

ARDS AND NORTH DOWN BOROUGH COUNCIL

27 April 2026

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 05 May 2026** commencing at **6.00pm**.

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Apologies
2. Declarations of Interest

PRESENTATION

3. Presentation from NI Water
4. Matters arising from the Planning Committee minutes of 31 March 2026 (April Committee)(Copy attached)
5. Planning Applications (Reports attached)

5.1	LA06/2025/0716/F	Dwelling and garage 35m South of 31 Ballygowan Road, Comber
5.2	LA06/2025/0935/F	Pole mounted CCTV Cameras for domestic use (retrospective) 18 Ballyblack Road, Loughries, Newtownards
5.3	LA06/2026/0137/S54	Proposed residential development of 95no. dwellings to include roads, parking, infrastructure, landscaping and retention of bawn wall (Vehicular access to site will be from Castlebawn Drive)

		<p>Variation of Condition 5 of approval LA06/2023/2434/F regarding hard and soft landscaping</p> <p>(Full description available within document titled "Full Proposal Description (Amended)" on Planning Portal).</p> <p>Lands South of Nos 37-77 Court Street and Nos 1-11 Canal Row, Newtownards</p>
5.4	LA06/2024/0771/F	<p>Change of use from agricultural building, commercial store and workshop to dwelling with extension and relocation of the access</p> <p>60m to the SE of 31A Loughries Road, Newtownards</p> <p>(deferred from February meeting)</p>
5.5	LA06/2025/0403/F	<p>4No. glamping pods, bike store, bin store, reception hut, access, parking, and landscaping</p> <p>Approx 120m South of 40 Tullynagee Road, Comber</p>
5.6	LA06/2023/2108/F	<p>Two agricultural buildings (retrospective) and erection of one agricultural building (proposed)</p> <p>50m West and 88m North West of 17 Abbacy Road, Portaferry</p>
5.7	LA06/2025/0090/F	<p>Alterations and extensions to existing 3G training pitch to form new full-size pitch with associated floodlights, fencing and 3G surface and dug outs</p> <p>Abbey Villa Football Club House, 91 Abbey Road, Millisle</p>

Reports for Noting

- 6. Appeals Update (report attached)

7. Letter from DfC – Historic Environment Division regards heritage value of wall in Portaferry (report attached)
8. Correspondence from Minister for Infrastructure re: NI Water – Closed Catchments (report attached)
9. Notice of Motion submitted by Councillor Moore and Alderman McDowell

This Council notes the findings of the recent report presented to Planning Committee Members in March 2026 on wastewater capacity constraints, including the identification of closed catchments within parts of the Borough, the impact on planning and regeneration activity, and the wider challenges arising from longstanding underinvestment in wastewater infrastructure.

Council further recognises that, while the report establishes the existence and significance of these constraints, further detailed evidence is required to fully understand the borough-wide impact and to support effective engagement with relevant agencies and the Department for Infrastructure, and to identify potential council-led solutions.

Council agrees:

- To task Council officers to prepare a detailed, borough-wide assessment identifying all locations affected by wastewater and sewage capacity constraints, including mapping of closed catchments, constrained wastewater treatment works and network limitations.
- To quantify the impact of these constraints on Council priorities, including town centre regeneration, the Empty to Energised programme, business development, housing delivery and the non-domestic rate base.
- To compile evidence, in consultation with the Northern Ireland Environment Agency and Northern Ireland Water, on the frequency and location of wastewater system failures, including out-of-sewer flooding and Unsatisfactory Discharges, and the associated environmental and ecological impacts across the Borough over the past ten years.
- To write to SOLACE seeking information on how other councils are evidencing and responding to wastewater capacity constraints, including approaches taken in Belfast City Council, Newry, Mourne and Down, and Mid and East Antrim.

*****IN CONFIDENCE*****

Report for Noting (In Confidence)

10. Local Development Plan - Interim Consultation Report (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Councillor McCollum
Alderman Graham	Alderman McDowell
Councillor Harbinson	Alderman McIlveen
Councillor Hennessy	Councillor McKee
Councillor Kendall	Councillor Morgan
Councillor Kerr	Councillor Smart
Councillor McAlpine	Alderman Smith
Councillor McClean (Chair)	Councillor Wray (Vice Chair)

ITEM 7.2

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ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards, on Tuesday 31 March 2026 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine
McIlveen
Smith

Councillors: Cathcart (Zoom) McKee
Hennessy Morgan
Harbinson Smart
Kendall
Kerr (Zoom, 7.25pm)

Officers: Director of Place and Prosperity (B Dorrian), Head of Planning and Building Control (A McCullough), Principal Planner (G Kerr), Senior Planners (J Hanna & C Rodgers) and Democratic Services Officer (R King)

1. APOLOGIES

Apologies had been received from the Mayor, Councillor McCollum, who was unable to attend due to a Mayoral engagement.

Further apologies were received from Alderman McDowell and Councillor Wray.

2. DECLARATIONS OF INTEREST

Alderman McIlveen declared an interest in Item 4.2 (LA06/2020/0844/F) and Councillor Harbinson declared an interest in Item 4.5 (LA06/2025/0405/F).

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 03 MARCH 2026

PREVIOUSLY CIRCULATED:- Copy of the above.

AGREED on the proposal of Councillor Hennessy, seconded by Alderman McIlveen, that the minutes be noted.

4. PLANNING APPLICATIONS

4.1 LA06/2021/1476/F – RESIDENTIAL DEVELOPMENT COMPRISING 29 NO. DWELLINGS

(Appendix I – III)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Newtownards

Proposal: Residential development comprising 29 No. dwellings (comprising 25no. detached and 4no. semi-detached dwellings), including garages, open space, and landscaping, access, internal road network and all other associate site and access works.

Site Location: Lands to the NW of Kiltonga Industrial Estate, SW of Belfast Road and South of Milecross Road, Newtownards

Recommendation: Grant Planning Permission

The Senior Planner (C Rodgers) explained that the application had previously been presented to Committee on 4 March 2025, when Members had resolved to defer the application to allow time for legal advice and further assessment on a number of matters.

The Officer referred to slides showing the site's zoning for industrial use within the Ards and Down Area Plan, and Members were reminded that under section 6(4) of the 2011 Planning Act, decisions must be made in accordance with the development plan unless other material considerations indicated otherwise.

While the proposal was contrary to the Plan, the planning history of the site represented a significant material consideration.

The Officer explained the site's location relevant to the Belfast Road and the industrial estate, and displayed views from the Belfast Road entrance and the Milecross Road junction, demonstrating its edge-of-settlement location.

The Officer referred to the proposed layout, which adopted a landscape-led approach incorporating generous green buffers, structural landscaping, and a defined meadow area. She highlighted that the layout was spacious and low-density, with dwellings arranged around the existing pond, which would be retained and enhanced as part of the overall scheme.

The Committee was shown examples of the proposed house types and the Officer explained that the dwellings had been designed in a traditional, high-quality style, incorporating brick and slate materials and well-proportioned windows. While the overall design approach included a consistent palette of materials, variation in house types delivered a visually engaging and attractive residential development.

In relation to the planning history, the Officer advised that the principle of residential use had already been established on the site. Relevant planning history included an approved and extant nursing home, with a Certificate of Lawfulness confirming

commencement; approval for 20 retirement dwellings, with commencement also certified; and a PAC decision confirming that the retirement dwellings fell within Use Class C1 dwellinghouses and that their occupation was no longer tied to the nursing home becoming operational. A comparison slide illustrated the layout of the previously approved retirement dwellings alongside the approved nursing home, showing that the earlier approval had included a linear terrace-style arrangement with a uniform design and consistent proportions.

In terms of the deferral, Members had requested legal advice on the age-related occupancy condition, the implications of the PAC appeal decision, and the options available to the Committee. Members had also sought additional assessment relating to potential noise and odour impacts and the safety implications of the pond.

The Officer noted that Members had since had the opportunity to review confidential legal advice circulated in advance of the meeting and confirmed that officers had taken that advice fully into account in forming the recommendation.

To assist the planning balance, the applicant had provided further information on several key issues, including economic and housing land supply - comprising extracts from the technical evidence base associated with the recently published draft Local Plan Strategy - clarification relating to the non-industrial fallback position, and the comparative impacts and benefits of the proposed scheme.

Addressing pond safety, the Officer advised that Members had sought further clarification on this matter. She explained that the pond was an established feature of the site, and its inclusion was not considered to materially increase risk beyond that typically associated with residential development located near open water. She also noted that the pond was not unique to this residential scheme, referencing the recently approved SUDs pond within the Rivenwood development in Newtownards as an example of sustainable drainage practice. The proposal was therefore considered acceptable from a safety perspective.

The Officer summarised the key considerations highlighted in the Addendum report, which were central to the assessment of the principle of development. These included:

- The Council's technical evidence associated with the recently published draft Plan Strategy indicating that zoning NS32 was no longer viable for industrial use.
- Evidence showing no shortfall in industrial land supply, with significant headroom even under ambitious economic growth scenarios.
- The site's extant non-industrial permissions.
- The PAC's removal of the functional link between the nursing home and the retirement dwellings, and confirmation that the approved retirement dwellings fell within Use Class C1.

- Officers' acceptance that there was a realistic and lawful fallback position for non-industrial development.
- Market evidence indicating that the proposed housing mix better reflected local housing needs, with the site being less suited to an age-restricted scheme given the limited convenient access to services and facilities.
- Environmental Health's reassessment of the application, raising no objection on noise or odour grounds subject to mitigation secured through conditions.
- The proposal's ecological enhancement measures, including pond restoration to support the local population of smooth newt, a legally protected species.
- The view that the proposal would not set an undesirable precedent, having regard to the unique site-specific circumstances.

In conclusion, the Officer stated that, taking all matters together, Officers considered that the material planning considerations in this case collectively outweighed the policy presumption to retain the land for industrial use. These considerations provided a clear and defensible basis for departure from the Development Plan. Accordingly, the recommendation before Members was to grant planning permission, subject to the conditions set out in the Addendum report.

The Chair invited questions to the Officer and Alderman McAlpine queried access to the site and if that was through the industrial estate. She pointed to what appeared to be a tricky junction and asked what the applicant's proposal was in terms of footpaths.

The Officer advised that the applicant proposed to make upgrades to the junction and there would be a right-hand turning lane for access – a two-metre-wide footway along the front of the site was also proposed and she understood there was a footpath on the opposite side of the road.

Alderman McIlveen queried the timing of the Certificate of Lawfulness for commenced works in relation to the foundations. He asked if the Certificate had been issued after the application had last appeared before the Committee.

The Officer confirmed that the works had commenced before the previous planning permission had expired and she had evidenced this during a site visit as part of her assessment of this application prior to the last meeting.

The Chair invited Tom Stokes (TSA Planning) and Daniel McConkey (Applicant) and William Orbinson KC forward to speak in support of the application.

Mr Stokes explained this was a residential scheme of 29 family dwellings with generous private and public amenity provision, including a restored pond which significantly enhanced the biodiversity value of the area.

The open space was carefully set out around the pond as a central feature, and whilst there had been concern expressed around the safety of this feature, they

wished to allay these concerns. The use of existing ponds and other water features, whilst not commonplace, did feature in some housing developments (for example, Helens Wood, Bangor) and were enjoyed without incident. Given the desire to increase the usage of Sustainable Urban Drainage Systems (SUDs), integrating water features into housing developments was likely to increase, and one such example in recent times within Ards and North Down was the provision of SUDS ponds at Rivenwood.

Mr Stokes referred to an extensive and perhaps somewhat convoluted planning history to this site over many years, which also overlapped the Local Development Plan process with the publication of the Ards and Down Area Plan 2015 (with Draft in 2002 and adoption in 2009).

This had prompted careful consideration and debate before the Committee as to the legal standing of the site and whether granting permission for this proposal would cause the potential loss of employment land (due to the designation of the lands within the Ards and Down Area Plan (ADAP)) and the nature of the extant planning permissions on the site.

It was concluded from these further investigations, since the application was last presented to Committee in March 2025, that the subject lands had extant planning permission for residential development.

The applicant, Jona Developments, purchased the site in January 2021. They purchased the site with the benefit of planning permission. To the applicant, the planning history at the time of purchase demonstrated that the lands had permission for a residential care home (secured through Certificate of Lawfulness confirming the permission had been enacted) and 20no. Class C1 dwelling houses.

The residential care home was granted permission (X/2011/0347/F) in September 2012, three and a half years after the publication of the ADAP 2015, within which the site was zoned as proposed industry. The Certificate of Lawfulness (LA06/2017/1029/LDE) was granted in September 2017 confirming lawful commencement securing the permission.

Application LA06/2018/0589/F was approved in September 2019, and this was described as 20no. 'single storey retirement living dwellings'. Conditions added to this permission included one requiring the nursing home to be operational prior to occupation of the dwellings, and another placing an occupancy condition on the dwellings restricting them to over 55s. The previous owner of the site appealed the condition requiring the nursing home to be operational prior to occupancy but not the actual over 55s condition.

The Commissioner decision 2019/A0149 explicitly stated that 'the proposed dwellings fall under Class C1(a) of the Use Classes Order'.

That was the context and summation of the planning history that was before the applicant at the time of purchase. The site clearly had planning permission for Class C1(a) dwelling houses, which demonstrated that the industrial zoning had already been lost.

This was further reinforced by the implementation of the 20no. dwellings as confirmed through the granting of a certificate under LA06/2025/0312/CLOPUD.

It was also noted that as the Council prepared its Local Development Plan, the housing and employment evidence papers that had informed the Plan process to date had acknowledged that the site did not contribute towards the expected employment allocation. Indeed, the site was illustrated in the Housing Monitor with a yield of 20 dwellings (due to the planning permission on site, which was now extant).

The applicant presented to the Committee a far superior housing proposal across the subject lands, which best met the local housing needs and, as evidenced by Templeton Robinson, there was clear demand for such.

The new layout had been assessed with regard to ensuring that the proposed housing did not conflict with adjacent land uses and that a quality residential environment was achieved.

There were no objections from any consultees.

In closing, Mr Stokes thanked the Committee for its time and asked Members to endorse the Officer recommendation for this £13m investment opportunity that would deliver 29no. family homes for Newtownards.

(Councillor Kerr joined the meeting via Zoom – 7.25pm)

The Chair invited questions to the speakers.

Alderman Graham queried the maintenance arrangements for the pond and open space within the proposed development, and it was advised that a management company would be responsible for this. The speaker argued that the maintenance arrangements and the restoration of the pond had surpassed what had been proposed in the previous approval.

Councillor Cathcart asked how conflict with the operations of neighbouring businesses would be avoided, and it was advised that acoustic boundaries would be installed and the speaker highlighted that the Council's Environmental Health service had raised no objections.

(Mr Stokes, Mr McConkey and Mr Orbinson KC returned to the public gallery).

Alderman Smith proposed, seconded by Councillor Kendall, that the recommendation be adopted and that the Council grants planning permission.

Alderman Smith referred to the planning history of the site and he was satisfied that all of the previous issues surrounding the pond and noise had been resolved. He noted there was no issue in terms of the historic industrial zoning of the site and felt that the applicant's fallback position was also a factor.

The seconder, Councillor Kendall, welcomed what had been a comprehensive response from Officers to the Committee's previous concerns. She felt that there were now only good reasons to approve the recommendation.

Alderman Graham added his support, believing that the Committee's previous objections had not been justified and had only resulted in a waste of time and resources. He welcomed what would now enhance the offering of family housing in Newtownards.

Alderman McIlveen felt that the year-long referral had been worthwhile to resolve many aspects, most notably the restoration of the pond which had been a real positive for the development. He appreciated that some of the concerns related to the previous history of the site and had no reflection on the existing proposal and its current owner. His reservations had been mainly around the proximity to the industrial estate, and his concerns were not just in relation to noise but also difficulties in terms of business development there, noting that future growth and expansion on the site could be met with objection by residents. He felt though that the application was now acceptable and complied with Planning Policy.

RESOLVED, on the proposal of Alderman Smith, seconded by Councillor Kendall, that the recommendation be adopted.

(Alderman McIlveen withdrew from the meeting having declared an interest in Item 4.2 – 7.31pm)

4.2 LA06/2020/0844/F – UPGRADE TO EXISTING FOOTBALL GROUND (Appendix IV)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Ards Peninsula

Committee Interest: Application made by Ards and North Down Borough Council

Proposal: Upgrade to existing football ground to include the replacement of the existing grass pitch with synthetic surface, fencing and floodlighting along with replacement changing pavilion, additional car parking spaces and associated siteworks.

Site Location: Football ground to the rear of No. 8 and 10 New Harbour Road, Portavogie

Recommendation: Grant Planning Permission

Senior Planner (J Hanna) advised that the application was a full application made by the Council with a recommendation for approval.

He advised it also included the widening of the existing vehicular access lane, the partial demolition and making good of the garage at No. 8, the relocation of the vehicular entrance to No. 8, and the construction of new perimeter walls to match those at Nos. 4, 6 and 8 New Harbour Road to provide visibility splays. He confirmed that no objections had been received and statutory consultees had offered no objection to the proposal.

The Officer explained that the site was located on the northern side of New Harbour Road and was accessed between two residential dwellings. There was a small parking area, and a changing room block on the site. The site was bounded by a ball stop fence along with the boundary fence, wall and hedgerows of neighbouring residential properties. The surrounding area was mainly residential in character, although Portavogie Primary School was located to the south-west of the site.

The site was zoned as 'Existing Recreation and Open Space'. PPS 8 – Open Space, Sport and Outdoor Recreation was material to the assessment. As the proposal involved replacing an existing grass football pitch with a new synthetic football pitch, the use remained consistent with the zoning and did not offend Policy OS 1 of PPS 8.

The proposal included the provision of a 3G synthetic pitch with fencing and 6m-high ball stop fencing to the rear of each of the goals. There would be a 4.1m-high spectator stand, a 4.8m-high changing pavilion, eight 20m-high floodlights and associated on-site parking. The proposed 3G pitch would result in a reorientation but would encompass much of the footprint of the existing pitch. The boundaries of the site would be defined by 2m-high mesh fencing and 2m-high timber acoustic fencing, while the boundaries of the pitch would be defined by 1.2m-high mesh fencing with 6m-high ball stop fencing behind both sets of goal posts.

The spectator stand and changing pavilion would be located on the southern portion of the site. The floorplans of the pavilion included changing rooms, an equipment store and a function room. The pavilion building would be located a minimum of 9m from the southern boundary, which would reduce the visual impact from New Harbour Road. The design and massing of both structures were considered appropriate for the location and would not cause an adverse impact on the character or visual amenity of the area.

In relation to the proposed fencing and floodlights, the proposed fencing would not be at odds with what currently existed and would cause no greater visual impact than the current arrangement. In relation to the floodlighting, the proposal included eight 20m-high floodlights.

The current lighting on the site was limited to the southern boundary where there were three floodlights. The proposed lighting would be moved away from this boundary to the side of the pitch. From a visual perspective, the floodlights would not be significant during daylight hours as they were set back from surrounding critical viewpoints, approximately 70m from New Harbour Road, and would be largely obscured by existing built development.

It was acknowledged that the visual impact would be more prominent outside daylight hours when the lights were switched on. However, considering the angle of the lighting, orientated towards the proposed 3G pitch, and the separation from the public road, the visual impact was not considered unacceptable given the use of the site. A time-limiting condition was also recommended by Environmental Health that the site could not be in use after 22:00.

The Officer described the existing access arrangement as extremely narrow and not to standard. The proposal involved widening the existing access to bring it up to standard, which required encroachment into the garden and partial demolition of the outbuilding associated with No. 8 New Harbour Road. The front boundary walls at Nos. 4, 6 and 8 would be realigned, and the vehicular access to No. 8 would be relocated from New Harbour Road onto the proposed laneway to the football pitch.

The relevant third parties had been served notice. DFI Roads had been consulted on the upgrade to the existing access and had offered no objections subject to conditions.

It was confirmed that increased parking would be provided at the site, with the provision meeting the Parking Standards recommendation of 49 spaces. Overall, the proposal was considered to accord with the provisions set out under PPS 3.

Referring to Policy OS 4 and Policy OS 7, those were material particularly in respect of the impact on the amenity of neighbouring residents. The hours of operation would be extended by one hour from the existing time of 6–9pm to 6–10pm, with no proposed changes to weekend use. The site was located in close proximity to houses fronting New Harbour Road (Nos. 6, 8 and 10), as well as Nos. 5–9 Brandon Park, Nos. 12, 14, 16 and 17 Seahaven Avenue, and Nos. 5, 7, 11 and 13 Main Road.

Environmental Health had considered an assessment of noise impact. This assessment demonstrated that the proposed end time would be 1dB greater than the existing end time, which was confirmed as normally not noticeable and of low impact. Environmental Health recommended conditions relating to time restrictions and acoustic barriers.

In relation to the floodlighting, an Evaluation of Obtrusive Lighting on Adjacent Properties had been submitted in support of the application. The submission outlined the impact of vertical illuminance on adjacent residential properties and confirmed compliance with the pre-curfew light intrusion requirements of 10 Lux for an E3 suburban location, as set out in the Institute of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light. Environmental Health had considered the submissions and recommended conditions. Overall, it was considered that the proposal would not have an unacceptable adverse impact on the residential amenity of neighbouring dwellings.

In conclusion, the Officer stated that he was content that the proposal would not have a significant adverse effect, met the relevant policy requirements, and on this basis the application was recommended for approval.

The Chair invited questions to the Officer and Councillor Cathcart, noting that the application dated back to 2020, queried the delays to the scheme and if they related to the wastewater capacity issues. The Officer referred to various issues including sewage treatment and the access, which were the subject of repeated requests for further information by the statutory consultees.

Councillor Kerr proposed, seconded by Councillor Cathcart, that the recommendation be adopted and the Council grants planning permission.

Councillor Kerr welcomed the community benefits of the scheme while Councillor Cathcart believed that the lack of objections had illustrated the high level of need for the upgraded facility, noting that such developments usually attracted objections to floodlighting, for example. He also recognised the work of his colleague Alderman Adair in championing the project.

RESOLVED, on the proposal of Councillor Kerr, seconded by Councillor Cathcart, that the recommendation be adopted.

(Alderman McIlveen returned to the meeting – 7.41pm)

4.3 LA06/2025/0992/F – 12NO. DWELLINGS (CHANGE OF HOUSE TYPE E FROM APPROVAL W/2003/1085/F)

(Appendix V)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: Six or more objections contrary to the officer's recommendation had been received.

Proposal: 12 No. Dwellings (Change of house type E from approval W/2003/1085/F)

Site Location: Site approximately 75m North of 62 Green Road, Conlig

Recommendation: Grant Planning Permission

Senior Planner (J Hanna) explained that the application had been recommended for approval and was being presented to committee as six or more objections contrary to the officer's recommendation had been received.

He advised that the site was on the northern side of Green Road and was located within the settlement limit and housing designation BR05/13 as identified in Draft BMAP.

Development of the wider site was already underway through the implementation of the 2003 permission, with the extent of this approved site clearly established. The principle of residential development was therefore already established through the previous permission and could not be revisited in the consideration of this application for a proposed change of house type.

The Officer referred to the approved and proposed site layout plans, noting that the siting of the dwellings, their curtilages and the location of parking remained the same.

Photographs taken by the case officer during the site inspection showed construction underway within the wider development, and a number of these dwellings were now occupied.

The Officer confirmed that a detailed landscaping scheme had been submitted with the application, showing proposed landscaping in the same locations as the original approval. He outlined the approved and proposed elevations of the dwellings, explaining that the proposed changes to design were considered to be minor. The main differences included:

- A slight realignment of the rear wall
- Removal of chimneys
- Removal of entrance canopies
- Removal of the first-floor ensuite window
- Removal of exposed truss design
- An increase in ridge height of the middle section of the roof by 0.9m

The Officer advised that Planning Service was content that the proposed development would continue to meet all the requirements of Planning Policy Statement 7: Quality Residential Environments, respecting the surrounding context and resulting in no unacceptable adverse impact on existing properties.

A total of 10 letters of objection and one petition of objection with 20 signatures had been received in relation to the application. The main issues raised included:

- Loss of privacy
- Impact on water supply
- Density of development
- Road safety

The Officer confirmed that all of these matters had been considered in detail in the planning report.

In summary, he recommended that planning permission should be granted for this change of house type application, subject to the conditions set out in the planning report.

The Chair invited questions to the Officer.

Councillor Cathcart objected to the recommendation noting that it was based on a 23-year-old planning approval and did not recognise significant changes to the roads network and surrounding development. In light of that, he asked why the roads and traffic impacts had not been reviewed after more than two decades. He also sought clarity on what works had considered to have commenced on the site following the 2003 approval.

The Head of Planning and Building Control clarified that the site had been zoned for housing in the extant North Down and Ards Area Plan and that had been reflected in the draft BMAP (as a committed site).

She explained that development had commenced and pointed to a substantial number of dwellings that had been constructed. She clarified that under Planning law, commencement required more than minor works – all pre-commencement

conditions must have been discharged and works materially related to the approved scheme must have begun.

She added that the development plan process was subject to consultation with statutory bodies such as DFI Roads and NI Water who had been content with the previous layout and impact on the networks. As this application only related to a change of house type there was no requirement for consultation with DFI Roads, and the developer retained the right to implement the extant permission irrespective of the current roads network.

Alderman Smith proposed, seconded by Councillor Morgan, that the recommendation be adopted, that the Council grants planning permission.

Alderman Smith felt that the argument for approval had been well made and noted that there were only limited changes to the original plan.

The Chair sought agreement and Councillor Cathcart indicated he wished to be recorded as against the decision to approve planning permission.

RESOLVED, on the proposal of Alderman Smith, seconded by Councillor Morgan, that the recommendation be adopted.

4.4 LA06/2024/0222/F – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2NO. DWELLINGS AND 1 NO. DETACHED GARAGE

(Appendix VI – VIII)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Holywood & Clandeboye

Committee Interest: a local development application attracting six or more separate individual objections which were contrary to officers' recommendation.

Proposal: Demolition of existing dwelling and erection of 2 no. dwellings and 1 no. detached garage.

Site Location: 31 Old Cultra Road, Holywood

Recommendation: Grant Planning Permission

Principal Planner (G Kerr) outlined the case officer's report, advising that a previous application for this site had been presented at the Planning Committee meeting of 5 December 2023. The recommendation to grant planning permission had been overturned by Members, the reasoning being that the proposal would affect a yet-to-be-built house extension adjacent to the site. There had been one refusal reason which related to overshadowing and loss of light.

Slides displayed of the previous application had shown the site layout and elevations of the two dwellings that had been overturned by Planning Committee.

The adjacent dwelling at 30a Cultra Avenue had been granted planning permission for demolition of rear and side returns to accommodate a two-storey extension to the side, and single-storey extensions to the front and rear. This had been approved on

14 December 2021 but had not been built out when the previous application, which had been refused, was presented in December 2023. The extension had since been constructed.

The application now before Members had originally been submitted as 2no. two-storey dwellings, one to replace the existing dwelling on site and one on the rear portion of the application site. The proposed site layout had been amended during processing to 2no. single-storey dwellings, one with an integral garage and one with a detached garage.

The crucial difference between the previous application and the current proposal was that both dwellings were now single storey, significantly reducing any adverse impact on neighbouring dwellings.

This was reflected in the number of objections received: 19 objections from nine addresses, but only two objections from two addresses had been received following the amendment to single-storey units. All objections had been considered in the Case Officer Report and addendum.

The site lay within the settlement limit where residential development was acceptable in principle in conjunction with compliance with regional policies and other material considerations.

The site consisted of an existing two-storey, pitched-roof detached dwelling finished in brick and painted render with a conservatory and sunroom to the rear. The topography of the site sloped slightly upward towards the rear boundary.

Vehicular access had been from Old Cultra Road via a curved gravel driveway leading to a parking area directly in front of the dwelling, with a further access at the south-east corner via a private lane from Cultra Avenue.

Garden areas were laid out in lawn to the front and rear with several mature trees, particularly in the front garden.

The site was a mature plot with strong boundaries. The rear boundary was denoted by a stone wall approximately 2 metres high, and mature vegetation and rendered walls formed the other boundaries. The site was not visible from Old Cultra Road.

The wider area was residential in nature with various house types in mature plots with off-road parking.

The North Down and Ards Area Plan 1984 - 1995 was the current statutory plan for the area, however the draft BMAP Plan 2015 remained a material consideration. The site was located within the settlement limits of Holywood and lay in the proposed Marino, Cultra and Craigavad Area of Townscape Character as identified in draft BMAP.

The proposed demolition of the existing dwelling in the proposed ATC did not conflict with policy. The existing dwelling, which sat back and was screened from views on

Cultra Avenue by existing vegetation, had no particular design merits and did not make a material contribution to the distinctive character of the area.

The proposal sought to subdivide the existing large plot with a proposed replacement dwelling on the position of the existing house, retaining access onto Old Cultra Road, and a second dwelling to the rear accessed off Cultra Avenue.

House A, the proposed replacement dwelling, had originally been submitted as two storeys but had been reduced to single storey and was to be sited on the approximate footprint of the original dwelling, which was well set back from Old Cultra Road.

The design was appropriate to the existing character of the area and was in line with the design requirements set out in Policy QD1 of PPS 7 'Quality Residential Environments'. The style was traditional, including features such as chimney stacks and pots, quoins, pitched roof, veranda and dormers. High-quality materials were proposed, including natural slate for the roof and ridge tiles, random coursed stone to external walls with select clay brick and clay chimney pots.

House A did not cause any conflict with adjacent land uses and did not result in overlooking, overshadowing or loss of natural light to neighbouring dwellings given the single-storey height. The previous design for House Type A had been two storey and had been amended to single storey for this application.

House B and its garage were situated at the rear of the site, accessed via a separate lane from Cultra Avenue to the northeast, with a hedge between House A and House B. House B was also single storey and more modest in scale than House A. It was to be located 4.3 metres from the rear of the site. With a 2-metre-high stone wall along this boundary, it was considered that there would be no unacceptable impact on properties along Orchard Way to the rear.

As with House A, the style was traditional with period details incorporated. It had a pitched roof with twin gables at the front, chimney stacks and pots, and a fanlight over the main doorway. High-quality materials were proposed, including natural slate for the roof, rendered off-white walls, and hardwood sliding sash windows painted white. A single-storey detached garage was proposed adjacent to the front side boundary.

With the proposal being single storey, combined with existing site boundaries and separation distances between proposed and existing dwellings, there would be no adverse impacts. There was no loss of light to neighbouring properties, and the proposal met the light test.

Extensive mature landscaping, particularly within the front garden of House A, would soften the visual impact of the proposal.

The proposed replacement and additional dwelling would sit comfortably within the existing built form and would not detract from the overall character and appearance of the immediate or surrounding area.

Concerns had been raised in objections regarding the use of the existing lane onto Cultra Avenue. DfI Roads had offered no objection subject to conditions for visibility splays and sightlines to be put in place prior to commencement of development.

Despite the previous application being overturned, no refusal reason relating to access had been included, and the access was the same as previously proposed.

Given the overall assessment of the proposal, it was the Officer's professional planning view that the proposed development was acceptable and grant of planning permission was recommended.

The Chair invited questions to the Officer and Councillor Kendall queried the desktop-based survey in relation to protected mammals and asked how that had been sufficient. The Officer advised that this assessment had also included Officer site visits.

The Chair invited Mike Crowe, speaking in opposition to the application, to address the Committee.

Mr Crowe stated that access to his house, and his neighbour's at 30A, was via a private laneway which served the two houses. The said accesses were very much historic.

The structure of the old Coach House at 30A, dating back some 286 years, had been retained, totally refurbished and extended.

The proposal, to permit an infill site to the rear of 31 Old Cultra Road, had already been refused on three separate occasions. After the first refusal, the decision was taken to the Planning Appeals Commission where the decision to refuse was upheld. The Planning Appeals Commissioner deemed the rear infill site to be contrived.

Furthermore, the proposal to split the application site in two, in itself, gave rise to a double breach of Planning Policy, as neither of the two resultant sites met the minimum 1-acre plot size as stipulated in the Area Plan – site B didn't even measure up to one third of the designated plot size.

In the Case Officer's Report, it was stated that 'the principle of a dwelling using the laneway access was previously accepted, as the only reason for refusal was in relation to the impact on amenity.' He stated that this was a totally misleading statement, as during the last hearing (before Planning Committee) very considerable concern was expressed over access along the lane due to lack of sight splays – the photo submitted in his written objection in December past clearly exemplified the historic danger with exiting from his property. The same danger would have arisen at 30A if vehicles were to exit, without proper sight splays, from the proposed contrived site.

He stated that Alderman Graham had expressed uneasiness that there was a shortfall in the drafting of the Planning Legislation allowing both DFI Roads (the recognised authority on road safety) and the Planning Department to totally disregard any and all safety concerns over the proposed access onto the narrow

private laneway, refusing to make any comment or decision, thereby exonerating them from any accountability down the line should there have been any accidents or injuries.

Yet he recalled, Alderman Graham had noted that it was now being left to the Council Members to make that very decision and adjudicate as to what was safe and what was not, and this troubled him in terms of where accountability would lie.

DFI Roads would not have approved a new residential access onto a public road without strict sight splays being provided on safety grounds, so it begged one to ask the question – if, because lands were in private ownership, as with their private laneway, did these very same risks and dangers just disappear into thin air. He contended that the risks were, if anything, further compounded by the fact that there were numerous young children and grandchildren that played on the open forecourts of both 30A and 30B.

As pointed out in previous written objections and also noted in the Case Officer's Report, there were 3 no. sets of gates along the private laneway. The proposed new access to site B located at the end of the lane was simply not practical. Access disruption to the current owners would have been totally unacceptable from a congestion and safety perspective both during construction and further down the line.

There had been 19 letters of objection reflecting the strength of feeling in the matter. No exceptional circumstances had materialised to warrant overturning the three previous refusals. Site B remained a contrived site and the proposed access was not safe.

In closing, Mr Crowe urged the Committee to refuse planning permission.

The Chair invited questions to the speaker and Councillor Smart queried Mr Crowe's safety concerns in relation to the laneway and Cultra Avenue in relation to sight splays. He also asked how many properties accessed the lane and Mr Crowe explained that DFI Roads did not address safety on private roads. In relation to ownership of the lane, Mr Crowe referred to a three-part ownership which included a right of way agreement obtained by the owner of the application site with a former property owner at No 30a.

Councillor Hennessy appreciated the concerns raised by Mr Crowe but had noted that the reasons for the previous refusal at the site was due to potential overshadowing and loss of light. He put that to the speaker and Mr Crowe recalled previous concerns raised by Members at that meeting around the lack of sight splays on to the laneway. He confirmed in a follow up query from Councillor Hennessy, that he was no longer concerned about overshadowing, but his primary concern was due to the lack of sight splays which was a safety issue that DFI Roads would not address.

(Mr Crowe returned to the public gallery).

Stewart Beattie KC and David Donaldson (Donaldson Planning), speaking in support of the application, were invited to address the Committee.

Mr Beattie KC explained that he intended to address two main points. The first concerned the Committee's single reason for refusal which had two subpoints: overshadowing and the loss of sunlight.

He explained that he was usually involved at the planning appeal stage after a decision to approve was overturned. In this instance the applicant had not followed that route and had instead chosen to address the Committee's reasons for refusal directly, making substantial changes such as moving the proposed building, reducing it to single storey and removing any possibility – acknowledged by Mr Crowe – of overshadowing or loss of light. He described this approach as different from his usual presentations and suggested it indicated that the applicant had properly considered the Committee's prior concerns.

Mr Beattie KC added that various points raised, specifically regarding plot size, had already been addressed and had not formed part of the prior reasons for refusal. He stated that plot size was no longer included in draft BMAP and recalled that in 2017, the Planning Committee granted permission on the lane for a plot smaller than the current proposal, and he believed that meant there was no issue with the proposed plot size.

Referring to roads and access, Mr Beattie KC highlighted the importance of treating all developers and applicants consistently and referred to the Committee's discussion over the previous application, noting that although there had been concerns about traffic, the Committee's stated reason for refusal pertained to design, overshadowing, and sunlight issues. He argued that consistency was a legal requirement and that there had been no material change regarding the access points. He added that the application site was lawfully permitted for vehicular access.

Referencing comments by Officers in relation to a fallback position in an earlier application, he stated that the same principle applied in this application. There was nothing to prevent the current site occupier from parking a car to the rear and using the access, and he believed this was a legally significant issue that deserved considerable weight.

Mr Beattie KC argued in response to the claim that there was a gap in legislation, in his experience, DFI Roads were never reluctant to raise concerns about safety, and this also applied to planning officers. He noted that Officers would have considered such concerns twice in relation to access at the application site.

He argued that the access and sight splays were safe and the users were familiar with the lane and its width, and that it had posed no difficulties for anyone since the construction of any of the houses.

The Committee had given careful consideration over the last application for the site and there was no material change in that regard.

In closing, Mr Beattie KC argued that there was now no impediment to granting planning permission as the sole reason for refusal had been comprehensively addressed.

The Chair invited questions to Mr Beattie KC and Mr Donaldson and Alderman Smith asked for further details around the planning history of the area in terms of the properties that accessed the private lane.

Mr Donaldson advised that the lane had originally served a single dwelling, No 30A, which had been granted permission for a significant flat roof extension which fronted the lane. This had been approved despite the previous application for a dwelling on the applicant's site already being in the planning system, and the occupants of No 30A had been aware of that.

He explained that Mr Crowe's property had been approved in 2017 and as a result two dwellings were now served by the lane. He added that at the time of both of those approvals, the applicant had access to the lane and there was clear knowledge from 2021 that the applicant's site was intended for two additional dwellings.

He added that the lane also served the rear of No 31 whose owners could decide to use it and build a garage at any time if they wished. He argued that it was clear how the lane had developed over time and that the applicant had addressed all issues identified by the Planning Service which was reflected in the existing application.

Councillor Morgan queried the distance of the lane, and it was estimated to be 70 metres in total. Alderman McAlpine asked who was responsible for maintaining the lane and asked for confirmation that the application property had a right of way to use the lane to access the public road. It was confirmed that the applicant had a right of way and that was separate from any planning matter and it was the responsibility of all of the owners to maintain the lane.

(Mr Beattie KC and Mr Donaldson returned to the public gallery).

The Chair invited questions to the Officer and Alderman Graham noted the arguments by the objector in relation to road safety on the private lane and he asked if safety on private roads was a material planning consideration. The officer advised that it was not and explained that this was a single laneway and the owners were aware of the conditions and had to be responsible for their safety.

Councillor Smart queried the PAC ruling that was referred to by Mr Crowe and the Officer advised that while it was noted in the planning history, it was a matter that had fallen under a different policy context of BMAP, but the application before the Committee complied with existing policy.

Councillor Kendall sought clarity around townscape density considerations and noted in the report that the Council was not required to 'slavishly' comply with the relevant policy. She recalled a similar application regarding an infill site that the Committee had debated extensively, and she wondered if it was being consistent in its approach to this application by not strictly following that policy.

The Officer urged caution on the use of the term 'infill site' because that was associated with PPS21 under a different policy context. This was an ATC and ATCs needed to be considered as a whole. She returned to a slide which showed varying density of the wider area. This site had a density of 4 dwellings per hectare, but surrounding areas had a density of 5.5 dwellings per hectare. She explained that this was a visual harm test and the site was not visible from the public road so had been deemed acceptable.

The Chair queried Mr Beattie's assertion that plot size had fallen out of BMAP and could almost be put aside completely.

The Officer explained that the material consideration would be in relation to the North Down and Ards Area Plan and that it stated that it was not a requirement to slavishly follow the policy.

The Chair asked if the Committee was bound by its approach to the previous application, noting that the Committee's objection had only been in relation to one single matter which the applicant had now addressed.

The Officer advised that, as a fresh application, this should be considered on its own merits but urged extreme caution, warning that it would be remiss of the Committee not to take into account previous planning history and the reasons for refusal in December 2023. She highlighted that there was no change in terms of access and plot size but the application had been significantly amended to single storeys.

Alderman Smith proposed, seconded by Alderman McIlveen, that the recommendation be adopted, that planning permission be granted.

Alderman Smith was content that the issues from the previous application had been dealt with. The size had been reduced significantly and there was no impact on the character of the area. The only issue that had been raised was around access and it was clear that the applicant had a right to use the lane. He recognised that neighbours had concerns, but he felt that the Planning Committee had no choice but to support the recommendation.

Taking a similar view, Alderman McIlveen acknowledged that some matters raised by Mr Crowe had been discussed in relation to the previous application but, significantly, those were not reasons for refusal. In terms of this application, he felt it dealt with a lot of the issues that had been raised previously and he could not see how the Committee could turn down the application.

Alderman Graham was not happy with the situation on the laneway but accepted the professional opinion of the Officer and acknowledged the applicant's genuine attempt to address the overlooking issues by lowering the height of the development.

Councillor Kendall felt it was a difficult decision because she was unhappy with the subdivision of the site and those types of approvals were in danger of setting a precedent. She recognised however that the applicant had taken into account the previous decision and made significant changes. While she did not like the plan, she

felt there was no reason in terms of planning policy for the Committee to refuse planning permission.

The Chair indicated that he was abstaining from the decision.

RESOLVED, on the proposal of Alderman Smith, seconded by Alderman McIlveen, that the recommendation be adopted.

(Councillor Harbinson withdrew from the meeting having declared an interest in Item 4.5 – 8.33pm)

4.5 LA06/2025/0405/F - RETROSPECTIVE CHANGE OF USE FROM BOOKMAKERS TO HOT FOOD UNIT

(Appendix IX – X)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Comber

Committee Interest: Additional objections received since appearing on the list, along with works ongoing.

Proposal: Change of use from bookmakers to hot food unit.

Site Location: 61 Castle Street, Comber, BT23 5DY

Recommendation: Grant Planning Permission

The Principal Planner (G Kerr) outlined the Case Officer's Report, advising that as the application related to a change of use from a bookmakers to a hot food carry-out premises, it was noted that under legislation this was known as being "Sui Generis", which was a land use not falling into any particular use class in the Planning (Use Classes) Order.

Members were advised that the application had originally appeared on the delegated list for the week commencing 24 November 2025 and, as a result of additional objections received since appearing on the list, along with works ongoing, it had been required to be presented before Members of the Planning Committee.

Development had been ongoing on the site with a takeaway (Domino's Pizza) now operational; therefore, the application was considered to be retrospective development.

Updated plans had been submitted along with an updated description to reflect the changes as detailed in the Addendum to the Case Officer Report. The description now read:

Retrospective change of use from bookmakers to hot food unit. Proposal includes retrospective installation of extraction vent to rear, alterations to the front and rear elevations and increase in ridge height of rear return.

The site had formerly consisted of a bookmaker in the town centre as designated in the local area plan.

Being located in a town centre, there was a mixture of uses, mainly commercial, retail, hot food bars and residential dwellings.

With regard to the principle of use in town centres, the SPPS acknowledged that it was important that planning supported the role of town centres and contributed to their success. The aim of the SPPS was to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first-choice location for retailing and other complementary functions.

The proposed hot food unit was considered a main town centre use and therefore complied with the strategic objective of a town centre first approach.

Given the commercial setting of Comber and the continued source of employment, it was considered that the proposal would be a positive addition to the site. It was also considered that there was no material change to the local character as a result of the development.

The rear return extension as built measured 3.6m in height. The original proposed height for this rear return had been 3m. The finished materials of the proposed rear return differed from the original, which had been render, to now grey steel cladding. The changes described were considered minor in nature and did not deviate significantly from the proposal as originally assessed.

A small extraction vent was positioned to the rear. This had been reduced from two larger aluminium vents originally proposed, which had been considered highly visible given the corner site. While Environmental Health had requested the vent, discussion between the consultee and applicant had resulted in a more aesthetically pleasing vent being submitted for consideration.

The development as built was then described.

Given the presence of residential properties in the vicinity, full consideration had been given to any potential impacts, particularly in relation to odours, noise and traffic.

There was an extraction flue to the rear of the building. A Noise Impact Assessment had been carried out and submitted with the application and assessed by Environmental Health, which confirmed it was content that no unacceptable noise impact would occur as a result of the proposed extraction system.

An Odour Impact Assessment had also been submitted. Environmental Health considered this along with the proposals for the odour abatement system and was content that there would be no adverse impact on the amenity of surrounding residential properties, subject to recommended mitigation measures secured by planning conditions.

Consideration had also been given to the context of a town centre location with two existing hot food units within close proximity (Happy Valley Chinese takeaway and Express Pizza), both open in the evenings. The footfall and traffic associated with the

proposed hot food unit at this location would not result in any significantly greater impact on existing residential properties by way of noise or disturbance.

To ensure that residential properties would not be disturbed late at night, Environmental Health recommended a condition restricting opening hours for customers to 10:00–23:00, with the premises open between 23:00–00:00 for deliveries only.

Given the separation distances between the unit and the nearest residential properties, along with the mitigation measures detailed, it was considered that there would be no unacceptable impact on existing residential properties by way of odour or fumes.

The property, last used as a bookmaker, had no vehicular access from the public road and no in-curtilage parking. This remained unchanged for the proposed hot food unit.

The takeaway unit would continue to rely primarily on on-street parking provision. There were parking restrictions immediately adjacent to the site around the Castle Street/Castle Lane junction, with on-street parking available within reasonable walking distance further along Castle Lane, Castle Street and Mill Street.

Existing hot food takeaways already operated along Castle Street, with customers using short-term parking provision along this stretch. While anticipated to be busy at peak times such as weekends, the nature of hot food takeaways was such that any on-street parking would be very short term, ensuring a fast turnaround of available spaces.

Taking all material factors into account, including the town centre location where it was commonplace for established businesses to have no dedicated in-curtilage parking, it was considered that the proposed use would not result in a significantly greater impact on parking than the last lawful use. The proposal therefore met the requirements of policy AMP7 of PPS3.

Objections to the development had been fully considered in the Case Officer's Report and Addendum.

The recommendation was to grant retrospective planning permission.

The Chair invited Michael Worthington (Pragma Planning) and Stephen O'Connell (Domino's Pizza) speaking in support of the application, to address the Committee.

At the outset, Mr Worthington advised that the owner of the property, Mr Brannigan, had been overseas and unable to attend.

The building had been vacant for several years before being purchased by Mr Brannigan in the summer of 2025. He had marketed the property for approximately three months through a local estate agent, during which time the predominant interest in the building had come from hot food users.

Following the letting of the property to Domino's, a £150,000 investment had been undertaken to refurbish the building to a modern standard, followed by a further £250,000 to fit the unit out as a Domino's Pizza outlet. Local contractors had been employed to undertake the work, providing approximately 12 full-time jobs over a construction period of around four months. Domino's had then invested a further £300,000 in additional works to the unit and in erecting signage.

Mr O'Connell explained that Domino's Pizza had been operating in Northern Ireland for over 30 years, since opening its first store on Lisburn Road, Belfast. The Comber store represented the 49th store and the 5th in Ards and North Down. It employed local people at all levels, including 9 full-time and 14 part-time roles, covering drivers, sales staff, chefs and store managers.

There was no dine-in facility, and the proposal was for takeaway only. Since opening, delivery sales had accounted for around 60% of total sales, with carryout sales at 40%. Customer footfall through the shop had been low. Of all sales, 87% had been placed online through the App, 12.78% by phone, and approximately 0.22% by walk-in without prior order.

The store had not generated significant customer footfall or traffic. To date, there had been no complaints from neighbours, no parking violations or tickets issued, and no police reports of road traffic incidents. Although not a planning matter, it was noted for clarity that Building Control had reviewed and approved both the landlord's and tenant's shop-fit plans. Domino's had remained committed to enterprise, job creation, charitable support and inward investment in Ards and North Down, with franchisees operating stores to the highest standards. The company had been a charity partner of Northern Ireland Children's Hospice since October 2011 through the Pennies electronic charity box system and had also supported North Down Cricket Club in Comber.

Mr Worthington added that Planning officers had carried out a thorough assessment of the proposal, considering all relevant policy and all objections received, and had found those objections to be baseless.

Conditions had been proposed to control opening hours, noise and odour. Any breach could be investigated and, if necessary, enforced by the Council, ensuring appropriate control measures were in place within the Council's jurisdiction.

The Committee was asked to accept the Planning Service's recommendation to grant planning permission.

The Chair invited questions from Members and Councillor Kendall queried the proposed parking arrangements for delivery drivers. It was advised that there were a yard and a laneway to rear, parking facilities were also available on Castle Street. There was a high turnover rate of vehicles as delivery drivers had no interest in hanging around the shop.

(Mr Worthington and Mr O'Connell returned to the public gallery)

Alderman Smith proposed, seconded by Councillor Morgan, that the recommendation be adopted, that the Council grants planning permission.

Alderman Smith felt that the changes were minor in nature and his only concern was in relation to the nearby Castle Lane junction and the impacts on that, but he noted there were double yellow lines.

Councillor Morgan recognised the concerns around parking in what was a narrow street but overall, she felt this would be a positive addition to Comber.

RESOLVED, on the proposal of Alderman Smith, seconded by Councillor Morgan, that the recommendation be adopted.

(Councillor Harbinson returned to the meeting – 8.47pm)

(Councillor Kerr withdrew from the meeting – 8.47pm)

4.6 ITEM WITHDRAWN FROM SCHEDULE

5. REPORT ON THE SECOND REVIEW OF THE IMPLEMENTATION OF THE PLANNING ACT

(Appendix XI – XIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that further to a report brought to the Committee on 03 March, this report was to advise Members of the proposed response to the Department's Second Review of the Planning Act.

Members would recall that a first review of the Implementation of the Planning Act was undertaken by the Department for Infrastructure in 2021 with its Report being published in 2022. A copy of that report was attached for ease of reference.

The Department was now preparing for its Second Review and the Chief Planner clarified in her letter of 04 February 2026 that there was no requirement to reiterate issues identified in responses to the First Review.

Detail

The purpose of this review was to ensure continued oversight of the legislative framework underpinning the two-tier planning system, and to assess whether it remained appropriate and fit for purpose going forward in accordance with the associated Review Regulations.

Dfl stated that, given the Councils' role in the implementation of much of the Act and associated subordinate legislation, it would welcome the Council's assessment as to whether it would be appropriate to, amend or repeal any of the existing provisions, supported if possible, with additional information and/or evidence where available, including operational experience.

The Department was seeking to build upon its existing body of evidence to assist the review, with a focus on supplementing that response to the 2021 Call for Evidence associated with the first Review. Therefore, the focus of this second review was to bring forward any additional comments the Council wishes to make.

Those elements that continued to be progressed via the outworkings of the NI Audit Report and Public Accounts Committee Report (Feb and March 2022 respectively) and/or within the Regional Planning Improvement Programme, were identified accordingly.

Matters were discussed amongst Heads of Planning and it was determined that any major issues of concern had been, or were in the process of being, addressed; however, it was determined appropriate to seek updates in relation to items whereby the Department had previously advised of no proposed action to be taken, but where the matter was to remain under review, alongside other elements of continued concern. Those elements were detailed overleaf.

It was the intention to therefore respond in this manner to DFI.

RECOMMENDED that the Council Approves the approach as set out above and as set out overleaf.

Alderman McIlveen indicated that he wished to make an alternative proposal as follows:

That the recommendation be adopted with the following amendment:

That in relation to Part 5 Committee suggests that the Department also considers the introduction of provisions similar to that contained in s124 of the Localism Act 2011 and that consideration is also given to enhancing enforcement by making the breach of planning control a criminal offence prosecuted summarily with a reverse burden of proof similar to that introduced in the Republic of Ireland.

This was seconded by Alderman Smith.

Speaking to his proposal, Alderman McIlveen praised the response, particularly the inclusion of a 10-year limit. It was a particular point of frustration for him, and he felt it would be useful to look at the practice in other jurisdictions in terms of improving parts of the planning system.

Enforcement was an area where he felt the Planning Service lacked sufficient powers and he noted that England had seen the introduction of Section 124 of the Localism Act 2011 which dealt with concealments of change of use. This had resulted from a famous case of a man who had hidden his house behind a haystack.

While he recognised that piece of legislation might not be introduced here, he felt it would be a useful tool.

Alderman McIlveen made a further point around enforcement, pointing to legislation used in the Republic of Ireland which made certain breaches of planning criminal

matters. This eased time and resources by reversing the burden of proof, requiring the accused party to prove that they had not breached planning regulations rather than planning authorities having to prove they had. He understood this approach had operated effectively in the Republic of Ireland for several years and if the Department chose to adopt it here, he felt it would bolster enforcement powers.

The seconder, Alderman Smith, welcomed the proposal, recognising that it could strengthen the Planning Department's enforcement capabilities. Referring to the wider policy, he noted the stated objective in the first review was to create a planning system that was quicker, clearer and more accessible, and noted that this had not been achieved over the five years and questioned if it would ever be achieved, though he appreciated the optimism. He stressed the importance of simplifying the system and making it easier for applicants to navigate as well as encouraging economic development.

Continuing, Alderman Smith welcomed the remarks regarding the Local Economic Development Plan, whilst believing that it was overdue and could potentially be strengthened.

Whilst expressing overall support, he was amused that the document had been issued by DFI, noting that the DFI was viewed as the main barrier, particularly in relation to water and roads infrastructure.

AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Alderman Smith, that the recommendation be adopted with the following amendment:

That in relation to Part 5 Committee suggests that the Department also considers the introduction of provisions similar to that contained in s124 of the Localism Act 2011 and that consideration is also given to enhancing enforcement by making the breach of planning control a criminal offence prosecuted summarily with a reverse burden of proof similar to that introduced in the Republic of Ireland.

6. REQUEST FOR MONIES FOR EMERGENCY REPAIRS TO PROPERTY IN MILLISLE

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing officers had been made aware of a building located at 59 Main Street, Millisle, whereby the roof slates present a danger to members of the public using a portion of the Main Street footpath.

Key Issues

Roof slates were missing, and there were a number of dislodged slates. When open to the elements, in this situation, the roof continued to present a danger to those using the footpath.

While efforts continued to locate an owner to take responsibility for removal of the danger, initial efforts were not yielding success.

Consideration

Officers sought approval of Council for expenditure up to £3,000 to carry out works in this emergency situation should the owner not be found or should they default in making suitable arrangements to remove the danger.

It would be the intention of Officers to place a charge against the building for the full cost, should it be necessary to carry out these emergency repairs.

RECOMMENDED that Council Approves emergency works up to £3,000 for this property.

AGREED TO RECOMMEND, on the proposal of Councillor Harbinson, seconded by Alderman McIlveen, that the recommendation be adopted.

7. PLANNING APPEALS UPDATE

(Appendix XIV – XV)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailed as follows:-

Appeal Decisions

- 1. The following appeal decision was issued on 6 March 2026, whereby the terms of the Enforcement Notice were varied.

PAC Ref	2025/E0044
Council Ref	LA06/2020/0227/CA
Appellant	Richard Cusick
Subject of Appeal	Alleged: Unauthorised building Unauthorised sale, storage and distribution use known as Maintech Solutions
Location	Land at 16a Cardy Road, Greyabbey

The Council served an Enforcement Notice (EN) on 31 July 2025.

The appeal was brought on Grounds (a), (d), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). There was a deemed planning application by virtue of Section 145(5).

The Appellant had submitted an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) on 11 July 2025 which sought to regularise the use of the land and three sheds (that appear as one building) but wasn't determined by the time of service of the EN due to lack of sufficient evidence.

The CLEUD was issued in November 2025 to state that the 'Use of building and yard area as an engineering business, including importation, storage and distribution' was lawful, but did not extend to a fourth building included within the certified yard. The operation development and use therein remained unauthorised.

In considering the ground (a) appeal for the fourth building, the Commissioner considered that the building increased the floorspace of the engineering business, thereby its capacity for storage on site and a greater number of vehicular movements, and as such a satisfactory means of access was required and the standard of sight splays sought by the Council and DFI were necessary. As such it was found that the appeal proposal offended Policy PED 9 of PPS 4 and concerns in respect of road safety were upheld and the deemed application refused.

The Notice was varied in respect of the removal of the elements certified as lawful, and the time to comply with removal of the shed extended.

2. The following appeal was upheld on 25 February 2026.

PAC Ref	2025/L0004
Council Ref	LA06/2025/0189/CLOPUD
Appellant	Alannah Savage
Subject of Appeal	Proof of commencement of works for dwelling - X/2008/0101/RM
Location	140m South of 10 Loughdoo Road, Kircubbin

The Council had refused to certify that works undertaken on site proved commencement of the development of a dwelling approved under X/2004/0446/O and X/2008/0101/RM within the requisite time frame.

The Council had considered that the access had not been constructed within the timeframe of the permission and that there was insufficient evidence to show that foundations had been poured within the timeframe, and that they were in a different location than the approval.

The Commissioner considered that given the original outline had been conditioned for the dwelling to be erected within a specific area, the fact that the location of the foundations were not exactly in alignment with the approved plans (but within the prescribed area) was not significant given the distance back from the road, and the dip in the landscape, this would be a non-material change to the reserved matters, and thus certified the works as lawful.

New Appeals

3. The following appeal was lodged on 27 February 2026:

PAC Ref	2025/E0075
Council Ref	LA06/2022/0134/CA
Appellant	Denis Crawford
Subject of Appeal	Alleged : i. Unauthorised erection of a building used as a dwelling unit; ii. Unauthorised laying of area of hardstanding; iii. Unauthorised erection of an oil tank

Location	Land adj to 2d Tullymally Road, Portaferry
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4. The following appeal was lodged on 26 February 2026:

PAC Ref	2025/A0132
Council Ref	LA06/2024/0058/F
Appellant	Glenn McDowell
Subject of Appeal	Refusal of planning permission for two storey dwelling with attached garage
Location	Site between 45 Ballyhay Road and 11 New Line, Donaghadee

Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDED that Council Notes this report and attachments.

AGREED TO RECOMMEND, on the proposal of Alderman Smith, seconded by Alderman Graham, that the recommendation be adopted.

8. QUARTERLY UPDATE ON TREE PRESERVATION ORDERS AND WORKS REQUESTS
(Appendix XVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that this report represented the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees.

The table attached set out the figures from the date of the last report to Committee, 3 February 2026, and brought this report back in line with quarterly reporting.

RECOMMENDED that Council notes the content of this report.

AGREED TO RECOMMEND, on the proposal of Councillor Kendall, seconded by Alderman Smith, that the recommendation be adopted.

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman McIlveen, seconded by Councillor Morgan, that the public/press be excluded during the discussion of the undernoted item of confidential business.

9. QUARTERLY UPDATE ON ENFORCEMENT PROCEEDINGS
(Appendix XVII)

****IN CONFIDENCE****

****NOT FOR PUBLICATION****

SCHEDULE 6 - Exemption 6a: statutory provision

This report is presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a – Information which reveals that the council proposes to give under any statutory provision a notice by virtue of which requirements are imposed on a person. It relates to the status of current Planning Enforcement cases or Summons in respect of proposed actions.


It provides updates for Members in respect of the status of live enforcement notices, court proceedings and proposed summons action.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Morgan, seconded by Councillor Hennessy, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 8.54 pm.

Development Management Case Officer Report			 Ards and North Down Borough Council CTY2A		
Reference:	LA06/2025/0716/F	DEA: Comber			
Proposal:	Dwelling and garage	Location:	35m South of 31 Ballygowan Road, Comber,		
Applicant:	Jonathan Burgess				
Date valid:	12.08.2025	EIA Screening Required:			
Date last advertised:	28.08.2025	Date last neighbour notified:		15.08.2025	
Consultations – synopsis of responses:					
DFI Roads		No objection subj to condition			
NI Water		No objection			
River Agency		No objection			
Environmental Health		No objection			
HED		No objection			
Letters of Support	0	Letters of Objection	0	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of development • Design and Appearance • Impact on privacy or amenity of neighbouring properties • Impact on the character and appearance of the rural area • Biodiversity 					
Recommendation: Refuse Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access					

1. Site and Surrounding Area

The site lies approximately 35m south of 31 Ballygowan, Comber. It comprises grass and slopes downwards from north to south. The site is bound to the north by a post and wire fence and some vegetation. There is a road to the north and agricultural fields to the east, west and south. It is outside of, and on the South-west side of the defined settlement limit of Comber. The site is accessed off the northern side of the Ballygowan Road, a protected route. It is close to an archaeological site and monument (Motte, DOW010:022).

The existing access road also serves Comber Household Recycling Centre, Comber Cemetery and a Timber and Building Supplies yard as well as several existing dwellings and commercial units.

2. Site Location Plan



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3. Relevant Planning History

The Site and its Surroundings

There is a complex planning history in the immediate environs of the application site and the following applications are considered relevant. Nos 31 and 33 were the original farm dwellings together with several outbuildings. The history includes the change of use of farm buildings to other uses including industrial/storage.

SITE 1: HISTORY

Reference: LA06/2018/0004/O Proposal: Site for dwelling

Address: 25m south of 31A Ballygowan Rd, Comber

Decision: APPEAL UPHELD (Ref 2019/A0024, 11/03/2020)

Reference: LA06/2021/0149/RM Proposal: Dwelling and garage

Address: 25m South of 31A Ballygowan Road, Comber

Decision: PERMISSION GRANTED (16/04/2021)



SITE 2: HISTORY

Reference: LA06/2021/0251/F Proposal: New dwelling

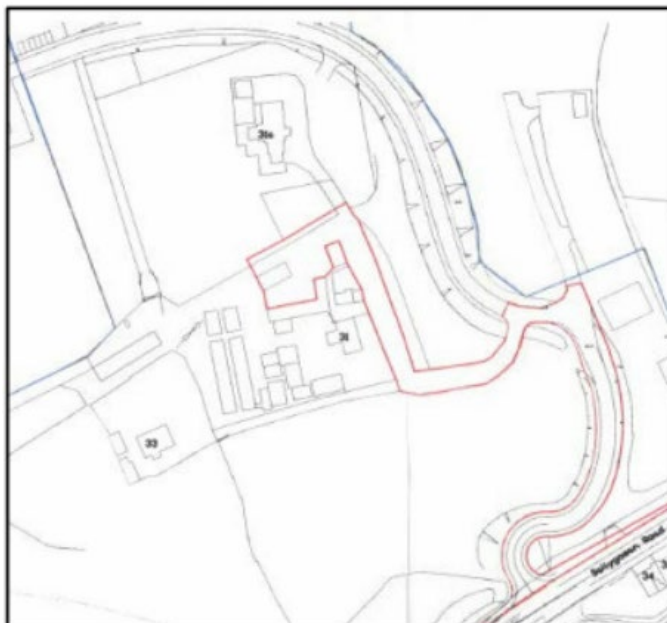
Address: Lands adjoining and 15m West of 29 Ballygowan Road, Comber

Decision: PERMISSION GRANTED (10/12/2021)



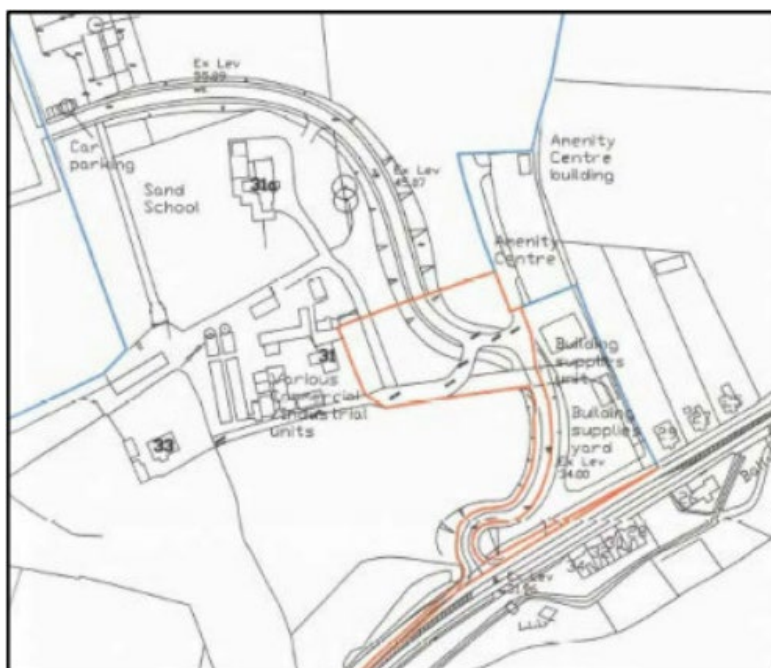
SITE 3: HISTORY

Reference: LA06/2021/0543/O Proposal: Site for dwelling
 Address: Approx. 58m South of 31A Ballygowan Road, Comber
 Decision: PERMISSION GRANTED (02/09/2022)
 Reference: LA06/2022/0984/RM Proposal: Site for dwelling
 Address: Approx. 58m South of 31A Ballygowan Road, Comber
 Decision: UNDER CONSIDERATION



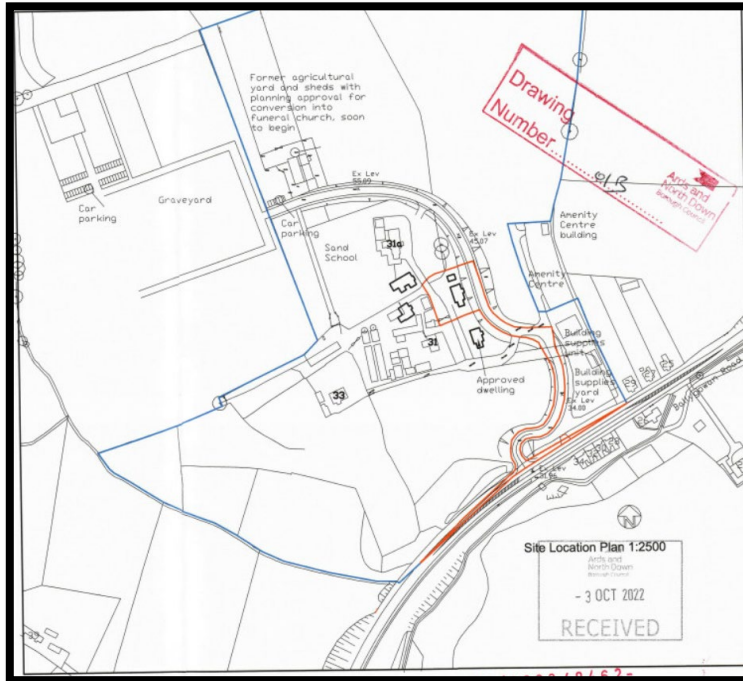
SITE 4: HISTORY

Reference: LA06/2020/1098/F Proposal: Site for dwelling
 Address: Approx. 45m East of 31 Ballygowan Road, Comber
 Decision: PERMISSION GRANTED (29/03/2022)



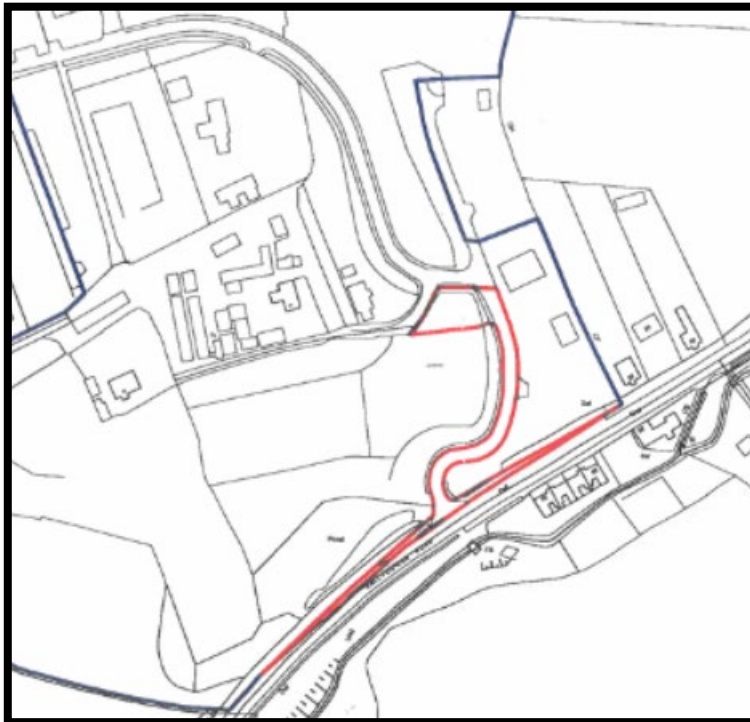
SITE 5: HISTORY

Reference: LA06/2022/0462/F Proposal: Dwelling and garage
 Address: land approx. 38m NE of 31 Ballygowan Road, Comber
 Decision: PERMISSION GRANTED (11/01/2023)



SITE 6: HISTORY

Reference: LA06/2022/0863/F
 Proposal: Site for dwelling
 Address: Site 78m east of 31 Ballygowan Road, Comber
 Decision: PERMISSION GRANTED (28/09/2023)



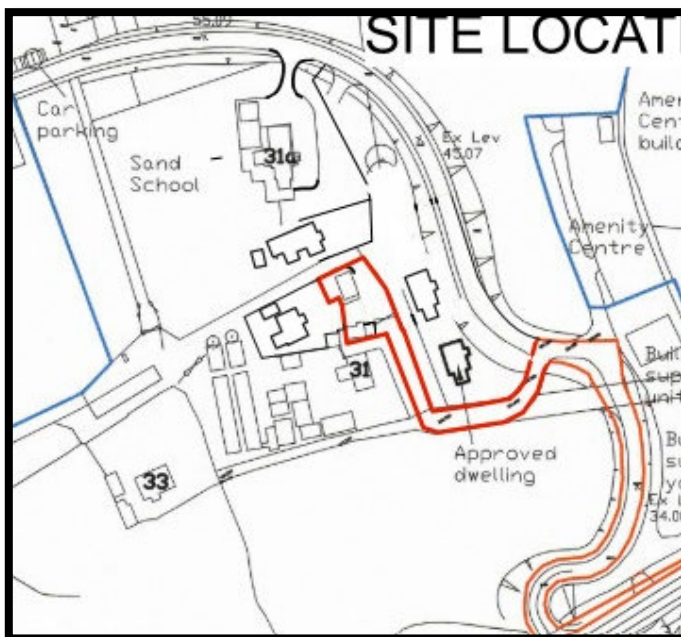
SITE 7: HISTORY

Reference: LA06/2024/0274/F

Proposal: Site for dwelling

Address: 15M North east of 31 Ballygowan Road, Comber, Newtownards

Decision: Pending



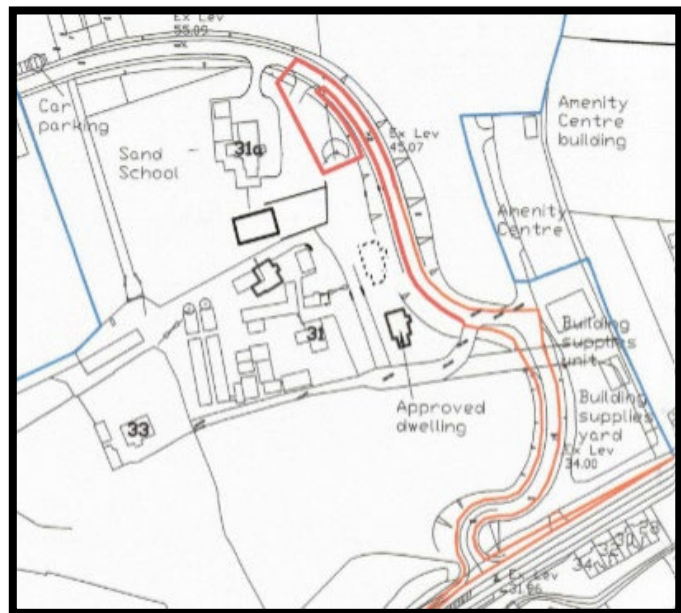
SITE 8: HISTORY

Reference: LA06/2022/1204/F

Proposal: Site for dwelling

Address: Approx 40m East of 31a Ballygowan Road, Comber

Decision: PERMISSION GRANTED



SITE 9: HISTORY

Reference: LA06/2025/0790/F

Proposal: Site for dwelling

Address: Site directly North of 31a Ballygowan Road, Comber

Decision: PERMISSION GRANTED



SITE 10: HISTORY

Reference: LA06/2024/0849/F

Proposal: Dwelling house & vehicular accessway

Address: Lands immediately to the west of 31a Ballygowan Road, Comber, Newtownards

Decision: PERMISSION GRANTED



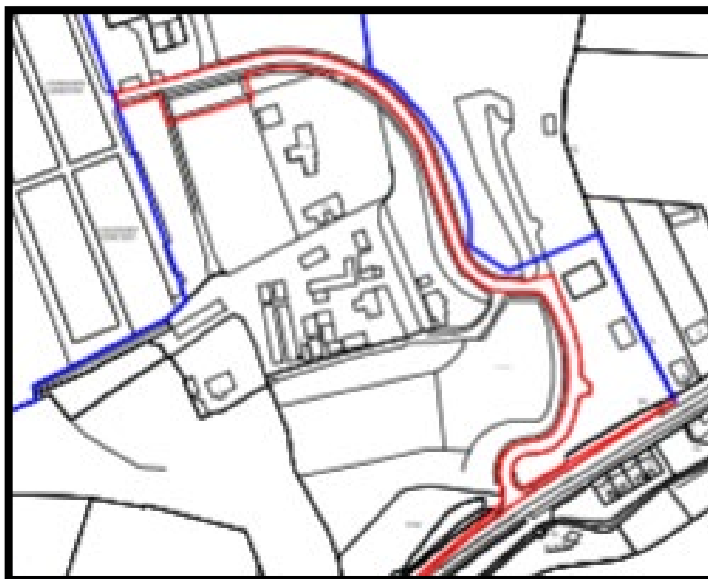
SITE 11: HISTORY

Reference: LA06/2023/2450/F

Proposal: Dwelling house with domestic garage and vehicular access way

Address: Site located 55m NW of 31A Ballygowan Road, Comber

Decision: PERMISSION GRANTED



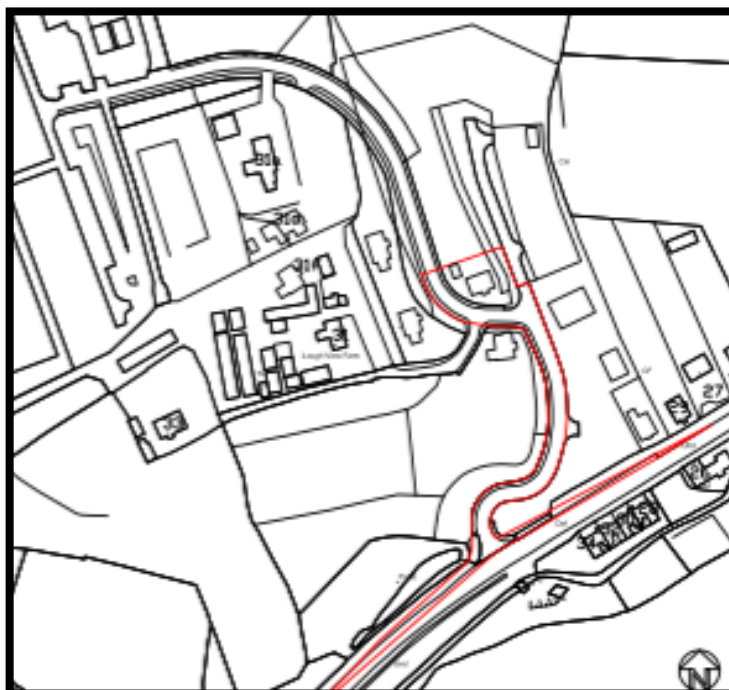
SITE 12: HISTORY

Reference: LA06/2024/0011/F

Proposal: Site for dwelling and garage

Address: Approx 73m NE of 31 Ballygowan Road, Comber

Decision: PERMISSION GRANTED



The planning history shows that several single dwellings have been approved within the cluster defined by the PAC decision.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Revised Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

Building on Tradition: A Sustainable Design Guide for the NI Countryside (BoT)

Principle of Development

Compliance with the Development Plan

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires in dealing with a planning application regard to be had to the Local Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of this Act states that where regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Ards and Down Area Plan 2015 (ADAP) is the Local Development Plan for this area. According ADAP 2015 the site is located outside the designated Settlement Limit of Comber (Proposal CR01) in open countryside.

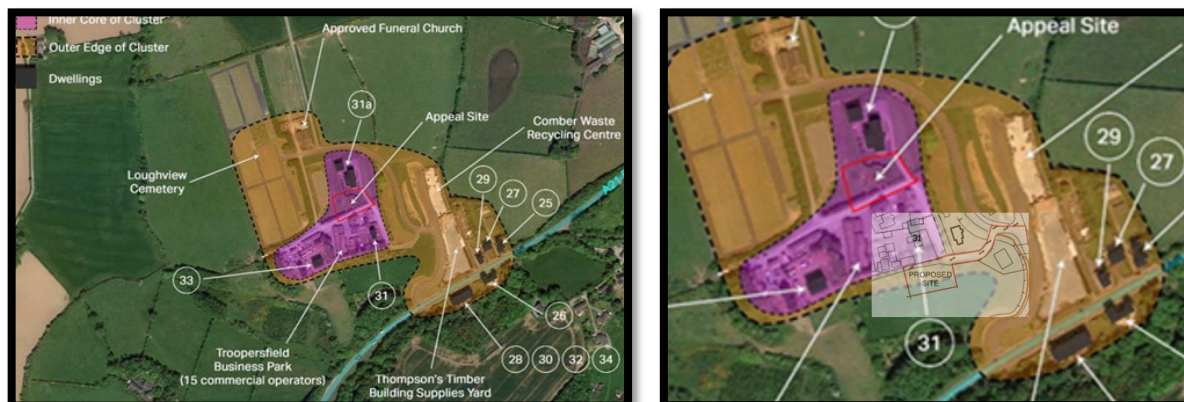
Strategic Planning Policy

Regional planning policies of relevance are set out in the Strategic Planning Policy Statement and other retained policies, specifically PPS 21. Building on Tradition is also a material consideration. The guiding principle of the SPPS in determining planning applications is that sustainable development should be permitted having regard to the Development Plan and all other material considerations, unless the proposed development will cause harm to interests of acknowledged importance.

The applicant seeks full planning permission for the erection of a 'Single Detached Dwelling House and Garage' in accordance with the policies within the SPPS and PPS21. Policy CTY1 of PPS21 sets out a range of types of development which in principle is considered acceptable in the countryside. One type is development within an existing cluster. Policy CTY2a is the relevant policy. This states that planning permission will be granted for a dwelling at an existing cluster of development provided six criteria are met.

1. The Cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings, and open sided structures) of which at least three are dwellings.

A cluster has been established at this location, via the upheld Planning Appeal decision, Ref 2019/A0024, following the refusal of LA06/2018/0004/O for a site located approximately 80m to the north of the current application site.



'Outer cluster' accepted by PAC.

Proposed site.

The Commissioner concluded that a cluster existed at this location stating, "I find that as the significant and varied development located within the outer "cluster" includes the dwellings at Nos. 33 and 31a, as well as those at Nos 25, 27 and 29, the grouping does incorporate more than three dwellings and the first criterion of Policy CTY 2a is met." The current application site lies partially inside the outer cluster identified by the PAC, therefore on this basis it is considered to comply with criterion 1.

2. The Cluster appears as a visual entity in the local landscape.

In appeal decision, Ref 2019/A0024, the Commissioner stated in paragraphs 16 & 17: "I am satisfied that when travelling along the adopted road with its accompanying footpath leading to the cemetery, there is indeed an awareness of development on both sides and an appreciation that there is a significant concentration of development here, not normally associated with a rural area...I am satisfied that with the exception of dwellings on the southern side of the Ballygowan Road, they appear as a visual entity in the landscape...I disagree that this represents a dispersed collection of individual buildings in the countryside...and conclude that this grouping does appear as a visual entity in the landscape and the 2nd criteria of policy CTY2a is met." Since the appeal decision planning permission has been granted under Reference LA06/2022/0863/F, for a dwelling, now number 31H on land approximately 50m to the east of the current application site and another north of that site under LA06/2022/0462/F for a dwelling and garage. A further dwelling has been granted permission under LA06/2020/1098/F for a dwelling north of the site, no.31E.

3. The Cluster is associated with a focal point such as a social/community building/facility or is located at a crossroads.

In paragraph 18 of appeal decision 2019/A0024, the Commissioner outlined that 'The LPA acknowledged that the cemetery and the recycling centre both represent well used community facilities'. Further clarification was provided in paragraph 19 'The existing grouping is indeed associated with both community facilities, readily apparent when moving along the adopted road which also serves all of these buildings/facilities...I remain satisfied that as the existing grouping is associated with these two focal points, it complies with the 3rd criterion.' Given the PAC's view, it is therefore deemed that the current proposal also complies with this criterion.

4. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the Cluster.

The site under consideration is separated physically from any built development by roads. However, within the appeal decision which confirmed this area as a "cluster", the PAC commissioner stated - *'I am satisfied that when travelling along the adopted road with its accompanying footpath leading to the cemetery, there is indeed an awareness of development on both sides and an appreciation that there is a significant concentration of development here, not normally associated with a rural area'*.



Aerial photos of the site

The site is therefore bounded to the north by nos.31 & 31e Ballygowan Road. The site is bounded to the three other sides by agricultural fields. The site is not bounded on at least two sides with other proposed sites which have been approved in this area after the PAC decision to find this area a cluster.

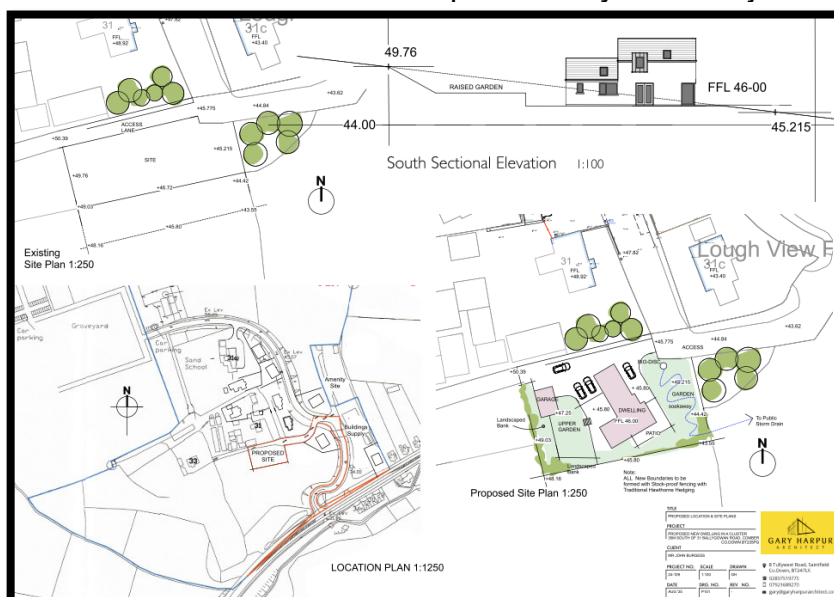
5. Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

The proposed development is partially included within the outer edge of the cluster defined by the PAC decision. Given that the site is located alone and not bounded on at least two sides, a dwelling on this site will appear as a visual anomaly and will significantly alter the character of the area and intrude it into the open countryside. The proposal fails this criterion.

6. Development will not adversely impact on residential amenity

The proposed dwelling will have no impact on the neighbouring properties with regards to overshadowing and overlooking. The closest dwelling to the site is no.31E which will face the rear of the proposed dwelling and be separated by approximately 35m.

The dwelling proposed is a bungalow style dwelling with no first-floor windows other than roof light windows in the front and rear elevations of the dwelling. The dwelling will face north within the site and will have no impact on any of the adjacent properties.



In conclusion with regard to my assessment of PPS21 CTY2a, it is my planning judgement that a dwelling on this site fails to meet all the criteria of PPS21 CTY2A. Failing parts 4 and 5 of the policy.

Policy CTY 1 also states that other types of housing development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. It is my conclusion that the proposal fails to meet CTY2a of PPS21 and no evidence has been submitted to demonstrate why the development is otherwise essential and could not be located in a settlement; therefore, the proposal fails to comply with Policy CTY 1.

CTY13 – Integration and Design of Buildings in the Countryside states that - **Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.**

Six of the seven criteria included in this policy are relevant to this proposal which ensure any new buildings will integrate into the proposed site.

Prominence

The policy requirement is not for the new building to be invisible, but for it to integrate into the surrounding landscape, each site has its own specific features and so all proposals will be assessed on their own merit. The proposed dwelling will be located on the very edge of what was considered the outer edge of the cluster. The proposed site is only partially inside what has been deemed the outer cluster. The proposed site will require considerable landscaping and boundaries on the east, west and south in order to provide any integration and this is not proposed. The location of this site is deemed not only in conflict with the relevant planning policy of PPS21 but if approved will appear as isolated lone development, departed from the existing building cluster.



View of site from the east

Boundaries and enclosure

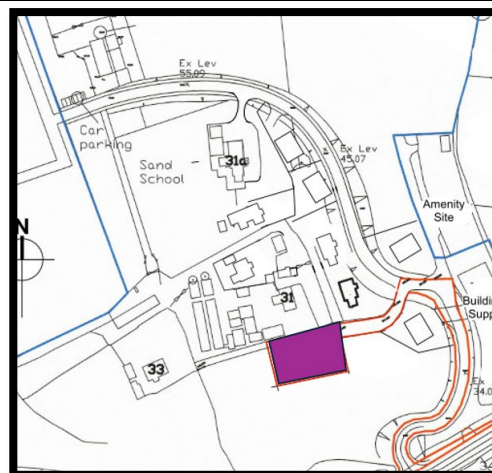
The only boundary which the site has is the northern boundary and this is to be removed to provide access to the site. The three other boundaries of the site which are open to the agricultural field the site juts into are to be marked by stock fencing and hedgerow. The Building on Tradition document states that on page 68 that –



Policy CTY 2a New Dwellings in Existing Clusters, defines what constitutes a cluster and sets down very clear guidance on how new developments can integrate with these. The key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster. The sketches below illustrate this siting principle applied to a range of small groups.

As can be seen from the agents site location map, the proposed site is on outer edge of the cluster and not physically or will it be visually part of it.

The site is open and without boundaries and will not round off any existing cluster of development.



Landscaping

The proposed site would rely extensively on landscaping so as to provide any degree of integration. Even with extensive planting there will be an awareness of an isolated dwelling jutting into an agricultural field. No degree of planting will remove the fact that this dwelling will be located on an isolated plot detached from any cluster of existing development.

Ancillary Works

The garage proposed is to be located on the western side of the dwelling and will be hidden from view by the dwellings mass.

Design of the building

The design of the dwelling proposed is in keeping with rural design and with those already granted permission in the immediate area.

Blend with the landform

The site has a gently slop down from north to south and it is proposed to excavate considerable land in order that the dwelling and garage be on flat ground level. There is a backdrop that the dwelling will benefit from when viewed from the south, but due to the prominence the dwelling will have this will not provide a degree of integration that would settle a new dwelling into this location. When viewed from the east of the site the dwelling will appear as isolated development detached from the existing cluster of existing development.

The proposal does conflict with criteria a), b), c) and f) of CTY13 of PPS21 and so it is left to consider CTY14.

CTY14 – Rural Character states that - Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

Five criteria are included in this policy which ensure any new buildings will be in keeping with the rural character of the area.

Prominence

The policy requirement is not for the new building to be invisible, but for it to integrate into the surrounding landscape, each site has its own specific features and so all

proposals will be assessed on their own merit. The proposed dwelling will be located on the very edge of what was considered the outer edge of the cluster. The proposed site is only partially inside what has been deemed the outer cluster. The existing development north of the site is gathered and contained by road to its south and the sites north. The location of this site is deemed not only in conflict with the relevant planning policy of PPS21 but if approved will appear as isolated lone development, departed from the existing building cluster. The dwelling at no.31h while on the southern side of the road, is bounded on two sides, north and east by existing development within the cluster. The proposed dwelling will be isolated and at odds with this. While the principle of development is not acceptable, it is my planning judgment that a modest dwelling will blend into the character of the rural area.

Suburban Style Build up

The proposed dwelling is deemed to be at total odds with the existing cluster of development north of the site. The proposed dwelling will appear as an isolated site void of any relationship with the existing cluster. The proposal will create a suburban style of development not acceptable in the countryside.

Existing traditional pattern

The existing pattern of development is that of a large cluster of single dwellings allowed on the basis of the PAC decision 2019/A0024. These dwellings have been contained within the cluster defined by that PAC decision and this dwelling will be at odds with that. It is clear from the planning history and site inspection that the cluster has been completed and this proposed site is now at odds with the pattern of development in the cluster.

Ribboning

PPS21 does not provide a comprehensive definition of ribbon development, however paragraph 5.33 of Policy CTY8 indicates that it does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked.

When viewed from the east the isolated location the dwelling will have within this agricultural field will appear as extension of the existing line of development north of the site, to the south. A line of four buildings as seen by the orange line in the aerial photo below shows the existing ribbon along the road, to which the proposed dwelling will add to.



The site will add to an existing line of development, resulting in additional ribboning. The proposal fails to comply with CTY8 of PPS 21 and this criteria of CTY14.

Ancillary works

The garage proposed is to be located on the western side of the dwelling and will be hidden from view by the dwellings mass.

The proposal is in conflict with criteria a), b), c) and d) of CTY14 of PPS21 and so would be a prominent feature in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings; it does not respect the traditional pattern of settlement exhibited in that area and it adds to a ribbon of development.

Residential Amenity

Due to the orientation of the existing dwellings and that proposed, along with the windows proposed at first floor level on the north facing elevation, it would be my planning judgment that there will be no detrimental impact on the neighbouring properties.

Biodiversity

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

Access, movement and parking

DFI Roads were consulted on the proposal, and advised they have no objections, though, as the Ballygowan Road is a protected route, the application should be refused unless it falls within the exceptions listed under Policy AMP 3 of PPS 3. The exceptions under this policy where the application site accesses the protected route include a replacement dwelling; a farm dwelling; a dwelling serving an established commercial or industrial enterprise; or other developments which would meet the criteria for development within a green belt or countryside policy area where access cannot reasonably be obtained from an adjacent minor road.

It is noted in this instance that, while the current application does not align with the criteria for exceptions to the policy, the prevailing decision-making by the Council on this matter on previous applications utilising this road is that, due to the amount of existing development (including non-domestic uses such as a cemetery and recycling centre), one additional dwelling would not result in intensification of the usage of the access to the Protected Route of more than 5%. Given that the current proposal relates to a single dwelling, I am satisfied that this same logic can be applied, and therefore the proposal would not result in intensification over 5% and therefore would not be contrary to Policy AMP 3.

Sewerage, Water Supply & Drainage

NI Water have been consulted regarding existing water and sewer infrastructure and have no objections. They have confirmed there is no public water main within 20m of the proposed development boundary, however access is available via extension of the existing water supply network and a requisition for a water main extension is required to be submitted.

The applicant has indicated it is not their intention to connect to the public wastewater system as a means of disposal but to use on site wastewater treatment. The use of which will be subject to consent being obtained from NIEA.

DAERA Water Management Unit (WMU) were consulted and refer to Standing Advice, Conditions and Informatives to ensure the development will not have an adverse effect on the water environment.

5. Representations


No letters of objection have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2 and 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 the Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the identified site does not provide a suitable degree of enclosure, is not bounded on at least two sides with other development in the cluster and the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.
3. The proposal is contrary the Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside criteria a), b), c) and f) in that if approved the proposal would be a prominent feature in the landscape; the site lacks long established natural boundaries; it relies primarily on the use of new landscaping for integration; and it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
4. The proposal is contrary the Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside criteria a), b), c) and d) in that it is unduly prominent in the landscape; it results in a suburban style build-up of development when viewed with existing and approved buildings; it does not respect the traditional pattern of settlement exhibited in that area; and it adds to a ribbon of development.
5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the extension of a ribbon of development.

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2025/0935/F	DEA: Ards Peninsula	
Proposal:	Pole mounted CCTV Cameras for domestic use (retrospective)		
Location:	18 Ballyblack Road, Loughries, Newtownards, BT22 2AP		
Applicant:	Fran Warden		
Date valid:	10/11/2025	EIA Screening Required:	N/A
Date last advertised:	27/11/2025	Date last neighbour notified:	03/02/2026
Letters of Support: 0		Letters of Objection: 1	Petitions: 0
Consultations – synopsis of responses:			
None required			
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development. • Design and appearance. • Impact on the character and appearance of the area • Impact on privacy or amenity of neighbouring properties. • Impact on landscape features and environmental quality 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received, are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access			

1. Site and Surrounding Area

The application site consists of a residential farm dwelling at No. 18 Ballyblack Road, comprising the main house, associated yard areas, a stable block, paddock, and agricultural fields surrounding the dwelling. The property sits within a wider rural setting characterised by dispersed farmsteads, small clusters of rural dwellings, and open agricultural land. The immediate curtilage includes a mixture of hardstanding and grassed areas associated with the domestic and agricultural operations.

The site is located outside the designated settlement limit as defined in the Ards and Down Area Plan 2015. There are no landscape, environmental, or heritage designations affecting the site.

2. Site Location Plan

Figure 1. Site Location Plan



3. Relevant Planning History

No relevant planning history.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 7
- Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21)

4.1 Principle of Development

Area Plan and Policy Consideration

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations.

Paragraph 4.30 of the SPPS states that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, including the natural topography, and to meet other planning and environmental considerations.

ADAP currently acts as the LDP for this area. The site is located outside of settlement limit of Newtownards as defined in ADAP, it is consequently appropriate to apply Planning Policy Statement 21 – Sustainable Development in the Countryside. PPS21 states that all proposals for development in the countryside are to be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations.

Policy CTY1 of the PPS21 identifies forms of development which are acceptable in principle in the countryside and which contribute to sustainable development. Policy CTY1 also allows for extensions to dwellings where they comply with the Addendum to PPS7, which regulates residential extensions and alterations. As such, Policy EXT1 of the PPS7 Addendum is relevant to this assessment.

4.2 Impact on Existing Dwelling and Character of Area

Full and retrospective planning permission is sought for pole-mounted CCTV cameras for domestic use. The location of the pole is shown in Figure 2 and outlined in red.

Figure 2. Block Plan

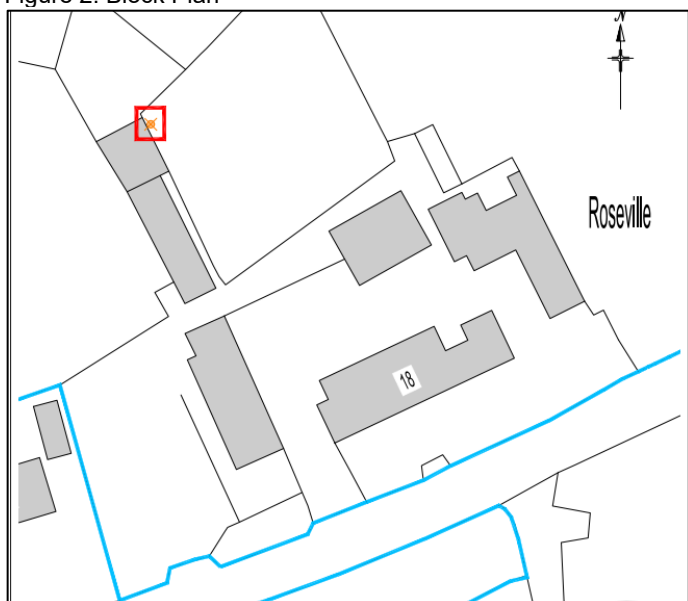


Figure 3. View south-eastward from the pole towards the rear of the property at No.18 Ballyblack Road.



The proposed development has been assessed against criterion (a) of Policy EXT1 which states: *“the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area”*.

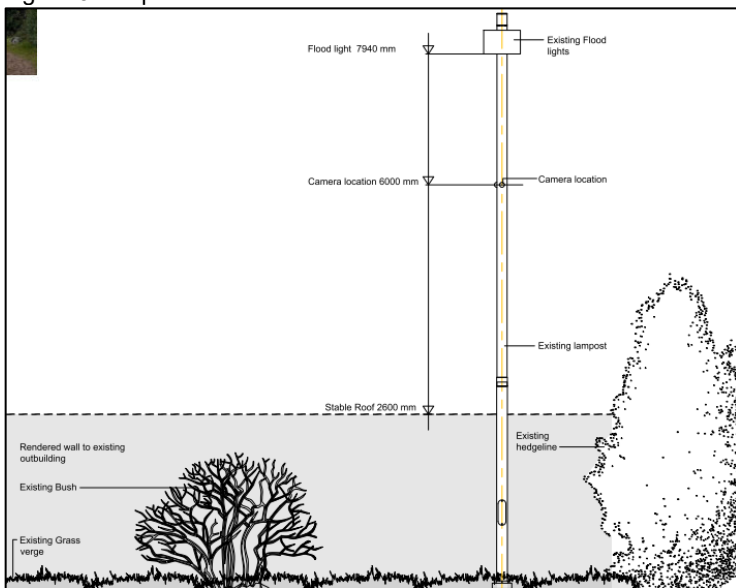
The proposed works relate to the installation of pole-mounted CCTV cameras for domestic purposes. The cameras are positioned beyond the stable block, as shown in Figure 4.

Figure 4. Subject pole with the CCTV cameras



Two CCTV cameras are mounted on an existing floodlight pole with an overall height of approximately 8.5 metres; the cameras themselves are fixed at a height of around 6 metres. Figure 5 illustrates the position of the cameras on the pole, including height measurements.

Figure 5. Proposed Side Elevation



The cameras are intended to monitor activity across the stable block, yard areas, and the surrounding agricultural fields within the applicant’s ownership. Their purpose is to ensure the security of the wider farmstead and to observe the movement and welfare of animals kept on the premises. The assessment relates solely to the cameras mounted on the existing pole. It is considered that the proposal does not give rise to any additional impact on the character, appearance, or visual amenity of the dwelling or wider site.

Given the minor and unobtrusive nature of the works, the proposed cameras are sympathetic in terms of scale and massing and do not detract from the appearance of the existing property. Accordingly, the proposal is not considered to have an adverse effect on the character of the area.

Furthermore, Policies CTY13 and CTY14 of PPS21 seek to ensure that development in the countryside is of an appropriate design, is capable of satisfactory integration, and does not create a detrimental change to, or erosion of, rural character. The works will not impact the landscape value of the area, and the rural character of the surroundings will be preserved. There are therefore no concerns regarding visual integration or harm to rural character, and Policies CTY13 and CTY14 are satisfied.

In conclusion, it is determined that the proposal will not result in a loss of visual amenity and therefore meets criterion (a) of Policy EXT1.

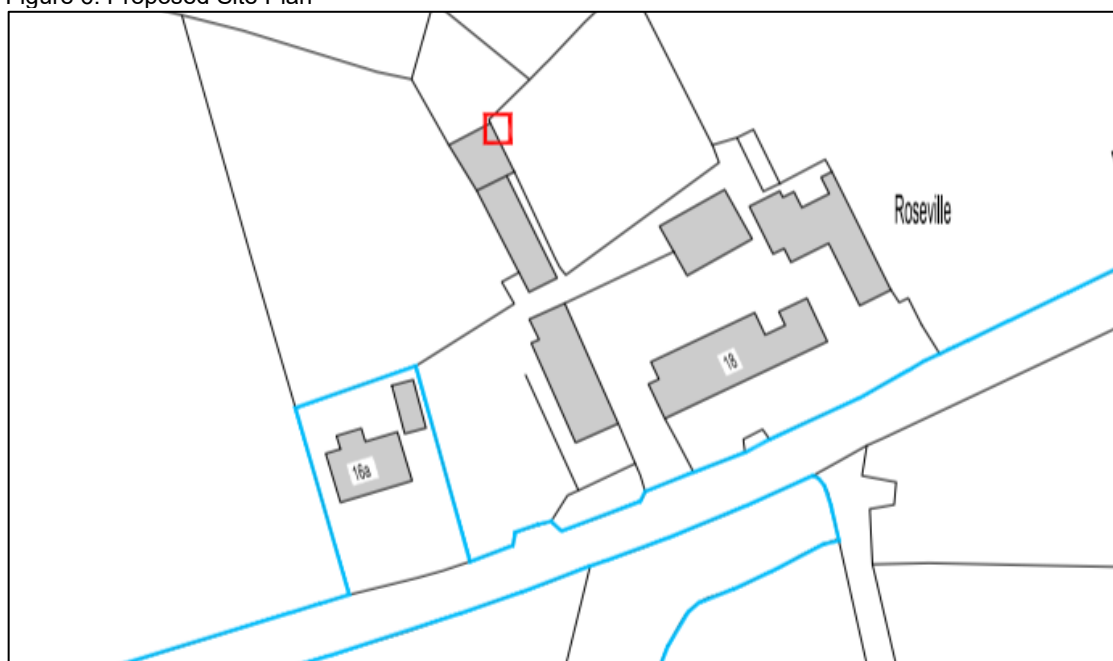
4.3 Impact on Privacy and Amenity of Neighbouring Residents

The proposed development has been assessed against criterion (b) of Policy EXT1, which states: *“the proposal does not unduly affect the privacy or amenity of neighbouring residents”*.

The Council considers it important that the amenity of all residents is protected from ‘unneighbourly’ extensions that may cause issues such as overshadowing, loss of light, dominance, or loss of privacy. The SPPS also identifies good neighbourliness as a key consideration when assessing proposed development.

There is one neighbouring property that directly abuts the site: No. 16a Ballyblack Road, as shown in Figure 6.

Figure 6. Proposed Site Plan



The CCTV cameras are intended to provide coverage of two fields within the applicant's ownership, one located to the side of the dwelling between the applicant's property and No. 16a, and the other situated to the rear (east) of the stable block.

Figure 7. View from the back of the stable block southwards



Figure 8. View from the back of the stable block south-eastwards

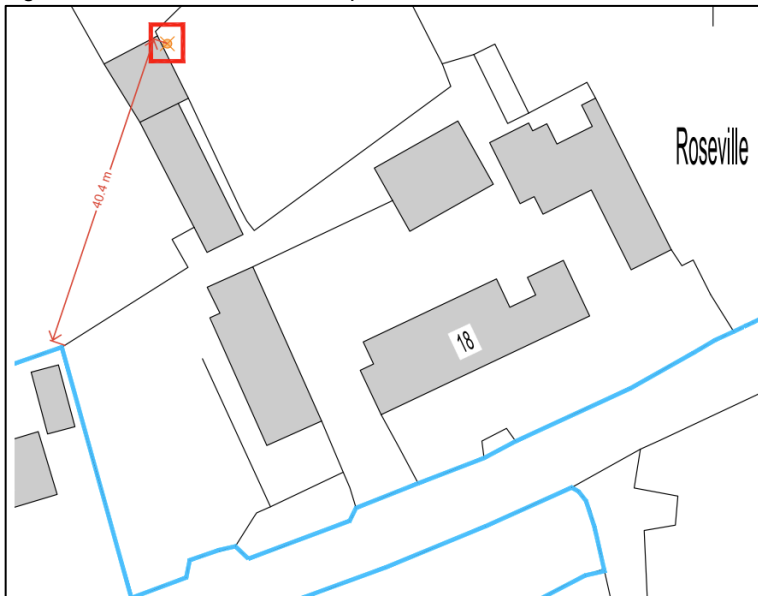


The cameras are positioned on an existing floodlight pole. Given their minor scale and massing, it is considered that the cameras will not result in any undue impact in terms of dominance or overshadowing on the neighbouring property.

With regard to privacy, one letter of objection has been received from the occupants of No. 16a Ballyblack Road, expressing concerns about potential overlooking into their dwelling and private amenity space.

There is a separation distance between cameras and the neighbouring property's rear fence of approximately 40m as presented in figure 9. This distance along with existing, approximately 1.8 meters in height, timber fence along the rear boundary would be sufficient to mitigate unacceptable level of potential overlooking.

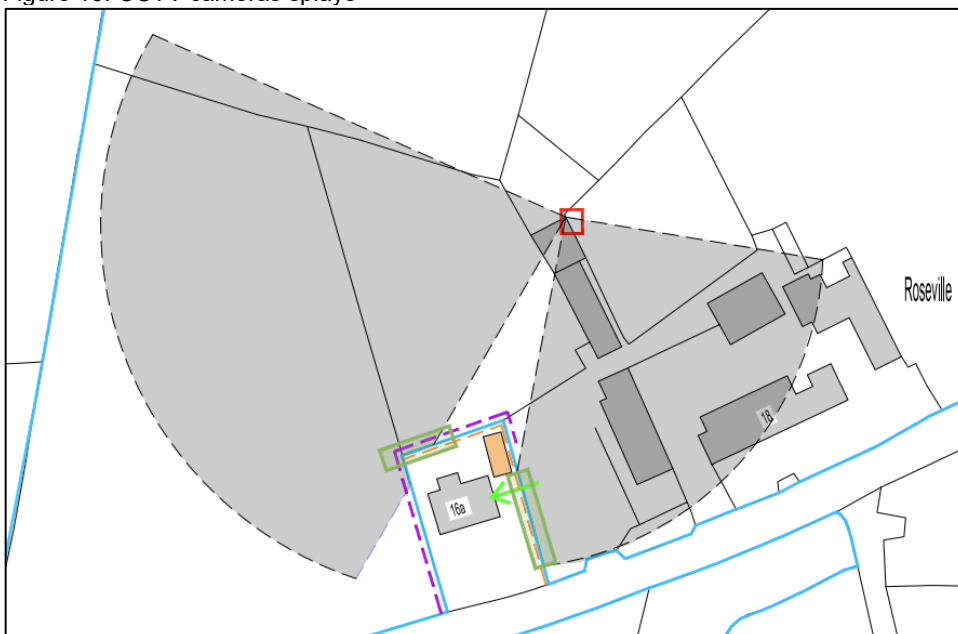
Figure 9. Measurement of the separation distance.



The level of spacing and the strong boundary fence minimalizing the potential impact upon privacy that the camera may have had upon the closest 3-4m of amenity space to the rear of the neighbouring property. It is also acknowledged that whilst the neighbouring property is partially captured by the camera, the camera has been digitally screened to ensure the privacy of the neighbouring property has been retained.

The applicant has confirmed that the cameras are static and do not rotate. The camera plays are illustrated in Figure 10 and shown shaded in grey.

Figure 10. CCTV cameras splays



As demonstrated, the cameras do not capture any views beyond the boundary of the land within the ownership of No. 18 Ballyblack Road.

Taking all of the above into account, it is my planning judgement that the proposal does not unduly affect the privacy or amenity of neighbouring residents at No. 16a Ballyblack Road and that the proposal therefore meets criterion (b) of Policy EXT1.

4.4 Impact on Trees/Landscape Features

6532

The proposed development has been assessed against criterion (c) of Policy EXT1, which states: “The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality”.

The proposed development is modest in scale. No hedges or trees are to be removed on site. As such, it is my planning judgment that no landscape features will be materially affected by the proposal.

4.5 Impact on Amenity Space and Parking

The proposed development has been assessed against criterion (d) of Policy EXT1, which states: “*sufficient space remains within the curtilage of the property for recreational and domestic purposes, including the parking and maneuvering of vehicles*”.

Access and private amenity space will not be materially affected by the proposal.

4.6 Designated Sites and Natural Heritage

Planning Policy Statement 2 (PPS 2) sets out the policy framework for the conservation, protection, and enhancement of Northern Ireland’s natural heritage. In line with its objectives, the Council recognises its responsibility to safeguard biodiversity and protected habitats, ensuring that appropriate weight is given to designated sites of international, national, and local importance, as well as to priority and protected species and broader ecological and geological interests.

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the potential impact of this proposal on Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites has been duly assessed.

The proposal does not involve heavy construction, with no waterways in close proximity. No priority habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

5. Representations

One letter of objection has been received from the occupants of No. 16a Ballyblack Road. The primary concern raised relates to perceived loss of privacy as a result of potential overlooking from the CCTV cameras. The key issues raised within the objection are summarised below:

1. Camera Views Extending Beyond the Applicant's Property

The objectors state that the view from one of the cameras extends across the agricultural field to the rear of their property and into their private amenity space, thereby capturing footage beyond the applicant's land.

However, as demonstrated within the submitted documentation, the camera sightlines do not extend beyond the boundary of No.18 Ballyblack Road. Evidence provided confirms that all footage remains contained within the applicant's ownership and does not encroach on neighbouring land.

2. Perceived Lack of Need for the Camera in Its Current Position

The objectors contend that the camera serves no functional purpose in the field and therefore does not need to be sited in its current location.

As assessed, the cameras are located within the residential curtilage, and it has been demonstrated that they serve a domestic purpose. The planning assessment is confined to material considerations such as amenity and compliance with relevant planning policy. Disputes between neighbours regarding the perceived need for the domestic cameras are not material to the planning determination.

3. Other Activities Contributing to Distress

The objectors refer to the installation of additional cameras on the gable wall of No.18 and the erection of boundary fencing, suggesting these actions collectively contribute to distress and privacy concerns.

While it is acknowledged that such activities may contribute to wider neighbour issues, only the cameras subject to this application can be assessed as part of the current process. Other works or neighbour disputes fall outside the scope of this planning assessment.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.


Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The CCTV camera splays shall be maintained as shaded yellow on Drawing No. DRG 04 and shall be retained thereafter.

Reason: To safeguard the privacy of neighbouring properties.

Informative

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2026/0137/S54	DEA: Newtownards	
Proposal:	<p>Proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F) to include roads, parking, infrastructure, landscaping and retention of bawn wall. Vehicular access to site will be from Castlebawn Drive.</p> <p>Variation of Condition 5 of approval LA06/2023/2434/F from:</p> <p>“All hard and soft landscape works shall be carried out in accordance with the approved plans Drawing Nos. 04 and 05, and the appropriate British Standard or other recognised Codes of Practice. Prior to the occupation of any dwelling unit hereby approved, details of the proposed phased implementation of hard and soft landscaping works shall be submitted to and agreed in writing by the Council. The hard and soft landscaping works shall be subsequently implemented in accordance with the timings detailed therein and be permanently retained.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.”</p> <p>To:</p> <p>“All hard and soft landscape works shall be carried out in accordance with LA06/2026/0137/S54 DRG 03A and the appropriate British Standard or other recognised Codes of Practice. The hard and soft landscaping works shall be implemented in accordance with the phasing indicated on LA06/2026/0137/S54 DRG 02A and shall be permanently retained.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.”</p>		
Location:	Lands South of nos. 37-77 Court Street and Nos 1-11 Canal Row, Newtownards		
Applicant:	Errigal Homes Ltd		
Date valid:	18/02/2026	EIA Screening Required:	Yes – over 0.5ha threshold
Date last advertised:	26/02/2026	Date last neighbour notified:	18/02/2026


Letters of Support: 0			Letters of Objection: 0			Petitions: 0		
Consultations – synopsis of responses:								
Consultation not required								
Summary of main issues considered:								
<ul style="list-style-type: none"> • Principle of Development 								
Recommendation: Grant Planning Permission								
Report Agreed by Authorised Officer								
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal.								
1. Site and Surrounding Area								
<p>The application site is located to the south of nos. 37-77 Court Street and 1-11 Canal Row, within the settlement of Newtownards. At present, construction is still ongoing on a large housing development, with numerous houses seemingly nearing completion. The site is accessed via Castlebawn Drive, and is bound by the Bawn Wall to the south, which has been retained.</p>								
								
Figure 1 – view west along southern boundary								



Figure 2 – view towards centre of site – some houses largely complete, with only foundations in place on houses to south



Figure 3 – view east along southern boundary



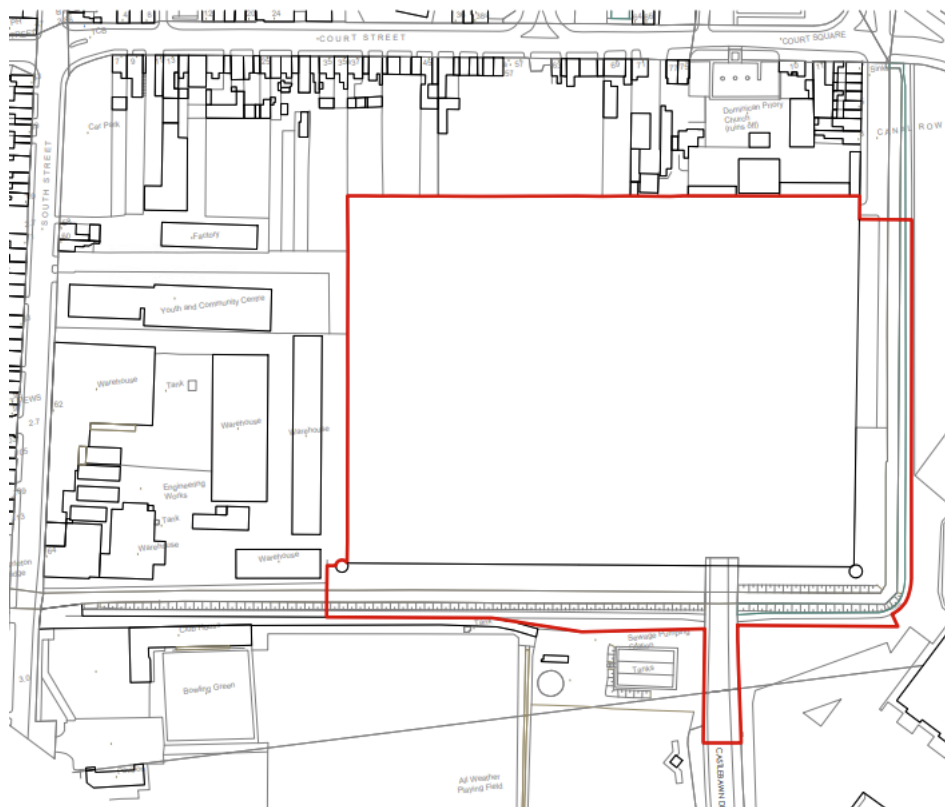
Figure 4 – southwestern corner of site (dwelling at 9 Carleton Bridge in view)

The surrounding area varies widely in character. To the west of the site, there is another large new housing development, whereas to the north there are largely retail / commercial premises (many of which abandoned), and to the east there are further large retail and commercial premises (including Tesco and Downeys Kia). The site is also bound by a canal to the south and east.



Figure 5 – view of site from Castlebawn Drive (south)

2. Site Location Plan



3. Relevant Planning History

LA06/2019/0603/F - Proposed residential development of 108 no. dwellings to include 62 no. detached and semi-detached 3 and 4-bedroom houses and 46 no. 2-bedroom apartments with associated landscaping. The scheme also includes the retention and restoration of Bawn Wall and a linear park with all roads, parking and infrastructure. Main access to the site will be from the A20 Southern Distributor Road with provision for a pedestrian link to Court Street – **Approved**

LA06/2023/2434/F - Proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F) to include roads, parking, infrastructure, landscaping and retention of bawn wall. Vehicular access to site will be from Castlebawn Drive – **Approved 25th March 2024, subject to various conditions, of which Condition 5 will be considered in this Report:**

Condition 5

All hard and soft landscape works shall be carried out in accordance with the approved plans Drawing Nos. 04 and 05, and the appropriate British Standard or other recognised Codes of Practice. Prior to the occupation of any dwelling unit hereby approved, details of the proposed phased implementation of hard and soft landscaping works shall be submitted to and agreed in writing by the Council. The hard and soft landscaping works shall be subsequently implemented in accordance with the timings detailed therein and be permanently retained.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Many of the other pre-commencement conditions have been discharged as follows:

LA06/2024/0335/DC – Condition 10 re Archaeological Programme of Works

LA06/2024/0336/DC – Condition 13 re Construction Management Env Plan

LA06/2024/0337/DC – Condition 18 re Piling Risk Assessment

LA06/2024/0371/DC – Condition 4 re Roof tile sample

LA06/2024/0989/DC – Condition 8 re Drainage Assessment (partial discharge)

LA06/2026/0034/DC – Condition 7 re Management and Maintenance of Open Space – **Under consideration**

LA06/2025/0263/F – 1no. detached dwelling (change from 2no. semi-detached dwellings on plots 7 and 8 of approval LA06/2023/2434/F) – **Approved**

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan (ADAP)
- Strategic Planning Policy Statement for Northern Ireland Edition 2 (SPPS2)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments

Planning Guidance:

- Parking Standards

Legislative Requirements

The original planning permission to which this current Section 54 application relates, was granted approval for major development as defined in the Planning (Development Management) Regulations (Northern Ireland) 2015. A Planning Application Notice (PAN) was submitted to the Council on 13/03/2017 for the original application which the Council confirmed as acceptable on 25/04/2017. In accordance with Section 28 of the Act, a Planning Application Community Consultation (PACC) Report was also submitted with the application. The report satisfactorily outlined how community consultation was carried out in accordance with the requirements of Section 27 of the Act and Regulation 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 ('the DM Regs').

As this current application relates to the same development as previously approved under application LA06/2023/2434/F, it also falls within the schedule of development categorised as "major developments". While the legislation is silent on the issue of a Pre Application Notice (PAN) including details of pre-application consultation in respect of a Section 54 application that relates to an already approved major development, paragraph 4.12 of Development Management Practice Note (DMPN) 24 states that if a section 54 application already relates to an approved major development where a PACC has already been undertaken, then, it is not the legislative intention that it would be subject to PACC.

The purpose of a Section 54 application is not to revisit the principle of development on a given application site, rather a section 54 application must consider only the question of the conditions attached to an extant planning permission. The PACC is a means to engage the communities in the planning system. Paragraph 4.14 of the DMPN 24 advises that section 54 applications will be subject to statutory publicity and neighbour notification through which the community may engage in the planning process and interested parties may submit representations. Accordingly, even though this application relates to a "major development", there is no requirement in this instance to undertake a PACC prior to the submission of the application.

Principle of Development

Development Plan

ADAP currently acts as the Local Development Plan for this area. There are no material provisions in the Plan that are pertinent to the proposal and therefore the determination will be based on other material considerations.

The SPPS2 states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The principle of development is acceptable as there is extant permission for 95 dwellings with roads, parking, infrastructure, landscaping and the retention of the bawn wall. The main focus of this consideration is whether or not it is acceptable to vary Condition 5, from:

“All hard and soft landscape works shall be carried out in accordance with the approved plans Drawing Nos. 04 and 05, and the appropriate British Standard or other recognised Codes of Practice. Prior to the occupation of any dwelling unit hereby approved, details of the proposed phased implementation of hard and soft landscaping works shall be submitted to and agreed in writing by the Council. The hard and soft landscaping works shall be subsequently implemented in accordance with the timings detailed therein and be permanently retained.

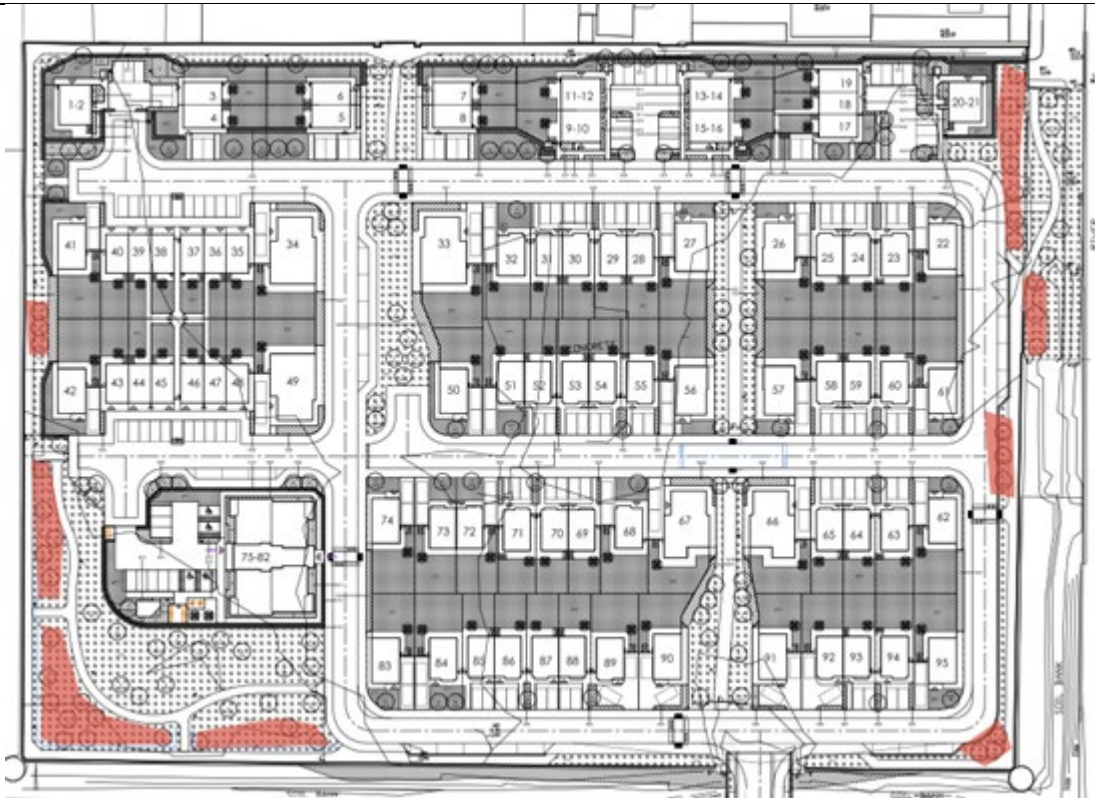
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.”

To:

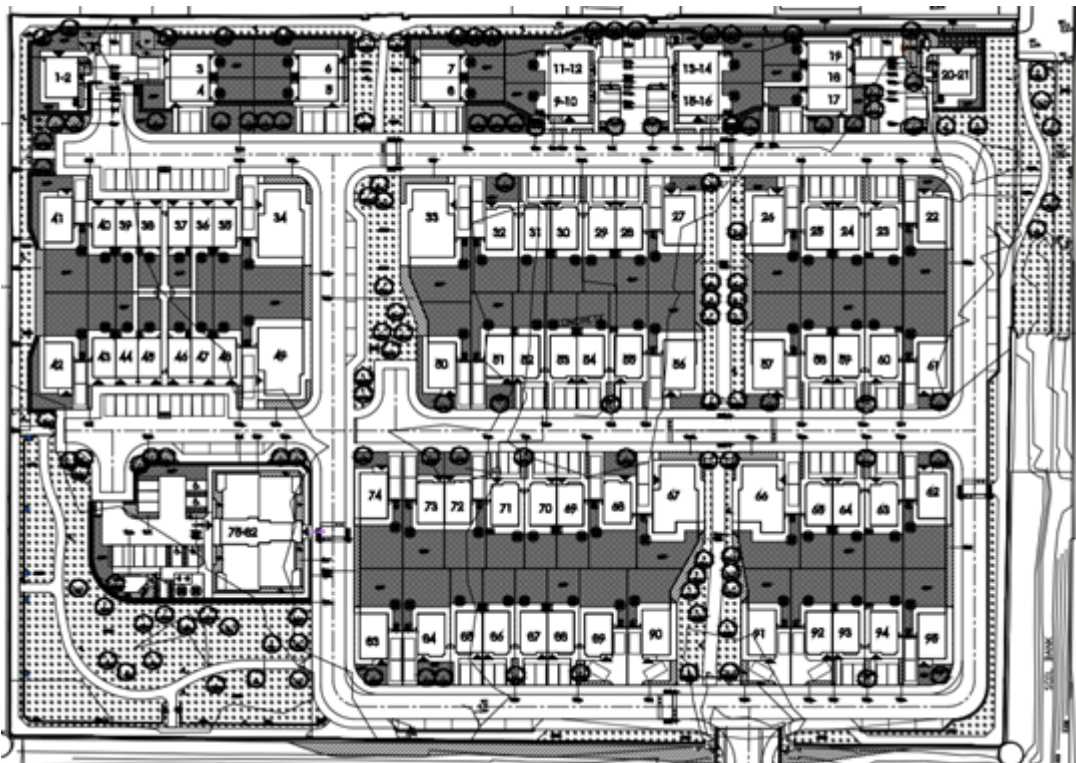
“All hard and soft landscape works shall be carried out in accordance with LA06/2026/0137/S54 DRG 03 and the appropriate British Standard or other recognised Codes of Practice. The hard and soft landscaping works shall be implemented in accordance with the phasing indicated on LA06/2026/0137/S54 DRG 02A and shall be permanently retained.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.”

Further to consideration of a proposal under LA06/2026/0058/NMC (seeking the amendments to the planting form and specifications of the implemented approval), it was determined that the proposal amounted to a material change, and hence this subsequent Section 54 application has been submitted. The proposal involves the removal of 36no. trees from the site in total, largely focused around the site's boundaries:



Approved landscaping scheme under LA06/2023/2434/F, with trees to be removed highlighted in red



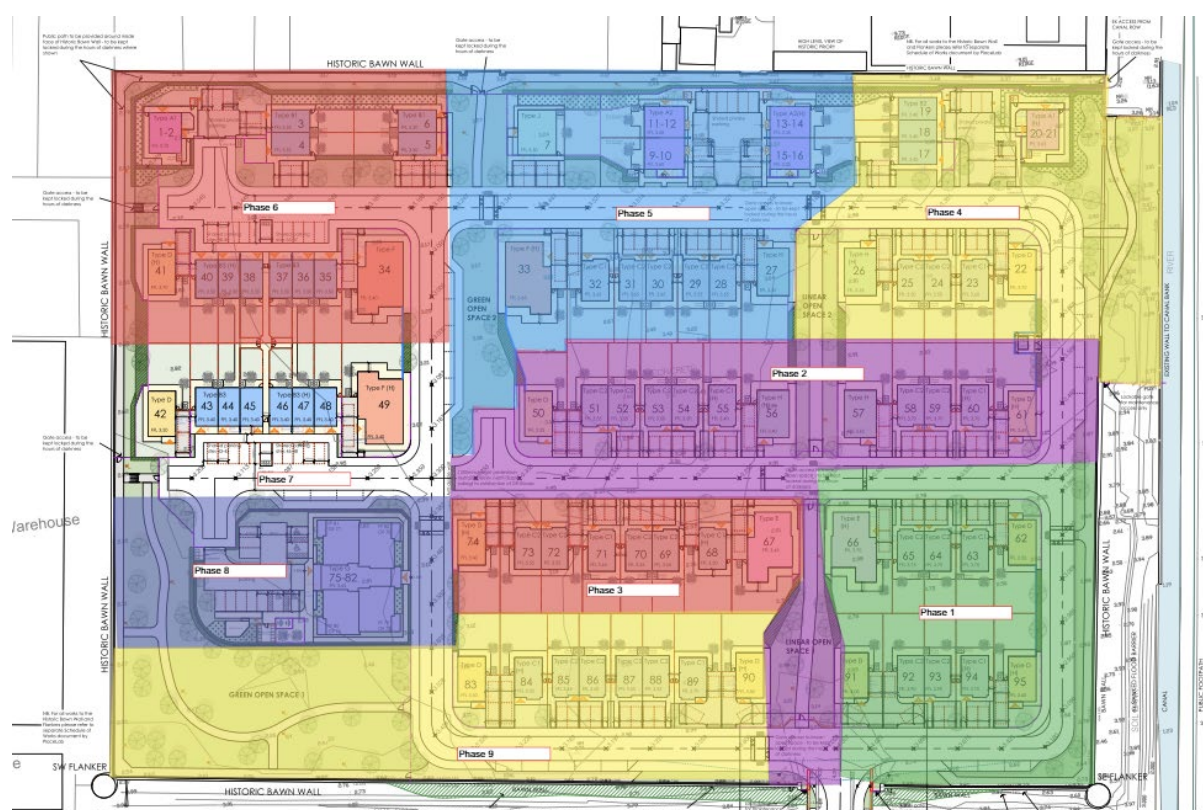
Proposed landscaping scheme

This change in landscaping is quite significant, considering the number of trees proposed to be removed from the plans. In terms of visual impact, however, it is noted that the main visual buffer provided by landscaping would be to the southwestern corner

(adjacent to 9 Carleton Bridge). I am satisfied however that there is still a sufficient number of trees in this corner to allow for the overall development not to have an unacceptable visual impact on the surrounding area. Trees along the northern, eastern and southern boundaries are not as necessary to reduce the visual impact of the development, considering these sides of the site are largely bound by industrial units and abandoned buildings. As such, I do not consider the removal of 36 trees throughout the site to have an unacceptable impact on the character and appearance of the wider surrounding area.

In terms of the potential impact of the removal of trees on the privacy and amenity of neighbouring properties, the only property which may be impacted directly is 9 Carleton Bridge. While the trees in the site’s southwestern corner provide some screening between it and the proposed new dwellings, it is noted that there are no proposed dwellings directly in this corner in any case. The nearest dwellings to 9 Carleton Bridge are over 60m away. I am therefore content that the reduced number of trees in this corner will not directly impact the level of privacy afforded to this neighbouring dwelling, and the proposal is therefore also acceptable in this regard.

In relation to the second half of Condition 5, a phasing plan has also been submitted. This indicates that there will be nine phases of planting, as set out below:



Proposed Phasing Plan

The agent’s supporting statement explains that the timing of these phases of planting will line up with the “handovers” of the newly-built dwellings from the contractor to Radius Housing Association. Due to the requirement of the condition to be pre-occupation, all landscaping works within each coloured area will be completed prior to this phase of houses being handed over, as part of the contractual arrangements with

Radius Housing Association. This is noted under “Soft Landscaping” on the proposed DRG 02A.

I am satisfied that the phasing information provided is sufficient, and therefore the proposed amended wording of condition 5 is acceptable in this regard. This amendment effectively removes the need for the phasing aspect of the condition to be discharged in the future.

Overall, as detailed above, I am satisfied that the reduced number of trees within the site does not have an unacceptable impact on the character of the area or the privacy of neighbouring residents. The proposed phasing is also acceptable, as it will align with the handover of completed properties to Radius Housing Association, without the need for conditions to be discharged. As such, the amended wording of condition 5 is seen to be acceptable.

5. Representations

36 neighbouring properties have been notified of the proposal, as per the Council’s statutory obligation.

As of writing, no representations have been received.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted shall be begun before 25 March 2029.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The residential development hereby approved shall be allocated for social housing use only and shall be managed by a registered Housing Association or the Northern Ireland Housing Executive.
Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.
3. The proposed buildings shall have traditional pitched roof forms with clipped eaves.
Reason: To ensure that the detailing used is of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

4. All roofs shall be finished in either slate or tiles with a thin leading-edge profile. If tiled finishes are to be utilised, then a sample shall be provided to the Council for approval in writing in conjunction with HED prior to works commencing on site, and the roofs shall be finished according to the approved sample.

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

5. All hard and soft landscape works shall be carried out in accordance with LA06/2026/0137/S54 DRG 03A and the appropriate British Standard or other recognised Codes of Practice. The hard and soft landscaping works shall be implemented in accordance with the phasing indicated on LA06/2026/0137/S54 DRG 02A and shall be permanently retained.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.”

6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

7. The long-term management and maintenance of the open space and gated accesses, as indicated on LA06/2023/2434/F DRG 03A, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing by the Council prior to the occupation of any dwelling hereby approved.

Reason: To ensure the provision and maintenance of public open space within the site.

8. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with Policy FLD 3 & Annex D of PPS 15, to the Council for agreement in writing, which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161 of The Water and Sewerage Services (Northern Ireland) Order 2006, in a 1 in 100 year event including an allowance for climate change (10%) and urban creep (10%). The development shall be carried out in accordance with the assessment as approved.

Reason: In order to safeguard against surface water flood risk.

9. During the construction of the development, flood resilient construction up to a minimum level of 4.27mOD shall be implemented in accordance with the details provided in the Flood Risk and Drainage Assessment Addendum 1, dated Feb 24.

Reason: To safeguard against flood risk to the development.

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 10.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 10. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.

13. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:

- a) Construction methodology;

- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Water Quality Monitoring Plan;
- e) Environmental Emergency Plan.

Reason: To prevent likely significant impacts on Strangford Lough Special Protection Area(SPA)/Special Area of Conservation (SAC) and Strangford Lough Part 1 Area of Special Scientific Interest (ASSI).

14. A 600mm capping system shall be installed within all the garden and grassed amenity areas of the proposed site as indicated on LA06/2023/2434/F DRG 03A.

Reason: Protection of human health.

15. On completion of the remediation and prior to the occupation of any dwelling hereby approved, the applicant shall provide to the Council, for approval in writing, a Verification Report. This report shall demonstrate that the remediation measures outlined in the report titled; 'Contaminated Land Assessment (Phase 1 PRA, Phase 2 GQRA and Outline Remediation Strategy) Lands within the Bawn Wall, Newtownards, referenced P3098-1 and dated November 2023, have been fully implemented. This report shall demonstrate the successful completion of remediation works and demonstrate that the site is now fit for end-use and include details of:

- Capping system
- The methodology and programme of the capping system
- Photographs and records of any excavation works within the source area including photographs showing depths to accommodate the capping layer
- Photographs of the clean material being used and placed on the source area, also showing depths being placed
- Records and photographs showing the depth of the capping system as required
- Details of the materials that were used for the capping system along with laboratory certificates and results which confirm that the materials are suitable for use.

Reason: Protection of human health.

16. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land

Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of public health and environmental receptors to ensure the site is suitable for use.

17. After completing the remediation works under Condition 12; and prior to occupation of any dwelling, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives and shall be subsequently implemented.

Reason: Protection of public health and environmental receptors to ensure the site is suitable for use.

18. No development or piling work shall commence on this site until a piling risk assessment has been submitted and agreed with the Council in writing. Piling risk assessments must be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention." In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

19. Glazing incorporated into the dwelling units shall be capable of providing a sound reduction index of at least 31 dB Rw.

Reason: In the interests of amenity.

20. Prior to occupation of each dwelling unit a passive acoustic ventilation system shall be incorporated into the dwelling unit which is capable of achieving at least 31dB RW when in the open position. The ventilation system shall comply with the ventilation rates as specified in Technical Booklet K1 and shall be permanently retained.

Reason: In the interests of amenity.

21. The uppermost ceilings of all proposed dwelling units shall be upgraded with an extra layer of 13mm plasterboard (staggered joints) which will provide a sound reduction index of at least 49 dB Rw.

Reason: In the interests of amenity.

22. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on LA06/2023/2434/F DRG 06A.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

23. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on LA06/2023/2434/F DRG 06A. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

24. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with LA06/2023/2434/F DRG 06A prior to the occupation of any part of the development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

25. The area within the visibility splays and any forward sight line shall be cleared prior to the occupation of any part of the development hereby approved to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

26. No dwelling unit shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling unit.

27. No dwelling unit shall be occupied until the provision of parking for that unit has been constructed in accordance with LA06/2023/2434/F DRG 03A. All parking areas shall be permanently retained thereafter and used for no other purpose other than the parking of vehicles.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

28.No dwelling shall be occupied until DfI Roads is satisfied that any highway structure / bridge requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been constructed in accordance with CG300 of the Design Manual for Roads and Bridges and evidence of this is submitted to the Council.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of the Design Manual for Roads and Bridges due to road alterations on the bridge deck.

Informative

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Annex A – Site Photographs (20/02/2026)



Figure A1 – View west from site entrance



Figure A2 – View northwest from site entrance



Figure A3 – view east from site entrance



Figure A4 – southwestern corner of site



Figure A5 – view towards south from south (beyond canal)

Annex B – Proposed Plans

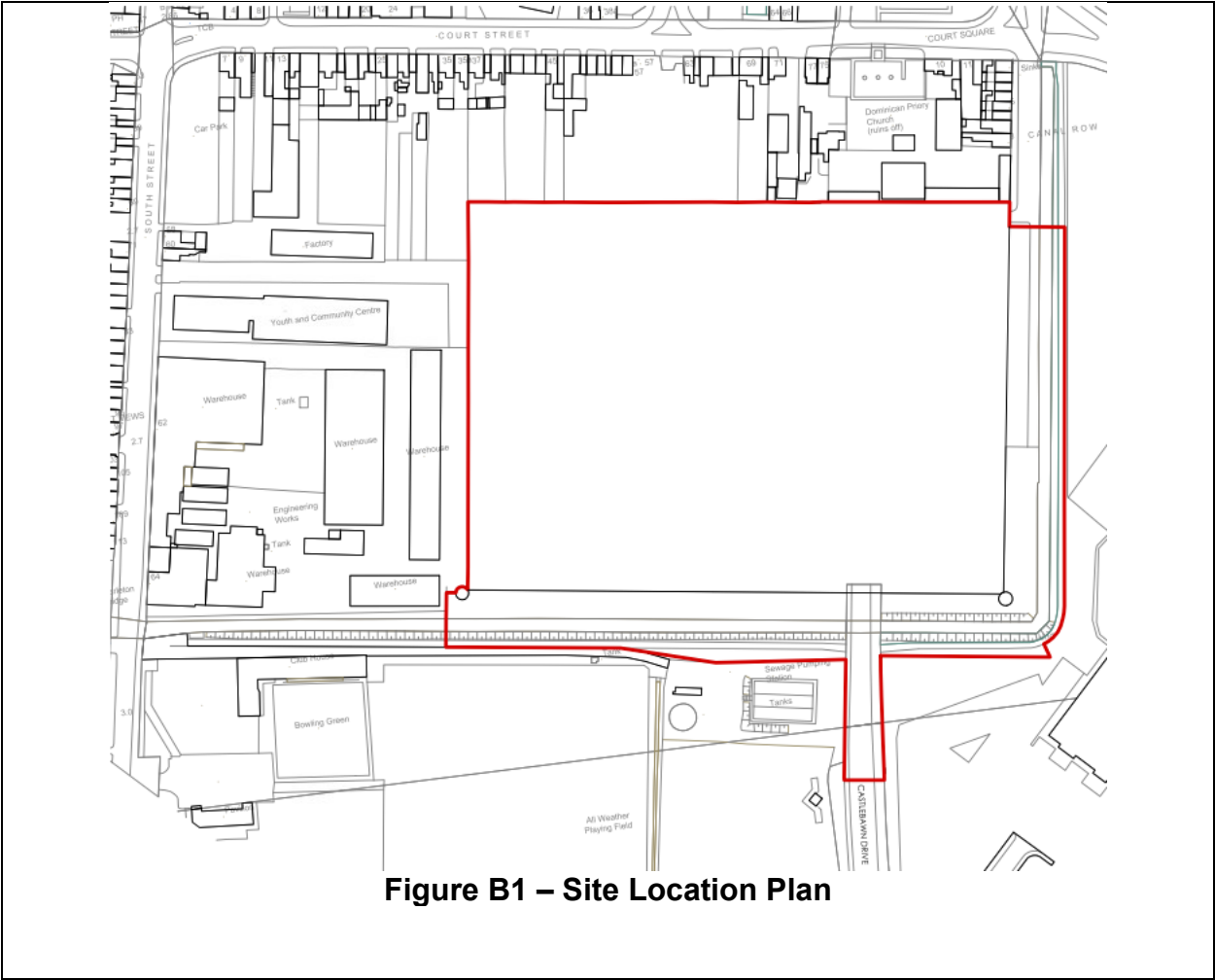
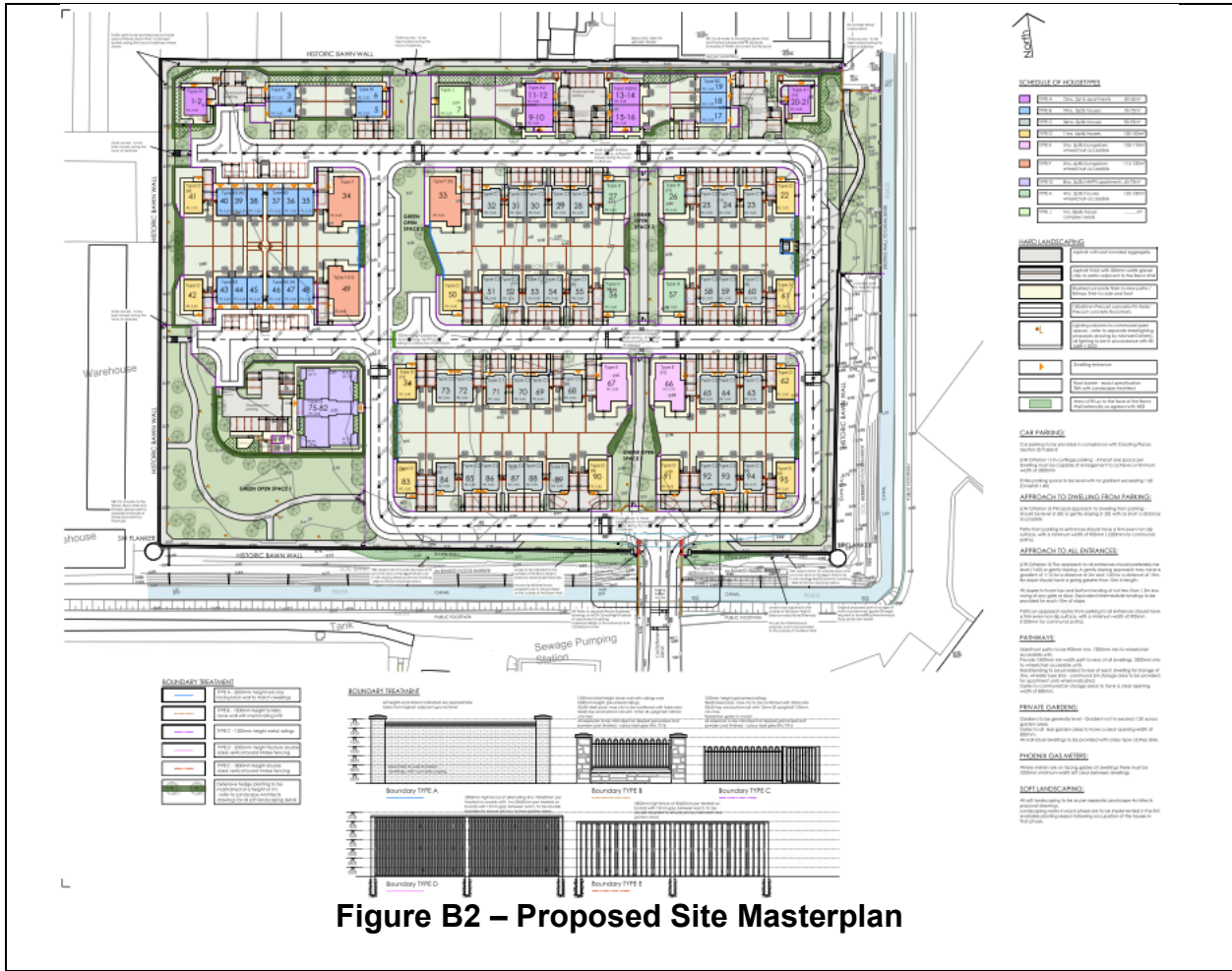


Figure B1 – Site Location Plan



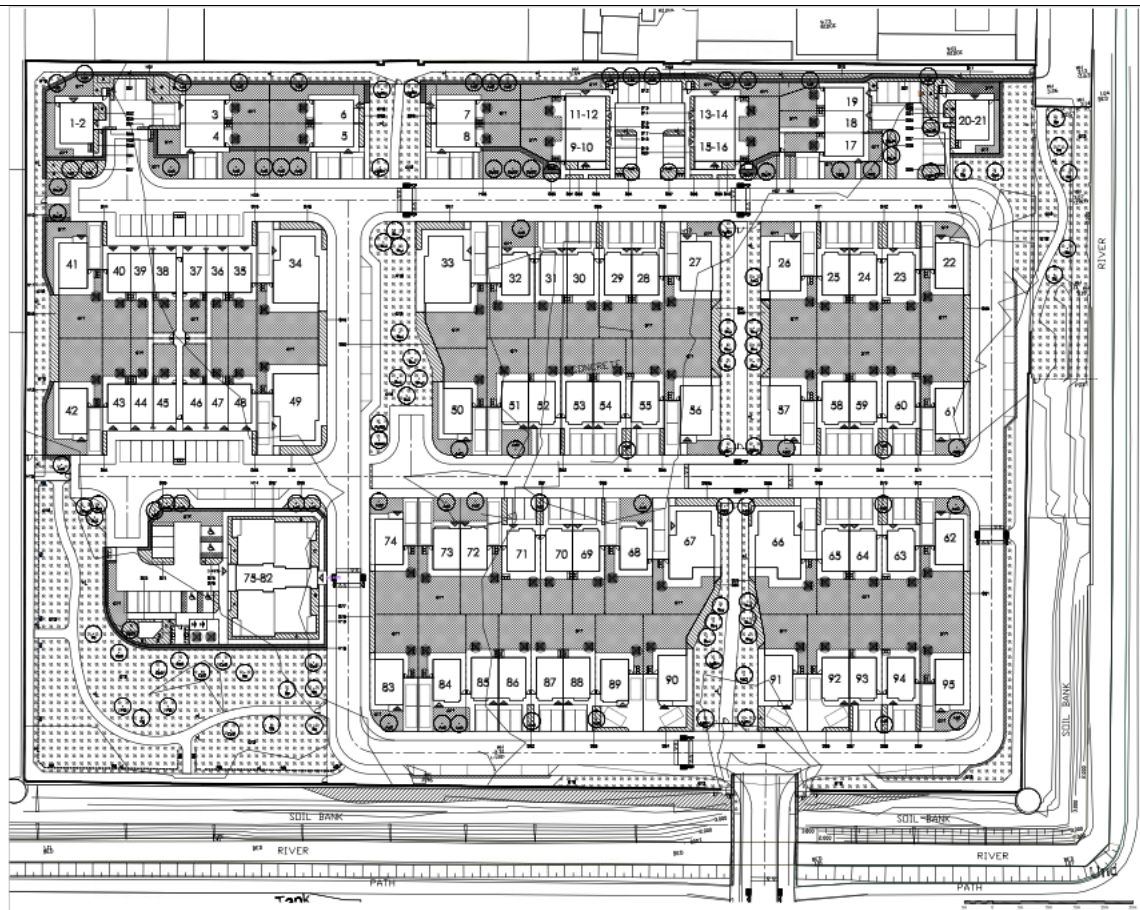
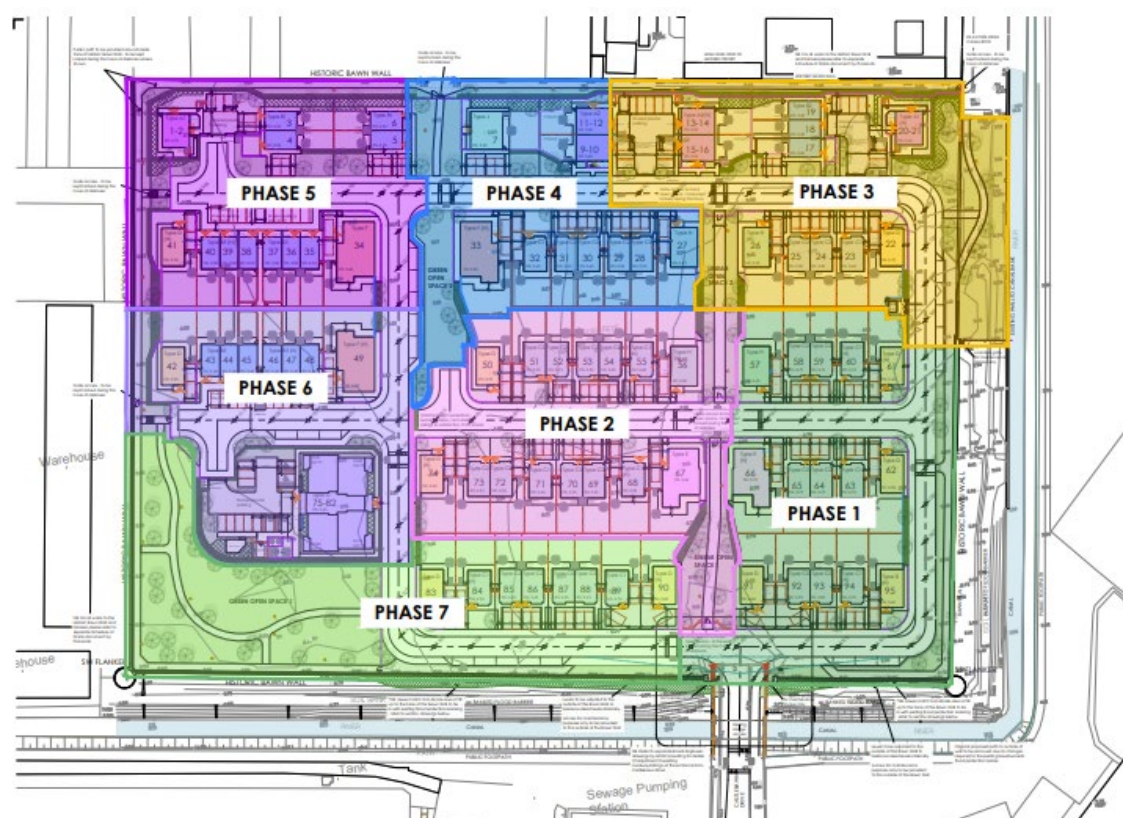


Figure B3 – Proposed Planting Plan

Addendum to Committee Report – LA06/2026/0137/S54

Lands South of Nos. 37-77 Court Street and Nos. 1-11 Canal Row, Newtownards

Following the identification of a technical error on the digital version of DRG 02A – Site Masterplan, which saw this plan exclude the colour-coded soft landscaping phases, an amended version of this plan was provided to the Planning Office on 29/04/2026 (DRG 02B – Site Masterplan). This plan is shown below:



DRG 02B – Site Masterplan, submitted on 29/04/2026

This plan also includes the following details of the soft landscaping phasing:


“All soft landscaping to be as per Proposed Planting Plan, submitted to planning on 18.02.2026

Landscaping works in each phase are to be implemented in the first available planting season following the occupation of the first house in that phase.”

As a result of this, the proposed varied condition has been updated to refer to DRG 02B in place of 02A.

This change does not impact on the acceptability of the proposed variation of condition application. It simply rectifies an issue whereby an amended digital plan was received which failed to include the layer showing the colour-coded phases for the implementation of landscaping to which the condition refers. Re-advertisement and re-notification of neighbouring properties following the submission of the updated plan is not considered to be necessary given the minor nature of the amendment and the fact that under the original permission LA06/2023/2434/F it was already accepted that approval of the phasing plan was to be dealt with by way of the discharge of condition 5, therefore requiring no advertisement or notification.

The opinion therefore remains that planning permission should be granted.

Development Management Case Officer Report			 Ards and North Down Borough Council CTY4		
Reference:	LA06/2024/0771/F	DEA: Ards Peninsula			
Proposal:	Change of use from agricultural building, commercial store and workshop to dwelling with extension and relocation of the access	Location:	60m to the SE of 31A Loughries Road, Newtownards		
Applicant:	Cecil Beattie				
Date valid:	09/09/2024	EIA Screening Required:	No		
Date last advertised:	11/09/2025	Date last neighbour notified:	03/09/2025		
Consultations – synopsis of responses:					
NI Water		No objection			
DFI Roads		No objection			
NIEA		No objection			
SES		No objection			
Rivers		No objection			
Letters of Support	0	Letters of Objection	1	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Compliance with the local development plan • Compliance with the relevant policy • Residential and visual amenity • Access, movement and parking • Biodiversity • Flooding and drainage 					
Recommendation: Refuse Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access					

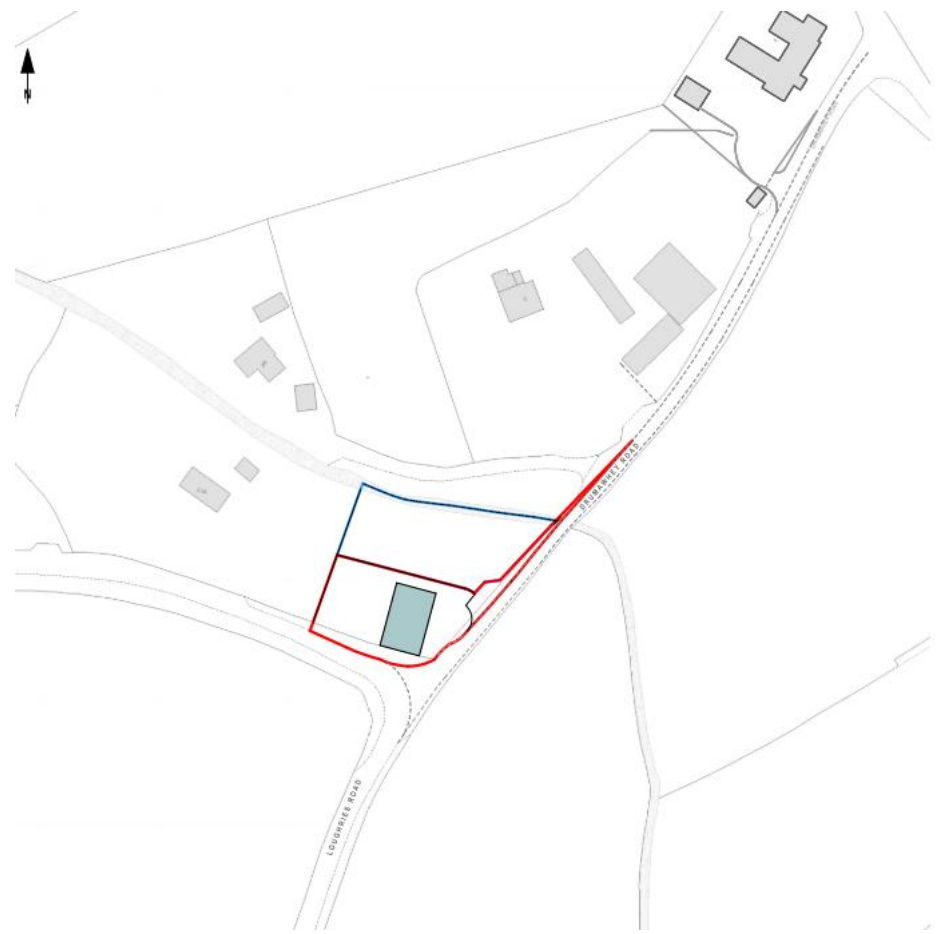
1. Site and Surrounding Area

The site comprises of lands at 60 metres to the southeast of No. 31a Loughries Road, Newtownards. The site located consists of an area of land with a building. The building comprises of a low pitched corrugated roofed and is derelict.

The building is in a prominent position immediately on the edge of the road verge adjacent to the public road and occupies a corner plot on the junction of the Loughries Road and Drumawhey Road. The boundaries of the site include the building, low level wall and hedging to the south / Loughries Road; a wooden post fence and hedge to the west.

The site sits lower than Loughries Road and the land slopes slightly down to the east. The access is from the southeast corner. The surrounding area is rural and is characterised by agricultural fields and a scattering of rural properties, agricultural buildings, and farmyards

2. Site Location Plan



3. Relevant Planning History

Ref: LA06/2024/0499/O

Address: 60m to the South 2 Drumawhey Road, Newtownards

Proposal: Infill dwelling & garage

Status: Granted

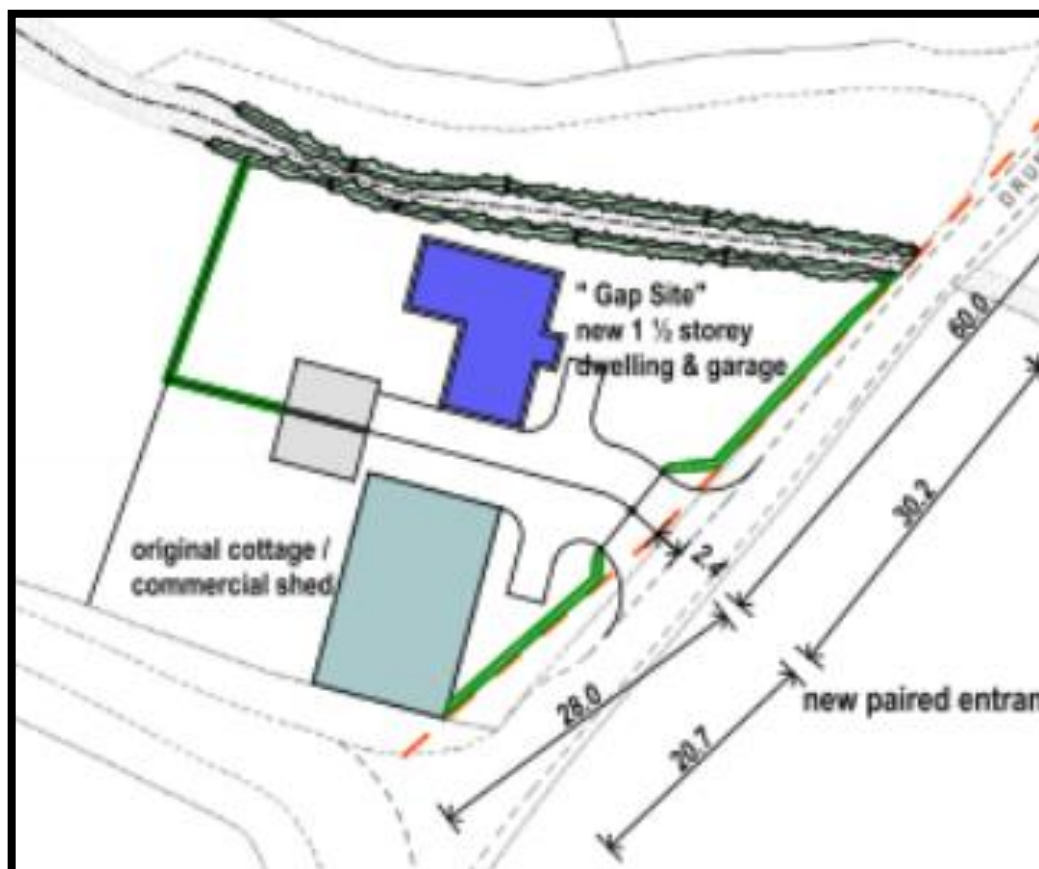


Figure 1: Granted site layout for LA06/2024/0499/O

There are also several historical applications previously refused on the application site:

X/2000/0292/O - Demolition of existing building (storage office & agricultural use) and replaced with a new dwelling – Refused 1 September 2000

1. The proposal is contrary to Policies GB/CPA1 and GB/CPA3 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies within a Green Belt and it does not merit being considered as an exceptional case as the need for this dwelling does not justify a relaxation of the strict planning controls in this area.
2. The proposal is contrary to Policy DES5 of the Department's Planning Strategy for Rural Northern Ireland in that a building on this site would, if permitted, be obtrusive and have an adverse impact on the countryside by reason of its lack of visual integration into the landscape.

X/1991/0234 - Site at corner junction of Loughries Road and Drumawhey road Newtownards- change of use from milk store to dwelling – refused

1. The proposed development is in the Belfast Urban Area Green Belt and in consequence would be contrary to the Departments policy for this locality in that it would not merit being treated as an exceptional case as the special circumstances are not considered to be of sufficient weight to justify a relaxation of the stricter planning control exercised in this area.

X/1987/0658 - Loughries Road/ Drumawhey Road Newtownards -Dwelling house – Refused

1. The proposed development is in the Belfast Urban Area Green Belt and in consequence would be contrary to the Departments policy for this locality in that it would not merit being treated as an exceptional case as the special circumstances are not considered to be of sufficient weight to justify a relaxation of the stricter planning control exercised in this area.

X/1990/0255- Corner site at Junction of Loughries Road and Drumawhey Road – Replacement Dwelling – Appeal Dismissed

1. The proposal conflicts with the Department's policy of restricting the number of additional dwellings in a Green Belt in that there is no structure on the ground that would fulfill the Department's criteria for an "existing dwelling".
2. The proposed development would give rise to conditions which would prejudice the safety and convenience of road users since it would not be possible within the application site to provide a means of access with adequate sight lines at the junction of the access with Loughriscouse Road

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary planning

- Building on Tradition

Ards and Down Area Plan 2015 (ADAP)

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the countryside and an area of constraint on mineral development as outlined in ADAP.

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site is within the countryside out with any settlement. The site is outside the AONB and outside any other environmental designations. There are no architectural or archaeological designations affecting the site. The plan makes no specific provisions for change of use from an agricultural building to a dwelling but defers instead to current regional policies. In this context, PPS21 -Sustainable Development in the Countryside is retained and is the latest expression of policy for this type of development.

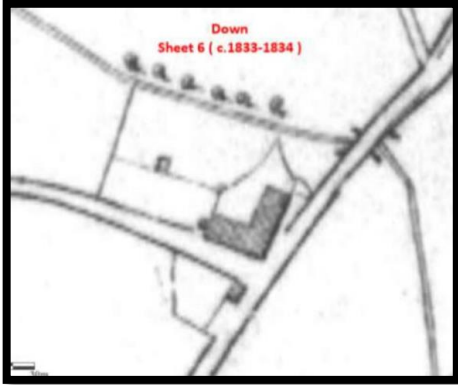
In relation to the subject matter, the SPPS sets out provisions (Para. 6.73) for the Conversion and re-use of existing buildings for residential use. Provision is made for the sympathetic conversion, with adaptation, if necessary, of a locally important building (such as former schoolhouses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

CTY1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' sets out the types of development which are considered to be acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. More specifically, CTY 1 makes provision for a The Conversion and Reuse of Existing Buildings in accordance with Policy CTY 4. CTY 4 states that planning permission will be granted for the sympathetic conversion of a suitable building for a variety of uses – including use as a single dwelling. In relation to the subject matter, the SPPS sets out similar provisions (Para. 6.73) but adds that provision be made for the sympathetic conversion, with adaptation, if necessary, of a *locally important building* (such as former schoolhouses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

Paragraph 1.12 of the SPPS requires any conflict between the SPPS and PPS 21 to be resolved in favour of the former. The SPPS does not define “locally important” but the examples given in brackets are suggestive of buildings that generally have some local architectural merit or historic interest. The availability of public views is not a policy requirement. To be locally important, a building does not have to be a focal point or landmark.

The agent has submitted a supporting statement along with the application and refers to the local importance of the building proposed to be converted they contend it meets the definition within PPS21.

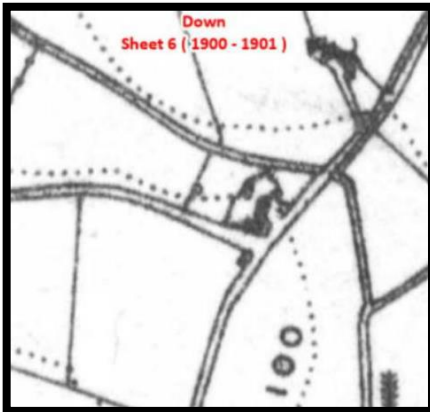
PPS21 defines "vernacular" in Annex 2 "Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local 'folk tradition'. Such vernacular buildings will have been typical ie of a common type in any given locality and will lack the individualistic and educated design features that characterised international fashions in formal architecture during the same period".



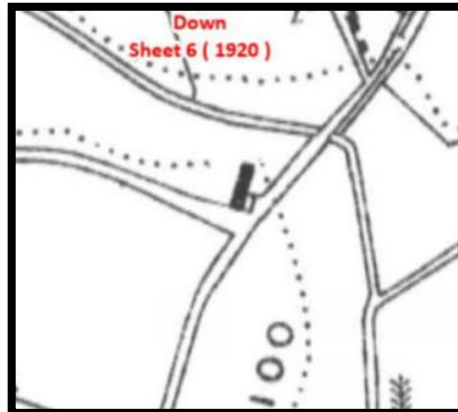
Map 1



Map 2



Map 3



Map 4

Figure 2: Historical maps included in Design and Access Statement

The evidence submitted by the agent contends that the building is Vernacular and dates back to 1840s. The building has been heavily altered. Alterations have also involved removing the portion along Loughries Road but retaining the portion along Drumawhey Road shown in "Map 4". Since then, there has been an extension added to the north-west elevation, more than doubling the size of the building and the original part has had rough render added to the walls and a corrugated roof.



Figure 3: Photos of original section of the building



Figure 4: Photos of the extended part of the building

I would conclude after carrying out a site inspection that the building on site has no significant architectural merit. The building has a prominent roadside location and is visually prominent when traveling in any direction towards this junction.

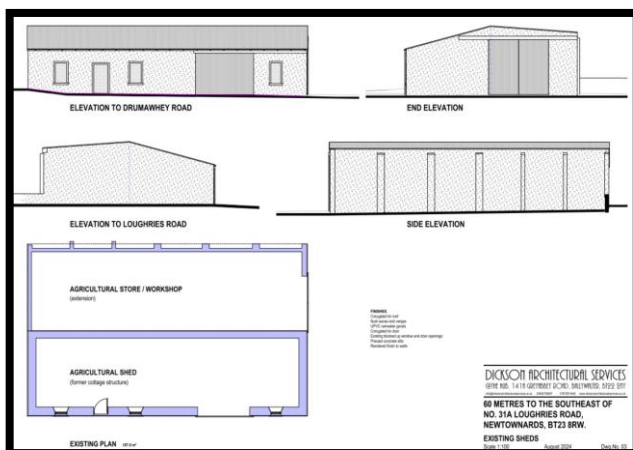


Figure 5: Existing elevations

In terms of the building meeting the requirements of 'locally important', it is considered that while the existing building is very visible on the corner site, it has no vernacular features of any worth and there is no evidence that it has any particular historic or local

significance in terms of its previous use. It also appears to have been altered and extended considerably over the years and now bears no resemblance of any original attractive vernacular features that may have been present. The age of the building is not sufficient alone to make it locally important.

The agent has highlight two planning appeals which they consider to be relevant in relation to the 'locally important' assessment.

2016/A0115

In this instance the commissioner determined that the 'appeal buildings are particularly good examples of non-listed vernacular architecture. They are in good repair. They meet the "locally important" test on the basis of their architectural merit alone. Their size is such that they would lend themselves to the proposed conversion with minimal intervention. Residential use would secure their retention and upkeep.'

This appeal is different as the building under consideration in this application has been significantly altered and any vernacular details have been lost through the various extensions and alterations. This appeal also considered that a claimed connection between the appeal buildings and Ballywalter Park is too tenuous to be of significant local interest.

The agent has stated that the building is known locally as 'The Barn End' although this may be the case it does not convey any local significance other than a name, I also consider this to be too tenuous.

2018/A0031

The commissioners report concludes that the appeal building was 'built pre famine' and 'patches of render have been removed to reveal the buildings original construction of stone walls with brick quions'. It was on the basis that the render was removed as proposed that the building would display architectural merit and features worthy of retention. Furthermore, 'the stonework comprising the barn is exhibited in a nearby bridge and other surviving buildings of that era in the immediate locality. The dual residential and agricultural use of the building by local people within living memory confers a local historical significance on the building. This factor contributes to the building's local importance which would be further enhanced by its sympathetic renovation and extension.' A condition was also included with the PAC decision that, 'The proposed 1.2m high natural stone walling indicated on the 1:500 scale Site Plan numbered 06 and received by the council on 2nd November 2017 shall be of a design and materials similar to those of the bridge over the nearby Rathmore Burn some 40m to the east of the appeal site.



Figure 6: Google street view image of 65 Rathmore Road. – Appeal reference 2018/A0031

The application site differs from the above in that the appeal site clearly demonstrates vernacular features whereby the building under consideration for this assessment has lost any vernacular features it may previously have exhibited.

Further information was received by the agent which aimed to evidence that the building was vernacular. This included photographs showing the removal of some of the render to expose the stone walls below, the agent suggests, 'The aesthetic and quality of stone walling relies on varied but balanced stone sizes and shapes.

The building has a greater majority of larger stones than generally seen with fewer small stones and mortar infilling the stonework, highlighting the building's overall structure and historical context conferring a local historical significance on the building.' Although it is recognised in the above mentioned planning appeal that the removal of render allowed the display of architectural merit and features worthy of retention in that instance, I disagree that the removal of render to the application building displays anything of architectural merit other than the stone of the building. The building has been heavily altered with render and corrugated iron roofing which reduces any perceived architectural merit.



Figure 7: Photograph submitted by the agent to demonstrate removal of portions of render.



Figure 8: Inside of the building

The agent also supplied a photograph showing, 'the chimney flue, line of render and rusted steel support to the top of the original fireplace opening.'



Figure 9: Photograph supplied by the agent of chimney flue

Regardless of the removal of some render and the potential presence of a chimney flue (there is no chimney stack on the outside of the building), it remains my opinion that the building has been so significantly altered over the years that any vernacular features have been lost.

Given all of the above, I do not consider the proposal meets the test of 'locally important'. Therefore, the proposal is considered contrary to the SPPS.

With regard to the policy criteria of CTY4, it states that **the building must be of permanent construction**, which it is. The criteria then goes on to state that **the reuse or conversion would maintain or enhance the form, character or architectural features, design and setting of the existing building and not have any adverse effect on the character or appearance of the locality. It also states that any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building.** This is considered in more detail below.

The extension to the original building is to be removed to facilitate a rear extension.



Figure 10: Proposed elevations

The development includes the change of use of the building on site from an agricultural shed to a dwelling and also involves the demolition of buildings either side. A detached garage is proposed to the north.

Visual amenity, Impact on character of the rural area.

With regard to the policy criteria of CTY4, it states that **the building must be of permanent construction**, which it is. The criteria then goes on to state that **the reuse or conversion would maintain or enhance the form, character or architectural features, design and setting of the existing building and not have any adverse effect on the character or appearance of the locality.** It also states that **any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building.**

The proposal involves the demolition of the 'extension to the rear' but retention of the 'original building' (the eastern portion). The proposed dwelling is single storey with stone walls exposed and a pitched roof. The building is linear in form with a small bay to the front entrance and a kitchen/dining/family room, to the rear, it is considered to be modest in height and scale and appropriate to the rural area. The 'extension' is subordinate and simple in design. The roof pitch of the existing building is shallow and sits at an angle of 14 degrees. The proposed dwelling has a pitch of 38 degrees.

A pitched roof is in keeping with dwellings in the local vicinity.

Given there is part of the building to be demolished, and the extension proposed is to be around half the floor space of the that being demolished, I would conclude that the proposed new extension is sympathetic to the scale and massing of the existing building. The proposed extension will be visually subordinate to the building.

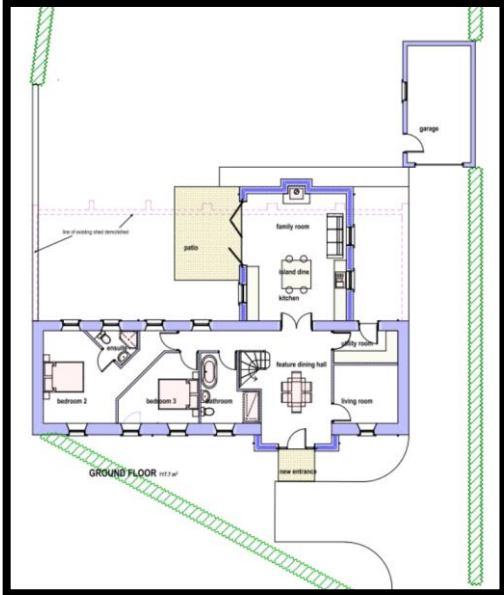


Figure 11: Proposed site layout



Figure 12: Aerial view of site.

With all things considered it is my planning judgment that the proposed extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building.

Integration and Design of Buildings in the Countryside

CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The design proposed is rural in character and in keeping with the of the surrounding area. The proposed dwelling has a roadside location and therefore will be visible on approach from the road. However, the retention of boundary hedges and supplementary planting about the roadside boundaries will help to soften and screen the proposal. A condition detailing an appropriate landscaping scheme could be attached to any subsequent approval. will visually integrate in the site and surrounding area and will provide a dwelling which will be acceptable in design and appropriate to the local area.

With the location of the site on a roadside plot, the building already has prominence, and its conversion will not exacerbate this fact.

The site does have long established natural boundaries and would in my opinion provide a suitable degree of enclosure, which would facilitate the integration of the

proposal into the landscape. A further boundary will be required along the northern part of the site; this will be included as a condition.

A planting scheme has been submitted along with this proposal including retention of existing hedges and supplementary trees and landscaping. The proposed landscaping will help to soften the critical viewpoints of the proposal to an acceptable degree.

The ancillary works include a garage which is subordinate in size and scale.

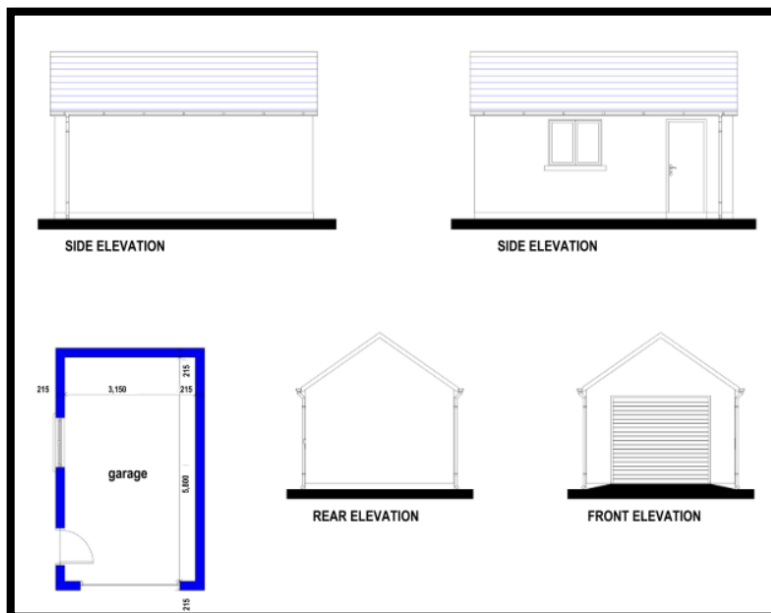


Figure 13: Proposed garage.

Rural Character

CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

On balance due to the roadside location and the open views of the site, together with the criteria of the policy CTY14, the design of the proposal is acceptable. The conversion to dwelling will not exacerbate the prominence of this building in the local landscape.

Residential Impact

CTY4 states - The reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings.

The closest neighbour is 31A Loughries Road, which is approx. 50m away. The proposal would not have any impacts on residential amenity. Its modest height and separation distance from neighbouring dwellings ensure that there will be no unacceptable impact,

Access, Movement and Parking

The proposal involves creating a new paired access onto the Drumawhey Road. DFI Roads have been consulted and have no objection to the proposal along with conditions. There is adequate space within the site for the car parking of at least 2 cars.

Water and Sewerage

The proposed development has a mains connection to the water supply, surface water will be disposed of via soakaways and a septic tank will dispose of foul sewage. Both NI Water and DAERA Water Management Unit were consulted on this application. The consultation responses did not raise any objections to the submitted proposals and the site and surrounding area are not identified as having a pollution risk.

Flood Risk

FLD1 - Development in Fluvial and coastal Flood Plains - Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – The site is bound along the northeastern boundary by a designated watercourse known to Rivers Directorate as “Loughries”. The site may be affected by undesignated watercourses of which we have no record.

Under 6.32 of the policy it is essential that a working strip of minimum width 5m from the top of the bank is retained. The applicant should contact the local Rivers Directorate area staff to establish their needs. Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip. Rivers Directorate requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

In addition, by way of a planning informative, perspective purchasers whose property is affected by this watercourse should be made aware of Rivers Directorate’s obligations to maintain the watercourse.

FLD3 - Development and Surface Water – A Drainage Assessment is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

5. Representations

No letters of objection have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal reasons

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted is not a locally important building.
2. 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.

LA06/2024/0771/F - Addendum to Case officer report. 16 December 2025

This application was included on the delegated list on 16th December 2025. Following publication, the agent contacted planning via email to advise that that the published case officer report does not include the latest drawing, 03B which was submitted, uploaded and re advertised on 3 September 2025.

The agent is correct in that the drawing contained in the case officer report is the previous drawing, however given that it relates to the existing elevations of the dwelling it will not form part of the decision notice.

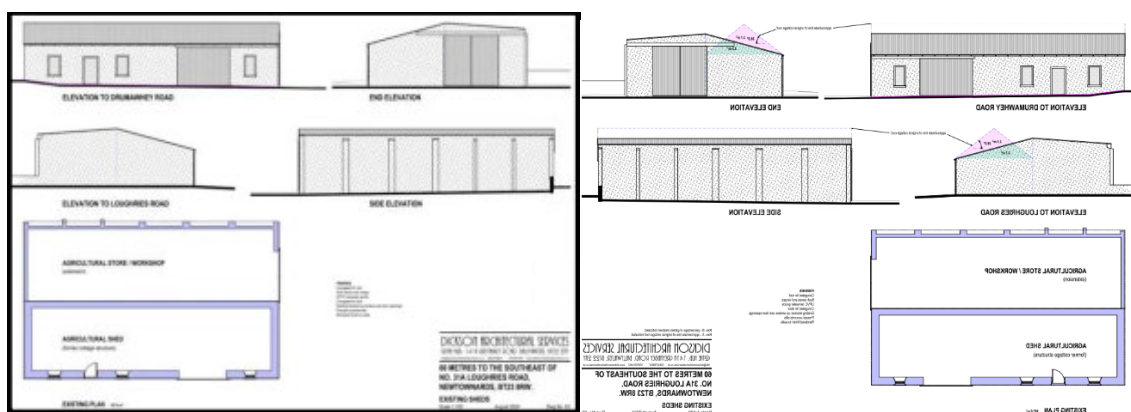


Image included in Case officer report.

Drawing 03B

The drawings are essentially the same, apart from the addition of dashed and highlighted portion relating to the 'original roof slope'.

As there is no material change to the drawing and the existing building remains on the ground as per the image included in the case officer report the recommendation to REFUSE the planning application remains.

Item 5.4b**Addendum 2 to Case Officer Report**

Planning ref: LA06/2024/0771/F

Proposal: Change of use from agricultural building, commercial store and workshop to dwelling with extension and relocation of the access.

Address: 60m to the Southeast of 31A Loughries Road, Newtownards, BT23 8RW

Preliminary Matter – Consideration of Objection

One objection was listed on the front page of the original Case Officer Report; however, no consideration of this was included within the report. The issues raised in the representation received on 11/09/2025 from 2a Drumawhey Road along with consideration of same are summarised as follows:

1. Comments are made about development in the vicinity of the application site and building control issues.
Comment: *These are generic comments. Building Control is a separate process.*
2. Each new dwelling brings additional cars and lorries onto a small rural road.
Comment: *Whilst this is appreciated, DfI Roads was consulted with no objections to the proposal with suggested conditions.*
3. No communication was received about the planning application.
Comment: *The system shows a neighbour notification letter was sent to this address on 11/09/2024, with re-notification on 03/09/2025.*

1.0 Context

This planning application was considered by Planning Committee at its meeting of 3rd February 2026. This followed on from it having been called in to Planning Committee by Alderman Stephen McIlveen on 17 December 2025 from the Delegated List of 15 December 2025. The application was recommended for refusal on the following grounds:

1. *The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted is not a locally important building.*
2. *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.

The introductory paragraph of Policy CTY4 of PPS 21 – The Conversion and Reuse of Existing Buildings states that the policy allows for the conversion of a *suitable building*. While no definition of what constitutes a suitable building is provided by the policy, it is considered that a suitable building must be of such structural soundness to be capable of conversion. Criterion (a) of Policy CTY4 also requires that the building be converted must be of permanent construction.

At its meeting of 3 February 2026, Planning Committee deferred the application and requested the submission of a Structural Survey from the agent to establish the condition of the existing building and assess its suitability for conversion into habitable use.

2. 0 Structural Survey

Structural Survey Inspection Report

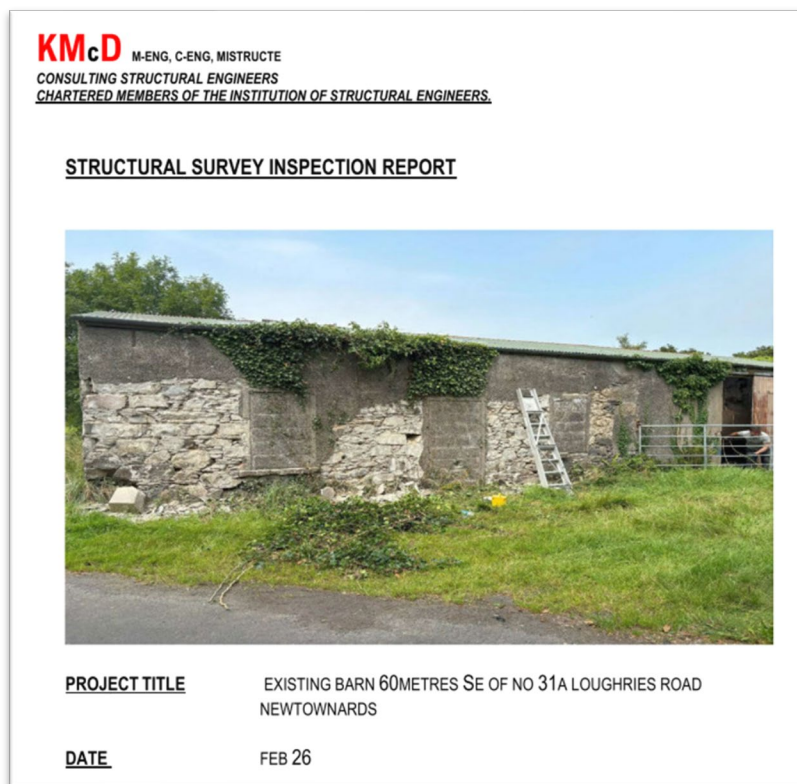


Fig 1. Extract from Front Cover of Structural Survey Inspection Report

The Survey was carried out on the existing building circa 60m to the Southeast of 31A Loughries Road, Newtownards on 21 February 2026. It was carried out by KMcD, Consulting Structural Engineers, and Chartered Members of the Institute of Structural Engineers. This survey checked the condition of the existing building and commented on its suitability for conversion into habitable use. The survey was visual only, with no additional opening up works. A Report was subsequently submitted in support of the planning application which noted the existing building is a single storey detached, low pitch, traditional stone-built building with a corrugated tin roof. Also, the building is split internally via a 500mm wall. The building is a typical 19th Century structure consisting of the following:-

External:

- 500mm solid stone walls partially rendered.
- Timber heads above doors and windows.
- Infill block closing up doors and windows.
- Corrugated tin roof.

- No concrete foundations.

Internal:

- Timber roof rafters supporting tin roof.
- Internal rendered outside walls no internal separating walls.
- Timber heads above doors and windows.
- Infill block closing up doors and windows.
- Concrete floor slab.

The Report states “*The existing barn structure is in a good condition considering its building age. This is due to the intact roof structure restraining the walls and protecting the building from water ingress....*”

The following items were noted:-

- Roof structure, agricultural specification, intact.
- External walls rendered. Slight lean locally on dividing wall separating shed from workshop.
- External heads and windows and doors timber have failed.
- External wall (Drumawhey Road Elevation), localised cracked and bowed wall above failed timber heads at doors and windows. Replace heads and rebuild defective walls above heads.
- Corner walls split from return walls.

Paragraph 1 of the Report comments ‘*The building is split via an internal wall into an Agricultural Shed, former cottage structure, and a Store and workshop...The proposal is for the demolition of the store and workshop and retention of the load bearing elements of the agricultural shed*’.

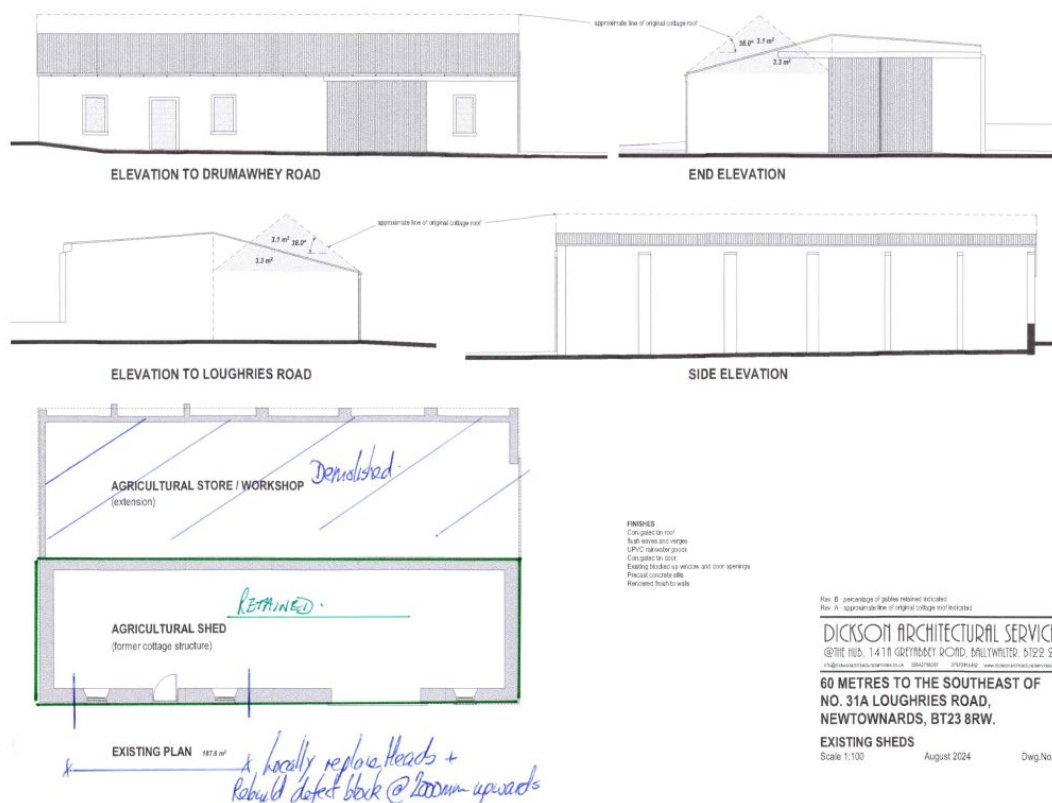


Fig 2 Annotated Drawing (LA06/2024/0771 03B) of Existing Sheds from Appendix to Structural Survey with vernacular building to be retained outlined in Green

The proposed conversion is to consist of a habitable ground floor with a new pitched cut roof with first floor habitable use, and side extension consisting of new build kitchen/family room. The Structural Engineer commented that the existing barn walls are suitable as load bearing for re-use; however, the following works need undertaken during any future construction:-

- Rebuild walls locally at above 2000mm at windows and doors, Drumawhey Road elevation.
- Replace timber heads with prestressed concrete heads.
- New 500x300mm in situ concrete ring beam cast on top of existing stone walls to tie structure together.
- L straps at all corners at 450mm vertical c/cs.

The Report states ‘...the load bearing stone walls are suitable for reuse and integration into any future scheme. Failed timber heads at doors and windows have caused localised cracking and bulging of walls. These areas will be rebuilt during the construction stage.’ This scheme ‘will provide additional stability to the barn structure, via buttressing, provided by new internal walls and external extension cavity walls. All building works will comply with current building control regulations.’

An informal consultation was carried out with ANDBC Building Control Manager who looked at the building and believed it to be stable commenting ‘... *the masonry above the windows /doors as per the report is bowed but a strictly limited repair should be do-able. The rest of the stonework looks capable of use in its current condition.*’

The Structural Survey Report concludes that “*The integrity of the walls of the barn are in an excellent condition for a building of its age...*” and “*...of sufficient integrity to support a restoration project.*”

3.0 Conclusion

This is a vernacular building, with stone walls, dating from the 19th Century. The Structural Survey demonstrates that the building is in good condition for a building of its age. The removal of unsympathetic later additions and a sympathetic conversion scheme will provide additional stability to the barn structure, via buttressing and facilitate a sympathetic conversion.

The structural survey has demonstrated that the traditional building is considered capable for conversion under criterion (a) of Policy CTY4 of PPS21 policy CTY4 of PPS 21 and the SPPS2. If Planning Committee is of the opinion to grant planning permission for the proposed development, as suggested below in Appendix 1, retention of the traditional stone walls which provide the building with its vernacular character can be conditioned.

While the structural survey demonstrates that the building is structurally capable of conversion, the Planning Service remains of the opinion that the proposal is contrary to paragraph 6.73 of the SPPS Edition 2 and Policy CTY1 of PPS 21, in that the building to be converted is not considered to be a locally important building. It is therefore recommended that planning permission should be refused.

Appendix 1

Condition without Prejudice

1. All existing walls of the building to be converted, as outlined in blue on Drawing LA06/2024/0771 03B shall be permanently retained.

Reason: To safeguard the special architectural and historic interest, character, appearance, and integrity of this locally important building.

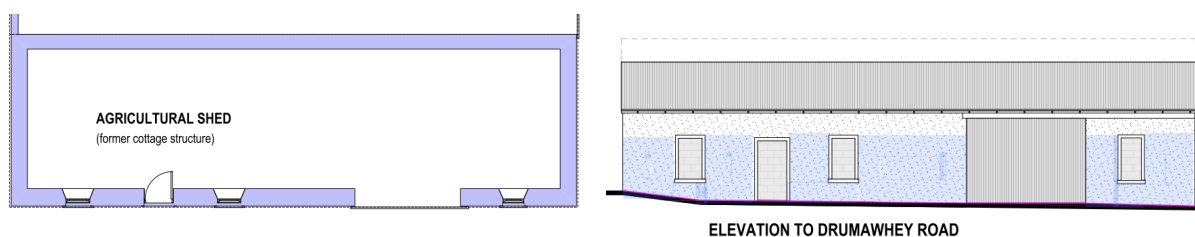



Fig 3 Extracts from Drawing (LA06/2024/0771 03B) showing original cottage walls, and existing front elevation to Drumawhey Road with shading in blue illustrating walls to be permanently retained.

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2025/0403/F	DEA:	Comber
Proposal:	4No. glamping pods, bike store, bin store, reception hut, access, parking, and landscaping		
Location:	Approximately 120m south of 40 Tullynagee Road, Comber,		
Applicant:	Marcus Donaldson		
Date valid:	05/06/25	EIA Screening Required:	Yes
Date last advertised:	05/02/2026	Date last neighbour notified:	01/10/2025
Letters of Support:	1	Letters of Objection:	25
		Petitions:	1
Consultations – synopsis of responses:			
DFI Roads		No objection	
Environmental Health		No objection	
NI Water		No objection	
NIEA - WMU		No objection	
NIEA - NED		No objection	
Shared Environmental Service		No objection	
DFI Rivers		No objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Tourism and Impact on Rural Character • Impact on Residential Amenity • Parking and Access • Biodiversity 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal: Northern Ireland Public Register (planningsystemni.gov.uk)			
1. Site and Surrounding Area			

The site is located in a field to the south of no.40 Tullynagee Road, Comber. The field is on the eastern side of the Tullynagee Road and the site is located within the south-east corner. There is a woodland to the east of the site and a boundary hedgerow with trees line the southern boundary of both the larger field and the site.

The field is generally flat with slight undulations throughout. There is an agricultural access gate to the south-west corner of the field and this is proposed to provide access to the proposal. There are mature roadside boundaries north and south of the access.

The site is located within the Countryside as shown within the Ards and Down Area Plan 2015.



Figure 1: Orthophotography of the site.



Figure 2 - View of site from access.

2. Site Location Plan

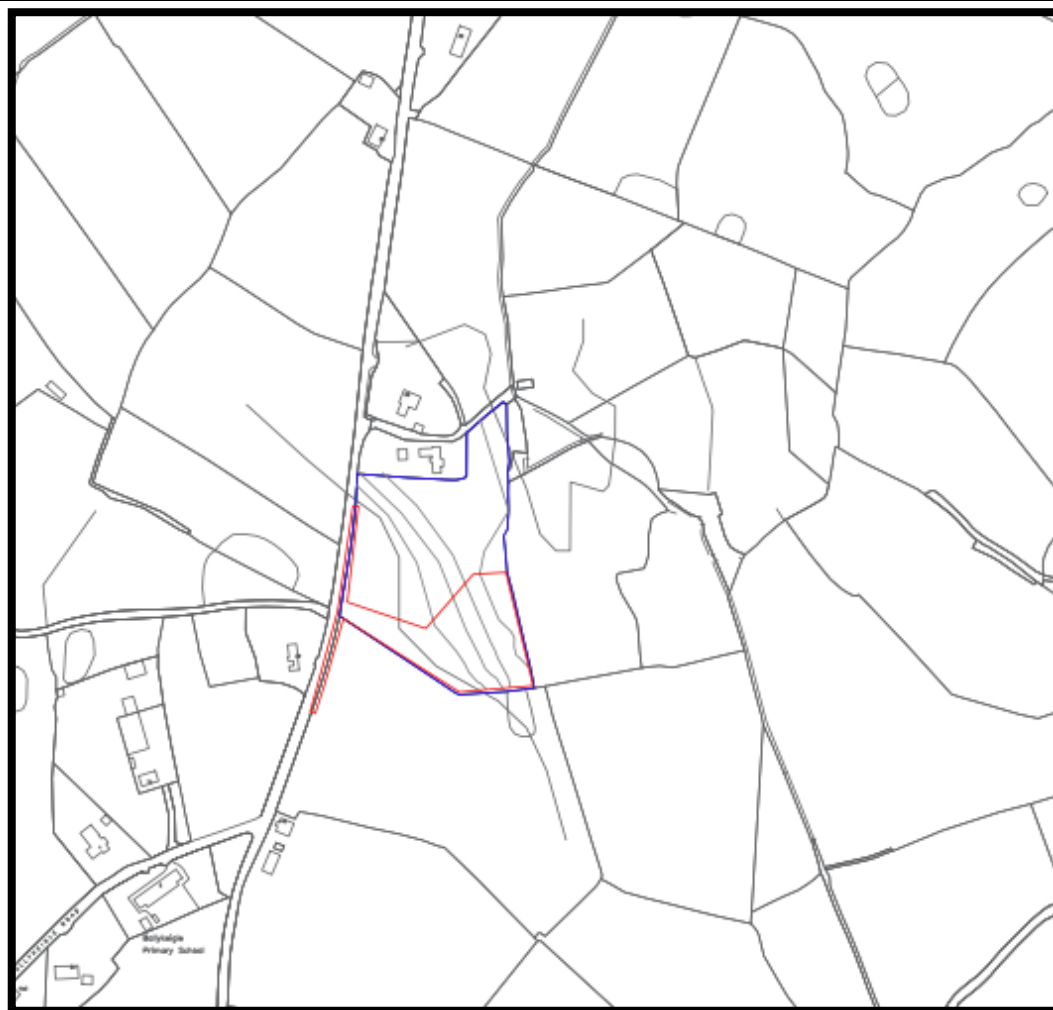


Figure 3: Site location plan

3. Relevant Planning History

There is no planning history for the application site.

Surrounding area

Reference: X/1997/0806

Proposal: 38 TULLYNAGEE ROAD COMBER

Address: Site for 9-hole golf course, club house and associated car parking facilities

Decision: GRANTED

There is no planning history for the site, there is a planning approval for a 9 hole golf course next to the site which has not been built and has lapsed.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland edition 2 (SPPS2)
- Planning Policy Statement (PPS) 2: Natural Heritage (PPS2)
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 15: Planning and flood risk
- Planning Policy Statement 16: Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

- Building on Tradition: A Sustainable Design Guide for the NI Countryside

Principle of Development

The Planning Act (NI) 2011 is the principal piece of planning legislation. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires in dealing with a planning application regard to be had to the Local Development Plan, so far as material to the application and to any other material considerations.

Section 6 (4) of this Act states that where regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

According to the Ards and Down Area Plan 2015 (ADAP) the site is located outside any designated settlement and within open countryside. The site is not located within any other area plan designations.

Strategic Planning Policy Edition 2 (SPPS2)

The Regional Development Strategy provides an overarching strategic framework and spatial context for development plans and planning policies. Promoting a sustainable approach to the provision of tourism infrastructure (RG4) is a key element of Guidance in the RDS aimed at underpinning sustainable economic growth.

Regional planning policies of relevance are set out in the Strategic Planning Policy Statement 2 and Planning Policy Statements. The guiding principle of the SPPS2 in determining planning applications is that sustainable development should be permitted having regard to the Development Plan and all other material considerations, unless the proposed development will cause harm to interests of acknowledged importance.

In relation to development in the countryside, this is considered in paragraphs 6.61 to 6.78 of the SPPS. Paragraph 6.61 states for the purpose of the SPPS2 the countryside is defined as land lying outside of Settlement Limits as defined in Local Development Plans. A key objective for the countryside as set out in paragraph 6.62 is *“To maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with*

the Regional Development Strategy 2023 (RDS).” Relevant policies are considered below under specific topics.

Tourism

The SPPS2 aims to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment. A main objective is to sustain a vibrant rural community by supporting local tourism development of an appropriate nature, location, and scale in rural locations.

The SPPS2 states that a positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable and in accordance with the Development Plan and will result in high quality forms of development. Policy CTY1 of PPS21 identifies a range of types of development which in principle are considered acceptable in the countryside and which will contribute to the aims of sustainable development. It identifies that tourism proposals may be considered against the relevant tourism policies of PPS16, specifically TSM6 in this instance which applies to New and Extended Holiday Parks in the Countryside. Environmental Health have confirmed that the proposed Glamping Pods fall under the definition of a caravan under Section 15 of the Caravans Act (NI) and the site will require a Caravan site licence and therefore can be considered under TSM6.

Policy TSM6 states that planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

The proposal is for 4 glamping pods, a bike store, a bin store, a reception hut, access, parking, and landscaping. Each Pod is to be constructed off site and transported to the site as a separate entity. The pods when assembled remain physically capable of being moved by road from one place to another. There are two sizes of pods proposed and as per the submitted drawings the pods measure 2.6m high, 3.2m wide and 8.6m long and 2.6m high, 3.2m wide and 7.6m long. As such they fall within the definition of a caravan. Further, in this instance no amenities are required beyond that shown on the proposed plans as the pods are individually self-contained units with shower and WC.

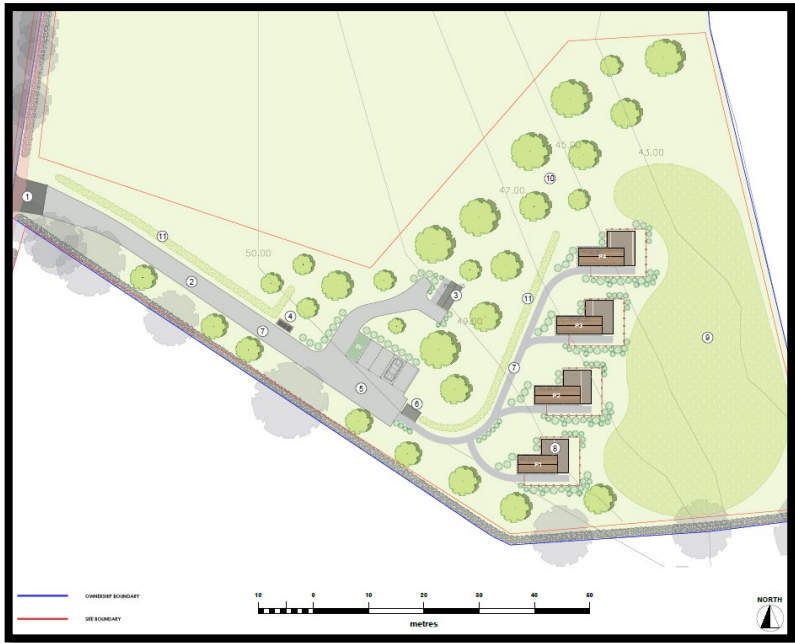


Figure 4: Proposed site plan

The pods are not intended for self-catering so no kitchen facilities are shown enabling visitors to support local businesses. The design of the units takes the form of an arched roof (to the ground) comprising rough sawn timber cladding with a decking area. The design, finishes and materials will respect the existing/traditional nature of the site and those found locally.

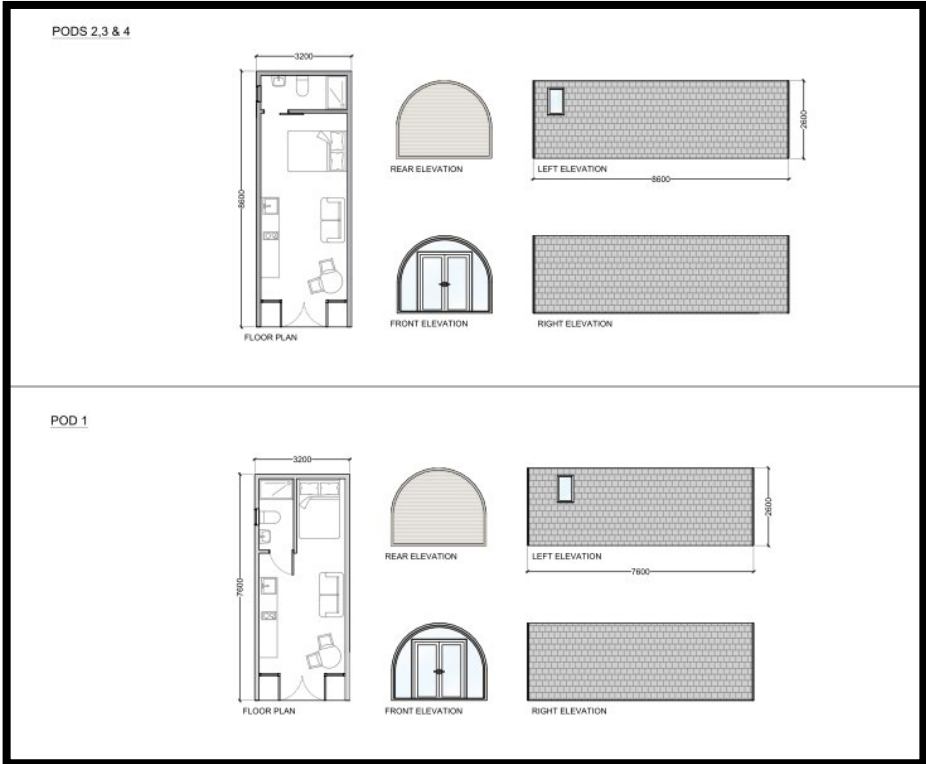


Fig 5: Proposed Floor Plans and Elevations

TSM6 also requires that proposals must also comply with the following criteria:

(a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;

It is considered that an appropriately conditioned small scale glamping pod site such as that proposed, could be achieved without adverse impact on the character of the area given the site context. The application part of the site is set well back, circa 90m from the Tullynagee Road, the field is generally flat to the western area adjacent to the road but then slopes down to the rear.



Figure 6 – Artist’s impression of pods



Figure 7 – Artist’s impression of parking and reception area

Given the proposal's distance from public viewpoints, it is not considered that the glamping site proposal would have an unacceptable impact on the visual amenity of the surrounding rural landscape.

It is therefore considered that the proposal can satisfy policy TSM 6, criterion (a) – the area having the capacity to absorb the proposed development without adverse impact on visual amenity and rural character.



Figure 8 - View on approach from north



Figure 9 - View on approach from south

(b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;

The existing hedging to the southern boundary is indicated to be retained and planting proposed within the application site will help to further aid integration and soften the proposal. Mature woodland planting to the immediate east of the site will also provide a backdrop to the development and enclosure from this side. It is therefore considered that the proposal satisfies policy TSM 6, criterion (b) in that it is capable of being integrated in the landscape through utilising the natural land topography and hedgerows.

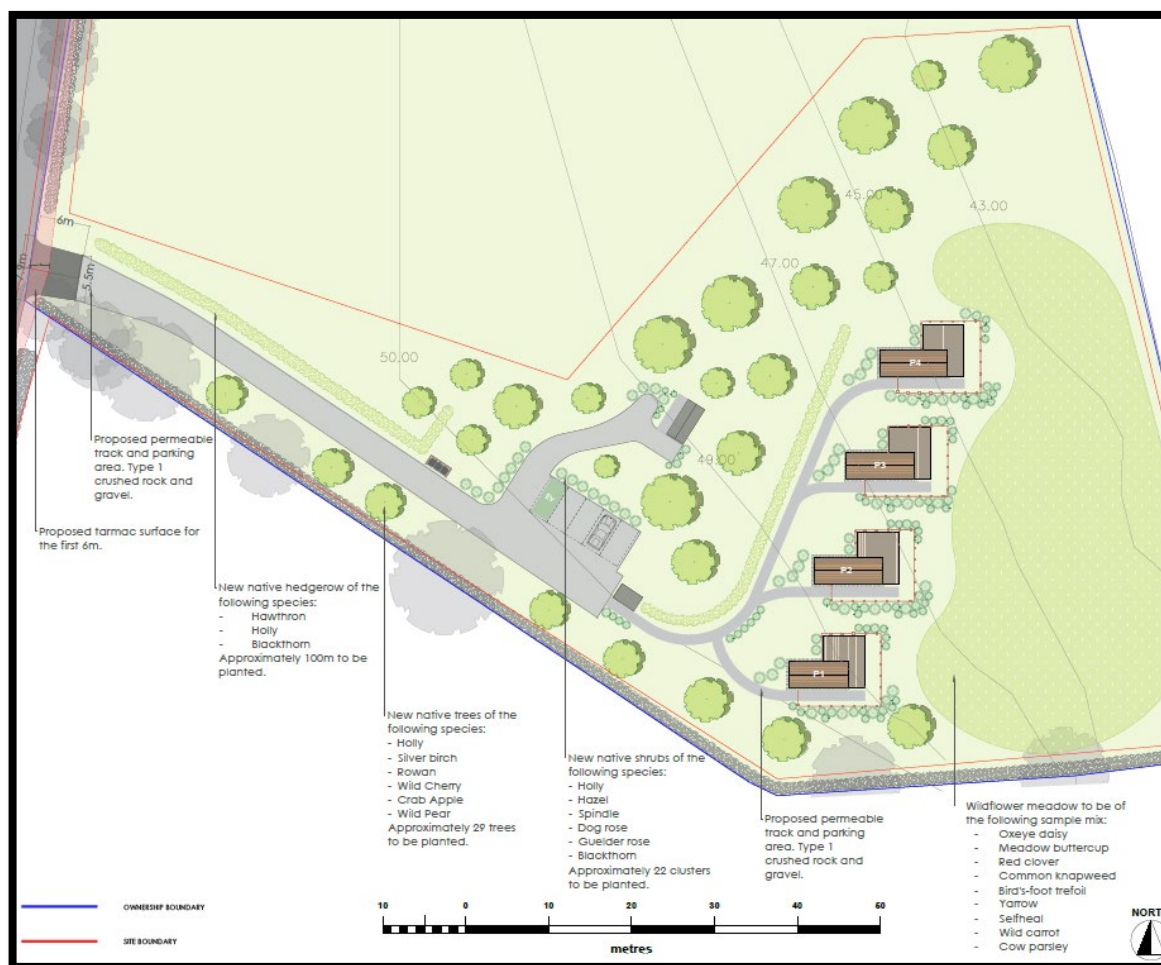


Figure 10 – Detailed landscaping proposal

(c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;

The proposed site plan incorporates a large wildflower meadow to the rear of the pods as well as a large landscaped area to the front which would exceed the 15% requirement. The individual pods also have their own private open space.

(d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;

As can be seen in the site layout and landscaping plan above, the layout is characterised by a small cluster, each pod separated by soft landscaping in the form of hedges in between. Wildflower meadow planting is proposed to surround the pods further helping to soften the proposal in accordance with criterion (d) of TSM6.

(e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

The layout is similar to other glamping pod sites previously approved by ANDBC and the design and materials accord with criterion (e) of TSM 6.

(f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;

There are no historic built environment features such as listed buildings and archaeological sites or protected trees or landscape features which could be impacted by the proposal.

(g) Mains water supply and sewerage services must be utilised where available and practicable

The submitted P1 application form states the water supply will be mains and the site is to be served by a package treatment plant. NI Water has been consulted and have no objection to the proposals subject to conditions. Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained. Given the rural location it would not be possible to serve the development vis mains sewer. As the development is small in scale, it is considered that a private package treatment plant is appropriate.

TSM7 sets out a list of general design criteria for all tourism development which the proposal is considered to comply with. The proposed development is compatible with surrounding land uses and neither the use and a glamping site or built form will detract from the landscape quality and character of the surrounding area, given the rural location. Beyond the applicant's host dwelling (no.40), the nearest dwelling is located circa 100m to the west(no.39), with the next nearest dwelling (no.42) located 165m to the south. The combination of generous separation and retained intervening mature boundary treatments, together with pod orientation and modest numbers ensures no adverse effects on residential amenity. It will not adversely affect features of the natural or built heritage. There are no issues regarding road safety or traffic flow as per DFI Roads consultation. Overall, it is considered that the proposal in principle meets the requirements of this policy and has the potential to create a high quality and sustainable form of tourism accommodation.

It is considered that in principle there would be positive benefits to the wider Comber and Lisbane area in terms of tourism, enhancing its offer. The proposed site is close to Strangford Lough.

Farm Diversification

The agent has also provided details of the applicant's farm and farm business, suggesting within the Design and Access statement that the proposal would be farm diversification under policy CTY11 of PPS21.

Policy CTY11 states that planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm.

The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage; and
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

DAERA were consulted and advised that the farm business ID was allocated in 1991 however the business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. While DAERA did confirm that the business has a Forestry Scheme Agreement in place until 2032, no evidence has been submitted to demonstrate that the farm business has been active over the 6 year period. With regard to the address, the applicant has stated that the address DAERA have is 38 Tullynagee Road, which is the address of the original site. This property was sold but the arable fields and forest were retained and a new property built at No. 40.

The applicant has stated that the glamping business will be operating within the existing farming activity. The glamping site sits within a working field that is currently planted out for grass. Part of the profits of the glamping business will be used for maintenance and upkeep of the working fields and as an additional income stream.

While no evidence has been submitted to demonstrate that the business has been active over the six year period to meet the requirements of Policy CTY11 for Farm Diversification, as already outlined in the above consideration, the principle of the development is already acceptable as tourist accommodation under policy TSM6, therefore there is no requirement to also justify the principle of the development under policy CTY11 as Farm Diversification.

Integration and Impact on Rural Character

Proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access, and road safety.

Policy CTY13 refers to the integration and design of buildings in the countryside. Overall, the principle of the proposal, is considered acceptable in relation to criterion (a) to (g) of policy CTY13. The proposed glamping pod site will not be prominent in the landscape, does not rely on the use of new landscaping for integration and the design of the pods and wider site is appropriate for the site and the locality. A small section of roadside hedgerow will need to be removed to provide the sight splays, but due to the location of the pods approximately 80m back from the road and at a lower level, there will be no prominent views of the proposal which would be detrimental to the local landscape. Any approval would be subject to a condition requiring replacement planting of the hedgerow to the rear of the splays.

Policy CTY14 (Rural Character) requires buildings in the countryside to cause no detrimental change to or further erode the rural character of the area. It is considered the proposed pods will not be an unduly prominent feature in the landscape and its position in a cluster with an agriculture field will not result in an suburban style build up of development, or ribbon of development and will respect the traditional pattern of settlement exhibited in the rural area. The design, including finishes are of a high quality appropriate to its rural setting with each unit having an arched roof (to the ground) comprising rough sawn timber cladding with glazing to the front a decking area. Design, finishes and materials will respect the existing/traditional nature of the site and those found locally. The proposal is acceptable having regard to local distinctiveness in line with Policy Guidance, specifically the requirements of Policy CTY13, CTY14 and within Building on Tradition.

Residential Amenity

Representations have been received in relation to the potential for the proposal to cause noise and disturbance to current residents both from the use of the site for glamping and from traffic on the road. The separation distance to neighbouring properties will help to alleviate any potential noise and disturbance and will ensure privacy is not harmed. Whilst it is recognised there will be an increase in traffic along the road as a result of the development, the Tullynagee Road is a public road which already provides access to a significant number of residential and agricultural premises and therefore it is not considered that the traffic associated with the addition of four glamping pods would result in any significantly greater impact by way of noise and disturbance.



Figure 11 – Aerial view of site

The site is located approximately 80m south of no.40 Tullynagee Road, where a family related to the applicant resides and is part owner of the land. (cert c completed).

No. 38 Tullynagee Road is located approximately 130m to the north of the site and No.39 on the opposite side of the road is located approximately 100m from the proposed location of the pods.

The closest dwelling to the south of the site, No.42 Tullynagee Road, is approximately 165m from the location of the proposed pods.

It is considered that the combination of generous separation distances from existing residential properties, retained intervening mature boundary treatments and proposed landscaping would ensure that there would be no unacceptable adverse effects on residential amenity either by way of noise and disturbance or loss of privacy.

In terms of noise, air pollution, general amenity (vermin/litter), ambient air quality, contaminated land and any other considerations, Environmental Health has been consulted and has no objections to the proposal.

Water & Sewerage

Considered above under policy TSM6.

Access & Parking

Access to the proposal is via an existing established agricultural access (see figure 12 below). DFI Roads has been consulted and has advised that it has no objections to the proposal on road safety grounds subject to the provision of the required sight splays of 2.4m x 80m as indicated in Figure 13 below.



Figure 12 – Existing agricultural access



Figure 13 – Proposed sight splays

A total of 5 parking spaces are proposed which is in line with Parking Standards requiring 1 space per pitch (Pod) plus one space per staff. There would be space for additional cars given the spacious site. It is therefore considered the Policy requirements as set out in PPS3 are satisfied.

Designated Sites and Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was used as a guide to identify any potential adverse impacts on designated sites. None were identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In terms of protected and priority species, Part 2 of the Checklist was referred to and identified that an ecological statement was required. The statement concluded that, no further survey work was required.

An ecological statement was completed by MCL and submitted with the application. Given the modest scale of the proposed development and its separation distance from sensitive sites, no significant impact is expected on Strangford Lough or other designated areas. Furthermore, the on-site habitats are unlikely to support species of notable importance found within these protected sites.

In addition, the proposed plans include native tree and wildflower planting across a substantial portion of the development's red line boundary, as shown in Appendix [II]. Provided that these measures are implemented as specified and maintained over the long term, the development is likely to offer a net positive effect on local biodiversity through new habitat creation.

A bat roost potential survey was undertaken, which identified that the majority of trees were of low bat roost potential. However, Tree 12 was classified as having moderate potential. Current proposals do not include the removal of vegetation, other than part of the roadside hedgerow to the north (approximately 10m); it is indicated that additional planting of new native trees, hedgerows, and areas of wildflower meadow, which will contribute positively to biodiversity value on site. NIEA NED has advised that should any works to Tree 12 be required, including removal, further bat surveys will be necessary prior to commencement.

SES has also been consulted and has no objections with the inclusion of conditions in any permission granted.

Ards and North Down Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 10/04/2026. This found that the project would not have an adverse effect on the integrity of any European site.

On the basis of the above assessment, I am content that no further survey work is required. It is considered that the proposal complies with policies NH1, NH2 and NH5 of PPS 2. NIEA NED was consulted and had no objections.

An Environmental Impact Assessment (EIA) screening report was completed and this resulted in that no EIA report is required by the applicant.

Flooding and Drainage

FLD1 - Development in Fluvial and coastal Flood Plains -

Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure –

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.

The site may be affected by undesignated watercourses of which we have no record. In the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water – A Drainage Assessment is not required but the applicant should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere. This will involve acquiring consent to discharge storm water run-off from the site.

FLD4 - Artificial Modification of watercourses – Not applicable

FLD5 - Development in Proximity to Reservoirs – Not applicable

Conclusion of Assessment

With all things considered, the proposed development meets the objectives of the SPSS2 and as assessed the proposal complies with policy TSM6 of PPS16 as tourist accommodation.

As per the requirement of PPS21, new buildings must also meet the criteria of CTY13 and CTY14. As assessed in this report the proposal meets the criteria of these policies within PPS21.

Along with these policies the proposal has also been considered against PPS2, PPS3 and PPS15, the proposal meets the requirements of these policies. As assessed in this report the proposed development meets the criteria of the relevant policies and planning permission should be granted.

5. Representations

25 letters of objection were received.

1 petition with names from 14 addresses on it.

1 letter of support

The main points in the objections have been highlighted below and those not already considered in the relevant sections of the planning report above are considered below.

Site connection with Strangford Lough

The site is not hydrologically linked to Strangford Lough. The disposal of foul sewage and surface run off has been discussed previously in the report and NI Water and NIEA Water Management Unit offer no objections to the proposal. A condition will be added that consent to discharge shall be obtained before development commences to ensure there will be no adverse impact on the water environment. The agent has submitted a drainage plan showing how any surface water will be dispersed.

Need for tourist accommodation

A large number of representations have raised concerns in relation to the amount of tourist accommodation already within the locality and that therefore there is no need for additional accommodation at this location. The relevant planning policies contained within the SPPS2 and PPS16 do not require applicants to demonstrate a case for need nor do they impose a cap on the amount of accommodation.

The SPPS2 acknowledges that tourism makes a vital contribution to the Northern Ireland economy. As well as direct spending on holiday accommodation and use of tourist amenities, tourism plays an important role in helping to support the viability of many local suppliers, services and facilities. One of the regional strategic objectives for tourism set out in the SPPS2, is to support tourism development of an appropriate nature, location and scale in rural areas. The detailed consideration set out in the above report demonstrates that the nature, location and scale of this proposal is acceptable within its rural setting.

The Council's own Integrated Strategy for Tourism, Regeneration and Economic Development (2018–2030) also sets out a visitor target to increase overnight trips from 283,229 in 2016 to 507,227 in 2030 and one of the proposed measures to help achieve this is to address accommodation capacity through carefully considered bespoke provision.

I am satisfied that the approval of the development will not result in any unacceptable adverse impact when considered cumulatively with other existing and approved tourist accommodation in the immediate locality.

Water pollution/Low water pressure

NIW have been consulted, and they have no objections to the proposal. Low water pressure is a matter for consideration of NIW.

Traffic

Objections have been raised regarding traffic issues arising from the development. DFI roads have been consulted on traffic safety entering and leaving the site and it has responded with no objections along with conditions which will be included in any permission granted.

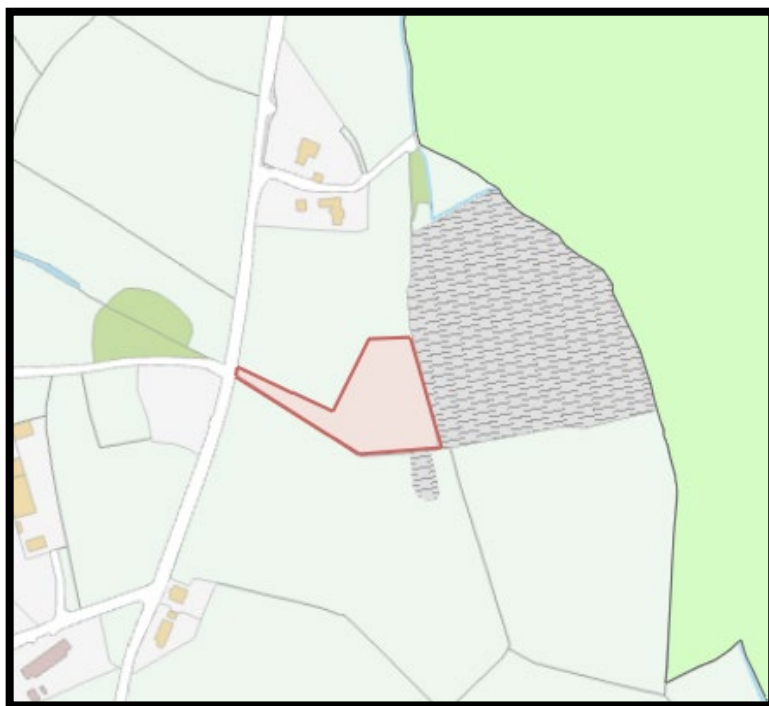
Noise, litter and nuisance

The proposed development is restricted to the red line submitted and the activities which are proposed within that site are for glamping. The tourism planning policy allows for certain development within rural areas so that the wider public can enjoy these areas. Environmental Health have been consulted and have no objection to the proposed development.

Public littering and dog behaviour are not material planning considerations. Any concerns once the facility has commenced operation should be reported to the Council's Environmental Health Department for investigation under separate legislation.

Impact on Area Plan designations e.g. AONB

As discussed in the planning report the site is located within the Countryside and outside the Strangford and Lecale Area of Outstanding Natural Beauty. All relevant planning policies have been assessed within the planning report based on the designations set out in the Ards and Down Area Plan 2015.



The map shows the Area of Outstanding Natural Beauty highlighted in green to the east of the site.

Management of site

The agent has confirmed that the business will be administered from the applicant's address. No additional staff or vehicles will be required. Annex A of PPS 4 allows for 'homeworking' from a residential dwelling where the overall character of the property's use as a single dwelling remains and this is expected to be the case in this instance. Planning proposals are considered as a whole and in this case a staff building is detailed, the daily operation of the site is for the applicant to determine. An application is considered as a whole and the indication of a site office on the plans would not be a determining matter with regard to the how the applicant chooses to operate the site.

Light pollution

Environmental Health have been consulted on this application and have raised no concerns regarding light pollution from the proposed glamping site. The proposed site plan shows the number and positions of outdoor lighting to be included within the site. These are Hooded and directional external lights erected above the front door beneath the projecting roofs of the pods and low level hooded/louvered and directional lighting to all pathways. Given the separation distances to residential properties and the small limited scale and nature of lighting proposed there is not considered to be an unacceptable level of light pollution from the proposal.

View

Objections have been raised with regard to affecting the view or outlook from nearby properties. The impact of a development on the private view from properties is not a material planning consideration. The proposed development is considered to integrate into the rural landscape.

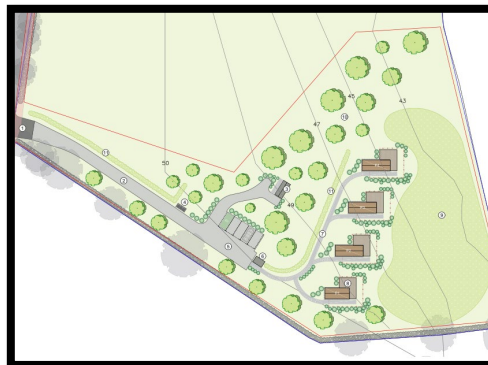
Flooding

DFI Rivers have been consulted and have no objection to the proposal.

The map below shows the nearest flood hazard to be present day surface water and over 15m from the eastern boundary of the site and approximately 40m from the closest pod. The constraints and hazards also did not highlight any requirement to consult DFI Rivers.



Flood Maps (NI)



Proposed site layout

Any agricultural field may be affected by surface water during periods of heavy rain and depending on the ground condition prior to that rain. The site is not within any areas of flooding that required consultation with DFI Rivers.

Trees

The proposed development will have no impact on the trees along the boundary, and it would be the responsibility of the landowner to resolve any issues in the future.

Notification of application

All addresses abutting the site have been neighbour notified. The application was also advertised in the local papers.

With regard to planning legislation defines 'Neighbouring land' is land which directly adjoins the application site, or which would adjoin it but for an entry or road less than 20 metres in width. An 'identified occupier' is an occupier of premises within a 90 metre radius of the boundary of the proposed application site. If the boundary of a site abuts the red line of the application site but the property is outside of 90metres, the neighbour will not receive a notification. Properties must also be occupied.

Value of property

Objections have been raised with regard to affecting the price of nearby properties. This is not a material planning consideration

Future use of the site

Objections have been raised with regard to the future use of the site as a housing development or expansion of the glamping proposal use. The site is located within the Countryside as shown within the Ards and Down Area Plan 2015. Development in the Countryside is assessed against Planning Policy Statement 21: Sustainable Development in the Countryside. Any future application if submitted for development will be assessed on its own merits taking into account prevailing planning policy and comments from statutory consultees.

Wildlife, biodiversity and ecology

The proposed development does not require the removal of any vegetation other than a small portion of the roadside boundary. No important environmental features, protected habitats or protected species will be affected by the proposed development. A planting scheme has been included which will introduce more native species vegetation to the area. This will provide further habitats and feeding areas for any wildlife that is within the local area or that may arrive. NIEA are content with the proposal.

Farm Diversification

See consideration above

Anti- Social Behaviour

Objections have been made with concerns that the site will increase anti-social behaviour to the area, including theft and damage to property. There is no definitive evidence to support refusing the proposed glamping site on speculation that anti-social behaviour suggested will relate to the use of this site for glamping. Any anti -social behaviour would be a matter for the PSNI.

Support

The proposal will be unobtrusive and set back from the road.

This is an area of natural beauty and glamping pods fit in with the natural environment well.

This will not be a nuisance to this area.

Further trees may be planted around the pods to enhance their privacy and this will also block any view of them from the road or neighbouring properties.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.08a prior to the commencement of development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway prior to the commencement of development and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The access gradient(s) to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users

5. All hard and soft landscaping works shall be completed in accordance with Drawing No. 11 and the approved British Standard or other recognised Codes of Practice during the first available planting season after the erection of any glamping pod hereby approved.

Reason: To ensure the provision, establishment, and maintenance of a high standard of landscape.

6. Existing mature hedges along the southern boundary of the site, as indicated in green on Drawing No.08a shall be retained at a minimum height of 2m and protected during construction, in accordance with British Standard 5837:2012. If within 3 years of commencement of development any identified hedge is

removed, uprooted, or destroyed or dies, or becomes in the opinion of the Council, seriously damaged or defective, another hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the continuity of biodiversity afforded by existing hedges.

7. The existing tree highlighted blue and marked "12" on Drawing No.11, along the southern boundary shall be retained and protected during construction, in accordance with British Standard 5837:2012. If within 3 years of commencement of development the identified tree is removed, uprooted, or destroyed or dies, or becomes in the opinion of the Council, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the continuity of biodiversity afforded by existing tree.

8. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment, and maintenance of a high standard of landscape.

9. Prior to works commencing on site, all existing trees shown on Drawing 04A Amended proposed site layout as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

10. The 'Glamping Pods' hereby permitted shall be used only for short term holiday letting accommodation and shall not be used as permanent residences.

Reason: The site is located within a rural area where is it the policy of the Council to restrict development and this approval is hereby granted solely by reason of its proposed tourism use.

11. No development shall take place on-site until a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site or the water environment.

12. Parking shall be laid out in accordance with, Drawing 02 prior to operation of any part of the development hereby approved and shall be permanently retained thereafter.

Reason: To ensure adequate parking on the site.

13. Prior to and during all construction-phase works a clearly defined buffer of at least 10m must be maintained between the location of all areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the eastern edge of the red line boundary.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

14. A hedgerow of native species shall be planted to the rear of the approved sight splays, as shown highlighted green, in accordance with the approved Drawing No.08a during the first available planting season after the commencement of use of the hereby approved access. The hedgerow shall be retained at a minimum height of 2m. If within 3 years of commencement of development any identified hedge is removed, uprooted, or destroyed or dies, or becomes in the opinion of the Council, seriously damaged or defective, another hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. Informatives

1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other Conditions, Informatives, Advice or Guidance provided by consultees, where relevant, on the Portal.

Annex 1 – Site Photographs



View towards north from access to site.



View south towards access.



View of site from access.



View of site from access.

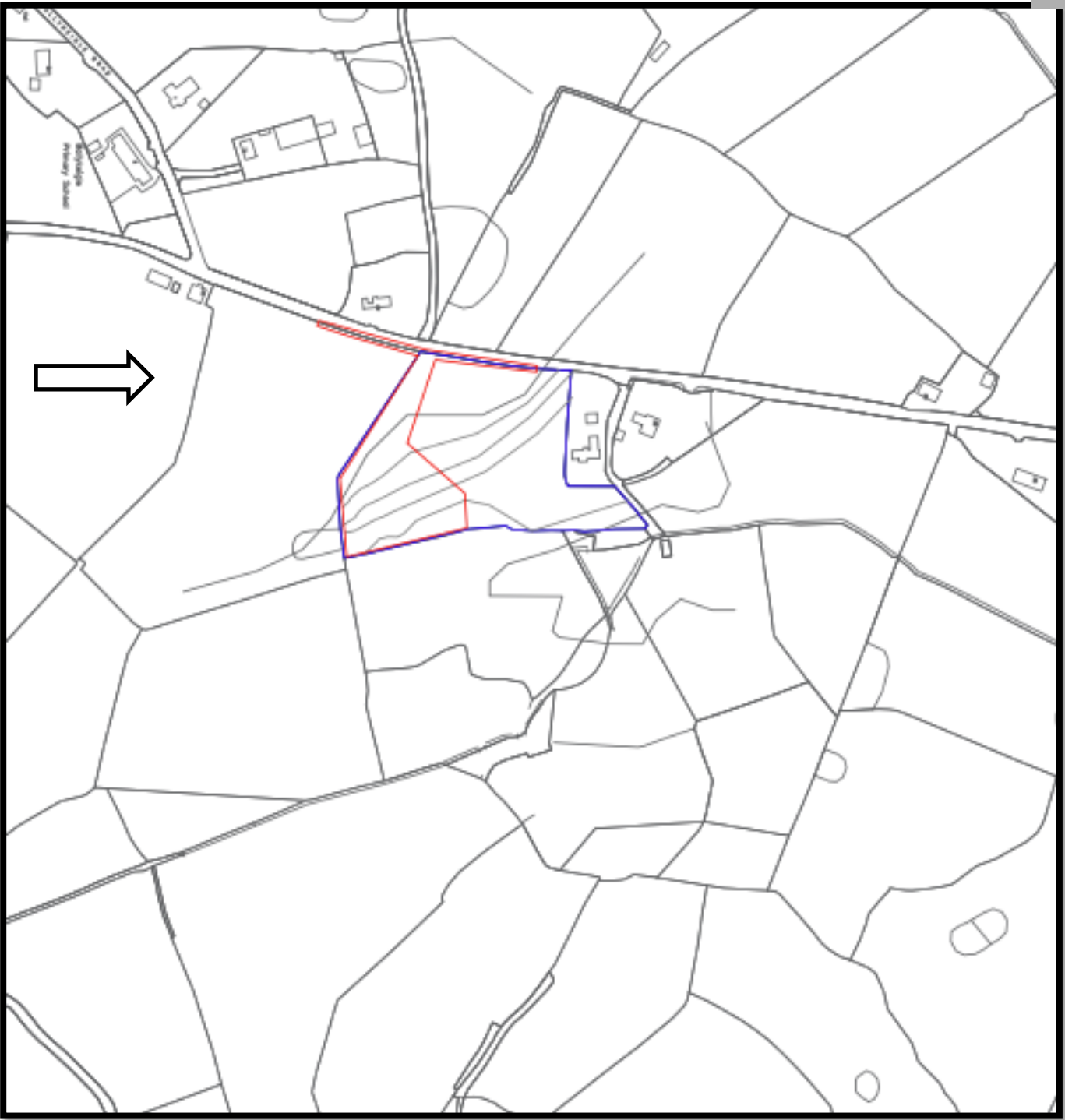


View of southern boundary of site.

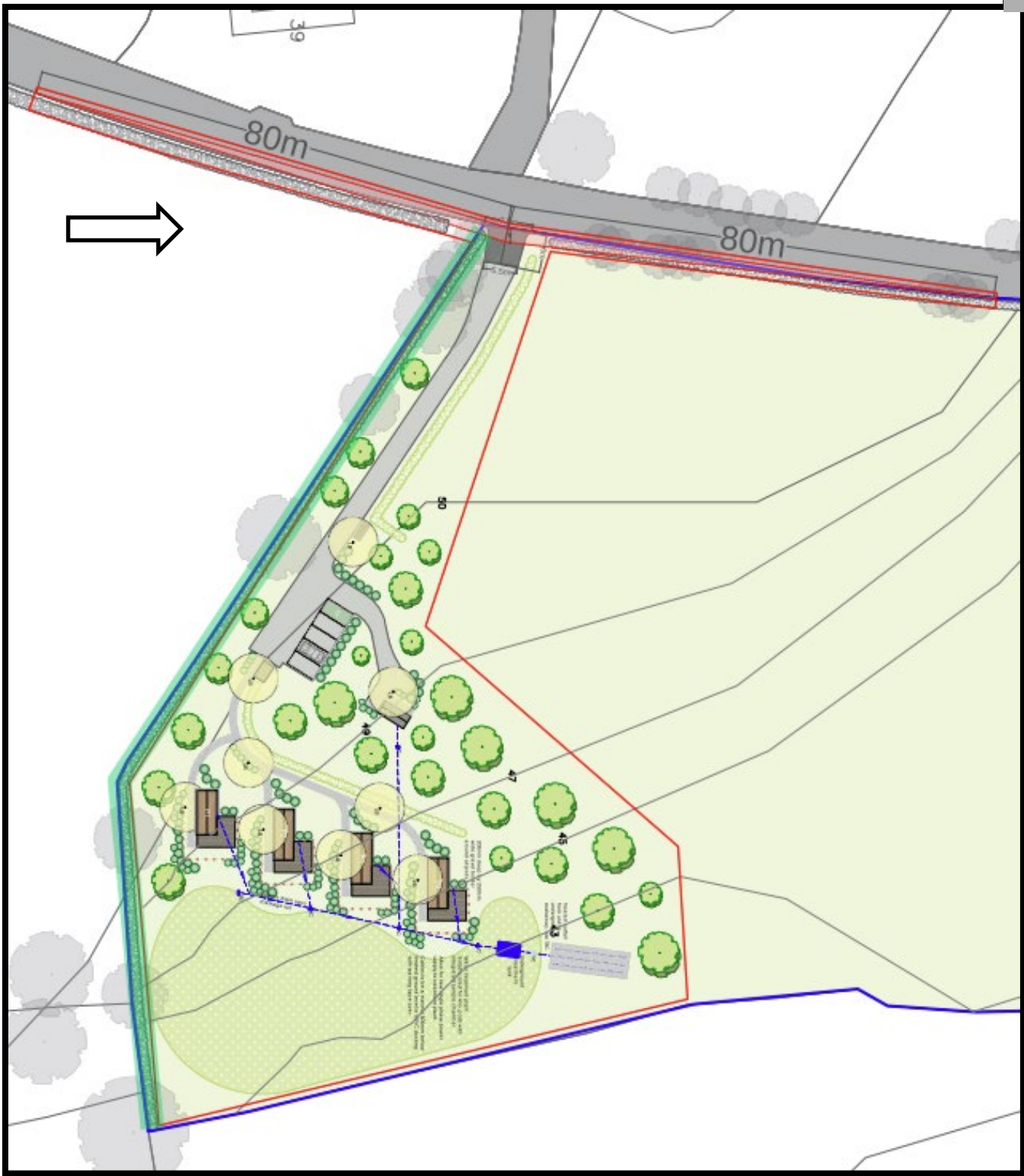


View of site from access.

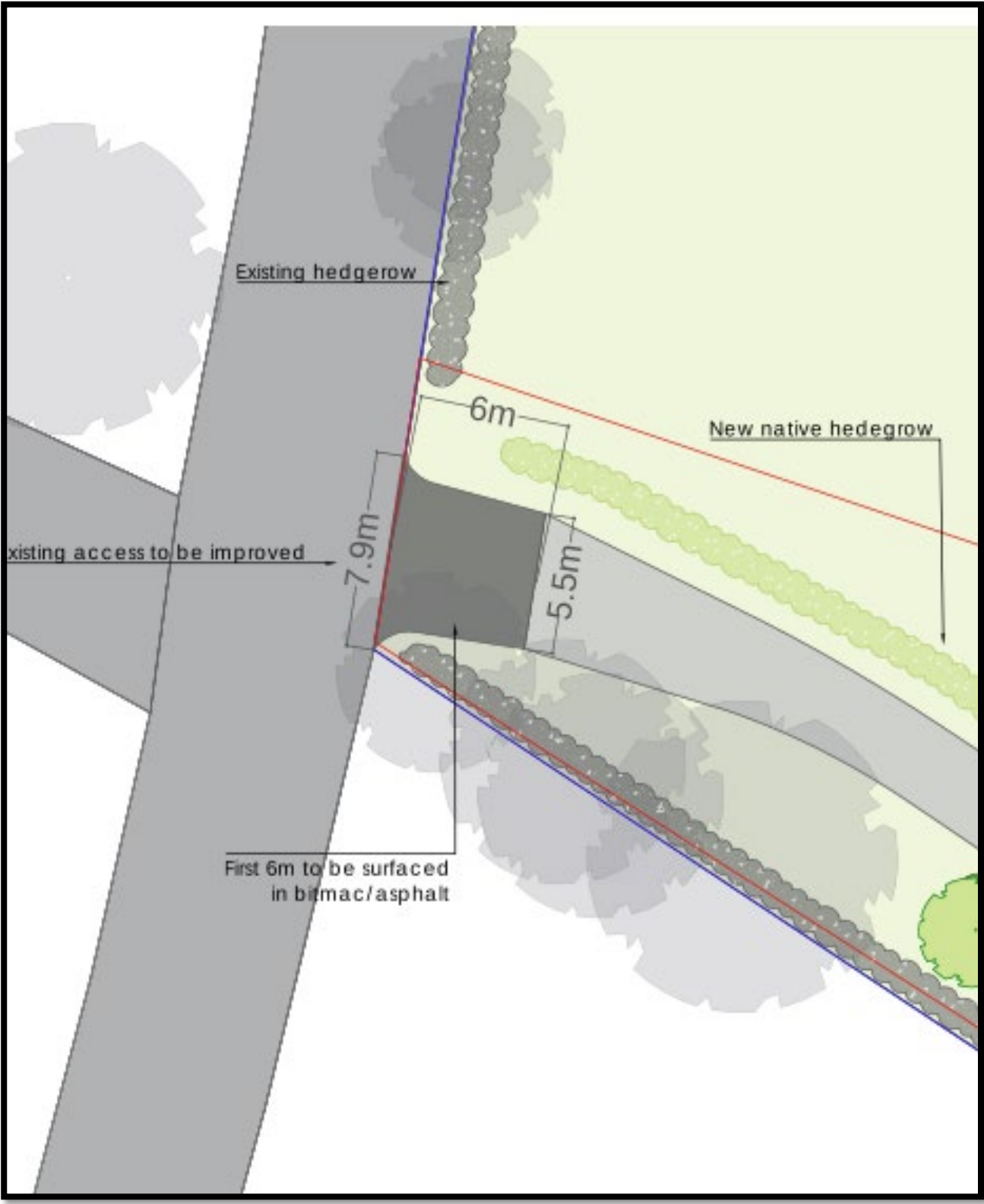
Annex 2 - Plans



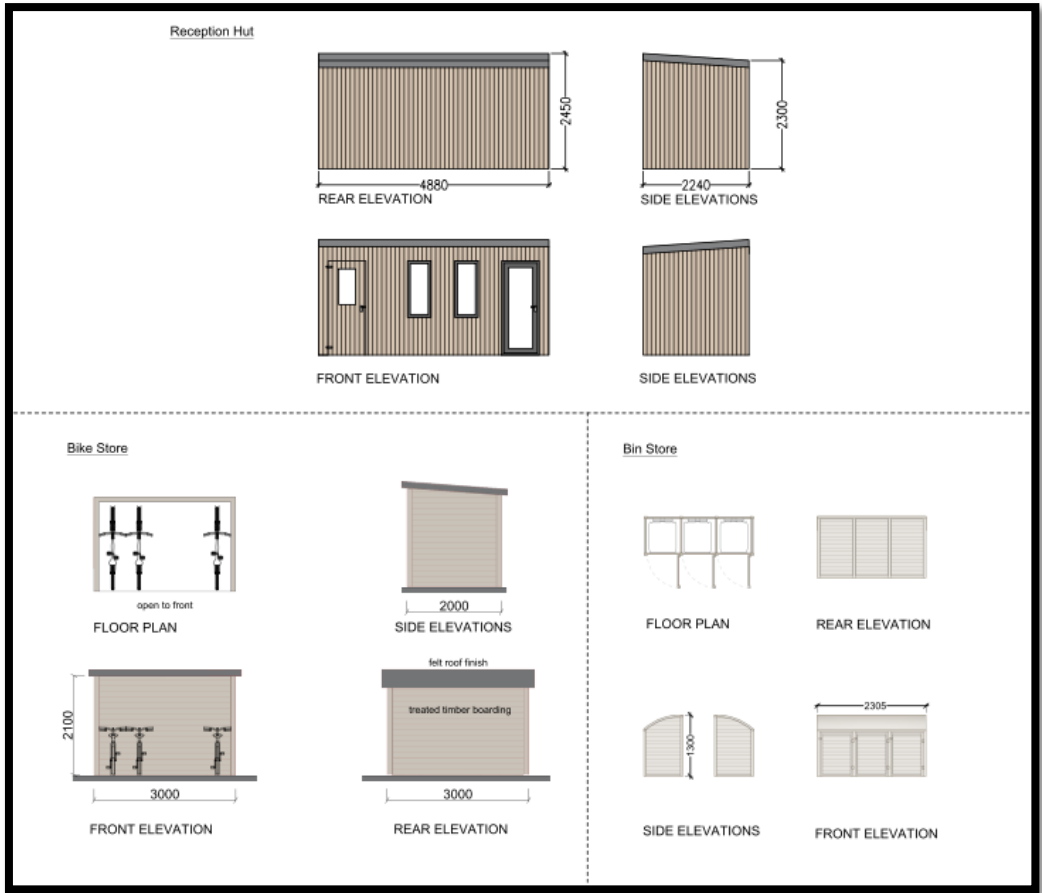
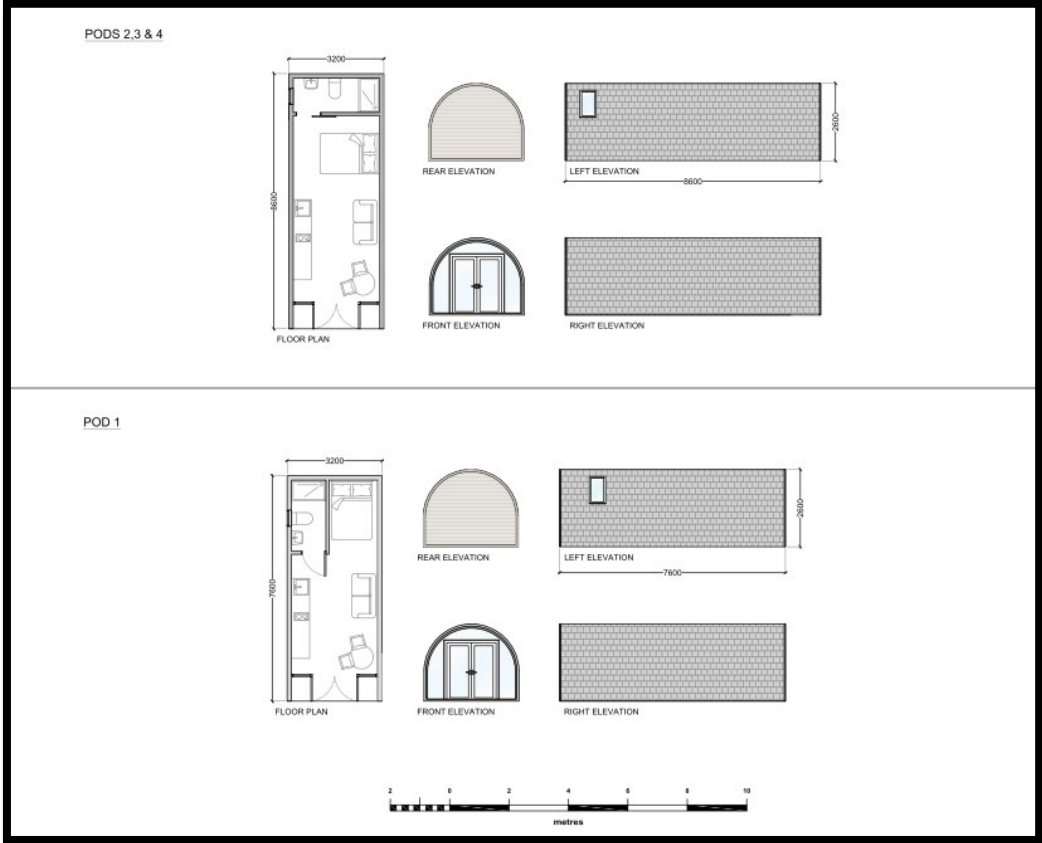
Drawing 01 – Site location plan




Drawing 02 – Close up image of drawing no.08a showing southern hedge to be retained in green as per condition 6



Drawing 03 – Access detail



Drawing 05 - Proposed plans and elevations

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/2108/F	DEA: Ards Peninsula	
Proposal:	Two agricultural buildings (retrospective) and erection of one agricultural building (proposed).		
Location:	50m West and 88m NW of 17 Abbacy Road, Portaferry		
Applicant:	Alexis Clarke		
Date valid:	15.08.2023	EIA Screening Required:	Yes
Date last advertised:	26.03.2026	Date last neighbour notified:	12.03.2026
Letters of Support: 1	Letters of Objection: 20 relating to one third party address at 15b Abbacy Rd	Petitions: 0	
Consultations – synopsis of responses:			
Dfl Roads	No objection.		
DAERA	The farm business ID identified on the P1C has been in existence for more than 6 years. The business has claimed SFP in the last 6 years. The Business ID is in Category 1 and was issued in 1996.		
EHO	No objections.		
SES	No objections subject to a condition.		
NIEA WMU	No objections subject to conditions.		
NIEA NED	No objections subject to conditions.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, integration and impact on rural character • Residential amenity • Access and parking • Designated Sites and Natural Heritage Interests 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal.			

1. Site and Surrounding Area

The site is located at 17 Abbacy Road, a few miles north of Portaferry and is within open countryside.

The site is accessed via an existing lane that serves the applicant's existing farm complex and farmhouse as well as a third party dwelling at 15B Abbacy Road. The site for the proposed new agricultural sheds is located within the main group of farm buildings.

The site lies outside any designated settlement limit as per the Ards and Down Area Plan 2015 and is not within a designated AONB. Abbacy Road is not a protected route.

2. Site Location Plan

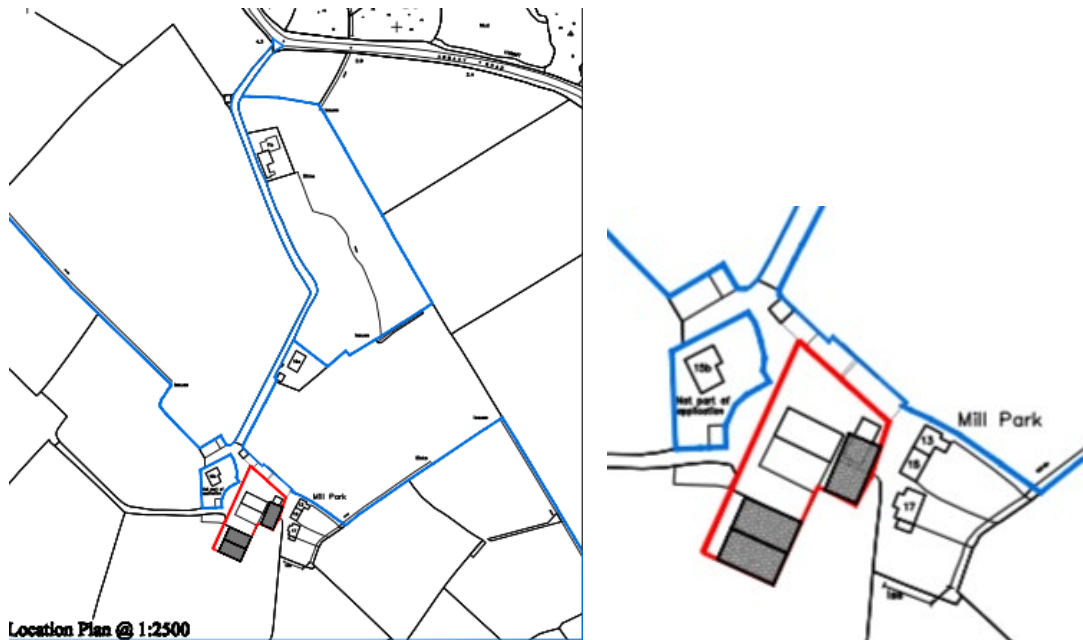


Figure 1 Site location plan



Figure 2 Aerial image of the proposed site layout

3. Relevant Planning History

The most relevant planning permission was granted in 2023 (LA06/2021/1238/F) for one agricultural building (retrospective) and erection of two agricultural buildings with dry storage below one of proposed buildings.

The retrospective building has been completed and one of the approved buildings is almost complete. The construction of the second approved building has not yet commenced and has been taken into consideration of this assessment of the current application.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland - Edition 2 (SPPS2)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Guidance:

- Building on Tradition: A Sustainable Design Guide for the NI Countryside

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is located outside any settlement and is within the countryside as designated in the Ards and Down Area Plan 2015 and is located within a designated AONB.

The Proposal

The original proposal was for two agricultural buildings (retrospective) and erection of three newbuild agricultural buildings (total of five new buildings). The applicant was advised shortly after the application was submitted in 2023, that the proposal was unacceptable and could not be justified against the need test in Policy CTY12, given the buildings approved in the 2023 permission had not yet been built.

Since 2023, two of the three buildings approved have now been constructed and are in use. The third building is still to be constructed.

The proposal was reduced and an amended scheme was submitted which now proposes three additional agricultural buildings, two of which have already been constructed and are in use (and seeks retrospective permission). The third building will

be a replacement building for an existing building which has been severely damaged due to storm damage.

PPS 21 – Development in the Countryside

Regional planning policies of relevance are set out in the SPPS2 and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes the erection of agricultural buildings in accordance with Policy CTY 12. The relevant criteria will be considered in the assessment below.

CTY12, in line with the provisions of the SPPS2, states that permission will be granted for development on an active and established agricultural holding where five stated criteria are met. In determining what constitutes an active and established holding, Paragraph 5.56 of PPS21 refers to criteria set out in CTY10 and also in Paragraph 6.73 of the SPPS2 which both clearly state that the agricultural business must be currently active and established for a minimum of 6 years. The application form states that the farm business ID was allocated in the year 1996. Associated farm maps have been made available. DAERA has confirmed that the business referred to on the application form has been established for more than 6 years and that the business has claimed SFP in each of the last 6 years. DAERA has also commented that the Business ID is in Category 1 and was issued in 1996. It is considered that the agricultural holding has been established for more than 6 years and therefore meets this initial part of the policy test.

Policy CTY 12 – Agricultural and Forestry Development

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- in terms of character and scale it is appropriate to its location;
- it visually integrates into the local landscape and additional landscaping is provided as necessary;
- it will not have an adverse impact on the natural or built heritage; and
- it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

Criterion (a) of CTY12 requires it to be demonstrated that the proposed buildings are necessary for the efficient use of the agricultural holding. The applicant advised that the

farm currently has 150 cows on their holding and operates a farm to fork approach by providing a professional butchering service to sell their beef which has been operating for 25 years. They make their own meal for the cows which requires a building for the produce and storage, and also a building to feed the cows in. They also produce their own straw and hay which requires storage and also then storage for a significant amount of fertiliser to help produce the straw and hay. The farm machinery also requires to be stored in a building for protection from weather damage and theft.

The applicant has stated that the additional buildings are necessary for the efficient use of the holding as follows: the proposed building is replacing an existing storm damaged building that is now unusable, with a new modern building so effectively this is not an additional building but is a replacement building.



Figure 3 Photographs of the existing shed which is in a bad state of repair and is to be replaced by Structure B annotated on the site plan.

The replacement building will be used to store fertiliser which needs to be stored separately from straw, and also for general purpose use. The new replacement building

will be larger than the existing building and will be cover the existing footprint and an area to the south.

The two buildings that have already been constructed are used to store all the farm machinery, as before these buildings were constructed the majority of the machinery had to sit outside which meant they were exposed to weather damage and theft. The applicant also advised that some of the machinery had to be stored in rented buildings off site.

The applicant has stated that at present all other existing farm buildings are at full capacity either being used for housing livestock or for general storage, and thus two additional buildings will enable for more efficient running of the agricultural business. The proposed site plan below in Figure 4 shows the two recently constructed buildings seeking retrospective permission coloured in blue and labelled as 'Structure A' and the proposed replacement building coloured in purple and labelled as 'Structure B'.



Figure 4 Proposed site plan showing the proposed buildings Structure A (coloured blue) and Structure B (coloured purple).

During the site inspection the applicant demonstrated that each building was being used to full capacity as set out below.

The shed to the north of the farmyard and north of 15B Abbacy Road is used to house cattle – see Figure 5 below.



Figure 5 Existing shed to the north of 15B Abbacy Road

The two sheds to the left of the position of the proposed replacement building (coloured purple in Figure 4 above) are also used to house cattle and an area of the shed has been sectioned off to allow the animal feed to be produced – see Figure 6 below.



Figure 6 Photographs showing the existing buildings used to house cattle and the meal preparation station.

The two buildings immediately to the north of the position for the new replacement building (coloured purple) have only recently been constructed as planning permission was only granted in 2023. The Council accepted that they were necessary for the storage/protection for existing machinery which has to sit outdoors and that there were no other buildings on the farm that could be used for that purpose. Two of the three buildings approved have since been erected. The building furthest to the east is used primarily as a farm workshop, however due to a lack of storage space the fertilizer has to be stored in here also– see photos below. It is not ideal to house fertiliser in a workshop so the proposed replacement general purpose building (coloured purple on the site plan) will be used to store the fertiliser instead of in this shed.



Figure 7 Photographs showing the use of one of the shed recently granted permission in 2023.

The shed adjacent to the above shed was only erected the week prior to the site inspection and has not yet been completed as the sides still have to be installed – see photograph below. This shed will house the round straw bales as shown in the photograph below.



Figure 8 Photograph showing the second shed approved in 2023 used to store straw and hay.

The third building approved under LA06/2021/1238/F has not yet been completed, and when built it will also store straw and hay.

Without the proposed buildings subject of this application there is still nowhere for the applicant to store the farm machinery, of which there is quite a lot. The recently

constructed sheds were, from reading the case officer’s report, intended to store the farm machinery however since that permission was granted in 2023, the farm group has increased in size with an additional 35 acres further justifying the need for additional space. The two retrospective sheds are currently being used to house the farm machinery, which was tightly packed on the day of the site inspection. The applicant’s agent forwarded a list of farm machinery that the applicant owns and uses and during the site inspection every item on the list was confirmed to be housed in the shed or parked elsewhere on the farm as it was in recent use.

Machinery List

- Newholland Tractor 8340
- Newholland Tractor 7840
- Newholland Tractor 7840
- Newholland Tractor TS110
- Newholland Tractor TS115
- Ford Tractor 7810
- Ford Tractor 7000
- Ford Tractor 4140

- Newholland Combine 1530
- Silage trailers 12ton x3
- Slurry Tankers 1550 x2
- West Manure Spreader
- McHale Round Baler
- McHale Bale Wrapper
- McHale Bale Handler

- Lely Grass Tedder
- Lely Mower
- Class 6.8 meter rake
- JF900 Silage Harvester
- Vicon Fertilizer Spreader
- Kverneland Plough
- Amazone One Pass
- Crop Sprayer
- Kane Lowloader
- Watson Roller
- Slurry Mixer
- Chieftain 12ton dump trailer
- Renault Tractor and Loader
- Ford 4630 and Loader
- Cattle trailer
- Dale Kane Triaxle Trailer
- Dale Kane Double axle trailer
- Silage Pusher
- Wylie Buckrake
- Mobile Grain Roller
- Vecstor Post Driver
- Land Leveler
- Red rocker Slurry Mixer

- Meal Mixer
- Tractor Mixer
- Portequip Bull Feeders x3
- NC Linkasweep



Figure 9 List of farm machinery owned and used by the applicant. Photographs of the proposed retrospective sheds (Structure A) housing the farm machinery as listed.

It is noted from the site visit that some machinery is parked outside including these slurry tanks. It is considered that the existing farm buildings, including the proposed retrospective sheds, are being used to capacity. No other buildings have been applied for and it remains that case that all farm buildings are in use.

It is considered that the applicant has demonstrated that the proposed buildings are necessary for the efficient use of the agricultural holding and therefore meets part (a) of Policy CTY 12 of PPS 21.

In terms of criteria (b), (c), (d) and (e), it is considered that the proposed buildings will not have an adverse impact on the visual appearance of the area. The buildings are all sited within the existing group of farm buildings and will be read as part of the farm complex. The buildings that have already been constructed are located towards the south of the farm towards the rear and satisfactorily integrate into the farm complex and are of a suitable scale. Furthermore they do not appear overly dominant in relation to no 15b. The replacement building will have a concrete finish to the lower walls with the upper walls and the roof in slate blue/grey cladding which will help to blend the building with the existing farm buildings. See Figure 10 below.

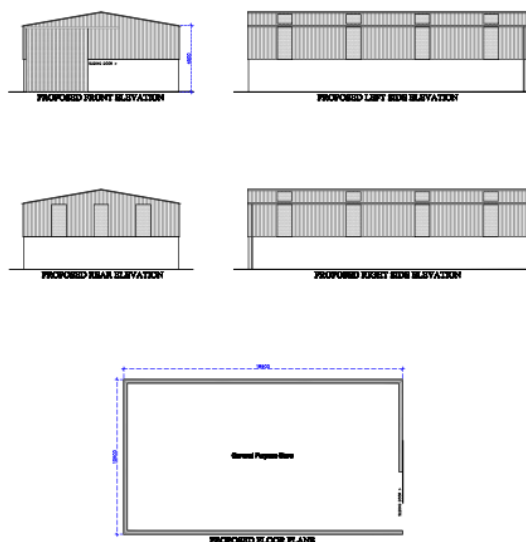


Figure 10 Proposed elevations and floor plan of the replacement building.

In terms of part (d) of Policy CTY12, it is considered that the proposal will have no adverse impact on built or natural heritage. There are no built heritage features close to the site. The sheds are for storage only, will hold no livestock and will be located within an existing farmyard therefore there will be no adverse impact on natural heritage interests. The sheds will be conditioned in any approval for storage only and that they shall not house livestock.

In terms of part (e) of Policy CTY12, the only dwelling that is not associated with the farm is No.15B Abbacy Road. Nos 13, 15 and 17 are in the ownership of the applicant; 13 is currently derelict, 15 is the applicant's residence and 17 is where the applicant's parents reside. It is considered that all the proposed buildings are a sufficient distance away from the third party dwelling at 15B so as not to be subjected to an unacceptable loss of residential amenity in terms of privacy, light, overshadowing and disturbance.

Policy CTY 12 states that in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding that can be used
- the design and materials to be used are sympathetic to the locality and adjacent buildings
- the proposal is sited beside existing farm buildings.

The applicant has stated in the supporting statements, that there are no suitable existing buildings on the holding that can be used for the additional needs of the farm. In basic terms the working of the additional 35 acres and the increased number of cattle acquired since the previous permission was granted for the agricultural buildings, requires additional storage space for both the farm machinery and the straw and hay for the efficient running of the farm. The growth of the farm unit has been verified through the provision of farms maps dated 2015 and 2025. Whilst one shed from the previous approval on site has yet to be constructed, the applicant has indicated that it is intended to be used as well for further storage space. On this basis it is considered that the applicant has demonstrated that there are no suitable existing buildings on the holding that can be used.

As previously discussed, the proposed buildings are of an acceptable scale and design for this location and as they are sited immediately adjacent to the existing farm buildings, they will be read as part of the farm complex, ensuring there is no unacceptable impacts caused to the visual appearance and character of the locality.

In terms of the assessment against Policy CTY 12, it is considered that based on the information submitted in the application, the proposal meets the policy requirements of Policy CTY 12 of PPS 21.

Integration and design of buildings in the countryside

The proposed buildings are to be positioned adjacent to the existing farm buildings and will be read as part of the farm complex. The buildings will not be visible when travelling along Abbacy Road. On this basis, it is considered that the buildings will be integrated in the rural landscape and the proposal complies with Policy CTY 13 of PPS 13.

Rural Character

The proposed buildings will not be unduly prominent in the landscape and will not result in a build-up of development. The scale, design and finishes of the proposed buildings are a common type of farm building found in the countryside. It is considered that there is no loss of rural character as a result of this development and complies with Policy CTY 14 of PPS 21.

Impact on Area of Outstanding Natural Beauty

The site is within the Strangford and Lecale Area of Outstanding Natural Beauty (AONB) and a Design and Access statement has been submitted. It is considered that, as the proposal is for agricultural sheds within an established farm holding and the scale, massing and materials are sympathetic to the surrounding rural area, that the proposal is in keeping with the character of the AONB. The proposal will use the existing laneway and access off Abbacy Road that is currently used for the holding. There are

no features of importance to the character, appearance or heritage of the surrounding landscape within the site to respect or conserve. It is therefore considered that the proposal will have no adverse impact on the character of the AONB and will read with the existing farm holding.

Residential amenity

The SPPS2 recognises there are a wide range of environment and amenity considerations which should be taken into account by planning authorities when managing development. Policy CTY 12 also sets out a test in relation to detrimental impact on the amenity of residential dwellings outside the holding. The only dwelling that is not associated with the farm, that could potentially be impacted upon by the proposal is 15B. It is considered that the proposal will have no detrimental impact on the amenity of 15B in terms of noise, smell and pollution as the proposed sheds are for storage only (no livestock). This will be conditioned as part of any approval to ensure the amenity of nearby dwellings is protected.

The nearest part of the proposed development is between the closest part of the retrospective shed and the front elevation of 15B and has a separation distance of approximately 36m. This is an acceptable distance to ensure the buildings, which will be used for storage purposes, will not have any adverse impact on the amount of light received at this dwelling and the proposal meets the 25-degree angle light test.

Access and Roads Safety

The proposal has been assessed against PPS 3 Access Movement and Parking. The proposed buildings will utilise the existing lane. DfI Roads has been consulted and offers no objections. The proposal is in line with PPS 3.

Designated Sites and Natural Heritage

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Shared Environmental Services has been consulted. The Council in its role as the competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service (SES), dated 05/09/2025. SES has commented as follows:

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. The site is approximately 330m from Strangford Lough SAC/SPA/Ramsar. On the basis of the supporting information no livestock are to be housed and no slurry/manure to be stored in the proposed buildings therefore there will be no increase in ammonia emissions. There is therefore no source or pathway for operational impacts to the European sites. There is no hydrological connection to any European site. The following condition should be appended to any planning approval to ensure the proposal proceeds as assessed:

No livestock or animal manure shall be housed within the retrospective or proposed buildings at any time.

Reason: To ensure the project is not likely to have a significant effect on any European site.

DAERA Natural Environment Division (NED) was consulted and notes that a Biodiversity Checklist has been provided, advising the Council to review the checklist and to determine if further consultations with DAERA is necessary. Following review of the checklist, it is considered that no further consultations are necessary. The existing building to be replaced by Structure B does not have a roof and is very exposed so on this basis it is considered that there will be no adverse impact on any natural heritage issues and the proposal is not likely to adversely impact protected or priority species or habitats. It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

Conclusion

The proposal has been considered having regard to all material considerations, including the statutory development plan, planning policy and comments received from statutory bodies. The farm holding has been long established for more than the minimum requirement of 6 years as confirmed by DAERA. It has been demonstrated by the applicant that the proposed buildings are necessary for the efficient use of the agricultural holding. The applicant has demonstrated that there are no suitable existing buildings on the holding that can be used. Having weighed all material considerations, it is recommended that this application proceeds by way of an approval of planning permission.

5. Representations

20 representations of objection have been received to date and 1 letter of support.

7 people sent objections via emails however only 4 addresses were provided; the remainder of objectors did not provide a postal address. Each of the objectors that did not provide a postal address were emailed requesting confirmation of their postal address in order to make a full assessment of the proposal and to ascertain if the application needed to be presented before the Planning Committee. 3 objectors replied confirming their postal address resulting in a total of 4 postal addresses confirmed. The 3 remaining objectors will be taken as individual objections and together results in this application being required to be presented before the Planning Committee.

The objections all relate to the adjacent dwelling to the farm at 15b Abbacy Road.

All of the representations have been read in full. The main points of concern are summarised below:

- *Unacceptable impacts on 15b Abbacy Road including overdominance causing a loss of light.*

Due to the separation distance of approximately 36m between the sheds and No. 15B, there will be no unacceptable adverse impact on the amount of light

received at 15B and the proposal meets the 25-degree angle light test. It is also noted that the proposal has been reduced which would lessen any impact.

- *Increased levels of noise, dust, air, and smell pollution and rodents.*
Environmental Health, NIEA and Shared Environmental Service were consulted and raised no objections. A condition is recommended to ensure the sheds shall not house any livestock at any time without the prior consent of the Council. This will ensure the residential amenity of No. 15b and any environmental interests are protected. Nonetheless, the proposed works are to house materials and machinery which are already in use at the site and should not result in an increase in levels of noise, dust etc.
- *Contrary to Policy CTY12 A as it is only a small holding (90acres) and all the proposed sheds are not necessary.*
The applicant has acquired additional land (now 35 acres) and additional cattle and therefore additional covered storage space is now required. Following a site inspection it is clear that additional storage space already erected is in use to keep machinery and fodder undercover. The additional space will support the expansion of the business.
- *Schedule 3, Part 7 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 recommends that a suitable separation distance should be at least 75m, however many of these structures are within 25m of 15b dwelling. Furthermore, the fire hazard risk posed is within 12m from the kitchen window of 15B.*
The Council's Environmental Health Department has assessed the proposal and has not raised any concerns as long as the proposed buildings are not to be used to house livestock/ store slurry. The closest part of the proposed buildings is approximately 36m from 15B. The Planning (General Permitted Development) Order (Northern Ireland) 2015 is for development that does not require a full planning application and sets out what is allowed under permitted development. It is important to note that each application is taken on its own merits and that the regulations set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015 are not restrictions. On this basis, the same condition that was included as part of the planning permission for the previous buildings, will be included on any permission granted for this proposal.
- *Additional damage to 15b boundary wall from farm machinery accessing sheds at close proximity to 15b dwelling.*
This is not a material planning consideration and is a civil matter between the owner of 15b and whoever caused the damage.
- *The release of nitrogen emissions from the chicken litter within the close proximity to 15B.*
During the site visit, there was no evidence of chickens being present at the site. The applicant has not stated that he owns chickens. A condition will be included on any permission granted to ensure that the buildings are not to be used to house livestock.
- *24-hour tyre repair business running from the site.*

During the site visit, there was no evidence of a tyre repair business. The enforcement officer did not see any evidence of any alleged business activity either.

- *is there a limit to how many machinery sheds/stores an agricultural holding consisting of 91 cattle and 26.42 hectares requires to enable its efficient use.* There is no limit as to how many sheds an agricultural holding requires to enable its efficient use. Every case is determined on its own merits. In this case the applicant has taken on extra land, more machinery and more livestock thus more shed space is required.

- *The 'Proposed Site Layout' highlights one underground tank where 'all washings and run-off from any building to flow into NAP 2019 collection tank with no overflow to any waterways.' I am not satisfied that this site can currently and safely accommodate these sheds.*

The proposal has been reduced to propose 3 sheds in addition to the three buildings that were previously approved. The buildings will be used for storage purposes only and therefore there will not be a significant level of run-off and any run-off will go to the existing collection tank. DAERA and Shared Environmental Services were consulted and did not raise any objections.

- *This proposed development will make the family home at 15B feel hemmed in and will visually impact the quality of the surrounding landscape, bearing in mind, this site is within the Strangford and Lecale Area of Outstanding Natural Beauty. The visual impact of this development, and the build-up of development within a constrained site, needs to be considered by the planners as to the impact of the development on the character of the area and if it is in accordance with CTY 14 of PPS 21. Furthermore, this proposal of 7 sheds is in addition to the 3 sheds approved in 2023 (LA06/2021/1238/F). These will certainly be a prominent feature in the landscape, and prominent to the residents of number 15b. This development will negatively impact the welfare of my family.*

It is considered that the visual impact of the proposed development will not have a detrimental impact on the landscape as the proposed buildings will be read with the existing cluster of farm buildings. The proposal has been reduced to now propose 3 buildings, two of which have already been constructed. It is considered that the building are positioned an acceptable distance from 15B so as not to cause any unacceptable impacts to the residential amenity of the dwelling.

- *The application contains incorrect and inaccurate information.*

It was raised that elements of the supporting information provided contained inaccurate and incorrect information. The most recently submitted plans have been checked and are accurate, including the labelling of the buildings. Officer's have thoroughly assessed the application and sought consultation were appropriate. SES and DAERA's NED have been consulted and have not raised any issues. DfI Rivers was not consulted on this application as there is no statutory requirement to consult with it.

- *the applicant is using many of the sheds for commercial/business purposes rather than agricultural purposes.*
During the site visit there was no evidence of any commercial businesses running from the site.
- *The number of vehicles visiting the farm has increased significantly due to the businesses operating from the site, approximately 20-25 vehicles per day. This causes privacy issues for 15B.*
During the site inspection there was no evidence of any commercial business operating from the site. Ultimately the application as presented is for sheds to be used as storage in the function of the agricultural business. Conditions can be added to ensure they are used to this effect. Taking the application on its own merits, the proposal is unlikely to generate traffic outside of the already functioning farm business. In respect of the impact of privacy to 15B is not considered to be a form of unacceptable loss of significant adverse impact.
- *Inaccuracies in the application statement which the Council should not rely on – a visit to the site is required to gain understanding of the area.*
The application statement is the applicant/agent interpretation on how the proposal complies with the relevant planning policies. The Council will make its own determination against the relevant policies based on the information provided within the application, a site visit and comments from the relevant consultees.
- *Total amount of floorspaces approved equates to approximately 900sqm.*
The applicant is making improvements to the farm, including replacing dated buildings with new buildings. The justification for the additional storage space is due to the increased land take and number of cattle. Farm machinery was always left outside and now the applicant wants to improve the situation by storing it indoors. The test is that it is necessary and evidence has been provided. There is no policy provision which restricts floorspace.
- *Light pollution to 15B.*
The proposal does not include details of any proposed lighting.
- *The use of the sheds for straw storage or machinery storage*
The use of the sheds is for storage with the only restriction being that they are not used to house livestock. This will be included as a condition on any permission granted.

One letter of support has been submitted by a local MLA. No reasoning was provided.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the proposed development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The retrospective development hereby permitted is issued under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: This is a retrospective application.

3. The agricultural buildings hereby approved will be used solely for storage and no livestock shall be housed within the buildings at any time without the prior written consent of the Council.

Reason: To ensure the development is not likely to have a significant effect on any European site and in the interests of residential amenity.

4. The buildings hereby permitted shall only be used for agricultural activity and for no other purposes at any time including no commercial enterprise.

Reason: To prevent the operation of an unauthorised use on the premises.

5. A suitable buffer of 10 metres shall be maintained between the location of all construction works refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse present along the south of the application site.

Reason: To ensure the development is not likely to have a significant effect on any European site or the water environment.

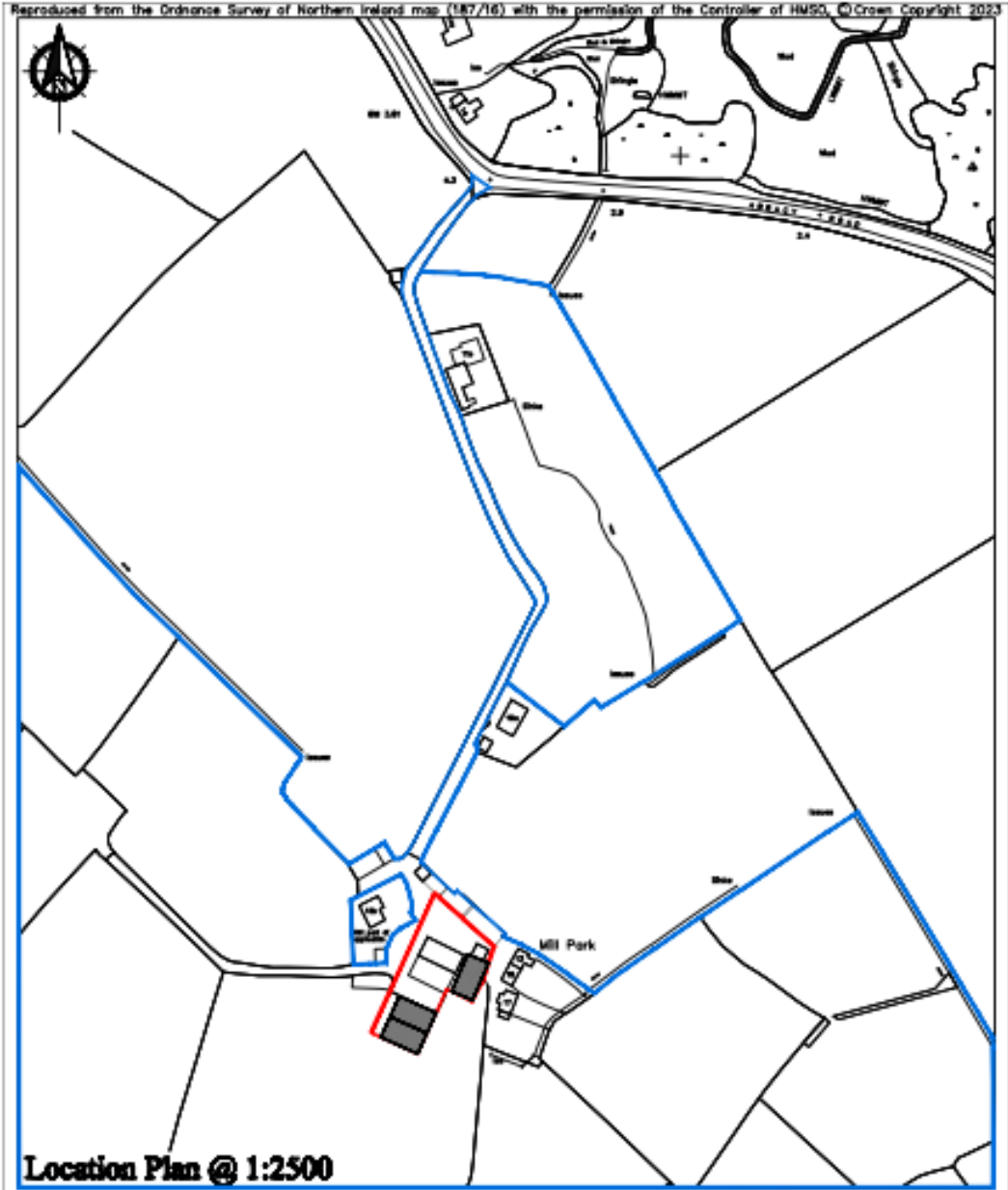
6. All contaminated run-off from the facility and, concrete apron shall be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway.

Reason: To ensure the development is not likely to have a significant effect on any European site or the water environment.

Informative

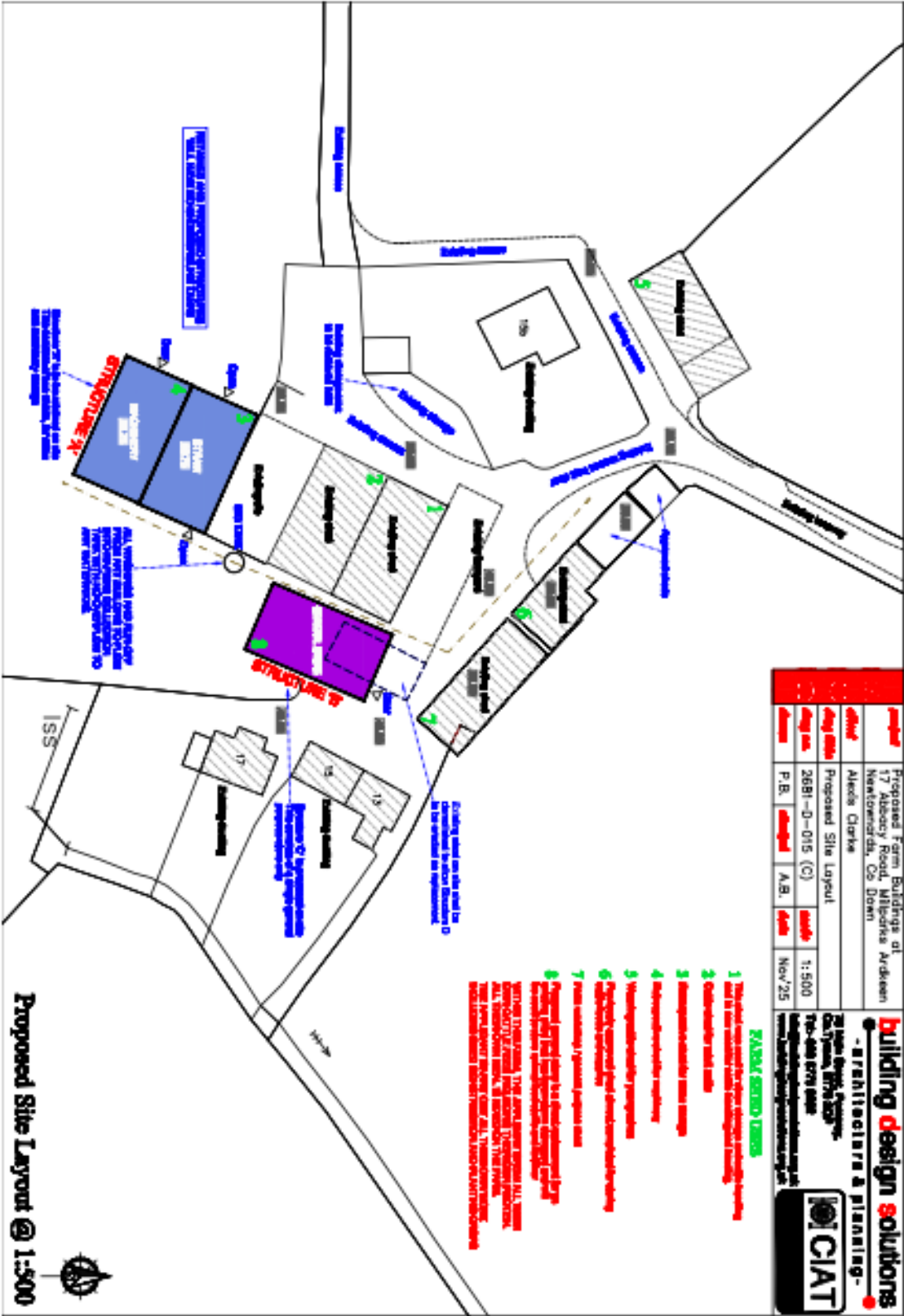
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Appendix 1 – Site Location Map

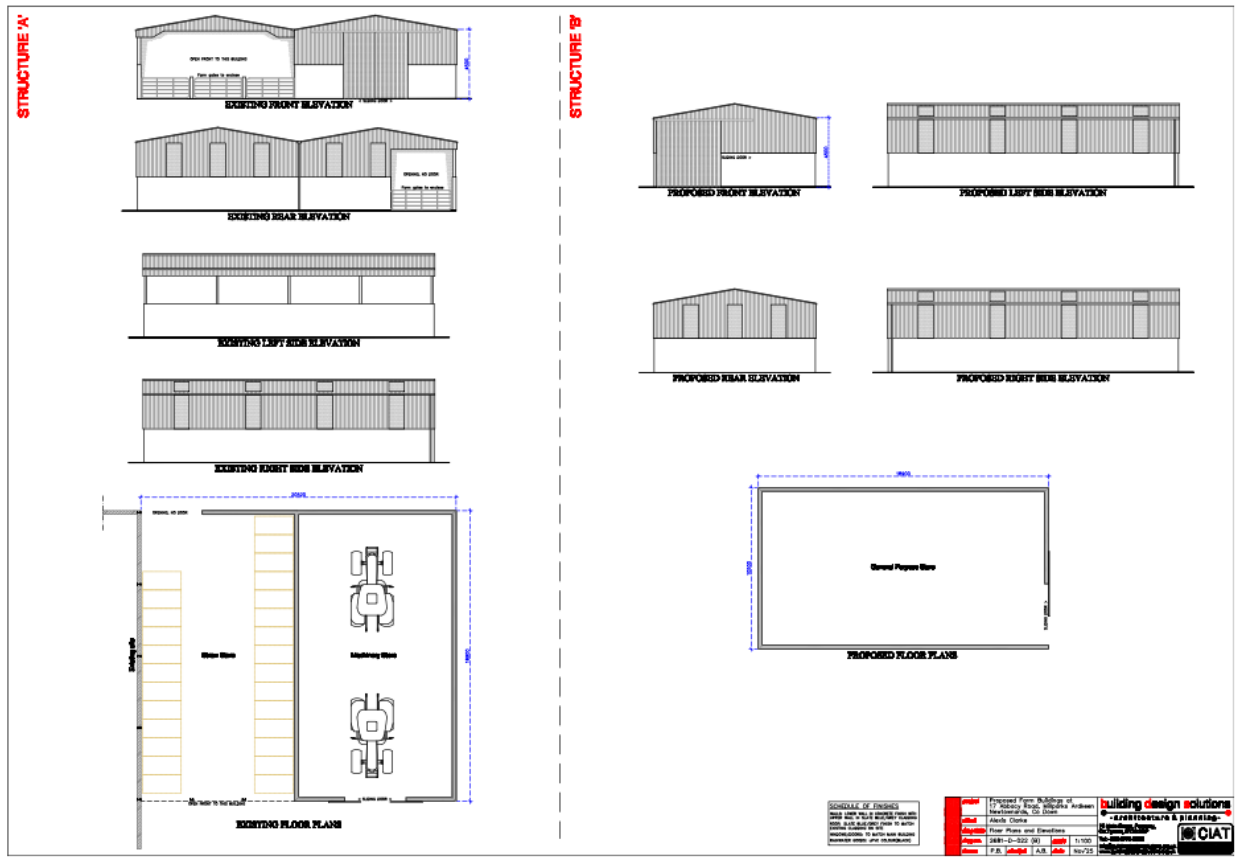


CD	project	Proposed Farm Buildings at 17 Abbacy Road, Millparks Ardkeen Newtownards, Co Down			building design solutions - architecture & planning - 75 Main Street, Pomeroy, Co. Tyrone, BT70 5DP Tel: 028 6775 8282 info@buildingdesignsolutions.org.uk www.buildingdesignsolutions.org.uk	
	client	Alexis Clarke				
	doc title	Location Plan				
	doc no.	2681-D-014 (A)	scale	1:2500		
	drawn	P.B.	checked	A.B.		

Appendix 2 – Site Layout



Appendix 3 – Floor Plans and Elevations



Appendix 4 - Photographs



Figure A Aerial image of the proposed site layout



Figure B. Photos show the existing shed which is in a bad state of repair and is to be replaced by Structure B annotated on the site plan.



Figure C. Existing shed to the north of 15B Abbacy Road



Figure D. Photos showing the existing buildings used to house cattle and the meal preparation station.




Figure E. Photos showing the use of one of the sheds recently granted permission in 2023.



Figure F. Photos showing the second shed approved in 2023 used to store straw and hay.



Figure G. Photographs of the proposed retrospective sheds (Structure A) housing the farm machinery as listed.

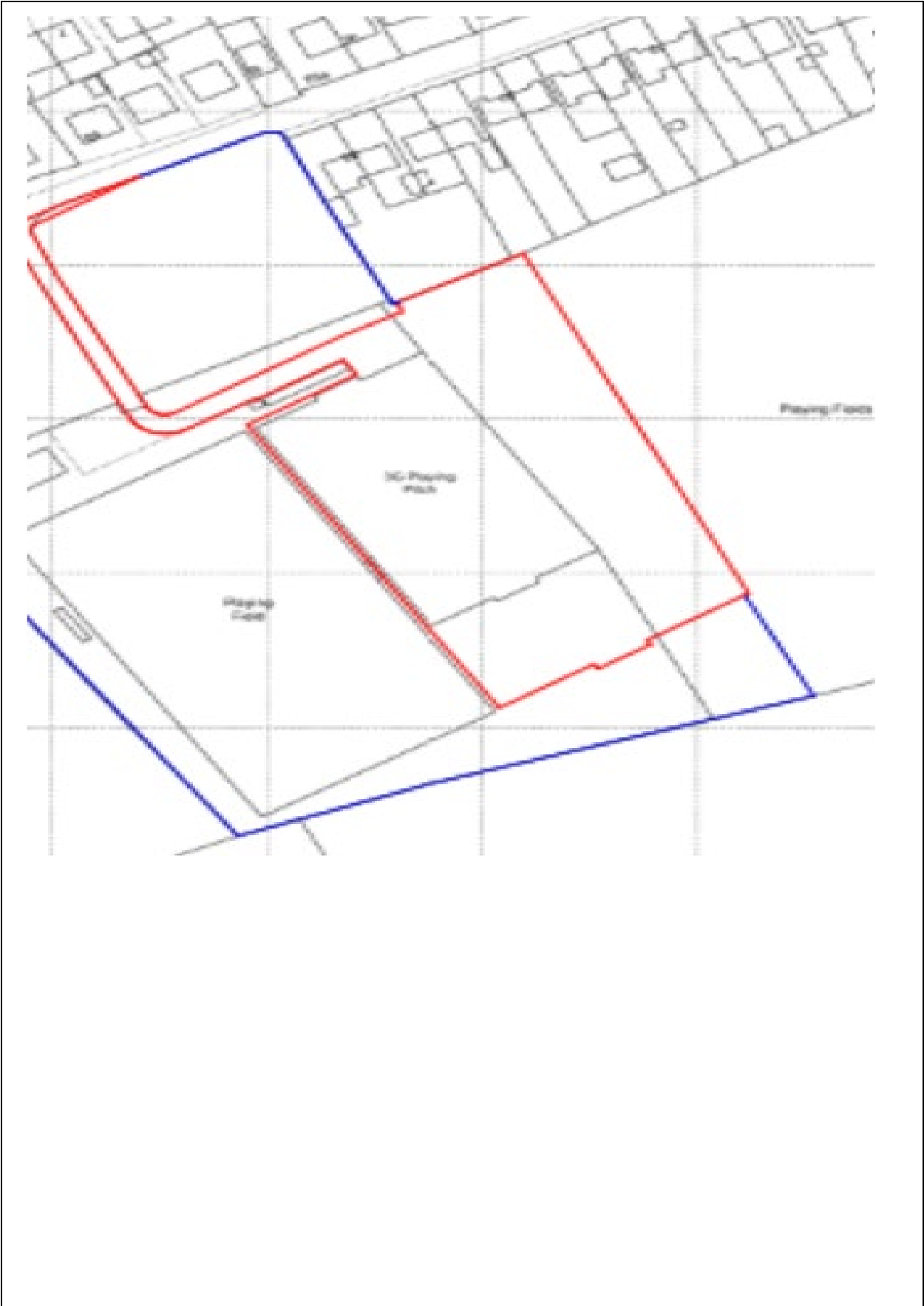
Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2025/0090/F	DEA: Ards Peninsula	
Proposal:	Alterations and extensions to existing 3G training pitch to form new full size pitch with associated floodlights, fencing and 3G surface and dug outs		
Location:	Abbey Villa Football Club House, 91 Abbey Road, Millisle		
Applicant:	Mr G Pitman		
Date valid:	11.02.2025	EIA Screening Required:	No
Date last advertised:	30.10.2025	Date last neighbour notified:	12.02.2025
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations			
DFI Roads		No Objection	
ANDBC Environmental Health		No Objection	
NI Water		No Objection	
DFI Rivers		No Objection	
Historic Environment (HM)		No Objection	
Summary of Main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Access, Movement & Parking • Visual Impact • Residential Amenity • Biodiversity 			
Recommendation: Grant Planning Permission Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view on the Planning Portal at Northern Ireland Public Register (planningsystemni.gov.uk)			
1. Site and Surrounding Area			

The site is located at Abbey Villa Football Club, Abbey Road, Millisle. The established site contains an existing football pitch and a number of associated buildings to include a changing room and clubhouse. Accessed directly off the southern side of Abbey Road, the site also contains an area of hard surfacing, used for the parking and turning of vehicles.

In terms of prevailing planning designations, the site is located within an area of open countryside, as defined by the Ards and Down Area Plan 2015. That said, the site is situated on the edge of the settlement of Millisle, which directly reads with the site to the northeast, where an extensive residential area is situated. Alternatively, on land to the south and west, the surrounding area is predominantly characterised by dispersed dwellings, farm buildings and agricultural land.

2. Site Location Plan





3. Relevant Planning History

Planning Reference: X/2015/0509/F

Location: Abbey Villa Football Club, Abbey Road, Millisle.

Description: New Football Training Pitch, associated changing facilities and floodlights
- Decision: Approval Issued 27.09.2017

Planning Reference: X/2013/0217/F

Location: Abbey Villa Football Club, Abbey Road, Millisle.

Description: New Football Training Pitch, associated changing facilities and floodlights
- Decision: Approval Issued 22.08.2013

Planning Reference: X/2009/0410/F

Location: Abbey Villa Football Club, Abbey Road, Millisle.

Description: New Football Training Pitch, associated changing facilities and floodlights
- Decision: Approval Issued 17.11.2009

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland 2
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology & Built Heritage
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15 – Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the LDP, so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

ADAP currently acts as the LDP for this area. As per the details of the LDP, the site is located within an area of countryside and beyond the settlement limit associated with Millisle. Land within the site is not subject to any specific zoning and the proposal is considered to be in general conformity with the plan, provided it complies with all relevant regional planning policies.

The SPPS2 sets out the guiding principle relating to the grant/refusal of development contained within Paragraph 3.8 of the document.

This states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

In context of the subject proposal, it is of note that the SPPS2 retains the policy provisions of PPS 2, PPS 3, PPS 6, PPS 8, PPS 15 and PPS 21 until they are replaced by a Local Development Plan for Ards and North Down Borough.

The Proposal

In terms of specific works, the development proposal is inclusive of the following component parts:

- Alteration & Extension of existing 3G Training Pitch (*original shaded in dark green*)
- Associated Floodlighting
- Erection of Fencing and;
- Installation of Dug Out Shelters
- Additional parking provision and revised layout



Figure 1: Proposed Site increase

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) is material to any consideration. Policy CTY1 indicates when development within the Countryside can be considered as acceptable. Under the heading entitled "Non-

Residential Development” PPS 21 indicates that planning permission will be granted in the countryside in the case of Outdoor Sport and Recreational uses in accordance with Planning Policy Statement 8. The relevant policy provisions are considered in detail further within this report. Given the long-established recreational use of the wider site, it is considered that the development would be therefore acceptable in principle, subject to compliance with the more detailed requirements of relevant planning policies and guidance.

Open Space, Sport and Outdoor Recreation

The site has been established as an area dedicated to outdoor sport and recreational use. Policy OS1 is therefore material in respect to preventing any loss of open space. The policy details however that an exception can be made where redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. In this instance the proposal represents an extension to existing facilities, to provide two pitches of equal size in addition to extra parking and hardstanding, pitch-side shelters, new boundary fencing and additional floodlighting. Given that the use is to both continue and be expanded, with the ancillary development intended to increase the utilisation of the site, it is considered to bring a community benefit and is deemed an exception under OS1.

In this particular case then, the proposal is to be assessed then against the criteria of Policies OS 3 (Outdoor Sport in the Countryside), OS 5 (Noise Generating Sports and Outdoor Recreational Activities) and OS 7 (The Floodlighting of Sports and Outdoor Recreational Facilities).

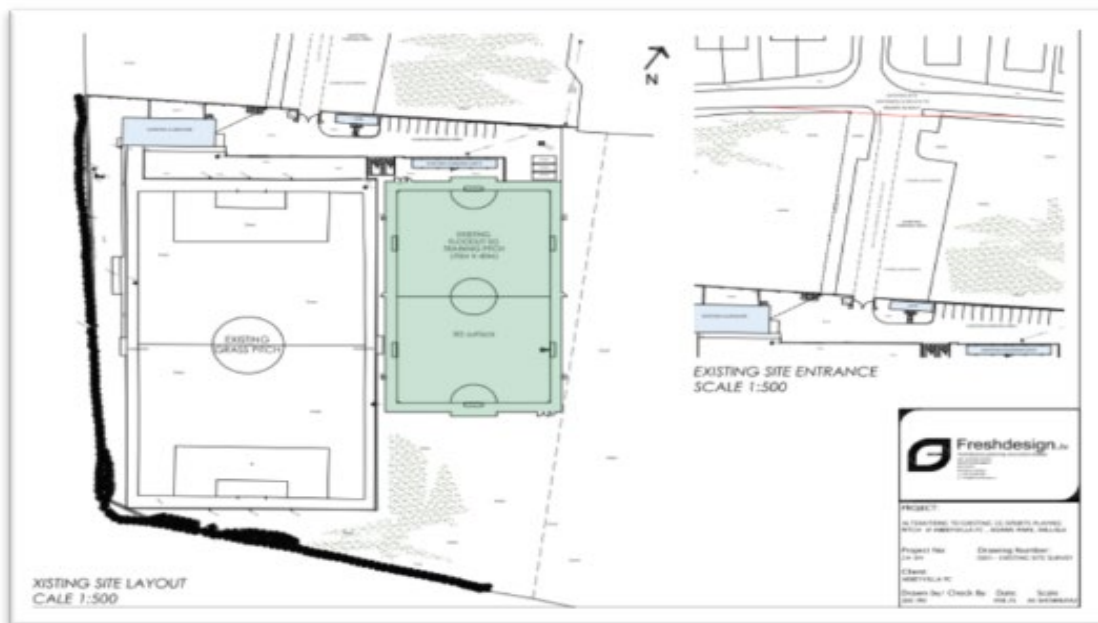


Figure 2: Existing Site Layout

Overall it is considered that the development is compliant with the provisions of PPS 8 and will not have an adverse impact upon the character and amenity of the rural area.

Access, Roads Safety and Parking

In relation to vehicular and pedestrian access, DFI Roads have offered no objections subject to a review of off-street parking provision by ANDBC Planning Department.

The existing number of spaces and layout has been assessed against what is indicated on the proposed site layout. As the existing plans illustrate, a total of 12 no. standard parking bays are located along the north side of the site, with a further 2 no. dedicated accessible bays bringing the total number of spaces inside the boundary of the existing pitches to 14.

Provision has been made for additional parking bays to the north and east of the altered 3G pitch. Whilst the established 12 no. spaces and 2 no. accessible bays will remain in situ, an additional 2 no. dedicated bays will be added alongside a further 21 no. standard parking spaces.

The proposed works will not encroach upon the informal parking area used by the club and it is considered that sufficient parking provision has been included in the scheme as presented.

In conclusion then, I am satisfied that the proposal complies with the general principles of PPS 3, will not prejudice road safety nor will it significantly inconvenience the flow of traffic and has sufficient parking to accommodate the pitches and facilities contained within.

Residential Amenity

Given the established and operational use of the site, it is my considered opinion that the extension of the 3G football pitched and upgrading of facilities will have a minimal impact upon the amenity of neighbouring properties.

Whilst it is of note that the scheme is inclusive of additional floodlighting, the same has been reviewed and evaluated by ANDBC Environmental Health as part of the overall assessment process. No concerns or objection to the inclusion of additional floodlighting has been proffered by Environmental Health and conditions have been provided in respect of light limitation requirements, hours of permitted illumination and a time restricted weekly schedule with regards to use of the extended pitch.

In overview of the same, I am satisfied that the development will not impinge upon the residential amenity of neighbouring properties subject to adherence to the conditions proposed.

Designated Sites and Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required. It is noted that a hedge is located approximately 30m south of the additional proposed floodlighting. On investigation it was seen that the hedge does not have a direct link to woodlands or watercourses and does not engage the situation under the checklist which would require further consultation. In any case, the existing use of floodlighting in the area, alongside the location of the site at the edge of the settlement limit already results in an impact from lighting. The proposed additional floodlighting is specifically angled to be directed towards the north of the site to illuminate the pitch and is unlikely to have a significant impact towards the south. In respect of protected species, these considerations and the absence of a direct link to woodland or watercourses, it is unlikely that the proposal would result in harm to protected species.

Archaeological Review

Whilst the site is within proximity to a feature of archaeological interest, review of the planning history associated with the site reveals that archaeological interest and value is of a minimal nature.

As the record demonstrates, in consultation with HED (Sites & Monuments) under planning application LA06/2015/0509/F, planning conditions were included on the decision issued, requiring the developer to conduct further archaeological investigations ahead of commencement of development.

In a subsequent report prepared by Gahan Long Associates and submitted under LA06/2022/0252/DC, it was concluded that the identified drainage feature was of a more recent construction period and not an archaeological feature of interest.

Whilst the subject site is immediately adjacent, having formally consulted with HED (Historic Monuments) in respect of the current planning application, an indication has been given that the site is of low archaeological interest and that HED are content for the development to proceed without the need for any further investigative works or study.

Flood Risk

As confirmed by DFI Rivers, the site does not lie within a flood plain nor inside the perimeter of the 1 in 100 year "climate change" fluvial flood plain or the 1 in 200 year "climate change" coastal flood plain.

Policy FLD 3 relating to development and potential issues arising from Surface Water and exceeding the threshold of 1000m² of hard surfacing is to be considered. The extent of all additional non-permeable surfacing within the subject site measures approximately 750m² and measuring below aforementioned threshold, I am therefore satisfied that a drainage assessment is not required in this case. It must however be duly noted by the applicant and any future developer of the site that a responsibility remains to ensure the provision of suitable drainage arrangements to protect the health and safety of all patrons of the site in its totality.

5. Representations

No objections have been received.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01/21, dated 2021 or any subsequent version.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light.

3. The extended pitch shall not be used outside the following times:

Monday to Friday 09:00hrs to 22:00hrs
 Saturday 09:00hrs to 20:00hrs
 Sunday 10:00hrs to 18:00hrs

Reason: To protect the amenity of neighbouring dwellings with respect to noise and obtrusive light.

4. The floodlights shall not remain on after:

22:00hrs Monday to Friday

20:00hrs Saturday

18:00hrs Sunday

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light.

5. The floodlights shall be switched off when the pitch is not in use.

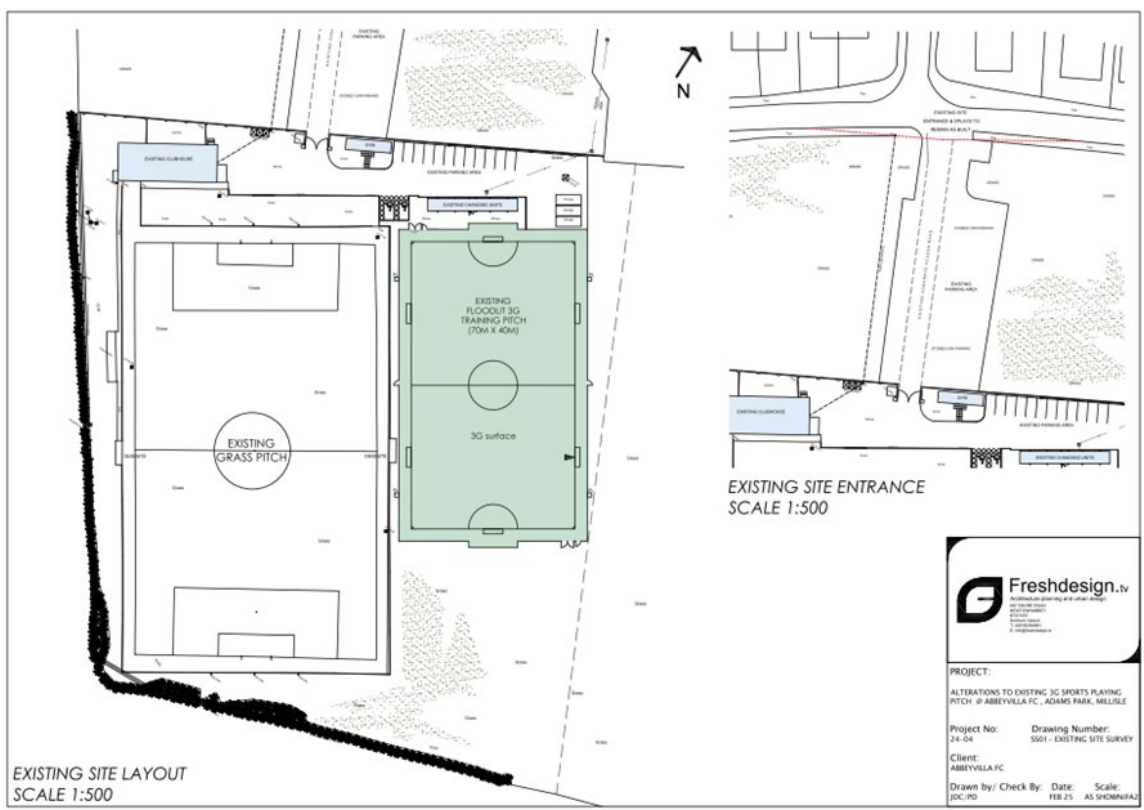
Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light.

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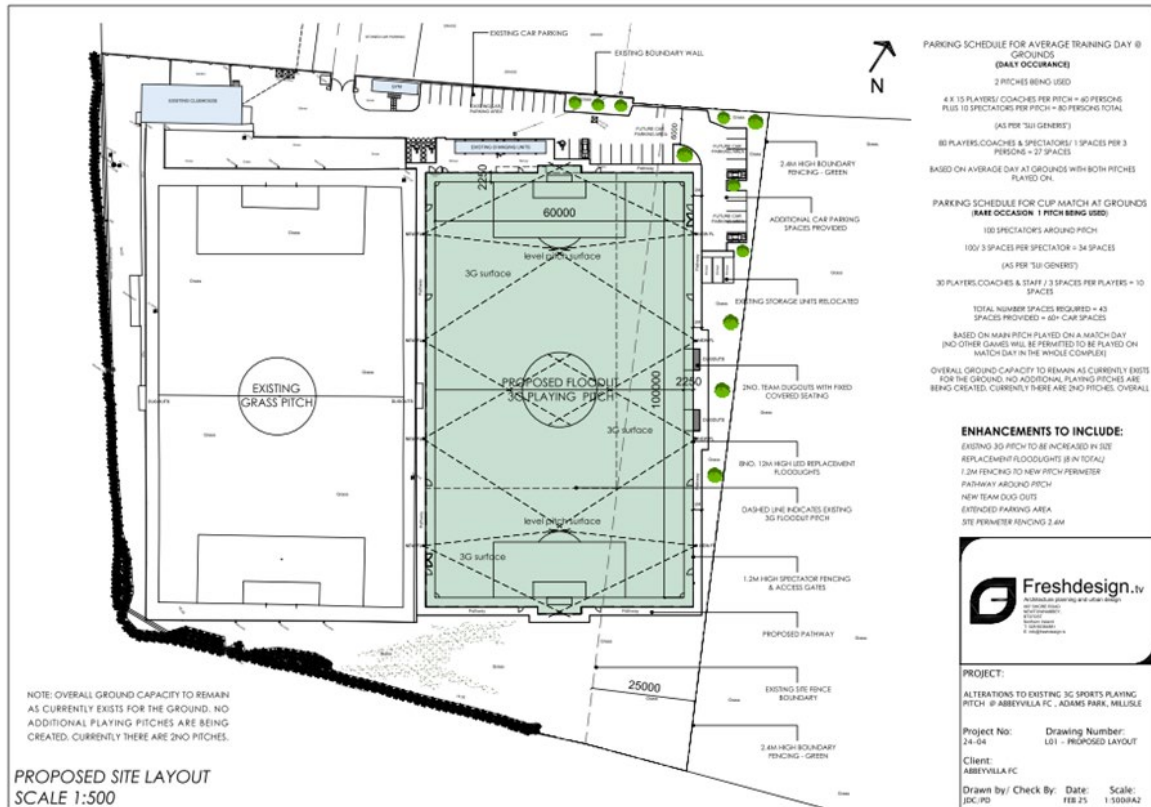
Appendix 1: Associated Plans



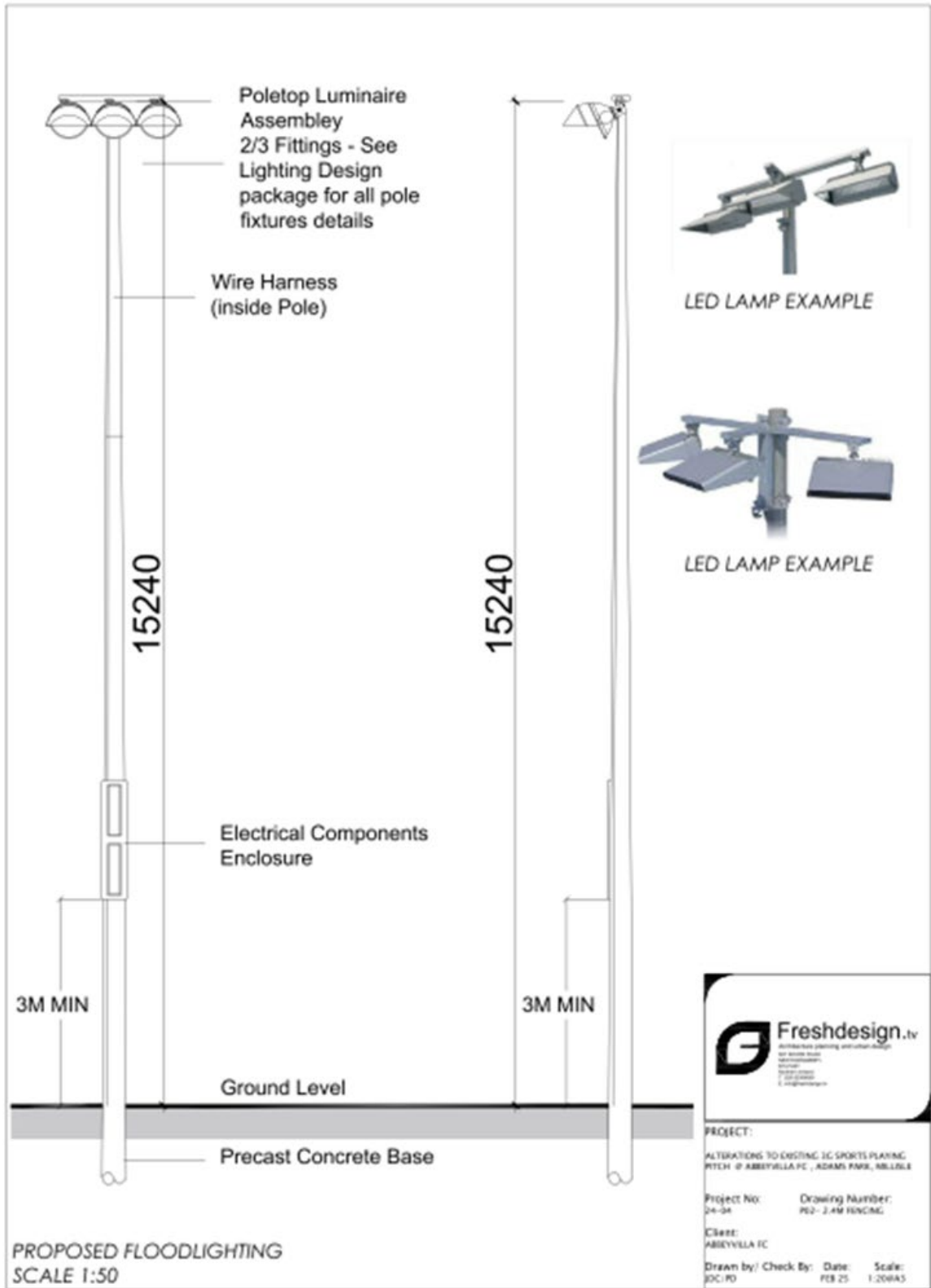
Drawing No. 01 - Site Location Plan (Scale 1:1250 @ A3)



Drawing No. 02 - Existing Site Layout (Scale 1:500 @ A2)



Drawing No. 03 - Proposed Site Layout (Scale 1:500 @ A2)



Drawing No. 04 – Proposed Floodlighting (Scale 1:50 @ A2)

PROPOSED TEAM DUG-OUTS
SCALE 1:50

EXAMPLE OF DUG OUTS

Freshdesign.tv
ALTERATIONS TO EXISTING 3G SPORTS PLAYING PITCH @ ABBEVILLA FC, ADAMS PARK, MELLESE

Project No: 24-04 Drawing Number: P04 - TEAM DUGOUTS
Client: ABBEVILLA FC
Drawn by/ Check By: JDC/PO Date: FEB 25 Scale: 1:50PA3

Drawing No. 05 – Proposed Pitch Side Dugouts (Scale 1:50 @ A2)

1) NK SPORTS GATE - ELEVATION

2) NK SPORTS 1.2M - ELEVATION COLOUR - GREEN

3) NK SPORTS DOUBLE GATE - ELEVATION

PROPOSED FENCING
SCALE 1:20

Freshdesign.tv
ALTERATIONS TO EXISTING 3G SPORTS PLAYING PITCH @ ABBEVILLA FC, ADAMS PARK, MELLESE

Project No: 24-04 Drawing Number: P01 - 1.2M FENCING
Client: ABBEVILLA FC
Drawn by/ Check By: JDC/PO Date: FEB 25 Scale: 1:20PA3

Drawing No. 06 – Proposed 1.2m High Fencing (Scale 1:20 @ A3)

NK SPORTS 2.4M - ELEVATION COLOUR - GREEN

PROPOSED FENCING
SCALE 1:20

GREEN FENCING EXAMPLE

Freshdesign.tv
we believe in creating an extra edge

PROJECT:
ALTERATIONS TO EXISTING 3G SPORTS PLAYING PITCH @ ABBEVILLE FC, ADAMS PARK, MILLISLE

Project No: 24-04 Drawing Number: P02 - 2.4M FENCING

Client: ABBEVILLE FC

Drawn by/ Check By: Date: Scale: JDC/PO FEB 25 1:20/A3

NK Sports Ballistic 10 fencing system is about 2.4m high overall above ground level, comprising 70x70 x 2.0mm (3mm) grade 2500mm long, heavy duty mesh with 40x40mm and 10x10mm corner beams 400 x 400 x 800mm deep at 2.02m centres. NK Sports Ballistic 10 fencing system comprising panels unique in design by being one panel finished on horizontal joints, 2.3m wide x 2.4m high. Fixed 8 No lines to fence panels with NK Super 800 clips using NK 800 torque resistant nuts and threaded railposts. Fence panels comprising two 6.0m horizontal horizontal rails and 8.0m diameter vertical wires, all central wires being 50mm mesh aperture with the lower 1.0m of the panel being 60 x 60mm mesh for maximum strength to suit an all-weather football pitch, middle 1.0m section being 50 x 100mm mesh for increased clarity and the upper section being 50 x 200mm mesh. Other dimensions agreed BS 1122 Part 14 Table 2 this fence provides a visibility rating of 20% with an application rating of security.

Drawing No. 07 – Proposed 2.4m High Fencing (Scale 1:20 @ A3)

Appendix 2: Site Photographs



Access to Site looking towards Millisle



Gated Entrance into Football grounds



Existing Parking Area between main access and gated entrance to football grounds



View looking east towards Millisle



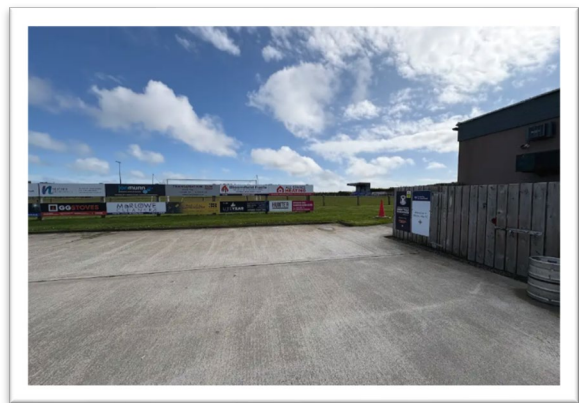
View South towards Carrowdore from existing parking and access into the site



Side Elevation of existing Club House



Existing Club House within grounds (Front Elevation)



Existing concrete service area to east of club house (Above & Below)



View of Site looking southwards



View from eastern extent of service yard towards small pitch to be extended



Existing Pitch side Dugouts



View towards site and ANDBC controlled lands in background



View of Main Football Pitch as seen from Club House



Main pitch to RHS, behind gate and smaller pitch to be extended on LHS behind fencing



Existing changing room facilities between service yard and smaller pitch to be extended



Subject pitch to be extended



Pitch to be extended within fence and larger main pitch on RHS of photograph

Unclassified

ITEM 6**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	05 May 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Appeals Update
Attachments	Aooendix 6a. Decision - 2005/A0095 Appendix 6b - PAC Decision - 2025/A0103 Appendix 6c. - PAC Costs Decision 2025/A0103
File Reference (if applicable)	
Legislation	Other Planning Appeals Commission (Decisions on Appeals and Making of Reports) (No. 2) Rules (Northern Ireland) 2006 as amended
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple: N/A

Appeal Decisions

1. The following appeal decision against refusal of planning permission was issued on 23 March 2026.

PAC Ref	2025/A0095
Council Ref	LA06/2025/0326/O
Appellant	Hugh Torney
Subject of Appeal	Refusal of Outline planning permission for 2no. infill dwellings and garages, access, and associated site works
Location	Between 18 & 22 Upper Ballygelagh Road, Kirkistown

The Council refused planning permission on 13 November 2025 for the following reasons:

- i. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and 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.
- ii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the extension of ribbon development along Upper Ballygelagh Road.
- iii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the site relies primarily on the use of new landscaping for integration and the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
- iv. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to an existing ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

Commissioner Consideration

There was no dispute that there was a substantial and continuously built-up frontage in this case.

With regard to the second part of the policy in relation to a small gap site the policy is clear with regard to the gap being between buildings. When Policy CTY8 is read as a whole, it is the full physical extent of the gap between buildings that must be assessed.

This gap included not only the appeal site but also the existing access to No.20 and a proposed agricultural access to the north, which in the Commissioner's opinion materially increased the width of the gap beyond the width and frontage of the appeal site. The proposal site does not respect the existing pattern of development and failed to meet the policy test.

Although the measurements of the proposed plots were broadly comparable with the established pattern of development, the Commissioner considered it was not simply a mathematical exercise but a matter of planning judgement of the scale of the gap in its entirety. The relevant policy test is the scale that could accommodate more than two dwellings and the appeal proposal therefore fails the exceptional test under Policy CTY8 and therefore cannot benefit from the infill provision given the extent of the gap site.

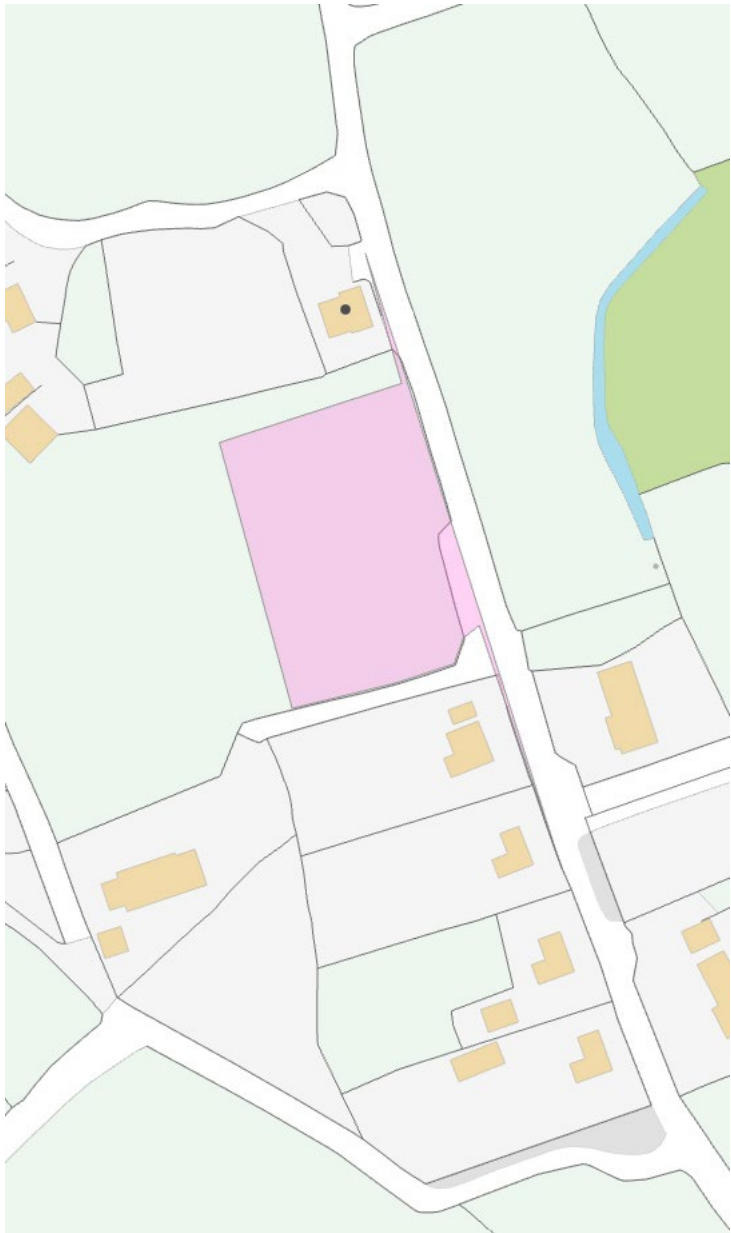
The Commissioner did not accept the appellant's argument presented in guidance documents in relation to Building on Tradition and examples of other appeal sites with different scenarios presented to that of the subject site of the appeal. Irrespective of the evidence presented, the Council was not bound by decisions made in other Council areas.

The Commissioner found that the proposed development would add to the established ribbon of development along this section road in a linear manner. The Commissioner was of the opinion that the appeal site provided a visual relief and formed an important visual break between existing buildings to the south of the appeal site and No.22 to the north.

The Commissioner agreed that there would be a suburban build-up of development but was not persuaded that the absence of long-established vegetated boundaries prevented the appeal site from providing a suitable degree of enclosure for integration into the landscape, or would have to rely on new landscaping to blend in with the landform.

Third party concerns were not sustained in relation to undue noise or light impacts given the indicative separation distances between the buildings.

The Commissioner agreed with Council that it had not been demonstrated that there were overriding reasons why the development was essential and could not be located in a settlement in accordance with CTY1, and in light of the findings the appeal was dismissed.



2. The following appeal decision against refusal of planning permission was issued on 21 April 2026.

PAC Ref	2025/A0103
Council Ref	LA06/2023/2012/F
Appellant	Peter Thompson
Subject of Appeal	Refusal of full planning permission for a Dwelling (change of house type to approval W/2011/0015/RM) - retrospective
Location	Land between 3 and 4 Sheridan Grove, Helen's Bay

This application was presented to Planning Committee at its meeting of 05 August 2025 with a recommendation of approval. The application was deferred with a 'Minded to Refuse' motion, and was returned to the Committee meeting of 04

November 2025, at which the recommendation to approve was overturned and the Council refused planning permission for the following reasons:

- i. The proposed development is contrary to Policy QD1 criterion (a) of PPS 7 – Quality Residential Environments, in that it does not respect the surrounding context, is inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance
- ii. The proposed development is contrary to Policy QD 1 of PPS 7 - Quality Residential Environments, criterion (h), in that there is an unacceptable adverse effect on No 2 Sheridan Grove in terms of overlooking and loss of light.
- iii. The proposal is contrary to Policy QD 1 of PPS 7 - Quality Residential Environments, criterion (f), in that inadequate and inappropriate provision is made for parking.

Commissioner's Consideration

The Commissioner acknowledged the planning history in the context of there being no dispute that there is a lawful and realistic ability to undertake the development approved under the extant planning permission for the site as an alternative to the appeal development under consideration.

In relation to the increase in internal floorspace, the Commissioner noted that the revised footprint did not materially reduce the property's private amenity space. The Commissioner also considered that the revised ridge height and alterations to the front façade did not materially increase the building's overall scale or massing when compared to the extant approval. As such it was found that the dwelling, as constructed, did not result in unacceptable harm to the character and appearance of the area, therefore the Council's first reason for refusal was not sustained.

In relation to the Council's second reason for refusal, the Commissioner observed that the distance between the front of the appeal building and that of No. 2 Sheridan Grove was more than 20m. He stated that, given the distance and the elevated position of No.2, which sits at a greater height than that of the road, there were no direct views into either its main living area or front bedroom from the balcony of the appeal building. It was noted that a large shrub positioned along the roadside of No.2 helped screen views into the ground floor windows. The balcony as constructed was also not found to permit direct views into the patio area of No.4.

As such, concerns regarding significant overlooking from the balcony were unfounded.

In respect of windows in the building, the Commissioner was satisfied that the appeal development would not result in unacceptable loss of privacy through actual or perceived overlooking.

In respect of alleged overshadowing or loss of light to No.4 it was recognised that the extant approval also failed the 25-degree light test. The Commissioner acknowledged that there were other matters also relevant in determining whether

any loss of light would be unacceptable, including the availability of alternative natural light sources.

He referenced the fact that there were a number of prominent trees which already contributed to a significant reduction in light from the south west to No.4, and that taken account of the established mature vegetation, he was not persuaded that No.4 had benefitted from uninterrupted natural light for over 30 years as asserted.

The Commissioner did not find that the appeal building impinged on No.4's immediate aspect of outlook.

In respect of the Council's third reason for refusal, he found that three vehicles could be accommodated to the front of the dwelling, and therefore exceeded the relevant parking standard.

In respect of third party concerns regarding loss of visual screening, it was considered the fencing as erected could be conditioned to be retained and that planting within the garden of the appeal site would further strengthen boundary vegetation over time.

The Commissioner dismissed the reasons for refusal and granted full planning permission with six conditions set out below:

- Obscure glazed privacy screens referenced as opaque fronted glass and installed in line with drawing PAC 4 shall be retained in perpetuity.
- Obscure glazing installed in the windows referenced in drawing PAC 4 shall be retained in perpetuity.
- No part of any flat roofed area of the building hereby approved and shown on drawings PAC 2, PAC 3 and PAC 4 shall be used as a balcony or roof terrace at any time.
- The timber fence along the northern and southern boundaries of the site, as shown on drawing PAC 2 shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.
- All landscaping works shall be carried out in accordance with drawings Nos. PAC 2 and PAC 6. All works and new planting shall be completed during the first available planting season after the occupation of the dwelling hereby approved and shall be retained thereafter.
- Within a period of 5 years from the date of this decision, any tree shrub or hedge which is removed, uprooted or destroyed or dies or becomes in the opinion of the planning authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the planning authority gives its written consent to any variation.

Award of Costs

In parallel with this appeal, an application for an award of costs against the Council was submitted, and partially upheld, insofar as the Council acted in an unreasonable manner pertaining to a distinct issue relating to parking provisions. The Planning Service will await submission of costs from the appellant.

New Appeals

3. The following appeal was lodged on 16 March 2026:

PAC Ref	2025/A0137
Council Ref	LA06/2024/0945/F
Appellant	Kenneth Black
Subject of Appeal	Single storey detached dwelling and associated entrance
Location	Site immediately SE of No. 1 Craigantlet Road, Newtownards

Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDATION

It is recommended that Council Notes this report and attachments



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2025/A0095.
Appeal by:	Hugh Torney.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	2 No. infill dwellings & garages, access, and associated site works.
Location:	Between 18 & 22 Upper Ballygelagh Road, Kirkistown, BT22 1JH.
Planning Authority:	Ards and North Down Borough Council.
Application Reference:	LA06/2025/0326/O.
Procedure:	Written representation with Accompanied Site Visit on 9 th March 2025.
Decision by:	Commissioner Kieran O'Connell, dated 23 rd March 2026.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in the appeal are whether the proposal is acceptable in principle in the countryside and whether it would adversely impact on the rural character of the area.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP) so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area within which the appeal site lies. In it, the appeal site is within the countryside, outside of the Strangford and Lecale Area of Outstanding Natural Beauty and outside of any settlement limit. The appeal site is also within an area of mineral constraint. The LDP directs that Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) will take precedence over the plan with regard to single houses in the countryside. Therefore, the rural policies of the LDP are outdated and no determining weight can be given to them. There are no other provisions in the operating LDP that are material to the determination of the appeal.

5. On 11th December 2025, the Department for Infrastructure published the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' Edition 2 (SPPS). It is material to all decisions on individual planning applications and appeals. Its Preamble makes it clear that it includes new policy provisions on Renewable and Low Carbon Energy and that all other policy provisions within the former SPPS are unchanged. The SPPS retains the transitional arrangements that were set out in the first edition and they operate until such times as a Plan Strategy (PS) for the council area has been adopted. In accordance with the transitional arrangements, certain retained policies namely Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and Planning Policy Statement 2 'Natural Heritage' (PPS2) apply. There is no conflict between the provisions of SPPS and the aforementioned retained policies on the issues arising in this appeal, PPS21 therefore provides the policy context for determining this appeal. Additional guidance provided in Building On Tradition: A Sustainable Design Guide For The Northern Ireland Countryside (BoT).
6. Policy CTY1 of PPS21 is entitled 'Development in the Countryside'. It sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a small gap site sufficient only to accommodate up to two houses within an otherwise substantial and continuously built-up frontage, in accordance with Policy CTY8 entitled 'Ribbon Development'.
7. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. For the purpose of this policy, the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
8. The first step in determining whether the proposal constitutes an exception in accordance with Policy CTY8 is to determine whether there is a substantial and continuously built-up frontage. A building has a frontage to a road, footpath, or lane if the plot on which it stands abuts or shares a boundary with that road, footpath, or lane. There is no dispute that there is a substantial and continuously built-up frontage in this case. From the evidence provided and my onsite observations this comprises the single-storey dwellings at Nos.12, 14, 16, and 18 to the south of the appeal site and No.22 to the north of the appeal site. All of which have frontage to the Upper Ballygelagh Road.
9. The second element of Policy CTY8 requires that the site constitutes a small gap capable of accommodating up to a maximum of two dwellings. Paragraph 5.34 makes clear that it is the gap between buildings, rather than the red line boundary of the appeal site, that must be assessed. In this case, the relevant gap is that between the garage at No.18 and the single-storey green shed within the curtilage of No.22. The Council and the Appellant say this gap is approximately 83-85m. The Council contend that a gap of this scale could accommodate more than two

dwelling while reflecting the prevailing plot sizes and widths along the identified frontage. The Appellant argues that the gap is small when considered in the context of the existing development pattern and that the proposed development reflects the typical plot widths, depths, sizes, and spacing between buildings within the substantially and continuously built up frontage.

10. However, as indicated above, when Policy CTY8 is read as a whole, it is the full physical extent of the gap between buildings that must be assessed. This includes not only the appeal site but also the existing access to No.20 and the proposed agricultural access to the north, which materially increases the width of the gap beyond the width and frontage of the appeal site. Although two dwellings could physically be accommodated within this gap, to be suitable for infilling under Policy CTY8, a gap site must not only be physically sufficient to accommodate a maximum of two houses but must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements. If it does not, then irrespective of its physical capacity, it fails to meet the policy test.
11. The Appellant's concept plan depicts two detached dwellings and their associated detached garages positioned north of the existing access to No.20 and to the south of No.22 together with a proposed 5m wide agricultural access serving the wider field to the rear of the appeal site. From the evidence before me, it is common case that the average plot size within the substantial and continuously built up frontage is around 0.16ha with an average plot frontage of approximately 29.8m or 31.6m, depending on whether an enclosed garden area adjacent to No.22 is included as the Appellant contends. The Appellant also identifies an average plot depth of approximately 56.4m and an average plot width around 30.3m. By contrast, the Appellant's evidence indicates that the proposed plots would have frontage sizes of 24.3 and 33.2m respectively, giving an average frontage width of around 28.75m, an average plot width of approximately 33.8m and average depth around 48.1m. These measurements demonstrate that the Appellant's proposed plots are on their face broadly comparable with the established pattern of development within the substantial and continuously built up frontage, save for the plot depth.
12. However, whether or not a gap site is 'small' and suitable for infill development for the purposes of Policy CTY8 is not merely a mathematical exercise but rather a matter of planning judgement, taking into account what one ascertains on the ground and balancing all the evidence against the policy requirements. This includes considering not only the proposed plot sizes but the scale of the gap in its unaltered state.
13. Having regard to my site inspection and the undisputed gap measurement of 83-85m, I do not consider that the gap between the garage at No.18 and the green shed at No.22 to be small in policy terms. The gap is more than twice the average plot width of around 30.3m and the average frontage width of 29.82m. Even without precise mathematical subdivision, the gap is capable of accommodating more than two dwellings and potentially three dwellings, as argued by the Council of a size and width consistent with Nos.12-18. The Appellant's own frontage width measurements for No.12 (27.9m), No.14 (29.3m), No.16 (27.8m), and No.18 (28.4m) reinforce this conclusion, as these, in my judgement reflect the predominant pattern along the road frontage. Even if the plot frontage of No.22 at

- 35.7m were taken as representative of the wider frontage, the gap would still be capable of accommodating more than two dwellings. Further, even if I were to accept the Appellant's contention that the frontage of No.22 and the adjacent enclosed garden area constitute a single frontage, of approximately 45m, this would represent an outlier that would not be representative of the predominant pattern of development within the substantial and continuously built up frontage. Nor would it be representative of the frontage/plot widths of the proposed sites, which would be materially smaller.
14. Accordingly, whilst the appeal site could be arranged to accommodate two dwellings in principle, *the gap between buildings (emphasis added)* which is the relevant policy test, is of a scale that could accommodate more than two dwellings. As such, the appeal proposal therefore fails the exceptional test under Policy CTY8 and therefore cannot benefit from the infill provision. The Council's concerns in this regard are sustained.
 15. The Appellant also referred to several planning application decisions and to images contained within BoT to support his position that laneways punctuating frontages can still allow for infill development. Notwithstanding whether such circumstances could arise, and whilst reference numbers and images have been provided, the full details of those cases, including the decision notices and accompanying reports, have not been provided in evidence, nor has the full details of appeal decision 2019/A0027 referred to by the parties. Accordingly, I cannot draw direct comparisons in this instance. I also note that some of the cases cited arise in different Council areas to which Ards and North Down Borough Council are not bound by. In any event, direct comparisons between proposals are seldom possible, as each case turns on its own site-specific circumstances which in this case differ.
 16. The Council and Third Parties also argue that the appeal development would add to an existing ribbon of development along Upper Ballygelagh Road that is contrary to Policy CTY8 and criterion (d) of Policy CTY14 of PPS21. Policy CTY8 as set out above states that planning permission will be refused for a building that creates or adds to a ribbon of development. Paragraph 5.32 of the policy says that ribbon development is detrimental to the character, appearance, and amenity of the countryside. Further, Paragraph 5.33 states that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back staggered, or at angles and with gaps between them can still represent ribbon development if they have a common frontage, or they are visually linked. Policy CTY14 of PPS21 'Rural Character' further states that a new building will be unacceptable where it creates or adds to a ribbon of development.
 17. The appeal buildings when viewed in transit along Upper Ballygelagh Road would be visually linked sequentially with an existing roadside ribbon of buildings at No.12,14,16, & 18 Upper Ballygelagh Road. The appeal buildings would therefore extend and add to the established ribbon of development along this section of the Upper Ballygelagh Road in a linear manner. Although the Council's written evidence is contradictory regarding whether the appeal site comprises an important visual break, at the site visit the Council representative told me that the appeal site is not an important visual break as it does not contribute to any important landscape setting or views within the locality. The Third Parties contend

that the appeal site provides visual relief in the developed appearance of the countryside. Notwithstanding the Council's final position, in my judgement, the appeal site provides visual relief and forms an important visual break between existing buildings that helps prevent the coalescence of development between Nos. 12, 14, 16, 18 to the south of the appeal site and No.22 to the north. The lack of any special views or designation, on the appeal site does not lessen the contribution it makes in breaking up the built form in the area.

18. Furthermore, irrespective of their design, layout and appearance, as the appeal buildings would add to an existing ribbon of development, they would also result in a suburban-style build-up of development along this stretch of road. The appeal buildings would therefore result in a detrimental change to and further erode the rural character of the area by reasoning of ribbon development and build-up. The development would not comply with the requirements set out by Policies CTY8 and CTY14 of PPS21 and the related provisions of the SPPS. For these reasons, the Council's second and fourth reasons for refusal and the Third Parties concerns on these matters, are therefore sustained.
19. The Council's third reason for refusal raises concerns regarding the appeal sites integration. Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It specifies several instances where a new building will be unacceptable. The Council has raised concerns within its third reason for refusal relating to three criteria: (b) the site lacks long-established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; (c) it relies primarily on the use of landscaping for integration and (f) it fails to blend with the landform, existing trees, buildings.
20. Notwithstanding my conclusions above regarding the principle of development, there is no dispute that the appeal site boundaries are largely undefined, and that most of the sparse roadside hedge/gorse would also be required to come away for the provision of access and visibility splays. In these circumstances the Council contend that the appeal site lacks integration and would require extensive landscaping to integrate each of the respective dwellings proposed. Whilst on site, the Council confirmed that the critical view of these dwellings would be travelling northward along the frontage of the appeal site towards No.22. It is common case that the buildings associated with the existing ribbon of development between No.12-18 Upper Ballygelagh Road located at a higher level and intervening trees would adequately integrate the proposed dwellings when travelling southward.
21. Based on my observations on site, and having regard to the Appellant's topographical survey, the two appeal sites identified on the Appellant's indicative Site Layout/Analysis plan would sit at a lower level than Upper Ballygelagh Road. They would also be read against a backdrop of rising, undulating land to the rear (west), northwest and north towards No.20, as well as in the broader context of No.20 and the cluster of farm buildings and dwellings located further beyond to the northwest, as the Appellant contends. Some cutting into the landform is likely to be required to achieve satisfactory integration given the topography; however, I am not persuaded that such works would be significant. Although the boundaries of the appeal sites are presently undefined, the sites are visually contained within a wider panorama of existing buildings and varied landform. In these circumstances,

additional landscaping along the rear and side boundaries of each dwelling could be secured through planning conditions to further aid integration. This would not be unusual for new dwellings in the countryside.

22. Moreover, as the Council's concerns relate primarily to views travelling north along Upper Ballygelagh Road, I am not persuaded that the degree of visibility or the lack of vegetated boundaries of each of the proposed dwellings along the site frontage would of itself from this single viewpoint be significant, even with the removal of the remaining roadside vegetation. The proposed dwellings whilst visible along the Upper Ballygelagh Road would only be so for a short section of the road and could be designed so as to be similar to other nearby single storey properties further aiding their integration. In any event, matters of design, including ridge height and site-specific detailing, including additional landscaping and boundary treatments could be provided at Reserved Matter Stage by way of planning conditions to ensure that the dwellings on the proposed site would visually integrate.
23. For the reasons set out above, I have not been persuaded that the absence of long-established vegetated boundaries prevents the appeal site from providing a suitable degree of enclosure for appropriately sited and designed dwellings to integrate into the landscape. Nor am I satisfied that dwellings on either site would rely primarily on new landscaping to achieve integration, or that the proposals would fail to blend with the landform, having regard to the rising topography, existing backdrop of buildings, and the scope for modest landform adjustment. Accordingly, the Council's second reason for refusal is not sustained.
24. Third parties raised concern that the appeal development would have an adverse impact on their residential amenity by way of noise, light and overlooking. The Council, however, raised no such concerns, noting that amenity matters could be satisfactorily addressed by design at Reserved Matters stage. Although only an indicative layout has been provided, the absence of detailed drawings does not preclude the ability to design two dwellings with appropriate siting, boundary treatments, and window arrangements to avoid unacceptable overlooking. Having regard to the site's topography and the indicative siting and separation distances to nearby properties, I am satisfied that these matters along with the height, layout, fenestration, and landscaping could be secured by condition to prevent adverse effects on neighbouring amenity. Furthermore, given the indicative siting, separation distances, and the centrally positioned access, I am not persuaded that activity associated with two dwellings would give rise to undue noise or light impacts. Accordingly, the third-party concerns on these matters are not sustained.
25. Third Parties' contend that the appeal proposal would remove the existing vehicular access to No.20, allegedly contrary to the sightline requirements of planning permission X/2005/0144/F. The Appellant maintains that the existing access, located adjacent to the red line boundary and that extending across the frontage of Site A, is immune from enforcement action and is within his ownership/control as evidenced by a title deed extract. Matters relating to any alleged breach of planning permission are not before me in this appeal to consider. In any event, the Council and the Appellant confirmed that no certificate of lawful use or development exists to demonstrate immunity relating to either access. Issues concerning land ownership or rights of way are civil matters

between the parties and fall outside the remit of this decision. Consequently, this issue is not determining.

26. Third Parties' raised concerns regarding the capacity of the road network to absorb further development and the impact the appeal development would have on mains water pressure. The Council, following consultation with DfI Roads and NI Water, identified no issues in respect of road capacity or safety, subject to the provision of appropriate access and visibility splays or impact on mains water pressure. Likewise, I am not persuaded that the additional traffic associated with two dwellings would, either individually or cumulatively, have an adverse effect on road capacity or otherwise prejudice road safety along Upper Ballygelagh Road, nor have I persuasive evidence to suggest that an additional two dwellings would have an adverse impact on water pressure within this area. Consequently, these objections have not been sustained.
27. For the reasons given above, as I have found that the appeal proposal is not one of the types of development which, in principle, are considered to be acceptable in the countryside. It has not been demonstrated that there are overriding reasons why the development is essential and could not be located in a settlement in accordance with Policy CTY1. Nor are there any material considerations to outweigh the policy objections to the proposal. The proposal is contrary to Policy CTY 1 and the related provisions of the SPPS. The Council's reasons for refusal are sustained to the extent specified. In light of my findings above, the appeal must fail.

This decision is based on the following drawings refused by Ards and North Down Borough Council on 30th December 2024:

- 01, Location Plan, 1:1250 scale, dated April 2025.
- 02, Site Analysis / Concept Layout, 1:1250 dated April 2025.
- 03, Access Detail, 1:500 scale, dated April 2025.

COMMISSIONER KIERAN O'CONNELL

List of Appearances

Planning Authority: - Michael Creighton, (Ards and North Down Borough Council).

Appellant: - Colin McAuley, (CMP Planning and Design Ltd).
Hugh Torney, (Appellant)
Helen Torney, (Appellant)

List of Documents

Planning Authority: - Statement of Case and associated appendices by Ards and North Down Borough Council.

Rebuttal Statement by Ards and North Down Borough Council.

Appellant: - Statement of Case and associated appendices by CMP Planning and Design Ltd.

Third Parties: - Statement of Case on behalf of Mr. L and Mrs. L Anderson and Mr. R.J. Keag and Mrs. A Keag.

Rebuttal Statement on behalf of Mr. L and Mrs. L Anderson and Mr. R.J. Keag and Mrs. A Keag.



Appeal Decision

Planning Appeals Commission
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Appeal Reference:	2025/A0103
Appeal by:	Mr Peter Thomspson
Appeal against:	Refusal of full planning permission
Proposed Development:	Dwelling – change of house type from approval W/2011/0015/RM (Retrospective)
Location:	Land between 3 and 4 Sheridan Grove, Helen’s Bay, Bangor, BT19 1LN
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2023/2012/F
Procedure:	Written representations with Commissioner’s site visit on 2 nd April 2026
Decision by:	Commissioner McCallion, dated 21 st April 2026

Decision

1. The appeal is allowed, and full planning permission is granted subject to conditions.

Claim for Costs

2. A claim for costs was made by the Appellant against Ards and North Down Borough Council. This claim is subject to a separate decision.

Preliminary Matter

3. A third party argued that a discrepancy in the Applicant’s name invalidates the appeal. Although a redacted amended application form referred to “Mr Peter Sheridan”, all other documentation, including the decision notice, committee report, and the Commission’s records, consistently identifies the applicant as Mr Peter Thompson. Background papers also include documents from the Appellant and an email confirming that the applicant’s name is Peter Thompson.
4. I also note that the planning application form incorrectly identified Mr Thompson as the owner of the land. This matter was subsequently rectified during the planning application process, with the requisite notices properly served on the landowner at No.3 Sheridan Grove. Taken together with the consistent site address and description of the proposed development, I find that these corrections, undertaken during the planning application stage and in advance of the appeal submission, ensured that no prejudice arose and the appeal before me is valid.

Reasons

5. The main issues relate to whether the proposal would harm the local character, residential amenity and result in insufficient parking provisions.
6. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that in dealing with an appeal, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
7. The North Down and Ards Area Plan 1984 – 1995 (NDAP) is the applicable LDP for the appeal site. It identifies the site as being in the settlement limit of Helen's Bay. The NDAP directs that new development should be carefully designed to respect the scale and character of existing buildings, using sympathetic building materials, and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of each town. There are no further operational policies within the NDAP which are pertinent to the determination of the appeal development. Therefore, I now turn to consider other material considerations.
8. In May 2017, the Court of Appeal declared the adoption of the 2014 BMAP unlawful. Consequently, no reliance can be placed on its provisions. However, while draft BMAP 2004 (dBMAP) is not a Departmental Development Plan (DDP), it could still be a potential material consideration in certain cases. In the dBMAP, the appeal site is also within the settlement development limit of Helen's Bay and the proposed Helen's Bay Area of Village Character (AVC). Notwithstanding representations in relation to the character of the established residential area, within which the appeal site is situated, no party to the appeal advanced any objections in relating to the proposed AVC.
9. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions at appeal stage. On 11th December 2025, the Department for Infrastructure published the SPPS, Edition 2, which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS, Edition 2 advises that all other policy provisions within the former SPPS are unchanged.
10. The SPPS continues to retain existing planning policy statements (PPS), including PPS7 'Quality Residential Environments', its addenda 'Safeguarding the Character of Established Residential Areas' and 'Residential Extensions and Alterations' along with PPS2 'Natural Heritage', until a Plan Strategy (PS) is adopted. As no PS has been adopted for this Council area, any conflict between the SPPS and retained policies must be resolved in favour of the SPPS. No conflict arises between the policy provisions of the SPPS and retained policy, so far as it relates to the appeal proposal. Accordingly, the appeal is assessed against the retained policy documents identified above. The supplementary guidance 'Creating Places: Achieving Quality in Residential Developments' is also a material consideration in

- this case. The Council and third parties have also referred to Building Research Establishment (BRE) publication, *Layout Planning for Daylight and Sunlight: A Guide to Good Practice*, whilst reference is also made to the Prescription Act 1832.
11. Policy QD1 'Quality in New Residential Development' of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It continues that, the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. Furthermore, it advises that, in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. It directs that all proposals for residential development will be expected to conform to all the criteria listed in the Policy from (a) through (j). The Council advise that the appeal development does not meet with criteria (a), (f) and (h) of Policy QD1.
 12. Outline planning permission W/2007/0123/O (17th April 2008) and reserved matters approval W/2011/0015/RM (14th September 2011) authorised a single dwelling on the appeal site. Both the Council and the Appellant accept that this approval was lawfully implemented and remains a valid fall-back position and thus a material consideration. Third party representations confirm no objection to the principle of residential development at the appeal site or to the implementation of the extant permission. Thus, there is no dispute that there is a lawful and realistic ability to undertake the development approved under the extant planning permission for the site as an alternative to the appeal development under consideration. The issues advanced by the parties to the appeal pertain to the divergences in design and layout between the extant permission and the appeal development as constructed on site, and circumstances relating to the site and surrounding area.
 13. The appeal site is positioned between Nos. 3 and 4 and opposite No.2. It comprises a rectangular plot that slopes downward from its access on Sheridan Grove towards established hedgerow planting along the eastern boundary, beyond which lies a public car park. The northern and southern boundaries are defined by circa (c) 1.8metre (m) high wooden fencing and recent hedgerow planting, while the western boundary adjoining Sheridan Grove remains largely open. Externally, a side garden has been formed along the southern boundary, incorporating shrubs and rockery planting. To the rear, the property includes a wooden shed, a lawn and a patio area. Additional tree planting has also been undertaken along the eastern and northern boundaries of the property.
 14. As with the extant permitted dwelling, the appeal development has been designed to respond to the site's sloping topography and is constructed as a split-level dwelling. When viewed from Sheridan Grove, the front elevation presents the appearance of a two-storey building. However, the central element of the dwelling, which broadly corresponds with the stairwell, is three storeys in height as a direct consequence of the change in ground levels across the site. The rear return is two

storeys. At the time of my site visit, the appeal development was substantially complete but remained unoccupied.

15. The dwellings along Sheridan Grove vary in form and design; however, they are unified by cream-coloured render and red-brick detailing around windows and doors. The road alignment and site topography result in some dwellings being set at an angle to the road, while others, particularly Nos. 1 and 4 Sheridan Grove, sit at lower levels than Nos. 2, 3, and the appeal site. The wider area is predominantly residential, with further, largely two-storey housing located off Fort Road and Church Road. The housing palettes of these dwellings is a mixture of modern white and grey rendered buildings and older red brick dwellings. Grey Point Road and public car park lie directly to the east of the appeal site, with Helen's Bay Golf Course situated further east, beyond Church Road. The coastline path and beach are located to the north and northeast.
16. Criterion (a) of the Policy requires that the development "respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas". The Council and third parties identify several differences between the appeal building and the extant permission. These include an approximate 10% increase in floorspace, a 0.5m increase in ridge height, and an increase in depth from 17.6m to 18.4m.
17. It is asserted that these deviations in the design from the extant planning permission result in the appeal building having a greater visual impact in terms of height, scale and massing when viewed in conjunction with existing properties in Sheridan Grove and from views along the Fort Road, Church Road, Grey Point Road, the Coastal Path, and the golf course. They also highlight changes to window arrangements along the appeal building's northern elevation, roof design alterations, the removal of the chimney, amended boundary treatments, and a substantially reduced garden area. The Council recognise that the width and number of storeys of the appeal building remains largely unchanged from the approved dwelling. However, the Council and third parties argue that the modifications create a building of overbearing scale and one that contrasts noticeably with neighbouring properties on Sheridan Grove, which typically feature garages and generous private amenity space.
18. While the Council's and third-party evidence direct to issues regarding overbearing impact and dominance under criterion (a) of Policy QD1, I determine that, while scale is a matter for assessment pursuant to criterion (a), considerations of loss of light, overbearing effect and dominance are inextricably linked and fall properly to be assessed as matters of residential amenity. Thus, these matters will be considered later in my decision. However, I agree that the established residential area (ERA) consists of properties found within Sheridan Grove, along the eastern end of Fort Road and those along the northern part of Church Road and note that the Appellant does not dispute this matter.
19. Having considered the appeal documentation, including the submitted plans and elevations, the ridge height of the front section of the appeal development facing Sheridan Grove is approximately 7.8m above finished floor level, compared to

- approximately 7.3m as approved under the extant permission. The depth of the building has increased, from around 17.6m to approximately 18.4m, as a result of additions to the front and rear. The overall width of the dwelling remains broadly consistent with the approved scheme, while the heights of the central and rear sections have been slightly reduced, from approximately 8.5m to 8.3m and from 6.4m to 6.2m respectively, reflecting amendments to the stairwell and ground-floor kitchen areas.
20. The increase in length to the rear provides additional floor space to the appeal building's lower and upper ground floors. An upper-floor window overlooking the roof of the rear return has also been increased in size. The front elevation of the appeal building projects beyond the building line approved under the extant planning permission, resulting in additional floorspace at the upper ground-floor entrance hall and the overlying first-floor bedroom. A portico structure has also been introduced above the principal entrance, incorporating a balcony accessed from the master bedroom's front-facing double-door fenestration. The northern elevation now incorporates a stained-glass window, stated by the Council to measure approximately 8 by 3 feet (ft) and aligned with the internal stairwell. Two upper and first-floor windows on this elevation have also been enlarged, and the lower ground-floor window near the rear has been altered from a horizontal to a vertical format.
 21. While the Council and third parties contend that the development results in an approximate 10% increase in internal floorspace, the changes are limited when considered against the footprint of the extant approval, which the Council itself describes as only "slightly larger". A block plan submitted by the Council confirms that the increase arises from modest additions to the front and rear elevations. I further note that the revised footprint does not materially reduce the property's private amenity space, with garden areas remaining broadly consistent with those previously approved. A garage was not submitted as part of the elevations for the approved building on site, to which third parties have raised no objection.
 22. Similarly, the revised ridge height and the alterations to the front elevation, including the portico, balcony and amended window proportions, do not materially increase the building's overall scale or massing when compared with the extant permission. Owing to the site's topography, the ridge height appears comparable to that of No. 3 Sheridan Grove when viewed from Sheridan Grove itself and from the public car park off Grey Point Road. Views from the junction of Sheridan Grove and Fort Road confirm that the appeal building is, in terms of height, mass and design, compatible with surround development.
 23. Although the front chimney has been removed, the red-tiled roof and rendered finish remain consistent with the prevailing architectural character of the area. The balcony is also in keeping with similar features found at nearby dwellings, including Nos. 2 Sheridan Grove and 7 Fort Road. While the stained-glass window on the northern elevation differs from the approved design, it represents a distinctive and visually appropriate feature, reflecting the variety of window detailing evident in neighbouring properties, such as the corner window at No. 2 Sheridan Grove. From northern viewpoints, including the southern boundary of No. 4 Sheridan Grove, the fenestration on the appeal building's northern elevation

- breaks up the otherwise continuous rendered façade achieving an appropriate solid to void ratio aligned with similar side elevations found within the wider residential area.
24. The rear extension is largely screened from public viewpoints, including the roadside in front of Nos. 1, 2 and 3 Sheridan Grove and locations directly south of Nos. 2 and 3 looking north-east. From these positions, it is not visually prominent and, given the site's topography, does not give rise to any unacceptable increase in massing or scale, particularly when compared to the extant approval on site. From my observations at the Fort Road and Grey Point public car park, the rear return of the dwelling is largely screened by mature trees and established hedgerow planting.
 25. Whilst additional viewpoints to the east and along the coastal path were referred to by third parties, and photographs were provided from the golf course, I was not provided with locational details to identify these vantage points on the ground. Although lacking precise coordinates as to where these photographs were taken from, I nevertheless find that they help demonstrate that the appeal building integrates into the overall townscape of the surrounding residential area, assimilating with neighbouring properties on Sheridan Grove and Church Road. They also confirm no discernible difference in ridge height between the appeal building and No. 3 Sheridan Grove. Furthermore, during my site visit I was unable to identify any points along the coastal path from which the appeal site was visible. Intervening topography, existing development and vegetation prevent direct views, and I therefore attribute no determinative weight to this vantage point, consistent with the SPPS objective of safeguarding visual amenity without imposing unreasonable restrictions on development.
 26. For the reasons set out above, I find that the dwelling as constructed does not result in unacceptable harm to the character and appearance of the area. When assessed against the extant permission, the differences in footprint, ridge height and detailed design are modest and do not materially increase the building's scale, massing or visual impact. The dwelling assimilates satisfactorily within its immediate and wider context, respecting and drawing upon the established character of development along Sheridan Grove and the surrounding residential area. I also find that the appeal development has been designed to respond to the topography of the site. Furthermore, its layout, scale proportions, massing, appearance and associated landscaping is appropriate to the character of the area and do not materially increase the building's scale or visual impact. The alterations to fenestration, roof form, and architectural detailing, do not render the development incongruous when assessed in the context of the surrounding residential developments. Thus, I find that the objections raised by the Council and third parties under criterion (a) of Policy QD1 are not substantiated and the first reason for refusal is not sustained.
 27. Turning to residential amenity, Criterion (h) of Policy QD1 requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on the existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The Council and third parties contend that the front balcony, incorporating full-height glazed

doors and side windows, results in direct overlooking of the main bedroom and living areas of No.2 Sheridan Grove. In addition, the enlarged window on the northern elevation is said to overlook the living areas and garden of No. 4 Sheridan Grove, giving rise to an unacceptable loss of privacy.

28. The Council refer to BRE 'Site Layout Planning for Daylight and Sunlight Good Practice Guide (BRE Document) regarding the application of a 25-degree Vertical Sky Component test when applied to the south-western elevation of No.4 demonstrates that the tallest roof element of the appeal building exceeds the recommended limit by approximately 10 degrees, resulting in an unacceptable loss of daylight to the main living accommodation. Third parties also refer to guidance on sunlight and historic rights to light, citing the Prescription Act 1832 arguing that No. 4's windows have received uninterrupted light for over 30 years and that the appeal development is dominant. In support of their case, the third-party evidence refers to the planning officers report and the minutes of the planning committee meeting, where the impact from loss of light on No. 4 Sheridan Grove is considered pursuant to PPS7 and its addendum 'Residential Extensions and Alterations' (APPS7). Conversely, the Appellant refers to appeal development complying with the policy provisions and guidance contained in Creating Places.
29. Creating Places, at paragraph 7.16, advises that where development adjoins the private garden areas of existing properties, separation distances more than 20 metres are generally appropriate to minimise overlooking, with a minimum distance of approximately 10 metres between the rear of new dwellings and the common boundary. It directs, at paragraph 7.17, that great care will be needed in designs where new residential schemes, such as apartments, including living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings. The guidance advises that where such development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary. The guidance recognises, at Paragraph 7.18, that greater flexibility may be applied in higher-density or inner urban contexts, particularly in the assessment of apartment development.
30. From my site visit, I observed that the distance between the front of the appeal building and that of No. 2 Sheridan Grove is more than 20m. Given the distance and the elevated position of No.2, which sits at a greater height than that of the road, there are no direct views into either its main living area or front bedroom from the balcony of the appeal building. Furthermore, a large shrub, positioned along the roadside of No. 2, also helps screen views into the ground floor windows. I acknowledge that the third parties estimate that the balcony is c. 6m from the front of the property of No. 4 Sheridan Grove. However, as I observed and having regard to the position of the balcony on the front elevation and the orientation of the appeal building, I am satisfied that it does not permit direct views into the rooms or patio area of No.4 and would only allow limited views of part of its front garden and western boundary. Thus, I find that the Council's and third-party concerns regarding significant overlooking from the balcony to be unfounded.

31. From my site visit I observed that, as per the plans, the three smaller windows at lower-ground, ground and upper floor levels serve bathroom accommodation and are fitted with appropriate obscured glazing, satisfactorily limiting overlooking. The larger stairwell window incorporates stained glass and functions solely as a decorative light source rather than an observation point; its glazing is also suitably obscured. In addition, an upper-floor window overlooking the rear return and garden is fitted with screening in accordance with the submitted plans, which provides adequate mitigation of any potential privacy impacts on adjacent properties. However, in the event that planning permission is forthcoming, it would be appropriate to impose a condition requiring the obscured glazing identified and the screening to the rear-facing upper floor window overlooking the flat roof to be retained in perpetuity. The flat roof area is further constrained by the presence of glazed rooflights, discouraging use as an informal balcony. In any event, any residual concern in this regard could be addressed through the imposition of a planning condition if consent was to be forthcoming.
32. From my site visit, I identified no material overlooking concerns. No.2 Sheridan Grove is adequately set back from the appeal building, and its elevated position further limits direct views from the front balcony. Mature hedgerow planting along the southern boundary and south-western corner of No.4 provides effective screening, ensuring the lower-ground bathroom window is not visible from its garden or living areas, while the upper-ground bathroom and portions of the stained-glass window are partially obscured. Planning guidance recognises the need for flexibility when assessing separation distances in urban contexts, with emphasis on the overall design response. In this case, the windows on the northern elevation are appropriately designed to safeguard privacy and primarily serve non-habitable internal spaces. Accordingly, I am satisfied that the appeal development would not result in unacceptable loss of privacy through actual or perceived overlooking, and the concerns raised by the Council and third parties are not substantiated.
33. Whilst degrees of impact, as cited earlier, were provided by the Council, they together with the Appellant and third parties did not provide any assessments with respect to overshadowing or loss of light in relation to No. 4 Sheridan Grove. However, I am satisfied that I can make my own assessment of the asserted loss of light based on the orientation of the appeal development in relation to the surrounding properties and the details provided of the extant approval on the site. The Appellant contends that the Council placed undue reliance on the non-statutory 25-degree test in the BRE document. The Appellant also directs that the effected room, has additional windows which provide ample light. He also underscores that the extant approval also failed the test pursuant to the BRE standards.
34. There is no disagreement between the parties that the appeal proposal fails the Council's applied 25-degree assessment. However, this assessment is not a rigid standard, but a tool used to gauge the acceptability of proposals in terms of overshadowing and loss of light impacts on neighbouring properties. I have not been provided with any justification as to why it was relied upon in preference to those set out in prevailing planning policy, namely PPS7 and APPS7, which refer to the 60 and 45 degree tests. Consequently, in line with Criterion (f) of QD1 and

- the relevant content of APPS7, other matters are also relevant in determining whether any loss of light would be unacceptable. These include the particular characteristics of the site and its context, whether the size and form of the appeal development would result in a greater impact than development already permitted or lawfully approved, and whether the affected room benefits from an alternative source of natural light.
35. The appeal development, together with the extant permission, which was confirmed earlier as a legitimate fall-back, presents a non-uniform profile due to its split-level elevation extending along part of the shared boundary with No. 4 Sheridan Grove. I acknowledge that there is no loss of light objections associated with the rear return of the appeal development. Whilst the front section of the appeal development, at 7.8m in height, fails the 25-degree light test provided for within the BRE document, I recognise that the extant approval, to which there are no objections to, also failed this test. Thus, if the appeal is unsuccessful, the full implementation of the Appellant's fallback position would result in a similar loss of day light associated with the extant approval, which was deemed to be acceptable and to which there are no objections regarding its implementation.
 36. As observed during my site visit, the room which is asserted as being significantly impacted by the loss of light at the property at No. 4 Sheridan Grove, is largely overshadowed from the existing elements found along its southern and southwestern boundaries. The ground-floor level of the two-storey element is screened by dense shrub planting found along the southern boundary and within the southwest corner of No.4's garden. This vegetation is located on higher ground than both the patio and dwelling at No. 4, forming an established planted bank. Whilst not fully reaching the eaves height of the two-storey appeal development, it nonetheless represents a dominant feature from the outlook of No. 4. Due to its height and elevated position in the garden of No. 4, this planting largely attributes to extant overshadowing of the southwestern facing windows of the affected room. However, this room also avails of alternative sources of natural light from other windows found within it.
 37. Beyond the boundaries of both the appeal site and No.4 Sheridan Grove, a mature deciduous tree is located within the western boundary hedgerow, adjacent to the roadway near the southwestern corner of No.4's garden. Further mature deciduous trees are situated on the opposite side of the road between Nos. 1 and 2 Sheridan Grove. From the front and southern aspects of No. 4 and its garden, these trees are prominent features and are visually dominant. Given their elevated position relative to No. 4, and the fact that the tree closest to the property exceeds the height of the appeal development while others are of comparable height, these trees contribute to a significant existing reduction of light from the southwest, which is likely to be amplified further during late spring and summer months owing to an increase in foliage. Although I was not directed to any specific provisions of the Prescription Act 1832, and taking account of the established mature vegetation, I am not persuaded that the west and south facing rooms and gardens at No. 4 have benefited from uninterrupted natural light for over 30 years.
 38. In addition, as discussed earlier, the fenestration on the northern elevation of the appeal development introduces visual articulation, achieving an appropriate solid-to-void ratio, which I find, reduces any perception of overbearing when viewed

from No.4. Furthermore, I have already found that, from views along surrounding roads, where the appeal development is visible there is no discernible impact in terms of its height, massing or scale when read with surrounding buildings. Thus, from these perspectives, I also find that the appeal building does not impinge on the immediate aspect of outlook from the adjoining property at No. 4 Sheridan Grove.

39. Accordingly, I find that the appeal development would not give rise to a loss of light or sense of dominance significantly greater than that which would have resulted from the extant planning permission. Existing levels of daylight at No.4 Sheridan Grove are already constrained by established boundary treatments and mature tree planting within the surrounding residential environment, and the appeal development does not materially impair that position. The affected room also benefits from alternative sources of natural light. Given the lower level of No.4 relative to the appeal site and having regard to the topography of the associated garden areas, outward views from the southern and western elevations are largely characterised by existing vegetation.
40. Taken together, and having regard to the evidence before me, I consider these matters provide a more appropriate basis for evaluating the proposal's amenity impacts than reliance on the flexible 25-degree light test alone. Consequently, for the reasons outline above, I am satisfied that the appeal development will not create conflict with the adjacent land uses and there is no unacceptable adverse effect on existing properties in terms of overlooking and loss of light. Therefore, I find that the objections by the Council and third parties in relation to criterion (h) of Policy QD1 are not substantiated and the second reason for refusal is not sustained.
41. I now turn to consider the matters regarding parking provisions. Criterion (f) of Policy QD1 requires that adequate provision is made for parking. The Council direct that the appeal development is contrary to the provisions of criterion (f) as there has been a reduction from the extant permission to the area allocated for one of the three parking spaces, decreasing the parking space to below the recommended minimum set out in Creating Places.
42. The extant planning permission provides for three parking spaces to the front of the approved dwelling. The appeal drawings similarly indicate sufficient space to accommodate three vehicles. Furthermore, condition No. 2 of the reserved matters consent required that adequate parking of private cars at the rate of 2 spaces within the dwelling's curtilage only. Although the number of spaces denoted on the plans is unchanged, the appeal development comprises a four-bedroom detached house, for which Creating Places indicates a parking requirement of no fewer than three spaces.
43. I recognise that the Department for Infrastructure had no objection to the appeal development and the advice from third parties that Sheridan Grove is a private road. Nevertheless, my site visit confirmed that, notwithstanding the presence of the portico, three vehicles can be accommodated to the front of the dwelling. The proposal therefore exceeds the relevant parking standard, and the Council's

objection pursuant to criterion (f) of Policy QD1 is unfounded. Accordingly, the third reason for refusal is not sustained.

44. Matters pertaining to nature conservation have been raised by third parties. Whilst it is acknowledged that a biodiversity assessment was provided by the Appellant, it is contended that previous boundary hedgerows and trees that hitherto provided both ecological connectivity and screening were removed prior to the completion of the assessment. Thus, key features were lost prior to this valuation, and the sequence fundamentally compromises the reliability of any baseline, which it is asserted is contrary to similar assessments undertaken on nearby planning application sites; thereby inconsistent with PPS2 and the precautionary approach embedded in the SPPS.
45. As previously noted, the site is not located within a designated European or Ramsar site, nor within any area of national or local nature conservation importance. The appeal site also benefits from a valid and implemented planning permission, and development has commenced. Photographs submitted by the Council, dated September 2023, show that prior to development the site comprised a grassed area, with a short hedgerow along the northern boundary near the road, close-boarded fencing to the south, temporary security fencing to the west, and evergreen fir hedging along the eastern boundary. These images indicate that the site and its boundary vegetation were regularly maintained through domestic trimming and cutting and the site was not in a natural or untamed condition prior to the commencement of development.
46. The biodiversity assessment dated 30th September 2023 was undertaken after development had commenced pursuant to grant of planning permission and following the submission of the planning application seeking amendments to same. Accompanying photographs, contained within the assessment, confirm that the fir hedge along the eastern boundary and the short roadside hedge remained intact. These photographs also indicate that a mature tree near the northern boundary of the appeal site was also present at the time of the appraisal. The assessment considered potential impacts on protected species arising from the removal or management of woodland, scrub, hedgerows, lines of mature trees, and overgrown or species-rich land. It concluded that, although hedgerows were to be removed, they did not constitute relict field hedgerows, and that the brownfield site was neither overgrown nor species-rich, presenting a low risk to biodiversity.
47. From my site visit, I observed that the evergreen fir hedge along the eastern boundary has been retained and continues to provide effective screening from the adjoining car park. Close-boarded fencing encloses the northern and southern boundaries while neighbouring properties benefit from established boundary vegetation comprising mature shrubs, hedges and trees. If planning permission was forthcoming, this fencing could be conditioned to be retained. Consequently, concerns regarding the loss of visual screening are unfounded. In addition, planting within the garden areas of the appeal site, including several newly planted trees along the northern boundary will further strengthen boundary vegetation overtime, and their circumstances over a period can be conditioned if planning permission is forthcoming.

48. Although third parties questioned the baseline used for the biodiversity assessment, no substantive evidence was provided to demonstrate the presence of protected species or that any such species would have been adversely affected prior to the commencement of development. References were made to assessments undertaken at nearby sites; however, no supporting information was submitted in evidence. The burden rests with the parties to provide the material upon which they rely at appeal. In the absence of such evidence, these matters cannot be given determining weight in the assessment of the appeal.
49. While development had commenced and subsequent amendments were submitted, these works were undertaken pursuant to a valid planning permission that had been considered through both outline and reserved matters processes and assessed against the planning policy in force at that time. The biodiversity assessment accompanying the retrospective application assessed site conditions as they existed when the survey was undertaken. Having regard to the photographic evidence which demonstrated the retention of boundary treatments at the time of the assessment, I am not persuaded that the baseline was compromised in a manner that prevented effective avoidance or mitigation, consistent with the precautionary approach in prevailing policy. Accordingly, I am satisfied that, in line with the provisions of the SPPS and PPS2, it has been adequately demonstrated that the development is unlikely to have resulted in unacceptable adverse impacts on priority habitats, protected species, or other natural heritage interests, including trees and fauna.
50. Contrary to third-party submissions regarding the description of the appeal development, I am satisfied that the Appellant has properly acknowledged the retrospective nature of the development. References to caselaw were made; however, no supporting citations were provided and therefore these matters are not before me for consideration.
51. Section 55 of the Act provides for applications seeking permission for development carried out prior to submission. While this provision enables retrospective consideration, it does not diminish the inherent risk to a developer, should permission be refused. However, the retrospective nature of the development is not determinative and should not weigh against the appeal. Rather, as acknowledged by third party representations, it must be assessed against the same policy framework as a prospective proposal. Should the appeal fail, the Council would retain its enforcement powers to address breaches of planning control.
52. Whilst the background papers demonstrate that the planning application was subject to several design iterations and that the Council's planning office recommended approval, it is the corporate decision issued by the Council and the final plans which accompanied it which are before me for consideration. Matters pertaining to the planning application process, and any practical enforcement issues arising from the multiple submissions, should be addressed directly with the Council.
53. I acknowledge a third-party representation regarding the appropriate use of planning conditions and their assertion that they cannot meaningfully reduce

height, massing or reposition of the extant building on the plot, nor reverse its visual and spatial impacts. However, I have assessed these matters above and found them to be acceptable within the surrounding environmental context. The provision of conditions has also been considered to ensure that acceptable mitigation measures are provided and retained if permission is forthcoming. The third party raised no issues with the use of such conditions.

54. I acknowledge the request from third parties that I review the audio recording of the Council's committee meeting, at which the corporate decision on the planning application was taken. Whilst a document titled "Legal Review of the Draft Refusal Reasons" has been provided, the audio recordings are not before me. As previously outlined, it is for the parties to the appeal to submit the evidence upon which they rely. The Commission's function does not extend to seeking out evidence on behalf of any party. In the absence of that evidence, the recordings cannot be considered in the assessment of this appeal.
55. As I have found that the Council's and objections from third parties have not been substantiated, the appeal development has been found to be in accordance with the criterion listed within Policy QD1 of PPS 7. Thus, the Council's three reasons for refusal have not been sustained and the appeal is allowed. Planning permission is granted subject to the conditions as set out below.
56. The drawings submitted with the appeal and confirmed by the Council as relevant to the determination have been referred to by them as DGR 01, DRG 02H, DRG 03E, DRG 04F, DRG 05 and DRG 06F. However, none of the drawings before me are annotated or stamped with those references. Decision notices should correspond with the references shown on the approved plans to enable accurate cross-referencing. Therefore, I refer in this decision to the drawings using the references PAC1 through to PAC 6 corresponding to the approved plans.

Conditions:

1. Obscure glazed privacy screens referenced as opaque fronted glass and installed in line with drawing PAC 4 shall be retained in perpetuity.
2. Obscure glazing installed in the windows referenced in drawing PAC 4 shall be retained in perpetuity.
3. No part of any flat roofed area of the building hereby approved and shown on drawings PAC 2, PAC 3 and PAC 4 shall be used as a balcony or roof terrace at any time.
4. The timber fence along the northern and southern boundaries of the site, as shown on drawing PAC 2 shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.
5. All landscaping works shall be carried out in accordance with drawings Nos. PAC 2 and PAC 6. All works and new planting shall be completed during the first available planting season after the occupation of the dwelling hereby approved and shall be retained thereafter.

6. Within a period of 5 years from the date of this decision, any tree shrub or hedge which is removed, uprooted or destroyed or dies or becomes in the opinion of the planning authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the planning authority gives its written consent to any variation.

The decision is based on the following drawings:

Title	Date	Appellant's Drawing Ref No.	PAC Ref
Site Location Plan	21 st June 2023	PH442 A01	PAC 1
Site Layout & Section	21 st June 2023	PH442 C01(q)	PAC 2
Floor Plans	7 th June 2023	PH442 C02(p)	PAC 3
Elevations	7 th June 2023	PH442 C03(q)	PAC 4
Site Location Map	21 st June 2023	PH442 A01(a)	PAC 5
Proposed Planting Plan	31 st July 2025	E01-30	PAC 6

COMMISSIONER GARETH McCALLION

List of Documents

Planning Authority: -	Ards and North Down Borough Council, Statement of Case
Appellant: -	Statement of Case & Rebuttal Comments on behalf of Mr Peter Thompson
Third Parties:	Statement of Case & Rebuttal Comments by Mr and Mrs Kee Statement of Case & Rebuttal Comment by Dr Marc Ruddock Statement of Case by Ms Samatha Kelly Statement of Case and Rebuttal Comments by Mr Scott Wilson



Costs Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal reference:	2025/A0103
Appeal against:	Refusal of full planning permission for a dwelling – change of house type from approval W/2011/0015/RM (Retrospective)
Location:	Land between 3 and 4 Sheridan Grove, Helen's Bay, Banger, BT19 1LN
Claim by:	Mr Peter Thompson
Claim against:	Full award of costs against Ards and North Borough Council
Decision by:	Commissioner McCallion, dated 21 st April 2026

Decision

1. An award of costs is partially allowed.

Reasons

2. In accordance with the Commissions publication 'Costs Awards Guidance' costs will normally only be awarded where all four of the following conditions are met:
 - the claim relates to a relevant type of appeal;
 - the claim is timely;
 - the party against whom the award is sought has acted unreasonably; and
 - the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility

3. The claimant submitted the costs award claim for this appeal under Section 58 of the Planning Act (Northern Ireland) 2011 (the Act). It is one of the types of appeal for which a costs claim can be made. The Commission therefore has the power to make an order as to the costs of parties in accordance with Section 205 the Act.

Timeliness

4. Paragraph 20 of the 'Guidance on Costs Awards in Planning Related Appeals' (guidance) states that in the case of an appeal proceeding by exchange of written representations, any costs claim must accompany the claiming party's final written submission. As the claim for costs was submitted with the claiming party's statement of case to the appeal, it was made in a timely manner.

Unreasonable Behaviour

5. The Commission's guidance sets out examples of behaviours that may be found to be unreasonable. The first relates to causing an unnecessary appeal. Once instance in which an appeal may be judged to have been unnecessary is where

- the Planning Authority was unable to produce any credible evidence to substantiate its reason(s) for refusing planning permission.
6. The Claimant contends that the Respondent acted unreasonably and caused an unnecessary appeal by refusing planning permission contrary to the professional Planning Officer's recommendation for approval. It is asserted that the Planning Committee Members (Members) provided no substantive evidence, technical justification or policy analysis to support its decision, despite a clear and undisputed fall-back position and that legal advice warning that the refusal reasons lacked robustness.
 7. Notwithstanding the Planning Officer's recommendation to grant planning permission, the Respondent's corporate decision on the appeal development is set out in the reasons for refusal as per the decision notice dated 19th November 2025.
 8. The refusal reasons all related to planning policy provisions contained within Planning Policy Statement 7 'Quality Residential Environments'. The first reason advises that the development (a dwelling) is inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. The second reason points to unacceptable impacts on residential amenity throughout overlooking and loss of light, whilst the third reasons advises that inadequate and inappropriate provision is made for parking.
 9. Whilst the Respondent made no formal rejoinder to the cost claim, they provided a statement of case evidencing their position with respect to planning policy together with a document titled "The Legal Review of Draft Reasons" (Legal Review) which was provided as part of their papers to the appeal. This paper surmised deliberations taken with respect to the refusal reasons.
 10. Regarding matters pertaining to the dwellings impact on character, appearance and residential amenity, I find that, whilst the Legal Review is limited, it does direct that these matters were considered by Members who exercised planning judgement, pursuant to relevant policy provisions and the planning history of the site before determining the outcome of the planning application. I also acknowledge that these issues were raised by objectors to the application. These too would have been material considerations and thus part of the decision-making process. The Claimant did not present any cogent evidence to me which contradicts the matters stated within the Legal Review.
 11. However, regarding matters pertaining to parking provisions, the Legal Review acknowledges that whilst discussions were held between Members regarding the parking provisions associated with the dwelling, and references were made to Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3), it states that "from the minutes provided it does not appear that any Members raised any queries in this regard".
 12. Whilst the issue of parking provisions associated with the dwelling were raised by third parties, the Legal Review continues that "Members did not interrogate this issue in any detail whatsoever, and it is difficult to see how it would stand up to scrutiny on appeal" and that "simply referring to the provisions of PPS 3 is unlikely to pass muster should that reasoning for refusal be scrutinised".

13. Guidance was provided by the Planning Officer and the Legal Review indicated that parking related to the dwelling was not a concern raised by Members. No substantial evidence showed any discussion of Planning Policy Statement 7 (PPS7) on this matter; indeed, any discussions related to PPS3 only. Nevertheless, for reasons which are unclear, a refusal reason was issued under Policy QD1 criterion (f) of PPS7 regarding parking.
14. The Respondent has not shown any cogent evidence to support their decision to go against the Planning Officer's recommendation, which states that the proposal meets parking standards. Without this evidence or credible justification for the third refusal reason, I find that the Respondent behaved unreasonably regarding this distinct issue.

Unnecessary Expenses

15. As I found that the Respondent has acted in an unreasonable manner pertaining to a distinct issue relating to parking provisions, accordingly a claim of partial costs is awarded.

Order

It is hereby ordered that Ards and North Down Borough Council shall pay Mr Peter Thomsp on the costs of the appeal proceedings, limited to those costs incurred in respect to the distinct matter relating to parking provisions.

On receipt of this order, Mr Peter Thompson may submit details of those costs to Ards and North Down Borough Council with a view to reaching agreement on the amount. If the parties are unable to agree, the Claimant may refer to matter to the Taxing Master of the High Court of a detailed assessment.

COMMISSIONER GARETH McCALLION

Unclassified

ITEM 7**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	05 May 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Letter from DFC - Historic Environment Division regards heritage value of wall in Portaferry
Attachments	a. Letter from DFC b. Owner Report
File Reference (if applicable)	
Legislation	Other The Planning Act (NI) 2011
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

The Council has received a letter from the Department for Communities – Historic Environment Division, dated 23 March 2026 in respect of the Walled Garden adjacent to Exploris, The Rope Walk, Castle Street, Portaferry.

It advises that the Department was engaged in a survey of all Northern Ireland's buildings (including structures) for the purpose of updating and improving the list of buildings of special or architectural interest.

It concludes that the wall referred to above, whilst of some heritage value, it is not of sufficient interest to merit statutory listing.

Attached are the letter and the accompanying report for Members' information.

RECOMMENDATION

It is recommended that Council Notes this report and attachments



Department for
Communities

www.communities-ni.gov.uk

Ards & North Down Borough Council
City Hall
The Castle
Bangor
BT20 4BT

Historic Environment Division
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
Direct Tel No: 0289056 9281
Email: hedlisting.enquiries@communities-ni.gov.uk

Our Ref: HB24/01/174

Date: 23rd March 2026

Dear Sir/Madam,

**PUBLICATION OF A RECORD OF A BUILDING OF ARCHITECTURAL OR
HISTORIC INTEREST**

**RE: WALLED GARDEN ADJACENT TO EXPLORIS, THE ROPEWALK, CASTLE
STREET, PORTAFERRY, CO. DOWN, BT22 1NZ**

The Department for Communities (the Department) is currently engaged in a survey of all Northern Ireland's buildings for the purpose of updating and improving on the list of buildings of special or architectural/historic interest. Where this letter refers to building(s), this term includes all types of structures.

The Department has considered the heritage value of the above building and concluded that though of some interest it is not of the sufficient interest required for statutory protection as a listed building. Under Section 80 of the Planning Act (Northern Ireland) 2011 such buildings must be of '*special architectural or historic interest*'.

I attach a copy of our report which explains our understanding of the current heritage value of the building in more detail. This report (with the exclusion of internal information) will be published on our website in due course. If you have details of the history of the

property additional to that contained in the report, I should be most grateful if you would make this information available to me and I will ensure that it is considered by the appropriate architect.

Please note also that this decision does not affect any other heritage protection applicable to your building for example: Conservation Area controls.

If you would like to find out more about Northern Ireland's historic buildings and the work of this Department to protect and promote this legacy, please log onto our website at www.communities-ni.gov.uk

Yours sincerely,


Sharleen Fleming

SHARLEEN FLEMMING
LISTING ENQUIRY TEAM

Enc: Owner Report

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Address Walled Garden adjacent to Exploris The Ropewalk Castle Street Portaferry Co. Down BT22 1NZ	HB Ref No HB24/01/174	
Extent of Listing Not listed		
Date of Construction 1780 - 1799		
Townland Ballymurphy		
Current Building Use Estate Related Structures		
Principal Former Use Estate Related Structures		

Conservation Area	Yes		OS Map No	206/12NW
Industrial Archaeology	No		IG Ref	J5925 5101
Vernacular	No	Date of Listing	IHR No	
Thatched	No	Date of Delisting		
Monument	Yes		SMR No	DOW032:003
Vacant	N/A			
Derelict	Yes			

Owners		
Ards & North Down Borough Council	City Hall The Castle Bangor Co Down BT20 4BT	03000133333

Occupiers

Building Information

Exterior Description and Setting

An extensive mid-eighteenth century former walled garden, located on the perimeter of Portaferry settlement, on the fringes of Portaferry House (HB24/01/105) demesne, of which it was formerly a part.

Second Survey Database – Owner/Occupier Report **HB24/01/174**

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Now accommodating local authority recreation grounds and aquarium. The garden is on a ziggurat plan, having a sloping aspect to south-east. There are two enclosures, comprising the main enclosure and a second narrow enclosed strip running the full width of the main garden at south.

Original walls are retained to north and west, comprising rubble masonry, partially snecked, with handmade internal facing bricks laid in Flemish bond and bedded in lime mortar. The brick sections are studded with iron nails for training creeping fruit trees. No coping is evident with the exception of an isolated area of cement coping to W; there are isolated sections of rebuilding to upper reaches. Original openings consist of a wide elliptical arched entrance in the north wall (from which the main house is visible), plainly detailed with a modern metal gate, and a segmental-headed voussoired pedestrian doorway in the west wall (north side), now infilled with modern brick. The east wall has been rebuilt using modern materials, and the transverse dividing wall has been replaced by the aquarium building (c.1990).

Walls to the secondary enclosure are random rubble masonry throughout, and abut a sixteenth century tower house at the south-east corner. There is no coping or detailing, and some sections have been rebuilt in modern masonry. View partially obscured due to perimeter planting.

Setting:

The garden slopes markedly from north to south, but has been fully re-landscaped to accommodate a bowling green, caravan park and recreation ground, with no evidence of original layout remaining. The only remaining garden building is a mono-pitched bothy, now abutting the aquarium building. It has an artificial slate roof, random rubble walling, replacement rainwater goods and openings. To west, there is woodland and a public path, with attractive views over the eighteenth century parkland setting to west, and Strangford Lough, Audleystown, and Castleward to south.

Walling: Rubble stone and brick

Interior Description

Not applicable

Architects

Not Known

Historical Information

The former walled garden is first shown on a map of the Savage Estate, prepared by Patrick O'Hare in 1799 for Andrew Savage Esq. This source illustrates the main garden which is bounded to south by a wall running along the northern wall of the current Aquarium; an additional walled area is depicted to south, captioned 'Nursery'. The main garden is also depicted on measured survey carried out by O'Hare in 1775 - this shows some aspects and the general scope of the main garden, but it provides no context or any details of the landscaping arrangement, and does not provide any primary evidence relating to the existence of the 'Nursery' section at this time.

From the eighteenth century, almost all demesnes were furnished with a kitchen garden, which provided the family, servants and staff with fruit and vegetables all year round, as well as flowers for the house. The peak of their production was between 1800 and 1930, after which the rise in imported produce and streamlined marketing brought about their decline. With the dominance of the informal 'naturalised' landscaped parks from the mid- eighteenth century, it became necessary to conceal the more functional aspects of the garden in a screened location which would permit unspoiled enjoyment of the designed vista, particularly from the main house. From this time, kitchen gardens were increasingly located at a distance from the house, and their location and aspect was often carefully planned to maximise the topographical benefits.

Functioning as the pleasure gardens of Portaferry House (c.1750; HB24/01/105), the map of 1799 shows that the gardens were arranged in a formalised manner, comprising a network of linear paths

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which lined the internal perimeter and intersected various lawns; this pattern endured until the early-mid 20th century. The distinctive ziggurat arrangement of the west and north-eastern wall-sections, was purposely designed to maximise the amount of wall space exposed to the sun, creating favourable micro-climate which enabled the growth of wall fruit. The map of 1775 notes that the single linear walls to the south-east and south-west were constructed of stone, whilst those of a 'zig-zag' form, were 'brick fronted', as was common in walled gardens due to the thermal properties of red-brick. Both maps (1775 & 1799) indicate that the main entrance was via an arched gate-screen to the north-east, which connected to a path leading directly to Portaferry House to the north. A smaller archway in the south-western wall, led to the 'Nursery' section, which abutted to the north-west of the castle. This section of the garden remained sub-divided from the main garden until at least the mid 20th century.

The combination of stone exterior and brick interior was typical of walled gardens in the eighteenth and nineteenth centuries, and brick was commonly used particularly for south-facing walls, as is the case here. The topography also slopes to the south-east, which is also representative of walled garden design. Elements of the wall to south, in the absence of any cartographical information, may relate to the castle, which served as the seat of the powerful Savage family from the medieval period until the mid 18th century. The gardens/parts of the walls may have been erected to serve the nearby castle, during the latter period of its habitation, when the need and fashion for heavily fortified tower houses was in decline. Additionally, on the 1799 map, an open area to the south of the 'Nursery' is captioned 'Old Garden', and this was likely to have once formed an additional part of the castle's garden/s.

In the valuation records, the walled garden was valued as part of Portaferry House. In Griffith's Valuation (c.1860-63), the combined value of the whole estate was £530, a figure which remained largely unchanged until the re-valuations of the mid 20th century. A gardener's house was added to the south-western corner in 1887 but there were no changes to the valuation.

Captioned the 'Castle Garden' on the first edition OS map (c.1834), three small service buildings are shown in the centre and a T-shaped pond was added to the southern corner during the early 19th century. Valuation maps from the mid-late 19th century show the southern third of the garden contained numerous planting beds, which were formalised to create an array of intricate shapes such as stars, hearts and diamonds. Contemporary OS maps indicate that there was little alteration to the overall form of the garden until the mid 20th century, except for changes to the service buildings.

Following redevelopment in recent decades the area has been opened to the public and now contains a tourist and recreational area, featuring an aquarium, playground, caravan park and gardens.

References

Primary Sources

1. PRONI D552/B/3/3/66 - Plan and Aspects of Patrick Savage of Portaferry Esq.'s Garden, by Patrick O'Hare (c.1775)
2. PRONI D552/B/3/3/1A – Patrick O'Hare Plan of Portaferry Town from the Nugent Papers (1799)
3. PRONI OS/6/3/32/1 – First Edition Ordnance Survey map (1834)
4. PRONI OS/6/3/32/2 – Second Edition Ordnance Survey map (1860)
5. PRONI OS/6/3/32/3 – Third Edition Ordnance Survey map (1899-1900)
6. PRONI OS/6/3/32/4 – Fourth Edition Ordnance Survey map (1920)
7. PRONI VAL/1/B/36 – First Valuation Records (1834)
8. PRONI VAL/2/B/3/8 – Griffith's Valuation (1860-63)
9. PRONI VAL/12/B/18/20A-F – Annual Revaluations (1863-1929)
10. PRONI VAL/12/D/3/31/A – Annual Revisions Maps (c.1860-1935)
11. G.F. Armstrong, G.F. 'The Savage Family in Ulster' London, (1906)
12. Bell, Phillip, G, Brett, C.E.B, Matthew, Sir Robert, 'Ulster Architectural Heritage Survey: Portaferry & Strangford' UAHS, Belfast (1969)
13. Day, Angelique & McWilliams, Patrick (eds) 'Ordnance Survey Memoirs of Ireland Vol.7: Parishes of County Down II' QUB, Belfast (1991)

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Online Sources

1. 'Register of Parks, Gardens and Demesnes of Special Historic Interest, Northern Ireland' (www.doeni.gov.uk/.../hg_register_of_parks_gardens_demesnes_of_special_historic_interest.pdf)

Criteria for Listing

NB: In March 2011, revised criteria were published as Annex C of Planning Policy Statement 6. These added extra criteria with the aim of improving clarity in regard to the Department's explanation of historic interest. For records evaluated in advance of this, therefore, not all of these criteria would have been considered. The criteria used prior to 2011 are published on the Department's website under 'listing criteria'.

Architectural Interest

Not listed

Historical Interest

Not listed

Evaluation

Remains of the former eighteenth century walled garden of Portaferry House, located on the perimeter of Portaferry town, adjacent to the sixteenth century tower house, and now in use as local authority recreational grounds. While the former garden includes elements that are representative of eighteenth century garden design, such as a southern-sloping aspect and brick faced, south-facing inner walls, the context has been substantially altered, and substantial areas of the original fabric have been rebuilt. Much of the original context of Portaferry House remains intact, and, while the remaining garden walls contribute to the legibility of the wider historic landscape setting, as an entity it is incomplete and compromised by changes to setting and fabric.

Replacements and Alterations

Inappropriate

If inappropriate, Why?

Almost the complete extent of the eastern section has been replaced, with stone-faced modern walling and an in-situ cast concrete section. There have been several alterations to the Nursery section.

General Comments

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Date of Survey 13/05/2014

Unclassified

ITEM 8**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	05 May 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Meeting with DFI Minister
Attachments	a - Report to March Planning Committee b - Invite Letter from Minister for Infrastructure
File Reference (if applicable)	
Legislation	Other
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple: N/A

The Minister for Infrastructure has acceded to the Council's request to host a delegation of cross-party Members to discuss ongoing concerns regarding the Report presented on NI Water Closed Catchments at 03 March Planning Committee (copy attached).

The Minister's Office has confirmed date and time of 09 June 2026 at 2pm in Parliament Buildings, with attendees to be confirmed with the Chief Executive's Office in due course. A briefing paper will be drafted for Members ahead of the meeting.

RECOMMENDATION

It is recommended that Council Notes this report and attachments

Unclassified

ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	03 March 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	NIW Closed Catchments
Attachments	Item 5a - NIW Letter to K Armstrong MLA Item 5b - Wastewater System Capacity Information Item 5c - NIW Presentation to Corporate Services Feb 2025
File Reference (if applicable)	
Legislation	Other The PLanning (General Development Procedure) Order (NI) 2015
Resource Implications	Other Narrative: Writing to relevant bodies if requested
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Multiple Choose an item. If multiple: Economic, Social and Environmental

Background

1. Subordinate Planning legislation requires the Council to consult with Northern Ireland Water (NIA) where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.
2. Members will be aware of current issues with sewerage infrastructure as described by NIW across Northern Ireland caused by decades of under investment.
3. NIW provides a 'Wastewater Impact Assessment' service to assist developers in identifying any possible constraints that may be associated with servicing a development site in terms of wastewater infrastructure. The Impact Assessment can assist developers in understanding the potential costs and timescales involved in servicing a site prior to land acquisition or in advance of the submission of a planning application.
4. Planning Committee will be aware of the use of negative conditions on grants of planning permission as follows:
"No development shall take place on site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority"
5. The Council's recent Empty to Energised Pilot Grant scheme is directed at providing financial assistance to property owners who want to renovate vacant properties and introduce new commercial uses within Bangor's city centre and Newtownards' town centre. By bringing vacant spaces back into use, the scheme seeks to boost town centre vibrancy, attract new tenants, increase footfall, create local employment opportunities, and promote sustainability in redevelopment projects.
6. Via a recent NIW response to a consultation request on a planning application for a change of use of a vacant retail unit to a hot food carryout in Newtownards town centre, it has come to the attention of the Planning Service, and also via correspondence forwarded by Kellie Armstrong MLA, that there are a number of 'closed catchments' in the Borough for which no new connections can be permitted (see attached letter from NIW).
7. In relation to the particular property, NIW has advised that there is 'simply not enough capacity in the existing public wastewater system to facilitate new connection, without increased risk of adverse environmental effects such as out-of-sewer flooding'.
8. Members' attention is draw to the other attached document which is a download from the NIW's webpage entitled "Waste-water System Capacity Information – Council Areas (October 2025). It should be noted that any information relating to Waste-water Treatments Works (WwTWs) in other council areas has been omitted from the download.
9. Members will note that neither Cloughey WwTW nor Killinchy WwTW have any available capacity.

10. Regards information on Closed Catchments, Members should note the information on UIDs. A UID refers to an Unsatisfactory Discharge. This occurs when the discharge from a sewage treatment works does not meet the required standards set by regulations. The Northern Ireland Environment Agency (NIEA) and the Department of Agriculture, Environment and Rural Affairs (DAERA) are responsible for enforcing compliance with these standards, and any failure to meet them can lead to enforcement actions.
11. In addition to the WwTW capacity issues, NI Water has also identified areas of the sewage network in Comber, Donaghadee and Newtownards where developer-funded solutions are no longer possible to achieve a connection to the sewer network. This means that the Wastewater Impact Assessment process in these areas is no longer able to provide a solution that a developer can implement.
12. NIW has confirmed that the 'closed areas' do not cover all of the towns referenced above, and that it will continue to support developments in these areas where it can be proven that:
 - The site has extant planning with no conditions relating to capacity constraints or
 - The site is a redevelopment and there is no intensification of foul sewage discharge post development compared to the sewage discharge from the site within the last 5 years.

Key Issues

13. Newtownards is one of the town centres identified in the Empty to Energised pilot grant scheme, with a significant number of vacant properties that the Council is seeking to encourage to be brought back into active use in the context of the Corporate Plan's priority regarding increasing economic growth by attracting more businesses and more jobs, and in turn increasing our non-domestic rate base.
14. The Council has just published its draft Plan Strategy within which is set out the Council's Social, Economic and Environmental Objectives alongside the Spatial Growth Strategy for the Borough. Without the requisite infrastructure being in place, or a commitment within NIW's next Price Control period (i.e. beyond 2027) the Council will not likely meet its growth aspirations.
15. The following is an extract from NIW's 2021-2046 Strategy:

Tipping point

We are therefore facing a tipping point as we approach the next business plan period PC21 (2021-27), which will require an investment of around £2.5bn, including the Living with Water Programme. The NI Water Board and Executives continue to work with stakeholders to identify a means to fund this vital investment. However, a solution has not been identified. Our shareholder, DfI, needs to commit to fund this investment but faces competing pressures from transport infrastructure. Unlike in the rest of the UK, the risk of shareholder sanction from the Utility Regulator is much diminished due to our Government ownership. A solution must be identified to avert a funding crisis for this vital infrastructure.

16. Members will recall previous letters written from Council to DFI Permanent Secretary and Secretary of State, and then DFI Minister (once Executive restored) regarding the ongoing funding crisis. Additionally, NIW representatives have attended as a deputation to Corporate Services Committee in previous years setting out its position in respect of underfunding. A copy of its presentation of February 2025 to Corporate Services is attached for Members' information.

Summary

17. In light of the ongoing, if not worsening, situation with NIW and NIEA, and the inevitable impact on the Council's growth plans and attempts to grow the non-domestic rates base, Members may wish to consider initiating further correspondence with NIW/DFI or inviting NIW representatives to present to Planning Committee on the matter.

RECOMMENDATION

It is recommended that Council Considers its approach in light of the information within the report.

Department for
InfrastructureAn Roinn
BonneagairDepartment for
Infrastructurewww.infrastructure-ni.gov.uk

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From the Office of the Minister for Infrastructure
LIZ KIMMINS MLA

Susie McCullough
Chief Executive
Ards and North Down Borough Council
City Hall
The Castle
Bangor
BT20 4BT
enquiries@ardsandnorthdown.gov.uk

Private Office,
3rd Floor, James House
Gasworks Site,
2 - 4 Cromac Avenue
Belfast
BT7 2JA
Telephone: (028) 9054 0105
Email: Private.office@infrastructure-ni.gov.uk

Your reference:
Our reference: INV-0206-2026
22 April 2026

Susie, a chara,

NI WATER - CLOSED CATCHMENTS

Thank you for your invitation to meet to discuss the closed catchment status which is affecting the Ards and North Down Borough Council's growth objectives and the pilot 'Empty to Energised' grant initiative.

I would be delighted to accept and discuss the Council's objectives and NI Water's position on the Newtownards closed catchment area.

I would be grateful if you could contact my diary secretary Roisin Perkins at Private.Office@infrastructure-ni.gov.uk in order to make the necessary arrangements.

Is mise le meas,

LIZ KIMMINS MLA
Minister for Infrastructure