

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 20 August 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

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

Committee Members in attendance via Teams:

Councillor J Tinnelly

Officials in attendance:

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

P/079/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors King and S Murphy.

P/080/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/081/2025: 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 - LA07/2023/3444/O - Cllrs Byrne, Clarke, Hanna, King, McAteer, D Murphy and Rice attended a site visit on 23 July 2025.

MINUTES FOR CONFIRMATION

P/082/2025: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 23 JULY 2025

Read: Minutes of Planning Committee Meeting of Wednesday 23 July 2025.
(Copy circulated)

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 23 July 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/083/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 20 August 2025.
(Copy circulated)

Councillor Larkin proposed to defer item 16 – LA07/2025/0100/F to allow the submission of speaking rights as the applicant missed the deadline due to illness.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to defer item 16 – LA07/2025/0100/F to a future Committee Meeting.**

On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 20 August 2025:

- **LA07/2021/1056/F** - Lands to the north of Phase 2 of Cedar Hill residential development approximately 120m east and northeast of Pheasant Hill Drummond Brae & Drummond Park approximately 65m east of 51 & 53 Belfast Road and south east of 15 & 17 Drumhill Avenue Ballynahinch - Proposed residential development comprising 6 no. detached and 48 semidetached dwellings with associated works & public road improvements to Cedar Hill & access from Crossgar Road and associated site works (54 no. units in total)

APPROVAL

- **LA07/2024/0950/F** - Lands to the rear of 120 Rathfriland Road, Saval Beg, Newry, Down, BT34 1PH - Continuation of quarrying and associated activities, to include a deepening, and lateral extension of the quarry to the east.

APPROVAL

- **LA07/2023/3285/F** - NI Water Waste Water Pumping Station Opposite No.21 Shore Road, Annalong, BT34 4TU - Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers,

enclosed by a 1.2m high stone wall with 4m wide, 1.2m high access gate for vehicular access. Above ground will have control kiosk housing pump control, wash-water kiosk, lighting column with site lighting & telemetry to allow for remote monitoring.

APPROVAL

- **LA07/2019/0868/F** - 107 Camlough Road, Newry, BT35 7EE - Proposed commercial unit comprising creche with associated site works.

APPROVAL

P/084/2025: 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

Power point presentation:

Ms Ferguson stated that the Planning Department was of the opinion that the site did not satisfy the requirements of CTY 2a, as the surrounding buildings did not form a visual cluster due to their separation, the topography, and intervening vegetation. She advised that the site lacked visual linkage with nearby buildings and was not associated with a focal point or crossroads. She concluded that the proposed development would represent an encroachment into the open countryside and could not be visually absorbed into any existing cluster, thereby supporting the reasons for refusal as set out in the officer's report.

Speaking rights:

Councillors Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025

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

Mr Declan Rooney was present to answer any questions Members may have had.

Councillor Hanna sought clarification on the weight given to both distance and the effect of vegetation in assessing visual linkage. In response, Mrs Ferguson confirmed that distance was a factor in the assessment but emphasised that, in order to establish visual linkage, the

buildings must be visible from one another. She further advised that this determination was made based on conditions at the time of the site visit.

Councillor Enright stated he believed that the proposed dwelling was visually linked to existing buildings and queried why the Planning Department had concluded otherwise. In response, Mrs Ferguson advised that the issue of visual linkage had been fully considered and addressed within the Case Officer's Report.

Councillor Larkin noted the proposed access arrangements, stating that it would involve driving past the front of an existing dwelling and questioned whether this would raise any concerns in relation to access. In response, Mrs Ferguson advised that the proposed layout and any potential issues such as overlooking were issues that would normally be considered at the reserved matters stage.

Councillor Enright sought clarity on whether a Planning Committee Member could reach a different conclusion from that of the Planning Officer. Mrs Ferguson confirmed that Members were entitled to form their own opinions, particularly following a site visit.

Councillor Hanna queried the issue of visual linkage with Mr Declan Rooney who stated that, in his opinion, there was visual linkage, though he acknowledged it was less apparent in the summer months due to leaf growth.

Councillor Hanna queried the weight given to seasonal changes in vegetation when assessing visual linkage. In response, Mrs McAlarney advised that the presence of a cluster was the primary requirement under Policy CTY 2a and cautioned Members against focusing solely on visual linkage. She clarified that while visual linkage could extend over some distance, CTY 2a required the development to be located within a cluster, and it was the Planning Department's view that this proposal did not meet that criterion.

Councillor Hanna asked for clarification on what constituted a cluster, suggesting that a church hall might be considered the centre of one. Mrs McAlarney confirmed that policy clearly defined a cluster as comprising four whole buildings, three of which must be dwellings, and all were located around a focal point. She further advised that the area in question was a sporadic linear development and therefore did not qualify as a cluster for the purposes of Policy CTY 2a.

Councillor Hanna queried Mr Declan Rooney's opinion regarding the cluster, to which he responded that the development around the crossroads and church hall had gradually extended over a number of years and now extended beyond the proposal site.

Councillor Hanna proposed to overturn the application to an approval, stating that he accepted there was a cluster surrounding the crossroads and church hall, he considered the proposal to be sustainable development within the countryside and visually linked in a way that would not harm the existing cluster.

Councillor Enright seconded the proposal, stating that he was convinced the proposal was visually linked with the church hall.

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

FOR:	5
AGAINST:	0

ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Enright, it was agreed to issue an approval in respect of planning application LA07/2023/2548/O contrary to officer recommendation as contained in the Case Officer Report.

Councillor Larkin vacated the position of Chair for the following item as he was not present at the site visit on 23 July 2025.

Councillor Hanna assumed the Chair – 10.33am.

(2) LA07/2023/3444/O

On agenda as a result of the Call-In Process.
Previously tabled 23 May 2025.

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 reminded Members that it was the opinion of the Planning Department that the lane serving No. 21 Drakes Bridge Road terminated at the entrance, with No. 21's curtilage marking the lane's end. She confirmed only two buildings fronted the lane and no definable gap existed, leading to the conclusion that the application failed when assessed against CTY8. She also noted that, although the applicant referenced an outbuilding northeast of No. 21 as a third building to suggest a continuous built-up frontage, the Planning Department did not accept this, affirming that the laneway ended at No. 21's entrance.

Speaking rights:

Councillors Byrne, Clarke, Hanna, King, McAteer, D Murphy and Rice attended a site visit on 23 July 2025.

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

Mr Declan Rooney was present to answer any questions Members may have had.

Councillor Clarke proposed to overturn the application, expressing the view that the gates had been installed to tend livestock and did not signify the end of the laneway. 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:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/3444/O contrary to officer recommendation as contained in the Case Officer Report.

Councillor Larkin resumed the Chair at this point – 10.38am

DEVELOPMENT MANAGEMENT

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 Clarke, 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 D Murphy, seconded by Councillor Quinn, it was agreed to come out of closed session.

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

P/085/2025: **LEGAL ADVICE REGARDING A JUDICIAL REVIEW RE ITEM 13 LA07/2023/2294/F AND ITEM 14 LA07/2020/1292/O**

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Byrne, it was agreed to note the legal opinion provided.

Councillor Tinnelly joined the meeting during discussion on the above item – 10.41am

P/086/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/2294/F

On agenda as a result of the Operating Protocol and the Scheme of Delegation

Location:

Unit 5 Shepherd's Way, Carnbane Industrial Estate, Newry, BT35 6JQ

Proposal:

Change of use of former demolition contractor's depot / building, and part of its associated yard, to use for the storage, distribution and processing of recyclable motor vehicle components, with new security fencing and gates along rear boundary

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Donaldson advised the Committee that the Planning Department had previously granted approval for the application on 30th April 2024, with the decision subsequently challenged through legal proceedings and was quashed. He advised that the current application represented a reconsideration of the proposal in light of the issues raised during the legal process.

Mr Donaldson advised that, in line with statutory requirements, the application was re-advertised and neighbour notified, with a total of 16 objections received, all of which were detailed and addressed within the officer's report. He confirmed that consultations had been carried out with NIEA (including the Water Management Unit, Regulation Unit, Industrial Pollution and Radiochemical Inspectorate, and the Natural Environment Division), as well as with HED, DFI Roads, DFI Rivers, Environmental Health, NI Water and the Loughs Agency, whereby no objections were raised, subject to compliance with conditions outlined in the Case Officer's report.

Mr Donaldson confirmed that the application was assessed against the Strategic Planning Policy Statement (SPPS), the Banbridge, Newry and Mourne Area Plan 2015, PPSs 2, 3, 4, 6, 11 and 15, the Waste Management Strategy, and the Conservation (Natural Habitats) Regulations 1995. He noted that while PPS 4 Policy PED 7 had been considered due to the zoning of the site as an Existing Economic Development site, the specific proposed use did not fall under Part B of the Planning Use Classes Order (Northern Ireland) 2015, which defined economic uses. He advised that as PPS 4 did not provide policy for waste management facilities, it directed applications to be considered against PPS 11 – Planning and Waste Management.

Mr Donaldson stated as the proposal was identified as involving a Priority Waste Stream, it was considered consistent with Part (a) of Policy WM2 of PPS 11 and that the location within an industrial estate was considered appropriate and consistent with policy guidance. He advised that the compatibility of the development with the surrounding area, including potential impacts on human health, had been assessed and no significant detrimental impact was identified and stressed that no objections had been received from statutory consultees.

Mr Donaldson confirmed that the application had been assessed in accordance with all relevant planning policies and material considerations, including the objections received, and the application was recommended for approval, subject to the conditions detailed in the Case Officer's report. He noted that the conditions within the report were in draft form, and specifically that Condition 6 would be updated to include relevant Waste Codes should the application be approved.

Speaking rights:

In Objection:

Mr Seamus Fay, supported by Mr Jim O'Neill & Mr Atchison (Legal Counsel) all spoke in objection to the application.

Mr Fay confirmed that the objector, Environmental Products & Services Ltd (EPAS Ltd), maintained that their ongoing concerns raised in previous representations had not been fully or properly addressed. They argued that key planning policies of PPS 4 had either been misapplied or overlooked, particularly regarding the principle of avoiding incompatible development.

Mr Fay also raised concerns about the accuracy of the project description and the information supporting the application. He noted that the Case Officer's Report referred to Appendix 1, submitted on 16 August 2023, as the basis for restricting the waste types to be processed. However, he stated that the only Appendix 1 available on the Planning Portal was dated 9 April 2024 and listed a wide range of waste types, including hazardous materials such as batteries, oils, coal tar, waste from End-of-Life Vehicles (ELVs), construction and demolition waste, municipal waste, and more. He argued this was inconsistent with the advertised proposal description, which mentioned only the processing of recyclable motor vehicle components. He expressed his concern that statutory consultees and the Planning Department might have assessed the application under the incorrect assumption that it was limited to catalytic converters, therefore had not considered the full range of potentially hazardous materials.

Mr O'Neill stated that the Case Officer's Report had misapplied planning policy, dismissing Policy PED 8, which related to compatibility with existing economic development. He argued that this policy, alongside paragraph 6.90 of the SPPS, was highly relevant as both sought to protect existing businesses from incompatible development, regardless of whether the proposed development qualified as "economic development." He also contended that the proposal did not comply with Policy WM1 of PPS 11, particularly regarding the management of hazardous waste, and that the proposed building was neither purpose-built nor adequately modified to handle such materials.

Mr O'Neill concluded by stating that the proximity of the proposed waste facility could jeopardise EPAS's professional certifications, which were critical to their current operations and future investment plans, potentially causing a direct negative impact on their planned expansion, further stating that should the application be approved he would close his business and relocate it elsewhere.

In Support:

Mr Colin O'Callaghan, supported by Mr Bradley Mills, Mr Stuart Matthews, Ms Elise Quigley and Mr Frank O'Donoghue (Legal Counsel).

Mr O'Donoghue advised that the proposal was submitted by an American company with established premises across Europe, the closest being in England, aimed at servicing the collection of catalytic converters throughout Ireland. He emphasised that recycling catalytic converters was an important environmental issue, stressing that the company operated under clear protocols and processes subject to controls and permits overseen by both the NIEA and Environmental Health.

Mr O'Donoghue noted that there appeared to be a misunderstanding regarding the nature of the application and explained the recycling process of catalytic converters, confirming that some waste materials would inevitably need to be processed. He described the application as a "catch-all" type, copied from a submission previously agreed with statutory agencies in England to ensure consistency. He invited Members to review the objection statement, noting that it did not identify any existing EPAS processes that would be affected by approval of this application, and highlighted that no statutory consultees had raised objections.

Mr O'Donoghue concluded by stating that the proposal was for a modest, clean, and tightly controlled operation that would create three local jobs, contribute to the circular economy, and had the support of a global company operating to high environmental and professional standards.

Councillor Hanna requested clarity on the objector's position, noting that the objectors referenced ELVs being on site, while the applicant had stated this would not be feasible given the limited space within the proposal.

Mr Fay clarified that the objectors were referring to the list of waste materials included in Appendix 1, submitted by the applicant, which mentioned a range of waste types. He argued that these materials would not be relevant if the site were limited to processing catalytic converters only.

A discussion then took place regarding the list of waste materials to be processed as set out in Appendix 1, during which there was a clear disagreement over the necessity and implications of the list. Mr Fay argued that he believed neither the Planning Department nor the statutory consultees had fully considered the list, highlighting a lack of detail on how all the waste types would be safely processed. In contrast, Mr O'Donoghue emphasised that not all listed materials would necessarily be processed on site, but the comprehensive list had been included as advised by statutory consultees, reflecting the requirements within various waste processing permits.

Mr. Donaldson acknowledged that Appendix 1 contained a detailed list but stressed that the site would be regulated by a waste management license, which would control what materials were permitted on site and how they were processed.

A further discussion followed regarding the specific materials to be brought onto the site. Mr O'Donoghue outlined the recycling process for catalytic converters, while Mr. Mills, the applicant, reiterated that the detailed list in Appendix 1 had been submitted in accordance with advice from statutory consultees.

Councillor Hanna enquired whether the operation of the business was regulated, to which Mr O'Donoghue confirmed that the business was heavily regulated and that the organisation had received no objections from their UK base throughout their years of operation.

Councillor Byrne advised Mr Fay and his team that the Committee could only consider the application as submitted and could not take into account any potential plans for expansion and requested further details regarding their health-related objections.

Mr O'Neill stated that he had not been visited by Environmental Health in relation to his health objections, expressed concerns about the potential for carcinogenic fibres to become airborne during the recycling of catalytic converters, emphasised his organisation's need for a clean and sterile environment and stressed that the proposal would have a detrimental impact on this.

Following a statement from Mr O'Donoghue, Councillor Larkin reminded everyone present that all comments were to be directed through the Chair and that cross talk was not permitted within the Chamber.

Councillor Byrne queried Mr O'Neill's statement regarding the lack of engagement from Environmental Health. In response, Mr Donaldson advised that Planning Policy PPS4 directed users to PPS11, which specifically addressed the impact of proposals on the surrounding area. He confirmed that Environmental Health would have taken this into consideration as part of their consultation and while he could not speak to the detail of their decision-making process, he stated that Environmental Health had access to all relevant application documentation and had made their assessment on that basis.

Following Councillor Byrne's request for clarity and legal advice regarding the matters raised in the earlier discussion, Mr Peter Rooney advised that the Committee should enter closed session to receive legal guidance.

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

Agreed: On the proposal of Councillor Byrne, seconded by Councillor McAteer, 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 Hanna, seconded by Councillor Byrne, it was agreed to come out of closed session.

The Chairperson advised that legal opinion had been provided during closed session.

Following a query from Councillor Quinn relating to the waste codes detailed at Appendix 1, a further discussion ensued, the outcome of which was the reiteration regarding statutory consultees advice that the application mirrored that of the England based company to allow NIEA to govern on as many of the codes as possible.

Councillor D Murphy queried the number of bases the applicant's company had in existence, whether they all operated in a similar manner and what the Personal Protection Equipment (PPE) requirements were.

Mr Mills advised that the US base was managed in a different manner, but all European organisations adhered to the same operating protocols. He further advised that PPE was role dependant as the organisation carried out occupational health hygiene surveys to ascertain what risks were involved in the role and PPE requirements were based on these findings.

Councillor D Murphy queried the alleged potential airborne carcinogenic materials, to which Mr Mills confirmed that the occupational health hygiene survey included body tests for these fibres, ring fenced where the risks lay and outlined what appropriate safety measures were to be taken.

Mr O'Neill refuted this statement, arguing that the fibres could be attached to shoes and be transmitted in this manner, further arguing that if the industry was heavily regulated this implied it was dangerous and should not be located in close proximity to other organisations.

Councillor Rice queried whether Mr O'Neill and his team had carried out any independent surveys with regard to potential risk from the proposal.

Mr Atchison, for the objector, stated that this was not a requirement on the objector, further that his referenced case law was a clear indicator that there was a clear risk to nearby businesses.

Councillor Larkin queried whether it was possible to condition some of the proposed waste as detailed at Appendix 1, to which Mr Donaldson confirmed that there was a draft condition contained within the Case Officer's Report.

Following further discussions, Councillor Larkin invited those present to rebut any incorrect information that they felt had not been addressed.

Mr Atchison stated that the lack of attendance by Environmental Health and the lack of clarity regarding the proposed waste management on site was a major concern that still needed to be addressed.

Mr O'Donoghue stated that there was still no definitive reason as to why the two organisations could not operate side by side, and that all waste processing would be regulated by statutory organisations.

Councillor Hanna then proposed to accept the officer's recommendations, which was seconded by Councillor Larkin.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2023/2294/F supporting officer recommendation as contained in the Case Officer Report.

(2) LA07/2020/1292/O

On agenda as a result of the Operating Protocol and the Scheme of Delegation

Location:

Lands located between Nos 2 & 10 Glassdrumman Road Ballynahinch

Proposal:

Erection of 2 detached infill dwellings and garages.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson advised Members that the application had previously been approved but had subsequently been quashed by way of a High Court of Appeal decision dated 3 April 2024 and was now tabled for reconsideration.

Mrs Ferguson reminded Members of the inherently restrictive nature of the CTY8, which sought to prevent ribbon development. Referring to the High Court's findings, she noted that the judgement had confirmed the proposal did not benefit from the CTY 8 exception as there was no pre-existing line of three or more buildings constituting a substantial and continuous built-up frontage and that the court had found the development pattern to be broken by two significant visual gaps, meaning the site failed the essential policy test.

Mrs Ferguson further advised that under Policies CTY 13 and CTY 14, the proposed development would not integrate satisfactorily with the rural landscape, result in a detrimental change to rural character and contribute to ribbon development along the Glassdrumman Road, concluding that the proposal failed to comply with Policies CTY 1, CTY 8, CTY 13 and CTY 14.

Speaking rights:

In Support:

Mr Kieran Carlin addressed the Committee in support of the application, urging Members to consider the proposal solely on planning grounds. He outlined that Planning Officers had recommended approval on three previous occasions, and that Members had unanimously endorsed this recommendation in April 2021. Mr Carlin explained that although a judicial review had initially been dismissed by the High Court, the Court of Appeal subsequently quashed that ruling. He stressed, however, that the Court of Appeal was not the planning decision-maker and its role was limited to assessing legal compliance, not forming a planning judgement.

Mr Carlin noted that CTY8 allowed for an exception to ribbon development where a small gap site existed within a substantial and continuously built-up frontage, with garages being considered buildings for the purposes of this policy. He stated that this had been recognised by Planning Officers in their original assessment, which concluded that the buildings at No. 2 (including a detached garage) and No. 10 Glasdrumman Road created the required frontage.

Mr Carlin stated that it was inappropriate for the Planning Department to rely on a potentially flawed assessment by the Court, instead of undertaking a full and independent reassessment of the site based on planning policy and requested that Members have regard to the consistency of previous Planning Department recommendations and approve the application on the same planning merits as had previously been accepted.

Councillor Rice clarified that the argument put forward by Mr Carlin was also highlighted at the Court of Appeal and requested clarity on their reasons for refusal.

Mr Carlin advised that a biodiversity checklist was outstanding, which had now been submitted. He further stated his belief that the argument put forward by the objector was misleading in terms of planning principle, stressing that a judge was not expected to understand planning principle or policy, stating that the garage was considered a building in line with planning policy.

Councillor Rice queried whether the Planning Department felt that the initial decision was wrong in principle following the court ruling, to which Mrs Ferguson advised that the Planning Department had to give weight to a decision made in the High Court.

Councillor Hanna noted that the Planning Department had been influenced by the High Court ruling and queried whether, in light of that decision, garages would no longer be considered as part of a built-up frontage when assessing applications under Policy CTY8.

Mrs Ferguson confirmed that the recommendation was based on the High Court ruling, and weight would have to be given to this moving forward, however each application was judged on its own merit.

Following a query from Councillor McAteer regarding the High Court decision, a discussion ensued regarding what steps could have been taken following the ruling. Mrs Ferguson stated that the outcome was a legal decision that the Planning Department had to take into consideration moving forward, while Mr Carlin advised that the issue could have been taken to the Supreme Court by Council as the decision maker, but noted that this may not have been feasible. He also stressed that the Planning Department should have undertaken a fresh assessment of the application following the ruling, and not simply recommend a refusal based on the ruling.

Following the discussion, Councillor Larkin proposed to accept the officer recommendation. Councillor McAteer seconded the proposal.

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

FOR:	6
AGAINST:	2
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor McAteer it was agreed to issue a refusal in respect of planning application LA07/2020/1292/O supporting officer recommendation as contained in the Case Officer Report.

The meeting did then recess – 1.28pm

The meeting did then resume – 2.02pm

Cllr Tinnelly left the meeting during the recess – 1.33pm

(3) LA07/2024/1426/RM

On agenda as a result of the Call-In Process

Location:

Between 30 and 32 Leitrim Road, Kilkeel, Co Down

Proposal:

Infill dwelling and domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised Members that the application was a Reserved Matters (RM) application for an infill dwelling along Leitrim Road, Kilkeel, with the principle of development previously established through the granting of Outline Planning Permission. He advised that Condition 3 of the outline permission specified that the design, siting, external appearance, means of access, and landscaping were all matters reserved for further assessment and approval by the Council. As such, the primary considerations under this application were the design, layout, and siting of the proposed dwelling and garage.

Mr Keane noted that the proposed dwelling featured a gable wall facing the road with only a single window and door, which resulted in a poor level of visual presentation and failed to provide a defined frontage. Additionally, the siting of the garage in front of the dwelling was considered inappropriate and uncharacteristic of rural settings.

Mr Keane acknowledged that late correspondence had been received from the agent querying the drawings upon which the recommendation was based, noting that revised plans had been received. He confirmed that these amendments did not render the proposal acceptable and was still recommended for refusal.

Speaking rights:

In Support:

Mr Brendan Starkey noted that outline permission had already been granted and that this application dealt solely with design, layout, and landscaping. He stated that the site had a 5m slope from rear to road and that the proposed split-level design responded sensitively to this, avoiding excessive excavation. He refuted concerns about the gable wall facing the

noted that while some nearby properties had outbuildings with similar finishes, these were either smaller or located to the rear of the relevant site.

Speaking rights:

In Support:

Mr Brian Crawford expressed disappointment at the recommendation to refuse the application, noting that the design had been carefully considered to meet the client's needs and that the chosen materials were selected to reflect rural outbuildings found both in the wider countryside and in surrounding properties. He strongly disagreed with the conclusion that the design was inappropriate, arguing that similar materials had been used in numerous nearby properties, some in more prominent roadside locations, without issue. He referenced several examples that demonstrated a clear precedent for the use of similar materials, often in more visually dominant locations than the current proposal.

Mr Crawford queried whether additional landscaping along the site frontage could be considered to screen the building and reduce visual impact. He asked whether this, or a change in materials, could be secured by conditions to allow the development to proceed and meet the applicant's needs.

Councillor Hanna queried Mr Crawford's request for a condition to secure a recommendation for approval and whether the Planning Department had engaged with the applicant on the issue.

Mrs Ferguson advised that the refusal decision was based on the application as submitted, and that planting would not negate the scale, size and elevational treatment and materials as submitted by the applicant.

Councillor D Murphy queried the examples as mentioned by Mr Crawford, to which Mrs Ferguson refuted each example as inapplicable to the same policies as applied to this application by way of not being a private dwelling or agricultural buildings.

Councillor Hanna expressed his disappointment that the Planning Department had not engaged with the applicant regarding possible amendments that could have made the application more acceptable. He proposed to overturn the application, stating that the proposal was subordinate to the existing building height, had no impact on landscape or private amenity and would integrate into the area with conditions applied regarding the planting being completed prior to construction beginning on the building.

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:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor D Murphy it was agreed to issue an approval in respect of planning application LA07/2024/1180/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.

(5) LA07/2024/1077/O

On agenda as a result of the Call-In Process

Location:

Land 25m west of No 60 Crawfordstown Road, Ballynahinch

Proposal:

2 x Infill dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson noted that the site was located in the countryside, as designated in the Ards and Down Area Plan 2015, and the application had been assessed under Policies CTY 1, 8, 13, 14 and 16, as well as retained policies NH2, NH5 and AMP2. She outlined the consideration of the buildings put forward to establish a substantial and continuously built-up frontage as required by CTY8, noting they included No. 60, 60A, 76 and 76A, along with their associated garages and outbuildings. She advised that the Planning Department concluded that Nos. 76 and 76A did not benefit from road frontage, as they were separated from the laneway by defined curtilages and boundary walls with No. 60A, on the opposite side of the laneway, also discounted for the same reason. She confirmed that only one property, No. 60, was considered to have frontage to the road, and therefore the proposal failed to meet the first test of Policy CTY 8.

Mrs Ferguson also advised that that part of the area shown within the indicative site layout did not actually form part of the application site, effectively reducing its size. She confirmed that the plot sizes, as presented, were not in keeping with the established pattern of development in the area, where surrounding dwellings had large curtilages, spacious gardens, and ample room for parking.

She stated that the proposal failed to comply with Policies CTY 1, 8, 13 and 14 as the Planning Department felt that the proposal would result in a ribbon of development along the laneway, leading to an adverse impact on rural character.

Speaking rights:

In Support:

Mr Kieran Carlin advised that the site had previously benefited from approval for a replacement dwelling, and that development had commenced and remained extant and that the site, in its current form, was oversized for a single dwelling and could more appropriately accommodate two dwellings under Policy CTY 8.

Mr Carlin argued that the Planning Department had misinterpreted the extent of the private laneway, stating that it extended to Nos. 76 and 76A, both of which had well-defined entrances and curtilages fronting the lane. He stated that this created the required substantial and continuously built-up frontage alongside No. 60 and its detached garage. He pointed out that CTY 8 accepted visual linkage and driveways as valid frontage, referencing similar approvals by the Council in nearby locations in support of this.

Mr Carlin confirmed that calculations presented in the planning statement were accurate and had not included any disputed areas, and that the proposed plots, each measuring 0.2 hectares with 40-metre frontages, were comparable to surrounding plots in size and layout.

With regard to the issue of suburban-style build-up under CTY 14, Mr Carlin noted that where a valid infill opportunity existed, CTY 8 took precedence, citing a relevant Planning Appeals Commission decision in support of this position.

Following a query from Councillor Hanna, a discussion ensued regarding differing interpretations of what constituted frontage onto the laneway. Mrs Ferguson stated that the Planning Department considered the laneway to continue beyond the dwellings; however, the narrower section leading directly to the dwellings was viewed as a private driveway rather than part of the laneway and therefore did not constitute frontage. In contrast, Mr Carlin argued that laneways in the countryside commonly split, and that the section leading to the dwellings should be considered part of the laneway, not a driveway, particularly as access gates clearly marked where the private curtilage began. He further contended that as all dwellings in the area used the same route for access and no formal shared access arrangement existed, the section in question should be treated as part of the laneway for the purposes of assessing frontage.

Councillor Larkin queried the existing permission on site, to which Mr Carlin advised that was extant and was relating to a replacement dwelling. He advised that the applicant felt that proposal was not what the situation needed, as he wished to create two dwellings for is children to reside in.

Councillor Hanna proposed a site visit, to allow the Committee to view the laneway and driveway access to form their own opinion. 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.

Councillor Clarke queried whether site visits could be arranged outside of standard working hours, highlighting that many Elected Members held other employment and found it challenging to secure time off to attend during the day. He suggested that with the longer days in summer that evening meetings could be considered.

In response, Councillor Larkin advised that the Planning Department operated within contracted working hours, which they were required to adhere to, and this limited the flexibility for scheduling site visits outside of those times.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor D Murphy it was agreed to defer planning application LA07/2024/1077/O to allow for a site visit

(6)**LA07/2023/2230/O**

On agenda as a result of the Call-In Process

Location:

55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU

Proposal:

Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application that consisted of a detached single-storey gate lodge, historically linked to Ballywillwill House, as annotated on historic maps. She advised that following consultation with Historic Environment Division (HED), it was confirmed that the gate lodge was a curtilage structure associated with the listed Ballywillwill House and therefore received the same legal protection under Section 80(7) of the Planning Act (NI) 2011. As such, any replacement of this structure required exceptional circumstances to be justified.

Mrs Ferguson confirmed that as no exceptional circumstances had been demonstrated, the retention of the original dwelling for storage did not meet this threshold, and no evidence had been provided to support claims that renovation or extension was unviable. She confirmed that while HED had no objections to the proposal, their remit was to consider the impact on the listed building and took no account of other planning policies that were the remit of the Planning Department. She confirmed that the new dwelling was proposed outside the historical curtilage, within an open field, and lacked justification regarding why the existing curtilage could not accommodate a modest-sized replacement. She concluded that the proposal failed to meet the requirements of Policies CTY1, 3, 13, 14, and 15, as well as Policy NH6 of PPS 2.

Councillor Enright left the room during the above presentation – 3pm

Speaking rights:**In Support:**

Mr Declan Rooney acknowledged that the Department considered the existing building to be listed, and although the applicant did not fully agree with this assessment, he stated that for the purpose of his address, he would refer to the building as a listed building. He stated that CTY3 presumed against demolition of listed buildings unless there were exceptional circumstances, but stressed that in this case, the existing building was to be retained and incorporated into the development, therefore the requirement for exceptional circumstances

did not apply. He noted that the applicant had worked closely with Historic Environment Division (HED), who had now confirmed they had no objections to the proposal.

Mr Rooney stated that the proposed new dwelling had been located as close to the existing building as reasonably possible, while avoiding the removal of a mature group of trees and vegetation. He argued this siting preserved landscape character and protected potential bat habitats and cited other planning approvals as precedent for similar arrangements. In relation to integration and boundary definition, he contended that the site was already well-screened from public view by mature vegetation and did not rely primarily on new landscaping.

In respect of the refusal reason concerning the transition between town and countryside, Mr Rooney emphasised that the site was located approximately 100 metres up a laneway and was screened by existing mature vegetation, arguing that it was not visible from public vantage points and that the rural character was maintained.

Following a query from Councillor Clarke regarding the retention of listed buildings, a discussion ensued regarding the retention of built heritage and the application of planning policy. Mrs Ferguson advised the Committee that while HED was supportive of the proposal under PPS6, their remit was to consider the impact on the listed building and had no other consideration for planning policy. She confirmed that CTY3 was the applicable policy when applying for a replacement dwelling, and it required exceptional circumstances when replacing a listed building, which she confirmed the Planning Department did not feel were applicable in this proposal.

Councillor Clarke queried the merit of permitting a new build further from the listed building, so as to maintain the listed building status.

Mrs Ferguson confirmed that planning policy resisted replacement and that the listed building should be retained in situ, could be extended or renovated but that there was no merit in replacing the building.

Councillor McAteer queried what the plans were for the listed building and the proposed new build and how HED were involved, to which Mr Rooney advised that details and plans would be confirmed at the reserved matters stage, but the intention was to construct a dwelling similar in character to the listed building and to restore the listed building to be used as ancillary accommodation.

Councillor Enright re-entered the room – 3.15pm

Councillor McAteer queried whether there was a boundary definition between the listed building and the proposal site. Mr Rooney stated that there was no visible boundary, while Mrs Ferguson stated that the boundary was defined by the existing vegetation and the proposal site was not contained within the curtilage of the listed building.

Councillor Byrne requested further clarity with regard to the wording of CTY3, expressing his belief that it was open to interpretation and was somewhat ambiguous when trying to differ between replacement or demolition and the exceptional circumstances requirement.

Mrs Ferguson stated that the Planning Department were of the opinion that there were no exceptional circumstances that merited the replacement of the listed building. Mrs McAlarney reiterated this sentiment, quoting the applicable section of CTY3.

Mr Rooney stated that should the applicants extend the listed building, it would require a much larger footprint to accommodate the requirements of a modern dwelling and would take away from the character of the listed building.

Following the discussions, Councillor Clarke proposed a site visit to allow the Committee to view the application site. This was seconded by Councillor Rice.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Clarke, seconded by Councillor Rice, it was agreed to defer planning application LA07/2023/2230/O to allow for a site visit.**

As Cllr Enright was absent for part of the above presentations and discussion, he was unable to vote on the application.

(7) LA07/2024/0296/F

On agenda as a result of the Call-In Process

Location:

40 Lisoid Road, Downpatrick, BT30 8LP

Proposal:

Replacement dwelling & garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, advising that the site was located in the countryside as designated in the Ards and Down Area Plan 2015 and had therefore been assessed under Policies CTY3, 13, 14, and 16, along with retained Policies NH2, NH5, NH6, and AMP2. She confirmed that while the principle of a replacement dwelling had been established through a previous outline approval, the current full application had been assessed on its own merits.

Mrs Ferguson noted that a curtilage restriction had been applied to the outline approval, as the existing curtilage had been deemed sufficient to accommodate a modern replacement dwelling. However, the current proposal significantly extended the curtilage and relocated the dwelling and garage into an open field. She stated that no justification had been provided for the enlarged curtilage or alternative siting, which would result in a more prominent visual impact and a loss of rural character, with the proposed design of the dwelling considered to be out of keeping with the rural context.

Mrs Ferguson concluded that the scale and design of the proposal were not sympathetic to the special character of the AONB and failed to respect local features, architectural styles, and development patterns and was deemed contrary to Policies CTY1, 3, 13 and 14, and NH6.

Speaking rights:

In Support:

Mr Jason Martin spoke in support of the application and noted that the case officer handling the outline application had, in an email dated 30 July 2024, expressed contentment with both the principle of development and the proposed curtilage. He argued that the proposed curtilage complied with CTY3, which allowed for flexibility where the existing curtilage was too restricted to accommodate a modest-sized dwelling. He stated that the proposed curtilage was similar in size to those of neighbouring properties and had previously been accepted by the Council in writing.

Mr Martin contended that the design was modest, functional, and well-suited to a modern family, while still reflecting the rural context, and stated that the chosen materials and colour scheme allowed the building to blend into the surrounding landscape, rather than standing out as a white rendered dwelling might. He stated that the proposed dwelling was designed to integrate with the landscape and reflected the character of the area, including the AONB. He emphasised that the design was modest, single-storey, and in keeping with traditional agricultural buildings, and that a previous approval had already established the principle of development on the site. He concluded that the proposal complied with all relevant planning policies and urged the Committee to give due weight to the existing approval and the quality of the design.

Councillor Hanna queried the design, to which Mr Martin stated it made use of materials used in the surrounding countryside, which would help it integrate and have less of a visual impact.

Councillor Hanna queried what the examples of similar design were, to which Mr Martin referenced a dwelling near Ardglass Harbour and another on a nearby dwelling that had both been approved by Committee.

Councillor Hanna queried the refusal reasons relating to the design, to which Mrs Ferguson advised that the application had been refused for a number of reasons beyond the design to include the scale and massing of the proposal and non-compliance with the curtilage restriction from the outline approval.

Councillors Byrne, D Murphy and McAteer all queried the ridge restriction condition from the outline planning permission, clarified that the new proposal was to be considered on its own merit and whether it could include the existing condition if the application was to be considered in its own right and further queried the alleged written approval from a previous case officer as referenced by Mr Martin.

Mrs Ferguson advised that the restriction still applied given the potential for a significant visual impact, and that the nearby agricultural buildings could not be counted as similar design as the current proposal was for a dwelling and not agricultural buildings, and further that an email from a planning officer did not constitute approval from the Planning Department.

Mrs Ferguson informed Members that the site lay within the countryside as designated in the Ards and Down Area Plan 2015 and was assessed under Policies CTY1, 8, 13, 14, and 16, along with retained policies from PPS2, 3, and 15.

She stated that the proposed development relied on No. 46 and No. 50 and their respective detached garages to establish a substantial and built-up frontage, as required by CTY8. She noted that while No. 50 had previously been accepted under another application, further inspection of a glasshouse on site concluded that it was unauthorised and lacked planning permission or a certificate of lawfulness. Citing a relevant Planning Appeals Commission (PAC) decision, she explained that such unauthorised structures could not be considered under policy, and therefore the required gap for an infill did not exist.

Mrs Ferguson concluded that the proposed dwelling would form a ribbon of development along the laneway and would be visually linked with adjacent buildings at Nos. 19A and 21B. As such, the proposal failed to meet the requirements of CTY8 and 14 and would cause a detrimental change to the rural character of the area.

Speaking rights:

In Support:

Mr Declan Rooney outlined his support for considering the glass house as part of the frontage, stating that the building in question had been on the site for over ten years and was therefore immune from enforcement. He cited planning appeal decisions and case law supporting the inclusion of such buildings within a built-up frontage despite lacking formal certification.

Mr Rooney concluded that the proposal complied with CTY8, as there was a valid line of three buildings creating a substantial and continuously built-up frontage, and that the gap could appropriately accommodate the proposed dwelling. Accordingly, he contended that the application also met the requirements of Policies CTY1 and CTY14

Councillor Rice sought clarification that there were no live enforcement issues regarding the glass building, and this was confirmed. He then queried of Mr Peter Rooney which case law was correct, as each party had referenced differing case law in support of their position.

Mr Peter Rooney confirmed that each case was essentially correct as there were two separate case law examples. He noted that although Mr Declan Rooney had submitted images to verify that the building had been in place for a number of years, a CLUD could have provided clarity that the building was immune from enforcement.

Councillor Rice queried if the building was immune from enforcement, to which Mrs Ferguson stated that she could not be sure as there had been no CLUD submitted to confirm that and had been discounted from the frontage consideration as a result. Mr Declan Rooney stated that if the Committee were happy that the building had been on site for over five years, they as decision makers could approve the consideration of the building as part of the required frontage.

CLlr Enright left the meeting at this stage – 4.07pm

Councillor Rice clarified that the Committee could draw their own conclusions based on the evidence submitted to which Mr Peter Rooney advised the Members to take account of all evidence presented and draw their own conclusions.

Councillor D Murphy proposed to overturn the application, stating that he was satisfied that the case law referenced by Mr Declan Rooney was applicable to this application and that the proposal was compliant with policy. This was seconded by Councillor Hanna.

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 D Murphy, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3007/O contrary to officer recommendation as contained in the Case Officer Report.**

The meeting did then recess – 4.08pm
The meeting did then resume – 4.17pm

(9) LA07/2024/0204/O

On agenda as a result of the Call-In Process

Location:

Approx 100m north of 29 Turmennan Road, Downpatrick

Proposal:

Dwelling on a farm and domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson advised Members that the application was for outline planning permission for a proposed dwelling on a farm and domestic garage, noting that no representations had been received, all consultees had responded with no objections, and that DAERA confirmed the farm business was active and established for over six years with Single Farm Payment claimed during that time.

Mrs Ferguson confirmed that the proposal met the required criteria of CTY10, however, the Planning Department felt that the proposed dwelling would offend CTY8 by contributing to ribbon development. She noted that although the site was located with an established group of farm buildings, it presented onto Cluntagh Road and visually linked with existing buildings in a linear arrangement.

Mrs Ferguson stated that, based on the visual linkage and common frontage, the proposal would add to a ribbon of development and fail to integrate with the rural character of the area. As such, the proposal was considered contrary to CTY8 and 14 and was recommended for refusal.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, noting that the proposed site was the only suitable location that met the criteria of Policy CTY10 for a dwelling on an active farm, noting that it was visually linked to the existing farm buildings, accessed via an established laneway, and was screened by mature vegetation. He argued that the proposal complied with Policies CTY1, 10, 13, and 14, and contended that it did not contribute to ribbon development under CTY8, as the mature northern boundary created a visual break. He highlighted that all statutory consultees had offered no objections and urged the Committee to approve the application as it was fully compliant with policy.

Councillor Larkin queried if the application complied with all elements of CTY10, to which Mr Tumelty confirmed that it did.

Councillor Larkin then proposed to overturn the recommendation to an approval, stating that as the application was compliant with CTY10 it negated the need for compliance with CTY8.

This was seconded by Councillor Hanna.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was 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 LA07/2024/0204/O 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.

(10) LA07/2024/0073/F

On agenda as a result of the Call-In Process

Location:

30m N. of 55 Corliss Road, Crossmaglen, BT35 9BB

Proposal:

New dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Donaldson outlined the application details, confirming that the site lay in the open countryside as defined by the Area Plan and was situated on elevated agricultural land adjacent to Nos. 51 and 53 Corliss Road and had been assessed against relevant policies, including CTY 1, 8, 10, 13, and 14. He advised that although the proposal met the basic criteria of Policy CTY 10, compliance with this policy did not exempt it from meeting other applicable policies. He explained that the site was considered prominent in the landscape, lacked integration, and would contribute to ribbon development along Corliss Road and was therefore recommended for refusal.

Speaking rights:

In Support:

Mr Brendan Starkey spoke in support of the application, stressing that the farm business met all the requirements of Policy CTY10, including being active for over six years, not having sold off development opportunities in the past ten years, and the proposed dwelling being visually linked and sited to cluster with the existing group of farm buildings. He noted that the proposed dwelling was modest in scale with a ridge height of 6.5m, constructed of appropriate materials, and of a design considered suitable for the rural context.

He argued that the site integrated well within the landscape, benefiting from an established mature hedge and rising land to the rear, and would therefore not rely solely on new planting, and would sit adjacent to an existing dwelling and garage and in proximity to a wider cluster of over eleven farm buildings, offering strong visual linkage. He further argued that the modest scale and design of the dwelling ensured it would not appear unduly prominent or suburban in the landscape.

Mr Starkey contended that the proposal did not have direct frontage to the road and was set back approximately 100m, avoiding any linear form of development along Corliss Road. He referenced an appeal decision in support of this approach, noting that while CTY8 might be technically contravened, the proposal clustered with existing farm buildings and would not result in a detrimental change to rural character. He distinguished this case from appeal decisions cited by the planning department, which related to dwellings with roadside frontage and linear patterns of development. Mr Starkey concluded that those examples were not comparable due to the subject site's setback and clustering.

Councillor Larkin proposed to overturn the recommendation to an approval as the application complied with CTY10. 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:	6
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/0073/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.

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

Agreed: On the proposal of Councillor Hanna, seconded by Councillor McAteer, 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 D Murphy, seconded by Councillor Hanna, it was agreed to come out of closed session.

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

P/087/2025: PLANNING APPLICATION VALIDATION CHECKLISTS

Read: Report from Mr P Rooney, Principal Planning Officer, regarding Planning Application Validation Checklists. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor D Murphy, seconded by Councillor Hanna, to publish the Validation Checklist as attached at Appendix 1 of the Officer's Report. This will be piloted for 1 month to identify and address any procedural issues that may arise and to provide the opportunity for all interested parties to become familiar with the revised process. This would then be implemented at the end of September 2025.

FOR NOTING

P/088/2025: CALL IN ON PLANNING APPLICATION LA07/2023/2274/F – LANDS AT ABBEY WAY MULTI-STOREY CAR PARK, MILL STREET & LOWER WATER STREET, NEWRY

Read: At Council Meeting held 4 August 2025, the following was agreed:
"Whilst in closed session, it was agreed following a recorded vote, the results of which were 21 for, 11 against and no abstentions, to accept the legal advice as provided". **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor D Murphy, seconded by Councillor Byrne, to note the outcome.**

P/089/2025: **HISTORIC ACTION SHEET**

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

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

There being no further business the meeting ended at 4.44pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 57% of decisions overturned