

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 23 July 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor G Hanna

Committee Members in attendance in Chamber:

Councillor P Byrne	Councillor W Clarke
Councillor C Enright	Councillor C King
Councillor D McAteer	Councillor D Murphy
Councillor M Rice	

Committee Members in attendance via Teams:

Councillor S Murphy	Councillor J Tinnelly
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Officials in attendance:

Mr C Mallon, Director of Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director: Regeneration
Mr P Rooney – Head of Legal Administration (Acting)
Ms A McAlarney, Development Manager, Planning
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms F Branagh, Democratic Services Officer
Mr C Smyth, Democratic Services Officer

Officials in attendance via Teams:

Miss S Taggart, Democratic Services Manager

Also in attendance via Teams:

Historical Environment Division (Monuments)
Mr A McAleenan, Senior Archaeologist

P/069/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor Larkin.

As the Chairperson was an apology, the Deputy Chairperson assumed the role of chair for the meeting.

P/070/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/071/2025: 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.

Item 6 – LA07/2023/2548/O - Cllrs Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025.

Item 7 - LA07/2024/0490/O - Cllrs Clarke, Hanna, Larkin, McAteer, D Murphy, S Murphy and Rice attended a site visit on 25 June 2025

MINUTES FOR CONFIRMATION

P/072/2025: MINUTES OF PLANNING COMMITTEE PDH OF 19 JUNE AND PLANNING COMMITTEE MEETINGS OF THURSDAY 19 AND WEDNESDAY 25 JUNE 2025

Read: Minutes of Planning Committee PDH of 19 June and Planning Committee Meetings of Thursday 19 and Wednesday 25 June 2025.
(Copy circulated)

AGREED: On the proposal of Councillor D Murphy, seconded by Councillor King, it was agreed to adopt the Minutes of the Planning Committee PDH of 19 June and Planning Committee Meetings of Thursday 19 and Wednesday 25 June 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/073/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 23 July 2025.
(Copy circulated)

Councillor Hanna proposed that Item 9 (LA07/2023/3285/F) be deferred to a future Committee meeting, noting that the objectors were unaware of the process for submitting speaking rights and wished to address the Committee. The proposal was seconded by Councillor Rice.

Councillor McAteer expressed his objection, stating that it was the responsibility of objectors to be aware of when an application would be tabled at Committee. He added that those uncertain about the speaking rights process should consult their elected representatives and warned that deferring the application at this stage would cause further delays in processing applications and hinder housing development.

As there was dissent within the Chamber, Councillor Hanna’s proposal was put to a vote with the result as follows:

FOR: 8
AGAINST: 1
ABSTENTION: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer item 9 – LA07/2023/3285/F to a future Committee Meeting.

On the proposal of Councillor D Murphy, seconded by Councillor King, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 23 July 2025:

- **LA07/2023/2555/F** - 60M NE Of Coast Guard Station, Shore Road, Killough - Proposed New Farm Diversification - For 4 No. Glamping Pods Ancillary Building And Landscaping Utilising Existing Access Onto Shore Road Killough
APPROVAL
- **LA07/2024/0227/RM** - immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry, BT34 2NB - Two Storey Dwelling
APPROVAL

P/074/2025: **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) LA07/2023/2548/O

On agenda as a result of the Call-In Process.
Previously tabled 28 May 2025.

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

Councillor Hanna advised that as there was not a quorum following the site visit, the item would have to be deferred to a future Committee meeting.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Enright, it was agreed to defer planning application LA07/2023/2548/O to a future committee meeting.

(2) LA07/2024/0490/O

On agenda as a result of the Call-In Process.
Previously tabled 25 June 2025.

Location:

225m west of 81 Kilbroney Road, Rostrevor

Proposal:

Proposed dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane reminded Members of the key aspects of the application, noting that it related to a site located within an Area of Outstanding Natural Beauty (AONB) in the countryside. He highlighted that the application was recommended for refusal, as the proposed siting did not visually link or cluster with an established group of farm buildings and that no justification had been provided on health and safety grounds or in relation to business expansion to support the isolated location. He also noted that two nearby structures cited by the agent did not have planning permission. He also advised there are concerns with the proposed creation of a new separate access.

Mr Keane further explained that the site lay within the setting of Kilbroney Church and Graveyard, a Scheduled Monument of regional importance. The Historic Environment Division (HED) had advised that the proposal was contrary to SPPS and Policy BH 1 of PPS 6, as it would significantly harm the integrity of the monument's setting. HED also stated that no conditions could be applied to make the proposal acceptable.

Mr Keane advised that HED's objection, as a statutory consultee, would need to be addressed if the Committee were to overturn the Planning Department's recommendation. He concluded by noting that Mr McAleenan from HED (Monuments) was available online to respond to any questions from Members.

Speaking rights:

Cllrs Clarke, Hanna, Larkin, McAteer, D Murphy, S Murphy and Rice attended a site visit on 25 June 2025.

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

Mr John Cole was present to answer any questions Members may have had, accompanied by the applicant Mr Sean Sweeney.

Councillor Rice addressed the following questions to Mr McAleenan:

- Could the reasons for HED recommendation for refusal be elaborated upon?
- Was it possible that there was further archaeological material to be found surrounding the site?
- Had HED raised any concerns with regard to the development on the other side of the road some 10 years ago?

Mr McAleenan responded as follows:

- The site had been scheduled for protection, indicating its recognition as a uniquely and regionally significant monument. It was advised that the proposed development would have a negative impact on the setting of the monument and the surrounding area and would adversely affect the monument's setting.
- Given that the church was situated on a mound, and based on experience and HED's interpretation, the proposal site was considered to have a high potential to contain remains associated with the church. It was therefore deemed to be protected under PPS 6.
- The development in question had been located across the road from the church in a topographically different area; as such, HED had not raised the same concerns in that case as applied to the current application.

Mr Cole interjected to argue that the road in question had not existed 200 years ago, suggesting that HED's concerns should carry less weight, as any artefacts could also potentially lie beneath the modern roadway. He reiterated that the proposed site was not visible from the church and, therefore, would not detract from views of the area. He added that the applicant would be willing to accept a condition requiring an archaeological investigation of the field prior to any development.

Following a query from Councillor Clarke, a discussion took place regarding the visibility of the church from the proposed site. It concluded with a clear difference of opinion on whether the church could be seen from the site.

Mr Keane then reminded Members that there were several reasons for refusal, beyond the issue relating to the church and its grounds.

Councillor Tinnelly requested an opportunity to speak; however, Councillor Hanna reminded him that as he had not attended the site visit, it was at his own discretion whether to participate in the discussion and decision-making process.

Councillor Tinnelly subsequently withdrew his request to speak.

Councillor Hanna queried the status of the building, to which Mr McAleenan advised that, while it was not currently a protected structure, it was scheduled for protection under the Historic Monuments Order.

Following a query from Councillor Hanna, a discussion took place regarding the potential for archaeological remains within or beyond the graveyard wall. Mr McAleenan explained that the existing boundary wall was a modern addition, differing from what would historically have been in place. He stated, based on knowledge from comparable sites and past discoveries, it was highly likely that significant archaeological remains could extend toward the application site. He emphasised that while there was no definitive evidence of what lay within the site, HED's experience and archaeological expertise were important factors in assessing its potential until a formal investigation could be carried out.

Mr Cole interjected, noting that while HED had suggested the potential for archaeological remains to extend toward the application site, such remains could just as likely extend in all directions. He pointed out that other development proposals in the area had been approved in recent years without objections from HED.

Location:

64 Upper Dromore Road, Warrenpoint, BT34 3PN

Proposal:

Erection of two detached dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the planning application for two dwellings on lands within the settlement limits of Warrenpoint and Burren, situated on white land and within an AONB. The site comprised part of the rear garden of No. 64 and a connecting strip of land to Oak Grange. He noted that this proposal formed part of a larger site where planning permission had recently been granted for two dwellings at the front of No. 64, including demolition of the existing house, bringing the total number of dwellings on the original plot to four.

Mr Keane confirmed that the proposal had been assessed against SPPS, PPS 7, and associated Addendum. He confirmed that concerns raised with the agent included overdevelopment, poor site layout, insufficient private amenity space, and reliance on prominent retaining walls due to site constraints. The application was also considered likely to have an unacceptable impact on the amenity of nearby properties, including overshadowing, overlooking, and visual dominance—particularly in relation to the two recently approved dwellings at the front and between the proposed units.

Mr Keane confirmed that statutory consultees raised no objections, subject to conditions. Eleven objections had been received from local residents, citing concerns over traffic and access, residential amenity, piecemeal development, and a legal dispute over land ownership, reminding the Committee that land ownership was a civil matter and not a matter for the Planning Committee.

Speaking rights:In Objection:

Ms Claire Loughran spoke in objection to the application, emphasising that the proposal was fundamentally out of character with the established Oak Grange development. She highlighted that the proposal conflicted with multiple planning policies designed to protect the character, density, and amenity of established residential areas. Ms Loughran noted that the proposed dwellings featured curtilages running perpendicular to existing properties, with narrow frontages and deep footprints inconsistent with neighbouring homes. Additionally, unlike most Oak Grange houses, the proposed units were not oriented to face the road.

Ms Loughran expressed concerns about the negative impact on residents' private amenity space and potential overshadowing. Referring to communication from the Planning Department, she pointed out that any dwellings behind the recently approved units should be single storey due to local topography. Ms Loughran further argued that the proposed retaining walls were indicative of overdevelopment and resulted in unacceptable boundary heights.

Ms Loughran stated that the site should be served from Upper Dromore Road, citing road safety concerns such as a dangerous bend, steep gradient, and lack of consideration for

adverse weather conditions. She questioned the thoroughness of DFI's assessment, suggesting it appeared to be a desk-based review that overlooked these critical factors.

In Support:

Mr Cole spoke in support of the application, explaining that the rear garden of No. 64 was steep and difficult to maintain. He noted that the proposal met seven of the nine criteria under Policy QD 1 of PPS 7, disputing claims that it was out of character. The design, orientation, and access arrangements were consistent with nearby homes, such as Nos. 1, 2, and 30 Oak Grange. He also challenged concerns about private amenity spaces, highlighting varied examples in the locality that aligned with planning guidance.

Regarding retaining walls, Mr Cole explained that similar structures were common in the area due to the topography, with proposed walls between 1.2m and 2.5m high, which would be screened by existing mature landscaping. The split-level design of Site 2 accommodated ground levels and minimized overshadowing and overlooking, aided by separation distances of 15.5m to 32m from nearby approved dwellings and 1.8m fencing for privacy.

Mr Cole acknowledged 11 objections, mostly citing road safety, but emphasized that DFI Roads had no objections and were satisfied with access and visibility arrangements, dismissing criticism of their assessment as unfounded.

Councillor McAteer queried why the Planning Department's suggested amendments regarding orientation had not been considered. Mr Cole responded that the applicant had oriented the houses to maximise sunlight entering the rooms, rather than positioning the gable wall toward the sun. He added that the houses' orientation was consistent with nearby dwellings facing Dromore Road.

A discussion ensued regarding the dwellings' orientation. Mr Cole maintained that the proposal's orientation was consistent with the character of the immediate area, while Mr Keane stated that the site's two entrances with no frontage to the road were out of keeping with the locality.

A further discussion took place regarding the use of retaining walls. Mr Keane stated that the retaining wall was not the primary concern but rather a design issue symptomatic of overdevelopment, emphasising that the Planning Department's main concerns were the overall layout, presentation, and orientation of the proposal.

Councillor McAteer queried the impact of the proposal on Ms Loughran, who stated that she believed it would have a significant impact on herself and other residents. She expressed concern that the images presented were strategically chosen to support the applicant's case, noting that the road was not a direct route and that some dwellings had both gable walls and front facades facing the road as it meandered through the development. Ms Loughran stressed that submitting the proposal as two separate applications for two dwellings each, after initially applying for four, did not alleviate local concerns about the development.

Mr Keane clarified that the Planning Department's concerns related primarily to the relationship between the two currently proposed dwellings and the two previously approved ones, focusing on elevation, overlooking, and overshadowing. He confirmed that the proposed layout and separation distances were acceptable in regard to the already established development and did not raise any significant amenity issues.

Following a query from Councillor Byrne about the previous application for four dwellings, later split into two applications for two dwellings each, Mr Keane explained that the original proposal was for three dwellings at the front and one at the rear. After a request to reduce the development, the red line boundary was reduced and resulted in an application for two dwellings on the front portion of the site. The current application was for two dwellings on the rear portion of the site.

Councillor Byrne queried Ms Loughran's statement that the Planning Department had advised any additional houses on the site should be single storey, and why this had not been considered. Mr Cole responded that he had taken over the application mid-process and was unaware of that communication. He explained that the split-level design was necessary to accommodate parking for the lower house and ensure adequate access. He added that if the proposals were amended to bungalows, large retaining walls would be required due to the site's topography.

Councillor Hanna invited those present to highlight any factual inaccuracies during the discussion. Ms Loughran responded that she had a copy of an email from the Planning Department stating that two further dwellings could be accommodated to the rear of the approved homes, but these should be restricted to bungalows.

Following the discussions, Councillor Byrne proposed to accept the officer's recommendation, which was seconded by Councillor McAteer.

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 Byrne, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2024/1008/F supporting officer recommendation as contained in the Case Officer Report.**

The Deputy Chairperson advised that item 12 (LA07/2023/3099/O) and item 13 (LA07/2023/3412/O) would be heard together.

(2) LA07/2023/3099/O and LA07/2023/3412/O

On agenda as a result of the Call-In Process

Location:

Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ
Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ

Proposal:

New dwelling with detached garage on gap/infill site.

New dwelling with detached garage on gap/infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane highlighted that the agent had requested speaking rights for both applications; however, the written submission referenced only the dwelling proposed under application LA07/2023/3099/F. Additionally, the submission cited Policy CTY2a, which was assumed to be an error since the applications had been submitted and assessed against Policy CTY8. The agent acknowledged this mistake.

Mr Keane advised that the two sites were situated along Newtown Road. To the south of the sites was an open field, followed by the residential plot of No. 31b. To the north, there was an access lane separating the sites from several other fields. Mr Keane detailed that No. 33b, located on the north side, did not have direct road frontage but was accessed via the laneway. Its residential curtilage was clearly set back from the road and visible on the ground by ranch-style fencing enclosing a maintained garden area. The adjacent field was visibly separate, having a different surface, and was therefore not part of the residential curtilage. He confirmed that following receipt of the speaking rights submission, a further site visit was carried out the previous Monday. During this visit, it was confirmed that the curtilage of No. 33b remained consistent with the Case Officer's Report. The presence of a donkey in the adjacent field further confirmed its use as separate agricultural land rather than residential curtilage.

Mr Keane advised that a small gap site must fill a substantial and continuously built up frontage to qualify as an infill opportunity, which neither application met. The applications were recommended for refusal under SPPS, PPS21, CTY1, 8 and 13, alongside PPS6 NH6, due to the absence of an established planning principle, lack of substantial built-up frontage, and potential negative impact on the rural character of the area.

Speaking rights:

In Support:

Mr John Young spoke in support of the two applications, explaining that No. 33b had a fence running parallel to the back of the garage enclosing a chicken run, which was maintained as part of the dwelling's amenity space rather than a farm business. He argued that a gate provided access to this area, so it should be regarded as part of the dwelling's curtilage. Mr Young argued that, when including this area, the property did have road frontage, creating a gap that complied with policy requirements. He urged the Committee to consider these points carefully when making their recommendation.

Councillor McAteer queried whether there was a lane on the southern application site and what its width might be.

Mr Keane confirmed that there was no lane, but rather a field creating a gap that would remain unfilled by the proposed development. He stated that even if the Planning Department were to consider the building on the northern side that did not have frontage to the road, the gap would still be present, which was contrary to Policy CTY8.

Councillor Tinnelly stated that the entrance to No. 33b was located on the lane, as Newtown Road curved sharply at a dangerous bend, making this entrance a necessary safety measure. He argued that, for this reason, the dwelling should be considered to have road frontage. He also noted that No. 31 had been developed on an irregularly shaped field and suggested that if the perimeter fence were removed, the property boundary would extend to the blue line shown on the map. Therefore, he contended that there could be a substantial and continuous built-up frontage in this area.

Mr Keane advised that the road at the junction with the access lane was relatively straight and therefore the lane could not be considered a road safety measure. He further emphasised that the Planning Department had to assess an application as submitted and based on the actual site conditions, stating that a clearly defined boundary fence confirmed that the dwelling did not have road frontage.

Following a query from Councillor Byrne, a detailed discussion took place regarding what defined a curtilage boundary, such as fencing, boundary walls, hedges, and similar features. The outcome was that Mrs McAlarney emphasised each application had to be considered on its own merits and reiterated that, in this case, the Planning Department's opinion remained that the land in question was not part of the curtilage of No. 31b.

Following the discussion, Councillor Rice proposed that the item be deferred to allow for a site visit, which was seconded by Councillor Tinnelly.

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 Rice, seconded by Councillor Tinnelly, it was agreed to defer planning application LA07/2023/3099/O to allow for a site visit.**

The meeting did then recess – 12.01pm
The meeting did then resume – 12.20pm

Cllr S Murphy left the meeting at this stage – 12.02pm

(3) LA07/2023/3444/O

On agenda as a result of the Call-In Process

Location:
20m E of 21 Drakes Bridge Road, Downpatrick

Proposal:
Proposed infill dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the details of the application, advising that one letter of objection had been received, raising concerns about sight splays and land ownership. She reminded the Committee that land ownership was a civil matter outside the remit of planning. She confirmed that no statutory consultees had raised any objections, subject to conditions.

Mrs Ferguson confirmed that it was the opinion of the Planning Department that the lane serving No. 21 Drakes Bridge Road terminated at the entrance and did not extend further, with No. 21's curtilage forming the apparent end of the lane. She confirmed that only two buildings fronted onto the lane, and no definable gap was found to exist; therefore, the application failed when considered against CTY8.

Mrs Ferguson noted that the applicant had referenced an outbuilding northeast of No. 21 as a third building, suggesting a continuous built-up frontage; however, this was not accepted by the Planning Department, which maintained that the laneway ended at the entrance to No. 21.

Speaking rights:

In Support:

Mr Declan Rooney noted that the Planning Department considered the laneway to effectively terminate between No. 19 and the application site, thereby excluding a building to the northwest from contributing to any built-up frontage. He argued that a clear and continuous built-up frontage existed, consisting of No. 19, its outbuilding and No. 21, all of which had frontage onto a laneway that extended beyond the application site. He referenced historical PRONI maps as well as Google Street View images from 2008 and 2011, which demonstrated that the lane had historically remained open and continuous.

Mr Rooney highlighted visible wear along the lane as evidence of ongoing use, supporting the claim that the laneway did not terminate at No. 21, citing the Planning Appeals Commission's position that sites should be assessed based on current on-site conditions, using this to support his recommendation for approval.

Councillor D Murphy queried the existence of gates marking the end of the laneway. Mrs Ferguson responded that she was unaware of when the gates had been installed or removed but confirmed that the gate pillars were present during the site inspection and had remained in place, marking the laneway's end.

Councillor D Murphy then asked about the purpose of the gates. Mr Rooney explained that they had been installed at the request of a resident of one of the properties for security reasons but had since been removed.

Following a query from Councillor McAteer, a discussion ensued regarding the pillars marking the end of the laneway and whether existing buildings beyond that point should be considered part of the frontage. Mrs Ferguson reiterated that it was the opinion of the Planning Department that the laneway terminated at the entrance to No. 21. The ground beyond was considered yard space and was not physically marked as part of the laneway. She further confirmed that the use of the PRONI map to demonstrate the laneway's extent was irrelevant, as the Planning Department did not dispute the laneway's historical existence. However, their position was that the laneway ended at that point and the space

beyond was in use as a yard, as evidenced by the discolouration and different hard surface within that area.

Councillor Hanna requested a legal opinion regarding the Committee drawing conclusions about the laneway's termination point. Mr Peter Rooney advised that the evidence had been presented to the Committee and, if any doubts remained about the situation on the ground, they could conduct a site visit to view the application area in person.

Councillor McAteer stated that he was satisfied that the laneway continued beyond the entrance to No. 21, contrary to the Planning Department's opinion, but proposed a site visit to verify his view. This was seconded by Councillor D Murphy.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to defer planning application LA07/2023/3444/O to allow for a site visit.**

(4) LA07/2024/0761/O

On agenda as a result of the Call-In Process

Location:

46 Dromore Road, Ballynahinch

Proposal:

Infill dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson confirmed that the application had been assessed under the SPPS and Policies CTY 1, CTY 8, CTY 13, CTY 14, and CTY 16 of PPS 21, along with retained policies NH2, NH5, and AMP2. She stated that all required consultations had been completed with statutory consultees, resulting in no objections subject to conditions.

Mrs Ferguson reminded Members of the restrictive nature of Policy CTY 8, noting that the required substantial and continuous built-up frontage had been met, as three buildings had frontage onto Dromore Road. However, she advised that the Planning Department considered the proposed site to be part of the existing garden of No. 46, rather than an agricultural field as described by the agent. She also noted that the paired access arrangement resulted in a 14m frontage for No. 46 and a 61m frontage for the proposed site, stating that this type of access was considered more typical of an urban setting and inconsistent with the rural context. Consequently, the proposal failed the second test of Policy CTY 8.

Mrs Ferguson confirmed that the proposal did not respect the traditional rural settlement pattern and would cause a detrimental change to the rural character, contrary to Policy CTY 14.

Speaking rights:

In Support:

Mr Conor Cochrane spoke in support of the application, noting that the applicant intended to subdivide his own plot to provide a modest rural dwelling. He stated that, as Planning Officers had confirmed the proposal met the first test of Policy CTY 8, the principle of development was accepted under PPS 21.

Mr Cochrane argued that the refusal recommendation was based on subjective concerns about the appearance and layout of the access arrangements. He maintained there was no fundamental breach of Policies CTY 8, 13, or 14, as the proposed dwelling would be situated within an established residential courtyard, and the access arrangement was typical of rural developments, especially where curtilages were subdivided. He noted that PPS 21 did not prohibit such arrangements and that DFI Roads, as the competent authority, had raised no objections. He further stated that Policies CTY 13 and 14 were not offended because mature vegetation on site provided landscape integration and the proposal would not result in ribbon development, as it respected the existing settlement pattern and did not extend into open countryside.

Mr Cochrane reminded Members that the application was at outline stage, with design and detail matters reserved for future consideration, and that the concerns raised were professional interpretations rather than clear breaches of planning policy.

Councillor Hanna proposed overturning the application to an approval as he believed that it complied with Policy CTY 8 and that the other refusal reasons would therefore no longer apply. He stated that the proposal was not out of character with the area and represented sustainable development in the countryside. The proposal was seconded by Councillor Clarke.

Mrs McAlarney reminded Members of all the refusal reasons, advising that Policies CTY 1, 8, 13, and 14 were stand-alone policies and must be considered independently when addressing refusal reasons to overturn an application.

Councillor Hanna stated that he believed the agent's rebuttal addressed all the refusal reasons and was therefore content to propose overturning the application.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Clarke, it was agreed to issue an approval in**

respect of planning application LA07/2024/0761/O contrary to officer recommendation as contained in the Case Officer Report.

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

Agreed: On the proposal of Councillor D Murphy, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. 5 of Part 1 of Schedule 6 of the Local /Government (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

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

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

P/076/2025: **LEGAL ADVICE REGARDING A JUDICIAL REVIEW RE LA07/2022/1953/O**

Read: Verbal Legal Advice regarding a Judicial Review re LA07/2022/1953/O

AGREED: On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to note the legal opinion provided.

P/077/2025: **PLANNING APPLICATIONS FOR DETERMINATION**

(5) **LA07/2022/0761/O**

On agenda as a result of the Call-In Process

Location:

Lands at 24 Teconnaught Road Downpatrick

Proposal:

2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson explained that the application had initially been recommended for refusal by officers on 19th February 2024 but was later "called in" to the April 2024 Planning Committee, where Members voted to approve it contrary to the officer's recommendation. She noted that following a Judicial Review, the High Court ruled on 6th May 2025 that the Council's decision breached Policy CTY 8, resulting in the permission being quashed and requiring the decision to be reconsidered in light of the ruling.

Mrs Ferguson reminded Members that the application had been assessed against the SPPS and Policies CTY 1, 8, 13, 14, and 16, alongside retained policies NH2, NH5, and AMP2. She highlighted the restrictive nature of CTY 8, confirming that the first test had not been met because there was no substantial and continuously built-up frontage. She clarified that one of the buildings cited by the agent was merely the foundations of a garage, which did not count as a building for planning purposes.

Additionally, Mrs Ferguson noted that the proposal failed Policies CTY 13 and 14 as it would not integrate well into the surrounding area and would contribute to ribbon development along Teconnaught Road.

Speaking rights:In Objection:

Mr Paul Kelly wished to speak in objection to the application but stated that he would withdraw his request if the Committee was inclined to accept the officer's recommendation for refusal.

Councillor Hanna advised Mr Kelly that the Committee could not express any opinion on the application until all speaking rights had been exhausted.

Mr Kelly used a PowerPoint presentation showing images of the application site from various points along Teconnaught Road to argue that the proposal would not integrate with the surrounding area and would cause a harmful visual impact. He also reiterated the legal advice given at the April 2024 Committee, which emphasized that Members must assess the site as it currently stood and not speculate about future developments, such as the footings at a neighbouring property.

Councillor Clarke proposed to accept the officer's recommendations, which was seconded by Councillor McAteer.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Clarke, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2022/1953/O

supporting officer recommendation as contained in the Case Officer Report.

FOR NOTING

P/078/2025: HISTORIC ACTION SHEET

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

AGREED: It was agreed on the proposal of Councillor Rice, seconded by Councillor King, to note the historic action sheet.

There being no further business the meeting ended at 01.16pm.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 16% of decisions overturned