

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 28 May 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

**Committee Members in
attendance in Chamber:**

Councillor P Campbell	Councillor C Enright
Councillor K Feehan	Councillor G Hanna
Councillor D McAteer	Councillor S Murphy
Councillor A Quinn	Councillor M Rice
Councillor J Tinnelly	

**Committee Members in
attendance via Teams:**

Councillor M Larkin

Officials in attendance:

Mr J McGilly, Assistant Director: Regeneration
Ms A McAlarney, Development Manager: Planning
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Miss S Taggart, Democratic Services Manager
Mr C Smyth, Democratic Services Officer

**Officials in attendance
via Teams:**

Mr Peter Rooney, Head of Legal Administration (Acting)

P/049/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

There were no apologies.

P/050/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/051/2025: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

There were no declarations of interest.

MINUTES FOR CONFIRMATION

**P/052/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE
MEETING WEDNESDAY 30 APRIL 2025**

Read: Minutes of Planning Committee Meeting held on Wednesday 30 April 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 30 April 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/053/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 28 May 2025. **(Copy circulated)**

The Chairperson advised that a request had been made to remove item 7 - LA07/2024/0891/F off the addendum list and defer to a future meeting.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to defer item LA07/2024/0891/F to a future Committee Meeting.**

DEVELOPMENT MANAGEMENT

P/054/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0055/O

On agenda as a result of the Call-In Process

Location:

20m SE of 15 Drummond Road Cullyhanna, Newry, BT35 0LN

Proposal:

Erection of a farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs McAlarney stated that outline permission had been sought for a farm dwelling with Neighbour notifications and consultations having been carried out and no objections received. The application was assessed against PPS21 CTY10 CTY13 and CTY14. The proposal was compliant with criteria A, B and C of CTY10, however policy CTY10 states that the proposed site must also meet the requirements of CTY13 criterion A to F and also

CTY14. She advised that the proposal had been assessed against CTY13 and it was found that the site failed to provide a suitable degree of integration and enclosure. The proposal was also assessed against CTY14 and was deemed contrary to policy as the site would add to a ribbon of development and detrimentally impact the rural character.

Speaking rights:

In Support:

Mr Rooney presented the case for a proposed farm dwelling on an established and active farm business. He refuted the Planning Department's recommendation around ribbon development and argued that the chosen site was the most appropriate in terms of visual integration and clustering, in line with CTY 10. He advised that the topography of the land, including a steep gradient to the north, limited alternative siting options and locating the dwelling further north would have required significant ancillary works, which could have negatively impacted the character of the area and contravened planning policy. He also referenced previous Planning Appeals Commission decisions, which supported the view that visual integration and clustering could outweigh concerns about ribbon development. He stated that the site was considered well enclosed by mature vegetation and topographical features, which would help the dwelling sit comfortably within the landscape.

Mr Rooney concluded by urging the Committee to give due weight to the material considerations, including site constraints and planning precedent, and to overturn the recommendation for refusal.

The Chairperson noted the Planning Appeals Committee (PAC) decision in relation to an application in 2019 with regard to ribbon development and asked whether this had been considered. Ms McAlarney stated that all PAC decisions since 2019 had required compliance with CTY 13 and CTY14 and did not attach any weight to that decision. Mr Rooney stated that there were no alternative sites as the site sat alongside existing farm buildings within an established ribbon of development. He added that relocation would cause greater environmental impact due to steep gradients and would not suit the area's character.

Councillor Larkin asked whether consideration had been given to reducing the extent of the red line boundary, given that the land fell steeply to the rear and lacked vegetation, while the front and sides appeared adequately screened. Mr Rooney explained that the red line was extended for two main reasons. Firstly, the applicant preferred to site the dwelling adjacent to his father's house, and the extended area could then be retained as garden space, with conditions applied to prevent development on the steep gradient. Secondly, the extension allowed for a fallback option in case the preferred siting was not accepted by the Planning Department.

Councillor Larkin enquired if access had been provided through a laneway leading into the site, rather than a full road frontage, would that have helped alleviate concerns regarding ribbon development. Ms McAlarney stated that the basis for refusal had been the overall extent of the red line, not just the frontage and Mr Rooney's interpretation of ribbon development had been incorrect, as ribbon development did not require direct frontage; it could still occur with buildings set back or staggered from the road. She added that therefore, even siting a dwelling to the rear of the site would have constituted ribbon development as per policy.

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

The proposal was declared carried.

AGREED: On the proposal of Councillor D Murphy, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/0055/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2023/2548/O

On agenda as a result of the Call-In Process

Location:

Approx 65m south of 54 Manse Road, Crossgar

Proposal:

Site for dwelling and domestic garage under CTY2A

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Ferguson stated that no representations had been received, and all statutory consultees, including DFI Roads, NI Water, Environmental Health, Rivers Agency, and NIEA, had responded with no objections. She advised that the Planning Department had carried out a site inspection and assessed the application against relevant regional planning policies. Ms Ferguson stated it had been determined that the site did not meet the criteria for a cluster of development under Policy CTY 2a as the buildings in the area did not form a visual entity due to separation distances, topography, and intervening vegetation. She advised that the site lacked visual linkage with surrounding buildings and did not relate to a focal point or crossroads. As such, the proposal failed multiple criteria of Policy CTY 2a, including those relating to visual cohesion, clustering, and integration. She concluded that the development

would encroach into the open countryside and could not be absorbed into any existing cluster, supporting the reasons for refusal outlined in the report.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application expressing disagreement with the Planning Department's recommendation for refusal, stating that the proposal had been assessed too harshly under Policy CTY 2a. He argued that the site formed part of a wider cluster known locally as Raffrey, which included not only the three dwellings identified by the case officer, but also an additional 19 dwellings and community buildings such as the church and hall. Mr Rooney stated that the site met all five criteria of Policy CTY 2a, including visual cohesion, association with a focal point, and appropriate enclosure on three sides. He made reference to published guidance supporting the interpretation of clusters without strict visual linkage. Mr Rooney also highlighted that the site would consolidate existing development and would not intrude further into the countryside. Additionally, Mr Rooney explained that the applications motivation for the proposal was to relocate closer to family in order to provide long-term care for elderly parents and a severely autistic relative.

Councillor Enright expressed difficulty in understanding how the site was not considered to be surrounded by development, noting that it appeared to be enclosed on three sides, except for the southern boundary. He suggested that the visual impression contradicted the assessment that the site lacked sufficient enclosure. Ms Ferguson explained that the assessment had been based on a visual inspection from the ground, rather than relying solely on site location or aerial maps. She added that it was determined that only three buildings were visually connected from surrounding viewpoints, which did not meet the definition of a cluster under Policy CTY 2a. As a result, the proposal was considered to have failed the relevant policy criteria.

Councillor Campbell sought clarification regarding the slide shown referencing "Building on Tradition" guidance. He questioned the relevance and accuracy of the example shown, which included buildings not visually linked to the community or social hub.

Ms Ferguson stated that while the *Building on Tradition* guidance provided examples, each application was assessed on its own merits and in this case, the focal point was considered to be significantly distant from the surrounding buildings, with no visual or physical linkage from key vantage points. She added that only three buildings were deemed to be visually connected, and the remaining buildings were discounted, and as such, the site was not considered to form a cluster under the relevant policy criteria.

Councillor McAteer sought clarification on how planning policy distinguished between a well-integrated cluster and one that was more open and visible. He questioned how visual linkage was assessed when integration through natural features such as trees and hedges might obscure views between buildings. He noted that, despite limited visibility, the site appeared to form a coherent cluster on the map and queried how this aligned with policy requirements for identifying a cluster in the landscape.

Ms Ferguson advised that the site needed to be read as a visual entity in the landscape but also had to meet all criteria set out in Policy CTY 2a. It had already been assessed as not connected to a focal point, being substantially removed and lacking visual linkage. She stated that despite the presence of vegetation and topographical features, the site could not

be read with the focal point due to its distance. As such, it did not satisfy the initial criteria of the policy and consequently failed to meet the remaining requirements.

Mr Rooney reiterated that the cluster of development was represented by the settlement of Raffrey, as shown on the site location plan. He argued that this cluster was clearly associated with a focal point, as required by policy, and that it appeared as a visual entity in the landscape.

Councillor McAteer noted that there appeared to be some uncertainty regarding the extent of the cluster and therefore proposed that a site visit be undertaken. Councillor Campbell seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to defer the application to enable a site visit to be undertaken.

(3) LA07/2023/3277/F

On agenda as a result of the Call-In Process

Location:

285m N of 40 Ballyhorgan Road, Downpatrick, Co. Down BT30 6RH

Proposal:

Proposal:
Farm dwelling & attached carport

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Ferguson stated that one letter of objection had been received, raising concerns about visibility splays and land ownership. She explained that following deferral from the March 2025 agenda, the application was amended, including changes to the ownership certificate and the serving of notice on relevant landowners. She advised that DFI Roads were reconsulted and raised no objections, subject to conditions and revised drawings submitted in March 2025 showed a reduced roof pitch and ridge height. All statutory consultees responded with no objections.

DAERA confirmed the farm business had been active for over six years, with farm payments claimed annually. A site inspection and policy assessment were carried out, with the application considered under the relevant policies, and while the farm business met the criteria under CTY 10, the proposed dwelling was not visually linked to the existing farm buildings and failed to integrate with the cluster, contrary to policy. The site was considered

elevated and visually prominent, with the proposed ridge height breaking the skyline, making the design inappropriate for the site and locality. The proposal was therefore contrary to CTY 13 and CTY 14. The proposal was also considered to result in ribbon development due to its linear relationship with nearby agricultural buildings, contrary to CTY 8 and CTY 14. Given the site's location within an AONB, the two-storey design was deemed unsympathetic to the character of the area, contrary to Policy NH 6 of PPS 2.

Speaking rights:

In Support:

Mr Brendan Starkey spoke in support of the application and explained that outline planning permission had initially been pursued in 2019 but was withdrawn to address retrospective approval for farm buildings. The previous case officer's report, which found no issues with prominence or ribbon development, informed the current application. It was argued that the site, although elevated, sat within a natural depression created by former quarrying and was enclosed by rising land and mature vegetation. He noted that views of the site were limited due to distance from public roads and intervening landscaping. A native hedge had been planted to further screen the site, and rising land to the rear would prevent the dwelling from breaking the skyline. Mr Starkey also highlighted that land to the west had been zoned for major residential development, suggesting a shift toward a more suburban character. Regarding ribbon development, he stated that the site was located at the end of an agricultural lane, not along a public road, and clustered with existing farm buildings. Mr Starkey argued that the proposal did not meet the criteria for ribbon development and made reference to a similar approved application nearby.

Councillor Campbell asked for clarification regarding the contradictions between the case officer's report from 2019 and the current report. Ms Ferguson explained that the previous application was withdrawn with no decision made, so it could not be considered. She added that this was a new application and must be assessed on its own merits.

The Chairperson enquired whether the original application in 2019 was for a 2-story building in a similar site position to the current application. Mr Starkey stated that the previous application for a farm dwelling was withdrawn after the applicant had to regularise unauthorised agricultural buildings and no site concerns were raised at that time. He stated that the applicant addressed the issues and resubmitted, however, the current assessment identified the proposal as ribbon development.

Councillor Campbell referred to a slide presented by Ms Ferguson which highlighted a live planning application for 1,100 homes and queried whether this had any bearing on the current assessment under Policy CTY 8. In response, Ms Ferguson advised that the development was located within an urban context and was subject to a different policy framework, therefore did not carry any material weight in the assessment of the current application.

Councillor Enright stated that he struggled to understand how a site located at the end of an agricultural lane could have been classified as ribbon development. Ms Ferguson explained ribbon development could include buildings located along a laneway, not just a main road and the assessment considered the frontage provided by buildings along the laneway, as they contributed to the overall linear pattern of development.

Councillor Hanna asked whether the style of house in the application was typical of the traditional houses within the local area. Mr Starkey stated that design and appearance was suitable for its context and added that the planning department were generally content with the design and for appearance of the proposed dwelling.

Councillor Campbell seconded the proposal.

FOR: 9
AGAINST: 2
ABSTENTIONS: 0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2023/3277/F contrary to officer recommendation as contained in the Case Officer Report.

Refusal

Power-point presentation:

Ms Ferguson advised that no objections or representations were received following neighbour notification and advertisement and that statutory consultations with NIEA, NI Water, and DFI Roads had returned no objections, subject to conditions. She stated the site lay within the Kilmore settlement limit as designated in the Ards and Down Area Plan (ADAP) 2015 and that a site inspection and assessment against relevant regional planning policies and material considerations had been undertaken. She explained that the surrounding area is characterised by single or 1.5 storey dwellings on large plots and the proposed two-storey dwelling was considered inappropriate in terms of layout, scale, massing, and appearance, and would not respect the local context. Ms Ferguson advised that the application also indicated a second dwelling as "future development," contributing to overdevelopment and failing to meet Policy QD1 (a) of PPS 7.

Ms Ferguson stated that the proposed dwelling's proximity (0.2m) to No. 6 Church Road raised concerns over privacy, overshadowing, and overdominance. Amenity space was not considered private due to overlooking, contrary to Policy QD1 (c). She explained that the design did not reflect local traditions, failing criterion (g), and raised further concerns under criterion (h) due to its impact on light and privacy. Policy LC1 of the PPS 7 Addendum was also not met, as the proposed density and plot size were inconsistent with the surrounding area. As the proposal failed to meet the requirements of Policies QD1 and LC1. Ms Ferguson added that the Planning Department refused the application for the reasons set out in the case officer's report.

Speaking rights:In Support:

Mr Gerry Tumelty advised that the proposal was for a dwelling on land within the development limits, considered suitable for development and that the site had previously been subject to an application for demolition and construction of five dwellings, which was returned to the then-owner. The current applicant purchased the property and submitted a revised proposal for a single dwelling, which was considered more in keeping with the area. It was noted that the previous owner, a resident of No. 6 Church Road, had intended to develop the site while retaining her dwelling, with future plans for additional development, she decided to remain in her home, with the land still being developed appropriately. The applicant argued that the proposed plot sizes were comparable to others in the vicinity, and no objections were received from statutory consultees or the public. The proposal was said to address privacy, security, and amenity considerations, including lighting and boundary treatments.

The Chairperson queried the assertion that the site was overdeveloped and asked what would have been considered a reasonable amount of amenity space within the site, and why the proposed provision was deemed inadequate. Ms Ferguson advised that while the overall amount of amenity space met policy guidance, its location adjacent to No. 6 Church Road raised concerns. The space was directly overlooked and therefore not considered private and the front garden area was similarly exposed and could not be counted as usable amenity space.

The Chairperson asked how the applicant proposed to address the identified infringements arising from the relationship between the proposed dwelling and the existing dwelling on site. Mr Tumelty advised that the applicant had made every effort to engage with the previous landowner and explored all development possibilities. A previous proposal for five dwellings, had been returned by Planning. It was noted that the individual most directly affected by the current proposal had not raised any objections and was supportive of the development.

Following a request from Councillor Hanna, Ms Ferguson provided an overview of the third reason for refusal. Mr Tumelty stated that the ridge heights of adjacent dwellings were comparable to the proposed dwelling and that similar designs had been approved in the surrounding area. It was further noted that the site sloped away from the existing dwelling, resulting in the proposed dwelling being set slightly below road level, thereby reducing its visual impact. Councillor Hanna asked if the height of the dwelling was what the planning department were unhappy with. Ms Ferguson stated that two storey dwellings would not be typical of the immediate area.

Councillor Hanna referred to Refusal Reason 5 and noted the presence of a nearby cul-de-sac comprising approximately five dwellings and asked for the rationale in issuing Refusal Reason 5 in light of this existing development pattern. Ms Ferguson advised that an assessment had been carried out of the immediate and surrounding area, which comprised predominantly larger plots with mainly single-storey dwellings. Based on this context, the proposed plot size was considered out of keeping with the established pattern of development and was deemed to be out of character with the area.

Mrs McAlarney advised that while the proposal may have met the minimum size requirement for private amenity space as set out in policy, the quality and usability of the space were inadequate. The front garden, being overlooked by a neighbouring property, could not be considered private, and therefore the proposal failed to meet policy requirements for meaningful and usable amenity space.

Mr Tumelty expressed the view that the proposal met the relevant planning criteria, providing sufficient private open space for domestic use, including areas for relaxation and recreation. It was stated that the development, located within an established settlement limit, did not adversely impact adjoining properties.

Councillor Enright noted that the site appeared significantly larger than neighbouring plots and questioned why the amenity space was considered insufficient. He asked whether the issue related to overlooking from No. 6 and, if so, why a condition requiring a boundary hedge could not address this concern, given the apparent size of the site. Ms Ferguson stated that Officers the concerns related not only to the adequacy of amenity space but also to overlooking, overdominance, and the overall layout of the site. The dwelling's position, influenced by the demarcated future development, was considered inappropriate. It was also noted that the finished floor level was not lower than the adjacent dwelling.

Councillor Larkin queried what separation distance between the two properties would have been considered acceptable in relation to the shared boundary. Ms Ferguson stated that she was unable to comment as that proposal was not being assessed. She added that what they were assessing was the distance to the property which was deemed to be unacceptable.

Following a query from Councillor McAteer, Mr Tumelty clarified that there was potential within the current site layout to shift the proposed dwelling slightly to the right, while still maintaining access to the garage at the rear via the right-hand side of the property.

Councillor Hanna expressed the view that, while the site was tight, the proposal was not out of character with the surrounding area, which included other two-storey dwellings. He stated that some degree of overlooking was typical in nearby developments and that the scale and layout were not considered excessive. The Member believed sufficient private amenity space had been provided and that the proposal represented an acceptable form of development within an established residential area, therefore proposed that the decision be overturned. This was seconded by Councillor Tinnelly.

FOR: 3
AGAINST: 8
ABSTENTIONS: 0

The Chairperson proposed accepting the officer's recommendation and raised concerns regarding the quality of the amenity space and the application's failure to reflect the character of the area. He noted that significant design issues remained unresolved, and that the extent of change required would constitute a new application. Councillor Quinn seconded the proposal.

FOR: 8
AGAINST: 0
ABSTENTIONS: 3

AGREED: On the proposal of Councillor D Murphy, seconded by Councillor Quinn, it was agreed to issue a refusal in respect of planning application LA07/2024/0307/F supporting the officer recommendation as contained in the Case Officer Report.

Councillor Campbell left the meeting at this stage - 11.58am.

(5) LA07/2024/0961/O

On agenda as a result of the Call-In Process

Location:

Site 70m NE from 3 Creevy Road, Crossgar

Proposal:

Proposed outline application for a house on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Ferguson advised that no representations were received with no objections raised by statutory consultees, however, DAERA confirmed the applicant had not claimed agricultural payments in the past six years. Officers assessed the proposal under the SPPS and Policies CTY 1, CTY 10, CTY 13, CTY 14 of PPS 21, and NH 5 and NH 6 of PPS 2 and it was concluded that the applicant failed to demonstrate active farming over the required six-year period. Additionally, the proposal was considered to contribute to ribbon development, contrary to policy, and would negatively impact rural character.

Speaking rights:

In Support:

Mr David Donaldson spoke in support of the application and argued that the proposal met the requirements of Policies CTY 10 and CTY 13 of PPS 21. He noted that the farm business had been established for over 20 years and that sufficient evidence had been provided to demonstrate ongoing agricultural activity, including land maintenance, in line with the SPPS and PAC precedent. Mr Donaldson contended that the site did not constitute ribbon development under Policy CTY 8, as it lacked road frontage, was set back 50 metres, and was visually clustered with existing farm buildings.

The Chairperson queried why the farm business was not considered active and established for six years, given the agent's submission of invoices for silage, fertiliser, and other farm-related expenses. He asked whether maintaining the land in good agricultural and environmental condition had been adequately considered. Ms Ferguson advised that the submitted evidence primarily dated from 2018 and demonstrated only one year of land maintenance. Additional documentation from early 2019 lacked verifiable detail and was not considered sufficient or robust to demonstrate active farming over the required six-year period from 2018 onward.

Mr Donaldson referred to evidence that had been submitted, including sheep movement records from 2021–2023 and earlier invoices for silage cutting, fertiliser, and farm

equipment dating back to 2018. He argued that that information, along with the long-established farm business number, demonstrated ongoing land maintenance and active farming over the required period.

In response to a query from Councillor McAteer, Mr Steele confirmed that he had four sheep on his land at present, and explained that the amount of sheep had increased and decreased over the years due to illness.

Councillor Hanna asked what the barometer was when defining what constituted a farm holding. Ms Ferguson acknowledged that maintaining land in good agricultural condition qualified as agricultural activity, however, the evidence provided was deemed insufficient to justify continuous agricultural activity from 2018 to the present. She advised that verifiable invoices or supporting documentation were required but were not adequately supplied. Mr Donaldson disagreed and offered to provide additional evidence.

Ms McAlarney advised that while evidence was submitted covering the relevant periods, its quality and verifiability were lacking with several documents were undated or lacked addresses, making them non-specific and not clearly linked to the applicant's holding. She stated therefore that due to this lack of credible evidence, the claim of agricultural activity was refused.

Councillor Larkin proposed overturning the recommendation and issuing approval, stating that adequate evidence had been submitted to demonstrate the farm had been active for over six years. He noted that receipts often lacked names and addresses and did not believe the proposal conflicted with ribbon development. Councillor Hanna seconded the proposal.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2024/0961/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(6) LA07/2024/1051/F

On agenda as a result of the Call-In Process

Location:
23 Seafields, Warrenpoint, Newry BT34 3TG

Proposal:

Conversion and extension to existing carport, lounge, bedroom and shower room to 2-bedroom house. Retention of existing site entrance to serve new dwelling. Formation of a new site entrance to existing main dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane stated that this was a full application for the conversion and extension of the existing dwelling within Seafields, to create an additional dwelling unit within the site curtilage of No. 23. The existing vehicular entrance in situ was to serve the new dwelling, while an additional new entrance was proposed to serve the existing dwelling. This was not a granny flat or ancillary accommodation proposal; it was for a new, separate dwelling house.

Mr Keane set out that the site was located within the residential development of Seafields, within the settlement limits of Warrenpoint. The Seafields development comprised a low-density development of detached dwellings on sizeable plots, purposely developed with each site comprising its own individual style and design of dwelling. It had a clear development pattern in this regard.

Mr Keane advised that the development proposed effectively created a pair of semi-detached dwellings, which would alter the unique character of this development. The result of this would be an increase in the density of the area, whereby the new plot proposed was much smaller than those typically found within this development. The proposal to subdivide the site to create two units, plots, and entrances in this location was completely out of keeping and would erode the unique character of the development, being at odds with policy. Subdividing the plot in this way would create a precedent for the development. In addition, Mr. Keane advised that the provision of usable private amenity space to serve the new plot was considered unacceptable, while the separation distance from the rear gable to the rear boundary also fell well short of the recommended distance of 10 metres. The internal layout to provide an additional residential unit would also create amenity issues in terms of overlooking and loss of privacy over No. 25, due to a first-floor bedroom window, which would now be the primary and only window serving this habitable room.

Mr. Keane advised that the planning department was not opposed to ancillary accommodation but objected to the creation of a new dwelling.

Speaking rights:

In Support:

Mr Colin O'Callaghan spoke in support of the application and explained that the application sought to formalise an existing annex as a separate two-bedroom dwelling to accommodate the applicant's son and grandson, with the applicant relocating to the annex. He stated that this arrangement aimed to support family care needs while allowing the applicant to downsize without leaving her established community.

In response to the planning officer's refusal reasons, Mr O'Callaghan argued that the wider Seafields area already included high-density developments and that the proposal aligned with paragraph 4.16 of the Strategic Planning Policy Statement (SPPS), which promoted balanced communities with a variety of house types and tenures. He also stated that the

window in question already served a bedroom, was screened by vegetation, and was not a primary habitable room stating that while the amenity space fell slightly below the recommended standards in *Creating Places*, the applicant argued it was reasonable and policy-compliant, particularly given the needs of smaller households.

Councillor McAteer asked for clarification on whether the proposal involved any significant external changes or if it was primarily an internal reconfiguration, noting that the front of the house appeared largely unchanged. Mr Keane confirmed that the proposal involved several changes, including a small extension, a new secondary access, and the subdivision of the plot into two separate units, each with its own entrance, driveway, and parking. It was noted that both building works and associated groundworks contributed to the overall impact. In response to Councillor McAteer's question, he stated that the main visual changes were the front extension, which remained subservient to the main house, and the addition of a new gate. He emphasised that there had been no objections from neighbouring properties and suggested the focus remain on specific visual impacts rather than broader character considerations.

Councillor McAteer asked what the impact would be in terms of intensification, specifically whether the number of occupants under the new arrangement would significantly increase compared to the previous occupancy of the house. Mr O'Callaghan confirmed there would not be any intensification.

Councillor Larkin proposed accepting the officer's recommendation. Councillor Quinn seconded the proposal.

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

FOR:	3
AGAINST:	6
ABSTENTIONS:	1

The proposal was declared lost.

Councillor Hanna stated that the application represented a gain for the community by providing additional accommodation with minimal impact on the area. It was noted that the annex would be slightly extended and a new entrance added, with no objections from DFI. He argued that the character of the area would not be significantly affected, especially given the presence of nearby flats and future development. On this basis, Councillor Hanna proposed to overturn the officer's recommendation. Councillor McAteer seconded the proposal, stating that the extension was insignificant, the overall change minimal, and that the property's use had not intensified compared to its previous use.

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

FOR:	7
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to issue an approval in respect of planning application LA07/2024/1051/F contrary to officer recommendation as contained in the Case Officer Report.

(7)**LA07/2023/3153/F**

On agenda as a result of the Call-In Process

Location:

Adjacent to and south of 51A Mayo Road, Mayobridge, BT34 2EZ

Proposal:

Erection of off-site replacement dwelling, with retention of existing building for agricultural purposes, with alterations.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane stated that this was a full application for an off-site replacement dwelling with the retention of the existing dwelling for agricultural use, located on Mayo Road in the countryside.

Mr Keane advised that the Planning Department accepted the subject building exhibited the essential characteristics of a dwelling; however, the concern was the off-site location proposed and the retention of the existing building, which were considered contrary to policy. Mr Keane advised that an off-site replacement should only have been permitted where the existing curtilage was so restricted or where there were demonstrable benefits. This was not the case, as it was clear from the maps that the proposed curtilage was comparable in size to that existing, whereby the existing curtilage could accommodate the dwelling proposed. The farmyard and buildings were all within the applicant's control. Any smells or fumes from the farm operations were also under the control of the applicant. The historical maps showed the original curtilage as well.

Mr. Keane advised that if an applicant wished to retain an existing building, it was required to be sympathetically incorporated into the development of the site, such as ancillary accommodation or as a store to form part of an integrated building group. The two sites in this instance were entirely separate and did not achieve this in any way.

Mr. Keane advised that the off-site proposal, which was cut out of a field standing in isolation, would have a visual impact significantly greater than that existing, and that there were no overriding reasons why this development was essential.

Speaking rights:

In Support:

Mr Colin O'Callaghan spoke in support of the application. He contended that the existing curtilage was too constrained to accommodate even a modest replacement dwelling, contrary to the officer's assessment and he made reference to Policy CTY 3 of PPS 21, which permitted off-site replacement dwellings where either the existing curtilage was insufficient or where demonstrable benefits existed at an alternative location. Mr O'Callaghan argued that the proposed site offered clear benefits, including improved access and greater separation from nearby farm infrastructure, such as a slurry tank located just 13 metres from the existing dwelling. He advised that the existing site was heavily built up with farm buildings, and that the suggestion to demolish family-owned agricultural structures to create space was unreasonable. Mr O'Callaghan also highlighted that the existing dwelling, dating back to 1905, could be retained for agricultural use, citing similar approvals granted in other locations. He urged members to consider the practical constraints and policy flexibility, concluding that the off-site location represented the most appropriate and reasonable solution.

Councillor Hanna referred to the final illustration shown, noting that the proposed dwelling appeared to have very limited garden or amenity space. He queried whether any evidence had been provided regarding farm safety, particularly in relation to the proximity of the dwelling to the working farmyard. Mr O'Callaghan confirmed that under policy, only one of the following benefits—landscape, heritage, access, or amenity—needed to be demonstrated to justify an off-site replacement dwelling. He believed clear amenity benefits had been shown and argued that constructing the replacement dwelling in situ would result in poor living conditions, with no private amenity space, exposure to noise and odours from the farmyard, and significant health and safety concerns, particularly for children.

Mrs McAlarney raised concern that the slide presented may have been misleading, as it showed a generic layout rather than the actual dwelling proposed. She advised that the illustration did not reflect the specific design or scale of the application and could have misdirected the committee's understanding of what could be accommodated on the site. Mr O'Callaghan clarified that the slide shown was a generic illustration intended to demonstrate that even a modest three-bedroom bungalow could not be accommodated within the existing farmyard.

Councillor Hanna asked Mrs McAlarney, whether she considered there was sufficient amenity space and a safe distance from the slurry tank, to allow for a house to be built at that location. Mrs McAlarney confirmed that she was satisfied and stated that the application was for a replacement dwelling and she had not heard any extenuating circumstances that would be justified in this situation. She added that while Mr O'Callaghan raised several points, the committee needed to assess the proposed siting against relevant policies, particularly regarding ribbon development and visual impact, and consider Policy CTY 3 in full. Mr O'Callaghan noted that CTY 3 only requires demonstrable heritage, access, landscape, or amenity benefits, not extenuating circumstances. He added that he felt the applicant was being held to a higher standard than the policy demanded.

The Chairperson queried the proposed usage of the older building if a replacement dwelling was approved. Mr O'Callaghan stated that it would be used for storage and added that the aim was to ensure that it did not look like an old dwelling house with alterations being made such as changing the front door to a barn door.

Councillor McAteer asked whether the applicants worked on the farm or if it was shared out amongst family members. Mr O'Callaghan advised that the applicant's father and other family members worked on the farm.

Councillor McAteer proposed that the refusal was overturned stated the current location of the dwelling was no longer appropriate for contemporary agricultural operations, particularly given that the applicants were not directly engaged in the day-to-day management of the farm. He further noted that the existing structure, which dated back to 1905, possessed local historical and architectural significance and by retaining the building a more suitable and enhanced residential environment for the applicants could be offered, as opposed to constructing a replacement dwelling on-site. The Chairperson seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor D Murphy it was agreed to issue an approval respect of planning application LA07/2023/3153/F contrary to officer recommendation as contained in the Case Officer Report.**

FOR NOTING

P/055/2025: AUDIT ACTION PLAN UPDATE

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Audit Action Plan Update. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Quinn, seconded by Councillor D Murphy, to note the contents of the Officer's Report.**

P/056/2025: HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 1.01pm.

Signed: _____ Chairperson

Signed: _____ **Chief Executive**

NB: 83% of decisions overturned