

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

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| Councillor W Clarke | Councillor L Devlin |
| Councillor G Hanna | Councillor D McAteer |
| Councillor D Murphy | Councillor S Murphy |
| Councillor A Quinn | Councillor M Rice |
| Councillor J Tinnelly | |

Committee Members in attendance on Teams:

Councillor C Enright

Officials in attendance:

Mr C Mallon, Director of Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director: Regeneration
Mr Pat Rooney, Principal Planner
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer
Mr C Smyth, Democratic Services Officer

P/120/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor C King.

P/121/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/122/2025: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/123/2025: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 12 NOVEMBER 2025

Read: Minutes of Planning Committee Meeting of Wednesday 12 November 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 12 November 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/124/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 12 November 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Devlin, 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 10 December 2025:**

- **LA07/2025/0426/F** - Land West of Bridge Technology Park, Carnagat Rd, (Carnagat lane), Carnagat, Newry BT35 8XF - Construction of a three-story light industrial factory, featuring associated office spaces, conference areas, quality control and precision testing facilities, and a testing laboratory. The proposed development also involves modifications to the existing vehicular and pedestrian access.

APPROVAL

- **LA07/2025/0530/F** - 21 Tipperary Lane Tullybranigan Newcastle BT33 0PN - Conversion of garage to ancillary accommodation

APPROVAL

- **LA07/2022/1405/O** - Between 244 Derryboy Road and 6 Killyleagh Road Crossgar - 2 infill dwellings and garages

APPROVAL

- **LA07/2024/0738/F** - 9, 11 & 13 Duke Street, Warrenpoint, BT34 3JY - Proposed demolition of 9,11 and 13 Duke Street and the construction of one ground floor commercial unit with storage and office at first and second floor to the rear and 6 apartments at first floor and second floor.

APPROVAL

DEVELOPMENT MANAGEMENT

P/125/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0642/F

On agenda as a result of the Call-In Process.

Location:

25 Upper Dromore Road, Warrenpoint, BT34 3PW

Proposal:

1 u1/2 storey extension to front, rear and side of existing dormer bungalow, internal remodelling and refurbishment

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Mr Keane advised that the proposal included extensions to the front, side, and rear of the dwelling, an increase in roof height, and internal alterations and that while the Planning Department had no objection in principle to the alterations and extensions, it considered the specific proposals unacceptable for the reasons set out in the officer's report.

Mr Keane noted that two representations had been received, one in support and one in objection, with concerns raised regarding overlooking, loss of privacy, loss of light, and the intrusive nature of the development. Although the proposal had been amended during the application process, he confirmed that concerns remained. He acknowledged that the character of the area was varied, with a mix of house types, sizes, and designs, but stressed that each site had differing constraints. The application site was adjoined by three properties to the right-hand side, one to the rear, one to the left-hand side, and fronted the road.

Mr Keane concluded that the scale, massing, and design of the proposals were not sympathetic to the existing dwelling and would unduly affect the privacy and amenity of neighbouring residents at Nos. 1–3 Burren Road through overlooking and dominance. Accordingly, the application was recommended for refusal.

Speaking rights:

Mr O'Callaghan advised that the application sought to modernise and extend a single-storey dwelling in a residential area of no distinctive character within the AONB. He explained that the proposal involved raising the ridge height, adding traditional dormers, and a small front extension, and that these changes were consistent with planning policy and similar to nearby developments. He stated that the design had been carefully considered to avoid overlooking, loss of privacy, overshadowing, or dominance over neighbouring properties, with existing screening retained and sensitive materials proposed. He noted that the officer's report acknowledged the proposal would not be unduly unsympathetic to the AONB and that Policy NH 6 of PPS 2 was satisfied, undermining the refusal reasons related to scale, massing, and design.

Mr O'Callaghan concluded that the development would improve the dwelling's appearance, respect the street scene, and provide planning gain, and he noted that the applicant remained open to amendments or a site visit if the Committee considered it necessary.

Councillor Devlin requested clarification on the objector and the dwelling that the Planning Department had concerns over, to which Mr Keane confirmed that the objection had been received from No. 3, while the Planning Department had concerns of overlooking and dominance regarding No. 1.

Following a query from Councillor D Murphy regarding the same issue, Mr Keane confirmed that the proposal was within a constrained site, with other dwellings being angled away from the proposal and while No. 1 may not have objected to the proposal, the Planning Department still had to take the impact of the proposal on the dwelling into consideration.

Councillor D Murphy queried how unduly affected the dwelling would be with regard to privacy, to which Mr Keane confirmed that the Planning Department believed it was unacceptable given the constrained site. He advised that the forward projection would be as close as 2m from the common boundary and 0.6m higher than the adjoining property.

Councillor D Murphy queried how Mr O'Callaghan would deal with the concerns raised, to which Mr O'Callaghan confirmed that there was existing dilapidated wooden fence approx. 1.7m high that could be conditioned to be replaced and increased to 2m, which he believed would not result in the neighbour feeling hemmed in, nor would it require planning permission. Mr O'Callaghan noted that the objector was not present, stating that he believed the already made amendments to the proposal had satisfied their concerns, although they had not officially withdrawn their objection.

Councillor Clarke queried whether replacing the fence or adjusting the position or size of the windows would alleviate the Planning Department's concerns.

Mr Keane confirmed that the Planning Department would have conditioned the application, stating that there were further concerns other than the possibility of replacing the fence and confirmed that the Planning Department advised a reduction in the proposal. He further advised that the windows were overlooking the property and without getting into potential hypothetical discussions regarding window placement, he confirmed that the agent had been made aware of the Planning Department's concerns and had been afforded two opportunities to amend the proposal.

Councillor McAteer queried whether a replacement dwelling application would have been acceptable, to which Mr Keane confirmed that the policy requirement for extensions and replacements were different and therefore could not be compared.

Councillor McAteer queried what amount of amendments would be required to make the proposal acceptable to the Planning Department, to which Mr Keane reiterated that the agent had been afforded two opportunities to amend the application, although these amendments did not allow for a recommendation of approval. He confirmed that the Planning Department had no objection in principle to the extension, however the refusal recommendation was relating to the design and a reduced scale of design was recommended.

Following a further query from Councillor McAteer regarding the size of the reduction, Mr Keane confirmed that it was not for the Planning Department to design the proposal and reiterated the refusal reasons.

Councillor McAteer queried what further amendments Mr O'Callaghan could make to allow a recommendation of approval.

On agenda as a result of the Call-In Process

Location:

145m SW of 30 Brackenagh East Road, Ballymartin BT34 4PT

Proposal:

Erection of dwelling and a garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application, confirming that the site was located in the countryside, where the provisions of PPS 21 applied. He noted that two third-party objections had been received, and that the issues raised were addressed in the officer's report.

Mr Keane explained that the primary concern of the Planning Department related to the proposed siting, which was considered contrary to criterion C of Policy CTY 10, as the development did not visually link or cluster with the established group of farm buildings. The site was located further along Brackenagh Road, on the opposite side of the road from the holding, which the Planning Department believed would be viewed in total isolation and confirmed that other sites on the holding were available that would comply with policy, meaning the exceptionality clause was not engaged.

Mr Keane acknowledged that a Health and Safety statement had been submitted, identifying hazards including livestock movement, farm vehicle traffic, noise and dust, slippery surfaces, and chemical exposure, and stated that these were generic farm risks under the control of the applicants, and that mortgage or financial considerations were not material considerations.

Speaking rights:

Mr Cole spoke in support of the application, confirming that the applicant had farmed the land for over 30 years and was currently operating with 250 cattle and frequent agricultural machinery movements. He outlined that under CTY 21 of PPS 21, criteria such as active farming for over six years and no prior development opportunities sold off were satisfied, but visual linkage with existing buildings was required unless there were demonstrable health and safety reasons or plans to expand the farm business. He stated that the site chosen for the proposed dwelling was selected for health and safety reasons, as alternative sites behind existing farm buildings would require access through an active farmyard with livestock and machinery, posing significant hazards and that a Health and Safety risk assessment, confirmed that access through the farmyard would be unacceptable.

Mr Cole argued that the dwelling would integrate into the landscape in a manner consistent with surrounding properties, using Mourne granite stone walls and a design reflective of local character. He noted that the proposal was positioned within a cluster of existing buildings, would not create ribbon development, and would not adversely affect the AONB. He concluded that the proposal met the criteria for a dwelling on a farm, was justified on health and safety grounds, and was appropriately integrated into the landscape.

Councillor Hanna stated that he knew both the location and the applicant's family but did not feel it necessary to declare an interest. He queried the farm activities, including livestock and food supply to which Mr Rooney confirmed the farm operated as a beef cattle holding with approximately 250 animals and explained that refusal of the proposal would require him and his family to cross the active farmyard multiple times daily, highlighting the associated safety risks noted in the submitted Health & Safety Report.

Councillor Hanna questioned whether the report was site-specific or generic, which Mr Cole confirmed that a qualified officer had visited the farm and advised against access through the cattle. Mr Keane clarified that the Planning Department did not dispute the report but considered the issues raised as generic for a large farm under the applicant's control.

Councillor Hanna then queried the alternative sites suggested by the Department and the implications of crossing the active yard, with Mr Keane explaining that the Department's recommendation was policy driven and that alternative access lanes existed as confirmed by previous applications in 2008 and 2015.

Councillor Hanna stated that he believed the farm holding would remain visible from the proposal site and noted that land opposite or behind the site was unsuitable and not under the applicant's ownership. Mr Keane responded that visual linkage was assessed on a case-by-case basis, considering topography, layout, and character, and that the Department considered the proposal not visually linked. He further clarified that no mathematical formula was applied in assessing visual linkage.

Councillor D Murphy asked about the weight given to the Health & Safety Report, with Mr Keane confirming that it was considered alongside all other material planning considerations, but reminding Members that CTY10 health and safety only became determinative if no alternative sites existed.

Councillor Rice queried farm operations, and Mr Rooney explained that livestock were bought and sold weekly, with regular transport and deliveries.

Councillor Hanna asked Mr Cole about the ribbon development refusal reason, and Mr Cole stated that previous cases did not count foundations in determining a substantial and continuous frontage, rendering this refusal reason nullified.

Councillor Hanna then proposed overturning the recommendation to an approval, citing the following reasons:

- The farm holding was the largest in the Mournes and represented sustainable development in the countryside
- The proposal would integrate into the area due to tall stone walls
- CTY1 and CTY10 were satisfied as the proposal was visually linked and avoided unsafe access through the farmyard
- CTY13 was satisfied as the development was sustainable and visually linked
- The applicant's son intended to continue farming, thereby supporting the local farming community
- The ribbon development refusal reason should fall as stated by the agent
- NH6 should be set aside as a farm dwelling logically needed to be on the farm holding.

This was seconded by Councillor Rice.

Councillor Enright left the meeting at this stage – 11.21am

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

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| FOR: | 10 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2024/0927/O contrary to officer recommendation as contained in the Case Officer Report.**

(3) LA07/2024/1303/F

On agenda as a result of the Call-In Process

Location:

39 Bridge Road, Burren, Warrenpoint and lands immediately adjacent to and north of No.39 Bridge Road, Burren, Warrenpoint

Proposal:

Erect a dwelling and detached garage in partial substitution to the extant approval granted under LA07/2023/2687/O with access from the public road via an existing & improved access. Construction of a new access to serve an existing dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that the full application sought to substitute a previously approved outline permission. The earlier outline approval was for two infill dwellings, whereas the current proposal sought permission for one dwelling in substitution of one of those approvals. He explained that the principal issue of concern related to the proposed access arrangements, noting that the house type itself was considered acceptable. He emphasised that access arrangements for new development in the countryside were a critical consideration and referred to recent appeal decisions that had been dismissed on access grounds.

Mr Keane stated that the proposed access was considered unacceptable as it involved an unnatural sweeping arrangement that encroached into a neighbouring property and would require a separate new access for that property. He noted that the previous approval for two infill dwellings had provided separate, straightforward access arrangements to the front of each property, which respected the rural character of the area and could still be achieved. He further advised that sweeping access arrangements were specifically identified in policy as unacceptable and that the current proposal was out of keeping with the character of the area. Accordingly, the application was recommended for refusal, as set out in the officer's

report, with reference to appeal decisions and the application of Policies CTY 13 and CTY 14, and CTY 8 in relation to infill development.

Speaking rights:

In Support:

Mr Brendan Quinn stated that the site already benefited from outline planning permission for an infill dwelling and that the application arose only because the neighbouring landowner no longer intended to proceed. He advised that DfI Roads were content with the proposed access arrangements, the Planning Department had no concerns with the dwelling design and that the proposal would improve road safety by providing upgraded visibility splays for Nos. 37 and 39 Bridge Road, representing a clear Planning gain.

Mr Quinn contended that refusal reasons citing Policies CTY 8, CTY 13 and CTY 14 were misapplied, as CTY 8 did not assess access arrangements, CTY 13 related only to buildings, and the proposed works would not harm rural character or the pattern of development.

Councillor McAteer requested clarity on why the proposal had been refused, noting that similar developments nearby had been approved.

Mr Keane explained that CTY8 was the relevant policy, which included ancillary works such as access, and that the proposed arrangement encroached on the curtilage of an existing property, which required that property to apply for a new access. Mr Quinn argued that the existing access would not be moved, rather a 12-meter curved railing would be added to achieve the required visibility splay.

Councillor Hanna queried whether DFI Roads had any objections, to which Mr Keane confirmed that DFI Roads had raised no concerns but emphasized that the Planning Department's refusal was based on policy, citing CTY8 and the access arrangement as being out of character with the area. He referenced previous appeals that had been dismissed on access grounds.

Mr Quinn argued that CTY8 did not specifically reference access and highlighted that he had authored several planning policies still in use, stressing that the Planning Department's interpretation of CTY8 in this case was unfair. He further stated that retaining 70 meters of hedge and improving sightlines justified approval.

Councillor McAteer proposed overturning the refusal recommendation, stating that the proposal would not contravene policy, particularly given the variety of existing access arrangements along the road. Councillor Hanna seconded this, adding that the rural character would be minimally affected.

Mr Pat Rooney noted that a lot of the discussion had centred on the retention of the hedge, and cautioned that the hedge may not be retained, as it was not under the applicant's ownership

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

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| FOR: | 10 |
| AGAINST: | 0 |

ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/1303/F contrary to officer recommendation as contained in the Case Officer Report.

The meeting did then recess – 12.02pm

The meeting did then resume – 12.11pm

(4) LA07/2024/1088/F

On agenda as a result of the Call-In Process.

Location:

300m SE of 21 Cargabane Road, Newry, BT34 1SB

Proposal:

Conversion of existing barn to form two-bedroom dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that the site was located in the countryside off the Cargabane Road, accessed via a private laneway approximately 1km from the public road, and that the provisions of the SPPS and PPS21 applied. He explained that the SPPS introduced a more stringent policy test for conversion proposals than PPS21 and CTY4, permitting only the sympathetic conversion of locally important buildings, noting that the key issue was that the subject building was not locally important, that it was not visible from the public domain, was of block construction, had been rebuilt in the 1940s with a new roof, and possessed no architectural or historic features of interest.

Mr Keane stated that while the term “locally important” was not defined in the SPPS, it implied a building of merit or special character within its local setting, which the Planning Department considered did not apply in this case. On that basis, he confirmed that the application was recommended for refusal.

Speaking rights:

In Support:

Mr Robin Parsons spoke in support of the application, stating that the site was historically a separate farmyard which later merged with the wider holding at 21 Cargabane Road in the 1960s. He explained that Ordnance Survey mapping from 1836 recorded a farmhouse with associated barns and outbuildings on the site, accessed from the east, and that this functioned as a complete farm settlement until the 1980s when the farmhouse and adjoining barn were demolished to expand the yard. He advised that the barn occupied the footprint

of a traditional structure rebuilt in the 1940s and incorporated a distinctive Nissen Hut–style barrel-vaulted roof on concrete construction. While unusual, he considered it to possess visual and historic interest.

Mr Parsons advised that the proposal was not assessed under CTY10 as it did not involve a new dwelling clustered with the main farmyard, but instead fell under Policy CTY4 relating to the conversion and reuse of existing buildings. He stated that all relevant CTY4 criteria were met and that SPPS policy supported the sympathetic conversion of locally important buildings. He argued that the barn qualified as locally important as the last remaining structure of a historic farmstead, with distinctive architectural features reflecting its early-20th-century origins.

Councillor Taylor also spoke in support of the application, stating that the application sought to secure the future of the farm by re-using and converting an existing building and advised that Policy CTY4 of PPS21 provided a detailed framework for assessing the reuse of existing buildings and that, in his view, the proposal met all relevant criteria. He indicated that the application raised matters which were open to interpretation under planning policy and referred to Policy 6.73 of the SPPS, which supported the sympathetic conversion and reuse of locally important buildings, and noted that while the term “locally important” was not defined, this judgement was best made by Members.

Councillor Taylor explained that the barn dated from the 1940s and represented the last remaining structure of a farmyard settlement predating 1836. He considered that, despite not being a traditional barn, it contributed to the historic character of the site and displayed distinctive architectural features reflective of its early-20th-century heritage. He further noted that paragraph 1.12 of the SPPS clarified that where the SPPS was less prescriptive than retained policies, this should not diminish the weight afforded to those policies. He considered this relevant to the relationship between SPPS Policy 6.73 and Policy CTY4 of PPS21, stating that the interpretation of Policies 6.73 of the SPPS and CTY4 and CTY10 of PPS21 had not been fully considered and that a balanced and informed judgement on the merits of the application should be made by the Committee.

Councillor Hanna queried what merited a building being labelled as “significant,” asking whether this was a matter of the planning officer’s opinion or if specific criteria applied, noting apparent conflicts within the policies.

Mr Keane explained that the SPPS was the prevailing policy, as set out in paragraph 1.12, which stated that where conflicts exist between retained CTY policies and the SPPS, the SPPS carried greater weight regarding the principle of development. He noted there was no exhaustive list of locally important buildings, as each application was assessed on a case-by-case basis. In this instance, the Planning Department considered the building not historically significant, as it was located 1 km down a private laneway, outside the public domain, and had been rebuilt with a new roof, so it did not meet the test of being locally important.

Councillor Hanna asked whether Mr Parsons disagreed, which he stated that older buildings often required reconstruction as they fell into disrepair, and their significance should not be discounted solely because of more modern construction.

Councillor D Murphy queried what remained of the original structure, to which Mr Parsons confirmed that the back, gable, and side stonework were intact.

assessed under the SPPS, Policies CTY 8, 13, and 14 of PPS21, and retained planning policies in PPS2 and PPS3.

Mrs Ferguson explained that an assessment of the substantial and continuous built-up frontage identified the adjoining buildings as Nos. 95, 89, and 87 Drumnaconagher Road and while the frontage was acknowledged as substantial and continuous, the gap between Nos. 95 and 89 measured approximately 113 metres. The proposed dwellings would have frontages of 56 metres and 44 metres, with plot sizes around 0.2 hectares, which was larger than the average plot widths either side.

Based on the average frontage width and the size of the gap, she concluded that the site could accommodate more than two dwellings and that the proposal would not be in keeping with the existing pattern of development. She further noted that under Policies CTY 13 and 14, the proposal would contribute to ribbon development along Drumnaconagher Road, resulting in a detrimental change to the character of the area. Consequently, she stated that the proposal failed to comply with Policies CTY 8 and CTY 14 and the SPPS, as detailed in the officers' report.

Speaking rights:

In Support:

Mr Brendan Starkey spoke in support of the application, noting that it was accepted the surrounding dwellings formed a substantial and continuously built-up frontage and that the only issue was whether the gap was small and the proposal respected the existing development pattern. He argued that the refusal recommendation relied incorrectly on a rigid mathematical assessment of average plot widths, contrary to PAC decisions, and that CTY8 required a qualitative assessment. He maintained that the proposed plot sizes and frontages reflected the range and variation already present along the frontage and were consistent with nearby development. Mr Starkey also highlighted a recent nearby approval for wider infill plots, stating that the current recommendation was inconsistent and concluded that the proposal complied with CTY8 and should be approved.

Councillor Clarke queried what weight had been given to the approval on the adjacent gap site referenced by Mr Starkey.

Mrs Ferguson confirmed that it had been considered but noted that the site context differed, particularly regarding the required substantial and continuous built-up frontage. She highlighted the book ends at the proposal site, the settlement pattern either side of the gap, and the smaller plots of Nos. 89 and 95, which were not referenced by the agent and were significantly smaller, making them not comparable to plots further south. She confirmed that the primary considerations were the width of the gap and the settlement pattern on either side, and whether the proposal was in keeping with the area's pattern of development.

Mr Starkey argued that the reasoning did not withstand mathematical scrutiny, noting that the previously approved gap site was 180m with frontages of 25m, 60m, and 55m, whereas the current proposal gap was 110m with proposed frontages of 58m and 44m.

Councillor Devlin queried the level at which the previous approval had been granted, and Mrs Ferguson stated she believed it had been at officer level but was uncertain.

