that this building exhibits the essential characteristics of a dwelling under Policy CTY3.

On that basis, the proposal would also satisfy Policy CTY1.

This is a modest, sympathetic replacement of a genuine historic dwelling. I respectfully ask members to overturn the officer's recommendation and grant permission.

Thank you.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2025/0641/F	Target Date:
Proposal: Dwelling on a farm	Location: Approx 125m NW of 15 Killybawn Road Saintfield Co Down BT24 7JP
Applicant Name and Address: Robert Ross 14 Killybawn Road Saintfield BT24 7JP	Agent Name and Address: David Burgess 24 Templeburn Road Crossgar
Date of last Neighbour Notification:	6 November 2025
Date of Press Advertisement:	2 July 2025
EIA Determination:	
Consultations: • DfI Roads • DAERA • Environmental Health • NIEA- Water Management Unit	
Representations: NONE	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 18.05.2026

Characteristics of the Site and Area

The site is comprised of a 0.32 hectare portion of land, located along a private lane off Killybawn Road Saintfield, which serves No 15 a detached single storey dwelling and its associated out-building, along with an agricultural shed positioned to the immediate east of the site.



The site is defined to the north and west by mature hedgerows which the southern and eastern boundaries are currently undefined.



The site is positioned on ground which sits above the lane as shown in the image below. Officers note the site layout plan indicates that levels rise from 99.96m at the lane to 106.26m at the rear of the site.

The rising ground is clearly visible when viewing the site from the yard area to the immediate east at the adjacent agricultural shed as shown below.



The site is located within the rural area, outside any settlement as designated in the Ards and Down Area Plan 2015.

Description of Proposal Dwelling on a farm
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> Planning LA07/2024/1458/O Proposal: Site for Farm Dwelling and domestic garage Decision: Under consideration Decision Date: Pending R/1974/0030 Proposal: PRIVATE DWELLING. Decision: Permission Refused Decision Date: 15 August 1974 R/1975/0109 Proposal: BUNGALOW Decision: Permission Refused Decision Date: 27 May 1975 R/2011/0494/F Proposal: Retention of farm yard and agriculture buildings Decision: Permission Granted Decision Date: 04 May 2012 R/2009/1037/F Proposal: Erection of farm dwelling with domestic garage (amended P1 and plans). Decision: Permission Granted Decision Date: 07 June 2012 LA07/2022/1634/LDE Proposal: Agricultural building for housing stock and for agricultural machinery/feed store Decision: Application Withdrawn Decision Date: 19 January 2026

LA07/2023/3225/F

Proposal: Agricultural shed for machinery and feed storage (Retrospective)

Decision: Permission Granted

Decision Date: 19 January 2026

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Design and Access Statement
- Bio-Diversity Checklist

- Site Location Plan
- Site Layout Plan
- Proposed Elevations and Floor Plans

CONSULTATIONS

- DfI Roads – No objections subject to conditions
- DAERA – No objections
- Environmental Health – No objections
- NIEA: WMU – No objections

REPRESENTATIONS

The application was advertised in the local press on 19.06.2025 and 5 neighbours were notified of the proposal Nos 10, 10b, 12, 13 and 15 Killybawn Road

No objections or representations have been received.

EVALUATION

The proposal has been assessed against the following

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland 2 (SPPS2)
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 10 Dwellings on Farms
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character
 - Policy CTY 16 Development relying on non main sewerage

Consideration and Assessment

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. The policy context for the development includes Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

PPS 21 - Sustainable Development in the Countryside

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

Policy CTY 10 - Dwellings on farms

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

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

DAERA) business ID number along with other evidence to prove active farming over the required period.

The applicant is Mr Robert Ross of 14 Killybawn Road, Saintfield. The farm maps indicate the business ID with a total of 7.86 hectares.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and they state that the business ID has been in existence for more than 6 years and the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. DAERA point out that the proposed site is located within field 3/113/141/25 which was claimed for FSTP/BPS from 2020- 2025 inclusive by the business as listed in the application form. The first part of the criteria has been met.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Having undertaken a history search of the land owned on the submitted DAERA farm maps the Planning Department is satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land in the 10 years prior to the submission application. This is further confirmed by the answer to Q5 of form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years.

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

The site is accessed via an existing lane, the proposal is therefore compliant with this aspect of the policy.

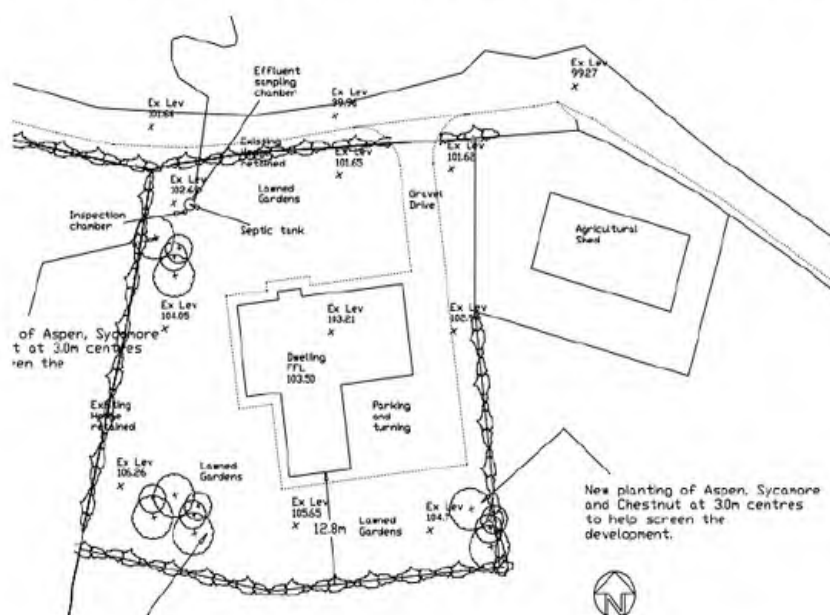
The site is positioned immediately adjacent a building on the applicant's farm. However, policy requires dwellings to be sited to cluster with an established group of buildings.

Officers note that No 15 to the east of the site has a number of agricultural buildings adjacent, however, a land registry check indicates that No 15 is not within the ownership of the applicant. The adjacent agricultural buildings however, appear to be so as indicated in blue on the applicants site location plan. As such they are considered buildings on the farm. The site while not sited to cluster with these buildings is visually linked. The proposal therefore complies with the requirements of criterion C.

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

A new building will be unacceptable where:

- The proposed dwelling is to be positioned centrally within the site as shown below.



The applicant intends to erect a single storey dwelling with a maximum ridge height of 5.7m above finished floor level. Officers note the finished floor level is to be 103.5m which will be approximately 3.5m above the level of the access lane. The overall height of the dwelling in the landscape will be 109.2m – 10m above the level of the access lane.

In this regard officers consider the dwelling will appear as a prominent feature in the landscape when viewed on approach to the site from the north east and in particular from the road frontage along No 16 Killybawn Road to sites access lane.

This is clearly demonstrated in the image below, whereby the proposed dwelling will appear to sit above the adjacent agricultural building (which has a maximum ridge height of 4.5m) and will break the skyline when viewed from the critical points set out above.

On this basis the application will be recommended for refusal.



While the site benefits from mature hedging to the northern and western boundaries, the proposed siting of the dwelling within the site, will result in an elevated dwelling, which the existing vegetation could not integrate. The proposal could not provide a suitable degree of enclosure for the building to integrate into the landscape and would therefore rely on additional landscaping to do so. As such officers consider the proposal fails to meet the requirements of criterion B, C and F of CTY 13.

In terms of design a modest 3 bed single storey dwelling is proposed, which would not offend the character of the locality if it were to be sited sympathetically within the landscape. Placing such a dwelling however on the site as discussed above is not however considered acceptable as the site does not have the capacity to absorb development without detriment to rural character.



CTY 14 – Rural Character

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

A new building will be unacceptable where:

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

In assessment of the above, officers consider that the proposal if permitted would be unduly prominent in the landscape as set out in the discussion above.

Further to this, officers consider that a ribbon development already exists along the lane serving the site. This ribbon is comprised of the roll top agricultural building to the immediate north of No 15, No 15 itself, and the agricultural shed immediately adjacent the proposed site. A new dwelling to the immediate west of the agricultural shed if permitted would add to ribbon development along the laneway serving the site.

Ribbon development is detrimental to the character, appearance and amenity of the countryside. The proposal will therefore be refused on the grounds that it does not meet criterion A and D of CTY 14 and also offends Policy CTY 8.

Policy CTY 16 – Sewerage

The proposal could be served by a septic tank and soakaway system within land owned or controlled by the applicant.

PPS 3 - Access, Movement and Parking

DFI Roads have been consulted and have offered no objections to this proposal. It is also considered that there would be sufficient provision within the site for parking.

Impact on Residential Amenity

A dwelling on the site could be positioned a sufficient distance to have no adverse impact on the neighbouring property at No 15. The adjacent sheds are owned by the applicant so he is aware of the issues that may accompany dwellings sited beside farm buildings.

Summary of Recommendation

The proposal is unacceptable in that while compliant with CTY 10 the proposal would if permitted result in a dwelling which would not integrate into the landscape and would be detrimental to the rural character due to its prominence and addition to an existing ribbon of development.

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that 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 (SPPS) and Criteria B C and F of Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that
 - It will be a prominent feature in the landscape
 - The site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and;
 - it relies primarily on the use of new landscaping for integration
 - it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, be unduly prominent in the landscape and result in the creation of ribbon development along Killybawn Road.

Case Officer Signature: C Cooney

Date: 20 May 2026

Appointed Officer Signature: B.Ferguson

Date: 28/05/2026

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date

Planning Committee Schedule of 5th August 2026

Planning reference: **LA07/2025/0641/F**

Proposal: **Proposed dwelling on a farm approx. 125m NW of 15 Killybawn Road, Saintfield**

Applicant: **Robert Ross**

Recommendation: **Refusal**

Refusal Reasons:

Refusal Reasons: 1. The proposal is contrary to The SPPS and CTY1 of PPS21, 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.

Refusal Reasons: 2. The proposal is contrary to The SPPS and CTY13 of PPS21 and Criteria B C and F • It will be a prominent feature in the landscape • The site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and; • it relies primarily on the use of new landscaping for integration • it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

Refusal Reasons: 3. The proposal is contrary to The SPPS and CTY8 of PPS21, Sustainable Development in the Countryside in that the proposal would, if permitted, be unduly prominent in the landscape and result in the creation of ribbon development along Killybawn Road.

Refusal Reason 1.

This application was submitted under CTY10 which falls as an exception under Policy CTY1 and as stated within the case officer's report the proposal complies with all parts of this policy **(i)** 6 years farming, **(ii)** no sites sold or transferred, **(iii)** clustered and visually linked with buildings on the farm and using an existing access lane. This complies with the essence of the policy which is primarily to meet the continuing need for new dwellings on farms to accommodate those engaged in the farm business. The Policy is to encourage the younger generation into farming and to ensure they live on the farm. In this case the next generation of this family wish to continue the farming and this opportunity will allow them to do it by providing the needed accommodation.

Refusal Reason 2

The application site visually links & clusters with an established group of buildings on the farm which is located on a laneway of Killybawn Road. There are strong boundaries comprising of existing hawthorn hedging to the north along the laneway and west of the site that are being utilised and the existing farm building to the east ensures that the site is bound on 3 sides and the remaining boundary will be planted as stated on the site layout plan. The site is located adjacent to existing development ie: the approved sheds associated with the farm business creating enclosure. Views of the site from the Killybawn Road are over short ranges and are read with existing buildings on the farm thus the proposed dwelling which is single storey in form blends with the existing structures on the holding.

The site can blend with the existing landform exhibited in the area, the site is a gently sloping site with a level platform for construction can be achieved on the site without this being visually detrimental. It is accepted that the site can accommodate a dwelling that can visually link or cluster with an established group of buildings on the farm and the chosen site is not interfering with the existing dwelling as both are separated by the approved farm building which lies adjacent to the application site.

The overall context or character of the area would not be more suburbanised if a dwelling where to be permitted at this proposed location site. In broad terms the development does respect the overall traditional pattern of development found in the rural area as it is located of an existing laneway, set well back from the road and when viewed from the road clusters with the existing approved development on an active farm. There is no other available site on the holding which would provide an acceptable location where the privacy of the existing dwelling (No 15) would not be interfered with while giving the proposed dwelling a suitable degree of privacy and still complying with the policy requirements. It is contended that the site is capable of accommodating the proposed modest single storey dwelling and is in compliance with all aspects of Policy CTY13 & 14 and by provision of the proposed septic tank is compliant with Policy CTY16 Sewage

Refusal Reason 3

It is contended that the proposed arrangement does not represent ribbon development under Policy CTY8 as the new plot is set well back from the Killybawn Road up an existing laneway and sufficiently clustered with the farm buildings that eases integration and does not contribute to any ribboning along the main road. The plot visually clusters with existing and established buildings and dwelling, is well enclosed, will blend in to the landscape, would not be suburbanised and respects the overall traditional pattern of development in a rural area. The site is set some distance from the Killybawn Road so does not adversely affect or add to any ribbon along that road. It has to be clarified that the dwelling is set back clear of the road so ribboning along this road could not occur as No 15 and the other farm buildings are at the end of the lane.

Other Agencies The proposed site meets with other considerations by other consultees and agencies –DAERA had no objections to this established and working farm

DFI Roads - No Objections. Subject to conditions

Environmental Health - No Objections.

NIEA WMU - No objections.

No objections from neighbours or the publicity process.

Conclusion

The site as chosen complies with the requirements of Policy CTY10 for a dwelling on an active farm.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development as the chosen site meets with the requirement of the Policy under which it is applied for.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2025/0057/O	Target Date:
Proposal: Site for dwelling with access on to Holly Park Road	Location: Approx. 28m North of 51 Derryboy Road, Crossgar, BT30 9LH
Applicant Name and Address: A and P Gibson 7 Castlerainey Rd Crossgar BT30 9DP	Agent Name and Address: David Burgess 24 Templeburn Road Crossgar
Date of last Neighbour Notification:	17.06.2025
Date of Notification Expiry:	01.07.2025
Date of Press Advertisement:	29.01.2025
Date of Press Ad Expiry:	12.02.2025
EIA Determination: AONB 0.19ha The site is within the Strangford and Lecale Area of Outstanding Natural Beauty albeit under 0.5ha in size. The Planning (Environmental Impact Assessment) Regulations (NI) 2017 are considered and the site falls within 10B of schedule 1 and as the site falls within a sensitive area being the Strangford and Lecale Area of Outstanding Natural Beauty therefore Environmental Impact Assessment screening is required.	
Consultations: DFI Roads was consulted and responded with no objections in principle subject to conditions. Environmental Health was consulted and responded with no objections.	
Representations: The application was advertised in the local press and neighbours notified as detailed above and to date there have been no representations made in relation to the application.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	
Summary of Issues: There are no outstanding issues as a result of the neighbour notification or consultation process.	

Site Visit Report
Site Location Plan:

Date of Site Visit: 01.06.2026
Characteristics of the Site and Area The site is located off the Holly Park Road on lands to the rear of 51 Derryboy Road, the site is an agricultural field that has mature, native planted hedges to eastern, southern and western boundaries with the remaining boundary not defined. The site is reasonably flat with the site dropping away slightly to the eastern side of the site. The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located in open countryside and is also within the Strangford and Lecale AoNB and is within the character assessment area described as Strangford drumlins and islands. No other constraints are noted on the site.
Description of Proposal Site for dwelling with access on to Holly Park Road
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> LA07/2021/1273/O - 227m South Of 52 Holly Park Road, Crossgar - Dwelling and garage on a farm – refusal – 31.10.2023

Consideration and Assessment

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

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

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

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

It was not evident at the outset as to which policy of PPS 21 the application was made under therefore the agent was asked to confirm under which policy the application was made and the agent confirmed that it was CTY 2A.

Policy CTY 2A – New Dwellings in Existing Clusters states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met.

- **the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.**

The site is on agricultural lands but is not adjacent to farm buildings or a farm holding, the site sits outside of a farm stead on agricultural land.

The site is located adjacent to no 51 Derryboy Road, the site shares a boundary with no 51 and 49 Derryboy Road being semi detached dwellings (one building) there are out buildings associated with both no 49 and 51 Derryboy Road however it is noted that outbuildings are excluded from consideration as set out in policy. No 55 presents onto the Derryboy Road, separated from no 51 Derryboy Road by the Holly Park Road, No 55 Derryboy Road is a single dwelling and associated out building.

Policy requires the cluster to consist of 4 or more buildings with the exclusion of ancillary buildings such as garages and outbuildings. There are two buildings located at the crossroads, 3 dwellings given one building housing a pair of dwellings with the site relying on ancillary buildings to achieve 4 buildings, policy specifically advises that ancillary buildings such as garages, outbuildings and open sided structures are excluded from the building count. This aspect of policy has not been met and it is not considered that there is a cluster of development at this location.

- **the cluster appears as a visual entity in the local landscape.**

As there are only two dwellings, one sitting either side of the Holly Park Road and both Presenting onto Derryboy Road at a crossroads there is insufficient development to be considered to be a cluster. The site sits on lands to the rear of no 51 and 49 Derryboy Road and away from the crossroads. The main view points of the site are from the Holly Park Road with limited views from other public view points, the site and the existing development would not be considered to appear as a visual entity in the local landscape.

- **the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.**

The site sits approximately 35m from the crossroads of the roads of Derryboy Road and whilst physically there is a crossroads within close proximity to the site, the site does not sit at the crossroads. The distance from the crossroads is noted however the site is not visible from the cross roads and vice versa, there is little by way of association or visual connection between the cross road and the site and the two are not interlinked. This aspect of policy has not been met.

- **the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.**

The site is bounded on three sides by mature planting and whilst the site can achieve a suitable degree of enclosure due to the mature planting it is only physically bound on one side with other development, this aspect of policy has also not been met.

- **development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.**

The development of the site would extend the development on out into open countryside, the development of the site does not represent rounding off of an existing cluster or the development of a pocket of land that is within a cluster and surrounded with other development. As already detailed earlier in the report it is not considered that a cluster exists at this location therefore this development cannot be considered to be absorbed. This aspect of policy has not been met.

• **development would not adversely impact on residential amenity.**

Taking account of the existing development and with two existing dwellings along only one boundary of the site and taking account of the size of the development it is considered a dwelling could be developed on the site without adverse impact on residential dwellings, sufficient space can be achieved between existing and proposed development therefore it is not anticipated that there would be any adverse impacts on residential amenity as a result of the works.

Consideration of CTY 13 Integration and Design of Buildings in the Countryside

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

(a) it is a prominent feature in the landscape.

The site is considered and taking account of the low lying nature of the site, its relatively flat existence and the strong mature boundaries associated with the development it is considered that the development of the site would not result in works that would be prominent in the landscape, provided a suitable scheme is put forward it is considered a dwelling could be designed and constructed that can make use of existing surrounding lands, built structures and mature planting to help the works integrate into the landscape and it is not considered that the works would be a prominent feature in the existing landscape.

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

The site can make use of existing boundaries in order to provide a suitable degree of enclosure and the site has been chosen so as to as far as possible allow reliance on existing boundaries without the site having the appearance of having been carved artificially out of an existing field. It is acknowledged that some of the planting will be lost to accommodate sight splays however this would be by condition of reinstatement of the planting to the rear of visibility splays is to take place with the loss of planting being temporary.

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

As there are existing mature boundaries in existence for three of the four site boundaries at present that offer a level of mature planting it is not considered that the site will rely on new planting for integration, it is noted that the site will lose some mature hedge row to accommodate sight splays but these can be reinstated behind the required sight visibility splays, and in any case it is not considered that the works would be in reliance of this planting to provide integration for the dwelling, this aspect of policy has not been offended.

(d) ancillary works do not integrate with their surroundings.

Permission is sought for a dwelling only under this application with no reference to a garage or other associated outbuilding, taking account of the nature of the site, the characteristics and surroundings it is considered that a dwelling and ancillary works could be accommodated on this site without having unacceptable detrimental impacts on the overall character and appearance of the wider area. Further particulars as to the overall layout of the site in terms of access, hardstanding and planting can be considered at subsequent application stages however in principle it is considered that ancillary works will not cause any detrimental impacts.

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

As this is an outline application the overall design and appearance of the dwelling has not been presented for consideration however a dwelling designed in accordance on building on tradition would be favourable. The surrounding and adjacent development context is taken into consideration and it is considered a dwelling could be accommodated at this site that is appropriate to the locality.

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

Again as this application is an outline application full consideration of the potential for impact is not possible however in reading the general context of the area and taking account of the overall topography of the surrounding area, the planting associated with the site and the wider area and the overall topography of the site and the overall landscape and taking account of the topography of the site it is considered that the development will respect the overall features in the area and can be accommodated within the landform with existing planting and natural features as a natural backdrop.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This application does not relate to a dwelling on a farm therefore this aspect of policy is not applicable.

Consideration of CTY 14 Rural Character

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. Policy states that a new building will be unacceptable where:

(a) it is unduly prominent in the landscape.

As considered under the provisions of CTY 13 it is not considered that the development will result in being unduly prominent in the landscape, subject to the layout and design of the site being agreed the site is not likely result in being prominent in the landscape.

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

Given the level of development within the surrounding area and taking account of the surrounding built development it is not considered that the development of the site would result in an overall change of character within the area to result in a suburban type build up of development when read with existing and approved buildings, it is noted that there is no planning history to support any further development on adjacent lands presently.

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

The development of the site, if justified under all relevant policy provisions would be considered to be acceptable in terms of patterns of development, the plot is of adequate size and is road side with adequate planting and screening and on a site with an acceptable topography, the development of the site would not be detrimental to the overall character of the area.

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

Consideration has been given to the potential for the site to create or add to a ribbon of development and it is noted that there is an intervening garden area that appears to be bound entirely by a wall therefore prevents no. 51 from having a frontage onto the Hollypark Road. No. 51 is a two storey semi-detached dwelling that has a two storey rear return dropping to a single storey flat roof section with all the works attached. There are out buildings on the site between the dwelling itself and the Holly Park Road but

which are in front of the dwelling. Given the arrangement with the buildings and the garden area it cannot be considered that a dwelling on the site will create ribboning, this aspect of policy has not been offended.

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

As discussed previously the ancillary works will not have unacceptable detrimental impacts on the overall character and appearance of the area.

PPS 2 Natural Heritage Consideration

The provisions of PPS 2 namely NH 2 and NH 5 are considered. The application was not accompanied with a bio diversity checklist or any further ecological reports. A Design and Access Statement was requested and submitted which references the natural screenings of the site.

The site itself is an agricultural field that on the day of the inspection had been cut for silage and slurry had been spread on the ground, indicating a quite active agricultural unit with no areas of dormant or protected grazed areas that would be species rich. It is also noted that the majority of boundaries are to be retained with only the removal of some field boundaries for the provision of sight splays required. DFI Roads have requested sight splays of 2.0m by 33m be provided and this will include the removal of some of the existing mature hedging to the front of the site. The hedge is considered and while it is a thick hedge that does provide screening it would be considered species poor with a high level of ivy present in the hedge, it is also noted that the hedge and boundary does not include any trees or aspects that appear suitable for protected species. It is noted that no bio diversity has been submitted but taking account the agricultural nature of the lands, the lack of any habitat features and taking account of the fact that the hedging will be conditioned to be reinstated to the rear of sight visibility splays it is not considered any further information or consultations are required to satisfy the provisions of NH 2 or NH 5.

It is also noted that the site is within the Strangford and Lecale Area of Outstanding Natural Beauty therefore policy NH 6 Areas of Outstanding Natural Beauty is relevant and it is considered that the site can accommodate a dwelling whilst respecting the overall character of the area and the special scenic value of the area. it is noted that there are no particular features of interest either in the surrounding built features or other man made features of importance. The overall landscape will not be impacted upon as a result of the works.

Design will be considered at subsequent application states however a dwelling designed in accordance with Building on Tradition would be required to ensure the character of the AoNB is respected. The provisions of NH 6 has not been offended.

Consideration Of PPS 3 Access, Movement And Parking

Policy AMP 2 Access to Public Roads is considered and states that permission will be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic.**

DFI Roads consider the access arrangements acceptable subject to the improvement of sight splays. it is not considered that the works will have any detrimental impacts on road safety or inconvenience the flow of traffic on Holly Park Road, splays of 2.0m by 33m are required.

- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.**

The dwelling does not access out onto a protected route and it is not considered there will be any impact on protected routes as a result of the development.

Neighbour Notification Checked

Yes

Summary of Recommendation

The application does not meet any of the provisions set out in CTY 1 of PPS 21 therefore a recommendation of refusal is recommended.

Reasons for Refusal :

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY 1 Development in the Countryside, 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 2nd Edition and Planning Policy Statement 21 Sustainable Development in the Countryside Policy CTY2a New Dwellings in Existing Clusters in that:
 - The proposed site is not located within an existing cluster of development consisting of four or more buildings;
 - The site is not bounded on at least two sides with other development;

- The development of the site would not appear as a visual entity in the local landscape, it cannot be absorbed through rounding off and consolidation and would visually intrude into the open countryside significantly altering the existing character; and - The site is not associated with a focal point or located at a cross roads.
Case Officer Signature: Fionnuala Murray
Date: 19th June 2026
Appointed Officer Signature: Brenda Ferguson
Date: 19th June 2026

Planning Committee Schedule of 5th August 2026

Planning reference: **LA07/2025/0057/0**

Proposal: **Proposal: Site for dwelling with access on to Holly Park Road. Approx. 28m N of 51 Derryboy Road, Crossgar, BT30 9LH**

Applicant: **A & P Gibson**

Recommendation: **Refusal**

Refusal Reasons:

Refusal Reason 1.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY 1 Development in the Countryside, 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.

Refusal Reason 2.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Planning Policy Statement 21 Sustainable Development in the Countryside Policy CTY2a New Dwellings in Existing Clusters in that:

- The proposed site is not located within an existing cluster of development consisting of four or more buildings;
- The site is not bounded on at least two sides with other development;
- The development of the site would not appear as a visual entity in the local landscape, it cannot be absorbed through rounding off and consolidation and would visually intrude into the open countryside significantly altering the existing character;
- The site is not associated with a focal point or located at a cross roads.

Refusal Reason 1

This application was submitted under CTY2a which is an exception to Policy CTY1 and is compliant with the requirements of that Policy thus it is complainant with Policy CTY1

Refusal Reason 2

- (a) The proposed site is actually located within an existing cluster of development consisting of four or more buildings, all associated with the crossroads, the semi-detached dwellings (No 49 & 51) are separate buildings, not one building. They are accessed, owned and maintained in two separate plots, each with its own address; they are not one but two buildings.
These semi-detached dwellings and the other dwellings and buildings in and around the crossroads must be counted. It is contested by the applicants and agent that this test is met.
- (b) The site is bound on at least two sides with other development; to the south by No's 49 and 51 and on the west by the plot of 55 which extends along the Holly Park Road. It is again the applicant's contention that this test is met.

- (c) The development of the site would appear as a visual entity in the local landscape when viewed with the other adjacent buildings, as stated in the Case Officers Report the proposal complies with CTY14 – Rural Character in that it is not unduly prominent, does not create ribbon development, has suitable boundaries, back-drop and landform on acceptable topography. The site can be absorbed through rounding off and consolidation and would not visually intrude into the open countryside significantly altering the existing character as accepted by the officer and is not at variance with Policy CTY14. The enclosure and clustering of the site would mean no change in rural character. The applicants and agent again contest that this aspect of the policy is compiled with.

- (d) This part of the policy requires the cluster containing the site to be associated with a focal point or located at a cross-roads. In this case the cluster is at the cross-roads of Derryboy, Clay and Holly Park Roads and it is contended that the proposal is located at the crossroad and clusters with the existing development. This again is considered to meet the test.

It is considered by the applicant and agent that the development does respect the overall traditional pattern of development found in the rural area and as stated in the officer's report it is not at variance with Policy CTY13 Integration & CTY14 Rural Character.

The applicant & agent believe the proposed arrangement does meet CTY2a and should be approved.

Other Agencies - The proposed site meets with other considerations by other consultees and agencies

DFI Roads - No Objections. Subject to conditions Re: RS1

Environmental Health - No Objections in principle.

No objections from neighbours or the publicity process.

Conclusion

It is contested that the site as chosen complies with the requirements of Policy CTY2a for a dwelling.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development as the chosen site meets with the requirement of the Policy under which it is applied for.

Report to:	Planning Committee
Date of Meeting:	05 August 2026
Subject:	Proposed Material Alterations to Proposed Variation No.2 to the Monaghan County Development Plan 2025-2031
Reporting Officer (Including Job Title):	Jonathan McGilly (Assistant Director: Regeneration)
Contact Officer (Including Job Title):	Lois Jackson (Development Plan Manager and Planning Enforcement)

Confirm how this report should be treated by placing an x in either:-

For decision	☐	For noting only	☒
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1.0	Purpose and Background
1.1	The purpose of this report is to provide Members with an update in relation to Proposed Variation No.2 to the Monaghan County Development Plan 2025-2031. Monaghan County Council drafted proposed Variation No.2 under the Planning and Development Act 2024 to align the local authority County Development Plan with national housing requirements and guidelines. After a public consultation on Variation No.2 and evaluation of the Chief Executive's Report the Council resolved to introduce a series of modifications to the policy text and maps. The proposed modifications constitute material alterations of the Proposed Variation No.2. and are now subject to a further round of public consultation. Documents pertaining to the Proposed Material Alterations to Proposed Variation No.2 are available to view on the Monaghan County Council website at: https://monaghan.ie/planning/monaghan-county-development-plan-2025-2031-july25/ Written submissions with respect to the proposed Material Alterations of Proposed Variation No.2 and associated documents, may be made to Monaghan County Council from Thursday 16th July until Thursday 13th August 2026.
2.0	Key issues
2.1	The Development Plan team having reviewed the proposed material alterations consider that these do not raise any significant cross-boundary impacts or strategic issues for our district. No formal comment is therefore considered necessary.

3.0	Recommendations
3.1	It is recommended that the Committee notes the content of this report.
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i> It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations ☒
5.2	<i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i> Yes ☐ No ☒ If yes, please complete the following: The policy (strategy, policy initiative or practice and / or decision) has been equality screened ☐ The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation ☐
5.3	<i>Proposal initiating consultation</i> Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves ☐ Consultation period will be 12 weeks ☐ Consultation period will be less than 12 weeks (rationale to be provided) ☐ <i>Rationale:</i>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes ☐ No ☒

	If yes, please complete the following: Rural Needs Impact Assessment completed
7.0	Appendices
	Monaghan County Council County Development Plan 2025-2031 consultation notice.
8.0	Background Documents
	N/A

**Rannóg Pleanáil****Planning Section**

00353 47 30532

planning@monaghancoco.ie

129

16TH July 2026

A Chara,

Proposed Material Alterations to Proposed Variation No.2 of the Monaghan County Development Plan 2025-2031

Pursuant to Section 58 (13) (a)(ii) of the Planning and Development Act 2024, notice is hereby given that the Members of Monaghan County Council, having considered the Proposed Variation No.2 to the Monaghan County Development Plan 2025-2031 and the Chief Executive's Report in respect of the submissions received, have resolved in accordance that the Proposed Variation be modified. The proposed modifications constitute material alterations of the Proposed Variation No.2.

The following documents pertaining to the Proposed Material Alterations to Proposed Variation No.2 will be available to view on the Monaghan County Council website at: <https://monaghan.ie/planning/monaghan-county-development-plan-2025-2031-july25/>

- The Proposed Material Alterations to Proposed Variation No. 2 of the Monaghan County Development Plan 2025-2031.
- Report to Inform Appropriate Assessment (AA) Screening of the proposed material alterations.
- Appropriate Assessment (AA) Determination.
- Report to Inform Strategic Environmental Assessment (SEA) Screening of the proposed material alterations.
- Strategic Environmental Assessment (SEA) Determination.
- Strategic Flood Risk Assessment, including an assessment of the proposed material alterations.

Public Display

The proposed material alterations and associated documentation may be inspected from **Thursday 16th July 2026 until 5pm Thursday 13th August 2026** at the following locations:

- The Planning Office, 1 Dublin Street, Monaghan Town, H18 X982 from 9.15am- 1.00pm and 1.30pm- 5.00pm
- Monaghan Municipal District Office, The Glen, Monaghan Town, H18 YT50 from 9.00am- 1.00pm and 1.30pm-5.00pm
- Castleblayney-Carrickmacross Municipal District Office, Riverside Road, Carrickmacross, A81 HY83 from 9.00am-5.00pm



Oifigí Pleanála
Comhairle Contae Mhuineacháin
1 Sráid Bhaile Átha Cliath,
Muineachán,
H18 X982, Éire.



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info@monaghancoco.ie
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www.monaghan.ie



Planning Offices
Monaghan County Council
1 Dublin Street,
Monaghan,
H18 X982, Ireland.

- Ballybay-Clones Municipal District Office, The Diamond, Clones, Co. Monaghan, H23 X378 from 9.15am-5.15pm

Written Submissions

Written submissions with respect to the Proposed Material Alterations of Proposed Variation No. 2, and associated documents, may be made in writing to the Planning Authority from **Thursday 16th July 2026 until 5pm Thursday 13th August 2026**. Written submissions may be made via **ONE** of the following options:

- via <https://consult.monaghancoco.ie/>
- by email to devplan@monaghancoco.ie or
- by post addressed to, The Forward Planning Unit, Planning Department, 1 Dublin Street, Monaghan Town, H18 X982

Only written submissions made with respect to the Proposed Material Alterations of Proposed Variation No. 2 and the accompanying environmental documentation (Strategic Environmental Assessment and Appropriate Assessment Screening Reports) and made to the Planning Authority within the period specified above shall be taken into account by the Planning Authority before the variation of the development plan is made. Late submissions will not be considered.

Written submissions must include the full name and address of the person(s) making the submission and where relevant, the body or organisation represented. Written submissions, including the name of those making the submission, will be published on Monaghan County Council's website within 10 working days of their receipt. Please note your address will not be published. Additionally, the Chief Executive's Report on written submissions received will include the names of those who made submissions as well as a summary of the issues raised. This report will also be published on Monaghan County Council's website. Please ensure that written submissions do not contain vexatious, libelous, or confidential information, including third-party personal data without consent.

If you would like further information or wish to speak to a member of the Forward Planning Team, please call 047 30532.

Kind Regards,



Adrian Hughes



TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING – 20 AUGUST 2025					
LA07/2023/ 2331/F	66 Moss Road, Glassdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	Withdrawn by the Planning Dept	B Ferguson	Deferred for further consideration	N
PLANNING COMMITTEE MEETING – 25 MARCH 2026					
LA07/2022/ 0939/F -	180m north west of 22 Ringhaddy Road, Killinchy - Replacement boat house ancillary to existing camping tourism development to facilitate water sports	Deferred at request of planning department to allow for further consideration.	B Ferguson	Add info to be submitted from agent	N
PLANNING COMMITTEE MEETING – 22 APRIL 2026					
LA07/2024/ 0749/O -	Land adjacent and to the west of Sacred Heart Grammar School, 10 Ashgrove Avenue, Newry, BT34 1PR - Section 54 application for non-compliance with condition No. 9, Social Housing Provision, of Planning Approval LA07/2021/2131/F	Deferred to allow for further consideration.	P Manley		N
LA07/2024/ 0547/F -	Lands opposite No 1 Ashgrove Avenue, Carneyhough, Newry, BT34 1PR - Proposed social	Deferred to allow for further consideration.	P Manley		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	residential development consisting of 20no. dwellings and 4 no. apartments with associated landscaping and car parking				
PLANNING COMMITTEE MEETING – 01 JULY 2026					
LA07/2023/ 2585/F	Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle - Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.	Deferred at request of planning department to allow for further consideration.	B Ferguson		N