



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Melvin Bowman	
<b>Application ID:</b> LA09/2016/0540/F	
<b>Proposal:</b> Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation	<b>Location:</b> 89 Tirkane Road Maghera
<b>Applicant Name and Address:</b> Declan McKenna 143 Tirkane Road Maghera BT46 5NH	<b>Agent name and Address:</b> D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
<b>Summary of Issues:</b> recommendation to approve contrary to HED.	
<b>Summary of Consultee Responses:</b> HED object to the proposals. No objections from any other body.	
<b>Characteristics of the Site and Area:</b>  The proposal site is located on the roadside of Tirkane Road, Maghera. On site there is a single storey Listed dwelling that has been abandoned for some time, the building was previously two dwellings before its abandonment and the Council recognise it as such. Currently the structure has four remaining walls, window openings, door openings and a tin roof intact. The site is very overgrown at present. There are no immediate neighbours to this proposal site.	



### **Description of Proposal**

Full application for 'Proposed replacement dwelling plus retention and renovation of existing building at 89 Tirkane Road, Maghera'.

A related Listed Building Consent applicant has been received under LA09/2016/0593/LBC.

### **Deferred Consideration:**

Following the deferral of the application at Planning Committee in Oct 2016 an office meeting was held on the 3<sup>rd</sup> May 2017, the minutes of which are detailed below:

Present:

Dr Boomer

M.Bowman

Cllr McPeake

Ian MILNE MLA

D Kearney (agent)

Dr Boomer commented at the outset that given the poor state of the subject dwelling that it was hoped we could all agree on a design solution to this proposal, whilst being mindful of the concern which NIEA had expressed so far.

After some discussion around how to develop this further the following design parameters were agreed:

- To retain as much of the character and design of the original dwelling
- To consider a glazed link to an annex as a design approach
- To achieve a 'sense of place' to the site in terms of how the 2 units are positioned / informal / shared surface approach
- Aim for a group of buildings impression as opposed to 2 distinct curtilages.

A staged approach to any future planning applications was suggested by Dr Boomer in order to see the restoration realised, this was agreed by all.

It was agreed that amended plans would be submitted for consideration.

Following the meeting amended plans were submitted as agreed – these show a more 'shared relationship' between the 2 units and a more sympathetic design approach. Importantly it is felt that the new 2<sup>nd</sup> unit will not overly dominant the host dwelling or detract significantly from its setting. The plans to restore the existing dwelling to one house are well considered and in my view respect the form and character of the old dwelling. Whilst an extension is proposed it is located in a set back position at the NW gable to the old dwelling and will therefore not detract from any front on views of the dwelling. Whilst the extension is over 2 stories, given the limited curtilage, set back and small single storey link the overall concept in my view works and maintains the feel and setting of the listed building as it currently exists.

The agent has argued that the independent second unit of accommodation is necessary as 'enabling' development to fund the restoration project of the listed building itself. I appreciate this and in any case the existing listed building already comprises 2 units. The consequences of not permitting the proposed scheme may be that the listed building continues to deteriorate.

NIEA (HED) have commented as follows on the amended proposal:

HED Historic Buildings has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice; The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

### **Considerations**

The application LA09/2016/0540/F for a 'Proposed replacement dwelling plus retention, renovation and extension of the existing listed building to provide single unit of accommodation' affects No. 89 Tirkane Road, Maghera, a Grade B2 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Historic Environment Division: Historic Buildings (HED:HB) has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice: The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

### **Explanatory note**

No. 89 Tirkane Road, Maghera consists of a pair of single storey, each of three bays, direct entry houses with remains of thatch under corrugated iron roofing. The layouts are unchanged and the roof structure is intact. The building dates from 1840-1859 and is one of only 176 listed thatch buildings remaining in Northern Ireland.

***Extension to listed building***

The application proposes the extension and alteration of the listed building and a new build dwelling in the immediate setting. HED:HB welcomes and encourages the sympathetic reuse of the vacant listed building but advises any proposed extension to the listed building should be in keeping with its scale, form, massing, alignment and materials. Extensions to linear vernacular buildings have been achieved successfully as linear blocks, of matching plan depth and ridge height, with a lobby linking the two structures. Material specifications and fenestration treatment should also be carefully considered to compliment the essential character of the listed building. Any scheme of extension to this building should also be accompanied with detailed plans for the conservation of the listed building particularly the preservation of plan form, existing roof timbers and reinstatement of the thatch roof to preserve its special interest.

***Proposed new dwelling***

Development within the setting of the listed building also requires careful consideration in terms of scale, height, form, massing, alignment and material finishes. Any proposals for a new dwelling on the application site should be considered as a holistic design, demonstrating clearly how the new build sympathetically integrates into the setting.

Landscaping proposals should clearly denote boundary treatments, use of dense native hedges, low walls, gates and gate pillars and surface finishes. Proposals should be detailed and of a sufficient standard to fully demonstrate the impact of the development on the setting of the listed building. It is recommended that the agent considers the relevant chapters in our guidance document '*Consultation Guide: A guide to consulting HED on development management applications*' <https://www.communities-ni.gov.uk/publications/guide-consultinghed-development-management-applications>

I have considered the SPPS in relation to this proposal. It states at Par 6.12/13 that development involving works to / extension of a listed building may be permitted **particularly where this will secure the ongoing viability and upkeep of the building** (my emphasis). This is of course further qualified by the recognition that such development respects the essential character and architectural or historic interest of the building and its setting. PPS6 BH8 and 11 are considered important to the assessment of this proposal, BH8 states the following:

**Extension or Alteration of a Listed Building**

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

BH11 of PPS6 demands that the following are considered:

**Development affecting the Setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

In considering the amended scheme as presented to the Council I am satisfied that the design approach is not in conflict with the above and that to safeguard the survival of the listed building that approval should be forthcoming.

There have been no third party objections to the application.

Based on this report members may resolve for this application to be presented with an opinion to approve, with conditions, to the Department for Infrastructure as required by Section 89 of the Planning Act (NI) 2015. If the application is not called in, under Section 88 of the Act, the Planning Manager is therefore instructed to issue this application / associated consent.

**Conditions.**

1. Commencement of development within 5 years
2. Phasing condition (foundation / roof / fixing) to ensure the listed building is completed prior to the occupation of the enabling 2<sup>nd</sup> dwelling.
3. Access to comply with DFI requirements
4. Any additional planting to be provided during the first available planting season

**Signature(s): M.Bowman**

**Date 24<sup>th</sup> Jan 2018.**



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**Mid Ulster**  
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## DEFERRED CONSIDERATION REPORT

<b>Case Officer:</b> Melvin Bowman	
<b>Application ID:</b> LA09/2016/0593/LBC	
<b>Proposal:</b> Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation	<b>Location:</b> 89 Tirkane Road Maghera
<b>Applicant Name and Address:</b> Declan McKenna 143 Tirkane Road Maghera BT46 5NH	<b>Agent name and Address:</b> D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
<b>Summary of Issues:</b> recommendation to approve contrary to HED.	
<b>Summary of Consultee Responses:</b> HED object to the proposals. No objections from any other body.	
<b>Characteristics of the Site and Area:</b>  The proposal site is located on the roadside of Tirkane Road, Maghera. On site there is a single storey Listed dwelling that has been abandoned for some time, the building was previously two dwellings before its abandonment and the Council recognise it as such. Currently the structure has four remaining walls, window openings, door openings and a tin roof intact. The site is very overgrown at present. There are no immediate neighbours to this proposal site.	

**Description of Proposal**

Listed Building Consent for 'Proposed replacement dwelling plus retention and renovation of existing building at 89 Tirkane Road, Maghera'.

**Deferred Consideration:**

Following the deferral of the application at Planning Committee in Oct 2016 an office meeting was held on the 3<sup>rd</sup> May 2017, the minutes of which are detailed below:

Present:

Dr Boomer

M.Bowman

Cllr McPeake

Ian MILNE MLA

D Kearney (agent)

Dr Boomer commented at the outset that given the poor state of the subject dwelling that it was hoped we could all agree on a design solution to this proposal, whilst being mindful of the concern which NIEA had expressed so far.

After some discussion around how to develop this further the following design parameters were agreed:

- To retain as much of the character and design of the original dwelling
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A staged approach to any future planning applications was suggested by Dr Boomer in order to see the restoration realised, this was agreed by all.

It was agreed that amended plans would be submitted for consideration.

Following the meeting amended plans were submitted as agreed – these show a more 'shared relationship' between the 2 units and a more sympathetic design approach. Importantly it is felt that the new 2<sup>nd</sup> unit will not overly dominant the host dwelling or detract significantly from its setting. The plans to restore the existing dwelling to one house are well considered and in my view respect the form and character of the old dwelling. Whilst an extension is proposed it is located in a set back position at the NW gable to the old dwelling and will therefore not detract from any front on views of the dwelling. Whilst the extension is over 2 stories, given the limited curtilage, set back and small single storey link the overall concept in my view works and maintains the feel and setting of the listed building as it currently exists.

The agent has argued that the independent second unit of accommodation is necessary as 'enabling' development to fund the restoration project of the listed building itself. I appreciate this and in any case the existing listed building already comprises 2 units. The consequences of not permitting the proposed scheme may be that the listed building continues to deteriorate.

NIEA (HED) have commented as follows on the amended proposal:

HED Historic Buildings has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice; The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

### **Considerations**

The application LA09/2016/0540/F for a 'Proposed replacement dwelling plus retention, renovation and extension of the existing listed building to provide single unit of accommodation' affects No. 89 Tirkane Road, Maghera, a Grade B2 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Historic Environment Division: Historic Buildings (HED:HB) has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice:

The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

### **Explanatory note**

No. 89 Tirkane Road, Maghera consists of a pair of single storey, each of three bays, direct entry houses with remains of thatch under corrugated iron roofing. The layouts are unchanged and the roof structure is intact. The building dates from 1840-1859 and is one of only 176 listed thatch buildings remaining in Northern Ireland.



### ***Extension to listed building***

The application proposes the extension and alteration of the listed building and a new build dwelling in the immediate setting. HED:HB welcomes and encourages the sympathetic reuse of the vacant listed building but advises any proposed extension to the listed building should be in keeping with its scale, form, massing, alignment and materials. Extensions to linear vernacular buildings have been achieved successfully as linear blocks, of matching plan depth and ridge height, with a lobby linking the two structures. Material specifications and fenestration treatment should also be carefully considered to compliment the essential character of the listed building. Any scheme of extension to this building should also be accompanied with detailed plans for the conservation of the listed building particularly the preservation of plan form, existing roof timbers and reinstatement of the thatch roof to preserve its special interest.

### ***Proposed new dwelling***

Development within the setting of the listed building also requires careful consideration in terms of scale, height, form, massing, alignment and material finishes. Any proposals for a new dwelling on the application site should be considered as a holistic design, demonstrating clearly how the new build sympathetically integrates into the setting.

Landscaping proposals should clearly denote boundary treatments, use of dense native hedges, low walls, gates and gate pillars and surface finishes. Proposals should be detailed and of a sufficient standard to fully demonstrate the impact of the development on the setting of the listed building. It is recommended that the agent considers the relevant chapters in our guidance document *'Consultation Guide: A guide to consulting HED on development management applications'* <https://www.communities-ni.gov.uk/publications/guide-consultinghed-development-management-applications>

I have considered the SPPS in relation to this proposal. It states at Par 6.12/13 that development involving works to / extension of a listed building may be permitted **particularly where this will secure the ongoing viability and upkeep of the building** (my emphasis). This is of course further qualified by the recognition that such development respects the essential character and architectural or historic interest of the building and its setting. PPS6 BH8 and 11 are considered important to the assessment of this proposal, BH8 states the following:

#### **Extension or Alteration of a Listed Building**

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- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

BH11 of PPS6 demands that the following are considered:

#### **Development affecting the Setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

In considering the amended scheme as presented to the Council I am satisfied that the design approach is not in conflict with the above and that to safeguard the survival of the listed building that approval should be forthcoming.

There have been no third party objections to the application.

Based on this report members may resolve for this application to be presented with an opinion to approve, with conditions, to the Department for Infrastructure as required by Section 89 of the Planning Act (NI) 2015. If the application is not called in, under Section 88 of the Act, the Planning Manager is therefore instructed to issue this application / associated consent.

**Conditions.**

1. Commencement of development within 5 years
2. Phasing condition (foundation / roof / fixing) to ensure the listed building is completed prior to the occupation of the enabling 2<sup>nd</sup> dwelling.
3. Access to comply with DFI requirements
4. Any additional planting to be provided during the first available planting season

**Signature(s): M.Bowman**

**Date 24<sup>th</sup> Jan 2018.**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0810/F	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling	<b>Location:</b> Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
<b>Applicant Name and Address:</b> Mr M Hamilton 50 Cookstown Road Moneymore	<b>Agent name and Address:</b> Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Summary of Issues:</b>  Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.	
<b>Summary of Consultee Responses:</b> No objections	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.  Relevant planning history I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009  I/2004/0201/O – New dwelling. Permission Granted 23/05/2005  Representations	

There was one neighbour notification letter sent out however no representations were received on this application.

### Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application (the previous approval has expired), previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

### Deferred Consideration:

Relevant Planning Policy  
Strategic Planning Policy Statement  
Cookstown Area Plan 2010  
Planning Policy Statement 3  
Planning Policy Statement 21

This application was previously presented before the Planning Committee in October 2017 with a recommendation to refuse. It was agreed by the Committee to defer the application for a meeting with the Planning Manager and this took place on 12 October 2017. Following the meeting further information was submitted in support of the application by the agent which I will now consider as part of this report.

At the office meeting it was made clear by Dr Boomer that in order to satisfy Policy CTY 7 of PPS21 which addresses "Dwellings for Non-Agricultural Business Enterprises" states that *"planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work"*.

In my opinion the key facts in the supporting statement submitted by Manor Architects are as follows:

- Mr Hamilton has been working for J & K Coaches for c.2 years
- J & K Coaches have become more concerned about security and therefore the application site would be **advantageous** for supervision
- It is vital that Mr Hamilton is available on-call to maintain essential servicing
- The applicant lives some 300m from the house but there is no clear line of vision which would allow for supervision to occur.
- The previous approval was for the purposes of supervision and security but due to financial difficulties it was never implemented.
- The directors of J & K Coaches have written a letter stating that Mr Hamilton has been closely linked with the company in terms of the servicing of all vehicles, routine maintenance and emergency call outs. They have had cause for concern in relation to the security of the bus park, especially during late hours. They accept Mr Hamilton lives close by but he does not have a visual link to the bus park and therefore **this proposal would be ideal in providing casual supervision**
- Mr Hamilton has written to confirm he will reside at the new dwelling should it be approved.

In response to the key points I would comment as follows;

- Having visited the site it is clear at the entrance to the site there are signs giving warning there are security cameras in operation at all times;
- Although it is argued that Mr Hamilton must be available on call to maintain essential servicing, this is possible from his current dwelling, which I have measured to be c. 250m away
- Whilst there may be some intrusion to a clear line of vision from the applicant's current dwelling to the bus park the applicant and agent have failed to demonstrate why constant supervision is needed. It is neither reasonable nor feasible to believe that the applicant will be expected to provide constant supervision both day and night. There is an office on site for the day time hours and there are signs erected notifying the public of ongoing surveillance.
- The letter from the directors fails to demonstrate the need for a dwelling is essential, rather it would be ideal to have casual supervision for the bus park. No issue has been raised that Mr Hamilton has been prohibited from being on call for servicing the vehicles at the dwelling he currently resides in. Dr Boomer at the office meeting had requested a letter from the owners of the coach company to support Mr Hamilton's case but he also wanted the owners to acknowledge no other dwellings would be permitted should this application be approved as a dwelling associated with the business. The owners did not do this.
- Mr Hamilton made it clear at the office meeting that his house is too big for his family, he currently owns the karting track which is causing him stress and he wishes to have a smaller dwelling house with less hassle. This seems to be the real reason why a new dwelling house is being sought, rather than it being an essential need for the coach business, the directors of which have not demonstrated nor argued that it is essential.

The justification and amplification of CTY 7 states that applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business. It is my opinion the applicant has failed to do so. The applicant does not work solely for J & K Coaches at present, he also operates the go-karting track beside his dwelling house.

It is my opinion that all parties concerned have failed to demonstrate the essential need for a dwelling in connection with the business as is the policy test of CTY 7 and I would recommend a refusal of the application.

**Reasons for Refusal:**

1. The proposal is contrary to Policies CTY 1 and CTY 7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

**Signature(s):**

**Date**





Comhairle Ceantair  
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## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2017/1079/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a dwelling and domestic garage (proposal based on policy CTY 2a) New dwelling in an existing cluster	<b>Location:</b> Approx 20mts North East of no 40 Coole Road Aughamullan Dungannon
<b>Applicant Name and Address:</b> Mr Lee Canavan 5 Annaghmore Road Annaghmore Coalisland BT71 4QZ	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b> Whether the proposal can be considered as a cluster.	
<b>Summary of Consultee Responses:</b>	
<b>Characteristics of the Site and Area:</b>  The site in question is located approx. 20m north east of No. 40 Coole Road, Aughamullan, Dungannon and is some 4km east of Coalisland, with Lough Neagh 2km to the east as depicted by the Dungannon and South Tyrone Area Plan 2010.  The site is not within any development settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area can be characterised as open countryside with dispersed rural dwellings and farms. The site is sits 128 metres NE of Cole Crossroads. The site is rectangular in plot size measuring approximately 0.31 of a hectare and comprises a portion of land on the south west side of the Coole Road. It is situated on the western side of a cross roads (Coole road). The site's topography is generally flat in nature and lies level with the Coole Road and is bounded on North and east boundaries by mature vegetation mostly indigenous species. An existing access with a gate - adjacent to a concrete laneway flanked with post and wire fencing lies on the western and southern boundaries onto Coole Road.	

Three dwellings (Nos 40, 40a, 42 Coole Road) lie to the east of the site. Nos 46, 48, 50 Cooler Road extends NE from the crossroads with an outline planning approval for an infill site between Nos 42 and 46. There is no build development on the opposite side of Coole Road.

### **Description of Proposal**

The applicant is seeking outline planning approval for a dwelling approx. 20mts north east of no 40 Coole Road, Aughamullan - Dungannon

### **Deferred Consideration:**

Members will be aware this application was at the Committee Meeting on 8th January 2018 and was deferred to further consider Policy CTY2a of Planning Policy Statement 21, in particular if there was development on 2 sides.

Section 23 of the Planning Act (NI) 2011 is not helpful in considering this application as it says at Section 23 (1) 'In this Act, subject to subsection (2) to (6), "development" means the carrying out of building, engineering, mining or other operation in, on, over, or under land, or the making of any material change in the use of any buildings or other land'. It is quite clear, in my mind, this relates to the activity of development and should not be used to as a definition of what development is, particularly in terms of consideration of planning policy.

The Planning Appeals Commission have considered what is development when assessing Policy CTY2a in its decision 2014/A0148. That decision is comparable with the proposal before the Committee as in that appeal the applicant put forward his case that a laneway and entrance features along the side of the application site constituted development. The Commissioner considered this in her decision and stated "Policy CTY2a pertains to a dwelling in an existing cluster of development, I consider that the policy when read as a whole clearly relates to the clustering of buildings as outlined in the first criterion and does not encompass all types of development. I conclude that the laneway and entrance features bounding the appeal site to the south east would not visually constitute development under Policy CTY2a'.

Members are advised that the Planning Committee must take account of the principles of Wednesbury Unreasonableness and make reasonable decisions on planning applications that are brought before it for determination. In considering this case, members should be aware of the aims of PPS21 which is to manage development in the countryside in a manner consistent with the strategic objectives of the Regional Development Strategy and strike a balance between the need to protect the countryside from unnecessary or inappropriate development while supporting rural communities. The proposed development fails to meet 3 criteria in CTY2a as

- there is no focal point and it is not located at a crossroads,
- the site does not have development on 2 sides. Planning permission has been granted for a dwelling to the rear of the site but there is no development on the field, indeed the details of where the house will be sited has not yet been determined. The laneway that runs along the side of the site is not considered as development for the purposes of this policy and the dwelling that it serves does not have a boundary with the proposed site.
- the proposal will result in the creation of ribbon development as it cannot be absorbed into the cluster and would create ribbon development along this side of Coole Road.

It is clear in my mind that the policies in PPS21 are about preventing inappropriate development and I consider the proposed development will result in ribbon development, which it is recognised in CTY8 as an inappropriate form of development.

Members will remember the agent provided a number of PAC Decisions that were being put forward in support of the proposal with the request to speak, these have been considered and are clearly distinguishable from the application site:

2016/A0095 – Newry, Mourne and Down application LA07/2016/0556/O, site at Moyad Road Kilkeel, this is off a lane and within a cluster of development



2012/A00120, no such appeal, however 2012/A0120, P/2011/0611/O is for the same site as 2016/A0095 and this was dismissed at appeal  
2010/A0202 – Site at Curryfree Road, Creevedonnell, Newbuildings, has development on 2 sides and the commissioner clearly set out reasons why it was acceptable taking account of its suburban appearance, visual association with adjoining dwellings and appearance of a domestic curtilage  
LA08/2015/0056/F – Derryclone Road, Armagh, has development on 3 sides and is sited between 11 and 11a  
LA07/2015/0135 – Drumcro Road kilkeel, off private lane, development on 2 sides and would be accepted as infill given the numbers  
In view of these further considerations, it is my opinion that the proposal fails the tests for development within a cluster and that planning permissions should be refused.

**Conditions/Reasons for Refusal:**

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Coole Road.

**Signature(s):**

**Date**

Members will be aware this application was at the Committee Meeting on 8th January 2018 and was deferred to further consider Policy CTY2a of Planning Policy Statement 21, in particular if there was development on 2 sides.

Section 23 of the Planning Act (NI) 2011 is not helpful in considering this application as it says at Section 23 (1) 'In this Act, subject to subsection (2) to (6), "development" means the carrying out of building, engineering, mining or other operation in, on, over, or under land, or the making of any material change in the use of any buildings or other land'. It is quite clear, in my mind, this relates to the activity of development and should not be used to as a definition of what development is, particularly in terms of consideration of planning policy.

The Planning Appeals Commission have considered what is development when assessing Policy CTY2a in its decision 2014/A0148. That decision is comparable with the proposal before the Committee as in that appeal the applicant put forward his case that a laneway and entrance features along the side of the application site constituted development. The Commissioner considered this in

her decision and stated "Policy CTY2a pertains to a dwelling in an existing cluster of development, I consider that the policy when read as a whole clearly relates to the clustering of buildings as outlined in the first criterion and does not encompass all types of development. I conclude that the laneway and entrance features bounding the appeal site to the south east would not visually constitute development under Policy CTY2a'.

Members are advised that the Planning Committee must take account of the principles of Wednesbury Unreasonableness and make reasonable decisions on planning applications that are brought before it for determination. In considering this case, members should be aware of the aims of PPS21 which is to manage development in the countryside in a manner consistent with the strategic objectives of the Regional Development Strategy and strike a balance between the need to protect the countryside from unnecessary or inappropriate development while supporting rural communities. The proposed development fails to meet 3 criteria in CTY2a as

- there is no focal point and it is not located at a crossroads,
- the site does not have development on 2 sides. Planning permission has been granted for a dwelling to the rear of the site but there is no development on the field, indeed the details of where the house will be sited has not yet been determined. The laneway that runs along the side of the site is not considered as development for the purposes of this policy and the dwelling that it serves does not have a boundary with the proposed site.
- the proposal will result in the creation of ribbon development as it cannot be absorbed into the cluster and would create ribbon development along this side of Coole Road.

It is clear in my mind that the policies in PPS21 are about preventing inappropriate development and I consider the proposed development will result in ribbon development, which it is recognised in CTY8 as an inappropriate form of development.

Members will remember the agent provided a number of PAC Decisions that were being put forward in support of the proposal with the request to speak, these have been considered and are clearly distinguishable from the application site:

2016/A0095 – Newry, Mourne and Down application LA07/2016/0556/O, site at Moyad Road Kilkeel, this is off a lane and within a cluster of development

2012/A00120, no such appeal, however 2012/A0120, P/2011/0611/O is for the same site as 2016/A0095 and this was dismissed at appeal

2010/A0202 – Site at Curryfree Road, Creevedonnell, Newbuildings, has development on 2 sides and the commissioner clearly set out reasons why it was acceptable taking account of its suburban appearance, visual association with adjoining dwellings and appearance of a domestic curtilage

LA08/2015/0056/F – Derryclone Road, Armagh, has development on 3 sides and is sited between 11 and 11a

LA07/2015/0135 – Drumcro Road Kilkeel, off private lane, development on 2 sides and would be accepted as infill given the numbers

In view of these further considerations, it is my opinion that the proposal fails the tests for development within a cluster and that planning permissions should be refused.