Agenda

Agenda

Copy attached.

Attachment: Agenda.pdf ***Page 1***

1 Apologies

2 Declarations of interest

3 Matters arising from minutes of Planning Committee 06 October 2026

Copy attached.

Attachment: PC 2026.10.06 Minutes.pdf ***Not included***

Attachment: PC 2026.10.06 Minutes PM.pdf ***Page 3***

4 Planning Applications

4.1 LA06/2022/1015/F

Change of use of land to provide additional hardstanding area for the parking and storage of vehicles associated with CCRS Recovery and repair business, with associated landscaping

51 Cotton Road, Bangor

Attachment: Item 4.1 - LA06-2022-1015-F.pdf ***Page 57***

4.2 LA06/2025/0527/F

Shed and seating to front of dwelling (retrospective)

13 Moyne Gardens, Newtownards

Attachment: Item 4.2 - LA06-2025-0527-F.pdf ***Page 85***

4.3 LA06/2024/0751/F

Farm dwelling with integral garage

20m West of 259 Scrabo Road, Newtownards

Attachment: Item 4.3 - LA06-2024-0751-F.pdf ***Page 94***

Reports for Approval

5 Dangerous Structures (Fees) Regulations (Northern Ireland) 2027 – consultation response

Report attached.

Attachment: Item 5 - DAERA Consultation.pdf ***Page 111***

Attachment: Item 5a - Regulatory Impact Assessment.pdf ***Page 116***

Attachment: Item 5b - draft response to Dilapidation Act Fees Regulations.pdf ***Page 126***

6 Invitation to Councillors – Mixed Tenure Information Seminar

Report attached.

Attachment: Item 6 Invitation to Councillors Mixed Tenure Information Seminar.pdf ***Page 129***

Attachment: Item 6a Email from NIHC.pdf ***Page 131***

Report for Noting

7 Appeals Update

Report attached.

Attachment: Item 7 - Appeals Update.pdf ***Page 132***

ARDS AND NORTH DOWN BOROUGH COUNCIL

30 October 2026

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday, 03 November 2026** commencing at **7.00pm.**

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Apologies

2. Declarations of Interest

3. Matters arising from minutes of Planning Committee 06 October 2026

4. Planning Applications

4.1	LA06/2022/1015/F	Change of use of land to provide additional hardstanding area for the parking and storage of vehicles associated with CCRS Recovery and repair business, with associated landscaping 51 Cotton Road, Bangor
4.2	LA06/2025/0527/F	Shed and seating to front of dwelling (retrospective) 13 Moyne Gardens, Newtownards
4.3	LA06/2024/0751/F	Farm dwelling with integral garage 20m West of 259 Scrabo Road, Newtownards

Reports for Approval

5. DAERA Consultation on Dangerous Structures (Fees) Regulations (NI) 2027: Draft Regulatory Impact Assessment (report attached)

6. Invitation to Councillors – Mixed Tenure Information Seminar (report attached)

Reports for Noting

7. Appeals Update (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, 2 Church Street, Newtownards, on Tuesday 6 October 2026 at 7.00pm.

PRESENT:

In the Chair: Councillor McCollum

Aldermen:	Graham	McIlveen
	McAlpine	Smith
	McDowell	
Councillors:	Cathcart	McClean
	Hennessy	Morgan
	Smart (Zoom, 7.06pm)	Wray

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

1. APOLOGIES

Apologies were received from Councillor Harbinson, Councillor Kendall, Councillor Kerr and Councillor McKee.

NOTED.

2. DECLARATIONS OF INTEREST

The Chair sought Declarations of Interest.

Councillor Cathcart declared an interest in Item 4.4 (La06/2026/0103/F) as one of the 22 objectors to the street hub application.

He explained that the objections related to the original proposed location which was in front of the Court House, which was a listed building. The location of the hub had now changed and was a considerable distance along the street. He asked how the relocation was possible without the requirement for a new planning application.

The Head of Planning and Building Control understood that the location was still within the redline boundary but the presenting officer would clarify. The application was refused initially because it was positioned in front of the listed building but officers were content with the new location.

Councillor Cathcart advised that he would still exclude himself from the discussion of that item as technically he was still an objector.

NOTED.

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 4 AUGUST 2026

PREVIOUSLY CIRCULATED:- Copy of the above.

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

4. PLANNING APPLICATIONS

4.1 LA06/2026/0077/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT DWELLING WITH GARAGE

(Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's report.
DEA: Bangor Central
Committee Interest: Called in to Committee due to six or more objections.
Proposal: Demolition of existing dwelling and erection of a replacement dwelling with garage
Site Location: 80 Ward Avenue, Bangor
Recommendation: Grant Planning Permission

The Senior Planner outlined the Case Officer's Report, explaining that this was an application seeking full planning permission for demolition of an existing dwelling and erection of a replacement dwelling with garage at 80 Ward Avenue, Bangor.

(Councillor Smart joined the meeting remotely – 7.06pm)

The application had been recommended for approval and was presented to Committee as six or more representations contrary to the officer's recommendation had been received.

The Committee was shown the existing dwelling which was set back from Ward Avenue on an elevated site overlooking the Kingsland Recreational Grounds and Seacliff Road.

The Committee was advised that the site was also located within the proposed Bangor East Area of Townscape Character (ATC).

As the site was located within a proposed ATC, the existing building had been assessed to determine whether or not it was considered to make a material contribution to the overall appearance of the proposed ATC. The Council's Conservation Officer was consulted on this and advised they had no objections to the demolition.

The key buildings noted within the proposed ATC were Victorian and Edwardian. No. 80 was an Inter War dwelling and whilst it did have some architectural detailing such as corbelled eaves, a slate roof and robust chimneys on the ridgeline, it was not one of the best examples of buildings from this era in the area and would not be considered a key building in the proposed ATC. The dwelling had also been extended to the front, side and rear in an unsympathetic way, further lessening the contribution that it made.

Further slides showed the main views of the site within the surrounding area from Seacliff Road and also glimpses from Ward Avenue and Clifton Road where it was less visible set in behind the dwellings fronting Ward Avenue.

The Committee was advised that the replacement dwelling would be erected in a similar position to the existing dwelling but would be set slightly further back from the eastern building line facing Seacliff Road and would also include a projection to the western elevation to accommodate a garage. Vehicular access would be from Ward Avenue and private amenity space would be located at the eastern side of the site, similar to the current arrangements.

The Committee was advised that the proposed dwelling would be three storey in height with a mono pitch roof comparable in height to the adjacent dwellings. Finishes included white render, grey aluminium windows and zinc cladding, all of which were already found on other buildings in the area.

Members were shown the western elevation facing Ward Avenue. The roof had been hipped slightly and would be finished in a dark grey zinc cladding to help blend in with the dark coloured pitched roofs of existing dwellings viewed from this aspect.

Further slides showed the side elevations of the dwelling and Members could see the pitched roof and also the two-storey projection to the rear.

During the processing of the application, the proposal was amended at the request of the Planning Service to set the dwelling back in line with the established building line facing Seacliff Road, to reduce the prominence of the dwelling and ensure no unacceptable dominance or loss of light would occur to the adjacent properties at Nos. 78 and 82.

The Committee was shown an artist’s impression of what the completed dwelling would look like. While a very contemporary design, there was already a variety of architectural styles from different eras within the proposed ATC. In addition to the more traditional Victorian and Edwardian buildings, there were examples of other modern and contemporary architecture, particularly within this particular area of the proposed ATC.

Further slides illustrated the dwelling immediately adjacent at No. 78, the large box dormers allowed by the Planning Appeals Commission at No. 82, the three-storey apartment complex at the junction of Seacliff Road and Seaforth Avenue and Kingsland Nursing Home on Seacliff Road.

The Council had also recently submitted an application for the redevelopment of Ballyholme Yacht Club on the opposite side of Seacliff Road. While not yet determined, meaning that limited weight could be afforded to the proposal in the consideration of this current application, it did nevertheless demonstrate the contemporary design approach also proposed by the Council within this part of the proposed ATC.

In the context of all these material factors, the Planning Service was content that the proposal would comply with policy QD1 of Planning Policy Statement 7 and policy LC1 of Planning Policy Statement 7 Addendum in that it would not result in any unacceptable damage to the local character or environmental quality of the established residential area and proposed ATC.

Turning to the potential impact of the development on the residential amenity of existing dwellings, the Committee was shown four adjacent properties that had the potential to be directly impacted upon.

Looking first at Nos. 60 and 62, the main three storey section of the proposed dwelling would be a distance of approximately 27m from the closest parts of the rear of these dwellings and 33m from their main rear elevation. The two-storey garage projection would also be located 21.2m from the main rear two storey elevation of the dwellings. All of these distances exceeded the recommended 20m ‘back-to-back’ separation distance for opposing upper floor windows as set out in the Creating Places Guidelines which was considered to be sufficient to ensure adequate levels of privacy within established residential areas. While a small roof terrace was proposed above the garage projection, there would be no potential for any overlooking, given that a 1.8m high opaque glass screen was proposed.

It was considered that the proposed terrace would actually have less of an impact than the existing balconies at the rear of Nos. 78 and 80 which currently had unscreened views towards Nos. 60 and 62.

The occupant of No. 62 had raised particular concerns in relation to loss of light and dominance and the potential impact on both Nos. 60 and 62 had been considered in detail in the Case Officer’s Report and Addendum. Where a proposed building would be positioned directly opposite an existing building, as was the case for this application, the 25-degree light test could be applied as a tool to aid in the assessment of potential loss of light. This was recommended in the BRE Daylight and Sunlight Guide and while not set out in planning policy, it was accepted as the UK’s primary good-practice document for assessing daylight.

The Committee was shown a diagram demonstrating that the proposed dwelling would be located a sufficient distance from the rear ground floor windows of Nos. 60 and 62 to ensure that the 25-degree angle was not breached. The blue line showed the angle from the rear ground floor window of No. 62 and the red line showed the angle drawn from the closest rear ground floor window of No. 60.

Further slides showed views from the rear of No. 62 towards the application site. While there was no doubt that the replacement dwelling would appear larger from this view and there would be less of a gap between Nos. 80 and 82, at this distance,

it could not be argued that the dwelling would result in an unreasonable overbearing impact or an unacceptable degree of dominance.

As shown in the earlier slides, the height of the proposed dwelling was very much in keeping with the adjacent dwellings. The Committee was shown a contextual elevation which also showed that while reduced, spacing would still remain between the existing and proposed dwellings when viewed from Ward Avenue and the rear of Nos. 60 and 62.

The Committee was shown the view from the ground floor living room of No. 62 with the approximate location of the proposed dwelling shaded yellow. While the amount of visible sky would be reduced slightly, there was still sky visible above and this would be increased further with the proposed removal of the tree to the top right of the photo. From this distance it was also not considered that the proposal would result in any unacceptable dominant impact.

In terms of the potential impact on the privacy of No. 82, the proposed dwelling would have a number of upper floor windows on its side elevation which would face No. 82. However, as shown in the photograph presented to Committee, the existing dwelling had two upper floor bedroom windows which already had direct views towards the windows of No. 82. There would also be no unacceptable loss of light to No. 82 as the windows located on its gable were all secondary sources of light to the rooms which they served with the main sources of light located on the eastern elevation.

In terms of the potential impact on No. 78, the proposed replacement dwelling would be positioned a similar distance from the party boundary to the existing dwelling. As shown in the photographs presented, both dwellings already had windows on their side elevations within close proximity to each other which resulted in a degree of overlooking between both dwellings. The replacement dwelling would continue to include a number of upper floor windows on the side elevation however it was not considered that these would result in any significantly greater degree of overlooking than the current situation, nor would the replacement dwelling result in any unacceptable loss of light to any habitable rooms of No. 78.

A total of 11 letters of objection from eight separate addresses had been received throughout the processing of the application; however, following submission of amended proposals in July, objections were received from only three addresses. All the concerns raised had been considered in detail in the Case Officer’s Report and all consultees were content with the proposal.

In conclusion, the Planning Service was satisfied that the proposal met all of the relevant policy requirements set out in PPS7 and PPS7 Addendum with regard to impact on the character of the area and the amenity of neighbouring properties and it was therefore recommended that full planning permission should be granted.

The Chair invited questions to the Officer for clarification and Councillor Cathcart asked how the demolition assessment related to the wider character of the ATC, noting that the area featured pitched roofs and bay windows. He asked if any buildings outside of the Victorian and Georgian periods could be demolished.

The Senior Planner advised that it was not simply a matter of period. Number 80 was not a particularly good example due to unsympathetic extensions and alterations over the years. It was therefore not judged to make a material contribution to the ATC.

Councillor Cathcart felt that the proposed building design would appear out of character and understood that the ATC policy required replacement to be a betterment. He put this to the Officer who explained that it was a 'no harm' test to appearance or character. The ATC was still a proposal and had no defined character yet but officers could still assess the impact objectively. There were other modern and contemporary buildings in the area and while this building would be seen against traditional buildings, these would only be glimpses behind existing dwellings rather than sustained views while travelling along the road.

Councillor Cathcart noted that harm was something for the Committee to determine. He asked whether the assessment of the wider ATC was a formal visual test, given the prominent hilltop site which overlooked a large area. The Officer advised that it was predominantly a visual test, also required under Policy QD1 of PPS 7. Officers had considered how it read with established built form, the critical views and their extent. The ATC was substantial and stretched across the Ballyholme Bay area and contained a great variety of architectural styles.

(Councillor Smart withdrew from the meeting – 7.20pm)

Alderman McAlpine noted the building was three storeys with only the nursing home nearby at that height and had a sloped flat roof rather than a normal pitched roof. She asked if two or two and a half storeys had been considered, believing that the bank of three windows made it comparable to the nearby apartments and contributed to the mass.

The Officer explained that the Planning Service could only assess what was submitted and could only seek amendments if something was unacceptable. She referred to other buildings (Nos 82 and 84 and apartments at Seacliff Road and Seaforth Avenue) which were all three storeys and interlinked. The height was below Nos 82 and 84, so it was difficult to argue that it was excessive.

(Councillor Smart rejoined the meeting remotely – 7.22pm)

Councillor McClean recalled previous concerns about large modern buildings in ATCs. He took comfort that the Council had appeared to have opposed the dormers at No 82 which had been allowed on appeal. He asked if No 78, approved in 2021, had come before the Committee as he would have had concerns.

The Senior Planner confirmed that No 78 had had renovations and alterations to an original house that was itself of modern design and she did not believe it had come to Committee.

The Chair introduced Mr Adam Harbinson, who was in attendance to speak against the application. His address to the Committee was summarised as follows:

Mr Harbinson advised that he was the owner of 62 Ward Avenue, located to the west of the application site at No. 80, where he lived with his wife and two young children. He noted that the rear of his home faced No. 80 and, for ease of reference, would primarily refer to the information contained within the Case Officer's Report.

Mr Harbinson referred to the photographs on pages 11 and 16 of the report, which demonstrated the relationship between his property and No. 80. It was further noted that, as stated in the report, much of the vegetation currently visible in the photographs on page 16 would either not be present during the autumn and winter months or would be removed as part of the construction of the proposed dwelling.

Addressing the Committee on the issues of overlooking and overshadowing, with particular reference to the scale of the proposed dwelling and its proximity to his home, Mr Harbinson stated that he believed there were inaccuracies within the report which, cumulatively, resulted in a more favourable assessment of the proposal's impact on his property than was warranted. He clarified that he did not object to the construction of a new dwelling at No. 80 and acknowledged that he may have been incorrect regarding the alleged inaccuracies but wished to ensure that a thorough assessment of the potential impact on his home was undertaken.

The proposed dwelling featured a raised roof terrace, located above a garage, which would face his home and garden and would be positioned at the site boundary closest to his property. Reference was made to page 17 of the report, which stated that the terrace would be 21 metres from his property. He further referred to the diagram on page 18 of the report, which was annotated with various measurements. Mr Harbinson contended that the illustrated measurement line extended from a point several metres into his property to a point near the raised terrace and was shown as measuring 21.2 metres. However, he maintained that a line drawn from the rearmost first-floor windows of his property to the terrace would measure less than 21.2 metres. He also noted that the raised terrace would be only a few metres from his rear garden, which his family should be able to enjoy without a raised platform overlooking it at the closest boundary of the site. In his view, the report's conclusion that "no greater degree of overlooking will be created" could not be the case.

Mr Harbinson also expressed concerns regarding overshadowing, stating that, due to its size and proximity, the proposed dwelling would overshadow his property. He did not believe the impact on his home had been fully captured within the report. Reference was made to page 19 of the report, which stated that his home "will not be overshadowed or lose any sunlight". He advised that the rear window of his living room faced No. 80 and noted that the proposed dwelling represented an increase in all dimensions over the existing dwelling, due in part to an increased ridge height and the extension of the ridgeline across almost the full width of the property boundary. In his opinion, the proposed dwelling would cast a new shadow into, and block sunlight from, his living room.

He made further reference to the assessment within the report based upon a 25-degree line drawn from the rear of his property towards the site at No. 80. It was noted that one of the diagrams on page 20 indicated that the 25-degree line should be drawn from the centre of the lowest window, which he considered would equate to

a height of approximately 1.6 metres on his living room window. However, Mr Harbinson contended that the calculation within the report was based on a height of two metres without explaining why the higher point had been used.

He also noted that the report used a separation distance of 33 metres between his property and the proposed dwelling, although this measurement was not referenced elsewhere within the report and, he maintained, the proposed dwelling would be located closer to his property than this. In addition, the height of the proposed dwelling was stated within the calculation as 9.5 metres, whereas page 8 of the report referred to elevations of 10.6 metres and 11.9 metres.

Mr Harbinson concluded by stating that a calculation based upon a distance of less than 33 metres, a building height of 10.6 or 11.9 metres, and a 25-degree line drawn from the midpoint of his living room window would, in his view, produce a different result and demonstrate that the proposed dwelling would overshadow his home.

(Councillor Smart withdrew from the meeting – 7.35pm)

The Chair invited questions to the speaker and Councillor Wray noted that Mr Harbinson had suggested that minor alterations could have made a major difference. He asked what those minor alterations would be and which planning policies were breached in its current form.

Mr Harbinson agreed with the suggestion for two or two and a half storeys from Alderman McAlpine. As far as he was aware, this had not been considered. He felt that the design was selectively drawing on features of existing buildings, including No. 80’s older roofline and No. 78’s modern extension to justify a new, very modern building. He said he was unable to cite the relevant policies as this was not his expertise.

Councillor Cathcart asked Mr Harbinson to respond to the officer’s view that the proposed terrace might be a betterment and Mr Harbinson stated that the existing balconies did not look to his home or garden in the same way and the proposed terrace would sit at the closest point to his property. No 78’s large roof terrace was designed to look over Ballyholme Bay but the proposed terrace did not have the same outlook and would face his property.

Councillor Hennessy noted the officer’s point that the development would remain beyond the 20-metre minimum distance. He asked the speaker for his view on this and Mr Harbinson felt that 21.2 metre distance was not much more than the minimum and invited Members to come and see the outlook from his living room.

Mr Harbinson returned to the public gallery and the Chair invited questions to the Officer for clarification.

Councillor Morgan queried the 20-metre rule and asked if it was policy. The Officer advised that it was a guideline from Creating Places, a design guide for residential development. It applied between opposing rear first floor windows to provide privacy and avoid overshadowing and loss of daylight. She clarified that the 21.2m related to the two-storey element with 27m to 33m to the higher three storey part.

Councillor Morgan asked whether the 25-degree line passed above the yellow outline of the proposed dwelling and why the 25-degree angle was used. The Officer advised that neither the blue line from No. 62's living room window nor the red line from the closer ground floor window at No. 60 intersected the proposed building. She advised that the 25-degree test was in the BRE Daylight and Sunlight Guidelines rather than planning policy and was widely used in the UK for daylight assessments when buildings faced one another.

Councillor Hennessy queried the front facing Seacliff Road and how it compared to the existing building. The Officer advised that the ground-floor width was similar but increased further up.

In a further query, Councillor Hennessy noted that the height was similar to the neighbouring dwelling and smaller than No. 82. He asked how much weight was given to the overall mass. The Officer advised that it had been assessed against the semi-detached block at Nos. 82 and 84, a substantial and higher building and was comparable in scale and mass.

Councillor Cathcart queried the term obscure glazing and the Officer explained that it meant preventing something from being seen. It was referred to in PPS 7 as an appropriate mitigation against overlooking and was regularly conditioned. The 1.8-metre screen was above average eye level of 1.7 metres and was conditioned to be in place prior to occupation.

Councillor Cathcart referred to the speaker's concerns about overlooking and asked for the Officer's view. The Officer showed the existing balcony at No. 80 and the steps and higher balcony at No. 78. Views from these were towards No. 60 rather than No. 62, but if the tree were removed there would be direct views. The proposed terrace would have an obscure screen that could not be seen through.

Alderman Smith noted the 21.2 metre distance was measured from the corner of the garage and terrace and asked the distance to No. 62's projecting conservatory. The Officer did not have the exact measurement but confirmed it would be less. The conservatory was at ground floor, the 20-metre guideline related to opposing first-floor windows, and the 1.8m high screen would obscure views from the terrace towards the conservatory.

Councillor Wray proposed, seconded by Councillor Morgan, that the recommendation be adopted and that the Council grants Planning Permission.

Councillor Wray sympathised with Mr Harbinson but had heard no policy reason that could justify refusal. The proposal had passed the 25-degree light test, provided adequate privacy and he noted other modern designs in the proposed ATC.

The seconder, Councillor Morgan, was also sympathetic to Mr Harbinson but she could not see a reason under policy that would withstand scrutiny.

Councillor Cathcart could not support the proposal. He believed that the matter was finely balanced and he did not view the proposal as a betterment and felt it did not

reflect the characteristics of the area and was out of context. He considered it contrary to Policy QD1 of PPS 7, as it was not appropriate to the character and topography of the site in layout, scale, proportions, massing and appearance.

On being put to the meeting with 5 voting FOR, 2 AGAINST, 4 ABSTAINING and 5 ABSENT, the proposal was declared CARRIED.

The vote was recorded as follows:

FOR (5)	AGAINST (2)	ABSTAINED (4)	ABSENT (5)
Aldermen	**Aldermen**	**Aldermen**	**Aldermen**
Smith	McAlpine	Graham	
		McDowell	
		McIlveen	
Councillors	**Councillor**	**Councillor**	**Councillors**
Hennessy	Cathcart	McCollum	Harbinson
McClean			Kendall
Morgan			Kerr
Wray			McKee
			Smart

RESOLVED, on the proposal of Councillor Wray, seconded by Councillor Morgan, that the recommendation to grant planning permission be adopted.

4.2 LA06/2024/0465/F - AGRICULTURAL SHED (RETROSPECTIVE)

(Appendix II – III)

PREVIOUSLY CIRCULATED:- Case Officer's report.
DEA: Ards Peninsula
Committee Interest: Called in from the Delegated List.
Proposal: Agricultural shed (retrospective)
Site Location: Approx. 95m North of 37 Craigboy Road (Four Acres Farm), Donaghadee
Recommendation: Refuse Planning Permission

The Principal Planner outlined the Case Officer's Report, explaining that this application was before Members due to a call-in by Alderman McIlveen.

(Councillor Smart rejoined the meeting remotely – 7.52pm)

The reason for the call-in was to consider whether the application met the criteria set out in Policy CTY 12 of PPS 21 including whether it was essential for the efficient functioning of the business, whether there were other suitable buildings on the holding or enterprise and whether there were any health and safety reasons for the building.

The recommendation was to refuse planning permission.

All consultees were content and there were no objectors.

Members were advised that at the time of the submission of the planning application and site visits by the Case Officer in July 2024 and December 2024 the shed had not been constructed but had since been built without the benefit of planning permission and was now considered to be retrospective.

Members were also advised that, while the front page of the Case Officer's Report stated a recommendation to grant permission, this was an administrative error and it was clear from the content of the report and the recommendation that it was to refuse planning permission.

The Committee was shown the application site which was located approximately 95m north of 37 Craigboy Road in the countryside outside Donaghadee.

The site was set back over 120m from Craigboy Road on flat land immediately adjacent to an existing farm building and was not visually prominent in the wider rural landscape.

Views of the shed were limited primarily to the eastern approach along Craigboy Road.

The yard was enclosed by a combination of post-and-wire fencing and gated access points.

The boundaries of the site were partly defined by mature hedging, which further assisted in integrating the development into its surroundings. An existing gravelled area was located to the front of the existing shed extending to the retrospective shed which was the subject of the application.

Further slides showed photographs of the sheds on the site.

The Committee was shown the block plan and elevations of the shed constructed on the site. It measured approximately 13.9m by 7.3m with a maximum height of 3.9m.

External finishes comprised vertical timber boarding, concrete blockwork, a profiled metal sheet roof and black uPVC rainwater goods.

The building reflected the appearance of a traditional agricultural structure and incorporated materials commonly found within the rural area. The scale, form and design were sympathetic with the existing agricultural shed located immediately adjacent to the site and the building read as part of a coherent farm group.

Turning to policy CTY10, Members were advised that this was the first part of the assessment as it was a requirement in policy that a farm be 'active and established'.

Paragraph 5.56 of PPS21 referred to criteria set out in CTY10 as to what constituted active and established, namely that the farm business was currently active and had been established for at least six years.

Paragraph 5.39 of PPS21 defined 'agricultural activity' as including the production, rearing or growing of agricultural products, harvesting, milking, breeding animals,

keeping animals for farming purposes, or maintaining land in good agricultural and environmental condition.

The policy did not require a high or specified level of activity; rather, given the low threshold set out, it was sufficient to show that the land was being maintained in good agricultural and environmental condition.

For this particular proposal it had been demonstrated and was accepted that the farm was active and established and that an assessment of further policy tests could be considered as set out in CTY12.

Turning to Policy CTY12, Members were advised that, having established that the holding was active and established, planning permission would be granted for development on an active and established agricultural or forestry holding where it was demonstrated that it was necessary for the efficient use of the agricultural holding or forestry enterprise, and as could be seen, several criteria were listed within the policy.

The proposal was considered to fail CTY 12 because it had not been demonstrated that:

a) it was necessary for the efficient use of the agricultural holding or forestry enterprise;

b) there were no suitable existing buildings on the holding or enterprise that could be used; and

c) the proposal was sited beside existing farm or forestry buildings.

The policy explained that, exceptionally, consideration might be given to an alternative site away from existing farm or forestry buildings provided there were no other sites available at another group of buildings on the holding and where it was essential for the efficient functioning of the business.

The Committee was advised that the applicant stated that the retrospective shed was required for the secure, weather-protected storage of crops and feed, together with the housing of livestock.

The applicant had advised that pedigree sheep were kept on the farm and that the building had been used for lambing and the housing of sheep.

Additional information submitted during the assessment of the application explained that the holding operated a pedigree sheep enterprise, with ewes capable of lambing at various times throughout the year.

The applicant had advised that ewes required monitoring in the weeks preceding lambing, together with ongoing supervision following birth and during periods of illness or veterinary intervention and that the building provided a controlled and sheltered environment.

The Committee was shown photographs submitted as part of the supporting information, with the date provided on the images indicating 25 May 2025.

Further slides showed photographic evidence submitted in support of the application to show storage of potatoes within the retrospective shed along with bulk storage of potatoes.

Members were advised that limited, if any, weight was being given to these images as:

- they were undated with no verifying details submitted as to when they were taken or whether they were grown on the business holding;

- they were inconsistent with observations made on site visits, for example, the potatoes showed a concrete plinth and internal arrangement which differed from the internal arrangement of the retrospective shed;

- the Council was therefore unable to verify that the photographs accurately depicted the retrospective shed subject to the application;

- in addition, no evidence had been submitted to demonstrate that potatoes formed any component of the agricultural enterprise. A review of available aerial imagery over a number of years indicated that the holding had predominantly been managed as grassland, with fields appearing to be cut for silage or hay production, together with limited areas of tree planting. No obvious evidence of potato cultivation had been identified; and

- furthermore, the supporting letter submitted by the Ulster Farmers' Union in 2024 described the business as being limited to a silage-based enterprise and made no reference to potato production.

The applicant had also indicated during a site visit that hay was produced from the holding but the Case Officer had determined there was no evidence of hay storage within either the retrospective or the lawful agricultural shed and no evidence had been submitted demonstrating a requirement for additional storage capacity associated with hay production. The Council was therefore not satisfied that the retrospective shed was reasonably required for hay storage purposes.

Further slides showed that, while the applicant had stated that the retrospective shed was required for livestock management and crop storage, observations during site visits indicated that the existing agricultural building was not being utilised to its full capacity and retained available floor space capable of accommodating crop and feed storage associated with the holding.

The Committee was shown aerial photographs relating to the site.

Members were advised that the policy directed new buildings to be sited beside existing farm buildings.

While the Council acknowledged that the dwelling at No. 37 Craigboy Road was associated with the wider farm holding, it was a residential property and not a farm or forestry building as required by the policy.

The Council had been consistent in its interpretation of this element of the policy. Reference was made to application LA06/2022/1258/F for a farm shed for the storage of fodder and machinery at Ballyblack Road, Portaferry, which had been refused planning permission and dismissed at appeal. The Commissioner determined that the domestic structures were not farm buildings for the purposes of Policy CTY12 and stated that “CTY12 requires that the proposal is sited beside existing farm buildings”.

Reference was also made to application LA06/2024/0438/O for the erection of a shed for storage and machinery 100m south of No. 35 Ballymaleddy Road, Comber, which had been called in to Planning Committee. The application had been refused permission, appealed by the applicant Ryan Doherty and subsequently dismissed at appeal. The Commissioner did not accept that an alternative site away from the holding was essential and concluded that, logistically, a shed could be accommodated within the existing farm holding.

Members were advised that the agricultural building which was the subject of the application was sited beside only one farm building and therefore failed to comply with this aspect of policy.

The wording of the policy was considered clear in that a proposal was required to be clustered with existing buildings, not a single building. As there had only been one shed on the application site when the application was submitted, it did not fulfil the policy requirement.

The unauthorised shed had been built while the application was being processed and was not built in accordance with policy, as it had not been constructed as part of a group of buildings.

With regard to the SPPS, Members were advised that it largely echoed the provisions relating to agricultural development set out in PPS21 and stated that “new buildings must be sited beside existing farm buildings” and that “an alternative site away from existing buildings will only be acceptable in exceptional circumstances”.

In summary, whilst acknowledging the particular circumstances of each application, the Planning Service had sought to apply the policy in a consistent manner.

The approval of the proposed development would have the potential to create a precedent for future applications that would undermine the policy. Compliance with planning policy was in the public interest and a matter of acknowledged importance. It was considered that the arguments put forward for this application were not exceptional circumstances which would justify setting aside planning policy.

In closing, the Officer advised that refusal of planning permission was therefore recommended.

The Chair invited questions to the Officer for clarification.

Alderman McIlveen referred to an area of land owned by another family member of the applicant. He asked whether, if it were the applicant's land, those buildings would be considered a cluster with the shed. He clarified he was asking about the visual aspect, not ownership.

The Officer explained the proposal had to be grouped with buildings of the farm holding, and only one shed had existed before the retrospective shed was built.

Alderman McIlveen argued the policy referred to farm buildings, not buildings of the same holding, and its aim was to avoid random sheds in fields. He asked where the requirement for the same holding came from.

The Principal Planner explained it was a visual test aimed at avoiding scattered development. She showed views on the approach along Craigboy Road, with farm buildings on the left, the farm dwelling at No. 39, a clear visual break, and the retrospective shed on lower land. It would not be considered grouped or clustered with those buildings.

Alderman McIlveen felt it did look clustered visually. In terms of necessity, he noted the shed was a different and not particularly large building, with ventilation and a water supply serving sheep that the other shed lacked. He asked whether this nursery use could easily be transplanted into the existing shed, which appeared focused on vehicles and maintenance.

The Officer pointed out that the slatted shed had a tractor parked in it and potatoes had been shown in an image provided by the applicant, so it had mixed uses, and hay had also been mentioned.

Alderman McIlveen asked whether, given the shed was set up for rearing sheep and the existing shed held vehicles, it was not more appropriate and therefore necessary to have them in a separate shed.

The Officer advised that only two pens had been built and a water supply could be put into any shed. The existing shed was large with considerable space. Sheep had been on the farm before the shed was built around May 2025, so she queried where they had been kept before that.

The sheep appeared to be pedigree Valais Blacknose, which could lamb throughout the year, but lambing was usually January to April, and in her experience an open-sided shed was very exposed for lambing. Any shed could be ventilated. Several drive-bys and site visits had not found many sheep on site.

Alderman McIlveen asked whether officers felt the storage and sheep could all fit in the existing shed and the Officer advised that the pile of potatoes shown was not large and, with the boxes, could easily be stored in the larger shed. The retrospective shed was not necessary for the efficient running of the farm.

Alderman McIlveen asked why the applicant would build a shed he did not need and the Officer replied that it was not for her to speculate. The applicant had chosen to build it while the application was under determination, entirely at his own risk.

Councillor Morgan queried how the original shed had gained planning permission and felt that there was an unclear picture of the operation's scale. She asked for assurance that evidence of need had been requested, and how many livestock the NED condition would allow.

The Officer explained the original shed had permitted development (PD) rights for agriculture. The land was on a field number on DAERA maps, so was agricultural land. SES had been consulted and had no objection, as the shed was for machinery storage with no livestock.

A certificate of lawfulness had been granted under Part 4 of the Planning (General Permitted Development) Order, which did not require proof of an active and established farm.

It was less than 75 metres from the nearest farm buildings and 65 metres from a non-farm dwelling. It was determined at the end of May 2021, but the shed had been built at the start of May.

In terms of evidence of need, the Officer confirmed that while the onus was on the applicant, evidence of need had been requested during processing. Six to 10 sheep had been seen on site and SES had been consulted on that basis. Receipts satisfied officers that it was a farm business, but there was no real evidence on potato production or on why the shed was necessary.

On livestock numbers, the Officer advised that NED and SES had been consulted, including on proximity to designated sites. SES had concluded there would be no likely significant effect on any European site, based on the shed housing no more than five or six pedigree sheep during lambing or adverse weather, which would not produce sufficient ammonia to affect sites within 7.5 kilometres.

SES advised a condition restricting livestock levels to those assessed, to ensure continued compliance with environmental requirements.

Councillor Morgan noted that this meant a shed for five sheep and the Officer confirmed a condition would be needed. She added that the information supplied stated its primary function was temporary isolation and lambing for short periods, and that even with all stock housed at once, manure would be no more than one wheelbarrow a week.

The Chair introduced Mr Alan Mains (Agent) and Mr Kyle McBride (Applicant) who were in attendance to speak in support of the application. Their address was summarised as follows:

Mr Mains said that the relevant policy was CTY 12 of PPS 21, which supported agricultural development on an active and established holding where the building was necessary for the efficient use of that holding.

He stated that there was no dispute that this was a genuine and long-established farm. The holding had been farmed by the family for approximately 35 to 40 years and now supported a developing livestock enterprise alongside its traditional crop production.

Mr Mains emphasised that this was not speculative development but a modest agricultural shed required for housing, monitoring and safely managing the farm's sheep, particularly during lambing and periods of severe weather.

It was submitted that the building met the principal requirements of CTY 12.

Firstly, it was considered necessary for the efficient operation of the holding. The applicants had approximately 35 to 40 sheep, including a valuable pedigree flock. The building provided shelter, lambing and isolation facilities and allowed the animals to be monitored by CCTV. Its practical value was illustrated by the fact that no animals had been lost since it came into use.

Secondly, it was considered appropriate in character and scale. The building was described as being approximately one Land Rover wide and three Land Rovers long. Its ridge height was significantly lower than the neighbouring shed and it was approximately one-third smaller.

Thirdly, it was stated that the building integrated with the landscape. It was screened by mature hedging, did not occupy a prominent or skyline position and did not extend development further into the countryside. Reference was made to the officer's report, which described a "compact group of agricultural buildings".

Mr Mains noted that PPS 21 made clear that integration did not mean invisibility. The test was whether a building blended unobtrusively with its immediate and wider surroundings and, in his view, this building achieved that.

The principal concern was identified as whether the shed was sufficiently close to the existing farm buildings.

It was noted that the shed was located less than 5m from an existing agricultural building on the same holding. That building had previously been approved within approximately 75 metres of the original farm cluster. Mr Mains contended that the new shed therefore sat closer to the main cluster, filled the space between existing buildings and strengthened the appearance of a coherent agricultural group. It did not represent isolated development.

Mr Mains further submitted that CTY 12 required a building to be sited beside existing farm buildings but did not prescribe a fixed distance. A separation of less than 5m should reasonably be regarded as being "beside".

He further argued that, even if Members disagreed with that interpretation, CTY 12 allowed an alternative position where it was essential for the efficient functioning of the business or justified by health and safety considerations. In his view, both circumstances applied in this case.

The shed was said to support the safe handling, shelter and isolation of livestock. It protected those working with the animals during periods of severe weather and assisted the farmer in meeting animal welfare responsibilities. Reference was also made to Northern Ireland legislation requiring those responsible for livestock to provide a suitable environment and protect animals from suffering, injury and disease.

Mr Mains referred to paragraph 5.50 of PPS 21, which stated:

“As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.”

It was argued that this application represented an established family farm adapting its operations in order to maintain a viable livestock enterprise.

Mr Mains noted that there had been no objections from neighbouring residents and no evidence of harm to residential amenity, rural character, road safety, or the natural or built heritage.

In conclusion, Mr Mains stated that the Committee was being asked to approve a small, necessary and well-integrated agricultural building. Approval would support animal welfare, farm safety and the continued viability of a rural enterprise without causing identifiable planning harm.

The Chair invited questions to the speakers and Alderman Smith asked why the additional shed was needed when officers suggested the existing shed had enough space.

Mr McBride explained the application shed was purpose-designed for livestock, which were prone to disease and ammonia. The slatted sides allowed for ventilation. The existing shed would sweat with animals, would be impossible to work in on machinery, and would hold the ammonia smell. The pens could be configured to run sheep tightly to prevent injury and could hold from five up to 50 or 60 sheep. Hay could be stored at the end in the off-season.

Alderman McIlveen queried the use of the original shed and why it was not suitable.

Mr McBride explained that it stored two Land Rovers, rotavators, two diggers, trailers, a plough and a tractor, in use non-stop throughout the year. He added that the shed appeared emptier at the second site visit because half the machinery was out in operation. They had also installed pallet racking to make the most of the space.

Livestock would make the smell overwhelming as the shed was unventilated, and it was not adaptable. The new shed had been built because it was needed, with 5-foot concrete walls for the sheep safety and welfare. In the existing shed, the tin ran to the ground and sheep could cut their feet and push it off the structure.

Alderman McIlveen asked whether injury to sheep was the main concern and Mr McBride confirmed it was. In the existing shed, sheep caught legs and stripped their skin on the metal walls whereas livestock sheds used 5-foot concrete panels. He added that a lambing photograph of his fiancée was taken at 3.30am, and the shed gave her shelter and gave him peace of mind through CCTV.

Alderman McIlveen asked whether the open side was an advantage given officers' concerns about severe weather. Mr McBride stated it was. The prevailing wind was westerly, so the back faced west and the open front faced east with an overhang designed on a 25-degree angle to keep rain out. It was somewhat exposed to wind at the front, but ventilation and dispersing the smell were the main reasons for the design.

Alderman McIlveen queried the number of livestock losses before the shed was built. Mr McBride explained they had only had livestock for a couple of years. In the first year sheep had lambed in the fields and some had been lost. Since the new shed, with 24-hour monitoring, they had not lost an animal, and they had invested for welfare reasons.

Councillor Hennessy queried the applicant’s farming background and Mr McBride explained his grandfather had farmed all his life, until age 96, and the family had farmed this holding since 1992. Four Acres Farm had previously been a potato supplier up to 2015. He had taken over the farm at that point and partnered with RGWP Ltd, growing crops for an anaerobic digestion plant to generate renewable energy, which continued. They had always had some livestock, all registered with DAERA, including eight pedigree Valais Blacknose and about 40 fat stock. Fat stock numbers varied with monthly markets.

Councillor Hennessy referred to a photo which showed potatoes being stored on the premises. Mr McBride stated he had been asked for examples of how the shed could be used and the two images were AI-generated. A removable concrete divider, of the same construction as the outer walls, had been shown to the case officer. It was currently removed but could be reinstated, and in winter would separate the sheep from hay and bales.

Councillor Hennessy noted the SES advice limited sheep numbers to five and asked why that number could not be kept in the larger shed. Mr McBride stated space was the main reason, given the machinery and pallet racking. Sheep also created smell and urine, and the existing shed had no drainage, fastening points or water.

Councillor Hennessy asked if this was why the shed was built before permission was granted and whether he had been in contact with officers. Mr McBride stated that the first application had been approved and, having read CTY 12, he was convinced he met it. The planning application had taken much longer, the shed had been ordered and winter was approaching. The case officer had advised it was right on the line, with some points undecided, and his hand had been forced by the winter.

Councillor Cathcart asked how long the shed had been in place and Mr McBride explained it had been about one year.

Councillor Cathcart said he was confused by the AI images. After a year of use the purpose should be established, and real images of the shed in use should have been provided.

Mr Mains explained he had been brought in around 24 months earlier and was surprised the 2024 application was still under discussion. He respected the planners, who had tried to work with them, but evidence depended on weather and the season.

Several planners with different opinions had been involved and they had struggled to avoid creating a precedent. Mr McBride had genuinely tried to help by illustrating possible uses.

Councillor Cathcart repeated that, after a year, there should be examples other than sheep. Mr Mains stated there had been long periods without contact from the Planning Service, and the applicant had submitted the evidence that had been requested.

Councillor Morgan, having previously kept sheep herself, asked about the breed. Mr McBride confirmed they were Valais Blacknose from Switzerland, worth around £5,000 and up to £20,000 each, which showed the need to look after every animal.

Councillor Morgan understood what it was like to lose sheep. However, she struggled to see why five ewes needed such a large shed rather than the existing one. Hurdles and slats could be used. A strong ammonia smell from five ewes would suggest something was wrong, and SES were content because it was only five. She added that the use was temporary, for lambing.

She also struggled with the lack of evidence despite the onus on the applicant and repeated requests. There were only AI-generated potatoes, no hay or silage photographs and no receipts. The refusal recommendation would not have come as a surprise, yet no evidence had been provided.

Mr Mains felt it was unfair to suggest information had flowed smoothly. At times the applicant had felt it would be supported, and he felt officers were embarrassed by how long it had taken. They had always supplied what was asked for. He believed officers did not want to create a precedent, but believed that with conditions, the application could be approved.

Councillor Morgan shared the disappointment at the delay but still struggled with the lack of factual information despite requests.

Mr McBride added that, while only five or six sheep would be housed at a time, all 35 had been put through the shed the previous Sunday for shearing and dosing for foot scald. They were not housed there, but the shed was invaluable for that in winter.

He added that he had no experience of planning applications. The application was for a livestock shed with hay storage, and when asked for evidence of crop use he had provided examples. He did not buy hay at that time of year. Councillor Morgan added that an invoice would have done.

Alderman Graham noted Mr McBride's enthusiasm and asked whether sheep would be a long-term part of the farm. Mr McBride confirmed it was the future of the farm, hence investing upwards of £30,000 in the shed to do it properly and fit it into the area. His fiancée had started with the small pedigree flock, after which they had developed the fat sheep business.

The speakers returned to the public gallery and the Chair invited questions to the Officer for clarification.

Councillor McClean asked whether the application had been finely balanced, as suggested, and whether mitigation could give officers comfort that no precedent would be set.

The Planning Officer stated the application was not compliant and had never been a 50/50 case. Officers had been consistent on agricultural sheds, particularly on necessity, and two appeals had been dismissed in the Borough.

There had been every opportunity given to the applicant to submit supporting information, and it had taken a year for the agent to do so. The use had changed from machinery storage to include livestock. DAERA correspondence referred only to the smaller flock and made no mention of potatoes.

The Officer added that sheds could be modified, and the concrete dividers could be moved and set along the edge of a shed. Sheep did get injured, but sheds and panels could be adapted for livestock. Hay had to be kept dry, so she did not know why it would be stored in an open-sided shed.

Councillor McClean appreciated the candour about the AI image and asked whether officers had known about this. The Planning Officer stated they had never been told but had assumed it was AI, noting it showed possibly the cleanest farm she had ever seen. She clarified that the past potato production had been run by Ian McBride, who was not named on the application.

Councillor Cathcart asked why this had not been made clear in the report, as Members needed to know. The Planning Officer added that officers had not been told the shed was going to be built either.

Councillor Cathcart asked what harm a shed beside another permitted development shed caused, and why action was being taken.

The Planning Officer stated the policy referred to buildings in the plural and there was only a single shed. She recalled explaining this to Mr Mains. Internal footage from the shed dated from May 2025, well over a year earlier.

She read from a March 2025 email from the case officer. It noted the supporting statement referred to housing livestock while the description referred to fertiliser storage, and requested an amended description, details of livestock and further evidence. It noted further consultation with NIEA and SES might be needed and

raised concern that the shed grouped with only one building. At the December 2024 site visit there had been no shed.

Alderman Graham asked whether officers accepted the building was clearly for livestock. The Planning Officer stated it was not solely for livestock, as a tractor was also shown and hay storage had been mentioned, so it was for general agricultural use.

Alderman Graham asked why the shed would have ventilation and cladding if it was not intended for livestock. The Planning Officer explained the application had originally been for hay and fertiliser storage, and had changed during processing. It was the applicant who stated the design was suitable for livestock.

Councillor Morgan stated she did not want to stand in the way of a business, but NED had been clear the maximum was five sheep on a temporary basis. The shed was now said to be used for running fat stock through for treatment, which was easier on concrete. She felt that there were conflicting claims of the shed's intended use which did not stack up. She put this to the Officer who agreed there was a dilemma, as significantly more livestock had been referred to than the number assessed. Consultees had set the condition on the information provided, and officers would have to go back to SES.

Councillor Morgan noted that running 35 sheep through handling facilities produced considerable waste, and the shed could not contain or dispose of it properly.

RECESS
(The meeting adjourned at 9.02pm and resumed at 9.16pm)

Alderman McIlveen asked officers to confirm that retrospective applications were lawful as a means of regularising development. The Planning Officer confirmed this.

Alderman McIlveen asked whether being retrospective was a material consideration and the Planning Officer confirmed it was not, though it still had to comply with policy and was built at the applicant's own risk.

Alderman McIlveen asked whether proximity to other farm buildings had been part of the PD assessment for the original shed. The Planning Officer explained the PD legislation required a building to be within 75 metres of the nearest group of principal farm buildings, but was different legislation from CTY 12 and did not refer to purpose.

Alderman McIlveen felt the logical purpose of the distance test was to avoid isolated buildings. The Planning Officer stated the question for legislation was simply whether it complied.

Alderman McIlveen asked whether, under PD, the other farm buildings needed to be on the same holding.

The Planning Officer stated it was a separate holding. On investigating the PD application, she had found the agent stated the applicant owned all the land, with

Certificate A signed. A Land Registry check showed the land was owned by another person, on whom no Certificate C had been served.

Councillor Morgan proposed, seconded by Alderman McAlpine, that the recommendation be adopted and the Council refuse planning permission.

Councillor Morgan stated she was sorry, having loved keeping sheep herself, but planning was a blunt process. The onus was on the applicant to show need and, despite requests and the time taken, the evidence had not been provided. Approving applications without proper evidence would create a terrible hole, and AI photographs did not suffice.

She found it inconceivable that the shed was needed for five sheep. The existing shed was not ideal but could hold five sheep, at about 1.2 square metres each, for temporary isolation or veterinary treatment. She was concerned it was being used for other purposes, which would need a condition. In terms of location, policy required it to be close to other buildings and it was not.

Alderman McIlveen felt too much emphasis was being placed on some matters. The NED response was based on an early email and might have differed if higher numbers had been given, and it was only a recommendation. The verbal evidence heard should be weighed, as it explained more about the shed's use. The photographs were not useful and he would have preferred other evidence, but they were not a reason for refusal.

In terms of policy, he considered the shed necessary for efficient use of the holding, for lambing and other purposes, and noted Councillor Morgan had acknowledged its benefits. It looked much more like a livestock shed than the other building, and very expensive sheep required the best housing.

He described a strange dance over what could be considered a farm building. The policy did not say same holding, yet Members were being asked to exclude what they could see with their own eyes. There was a visual cluster and it met policy. Being retrospective did not matter, and in fact helped Members see its use. He therefore could not support the proposal.

Alderman Graham felt there was a lack of understanding of day-to-day farming. On his own farm, a building built as a silage silo now stored barley and fertiliser and part of a telescopic handler, and other buildings had held potatoes and now held straw and machinery. Farm buildings were inevitably multi-purpose.

He felt the investment in concrete walls of about a metre and a half and Yorkshire boarding pointed to the shed's long-term livestock purpose. He recalled the March 2013 snowstorm, when farmers lost livestock. It was not for the Committee to second-guess how a farmer managed his operation, and housing sheep in a multi-purpose shed with tools and equipment would be bonkers.

He agreed with Alderman McIlveen on clustering, noting the new shed was closer to the other buildings. He felt the distinction between one building and several was

dancing on a pinhead, as farmers often now built one large building instead of several smaller ones.

Councillor Hennessy supported the proposal. He had found it very difficult and agreed the building appeared to be primarily for the sheep, which were valuable and important to the farm. However, it was for the applicant to evidence the use. He appreciated the presentations, but it came down to policy, and officers had shown the wide view and the gap between the retrospective shed and the other buildings.

Alderman Smith felt the evidence presented demonstrated the necessity for the shed, that there was no alternative for the purpose required, and that it was needed for the sustainability of the farm business.

On being put to the meeting, with 4 voting FOR, 5 AGAINST, 3 ABSTAINING and 4 ABSENT, the proposal FELL.

The vote was recorded as follows:

FOR (4)	**AGAINST (5)**	**ABSTAINED (3)**	**ABSENT (4)**
Aldermen	**Aldermen**	**Aldermen**	**Aldermen**
McAlpine	Graham		
McDowell	McIlveen		
	Smith		
Councillors	**Councillors**	**Councillors**	**Councillors**
Hennessy	McClean	Cathcart	Harbinson
Morgan	Wray	McCollum	Kendall
		Smart	Kerr
			McKee

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

The proposer felt the application met Policy CTY 12 as it was necessary for the efficient use of the holding. It was clearly a livestock shed and, given the expense of the sheep and its use, that use could not take place in the other shed, so there was no other suitable building. It was sited beside existing farm buildings, even if not on the same holding, and this was a visual test that he was satisfied was met.

On being put to the meeting, with 5 voting FOR, 4 AGAINST, 3 ABSTAINING and 4 ABSENT, the proposal was declared CARRIED.

FOR (5)	**AGAINST (4)**	**ABSTAINED (3)**	**ABSENT (4)**
Aldermen	**Aldermen**	**Aldermen**	**Aldermen**
Graham	McAlpine		
McIlveen	McDowell		
Smith			
Councillors	**Councillors**	**Councillors**	**Councillors**

McClean	Hennessy	Cathcart	Harbinson
Wray	Morgan	McCollum	Kendall
		Smart	Kerr
			McKee

The Head of Planning and Building Control sought clarification on conditions.

Alderman McIlveen was content to delegate conditions to officers. He also agreed that officers should return to SES on the higher number of sheep, as its view might differ.

The Chair advised that written confirmation would be needed from the applicant of the number of sheep to be housed. Councillor Morgan asked that the handling activity also be understood, as it produced a considerable amount of waste.

RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman Smith, that the Council grant planning permission with the final conditions delegated to officers.

(Alderman McDowell withdrew from the meeting – 9.42pm)

4.3 LA06/2026/0073/F - REPLACEMENT NI WATER OVERGROUND CONTROL KIOSK AND ALL ASSOCIATED SITE WORKS

(Appendix IV)

PREVIOUSLY CIRCULATED:- Case Officer's report.
DEA: Comber
Committee Interest: Called in to Committee due to six or more objections.
Proposal: Replacement NI Water Overground Control Kiosk and all associated site works
Site Location: Lands directly North of 107 Whiterock Road, Whiterock
Recommendation: Grant Planning Permission

The Planning Officer outlined the Case Officer's Report, explaining that planning application LA06/2026/0073/F was for a replacement NI Water overground control kiosk and all associated site works on lands directly north of 107 Whiterock Road, Killinchy.

The recommendation was to grant planning permission. All consultees were content.

The Committee was shown the application site which was located within the settlement of Whiterock in close proximity to both the public Whiterock Road and the coastline of Strangford Lough. The site was within the Strangford and Lecale AONB.

Further slides showed the site in its wider context. The proposal lay to the north of an apartment building at 107 Whiterock Road and directly adjacent to the entrance of No. 1 Braddock Reach which had a timber fence to the front of the property.

The site itself was largely flat, consisting of tarmac with three chevron road signs, due to the site's proximity to a sharp corner on the Whiterock Road.

The Committee was shown the existing kiosk which was to be replaced on a section of road that sloped steeply upwards to the south.

Members were shown the proposed layout. The proposal involved the replacement and relocation of an NI Water overground control kiosk, which incorporated bollards and amended positioning of existing road signs to facilitate this.

The supporting statement provided with the application indicated that the location of the existing kiosk was unsafe for maintenance works considering its roadside location close to a sharp corner and that the relocation of the kiosk would move it off the roadside.

The Committee was shown the proposed kiosk plans.

Members were advised that the proposal had been amended from that originally submitted. The original plans included a telemetry aerial, however, following strong levels of objection from neighbouring residents, the aerial was removed. The works therefore now consisted only of the kiosk and associated site works.

Members were also advised that an objector had raised issues regarding the serving of notice on his lands. Peter and Anne Taylor, in an email dated 2 October 2026, wished Members of the Planning Committee to note that they were the landowners of the affected land and had not granted NI Water consent, an easement, wayleave or other property right for the proposed kiosk.

The Planning Service was satisfied that notice had been served and NI Water had issued evidence to this effect.

Members were advised that any issue of land ownership was a civil matter and the Planning Service was content that the proper procedure had been followed in the serving of notice.

Given the location within an AONB, the relevant policy considerations were the SPPS and Policy NH6 of PPS2.

Policy NH6 of PPS2 stated that permission would only be granted for new development in an AONB where it was of an appropriate design, size and scale for the locality, with consideration also given to siting, conservation of features of importance and whether the proposal respected local materials, design and colour.

The supporting statement submitted with the application indicated that the dimensions and green colour of the proposal meant it would not be prominent and therefore would not have any adverse impacts upon the surrounding AONB.

It was acknowledged that the structure would have a utilitarian appearance similar to other structures required for such utilities, however this had to be balanced against its height of only 1.5 metres and the wider area context which included a large

corrugated metal shed at the entrance to Braddock Reach which was a more prominent feature.

Other ancillary works such as bollards and the movement of chevron road signs were of such a minor scale that they were not deemed to have any significant impact on the character or appearance of the surrounding AONB.

The proposal was not of such scale or significance that it would detract from the character of the AONB.

With regard to residential amenity, Environmental Health was consulted and was satisfied that the mitigation measures outlined in the Construction and Environmental Management Plan were satisfactory and these had been conditioned.

There would be no loss of light, overshadowing or dominance to the closest properties at No. 1 Braddock Reach and the apartments at 107 Whiterock Road.

There would be no environmental impact on Strangford Lough and relevant consultees were content. A condition had been included to ensure a 10m buffer for works as requested by Shared Environmental Service.

Turning to flood risk matters, Members were advised that the application site was located within the undefended 1 in 200 year coastal flood plain.

It was considered that the proposal was an exception to policy as it related to utilities infrastructure.

The applicant submitted a Flood Risk Assessment in compliance with PPS15 and DfI Rivers was content with the proposal in relation to Policy FLD1.

DfI Rivers advised that it disagreed with the proposal being considered an exception under FLD1, but was content with the logic and findings of the Flood Risk Assessment. No reasoning was provided for its disagreement with the classification of the proposal as an exception. Given that the determination of whether the proposal fell within an exception rested with the Council, the Planning Department was content that the proposal could be considered as an exception.

As DfI Rivers was content with the Flood Risk Assessment, the Planning Department was satisfied that the proposal was acceptable under Policy FLD1 of PPS15.

Further information was provided by the applicant to justify the positioning of the proposal within the floodplain, namely that it allowed a clear line of sight to the Wastewater Pumping Station and enabled workers to operate safely away from the public road.

The Planning Service had also queried a possible siting outside the floodplain with the agent.

Members were advised that alternative options had been considered to move the structure out of the floodplain, however these were considered unacceptable due to

the potential to impede vehicular access to the apartments at The Moorings. In addition, in that position only 0.3m of space would remain for pedestrians on a dangerous corner.

Given the siting constraints and the weighing up of material planning considerations, together with the proposed siting within the floodplain, the proposal for an essential utilities development was considered acceptable and the grant of planning permission was recommended.

The Chair invited questions to the Officer for clarification and Alderman Smith sought further detail on the landowner's concerns about the application.

The Planning Officer explained that planning permission went with the land, irrespective of ownership, provided notice was served on the owners and Certificate C completed and signed as a true declaration. Mr Taylor had queried proof of service, and the case officer had obtained from NI Water the certificate served on Mr and Mrs Taylor. They had acknowledged this but wished it recorded that they did not consent. The Officer explained that it was a civil matter between NI Water and the landowner and Members could only consider the planning matters.

Alderman Smith noted Environmental Health had referred to potential noise impacts on the nearby apartments and asked whether this had been resolved. The Planning Officer explained Environmental Health had acknowledged potential noise and recommended an amended condition requiring an outline construction environmental management plan covering noise and dust mitigation.

The Chair introduced Michael Graham, Sean Milligan and Paul Cooke, who were in attendance to speak in support of the application.

Mr Graham appreciated that the Council's Planning Service had recommended approval of the application and thanked planning officers for their efforts in processing the application.

It was explained that NI Water sought permission for the erection of a replacement overground control kiosk, together with all associated infrastructure and site works, on lands directly north of No. 107 Whiterock Road, Whiterock, Killinchy.

Mr Graham stated that the proposal was essential to allow the adjacent NI Water Wastewater Pumping Station (WwPS) to continue operating.

The position of the kiosk had been dictated by the location of the existing WwPS and the requirement for a direct line of sight between the two facilities when undertaking maintenance tasks. It was further noted that the proposal would facilitate safer access for maintenance operatives by providing adjacent off-road parking for maintenance vehicles.

The control kiosk was being located on the public roadside to the south-west, which resulted in health and safety risks for NI Water operatives undertaking maintenance activities. At present, operatives were required to walk along and, in some cases, cross the public road when carrying out maintenance between the two facilities. It

was also noted that there was no adjacent area in which maintenance vehicles could be parked, resulting in parking on the public road. In addition, the existing kiosk did not benefit from a direct line of sight to the WwPS.

Mr Graham advised that the small scale of the proposed kiosk and associated site works, including bollards and the relocation of chevron road signs, meant that the development would not be prominent, particularly when viewed in the context of the larger existing development to the rear.

It was further stated that the kiosk and associated works would not adversely impact upon the surrounding Area of Outstanding Natural Beauty and would be absorbed into the locality without detriment to its character.

Mr Graham noted that, whilst the site was located within the undefended 1 in 200-year coastal flood plain, the proposal comprised utilities infrastructure and therefore met the exceptions test contained within Policy FLD1 of PPS15. It was also highlighted that the Planning Service was satisfied that the proposed siting represented the only viable option and that DfI Rivers was content with the submitted Flood Risk Assessment.

Members were advised that all potential impacts had been thoroughly assessed through the detailed technical information and assessments submitted in support of the application. It was stated that there would be no adverse environmental, visual or amenity impacts.

Mr Graham further noted that all consultees had raised no objections, subject to conditions, and that the Planning Service was satisfied that all third-party concerns raised during the processing of the application had been fully addressed and considered.

In closing, he argued that the proposal aligned with the Local Development Plan, namely the Ards and Down Area Plan 2015, together with all relevant prevailing regional planning policy.

The Chair invited questions to the speakers and Councillor Wray asked whether anything could be done to reduce fan noise, as he was aware of loud kiosks from other providers, especially in summer.

Mr Milligan explained it was a small kiosk with a small control panel and less equipment than larger sites. Any fans would be very low noise, but it generally used passive ventilation and it was expected there would be no need for a mechanical fan. The switching and radio equipment was electronic, so there would be no audible switching.

Councillor Morgan asked whether the road would be dug up and Mr Milligan advised that some works would take place as part of the wider drainage area project, but not for the kiosk.

Councillor Morgan urged NI Water to be considerate to residents and patch it properly as soon as possible.

Councillor Cathcart welcomed the presence of an NI Water official, noting that they did in fact exist and suggested that they remain for later items on the agenda.

He noted that this was the only water investment in the Borough, and encouraged further investment. He asked what the consequences were of removing the aerial from essential equipment.

Mr Milligan explained that, following objections, NI Water had reviewed the matter and could use other telecommunications. It was not ideal and he would have preferred the aerial, but there was a workaround.

Councillor McClean asked whether everything reasonable had been done to make the kiosk less ugly and more in keeping with the AONB. Mr Milligan explained it was green plastic-coated, the aerial had been removed and it was the smallest kiosk available. Nobody liked utilitarian infrastructure, but it had to be kept as small as possible.

Councillor McClean was satisfied but asked for consistency, noting some very unsightly NI Water infrastructure along the North Down coastal path.

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

Councillor Cathcart was satisfied with the report and recognised that the equipment was essential.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Hennessy, that the Council adopts the recommendation to grant planning permission.

ORDER OF BUSINESS

The Chair advised that Item 4.5 would be taken next to accommodate the speakers, with Item 4.4 taken afterwards.

4.5 LA06/2025/0903/F - DEMOLITION OF PUBLIC HOUSE BUILDING AND CONSTRUCTION OF MIXED-USE DEVELOPMENT COMPRISING 1 RETAIL UNIT AND 27 APARTMENTS WITH ASSOCIATED ACCESS, PARKING AND SITE WORKS

(Appendix VI)

PREVIOUSLY CIRCULATED:- Case Officer's report.
DEA: Holywood & Clandeboye
Committee Interest: Application site incorporates land in which the Council has an interest.

Proposal: Demolition of public house building and construction of mixed-use development comprising 1no. retail unit and 27no. apartments with associated access, parking and site works
Site Location: 25-29 Hibernia Street and former car park lands to the rear/north east, Holywood
Recommendation: Grant Planning Permission

The Planning Officer outlined the Case Officer's Report. The application site was located on the northern side of Hibernia Street and east of the Holywood Bypass. The site outlined in red contained the existing 'Platform P20' public house fronting Hibernia Street and part of the public pay and display car park to the rear.

The Officer presented views of the site from Hibernia Street with the existing public house fronting the street and the new Radius Housing offices opposite.

The Committee was also shown views from within the public car park looking towards the rear of the public house.

Further images showed views from the site towards Shore Road and the recently constructed apartment development.

Members were advised that the site was within Holywood Town Centre but outside of the Primary Retail Core and partially within Development Opportunity Site HD26 as identified in Draft BMAP.

The Committee was advised that the site was also located just within the Holywood South Proposed ATC and that the surrounding urban area was characterised by a range of uses and development comprising a variety of designs and heights.

Members were shown the existing and proposed site layout plans with the existing buildings to be demolished shaded red. The wider site outlined in blue was subject to an extant planning permission for a mixed-use development which had been commenced under approval LA06/2018/0436/F granted on 6 March 2019. The current application essentially sought approval for amended proposals for part of this site.

Further slides showed the previously approved layout for the wider site and the current proposal with the area subject to the amendments highlighted in yellow. The remainder of the previously approved development would remain unchanged. Within the area highlighted in yellow, the original permission included a single storey building housing two retail units and a service yard. The current application now proposed a four-storey building with a single retail unit and residential parking at ground floor level and 27 apartments on the upper floors.

The Committee was shown the southern and northern elevations of the proposed building and further slides showed the eastern and western elevations. Materials included dark grey painted render and beige clay facing brick to walls, a dark grey membrane to the roof and dark grey aluminium windows.

Further slides showed a comparison of the approved and proposed contextual elevations. The first was the Hibernia Street elevation where the proposed building would present an improved frontage to the street instead of the service yard previously approved. The next slide showed the south-eastern elevation facing towards the town centre and High Street and illustrated the previously approved single storey retail units and service yard being replaced by the taller building, similar in height to the apartments at the Marine Parade/Shore Road junction. Finally, the north-western elevation from Marine Parade showed that the taller building would be visible behind the lower approved retail units but, again, would be comparable in height to the other existing adjacent buildings.

Members were advised that the increased height and scale of the building on this part of the site was considered acceptable within the site's context. The immediate area was already characterised by substantial buildings including those on Hibernia Street and at the junction of Marine Parade and Shore Road.

The Committee was advised that the Council's Conservation Officer and Historic Environment Division had both been consulted on the application given the proximity of the site to a number of listed buildings and the Holywood Conservation Area. Both had advised that they were content with the proposal. HED considered that while the previous scheme was considerably lower, none of the adjacent listed assets exhibited designed views to or from the application site. The application site sat lower than High Street and the current proposal was at the same height as the recently completed buildings to the north and south-west and, on that basis, HED was content that the proposal would have a negligible impact upon the setting of the adjacent listed assets.

The Conservation Officer also noted that the planning history suggested that this part of Holywood, adjacent to the Holywood Bypass, had the capacity to absorb higher rise development and that this was reflected in the draft BMAP Urban Design Criteria where building heights of four storeys, or five storeys with a setback, were permitted adjacent to Marine Parade. On this basis, the Conservation Officer was also content that the proposal would not have an unacceptable adverse impact on the character and appearance of the Conservation Area.

The Committee was shown the proposed ground floor plan which incorporated a retail unit and 27 parking spaces for the proposed apartments. Parking provision for the retail unit would be provided within the public car park as per the previous approval. Access for servicing and bin storage for both the retail unit and apartments would be provided via an entrance onto Hibernia Street.

Further slides showed the first-floor plan layout for the apartments and Members were advised that the second and third floors would repeat this general layout with amenity space being provided by way of balconies and small landscaped courtyards.

All statutory consultees were content with the proposal subject to the conditions set out in the Case Officer's Report. Only one letter of objection had been received raising concerns in relation to potential disruption during construction, the height, scale and massing of the building and the impact on parking, all of which had been considered in detail in the Case Officer's Report.

The Committee was shown an artist's impression of the finished development alongside the previously approved development viewed from within the public car park which illustrated how the two developments would sit together.

In conclusion, the Planning Service was content that the proposal complied with all of the relevant policy requirements. The principle of mixed-use development on the site had already been established through the long history of planning approvals. It was considered that the proposed scheme would further contribute to the wider regeneration of the site and surrounding area and, on this basis, it was recommended that full planning permission be granted.

The Chair invited questions to the Officer for clarification and Councillor Wray welcomed the application. He noted the 27 spaces, one per apartment, and asked about extra demand for parking from visitors and the retail unit, and whether the report referred to the Hibernia Street car park.

The Planning Officer explained the extant permission for two retail units was the fallback, and reducing to one unit reduced the retail parking requirement. One space per unit had been accepted for several Holywood schemes in accessible locations with good public transport, and officers were being consistent.

Councillor Wray noted the Hibernia Street car park was in high demand, as he had found that day, and there were wider parking issues in Holywood. He asked how the residents' spaces would be monitored.

The Planning Officer explained the 27 spaces were inside the building, on the ground floor beneath the apartments, so accessible only to residents. Retail parking would be in the public car park as per the previous permission.

Councillor Cathcart asked whether the water connection was a negative condition or relied on the previous approval.

The Planning Officer explained that although there was a previous approval, 27 apartments were being added. NI Water had advised the wastewater impact assessment had reached Stage 2, so conditions were prior to occupation rather than commencement. This allowed development to proceed, and NI Water was content subject to condition.

The Chair introduced David Mounstephen, George Robinson and Simon Robinson who were attending in support of the application and to answer any questions.

Councillor Cathcart asked whether they were confident the NI Water connection would be in place before completion and the agent confirmed Stage 2 was complete, a solution had been designed, and the applicant had paid NI Water to deliver it. Mr Robinson added that drainage improvements carried out as part of the earlier works on the site had improved local wastewater management, which had been seen as a positive.

The speakers returned to the public gallery.

Councillor Cathcart proposed, seconded by Alderman Graham, that the recommendation be adopted, that the Council grant planning permission.

Councillor Cathcart felt this was exactly the type of development town centres needed. Higher buildings with more people living in town centres would improve footfall and would be welcomed by Holywood businesses. Having the parking within the footprint of the building was impressive and addressed parking concerns.

Alderman Graham felt it was an opportunity to rebuild part of Holywood, and apartments so close to the railway station were ideal. Parts of the area needed redevelopment, the artist's impressions showed an attractive scheme, and he hoped it would proceed quickly.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Alderman Graham, that the Council adopts the recommendation to grant planning permission.

(Councillor Cathcart withdrew from the meeting having declared an interest in Item 4.4 – 10.17pm)

4.4 LA06/2026/0103/F - ERECTION OF A FREESTANDING 'STREET HUB' (COMPRISING TWO DIGITAL 75-INCH LCD DISPLAY SCREENS EACH SIDE) TO REPLACE A BT TELEPHONE BOX

(Appendix V)

PREVIOUSLY CIRCULATED:- Case Officer's report.
DEA: Bangor Central
Committee Interest: Called in to Committee due to six or more objections.
Proposal: Erection of a freestanding 'Street Hub' (comprising two digital 75-inch LCD display screens each side) to replace BT telephone Box
Site Location: On the Pavement in front of the 'Casino', 10 Quay Street, Bangor
Recommendation: Grant Planning Permission

The Planning Officer outlined the Case Officer's Report, explaining that the proposal was for the erection of a freestanding 'Street Hub' (comprising two digital 75-inch LCD display screens each side) to replace a BT telephone box. The application was before Committee due to the number of objections received. These would be detailed later within the presentation. There were no objections from statutory consultees.

The Committee was shown the application site which consisted of an area of public realm on Quay Street, close to Bangor Marina and the McKee Clock. The site was bounded by the public road to one side and a row of commercial properties on the other. These properties included a gaming machine unit called 'Casino', a café, a gift shop and the Old Court House. The site included several pieces of street furniture including trees, public seating, a lighting column, directional signage and a BT phone kiosk.

Members were advised that the area had a busy town-centre character with no residential properties in the immediate area.

Further slides showed that the proposal was located within the Town Centre and that the commercial units facing the site were included in the Primary Retail Core. In terms of built heritage, the area also fell within the proposed Bangor Central Area of Townscape Character. The Court House was a listed building and was affected by the proposal.

The Committee was shown details of the design, with the Hub measuring 3m in height and 1.2m in width. The black aluminium-framed structure would be 0.35m deep. The Hub would serve two functions: the delivery of upgraded telecommunication and digital connectivity infrastructure and the provision of two screens (front and back) for the purpose of digital advertising.

Members were advised that the proposal was originally submitted with the Hub located outside the Court House. This had received a substantial number of objections. Concern was also raised by the Historic Environment Division which considered the proposal to have an adverse impact on the listed building. Furthermore, the Council had refused a similar application at this location several years ago. The appeal against the Council's decision was also dismissed. There had been no material change in policy context since and a different decision by the Council to the initial current proposal would be irrational. These concerns were raised with the agent, and it was agreed to relocate the Hub to the southern side of the site and away from the Court House.

The Committee was advised that the new location would be outside the 'Casino' and would be positioned midway between the road edge and the shop units. This location was chosen so that the Hub would be 'read' with the existing street furniture and therefore soften any visual impact. The Casino itself had a large fascia advertisement with oversized individual lettering and bold colours and it was considered that this context could accommodate the proposal much easier than in front of the Court House. There would be no direct views of the Hub in isolation with the Court House, or with the McKee Clock on the opposite side of the road.

Further slides showed the proposed location and wider streetscape context. Whilst a Street Hub would not ordinarily be considered a main Town Centre use, the proposal was in broad compliance with the SPPS2 given its location in the Town Centre. The proposal would not prejudice the objectives of the SPPS2 and would likely be supplementary to the role and function of the town centre.

Members were advised that, given the passing traffic and various pieces of street furniture, there were no significant medium or long-distance views of the proposal. The trees in particular, especially in summer, reduced the visual impact of the Hub. The proposal would be subordinate to the row of commercial properties while the scale and mix of buildings in the area would assist in mitigating and softening the visual impact of the proposal to passers-by.

In conclusion, the Planning Service considered that the proposal was not in conflict with relevant policy provisions and did not harm protected features and, as such, recommended the proposal for approval.

The Chair invited questions to the Officer for clarification and Councillor Wray asked why the phone box needed to be replaced at all, rather than simply removed, as everyone agreed it no longer served a purpose.

The Planning Officer explained it was part of upgrading digital technology in towns, as phone boxes were mainly unused, and officers considered this structure more suitable.

Councillor Wray maintained that the box was not in operation and the matter should be taken up with BT, as he did not see the function of the hub. The Chair advised that the Committee could only consider the application as presented.

Councillor McClean asked whether the large number of objections had receded now that the hub had moved away from the courthouse.

The Planning Officer explained the objections had come in when it was proposed outside the courthouse and had focused on the setting of the listed building, as HED had confirmed. She did not know why the applicant had chosen that location again, but the red line was large enough to move it without a new application. When re-advertised, far fewer objections were received.

Councillor McClean asked whether the objections on file reflected awareness of the move. The Planning Officer could not confirm this but advised they had reduced significantly.

Councillor McClean sought clarity on the proposed new location and the Planning Officer confirmed it was at the edge of the red line, in front of the Casino. Councillor McClean understood it would sit between existing street furniture. He would have preferred nothing there and noted the very good planning reason for the earlier refusal, but the applicant was entitled to apply, and he acknowledged Councillor Wray's point.

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

On being put to the meeting, with 5 voting FOR, 2 AGAINST, 3 ABSTAINING and 6 ABSENT, the proposal was declared CARRIED.

The vote was recorded as follows:

FOR (5)	**AGAINST (2)**	**ABSTAINED (3)**	**ABSENT (6)**
Aldermen	**Aldermen**	**Aldermen**	**Aldermen**
Graham		McAlpine	McDowell
McIlveen			
Smith			
Councillors	**Councillors**	**Councillors**	**Councillors**

Hennessy	Morgan	McClean	Cathcart
Smart	Wray	McCollum	Harbinson
			Kendall
			Kerr
			McKee

RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman Smith, that the Council adopts the recommendation to grant planning permission.

(Councillor Cathcart re-entered the meeting – 10.35pm)

5. STREET NAMING – GLENLYON GATE, HOLYWOOD (FILE REF FP/2026/2276/MAST)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that a small development comprising of five detached dwellings was currently under construction on lands at 163 Church Road, Holywood, and required a new street name.

The developer had proposed 'Glenlyon Gate' as the new street name due to the development being in close proximity to the small public park known as Glenlyon Park and was in keeping with the surrounding neighbourhood.

RECOMMENDED that Council adopts the street name of Glenlyon Gate.

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

6. PROPOSED APPROACH TO BELFAST CITY AIRPORT PANS

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Belfast City Airport was proposing a programme of improvements to enhance passenger facilities, improve aircraft operations and strengthen connectivity to and from the airport.

Its proposals included both physical redevelopment works and changes to existing operational controls set out in the Planning Agreement, including an increase in the permitted number of aircraft take-offs and landings per annum and amendments to the hours during which aircraft operations might take place.

Two separate Proposal of Application Notices (PANs) had been submitted to both Belfast City Council and Ards and North Down Borough Council, in line with legislative requirements for proposals in the 'major' category of development.

The majority of the total proposed development lay within the Belfast City Council area with the extent of development within the Ards and North Down Borough Council area comprising less than one hectare of land.

Ards and North Down's Planning Service had allocated the PANs the following references:

LA06/2026/0775/PAN

This PAN related to a proposed full planning application affecting land within the administrative areas of both Belfast City Council and Ards and North Down Borough Council.

The proposed development comprised:

- Extensions and alterations to the existing passenger terminal, including construction of a replacement passenger pier and associated aircraft boarding facilities. Additional aircraft stands and improvements to apron and taxiway infrastructure. Improvements to airfield operational facilities and supporting infrastructure. Inclusion of sustainable construction measures and low carbon technologies.
- Surface access and infrastructure improvements comprising a multi-modal forecourt. Enhancements to vehicular access, egress and internal circulation, including creation of a new left slip road from the Sydenham Bypass into the airport and improvements to the airport entrance through a dual right turn lane.
- Rationalisation and enhancement of car parking provision, including the creation of a multi-storey car park and long stay car park.
- Installation of a foul sewer connection from the onsite pumping station to Kinnegar Wastewater Treatment Works.
- A temporary construction compound, and associated infrastructure, engineering, landscaping and ancillary works.

LA06/2026/0778/PAN

This PAN related to a proposed outline planning application for supporting airport infrastructure and associated development, including:

- ancillary aviation operations, including aircraft hangars, aviation fuel tanks and associated infrastructure;
- a hotel;
- the installation of solar photovoltaic (PV) panels at various locations across the airport;
- an electric vehicle charging hub; and
- improvements to landscaping, drainage, utilities, servicing infrastructure, and other ancillary development

BCA Master Plan, EIA Scoping and Pre Application Discussion

As indicated by the Proposal of Application Notices (PAN), the planning submissions comprised both a full and an outline planning application for the physical works required to accommodate future passenger growth at the Airport, alongside proposed modifications to the Planning Agreement between Belfast City Airport (BCA) and the Department for Infrastructure (DfI).

These submissions responded to the BCA Master Plan 2040, published in March 2026, which was subject to extensive voluntary consultation with the public, airlines, and other key stakeholders during 2025.

A comprehensive programme of Environmental Impact Assessment (EIA) Scoping and Pre-Application Discussions (PADs) had been undertaken with Belfast City Council over the past six months. The Council understood that Belfast City Airport had also been engaging with Belfast City Council regarding the proposals and potential administrative arrangements.

Extent of Development in ANDBC

The boundary map submitted with the PANs showed the interaction between the local authority boundaries and the site boundary.

There were two discrete areas of the application site located within the Ards and North Down Borough Council area. These were extracted and shaded within the report.

The first comprised the junction and mini roundabout at the link road between Belfast Road and Airport Road West. The inclusion of this area within the EIA boundary provided flexibility to accommodate and assess any junction improvements or associated works that might be identified through the ongoing design and assessment process.

The second section was to the east of the airport and comprised a section of land to the north east of Airport Road West and inclusive of part of Kinnegar Wastewater Treatment Works (WWTW). This area was included within the site boundary as a new underground pipe would be installed connecting the Airport's onsite pumping station to the WWTW.

Local Government Act

Under Articles 7 and 9 of the Local Government Act (NI) 2014, councils could discharge their functions jointly or a council might arrange for its functions to be discharged by another council.

Should the PANs progress to application stage, it was considered useful to clarify for the applicant the administrative arrangements.

There were two options from which to choose a course of action.

1. Advise the applicant/agent to submit four applications, two to Belfast City Council and two to Ards and North Down Borough Council. This option would allow both Councils to retain control of their respective areas.
2. Advise the applicant/agent to submit four applications (as above) to each council and Ards and North Down Borough Council discharges the planning function to Belfast City Council. This option would allow Belfast City Council to

process the entire scheme, with Ards and North Down Borough Council becoming a consultee.

Call In by the Department for Infrastructure

It was entirely likely, given the scale of the proposal and associated amendments required to the legal agreement, that the Department would exercise its powers under section 29 of The Planning Act (NI) 2011 and direct the applications to be referred to it instead of being dealt with by the council(s), in which case any decision made as above became moot.

It was recommended that the Council agree to Option 2 above, as the areas of the proposal located within the boundary of Ards and North Down were so small and inconsequential to this Borough in the context of the wider scheme, that it would be of no benefit to the processing for this Council's Planning Service to determine.

RECOMMENDED that Council notes the detail in this report and agrees to Option 2 above, and for the Head of Planning to respond to the applicant and Belfast City Council in this respect.

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

7. DRAFT RESPONSE TO CALL FOR EVIDENCE RE PROPOSED TREE BILL

(Appendix VII – IX)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Members were referred to a previous report to the Council meeting of 26 February 2025 under Item 9.1, regarding a Public Consultation on a Private Member's Bill on improving tree protections in Northern Ireland.

At that time Peter McReynolds MLA had written to the Council as a key stakeholder informing of his consultation on a proposed Private Member's Bill which sought to strengthen the legal protection on individual and groups of trees, as well as long-established woodland, in Northern Ireland.

It followed a report published by the Northern Ireland Public Services Ombudsman entitled 'Strengthening Our Roots – Tree Protection in the Planning System' (November 2023 – reported to Council under Item 7.1 of November 2023).

Officers had proposed a response to that consultation by Peter McReynolds which was approved by Council at its meeting of February 2025.

The Committee for Infrastructure launched a Call for Evidence of which the Council was notified by email on 10 July 2026 but which did not specify a timeframe for response and erroneously referred to another Bill. Further to review of the NI Assembly website, it transpired that the closing date was 16 September 2026. Officers had received confirmation that the Committee was willing to accept a late response.

The Heads of Planning of this Council and Lisburn and Castlereagh City Council attended an online meeting with NILGA, the Bill's proposer, and the Woodland Trust, on 28 July to discuss all elements of the proposed Bill.

Officers had reviewed the proposed Bill in detail and had provided commentary in the attached table on each element, and as such Members were directed to the attached draft Bill and the Table of Comments proposed to be issued to the Infrastructure Committee in respect of the Call for Evidence.

As noted in the table to this report, it was considered that this Bill would introduce increased pressure on councils in respect of budget and staffing resource.

RECOMMENDED that Council approves the attached response to the proposed Tree Bill.

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

8. NOTICE OF MARINE CONSTRUCTION LICENCE APPLICATION CONSULTATION

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that DAERA's Marine Licensing Branch had consulted the Council to advise that it had received an application from NI Water for a marine construction licence under the Marine and Coastal Access Act 2009 to construct an outfall pipe at 6A New Harbour Road, Portavogie.

A copy of the application form and supporting documentation were available on DAERA's website.

NI Water had provided the following detail on the application form:

AtkinsRéalis was laying a new surface water sewer on New Harbour Road, Portavogie, on behalf of NI Water. This would discharge 10 l/s into The Irish Sea via a new outfall pipe to serve a proposed 3G pitch development on New Harbour Road, Portavogie. The works would include construction of 10m of 200mm PVC, outfall pipe at a rock armour on Portavogie Bay Beach adjacent to Portavogie Harbour flowing to Irish Sea. The proposed outfall pipe would include 200mm of concrete surround for protection and anchoring. The work would involve the removal and reinstatement of the rock armour to existing condition.

This application had arisen as a consequence of the planning permission granted by the Committee at its meeting of 31 March under LA06/2020/0844/F regarding the existing football ground to the rear of 8-10 New Harbour Road, Portavogie:

"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. Widening of existing vehicular access lane. partial demolition and making good of garage at

No. 8, relocation of vehicular entrance to No. 8 and construction of new perimeter walls to match existing at 4, 6 and 8 New Harbour Road to provide visibility splays"

The Council had been asked if it wished to comment, by way of a template on DAERA's website, by 22 October 2026. Given this solution was essential to the implementation of the above permission, it was recommended that the Council respond with No Objection.

RECOMMENDED that Council approves a consultation response of No Objection.

AGREED TO RECOMMEND, on the proposal of Councillor Wray, seconded by Councillor Cathcart, that the recommendation be adopted.

9. NI WATER UPDATE – KINNEGAR WWTW

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Members would be aware of ongoing wastewater capacity issues and details of closed catchments as advised through the report at Item 5 of Planning Committee meeting of 03 March 2026 and subsequent correspondence/meeting with DFI Minister on 15 June to highlight concerns.

Kinnegar Wastewater Treatment Works

NI Water had recently contacted this Council, along with Belfast City Council and Lisburn and Castlereagh City Council to advise of ongoing issues with the performance of Kinnegar WwTW which had not been meeting its Water Order Consent and had been deemed 'a failing works'. The area served by Kinnegar WwTW was the orange area circled in red on the attachment impacting the three Council areas.

NI Water had advised that this situation left it open to prosecution from its environmental regulator. As a result, it had taken the decision to close Kinnegar WwTW to all new developments that would see an intensification of wastewater discharge with effect from 1 August 2026.

Implications for Planning

This latest situation would have the following implications:

a) Any new proposal that would see an intensification of foul discharge would not be permitted a connection to the NI Water wastewater network;
b) Any sites with extant planning permission or where it could be proven that there was a like-for-like foul discharge within the last five-year period, would be permitted connection to Kinnegar WwTW;
c) Any site with planning permission whereby NI Water did not raise the capacity of Kinnegar WwTW as an issue, a connection would be permitted; however, this should be tempered with the fact that quite a lot of the sewer network in this sewer catchment was also at capacity resulting in the developer being required to undertake a Wastewater Impact Assessment and associated solution engineering works to mitigate the impact on the network;

d) Any application currently in the planning process which had received a positive consultation response from NI Water in respect of the capacity of Kinnegar WwTW would also be honoured.
e) Going forward, any application whereby NI Water received a planning consultation that was not subject to a live Pre-development Enquiry or Wastewater Impact Assessment would be assessed on a case-by-case basis.

NI Water had provided a list (not exhaustive) that covered most of the types of sites it would be expected to see as detailed below:

- Green field site – no extant planning. Response would be that the development could not be supported and refusal of planning permission recommended
- Green field / brownfield site – extant planning. A positive response would be provided with regards WwTW capacity.
- Brown field re-development site or change of use – NI Water response would raise issues with WwTW capacity but would recommend submission of PDE. That would afford the developer opportunity to submit any supporting information they might have to allow NI Water to complete a like-for-like assessment. Once NI Water had completed its PDE assessment it would revise the planning response accordingly.
- In all cases where it was proven that development would see an intensification of foul discharge, the NI Water recommendation would be to refuse planning permission.

At this stage NI Water did not have a timeline for the reopening of Kinnegar WwTW. Planning for the next cycle of funding PC28 was ongoing and it was unable to advise if there was any opportunity for Kinnegar to be included in this cycle. NI Water had advised that it would not be until March 2028 before the financial regulator made a formal determination on NI Water's funding bid after which there would need to be sufficient funding provided by the Department for Infrastructure.

NI Water had only recently updated its website in respect of Kinnegar WwTW now having no capacity, and Planning Service was currently liaising with NI Water regarding appropriate wording for the Planning pages of the Council's website to alert potential applicants/developers and was in the process of cross-checking applications falling within the catchment as identified.

RECOMMENDED that Council notes this report and the attachment.

Councillor Hennessy proposed, seconded by Alderman McIlveen, that the recommendation be adopted.

Alderman McIlveen stated the report again showed the chronic underinvestment in Northern Ireland's water infrastructure, which was very disappointing for wider planning. He sympathised with Members representing Holywood, noting Newtownards was also in a closed catchment.

The Chair added her concern, noting it was a live issue given the applications before the Committee and would remain so for some time.

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

10. MINISTERIAL-LED ENGAGEMENT FORUM WITH DFI MINISTER – IDENTIFIED ACTIONS

(Appendix X – XI)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Members were previously updated via Item 8 of the agenda at the Planning Committee meeting of 07 July 2026 regarding a key strand of the wider Planning Improvement Learning and Engagement Programme being to strengthen direct political engagement between the DFI Minister and Planning Committee Chairs.

A meeting took place on 18 June 2026, and the Head of Planning provided an overview of the detail discussed with the Minister within Item 8 as referenced above.

Further to the conclusion of that meeting, NILGA had written to the Committee Chairs thanking them for participation and requesting that the outcome note be shared with Committee members, as attached.

RECOMMENDED that Council notes this report and the attachments.

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

11. QUARTERLY TREES REPORT

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. This update provided information from 16 June 2026 to 17 September 2026.

Table 1 – Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
Provisional	24 July 2026	Lands at Craigavad Park, Holywood
Provisional	30 July 2026	1-7 Cultra Park and Including 23 Cultra Avenue, Holywood
Confirmed	6 August 2026	Lands at 1-7 Croft Manor, Holywood
Confirmed	24 August 2026	Lands at 72 Crawfordsburn Road, Newtownards

Confirmed	3 September 2026	'Dromkeen House' Sullivan Upper School Prep Department, 1 Alexandra Park, Holywood
Provisional	17 September 2026	St Philip and St James Holywood Parish Church, 71 Church Road, Holywood

Table 2 – Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	3	0
Conservation Area	2	0

Tree Preservation Orders – addresses: 1. 243 Bangor Road, Seahill. 2. 44 Ballymenoch Road, Holywood. 3. 4 The Grange, Comber.

Conservation Area – addresses: 1. 6a Victoria Road, Holywood. 2. Riverside Development, Holywood.

* Notification referred to when the Council received notification of proposed works to trees within a conservation area. If the Council did not accept the proposed works, it had to serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' meant that the Council did not consider it necessary to serve a TPO and thus there was no objection to the proposed works.

Works to Trees - Tree Preservation Order Protection

1. 243 Bangor Road, Seahill – felling of 1 no. tree
   - 1 no. tree were requested for felling for safety reasons.
   - Request was to remove the tree for the health and safety reasons due to the location of the tree in relation to the dwelling and structural damage to wall attached to the house and the house itself. A supporting statement was submitted with the application which stated that the tree was proposed for removal due to its significant lean on the existing wall which formed part of and was structurally connected to the existing building. It noted that the tree was exerting pressure on the wall and there was concern regarding its long-term stability and the potential for structural damage to both the wall and the house.
   - No evidence had been submitted as part of the application to confirm or substantiate that the tree was causing structural damage to the dwelling. Damage to the adjacent wall which was attached to the house was clearly visible, with significant cracking evident at the time of inspection. While no technical evidence had been provided to establish causation, it appeared that the tree might be contributing to this damage, particularly given its proximity to and apparent contact with the wall.
   - It was considered the felling of the tree was acceptable for safety reasons having regard to the location of the tree and the damage presently visible to the wall. The tree had already outgrown its location and, as it continued to

mature, the potential for further conflict with nearby structures was likely to increase over time.
- Replacement tree planting was conditioned with 1 no. standard native tree at a height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season following commencement of the works permitted.

2. 44 Ballymenoch Road, Holywood – carry out works to 1 no. tree group
   - 1 no. tree group was requested for remedial works for management and maintenance reasons.
   - The trees comprised a mature linear group of single-stemmed Leyland cypress (Leylandii) trees, with individual heights ranging from approximately 10 to 12 metres. The group extended over an approximate length of 20 metres.
   - These remedial works were considered acceptable and appropriate as they would reduce the trees appropriately whilst preserving a good amount of tree foliage and the tree group's overall shape.
3. 4 The Grange, Comber – felling of 1 no. tree and carry out works to 9 no. trees
   - 1 no. tree was requested for removal for safety reasons and works to 8 no. trees were for management and maintenance reasons. The tree requested for removal was not protected and therefore the Council's consent was not required for removal of this tree.
   - The remedial works to 9 no. trees were considered to be appropriate and acceptable for management and maintenance reasons. It was considered that the reductions represented proportionate level of reduction that would assist in managing the size of the trees whilst retaining their amenity value and overall contribution to the locality.

Conservation Area Notifications

1. 6a Victoria Road, Holywood – felling of 1 no. tree
   - The applicant served notice on the Council of intent to remove 1 no. tree for safety reasons given the poor condition of the tree.
   - The crown displayed extensive dieback, with almost half of the canopy dead and a noticeably reduced density of live foliage.
   - It was considered works to 1 no. tree to be acceptable given the tree's deteriorating health and poor overall condition.
   - Replacement tree planting was not a requirement within a Conservation Area, however, was recommended in this case.
2. Riverside Development, Holywood – felling of 1 no. tree and works to 8 no. trees
   - The applicant served notice on the Council of intent to fell 1 no. tree for safety reasons given the significant lean present in the stem of the tree, which gave rise to reasonable safety concerns and carry out works to 8 no. trees for management and maintenance reasons.
   - Removal of 1 no. tree was considered acceptable for the reasons stated, for safety reasons given the significant lean present in the stem of the tree, which gave rise to reasonable safety concerns.
   - Replacement tree planting was not a requirement within a Conservation Area, however, was recommended in this case.

- 1 no. tree for remedial works had a large spreading crown which encroached into overhead lines. During inspection two rubbing branches were clearly visible to the overhead lines.
- No objection to the remedial works to this tree as they were minor in nature and were unlikely to have any detrimental impact on the tree's health or appearance. A substantial crown would remain following the works, ensuring the tree's overall form and amenity value were retained.
- Remedial works to the remaining 7 no. trees considered acceptable. These trees overhung the laneway located to the rear of a number of houses located on Church Road and also overhung their rear returns and works allowed adequate clearance for pedestrian access along the laneway.

RECOMMENDED that Council notes this report.

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

12. UPDATE ON PREVIOUS ADVANCED LISTING NOTIFICATION

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Members considered advanced notification of the proposed listing by DfC at its meeting of 04 August (under Item 9), and supported listing of two properties as follows:

- Ardkeen House, 12 Killaire Road, Crawfordsburn; and
- Claremont House, 89 Victoria Road, Holywood.

DfC's Historic Environment Division had since written to the Council to confirm the listing of the two structures above, which had been added to the list of Buildings of Special Architectural or Historic Interest.

RECOMMENDED that Council notes this report.

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

13. DFI MINISTER RESPONSE RE INFRASTRUCTURE INVESTMENT

(Appendix XII – XIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Members would recall ongoing dialogue between the Council and the Minister for Infrastructure regarding infrastructure investment in respect of Northern Ireland Water.

Further to a report to Committee at its meeting of 04 August 2026 (Item 6), the Council agreed to write back to the Minister to:

- strongly object to the lack of inclusion in infrastructural investment in closed catchment areas, particularly the South Street pumping station, Newtownards, within the 2028-33 Price Control period;
- ask her to review what opportunity exists to consider planning permissions that have been granted, but not implemented, and the variance between Councils in how these are considered; and
- ask for her confirmation that she will, as Minister, give priority to infrastructure investment to protect the future viability of the Borough's town and urban centres.

A letter to the effect above issued from the Chief Executive on 08 September, and the Minister had issued the attached response dated 22 September 2026.

RECOMMENDED that Council notes the attached response from the Infrastructure Minister.

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

14. UPDATE ON PLANNING APPEALS

(Appendix XIV – XVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that the report set out planning appeal decisions, new appeals and withdrawn appeals as follows:

Appeal Decisions

1. The following appeal was dismissed on 23 July 2026:

PAC Ref	2025/A0109
Council Ref	LA06/2022/0262/F
Appellant	Ronald Shields
Subject of Appeal	Refusal of planning permission for 'Retention of private amenity/shelter building made from sustainable recycled materials, wildlife hide, timber footbridge and associate landscaping and planting'
Location	Land approx. 200m SE of 110 Kempe Stones Road, Newtownards with existing access to Greengraves Road

The above application was called into Planning Committee from the delegated list whereby the Officer recommendation was to refuse planning permission. The Council refused the application on 16 December 2025 for the following reason:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 Commissioner noted that the appellant made it abundantly clear that the appeal site was used for recreational purposes for him and his family in the same manner as a residential garden would be. The personal use of the appeal site for private amenity purposes and recreational activity did not involve the local population or tourists, nor did such a domestic scale of use necessitate a countryside location. Therefore, Policy OS 3 of PPS 8 did not apply.

Additionally, no cogent argument was presented to persuade the Commissioner that the appeal development would not set an unwelcome precedent for other such types of personal use in the countryside. The Commissioner was not persuaded, in the evidential context, that the appellant and his family lacked access to open space in general and the related opportunities.

It was concluded that the appeal development was not one of the types of development which, in principle, was considered to be acceptable in the countryside. It was also not demonstrated that there were overriding reasons why the development was essential and could not be located in a settlement. Accordingly, the development was contrary to Policy CTY 1 of PPS 21 and it therefore also conflicted with the SPPS2.

2. The following Enforcement Notice was quashed on 19 August 2026:

PAC Ref	2024/E0044
Council Ref	LA06/2021/0144/CA
Appellant	Mr & Mrs Wm Wylie
Subject of Appeal	Alleged: 1. unauthorised ancillary building; 2. unauthorised wooden pergola; 3. unauthorised extension of domestic curtilage which includes concrete path; 4. unauthorised building; 5. unauthorised building; 6. unauthorised shelter; 7. unauthorised laying of hardstanding laneway
Location	Lands at 107 Comber Road, Newtownards

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

The PAC issued a decision on this enforcement appeal on 3 October 2025. Following an application for judicial review, the High Court quashed the decision and remitted the enforcement appeal to the Commission for redetermination.

The Commissioner only determined the appeal in respect of ground (e) that copies of the Enforcement Notice were not served as required by section 138 of the Planning Act (NI) 2011.

In reaching her decision she determined that the appellant suffered disadvantage which amounted to prejudice in that the Enforcement Notice was not properly served and therefore he did not have the full statutory period available within which to consider the allegations, obtain advice, identify potential relevant decisions and determine the scope and presentation of his case.

The Council was liaising with its legal advisors in respect of the legal advice received after the initial PAC decision was quashed, with regard to this outcome.

3. The following appeal was upheld on 27 August 2026:

PAC Ref	2025/A0137
Council Ref	LA06/2024/0945/F
Appellant	Kenneth Black
Subject of Appeal	Refusal of planning permission for 'Single storey detached dwelling and associated entrance'
Location	Site immediately SE of No. 1 Craigantlet Road, Newtownards

The above application was called into Planning Committee from the delegated list whereby the Officer recommendation was to refuse planning permission. The Council refused the application on 06 March 2026 for the following reasons:

- i. 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.
- ii. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no cluster of development which appears as a visual entity in the local landscape, the site is not bounded on at least two sides with other development in the cluster and the dwelling would, if permitted, significantly alter the existing character and visually intrude into the open countryside.
- iii. 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 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 the Holywood Road and would result in the loss of an important visual break.
- iv. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling would, if permitted, result in a suburban-style build-up of development when viewed with existing and approved buildings (criterion b), would fail to respect the traditional pattern of settlement in the area (criterion c), and would create or add to a ribbon of development (criterion d, see Policy CTY 8). This would cause a detrimental change that further erodes the rural character of the countryside.
- v. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland Edition 2 in relation to safeguarding human health and protecting environmental receptors. Insufficient information has been provided to address Environmental Health concerns arising from the site's proximity to Northstone Craigantlet Quarry, including potential adverse impacts from noise, vibration, dust, and land contamination. In the absence of a

comprehensive noise and vibration assessment, air quality assessment, and contaminated land risk assessment, the proposal fails to demonstrate that it would provide a safe and healthy living environment for future occupants.

The central issue in this appeal was whether the application site formed part of an existing cluster of development in accordance with Policy CTY2a of PPS21. The Commissioner believed the site formed part of an established cluster of development and considered that surrounding buildings read as a coherent and visually connected group when viewed from a number of publicly accessible viewpoints which therefore constituted a visual entity within the local landscape. The Commissioner concluded that the proposed dwelling would consolidate and round off the existing cluster rather than extend development into the open countryside and the proposal met the requirements of Policy CTY2a and represented a form of countryside development acceptable in principle under CTY 1 of PPS 21.

Having concluded that the proposal complied with Policy CTY2a, the Commissioner determined that the development would not create or add to a ribbon of development. The Council's reason for refusal based on Policy CTY8 was therefore not sustained.

With regard to rural character under Policy CTY14, the Commission was of the opinion that as the proposal would not create a suburban-style build-up of development and would sit within an existing cluster rather than extend development into open countryside, with the existing vegetation and surrounding development integrating the proposal into the landscape, the development would not have an adverse effect on the character of the surrounding rural area.

With regard to the proximity of the adjacent Craigantlet Quarry and asphalt plant, the Commissioner concluded that the evidence as presented did not demonstrate that future residents would be adversely affected by quarry operations.

No evidence was produced to demonstrate that blasting would have an unacceptable impact on future occupants. The Commissioner placed substantial weight on technical assessments previously undertaken in connection with the asphalt plant (not submitted in respect of this particular application) which indicated that predicted noise levels would remain within accepted standards, air quality impacts would not be significant and existing environmental controls and pollution prevention measures were in place.

The Commissioner also opined that there was no evidence that the site had been contaminated with concerns largely based on the site's proximity to the quarry rather than site-specific evidence.

It was concluded that the Council had failed to substantiate any of its reasons for refusal and the appeal was allowed subject to conditions relating to access, landscaping, acoustic mitigation measures and commencement of development within five years.

New Appeals

4. The following appeal was lodged on 28 July 2026:

PAC Ref	2026/A0047
Council Ref	LA06/2024/0345/O
Appellant	Ivan Robinson
Subject of Appeal	Off-site replacement dwelling with new access to Ravara Road
Location	Site approx. 8m North of 29C Ravara Road, Ballygowan

5. The following appeal against an Enforcement Notice was lodged on 28 August 2026:

PAC Ref	2026/E0053
Council Ref	LA06/2026/0003/CA
Appellant	Mary Woolsey
Subject of Appeal	Alleged unauthorised farm building
Location	Land at 300m SW of 12 Cardy Road, Greyabbey

6. The following appeal against a Works to Protected Trees decision was lodged on 26 August 2026:

PAC Ref	2026/T0001
Council Ref	LA06/2026/0176/WPT
Appellant	David Law
Subject of Appeal	Application for works to remove 12 dead ash trees, 3 failed/poor quality young trees and removal of two limbs on two ash trees (one limb per tree) that overhang adjacent properties. The trees are to be replaced with more suitable native species
Location	Opposite 87 Crawfordsburn Road, Newtownards

7. The following appeal was lodged on 14 September 2026:

PAC Ref	2026/L0009
Council Ref	LA06/2024/0906/CLOPUD
Appellant	Neil Thompson
Subject of Appeal	Refusal of Certificate of Lawfulness of Proposed Use or Development for 'Proposed completion of dwelling and garage approved under X/2004/0527/O and associated consent issued under X/2007/0928/RM'
Location	Site 250m South of Ballyblack Road East, Carrowdore

Withdrawn Appeals

8. The following appeal against an Enforcement Notice was withdrawn on 22 July 2026 after planning permission was granted under LA06/2024/0536/F for 5no. detached tourist accommodation units (retrospective) on 30 July 2026.

PAC Ref	2026/E0006
Council Ref	LA06/2022/0179/CA
Appellant	Samual Townsley
Subject of Appeal	Alleged: 1. Three No unauthorised buildings with unauthorised decking; 2. Unauthorised tourism use, known as Cuan Mor Lodges, including reception area and 5 No buildings providing tourism accommodation
Location	Land at 86 Ballydrain Road, Comber

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

RECOMMENDED that Council notes this report and attachments.

Alderman McIlveen noted that the third appeal decision in the report (Kenneth Black, Craigantlet Road) stated the appeal had been dismissed, when he understood it had been allowed.

The officer confirmed this was an administrative error and the appeal had been upheld (now corrected in the minutes). The Chair noted the learning from that decision could be discussed on another occasion.

AGREED TO RECOMMEND, on the proposal of Councillor Hennessy, seconded by Councillor Wray, that the recommendation be adopted.

EXCLUSION OF PUBLIC/PRESS

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

15. ADVANCE NOTICE OF PROPOSED LISTING

(Appendix XVII – XIX)

****IN CONFIDENCE****

NOT FOR PUBLICATION

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.

16. QUARTERLY ENFORCEMENT REPORT

(Appendix XX)

****IN CONFIDENCE****

NOT FOR PUBLICATION

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.

17. VERBAL UPDATE RE STAFFING

****IN CONFIDENCE****

NOT FOR PUBLICATION

Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 1: relating to an individual.

NOTED.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Graham, seconded by Alderman McIlveen, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 10.47pm.

Development Management Case Officer Report			
Reference:	LA06/2022/1015/F	**DEA:** Bangor East & Donaghadee	
Proposal:	Change of use of land to provide additional hardstanding area for the parking and storage of vehicles associated with CCRS Recovery and repair business, with associated landscaping		
Location:	51 Cotton Road, Bangor		
Applicant:	C.C.R.S.		
Date valid:	21/10/2022	**EIA Screening Required:**	Yes
Date last advertised:	31/07/2025	**Date last neighbour notified:**	21/07/2025

Letters of Support : 0	**Letters of Objection:** 47 (from 11 addresses)	**Petitions: 0**

Consultations – synopsis of responses:	
Environmental Health	No Objection - Advice & Guidance
NIEA: NED	Content subj to condition
NIEA: Water Catchment Unit	Advice & Guidance – Further Info required
NI Water	Content
DFI Rivers	Advice & Guidance
DFI Roads	No Objection – exception to protected route
Northern Ireland Fire & Rescue	Advice & Guidance

Summary of main issues considered:

- Principle of the use at this location
- Design, appearance and impact on rural character
- Impact on privacy and amenity of neighbouring dwellings
- Impact on landscape features and the environment
- Parking and Access

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

1. Site and Surrounding Area

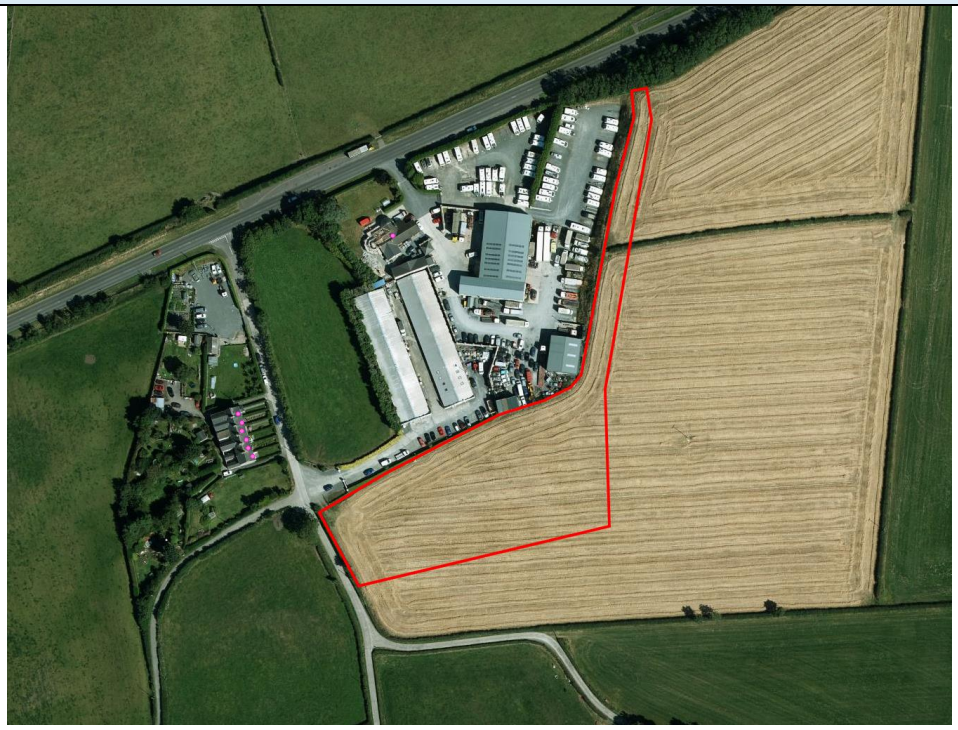
The application site is located at 51 Cotton Road, Bangor. The application site is part of an agricultural field which contains no buildings. The northern and western boundaries are defined by mature hedgerows and the other boundaries remain undefined. Directly north of the site lies the existing established business known as CCRS. In addition, there is another business north of the site which is known as Wallace Contracts. The buildings and units of these two economic sites are well screened by existing hedging and vegetation along the Cotton Road. Access to the site is currently provided via an agricultural field gate on Murdock's Lane.

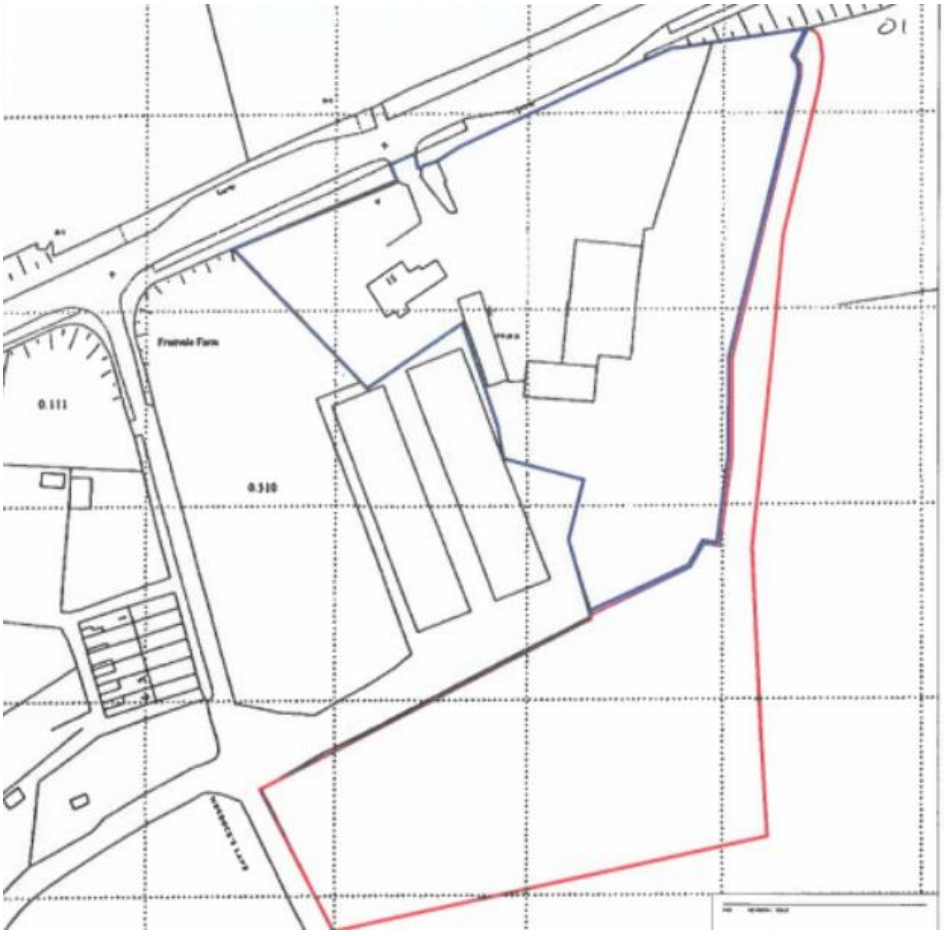




Residential dwellings are located to the north-west of the site, along Murdock's Lane. The surrounding area is agricultural in nature.

2. Site Location Plan





3. Relevant Planning History

LA06/2021/0961/F: 51 Cotton Road: Extension to vehicle storage building: Permission Granted 19/01/22

LA06/2019/0912/F: Approximately 73M South-East of No.51 Cotton Road, Bangor: New commercial shed: Permission Granted 04/11/2019

LA06/2018/1270/F: 51 Cotton Road: Retrospective permission for shipping container storage (10 units - two rows 'stacked'): Permission Granted 11/02/19

X/2011/0446/F: Adjacent 51 Cotton Road, Bangor: Change of use of land to provide increased yard area including vehicle parking and storage and internal access arrangements: Permission Granted 06/03/12

The above permission has been carried out with the aerials below showing the original site and the expansion. However, it would appear that the section of the site closest to the road is being used by the associate caravan storage business rather than for vehicle parking and storage in conjunction with CCRS.



Figure 1: Aerial of Site 2012



Figure 2: Aerial of Site 2016

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 4: Planning and Economic Development,
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage,
- Planning Policy Statement 21: Sustainable Development in the Countryside.

Principle of Development

ADAP currently acts as the LDP for this area, with the application site located beyond any designated settlement limit, approximately 1.21km from Cotton (northeast) and 1.22km to Six Road Ends Roundabout to the south-west. The site is accessed via Cotton Road, which is a Protected Route. The site also falls within an Area of Constraint on Mineral Developments.

The planning system has a key role in achieving a vibrant economy. In this regard the aim of this SPPS 2 is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

CTY 1 states that there are 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. CTY 1 makes provision for industry and business uses in accordance with PPS 4. PED 3 'Expansion of an Established Economic Development Use in the Countryside' will be used to assess this proposal.

Under Policy PED 3, it is stated that *"the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise."*

CCRS operates an established vehicle recovery, storage, assessment and repair business. The company's core activity involves the recovery and secure storage of broken down, damaged and accident-involved vehicles, including Heavy Goods Vehicles (HGVs) and Public Service Vehicles (PSVs), together with vehicle assessment, repair and specialist testing. There is also an associated caravan storage business on the site for which there is no record of any planning permission however as is evident on the above aerial images, this has been operating here for a considerable time now (see extract below from Facebook page with website address stated as CCRSrecovery.com.)

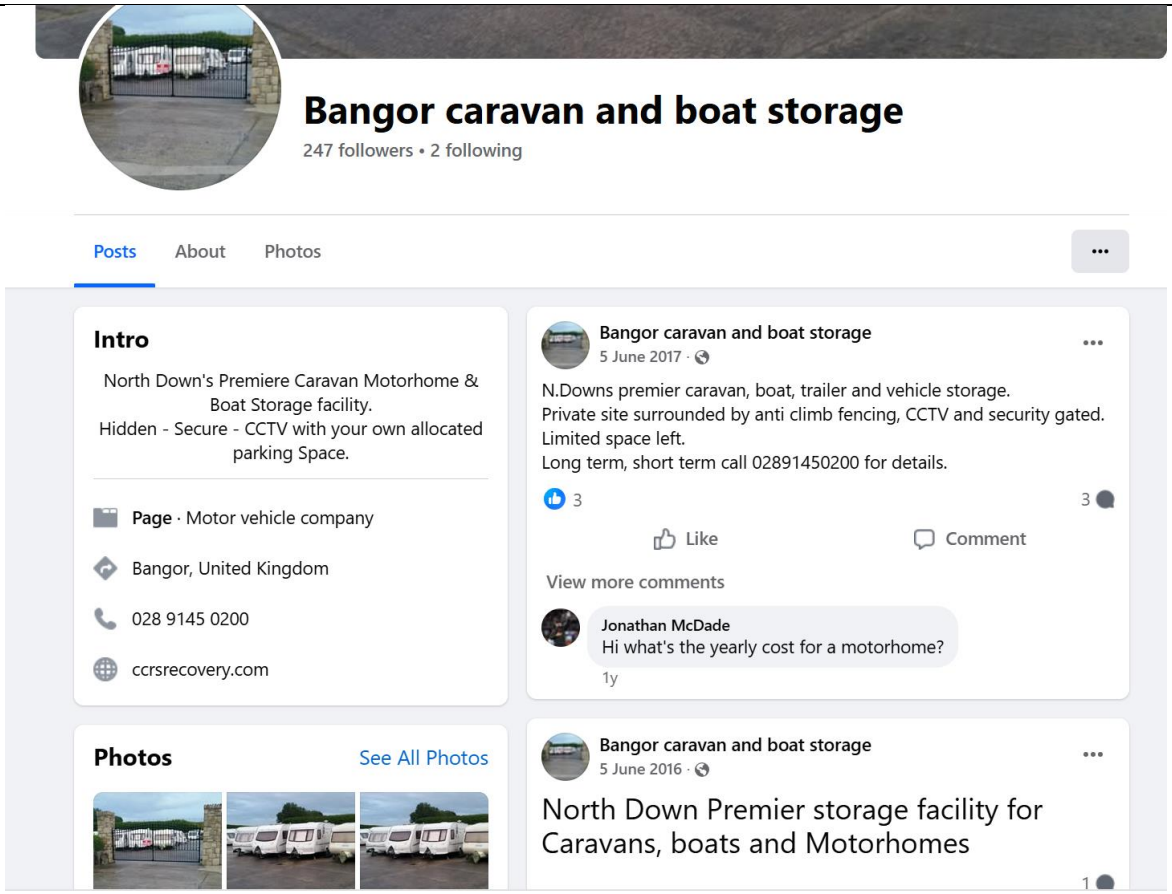


Figure 3: Facebook Extract – Caravan storage business at CCRS premises

The Cotton Road site contains the company's administrative offices, communications and security infrastructure, purpose-built workshop facilities and vehicle storage areas. Specialist facilities include a dedicated Scene of Crime Officer (SOCO) examination room for the secure storage and forensic examination of vehicles, commercial brake rollers and inspection pits for HGV testing following fatal or life-threatening road traffic collisions, a 100-metre vehicle testing run, secure indoor vehicle storage to preserve evidential integrity, and high-security access controls.

The application as originally submitted sought planning permission for the storage of caravans as an expansion of the existing established business CCRS, which operates as a vehicle recovery and vehicle storage service. As outlined above, a number of previous planning permissions have been granted on the site for the storage of vehicles in association with the recovery business and not for the storage of caravans however as demonstrated in the aerial images above, it is clear that caravans have been stored on the site in excess of 5 years and therefore the existing use would be immune from any enforcement action, even if not considered to be lawful. The original supporting statement submitted with this application, advised that a maximum of 45 caravans would be stored within the area in addition to the retention of the caravan storage areas on the existing site. A new access lane connecting the existing site to the new area was also proposed along the eastern edge of the existing site. Due to the topography of rising ground at this location, a substantial 2.5m high retaining wall was required.



Figure 4: Original Proposed Site Plan for Caravan Storage

Following concerns raised by the Planning Department that the proposal for additional caravan storage was not policy compliant, the application was amended in February 2025 to propose the storage of vehicles relate to the CCRS recovery business instead, and the previously proposed 6m-wide access laneway and 2.5m-high retaining wall was removed. The revised scheme now seeks the change of use of land to provide additional hardstanding for the parking and storage of vehicles associated with the CCRS Recovery business, staff parking, an overflow area for vehicles awaiting inspection together with associated landscaping. No new buildings are proposed as part of this amended application. The updated site layout is shown in Figure 5 below.



Figure 5: Site Layout Plan – Amended Proposal

Given the initial submission for additional caravan storage space under this current application along with the history of the use of additional land for caravan storage which was approved under X/2011/0446/F for use in association with the recovery business, I find it very difficult to accept that there is a genuine need for the expansion of the site to serve the CCRS Recovery business. The nature of this current application was only changed further to the Planning Department advising that the storage of caravans was unacceptable under policy PED 3 of PPS4 as it was not directly associated with the existing recovery business, no exceptional circumstances were demonstrated and it was not demonstrated that it could not be sited elsewhere in a settlement.

I also find it difficult to accept that there is a genuine need for such a sizeable site expansion to serve the recovery business given that there is still an extant planning approval for a large expansion to an existing shed for the storage of vehicles which has yet to be implemented by the applicant (LA06/2021/0961/F).

In considering the amended proposal, the Planning Department is not satisfied that the supporting information submitted with the application has demonstrated why the additional area is operationally essential at this time. Whilst the applicant contends that additional vehicle storage space is required in connection with the existing business,

the site benefits from an extant planning permission for an extension to a storage shed which has not yet been implemented as outlined above and a considerable area of the existing site is also being used for the storage of caravans which is not part of the recovery business.

As outlined above, Policy PED3 clearly states the expansion of an established economic development use in the countryside will only be permitted where there is no major increase in the site area of the enterprise. It is considered that the expansion proposed would constitute a major increase in the site area. The existing site area of the business (excluding the domestic dwelling at No. 51) equates to approximately 0.94ha. This existing total includes the previous expansion of the site approved under X/2011/0446/F which equated to 0.42ha. The further expansion proposed under this current application would constitute approximately 0.85ha of additional land, almost doubling the size of the existing site.

Policy PED3 goes on to state that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. This would be in line with the extant permission on the site for the extension to the existing shed and therefore in line with the policy requirement would be the appropriate option to accommodate any expansion requirements.

The policy then concludes that a proposal for the major expansion of an existing industrial enterprise will only be permitted in ***exceptional circumstances*** where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

For the reasons outlined above, I am not convinced that there are exceptional circumstances for the need for this major expansion of the existing business.

The amended scheme now includes the provision of approximately 25 additional staff parking spaces. However, insufficient information has been submitted to demonstrate the need for staff parking provision of this scale, particularly given that the business reportedly employs approximately 10 staff members. In the absence of a clear operational justification, it is difficult to conclude that the extent of hardstanding proposed is necessary to support the existing business.

A further supporting statement was submitted which asserts that the business occupies an ideal location due to its use for recovery, storage, and assessment of vehicles. The statement sets out an expanded justification for the proposed extension, referencing the specialist nature of the CCRS operation, including forensic storage, accident investigation, HGV recovery, and the need for enhanced site safety and segregation of electric vehicles.

The agent indicates that the company employs 31 staff, with approximately £1 million per annum generated in local wages however, no supporting evidence has been submitted to verify these figures and therefore limited weight can be attached to this claim. Despite this, the P1 Form submitted with the application, states that only 10 staff attend the site, with no increase in staff numbers anticipated as a result of this

application. The expanded justification does not provide evidence to contradict this or demonstrate how the proposed increase in yard area would generate additional employment.

The agent contends that relocation of the established enterprise is not possible, citing the presence of specialist workshop facilities (including HGV lifts, pits, brake rollers and a 100-metre test run), forensic examination rooms, high-security arrangements, and the presence of a director's dwelling on the premises. While it is acknowledged that the business has invested considerably in the site, this alone does not amount to evidence that relocation is unachievable or that the needs of the recovery business cannot be met within the existing site area, particularly given the substantial area that is currently being used for the storage of caravans rather than in conjunction with the recovery business. The justification provided does not include an assessment of alternative sites, nor has any site search been undertaken within nearby settlements.

As previously noted, the premises lie within close proximity to Bangor (1 mile), Donaghadee (2.6 miles) and Newtownards (2.8 miles). Given this context, it is reasonable to expect that the applicant would evaluate opportunities within settlement limits where secure storage, repair, and administrative accommodation could be provided. The assertion that security cannot be replicated elsewhere is not accepted. Modern industrial estates and commercial yards within urban environments frequently accommodate high-security facilities, including those handling investigative, forensic, or high-value storage functions. Therefore, insufficient evidence has been provided to demonstrate that relocation, partial relocation, or a split-site arrangement is unfeasible.

The revised proposal seeks an additional 0.85 hectares of hardstanding, compared with an existing operational area of approximately 0.97 hectares (excluding the dwelling curtilage). This represents a near doubling of the yard area and therefore constitutes a major increase in site area for the purposes of Policy PED 3. While the agent has presented some operational reasons for requiring increased storage capacity, including forensic storage, commercial vehicle parking, separation of EVs, and manoeuvring space, I am not convinced that exceptional circumstances have been presented which necessitate the major expansion currently proposed. I consider the existing site area to be ample in size to accommodate the additional operational requirements outlined above, particularly as a large portion of the site is currently being used for the unlawful (albeit immune form enforcement action) storage of caravans associated with the business 'Bangor Caravan and Boat Storage'. As also previously outlined, the existing site benefits from an extant permission for a substantial extension to the existing shed on site under LA06/2021/0961/F. This extended shed would provide an additional secure internal storage area of approximately 700sqm.

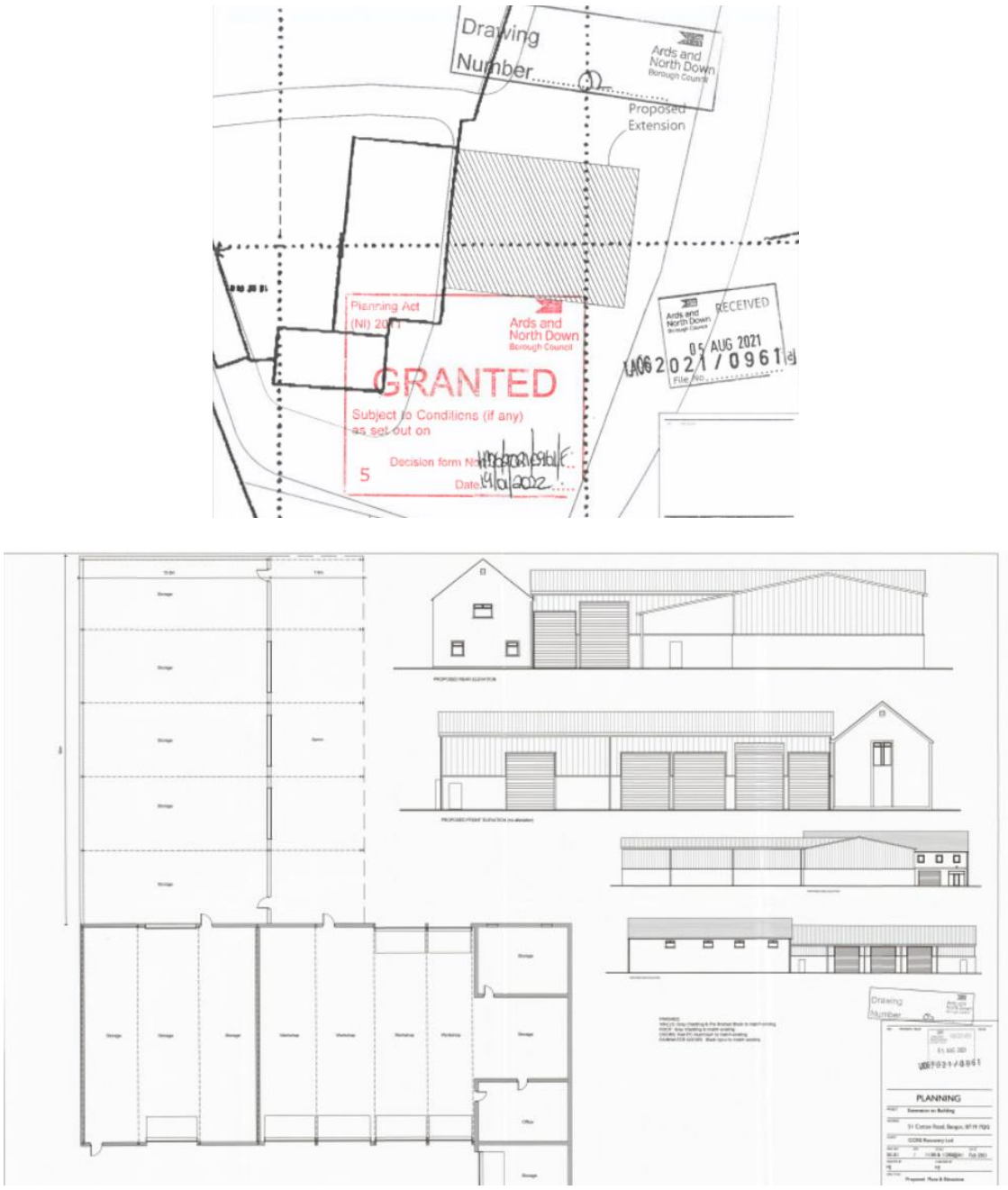


Figure 6: Extension to existing shed approved under LA06/2021/0961/F

In the submitted supporting statement, it is stated that the following must be facilitated at the premises, and this is why the extension is essential for the sustainability of the business:

i) Secure storage of vehicles which require forensic assessment or investigation;
ii) secure storage of customer vehicles awaiting repair;
iii) secure storage of Company vehicles;
iv) safe working practice obligations for employees and visitors; and
iv) safe facilities for storage of EVs;

The Planning Department acknowledges that the above activities form part of the established CCRS operation; however, it is noted that these functions are already undertaken from the existing site. The information submitted does not adequately demonstrate why the current and extant, approved facilities are incapable of accommodating these activities or why the extent of additional hardstanding proposed is necessary to support them.

Furthermore, whilst the applicant refers to the requirement for "secure storage", the amended proposal comprises an area of open hardstanding and landscaping only, with no buildings or other measures proposed which would provide additional secure or enclosed storage facilities. As such, the Planning Department is not persuaded that the proposal directly addresses the stated need for secure storage. Furthermore, it has not been demonstrated why the large area within the existing site which is currently used for caravan storage (not required in connection with the recovery business) could not be utilised more effectively or repurposed for use in connection with the operational requirements of the established business before additional land is brought into use.



Figure 7: Caravans being stored at front of site (Aerial Image October 2025)

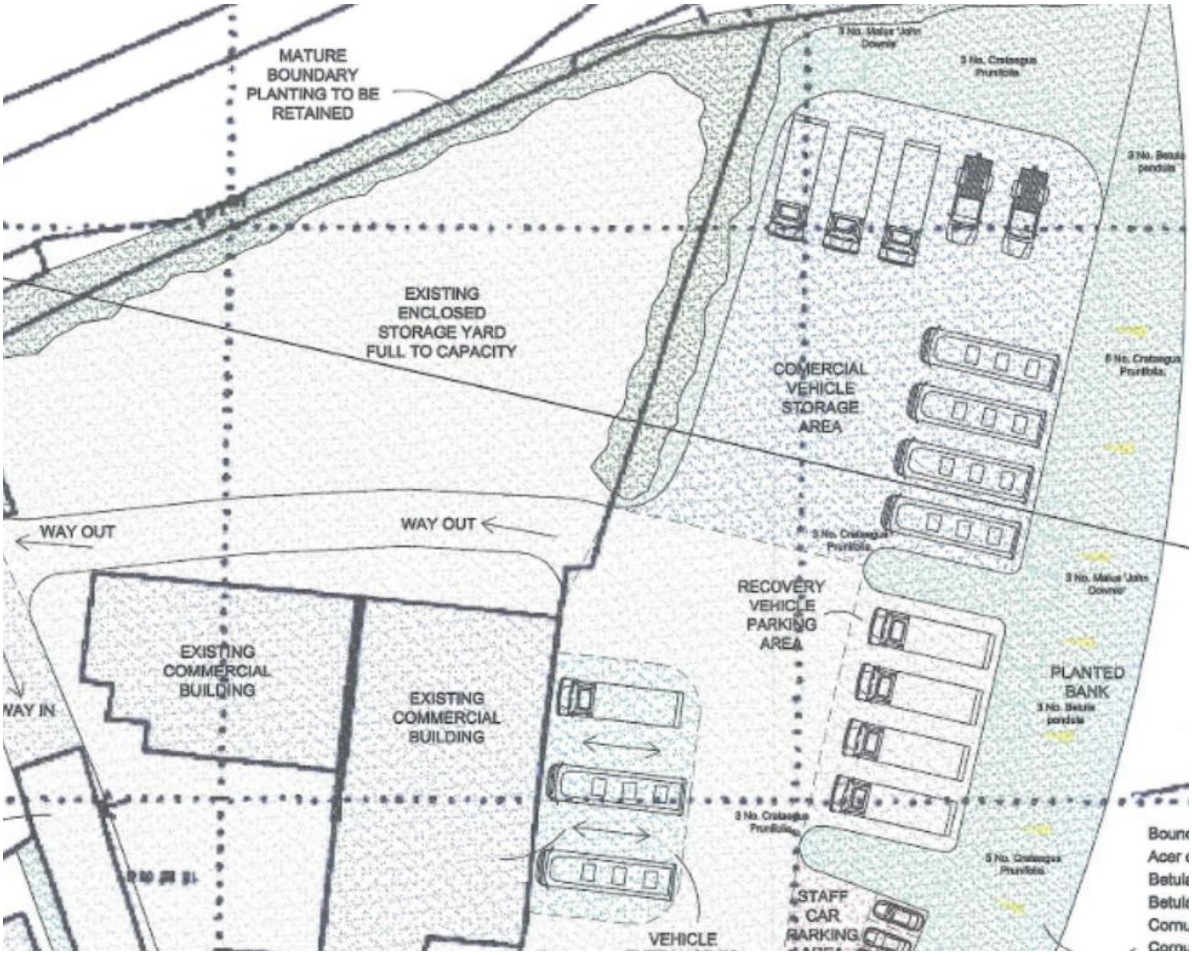


Figure 8: Approved layout under X/2011/0446/F

It is noted that planning permission was previously granted under the 2011 application for an extension to the operational site. The approved site layout plan as shown in Figure 8 above, clearly demonstrates that the expanded area was intended to support the established vehicle recovery, storage and repair business. There is no indication within the approved plans that the extension was to be utilised for the storage of caravans.

Furthermore, the accompanying Case Officer Report for the 2011 approval records that the need for additional operational space arose from an expanding client base and increasing demands associated with the vehicle recovery business. The justification advanced at that time related directly to the core recovery and repair operation and the operational requirements arising from that established use.

The Planning Department therefore notes that previous approvals for site expansion have been linked to demonstrable operational needs associated with the vehicle recovery business. By contrast, the current application was originally submitted for caravan storage, a use which does not form part of the established recovery operation. Whilst the proposal has subsequently been amended, limited evidence has been submitted to demonstrate why the approved but unimplemented expansion areas and existing operational land are insufficient to meet the current needs of the business or why further expansion is required at this time.

The applicant's agents have set out a detailed statement as to why the extension is required which is primarily due to its expanding client base. The company's client base include leading motoring organisations, insurance companies, fleet operators, government departments and the emergency services. The company has grown in both personnel and in the number of recovery vehicles since its establishment and as a result the company has undertaken a recent significant investment programme to purchase new vehicles to cater for the increasing demands on its services. However the company's current constrained site operation cannot safely accommodate both the new vehicular stock, in addition to those already existing and also the client's increasing requirement for storage of vehicles pending further investigation / repair etc. It is for this reason that the company is seeking to expand its operations into the adjacent land with no new buildings proposed.

Given there are no new buildings proposed together with the fact that the application site cannot be easily viewed from the public road due to the mature boundary treatments existing at present which are proposed to be retained and augmented and the new yard area is to be satisfactorily cut into the rising hill, it is considered that the visual impact of the site expansion is acceptable in retaining the character of the rural area and integrating into the landscape.

The proposed change of use of the land falls within Class B4 Storage or distribution. The nature and scale of the car recovery business is considered to be a use that is deemed appropriate for this rural location and will not harm the rural character or appearance of the local area and meets the criteria set out in PED3 of PPS4.

Figure 9: Extract from case officer's report (X/2011/0446/F)

The agent further contends that the extension would be visually contained and would not harm rural character. However, the proposed extension projects further into open countryside and the land is visibly exposed from Murdock's Lane, with the enlarged yard representing a clear encroachment beyond the established cluster of built form. While landscaping is proposed, this would take time to establish and would not remove the initial loss of rural character arising from the substantial enlargement of the commercial yard.

The supporting statement also refers to the company's desire to reduce use of roadside lay-bys for temporary vehicle storage. While this is understood, the need to manage operational pressures responsibly does not justify a major expansion into the countryside where alternative solutions, including relocation to within settlement limits or acquisition of industrial land, have not been fully investigated.

In addition, paragraph 5.11 of Policy PED 3 states that development proposals relating to large scale storage and distribution use will, in general, be more tightly controlled in the countryside than proposals for other economic development uses. It is considered that such proposals are usually more difficult to absorb into the countryside without detrimental impact on rural amenity and their capacity for generating employment is generally less than other uses. The business has already been expanded on site following planning approval under ref. X/2011/0446/F.

In relation to economic contribution, although the company plays a role in the local economy and provides a recovery service, the proposal does not demonstrate a proportionate economic benefit relative to the scale of countryside harm. No evidence has been provided to confirm that the proposal would result in additional employment, and therefore the economic contribution is considered modest in this context.

Overall, while the points raised in the supporting statement reflect genuine operational considerations for the applicant, they do not constitute sufficient justification to depart from the clear requirements of Policy PED 3 of PPS4 and CTY1 of PPS21. The proposal represents a major extension of a commercial yard into open countryside, for which no exceptional circumstances or overriding reasons have been demonstrated, no robust alternative site analysis has been provided, and relocation or partial relocation has not been adequately discounted. The final criterion of Policy PED 3 requires that proposals do not undermine rural character; this is addressed in the subsequent section of this report.

Integration and Impact on Rural Character

As stated previously, the existing CCRS site benefits from a degree of natural screening due to local topography and the mature boundary hedging and vegetation that enclose much of the operational area. Given that the proposed expansion is located to the rear of the established yard, public views from Cotton Road would remain extremely limited, as demonstrated in Images 1 and 2 below.



Figure 10: View of entrance of site



Figure 11: View of Site when travelling from eastern side of Cotton Road

In contrast, the proposed extension would be readily visible from Murdock's Lane. Figure 12 below illustrates existing views across the application lands, which currently form part of the open countryside. Although no new buildings are proposed, the enlarged area of hardstanding would accommodate commercial vehicles and cars associated with the CCRS operation. These would introduce a built up, commercial appearance into an area that is otherwise open and rural in character.



Figure 12: View of site from Murdock's Lane



Figure 13: View of surrounding rural landscape character from Murdock's Lane

The submitted plans include a proposed landscape buffer comprising a mix of new trees and shrubs around the perimeter of the expanded yard. While this landscaping would, over time, assist with screening the development to some degree, it is acknowledged that such planting would take several years to establish and would not be sufficient to mitigate the unacceptable further encroachment into the countryside at this location.

Taking all of this into account, it is considered that the proposal would undermine rural character, contrary to Policy PED 3, and that satisfactory integration measures have not been demonstrated as required under Policy PED 9. In this context, it is also considered that the proposal would fail to comply with policy CTY1 of PPS21 which requires that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings.

Road Safety and Parking

The proposal seeks to utilise the existing vehicular access onto Cotton Road, which is designated as a Protected Route. The applicant has stated that the development is not intended to intensify the use of this access, noting that the proposal is primarily to

provide additional hardstanding to allow the business to operate more safely and efficiently. It has been previously indicated that the proposal would result in no more than four additional vehicle movements per day and, based on the nature of the proposed use and the information submitted, it is accepted that this does not represent a material intensification of the use of the existing access.

Policy AMP 3 restricts new accesses or intensification of existing accesses onto Protected Routes. However, AMP 3 does make provision for exceptions outside settlement limits in certain circumstances. Under Criterion (d), an exception may be justified for other categories of development where access cannot reasonably be obtained from an adjacent minor road. In this case, access from Murdock's Lane, a narrow laneway serving residential properties, is not considered appropriate or safe for commercial vehicles associated with this business. Directing such vehicles onto this minor road would likely create conflict with existing residential traffic, increase disruption, and introduce road safety concerns. In contrast, the existing access onto Cotton Road benefits from adequate visibility splays and has long been used as the primary access point for the established CCRS operation.

Accordingly, even if the proposal were considered to result in some degree of intensification, it would still fall within the exception provided under Criterion (d) of Policy AMP 3. Given the lack of any safe or suitable alternative access from a minor road, continued use of the existing access onto Cotton Road is therefore justified and considered policy compliant.

DfI Roads was consulted and offered no objections to the proposed development. Their comments confirm that, subject to standard conditions, the proposal is considered acceptable in terms of road safety and access arrangements.

Impact upon Residential Amenity

Murdock's Lane lies immediately to the west of the site and contains a terrace of six dwellings, the closest of which is approximately 40m from the site. As no buildings are proposed, there will be no impacts relating to overshadowing, dominance or loss of light. Given the nature of the proposal and the separation distance, it is not considered that the development would result in adverse effects on residential amenity.

The proposal is for an extension of an existing storage use and does not involve any processing, dismantling, or disposal activities. It is therefore not considered that the development would give rise to significant amenity impacts in relation to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The agent confirmed that the site does not operate as a scrap yard and the vehicles to be stored are not "end-of-life" vehicles. The business model involves the recovery of damaged or broken-down vehicles, temporary storage pending inspection by insurers or other agencies, and the movement of vehicles either off-site for repair or to licensed disposal facilities. No disposal or breaking of vehicles takes place on the premises.

In addition, the agent confirmed that no repair works will occur within the area of the proposed extension. As confirmed on the site layout, this part of the site will be used

primarily for staff parking, the parking of company vehicles, and the storage of vehicles awaiting inspection. The existing workshop, inspection and administrative activities are all contained within the established yard, where the business already operates in accordance with relevant environmental controls.

Environmental Health was consulted and raised no objections to the application. On this basis, it is considered that the proposal would not cause unacceptable harm to neighbouring residential amenity.

Flooding & Drainage

The site is not located within a known flood risk area, and the proposal is not expected to cause or increase flooding. A Drainage Assessment (DA) was submitted by JKB Consulting Engineers, which confirms that surface water from the new hardstanding will be dealt with through a private permeable gravel system, allowing water to infiltrate naturally into the ground. The proposed drainage will remain private and maintained by the applicant. NI Water was consulted and raised no objections.

DfI Rivers also reviewed the Drainage Assessment. They noted that the drainage relies on a private soakaway system with no outfall and that water will drain through the soil. Because this is a specialist SuDS system, DfI Rivers explained that they cannot comment on how effective the system will be and therefore cannot confirm full compliance with Policy FLD 3. However, they did not object to the proposal.

The Drainage Assessment concludes that the development can be drained safely without increasing flood risk, and no consultees have raised any concerns. Based on the information provided, the proposal is considered acceptable in relation to Policy FLD 3 of PPS 15.

NIEA: Water Catchment Unit (WCU) reviewed the submission and advised that, based on the information provided, they were unable to fully determine the potential impact on the surface water environment at this stage. WCU confirmed that further detail would be required in the form of a full site drainage plan, illustrating surface and foul drainage arrangements, the handling of potentially contaminated runoff from vehicle hardstanding, and the use of pollution prevention measures such as oil interceptors, sumps and silt traps. WCU further advised that any treatment of End-of-Life Vehicles must only take place at authorised facilities regulated by NIEA, and that any discharges to the water environment would require consent under the Water (Northern Ireland) Order 1999. It must be noted that the proposal relates solely to the extension of an existing and established premises for a permeable gravel vehicle storage area, and as such it would not be proportionate at this stage to require a full site-wide drainage plan beyond the scope of the proposed extension

Impact on Biodiversity

Part 1 of NIEA's Biodiversity Checklist was used to identify any potential impacts on designated sites. No such impacts were identified. The proposal has therefore been assessed in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and it is concluded that the

development will not have an adverse effect on Special Areas of Conservation, Special Protection Areas or Ramsar sites.

A biodiversity checklist and ecological statement were submitted with the application. NIEA: Natural Environment Division (NED) was consulted and confirmed that no significant ecological concerns were identified. The application site comprises part of an agricultural field adjoining an existing commercial yard, and the amended proposal now involves only the change of use of agricultural land to form additional hardstanding for storage, with no new buildings.

The amended plans show that existing boundary hedging will be retained and augmented, with only minimal loss of hedgerow required to facilitate the new access opening into the extended yard area. A new landscape buffer, comprised of trees and shrubs, is proposed along the boundaries of the expanded yard.

NIEA: NED raised no objections to the proposal and advised that, if approved, a landscaping condition should be attached. This would require the development to be carried out in accordance with the submitted landscape plan, including:

- Retention and augmentation of existing boundary hedging, and
- Replacement of any hedgerow lost to accommodate the development through appropriate compensatory planting.

This condition is recommended to ensure protection of biodiversity and to compensate for any loss of priority habitat.

Following re-consultation, NIEA: NED acknowledged potential hydrological considerations and referred the Council to the Water Catchment Unit response for further detail; however, Shared Environmental Services confirmed that no formal Habitats Regulations consultation was required, as the proposal would not affect any European designated sites.

5. Representations

A total of 47 objection letters were received from 11 separate address points. The following matters were raised:

Principle of Development (Policy PED 3 / Scale / Location):

- Several objectors stated that the proposal represents a major increase in site area (approx. 75% expansion) and therefore fails Policy PED 3, which requires *no major increase* in site area. Many residents argued that the business has already undergone incremental expansion, doubling in size since previous approvals, and that this proposal constitutes further unjustified encroachment into open countryside/Green Belt. Objectors claimed the expansion would radically change the nature of the enterprise, creating an industrial-scale operation incompatible with a rural setting.
- Some argued that the amended description (“storage of caravans and other vehicles”) appears to create a new planning unit, not a genuine expansion of the established use.

- Residents stated that relocation or partial relocation to a brownfield or industrial site (e.g. Balloo) has not been explored and would be more appropriate for storage of larger, damaged or EV vehicles.
- It was argued that the proposal does not meet the "exceptional circumstances" criteria of PED 3:
  - relocation not demonstrated as impossible;
  - no evidence of significant economic benefit;
  - rural character clearly undermined.
- Concerns were expressed that approval would set a dangerous precedent for further expansion and urbanisation of the countryside.

Response: The issues raised by objectors regarding the scale of the proposal, compliance with Policy PED 3, the nature of the development and consideration of alternative sites have been fully assessed in the main body of this report. As assessed in the main report, the proposal would result in a substantial increase in the operational area of the site, representing a major increase in site area.

The application has been amended since its original submission. The reference to caravan storage has been removed, and the proposal is now solely for the change of use of agricultural land to provide additional hardstanding for the parking and storage of vehicles associated with the established CCRS recovery and repair business. On this basis, the proposal is considered an expansion of the existing enterprise, rather than the creation of a new or separate planning unit.

The Planning Department agrees that no robust site search assessment has been provided, and the agent has not demonstrated that relocation or partial relocation to an alternative site is unachievable. This matter was considered in detail within the main assessment and contributes to the conclusion that the proposal does not meet the "exceptional circumstances" test under PED 3.

Finally, concerns that the development may set a precedent for further expansion have been noted. While each application must be assessed on its own merits, the Planning Department recognises that the proposal would result in a further significant outward expansion of commercial activity into open countryside.

Impacts on Residential Amenity:

- Several objectors raised concerns about noise from 24/7 recovery operations, HGV movements, loading/unloading of damaged vehicles and increased activity closer to homes.
- Residents reported existing floodlighting glare and feared further lighting will be required, resulting in disturbance, loss of dark-sky character, and sleep disruption.
- Objectors cited concerns relating to loss of privacy, including potential CCTV, increased activity overlooking homes, and intrusive views of vehicle storage.
- Residents stated that ongoing expansion has already affected their quality of life and mental well-being, and that this proposal will worsen impacts through noise, fumes, and constant operational activity.
- Concerns were also raised about possible odour, fumes, and fluid leakage from damaged vehicles.

Response: These matters have been discussed under 'Residential Amenity' above. As previously assessed, the nature of the development does not introduce built form that would result in overshadowing, dominance or loss of light.

Objectors expressed concern about the potential for increased noise and disturbance, particularly due to the business operating a 24-hour recovery service. The agent clarified that while CCRS does provide 24-hour roadside recovery, this activity occurs off-site. The workshops on the premises operate only between 8am and 6pm Monday to Friday, and the proposed extension will not be used for repair works or continuous night-time activity. The agent has confirmed that the extended yard will be used for staff parking, company vehicles, and vehicles awaiting inspection, none of which would require the area to operate on a 24-hour basis.

Environmental Health was consulted and raised no objections, noting no anticipated unacceptable impacts relating to noise, vibration, odour or emissions. The business does not undertake scrap-yard functions: vehicles stored are not "end-of-life," and no dismantling, disposal or processing takes place on the premises. Waste oils and fluids associated with the existing repair operations are already managed in accordance with environmental requirements, and no such activities will occur within the new storage area.

Objectors also raised concerns regarding lighting, including existing floodlighting at the site. It is noted that no external lighting is proposed as part of this application. Any future lighting would require separate planning permission and is not under consideration as part of this development.

With regard to privacy and views into the site, the proposal involves outdoor storage only and does not introduce elevated structures or surveillance equipment. The extension will be at ground level and physically separated from nearby properties by existing landscaping and boundary vegetation. As previously assessed, the separation distance and the type of use proposed are not considered to result in unacceptable overlooking or loss of privacy.

Concerns were also raised about the storage of electric vehicles (EVs) and associated fire risk. The agent has confirmed that EV storage will be located within a designated bay 110–170 metres from the nearest dwellings. The risk of fire has been described by the agent as low, and any EV storage would be undertaken within the context of the existing vehicle-recovery operations already lawfully carried out on site.

Integration and Impact on Rural Character

- Objectors stated that the expansion would significantly industrialise Murdock's Lane, making it resemble an industrial estate rather than a rural area. Many highlighted that the existing CCRS site is already visually prominent, with barbed wire fencing, stacked containers, and unimplemented landscaping contributing to a harsh industrial appearance.

- Several objectors provided photographs showing clear views of the site from homes and laneways, disputing the applicant's claim that it is "well screened".
- Concerns were raised that the proposed 5m landscaping buffer would take many years to mature, would not provide immediate mitigation, and may never be implemented based on past failures.
- Overall, residents argued that the proposal would further erode the countryside character, harm views from Murdock's Lane, and create a permanent industrial intrusion into open agricultural land.

Response: While the existing CCRS site is well screened from Cotton Road, it is accepted that views of the site are available from Murdock's Lane. The proposed expansion would introduce an enlarged hardstanding area accommodating commercial vehicles and cars associated with the existing business. Although no new buildings are proposed, the presence of additional vehicles would increase visual clutter into an area that is otherwise open and rural in character.

The submitted plans include a new landscape buffer comprising trees and shrubs around the perimeter of the extended yard. As set out in the main assessment, while this planting would assist with integration over time, it would take several years to mature and therefore would not provide effective screening in the short term. As a result, the expanded yard would remain visible from Murdock's Lane for a considerable period and would read as an encroachment of commercial development into the surrounding countryside.

Road Safety & Access

- Several objectors raised concerns regarding intensification of movements onto the A48 protected route, described as a fast and dangerous stretch with a history of collisions. Objectors highlighted ongoing issues with CCRS vehicles parking in lay-bys on Cotton Road, obstructing visibility and a designated bus stop.
- Many stated that Murdock's Lane is unsuitable for HGVs or construction traffic due to its narrow, fragile, residential nature. Residents feared that construction access (HGVs, excavators, lorries) would inevitably use Murdock's Lane, despite claims it will be closed off. Concerns were raised about safety risks for pedestrians, residents, children, horses (stables nearby) and other lane users. Several cited past planning refusals in Murdock's Lane where access for large vehicles was deemed unacceptable.

Response: These matters have been discussed in the main report. The proposal seeks to use the existing access onto Cotton Road, which is a protected route. The scale and nature of the proposal would not result in a significant intensification of vehicle movements. Only a small number of additional trips are anticipated, and DfI Roads has been consulted and offered no objections to the development. On this basis, the access arrangements are considered acceptable and compliant with relevant policy.

With regard to concerns about parking on Cotton Road and the use of lay-bys, the agent has stated that the current lack of on-site capacity results in occasional use of the lay-bys for short-term parking of recovered vehicles.

Objectors also raised concerns regarding construction traffic and the potential use of Murdock's Lane. The applicant has confirmed that there will be no operational access

from Murdock's Lane, and that the lane will not form part of the permanent access arrangements. Should construction vehicles require temporary access, this would be short-term in nature and managed through normal construction practices.

Impact on Biodiversity

- Many objectors stated the site is used by badgers, bats, foxes, hares, rabbits, pheasants, birds, and insects, and lies close to Blaeberry Island Bog ASSI. In addition, concerns were raised about:
  - loss of greenfield habitat and hedgerows,
  - disruption to wildlife corridors,
  - disturbance from noise and lighting,
  - potential impacts on protected species including badgers and bats.
- Some objectors referenced statutory protections under the Wildlife and Natural Environment Act (NI) 2011 and the Habitats Regulations, arguing these should trigger more detailed assessment.
- Some objectors referenced the need for air quality assessment and potential cumulative impacts on the nearby ASSI.

Response: A Biodiversity Checklist and an Ecological Statement were submitted in support of the application. Shared Environmental Services (SES) were informally consulted and advised that no formal Habitats Regulations Assessment was required, confirming that *there is no pathway for effects on any European designated site*. SES also clarified that Blaeberry Island Bog is a nationally designated ASSI and therefore falls within the remit of NIEA rather than the Habitats Regulations.

NIEA: Natural Environment Division (NED) was formally consulted. NED reviewed the ecological information and raised no significant ecological concerns, noting that the site comprises part of an agricultural field adjoining an existing commercial yard. The amended proposal now involves only the change of use to hardstanding, with no new buildings and minimal hedgerow loss restricted to the new access opening to the yard. On this basis, and subject to the recommended landscaping condition, it is considered that the proposal will not result in unacceptable impacts on biodiversity.

In addition, the application was screened for Environmental Impact Assessment (EIA) purposes under the Planning (Environmental Impact Assessment) Regulations. The proposal was negatively screened, meaning it does not constitute EIA development and is not likely to have significant effects on the environment.

Flooding, Drainage and Soil Removal

- Several objectors reported recent flooding (Nov 2023) from the site onto Murdock's Lane, questioning the effectiveness of infiltration systems. Concerns were raised that large-scale excavation and hardstanding will:
  - increase surface water runoff,
  - alter natural drainage patterns,
  - worsen flood risk for properties and restrict the only access route.
- Objectors questioned how large volumes of excavated soil would be removed and where it would be transported.
- Some raised concerns regarding proximity to watercourses and underground strata linked to the ASSI.

Response: As previously stated in the main report the site is not located within a known flood risk area, and a Drainage Assessment (DA) prepared by JKB Consulting Engineers was submitted in support of the application. The DA confirms that surface water from the proposed hardstanding will be managed through a permeable gravel system, allowing infiltration into the ground. NI Water was consulted and raised no objections. DfI Rivers could not verify compliance with Policy FLD 3, but importantly did not object to the proposal. Their position is typical for private SuDS systems, where reliance is placed on the professional certification of the scheme's designer.

With regard to comments about soil removal, this relates to normal construction activity and is not a material planning concern unless it results in identifiable environmental harm, which has not been indicated in any consultee responses.

Planning History

- Residents highlighted a pattern of incremental expansion, with approvals followed by additional development (including retrospective applications for shipping containers and new sheds).
- Concerns were raised about past unfulfilled landscaping conditions, noting that previously required screening was never implemented.
- Objectors expressed suspicion that although no buildings are currently proposed, further built development would likely follow as in previous applications.
- Some objectors alleged unauthorised commercial storage at a nearby residential property linked to the business and requested council investigation.

Response: Matters relating to the planning history of the site have been fully considered above. It is acknowledged that the site has benefited from a number of previous planning approvals, including permissions for yard extensions and buildings, and that some applications have been retrospective in nature. These permissions form part of the established planning context for the site and have been taken into account in the assessment.

Objectors raised concerns regarding unfulfilled landscaping requirements from earlier approvals. This matter is separate from the current application and, where necessary, can be referred to the Council's Planning Enforcement Team for investigation. Concerns were also expressed that approving this proposal would inevitably lead to further expansion or future building applications. The Council must, however, assess only the proposal before it. Any future development would require a separate planning application and would be assessed on its own merits.

With regard to allegations of unauthorised commercial vehicle storage at No. 1 Murdock's Lane, the agent has clarified that this property is not part of the application site and is the private residence of one of the directors. Parking of taxed and insured vehicles outside a dwelling is not a matter material to this application. Nonetheless, should residents believe that unauthorised commercial activity is occurring at that location, this can be reported separately to Planning Enforcement for investigation.

Inaccuracies in Statements / Plans

- Several objectors stated that the Planning Support Statement is misleading, including:
  - claims that the site is well screened,
  - claims that additional access is essential,
  - omission or inaccurate portrayal of past planning history.
- Objectors noted inconsistencies between the proposal description and what appears on the amended site plans, particularly relating to fencing, walling and internal access.

Response: The planning statement, drawings and all supporting material have been independently reviewed as part of the Planning Department's assessment. The agent has since amended the proposal, and the current description of development accurately reflects the plans now under consideration.

Pollution, Hazardous Vehicles and Environmental Risks

- Many residents raised concerns regarding:
  - potential for oil, fuel and chemical leaks,
  - contamination of soils and watercourses,
  - hazardous materials from EV batteries (toxic gases, fire risk),
  - lack of formal fire safety assessment or NIFRS involvement.
- Fears that increased vehicle storage, including damaged vehicles stored for extended periods, could create environmental and public health risks.

Response: The proposal does not involve the dismantling, breaking, processing or disposal of scrap or end-of-life vehicles. The agent has confirmed that recovered vehicles are temporarily stored pending inspection, before either being repaired off-site or transferred to licensed disposal facilities.

Environmental Health was consulted and raised no objections. Their assessment did not identify any unacceptable risks in relation to pollution, noise, fumes, oils, or fluids. Waste oils and other materials arising from repair and inspection activities within the existing yard are already managed in accordance with environmental requirements, and no repair works will be undertaken within the new storage area.

Concerns were also raised regarding the storage of electric vehicles (EVs). The applicant has confirmed that EVs will be stored within a designated bay located approximately 110 metres from the nearest dwelling. EV storage forms part of the existing lawful recovery and inspection functions on site, and the extension does not introduce new or intensified EV-related activities.

No statutory consultee has identified any pollution-related concerns or requested further assessment. The development has also been screened for Environmental Impact Assessment (EIA) and was *negatively screened*, confirming that it is not likely to give rise to significant environmental effects.

EIA Screening

One objector raised concerns regarding the validity of the EIA Screening Opinion and contends that the proposal has the potential to give rise to significant environmental effects. Particular concerns relate to cumulative impacts arising from the expansion of the existing business, potential effects on designated sites, drainage and pollution risks, noise, dust, fire risk associated with electric vehicles, impacts on nearby residents and effects on local wildlife. The objector therefore considers that the proposal should be subject to a formal Environmental Impact Assessment.

Response: The concerns raised regarding the EIA Screening Opinion have been considered. The proposal was screened under the Planning (Environmental Impact Assessment) Regulations (NI) 2017 and it was concluded that, having regard to the nature, scale and location of the development, the proposal would not be likely to result in significant environmental effects. Relevant consultees, including Shared Environmental Services, NIEA, Environmental Health, DfI Rivers and NI Water, raised no objection and identified no significant environmental effects that would warrant the submission of an Environmental Statement. Accordingly, the Council is satisfied that the proposal does not constitute EIA development.

Other Issues

- Sustainable travel: Several residents noted lack of public transport and poor sustainability in travel patterns for staff/customers.
- Property values: Some expressed concern about devaluation of nearby homes.
- Community well-being: Residents emphasised stress, loss of rural tranquillity, and cumulative effects of years of expansion.
- Public interest: Objectors argued that the proposal benefits only CCRS and its corporate clients, not the local community.

Response: With regard to sustainable travel, it is recognised that the proposal is located in the countryside where reliance on private vehicles is common. However, the site lies directly on a main road, and a bus stop is located along Cotton Road immediately adjacent to the site, providing some level of public transport access.

The potential effect of a development on house prices is not a material planning consideration, and therefore cannot be taken into account in the determination of this application.

The issues raised in relation to community well-being, rural tranquillity and perceptions of cumulative impact are acknowledged. These matters have been fully considered within the assessment of residential amenity, rural character and Policy PED 3, where it has been concluded that the principle of development is not acceptable due to the scale of expansion and its impact on rural character.

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 Policy PED 3 of Planning Policy Statement 4, Planning and Economic Development, in that the development would, if permitted, result in a major expansion of the existing enterprise within the countryside and no exceptional circumstances have been demonstrated, it has not been demonstrated that relocation of the enterprise or further development within the existing site is not possible and it has not been demonstrated that the expansion would make a significant contribution to the local economy.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2, Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and Policies PED3 and PED9 of Planning Policy Statement 4, Planning and Economic Development in that the development would, if permitted, fail to integrate sympathetically with the surrounding rural landscape, resulting in an unacceptable adverse impact on the rural character of the area.

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.

Case Officer Signature:		**Date:**	

Development Management Case Officer Report				Ards and North Down Borough Council
Reference:	LA06/2025/0527/F	**DEA:** Newtownards		
Proposal:	Shed and seating to front of dwelling (retrospective)	**Location:**	13 Moyne Gardens, Newtownards	
Applicant:	Niketa Madine			
Date valid:	27/06/2025	**EIA Screening Required:**	No	
Date last advertised:	04/09/2025	**Date last neighbour notified:**	21/08/2025	

Consultations – synopsis of responses:	
None required	

Letters of Support	0	**Letters of Objection**	**0**	**Petitions**	0

Summary of main issues considered:

- Principle of development
- Design and Appearance
- Impact on privacy or amenity of neighbouring properties
- Impact on the character and appearance of the 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

This site consists of a two-storey, mid-terrace, property near the centre of Newtownards. The property faces onto a 4-lane thoroughfare in the town (New Road). The brown-brick dwelling is not part of a traditional terrace but is part of a larger block of houses which bend in something of an 'S' form. There is communal parking to the rear – and also a parking bay at the front of the property. Small garden area to front and small, enclosed, yard area to rear. There is a domestic-scale garden shed in the front garden (the subject of this application). The area is largely residential but has an edge-of-centre character on account of the nearby traffic junctions.



2. Site Location Plan



3. Relevant Planning History

On-going enforcement action in relation to the shed: LA06/2021/0217/CA.

4. Planning Assessment

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

- Ards & Down Area Plan 2015 (ADAP)
- Strategic Planning Policy Statement for Northern Ireland: Edition 2
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 7: Addendum – Residential Extensions & Alterations

Planning Guidance:

- Creating Places

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site is within the settlement of Newtownards as designated in the Plan. The site is outside the AONB and any other sensitive environmental designation. No listed buildings, or archaeological remains, affected by the proposal. As there are no material provisions in the extant LDP that are pertinent to the proposal, the determination will be based on the prevailing regional policies and all other material considerations.

A second edition of the SPPS was published by DFI on 11th December 2025. The document is material to all decisions on individual planning applications. The Preamble states that all other policy provisions within the former SPPS are unchanged. Until such times as the Council adopts its own Plan Strategy, the provisions of existing policies along with the SPPS2 apply. The provisions of the SPPS2 and any retained policies are to be applied to individual planning applications. 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. Within this context, PPS 7 Addendum is retained and provides the main policy context for this type of development.

There is therefore policy provision for householder development and the proposal is considered to be acceptable in principle subject to prevailing regional policies and all other material considerations.



Front elevation showing shed to front of house

Impact on Existing Dwelling and Character of Area

Permission is sought in retrospect for a timber-clad, flat-roof, shed erected at the front of the property. The shed was described as a 'sensory room' by the applicant. A bench – which includes some storage below – has been constructed along the party boundary. This seating area is very modest in scale. It is not visible from the road and screened by the fencing around the site. This seating area raises no issues as it relates to appearance and character of the area.



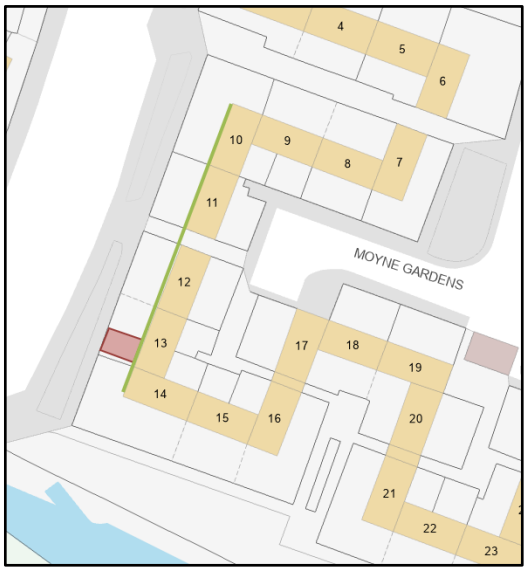
View of the property from the main road

In contrast to the seating, the shed is highly visible to the public. The shed is 4.5m in length and fills one half of the front garden. The shed has been placed close to the front of the house blocking one of the ground floor windows. Paragraph A9 of the PPS7 (addendum) annex guidance recognises that alterations/extensions to the front of a property require great care given this is likely to be the most visible to public view. It is important, therefore, to ensure that such proposals to the front do not detract from the street scene, especially where there is a clear and visually obvious 'building line'.

This is supplemented that in such cases, they should appear to be part of the existing property and not an obvious addition.

There is a strong sense of a building line along this section fronting onto George Street with no precedent for an extension/shed to the front. The highly visible nature of the shed is exacerbated by the contrast in materials and form. The shed is constructed with black timber panels, has a flat roof and will have no windows on the elevation facing the footpath/road. The shed appears as an obvious addition and could not be said to be sympathetic to the appearance or design of the house. Whilst the shed does 'tie in' with the fencing, its scale will adversely impact the appearance of the house.

As indicated above, the front of the property is highly exposed to passing traffic and vehicles. There are footpaths on both sides of the 4 lanes of traffic with a further public walkway at the nearby canal. Furthermore, the lack of walls, high fences, and garden hedges along this terrace only serves to heighten the visual impact of the shed on the surrounding area. In my professional judgement, the shed appears as an incongruous and visually intrusive feature in the terrace. The location at the front blocks views of the front door and ground floor window when driving in a northerly direction; and, when travelling from the north, the ground floor window at the property and the neighbour next door are hidden. In my opinion, this upsets the rhythm and uniformity of the street, disrupts the building line, creates a visual imbalance, and undermines the character of the terrace.



Shed marked in red; building line outlined in green

These concerns were raised with the applicant. It was explained the shed was used as a sensory room and to accommodate the special needs of a family member. It was stated that the child had specialist equipment which was stored in the shed and that it was used as a space for the child to have a sense of peace and calm. The possibility of a temporary permission was raised but this was not considered practical as the applicant claimed the child will need ongoing care and the shed would be needed for the foreseeable future. The rear yard area is half the size of the front, and whilst the shed could possibly be 'squeezed in' there would be a less than minimal private amenity space remaining.





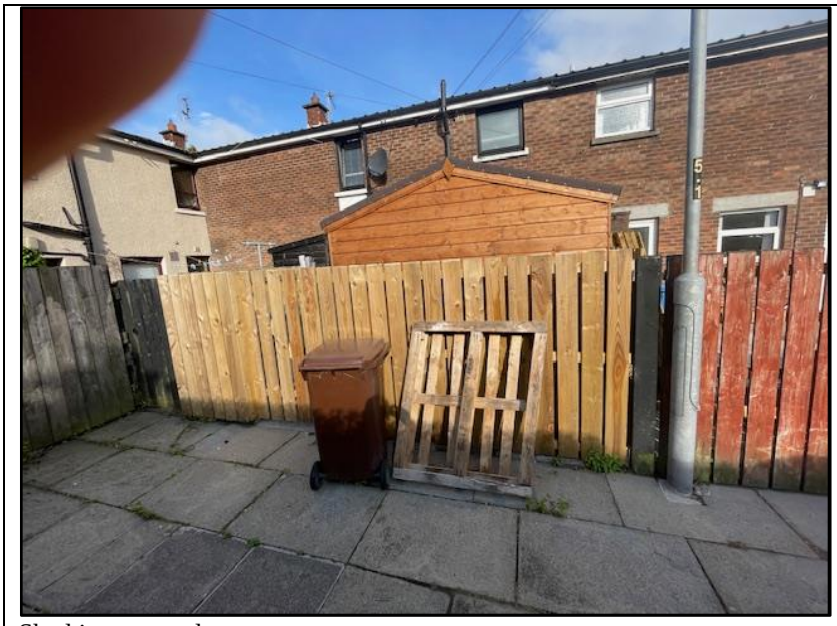
Internal photos (May 2022 and April 2026)

The above Policy does permit sympathetic consideration to proposals where an extension or alteration is required for person with a disability or whose mobility is otherwise impaired. Personal circumstances are an important material consideration to be balanced against other factors. The policy does allow the policy criteria to be relaxed in exceptional circumstances.

The shed has been in situ for nearly 5 years. From the information before me, the shed was not erected following advice or support from medical/health professionals. The application was submitted with the Full Fee and no request was made for an exemption in relation to a disabled person. The Council did receive a letter in March 2024 from Social Services (sent to the CO dealing with the Enforcement section). The letter confirmed the particular family circumstances and that the shed was a 'safe place' and used as a 'sensory shed' for one of the children. This letter was written 3 years after the erection of the shed and it was not clear if the sender of the letter had ever visited the shed.

From an internal inspection, there was minimal evidence of a sensory space and it did not appear the shed was erected to any formal specification or standard set out by any public body or health professional. The space has been designed with a small bar in one corner. There was a large 'cuddle box' with modular soft-play steps in one corner with the remainder being used for storage. It would be difficult to distinguish between this and the average domestic shed. There is another domestic shed which whilst smaller could accommodate similar scale play equipment. Whilst I accept there are specific needs faced by the family as set out in the letter by Social Services, and while the shed will no doubt be a benefit, I do not consider these to justify the setting aside of planning policy.

The letter from Social Services was submitted in support of the application, but no further documentation has been supplied that sets out the reasoning as to why a shed that size at that location is required, or why other internal solutions or in the rear yard could not be achieved.


Shed in rear yard

The weight given to competing factors is a matter of planning judgment. Whilst it is accepted that the specific circumstances raise challenges and are an important material consideration, I do not consider these to be determining. I have no doubt the additional space is of significant benefit to the family but I do not consider this sufficient to outweigh the impact on the appearance of the house and on the character of the area.

Impact on Privacy and Amenity of Neighbouring Residents

The Council considers it important that the amenity of all residents is protected from 'unneighborly' extensions which may cause problems through overshadowing/loss of light, dominance and loss of privacy. The SPPS also makes good neighborliness a yardstick with which to judge proposed developments. The only potential for a loss of amenity will be as a result of a loss of light at No.14. One ground floor window in particular will be affected. Said property is orientated at 90 degrees to the subject house meaning the affected window is actually on the side elevation – as opposed to the front.

The shed will be 2.4m in height and will project for 5.6m along the party boundary. The extension will clearly breach the 60^0 angle as set out in the light test in the Policy; the window is close to the party boundary and therefore even a modest extension of 2m would breach the angle. The shed cannot be treated in exactly the same way as an extension as the shed has been erected 1m off the wall – essentially creating a gap that would allow some light to reach the neighbour's window. By way of comparison, the proposal will not have a pitch roof and will have a similar impact to a timber-panel fence which could be erected under the provisions of Permitted Development legislation (albeit the shed would be 0.4m higher). Also, at the time of inspection there were a couple of shrubs on the boundary (on the neighbour's side) which already restricts light. Taking all these factors into account, I do not consider a loss of light to justify a reason for refusal.

Impact on Trees/Landscape Features
No landscape features will be affected by the proposal. Site not associated with a Tree Preservation Order.

Impact on Amenity Space and Parking

No change to the access/parking provision. Private amenity space to the rear will remain unaffected.

Impact on Designated Sites/Natural Heritage Interests
PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

The development will have no impact on any nationally or internally designated sites. Site is located in an urban area and all surrounding lands are developed. The canal is within 50m of the site. Neither the shed nor the seating requires foundations and the proposal will not involve works of heavy construction. Therefore, 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). No priority habitat on the site.

In terms of protected and priority species, Part 2 of the Checklist was referred to and *did not* identify a scenario where further consideration or surveys are necessary. Proposal does not involve demolition, conversion, or interference to the roof. No removal of trees or hedgerows. It is considered the impact on any such species to be negligible.

5. Representations

No letters of objection have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reason

1. The Proposal is contrary to the Strategic Planning Policy Statement (SPPS):Edition 2 and Policy EXT1(a) of the Addendum to Planning Policy Statement 7 (APPS7) in that the scale, design, external materials and location of the proposal to the front of the house would not be sympathetic

with the appearance of the existing property and would detract from the appearance and character of the area.

Annex – additional photo



Development Management Case Officer Report				Ards and North Down Borough Council
Reference:	LA06/2024/0751/F	**DEA:** Newtownards		
Proposal:	Farm dwelling with integral garage and associated site works	**Location:**	20m's West of 259 Scrabo Road, Newtownards	
Applicant:	Stanley & Irene Boyd			

Date valid:	05/09/2024	**EIA Screening Required:**	Yes
Date last advertised:	19/09/2024	**Date last neighbour notified:**	06/09/2024

Consultations – synopsis of responses:	
DFI Roads	No objection
Water NI	No objection
DAERA	No Farm business
Environmental Health	No objection
NIEA	No objection
Shared Environmental Services	No objection

Letters of Support	0	**Letters of Objection**	0	**Petitions**	0

Summary of main issues considered:

- Principle of development
- Visual Amenity
- Impact of the proposal on the character of the countryside
- Impact on Biodiversity
- Access & Road Safety
- Impact on AONB

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

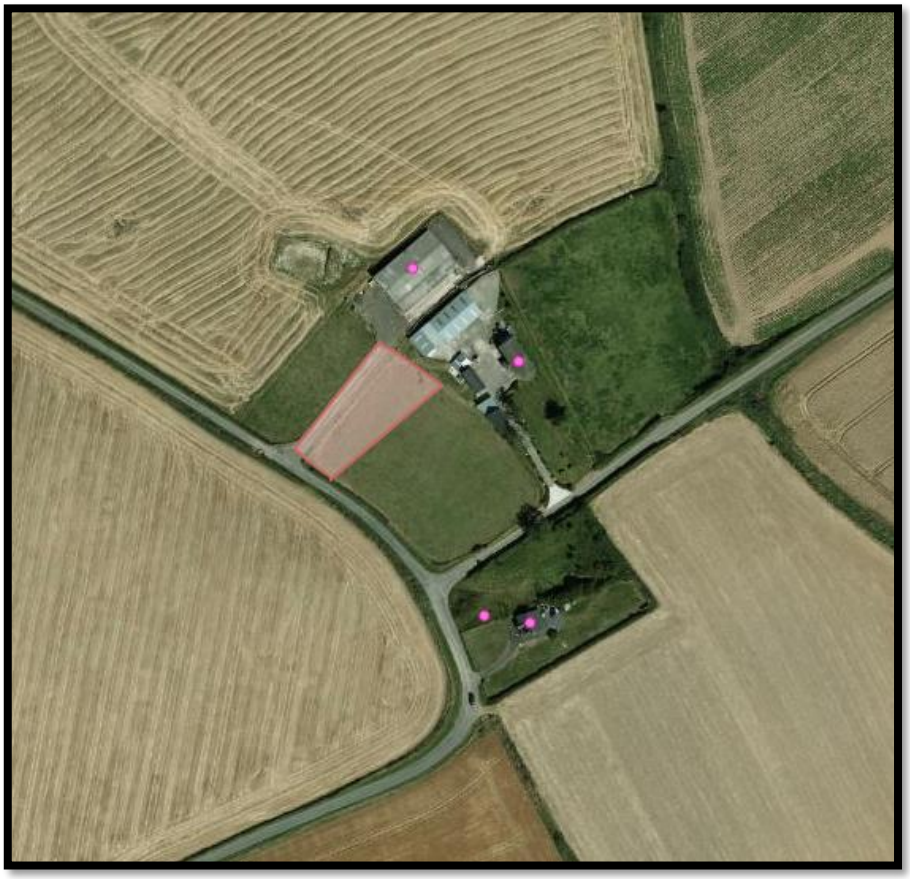
The application site is located 20m west of no.259 Scrabo Road, Newtownards. The site is part of a field laid in grass on the day of my site inspection. To the east of the site is a group of buildings which includes the dwelling of no.259 and three outbuildings. To the north / northwest of these buildings is a farm shed and a dwelling.

These buildings sit on land higher than the road that runs along the southeast and southwest boundary of the field the site is located in. The site slopes downwards from north-east to south-west.

The topography of the landscape undulates which is typical of the Drumlin nature exhibited in the foothills of Scrabo. The landform of the subject site slopes down (>6m) to the Ballyalton Road with an existing post and wire fence defining the western boundary and native species roadside hedgerow to the south. The northern boundary is contained by the existing buildings and yard associated with No.259.

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

2. Site Location Plan



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3. Relevant Planning History

LA06/2024/0472/RM – Single storey dwelling – 35m NW of 259 Scrabo Road, Newtownards – Granted 28/11/2024

LA06/2023/2346/O – Dwelling on a farm (renewal LA06/2020/0300/O) – 35m NW of 259 Scrabo Road, Newtownards, BT23 4SN – Granted 8/03/2024.

LA06/2022/0140/F - 2 No. dwellings with garages associated landscaping use of existing access to Ballyalton Road; demolition of existing dwellings – 12 Ballyalton Road, Newtownards, BT23 5AB – Withdrawn.

LA06/2020/0300/O - Dwelling on a farm – 35m NW of 259 Scrabo Road, Newtownards, BT23 4SN – Granted 26/08/2021.

LA06/2019/0150/F - Replacement Dwelling – 23 Ballyalton Road, Comber, BT23 5JX – Granted 07/08/2019.

LA06/2018/0755/O - Site for replacement dwelling with new access to Ballyalton Road – 12A Ballyalton Road, Newtownards, BT23 5AB – Granted 27/09/2019.

LA06/2018/0753/O - Site for replacement dwelling with use of existing access – 12 Ballyalton Road Newtownards BT23 5AB – Granted 24/09/2019.

LA06/2015/0248/RM - Farm dwelling and detached garage approved under X/2011/0339/O – Lands adjacent to 10 Ballyalton Road, Newtownards, BT23 5AB – Granted 11/09/2015.

X/2007/1064/F - New slurry storage facility – Ballyalton Road adjacent to 'Netherdene' 259 Scrabo Road, Newtownards, BT23 – Granted 16/10/2008.

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 (BoT)

Local Development Plan

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.

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 within the countryside and within the Strangford and Lecale Area of Outstanding Natural Beauty as designated within the Ards and Down Area Plan 2015. The site is also in proximity to an Archaeological Site and Monument (Rath) (Figure 1). There is a watercourse to the north-west of the site.

A Design and Access Statement was submitted along with this application and its content considered as part of my assessment.

The proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies. No further special designations pertain to the application site.

The Strategic Planning Policy Statement for Northern Ireland edition 2 (SPPS2) sets out the guiding principle relating to the grant/refusal of development which is contained within paragraph 3.8. 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. The SPPS2 retains the policy provisions of PPS 2, PPS 3 and PPS21.

Principle of Development

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, CTY1 makes provision for ‘a dwelling on a farm in accordance with Policy CTY10'. CTY 10 is therefore the main policy consideration for this application.

The test of policy is not whether a farm business number has been in existence for 6 years but that the farm business is currently active and has been established for at least 6 years. Throughout the headline policy text and justification text, the policy consistently refers to the farm, farm business or farm holding. Information in regard to

the individual including his / her farm DARD business ID number are used to assess the **first criterion of CTY 10 which is to establish if the farm business is currently active and has been established for at least 6 years.**

Paragraph 5.38 of the justification and amplification text to Policy CTY 10 states that 'new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm's DARD business ID number **along** with other evidence to prove active farming over the required period.' The onus is on the applicant to demonstrate that the farm business is both active and established.

Footnote 26 of the SPPS2 states that for its purposes 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013. At Article 4 (c) (i) agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

A P1c form was not submitted by the agent, and the agent has stated the applicant does not have a farm business ID number. After consultation with DAERA the consultation response stated –

"Applicant does not have a farm business. Proposed site is located in fields 3/019/001/1/A and 3/019/001/3. These fields have not been claimed in any previous years by any business."

With the fact that the applicant does not have a farm business ID number there is no evidence that the applicant has a farm business which is both established and active. With this information absent any evidence of agricultural work cannot be considered a part of a farm business. The justification in CTY10 states "***be required to provide the farm's DARD business ID number along with other evidence"****, implying that the evidence is a secondary requirement to the business ID.*

The agent has quoted several planning appeal decisions, one of which is -

2017/A0010 - Agricultural building - Site adjacent to No.15 Edenreagh Road, Eglinton - Appeal is dismissed.

It states -

"However, I accept that, if an appellant has no business ID number, this on its own would not be fatal to proving agricultural activity, if sufficient alternative evidence existed to demonstrate same."

It is noted that while the above comment acknowledges that the absence of a business ID Number does not mean that there is no agricultural activity it does not accept that an actual farm business can exist in the absence of an ID number. It is also noted that in this appeal, the applicant did have a farm business ID number but it was not in existence for the complete 6 years that the policy refers to.

10. In its response to the Council's consultation, the Department of Agriculture, the Environment, and Rural Affairs (DAERA) advised that the appellant's farm business ID (658567) has not been in existence more than 6 years, nor has the business claimed farm subsidies in this time. The farm business ID was allocated on 2 September 2013 and has been in existence for less than 4 years. However, I accept that, if an appellant has no business ID number, this on its own would not be fatal to proving agricultural activity, if sufficient alternative evidence existed to demonstrate same. The appellant has never claimed farm subsidies and I recognise that this is because his holding does not reach the required threshold of 3 hectares to qualify as an active farmer under the farm payment rules.

In this appeal the appellant had a farm business ID but that farm ID was not active for at least 6 years, the Commissioner refers to the farm ID not being live for the full 6 years and this not being fatal.

As stated in a very recent appeal 2025/A0095, comparisons between proposals are seldom possible, as each case turns on its own site-specific circumstances. It is noted that the appeal referred to was for a proposal under CTY12 and not in AND area.

"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. "

With this noted it is also noted that planning appeals are a material planning consideration and I find no previous planning appeal decisions where the appellant did not have a business ID number. As there is no farm ID or farm maps, the site location map shows the extend of the land the applicant owns. There are two fields adjacent to the applicant dwelling and these equate to approximately 1.05ha.

The agent has also quoted a number of other planning appeal references including, 2021/A0087, 2021/A0166, 2019/A0087 and 2017/A0231. In all of these cases, the appellant had a farm business ID number.

The agent has also referred to an application (LA06/2021/0627/F) the Council has approved without the applicant having a farm business ID.

As previously stated in the report, Policy CTY 10 of PPS 21 requires that an applicant seeking permission for a dwelling on a farm must be able to demonstrate that they are actively engaged in farming the established farm business. In this regard, a Farm Business ID Number is the fundamental indicator of an established farm business as stated in this report. The applicant has not provided evidence of a Farm Business ID Number, and other evidence submitted demonstrating that they are actively engaged in farming an established farm business, is not persuasive. Accordingly, I am not satisfied that the applicant meets the requirements of Policy CTY 10.

The agent has referred to another planning permission which was granted in circumstances where the applicant did not possess a Farm Business ID Number.

However, each planning application must be assessed on its own individual merits, having regard to the specific facts of the case and the policy requirements applicable at the time of determination. The existence of another planning permission which did not follow the policy requirements does not negate the need for the current proposal to fully satisfy the requirements of Policy CTY 10. In the absence of sufficient evidence demonstrating compliance with the policy, the proposal is considered contrary to Policy CTY 10 of PPS 21.

The agent has included a range of receipts showing transactions for agricultural supplies including –

- NI Water bills 1st April 2016 – 4th September 2023
- NI Water confirmation of farm water supply
- Receipt from Bobby Savage 21st January 2018 for maintenance works including stock proof fencing, drainage and maintenance to sheds.
- Invoices for grazing to Russell Alexander November 2019 – November 2024
- Receipts from Andrew Dunlop December 2021, December 2022 and February 2024 – drainage and fencing, grass seeding, and maintenance to sheds
- Receipts from Maurice Wylie 12th August 2022, and 14th September 2023 for hedge cutting
- Receipt from Manor Mill 19th July 2024 – Materials for repair of stock proof fencing
- Receipt from J Dalzell 22nd July 2024 – Repairs to stock fencing and posts
- Images of sheep grazing the lands, strawberries and potatoes trills growing

It would be my planning judgement that along with the absence of a DAERA business ID number, the DAERA consultation response and the evidence submitted by the agent, is that the applicant does not have an active and established farm business. The applicant owns two fields and while some evidence has been presented in relation to maintenance such as fencing repairs, hedge cutting and drainage, in the absence of a farm business ID, this does not sufficient to demonstrate that an active and established farm business exists. The applicant has invoices which are written by the applicant to Russell Alexander showing that the fields are grazed by other farmer's animals. While photos of strawberries and potatoes growing on the land have been submitted these are not dated and there is no evidence that these were produced for sale rather than just for personal use. The evidence submitted in my planning judgment confirms that the applicant is a landowner who maintains land adjacent to his dwelling but does not have an agricultural business. The policy requires the applicant to have an active and established farm business, not solely maintain land which any landowner would execute.

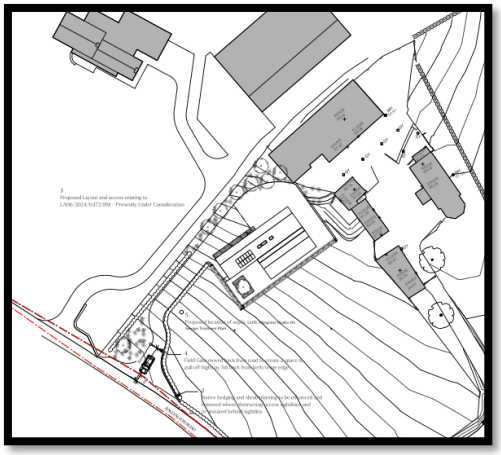
The second test in CTY10 relates to the disposal of development opportunities in the last 10 years.

I have carried out a planning history search and believe this criterion is satisfied. The P1C Form also indicates that no dwellings or development opportunities have been sold off during the last ten years.

In relation to the third test of CTY10, the new building must be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

The proposed site is within the ownership of the applicant along with the existing dwelling at 259 and associated outbuildings. However, the proposal is deemed to fail criteria a) of this policy and so the Council would not consider the proposed location of the site to locate a dwelling which would be visually linked or sited to cluster with an established group of buildings on a farm as there is not an established farm at this location.

As the buildings on the plot are not registered to a farm business, which is deemed to be active and established, it would be my planning judgment that the proposed dwelling would not cluster with the established group of buildings associated with a farm business.



Proposed layout.



Arieal photo.

As the proposed layout shows, it is not proposed to use an existing lane, it is proposed to construct a new access to the site.

The proposal does not justify a new dwelling on a farm in accordance with criterion (a) of Policy CTY 10. The proposal does not fall within one of the types of development that is acceptable in principle in the countryside under Policy CTY 1 of PPS 21.

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.

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 proposed site is located in a fairly prominent position in the landscape however the dwelling would be tightly clustered with the existing group of buildings immediately adjacent including the recently constructed dwelling to the north west. The land surrounding the site is considered to be rolling drumlins. Views of the site will be open to the south however the dwelling would be read against the backdrop of existing buildings to the north/north west . Taking account of these factors, it would be my planning judgement that the dwelling would not be prominent in the landscape given the existing built environment.





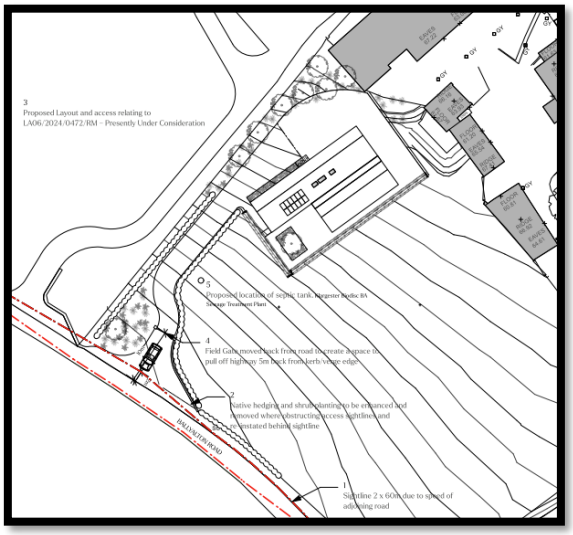
Google Streetview images July 2026

Boundaries and enclosure

The dwelling would have no boundary definition to the south eastern boundary which cuts across the open field. However, the site would be bound to the north east and north west by an existing lane and the existing farm buildings. While two of the site's boundaries are defined, the site nevertheless is extremely open and lacks any means of enclosure when viewed from the Ballyalton Road (see Google Streetview image below). This is worsened by the fact that the existing roadside hedge would have to be removed to accommodate the access and sight splays.



Areial View of the site



Proposed site layout



Site lacks any means of enclosure viewed from Ballyalton Rd (Google Streetview July 2026)

While a dwelling on the site would appear relatively prominent and would lack any means of enclosure, contrary to the requirements of CTY13, the equally prominent adjacent recently constructed dwelling which also lacks any means of enclosure must be a material consideration in the assessment of the current proposal (see Google Streetview image below). Taking account of this along with the grouping of the building

with existing buildings and the backdrop they provide, I do not consider that the proposed dwelling could be considered to fail the requirements of policy CTY13 on the grounds of prominence or lack of enclosure.



Recently constructed dwelling to north west of site

Landscaping

The proposal includes planting of hedgerows along the southeast and southwest there is to be planting along the northwest corner. With any new development in a rural setting the introduction of new planting is important and will not only provide integration but further biodiversity to the local area.

Ancillary Works

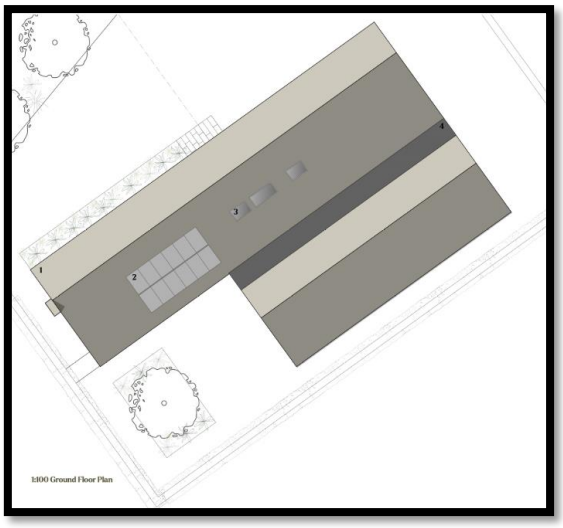
There are no ancillary works proposed with this application which would impact upon the character of the area.

Design of the building

The proposed dwelling is a modest modern dwelling with a maximum ridge height of 5.5m. The dwelling is to be finished in timber cladding and metal corrugated roof. The chimney breast is to be along the ridge and the windows are acceptable in design. The design of the dwelling is rural in character and in keeping with the local area.



Proposed elevations



Proposed roof plan

Blend with the landform

The site slopes down steeply from northeast to southwest. No details of existing and proposed ground levels, proposed finished floor levels or sections through the site to demonstrate the impact of the development on the landform have been submitted with the application. In this respect, the proposal is considered to be contrary to criterion (f) of CTY13 in that it has not been demonstrated that the development would be capable of blending with the landform and slope of the site.

Visually linked or sited to cluster

The proposed site is within the ownership of the applicant. The proposal is deemed to fail criteria a) of CTY10 and so the Council would not consider the proposed location of the site to locate a dwelling which would be visually linked or sited to cluster with an established group of buildings on a farm as there is not an established farm at this location.

The proposal has been assessed against the relevant criteria of this policy and in my planning judgment fails to meet criteria (f) and (g) of CTY13.

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.

A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

(b) it results in a suburban style build-up of development when viewed

with existing and approved buildings; or

(c) it does not respect the traditional pattern of settlement exhibited in

that area; or

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

(e) the impact of ancillary works (with the exception of necessary

visibility splays) would damage rural character.

Prominence

The prominence of the existing dwelling to be replaced has been discussed in this assessment. 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. It would be my planning judgement that the proposed dwelling will not be prominent

Suburban Style Build up

The proposed dwelling will be grouped along with existing buildings to the north enlarging a small cluster of buildings in open landscape. This additional dwelling does not however add to a ribbon or create a ribbon of development and so due to its visual relationship with the existing group it does not create a suburban style buildup.

Existing traditional pattern

The existing pattern of development in this area of outstanding natural beauty is that of dispersed groups of buildings at varying distances from nearby roads. The proposal does not conflict with this.



Ribboning

As the proposal is set back from the road and will not share frontage with the Road due to intervening fields and boundaries, the proposed dwelling is not deemed to create or add to ribboning.

Ancillary works

There are no ancillary works proposed with this application which would be contrary o CTY14

The proposal has been assessed against the relevant criteria of CTY14 and in my planning judgment adheres to those criteria. The proposal will not cause a detrimental **change to or further erode the rural character of an area.**

Natural Heritage

Planning Policy Statement 2 – Natural Heritage, PPS 2, sets out the planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as "the diversity of our habitats, species, landscapes and earth science features".

The application site is not located wholly or partially within any statutory or non-statutory designated sites. No such designated sites are located within 50-100m of the application boundaries; there is a watercourse to the north-west of the site. SES were consulted and confirmed that there is no viable environmental or pollution pathway for effects from the proposal on any European site or mobile site feature.

Policy NH 1 of PPS2 relates to European and Ramsar Sites. 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). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law.

The application was submitted along with a completed NI Biodiversity checklist which did not require any further consultation with NIEA – NED as per its advice. It is deemed that the proposed development meets this part of the policy.

Policy NH 5 of PPS2 states that Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;

- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

The application was submitted along with a completed NI Biodiversity checklist which did not require any further consultation with NIEA – NED as per its advice. It is deemed that the proposed development meets this part of the policy. While a section of roadside hedgerow would be required to be removed to accommodate the access to the site, compensatory replacement hedgerow planting is proposed.

Policy NH 6 of PPS2 – states that in Areas of Outstanding Natural Beauty Planning permission for new development will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

The proposed development is for a dwelling which is not deemed to be acceptable in principle, failing to meet the criteria of the relevant planning policy. The local area can be characterised by dwellings on large plots, accessed via long laneways and so the proposal respects this. Given the features of the AONB in this area, it would be my planning judgment that the proposal will maintain the character of the AONB.

Access Movement and parking

PPS3 - Access, Movement and Parking states under Policy AMP 2 Access to Public Roads Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

As discussed, the access which is to be used to serve the proposed dwelling is a new access. The access has been considered by DFI Roads who have no objection. Ballyalton Road is not a protected route and so the use of this access is acceptable.

Residential Impact
The proposed dwelling is to be approximately 80m to the closest third-party dwelling to the south-east (no.18a). The proposed dwelling will have no impact on the adjacent dwelling due to the separation distance and orientation of the existing dwelling and the proposed.

Environmental Health
The Environmental Health Protection and Development Service were consulted and have no objection to the proposed development.

Sewage Disposal
Planning permission will only be granted for development relying upon a non-mains sewerage system where it can be demonstrated that this will not create or add to a pollution problem. Applicants will be required to submit information on the means of sewerage. The applicant has indicated that foul sewage will be treated by a septic tank. I do not consider there to be any risk to residential amenity, underground strata or watercourse.

5. Representations

No letters of representation received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reason

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 CTY10 of Planning Policy Statement 21,

Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for at least 6 years and the new building would not be visually linked or sited to cluster with an established group of buildings on the farm and the access to the dwelling is not obtained from an existing lane.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland, Edition 2 and criteria (f) and (g) of policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal would blend with the existing landform and slope of the site and the dwelling would not be visually linked or sited to cluster with an established group of buildings on a farm.

ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	03 November 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	DAERA Consultation on Dangerous Structures (Fees) Regulations (NI) 2027: Draft Regulatory Impact Assessment
Attachments	5a - Regulatory Impact Assessment 5b - draft response to Dilapidation Act Fees Regulations
File Reference (if applicable)	
Legislation	Other Dilapidation Act (NI)
Resource Implications	None Narrative:
Screening Requirements	*The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:* Screening of decision not required
Link to Corporate Plan Priority and Outcome	Priority 2: Environmental Choose an item. If multiple:

Background

Item 11 of the agenda to 25 September 2025 Council meeting provides background to more recent consultation response by the Council to the Dilapidation Bill 2025 as introduced. It is a Bill to confer functions on district councils in connection with the dilapidation of buildings and other land.

The purpose of this report is for the Council to approve a draft response to the Department of Agriculture, Environment and Rural Affairs (DAERA) consultation on behalf of the Council on the Draft Regulatory Impact Assessment for Dangerous Structures (Fees) Regulations (Northern Ireland) 2027.

DAERA has issued a consultation on the Draft Regulatory Impact Assessment (RIA) supporting the proposed Dangerous Structures (Fees) Regulations (Northern Ireland) 2027. These Regulations will be made under powers contained within the Dilapidation Act (Northern Ireland) 2027 and are intended to establish a statutory framework for charging fees in respect of administrative and investigative works required to determine if a dangerous structure exists. Otherwise, councils would be unable to recoup the costs of surveys etc in circumstances where an interested person (owner, occupier, etc) complies with a notice issued under the Dilapidation Act.

The proposed regulations will provide a distinct power to charge prescribed fees for surveys, inspections and monitoring carried out before any remedial works, including where an interested person complies with a notice and the Council does not undertake the works itself.

By contrast, the Dilapidation Act's cost-recovery powers allow a Council to recover its reasonable expenses only where it has carried out remedial or emergency works. They reimburse costs actually incurred rather than authorise a separate fee for the earlier investigative and monitoring activity.

The intention of the enabling Act for these regulations, the Dilapidation Act (Northern Ireland) 2027 is to provide District Councils with enhanced powers to address neglected, dilapidated and dangerous buildings and sites, helping to protect public safety, improve local environments and reduce the impact of dereliction on communities. However, the Council has previous expressed very significant concerns regarding the lack of a funding package from central Government to accompany the provisions.

There is provision in the Act for Councils to carry out works in default, thus leaving liability for recovery of costs with the Council. If cost recovery has to be pursued through the courts, this could be a lengthy and costly process in itself, and it is unlikely the Council would recoup all costs associated with such remedial action.

This consultation seeks views on whether the proposed fee charging regime represents an appropriate and proportionate approach to supporting implementation of the dangerous structures provisions contained within the Dilapidation Act.

Key Issues
The Draft RIA considers three policy options:

1. **Do Nothing**. No fee-charging powers would be introduced and Councils would continue to absorb the costs associated with dangerous structures investigations, surveys, inspections and monitoring activities. These costs would continue to be borne by ratepayers.
2. **Non-Statutory Guidance**. DAERA would provide guidance to Councils on managing costs through existing arrangements. This would not establish a statutory mechanism for cost recovery and may result in inconsistent implementation across Council areas.
3. **Dangerous Structures Fees Regulations**. The proposed Regulations would establish a statutory fee framework enabling Councils to recover costs associated with surveys, inspections and monitoring activities undertaken in connection with dangerous structures investigations. DAERA considers this to be the preferred option. The Regulations are intended to promote consistency across Northern Ireland, improve cost recovery and reduce the financial burden on ratepayers.

Dangerous structures investigations can require specialist professional input, including structural engineering surveys, inspections and ongoing monitoring. These activities can incur significant costs, particularly where structures present complex technical issues or public safety concerns. The proposed fee charging framework would support recovery of these costs from those with an interest in the property rather than placing the financial burden upon ratepayers.

The Council recognises the potential benefits of a regional fee framework, including:

- Improved cost recovery for Councils.
- Greater consistency across Northern Ireland.
- Increased transparency for property owners.
- Enhanced support for the effective implementation of dangerous structures legislation.
- Reduced financial pressure on local government budgets.

However, a number of practical considerations have been identified.
The Council supports in principle the introduction of Regulations which ensure that the reasonable costs of dangerous structures investigations are borne by those with an interest in the property rather than by ratepayers. However, the Council does not support the fee mechanism currently proposed. It would require Councils to meet the full cost of surveys, specialist advice, inspections and monitoring in advance, with no certainty as to whether or when those sums would be recovered, and would transfer the associated cash-flow, non-payment and debt-recovery risks to local government. This is not considered a fair or sustainable basis for delivering a statutory public-safety function. The Council therefore considers that the Regulations should provide a more effective means of securing payment, or appropriate central funding or underwriting, so that Councils are not required to subsidise the scheme pending recovery. In addition, the final fee structure should reflect the complexity and actual cost of individual cases, and the RIA should fully account for Councils' administrative

costs, including fee calculation, invoicing, record management, debt recovery and disputes.

The Council is of the view regional guidance should promote consistent inspection, monitoring, charging and debt recovery practices across Councils, and any cost or case volume estimates should be evidence based or clearly identified as assumptions. The framework should also recognise the higher costs that may arise in rural areas because of longer travel distances, repeated visits, specialist access requirements and limited availability of professional advisers.

In summary, the Council supports in principle the introduction of the Dangerous Structures (Fees) Regulations and agrees that reasonable costs should fall on those with an interest in the property rather than on ratepayers. It cannot, however, support the fee mechanism as currently proposed, because it would require Councils to bear substantial investigation and administration costs upfront and then assume responsibility for invoicing, pursuing and potentially failing to recover those costs.

Without a more robust payment mechanism, or appropriate central funding or underwriting, the proposal risks leaving Councils and ratepayers to finance a statutory public-safety function while carrying the cash-flow and bad-debt risk. The final framework should therefore be revised to secure timely and reliable payment, reflect the actual complexity and cost of cases, recognise the full administrative burden on Councils and address the particular challenges of implementation in rural areas.

DAERA is seeking a response to this consultation by 13 November 2026.

Resource Implications

Financial
If implemented, the proposed fee regime should improve recovery of dangerous structures investigation costs and reduce the burden on ratepayers. However, the Council may incur additional administrative and operational costs, and the overall financial impact cannot be quantified until the final Regulations, fee levels and supporting guidance are available.

Human Resources
The dangerous buildings section of the new legislation will be enforced by the existing Building Control section. Given that the legislation is very broad, and will bring all buildings/structures into scope, it is currently difficult to determine the staffing required. It is probable that there will be a requirement to increase staff resource to provide suitable expertise and provision.

Rural Proofing Implications
Legislation will bring in many buildings which were previously not considered as dangerous due to their location. Given the predominance of non- regulated buildings in the countryside it is likely that the impact of this legislation will be more acutely felt in rural areas.

RECOMMENDATION

It is recommended that the Council **Approves** the draft response to the Consultation on the Draft Regulatory Impact Assessment for Dangerous Structures (Fees) Regulations (Northern Ireland) 2027 on behalf of the Council.

Title: The Draft Dangerous Structures (Fees) Regulations (Northern Ireland)	**Regulatory Impact Assessment (RIA)**
	Date: 17 September 2026
	Type of measure: Subordinate Legislation
Lead department: **Department of Agriculture, Environment & Rural Affairs (DAERA)**	**Stage:**
	Source of intervention: Domestic NI
Other departments or agencies: **N/A**	**Contact details:** Lisa Frazer Neighbourhood Quality Natural Environment Policy Division Clare House 303 Airport Road West Belfast BT3 9ED email lisa.frazer@daera-ni.gov.uk Ph 02890 569 497

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

The Dilapidation Act (Northern Ireland) 2027 provides powers enabling the Department to prescribe fees payable in connection with dangerous structures functions undertaken by district councils. These Regulations will establish a framework for charging fees in respect of surveys, inspections and monitoring activity undertaken prior to any remediation works by the councils. Otherwise, councils would be unable to recoup the costs of surveys etc in circumstances where an interested person (owner, occupier, etc.) complies with a notice. The Dilapidation Act already enables councils to recoup such reasonable costs *after* they have undertaken remediation work.

What are the policy objectives and the intended effects?

The objective is to support implementation of the dangerous structure's regime, promote consistency across Northern Ireland and ensure that, where appropriate, costs fall on those whose properties require intervention rather than on ratepayers. The intention is that those responsible for their property and its state of repair pay the costs of necessary surveys, inspections, etc. – regardless of whether the council ultimately has to take remediation action itself.

The aim is to provide a transparent charging framework, improve cost recovery, support consistent implementation, reduce pressure on council budgets and reinforce the principle that those creating the need for intervention should bear an appropriate share of associated costs.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: Do Nothing

No regulations would be made. Councils would continue to absorb costs. No fees would be charged. While this avoids additional costs for affected parties, it does not support cost recovery and may reduce the extent to which councils are willing or able to make use of dangerous structures powers.

Option 2: Non-Statutory Guidance

Guidance would encourage councils to *manage costs* through whatever existing arrangements. This option avoids establishing a statutory charging framework but may lead to inconsistency in practice between council areas and does not provide a clear, transparent basis for recovering costs.

Option 3: Introduce Fees by Regulations (Preferred)

The Regulations would prescribe fees payable in connection with specified dangerous structures functions. Fees are expected to typically range from several hundred pounds to thousands of pounds for larger sites and would contribute towards recovery of council costs. The approach is proportionate, transparent and supports implementation of the wider legislative framework.

Will the policy be reviewed? YES	**If applicable, set review date:** Three years after the parent Act becomes operational.

Cost of Preferred Option		
Total outlay cost for business £m	**Total net cost to business per year** £m	**Annual cost for implementation by Regulator** £m
Robust evidence is not available to quantify aggregate annual costs and therefore the assessment is primarily qualitative. Costs will arise only where councils undertake functions under Section 7 of the Dilapidation Act (Dangerous Structures). While it is not possible to be precise about the number of businesses affected and the costs to those businesses, the number of properties surveyed for councils on the grounds that they may be dangerous is expected to be in the dozens as opposed to in the hundreds annually.	Robust evidence is not available to quantify net annual costs or benefits and therefore the assessment is primarily qualitative. Costs will arise only where councils undertake functions under Section 7 of the Dilapidation Act (Dangerous Structures). Benefits include improved cost recovery, reduced pressure on local government budgets and support for effective administration. However, these benefits will accrue to councils / ratepayers as opposed to businesses. While it is not possible to be precise about the number of businesses affected and the costs to those businesses, the number of properties surveyed annually for councils on the grounds that they may be dangerous is expected to be in the dozens per council as opposed to in the hundreds. While not a direct comparison, a 2017 exercise by Belfast City Council indicated around 190 enforcement notices were issued by the council annually under the Belfast Improvement Act 1878 (typically used in relation to dangerous structures). However, not all of these would necessarily have required a detailed survey or inspection, and Belfast has more than double the population of the average of the other ten councils.	District councils are the competent authorities for implementation of the provisions under the Dilapidation Act. The Fees Regulations will provide councils with the necessary powers to charge survey, inspection and monitoring fees – thereby recovering their costs.

Does Implementation go beyond minimum EU requirements?			**N/A**	
Is this measure likely to impact on trade and investment?			**YES** ☐	**NO** ☒
Are any of these organisations in scope?	**Micro** Yes ☒ No ☐	**Small** Yes ☒ No ☐	**Medium** Yes ☒ No ☐	**Large** Yes ☒ No ☐

Final RIA supporting legislation will be attached to the Explanatory Memorandum and published with it

Approved by: Rory O'Boyle

Date: 18 September 2026

Summary: Analysis & Evidence Policy Option 1

Description: Do nothing – no changes to existing arrangements

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	**Optional**		**Optional**	**Optional**
High	**Optional**		**Optional**	**Optional**
Best Estimate	**N/A**		**N/A**	**N/A**

Description and scale of key monetised costs by 'main affected groups' Max 5 lines

Property owners and other persons with a relevant interest in premises that become subject to dangerous structures procedures would not be liable to pay fees where those functions are undertaken by a council.
The Department does not hold sufficient evidence to estimate the number of cases that may arise annually across Northern Ireland or the total aggregate costs that may be incurred by affected parties. Consequently, no robust monetised estimate of annual costs has been produced.
However, without a fee charging regime, the cost of pre-remediation surveys / inspections / monitoring would fall to councils / ratepayers. If there was an average of say 100 council-instructed surveys etc per year per council, and the average survey etc. cost was £3,000 – this would equate to costs of around £3.3m per annum – or £300k per council.

Other key non-monetised costs by 'main affected groups' Max 5 lines

As this is the 'do-nothing' option there is no change made. District councils would be unable to charge fees for survey and inspection / monitoring work undertaken prior to any remediation works. Councils could spend significant sums on professional surveys for example but would be unable to charge the interested person a fee for this work unless the interested person ultimately breached a dangerous structure notice and the council undertook remediation works itself (in which case they could recover such costs under 12(1) of the Dilapidation Act).

Overall assessment: None – there would be no direct costs to businesses as councils / ratepayers would carry the cost of surveys and inspections. Councils could only recoup such costs if they ultimately undertook remediation action (as provided for under 12(1) of the Dilapidation Act).

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	**Optional**		**Optional**	**Optional**
High	**Optional**		**Optional**	**Optional**
Best Estimate	**N/A**		**N/A**	**N/A**

Description and scale of key monetised benefits by 'main affected groups' Max 5 lines
N/A – do nothing option.

Other key non-monetised benefits by 'main affected groups' Max 5 lines
N/A – do nothing option.

Key Assumptions, Sensitivities, Risks Max 5 lines
N/A – do nothing option.

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business		
Costs: N/A	**Benefits: N/A**	**Net: N/A**

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to EU Member States (particularly Republic of Ireland) Maximum 3 lines

UK: Generally, this option is comparable with other regions.
EU: n/a

Summary: Analysis & Evidence Policy Option 2
Description: Non-Statutory Guidance

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	**Total Transitional (Policy)** (constant price)	Years	**Average Annual (recurring)** (excl. transitional) (constant price)	**Total Cost** (Present Value)
Low	**Optional**		**Optional**	**Optional**
High	**Optional**		**Optional**	**Optional**
Best Estimate	**N/A**		**N/A**	**N/A**

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

As per Option 1. While this option would encourage councils to *manage costs* through whatever existing arrangements might be available to them, it avoids establishing a statutory charging framework. This may lead to inconsistency in practice between council areas and does not provide a clear, transparent basis for recovering costs.
As with Option 1, the monetary costs of surveys, etc. would fall to district councils and their ratepayers and not to those with an interest in the dangerous property.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

District councils would still be unable to charge fees for survey and inspection / monitoring work undertaken prior to any remediation works. Councils could spend significant sums on professional surveys for example but would be unable to charge the interested person a fee for this work unless the interested person ultimately breached a dangerous structure notice and the council undertook remediation works itself (in which case they could recover such costs under 12(1) of the Dilapidation Act).

Overall assessment: None – there would be no direct costs to businesses as councils / ratepayers would carry the cost of surveys and inspections. Councils could only recoup such costs if they ultimately undertook remediation action (as provided for under 12(1) of the Dilapidation Act). Costs to councils might be slightly lower than for Option 1 should the non-statutory guidance provide options for managing costs, but any difference is likely to be marginal.

Benefits (£m)	**Total Transitional (Policy)** (constant price)	Years	**Average Annual (recurring)** (excl. transitional) (constant price)	**Total Benefit** (Present Value)
Low	**Optional**		**Optional**	**Optional**
High	**Optional**		**Optional**	**Optional**
Best Estimate	**N/A**		**N/A**	**N/A**

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

As per Option 1

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

As per Option 1

Key Assumptions, Sensitivities, Risks

As per Option 1

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business		
Costs: None	**Benefits: None**	**Net: 0**

Cross Border Issues (Option 2)

How does this option compare to other UK regions and to EU Member States (particularly Republic of Ireland) Maximum 3 lines
UK: Generally, this option is comparable with other regions, although the extent of provision of cost management guidance is uncertain (if any).
EU: n/a

Summary: Analysis and Evidence Policy Option 3
Description: Dangerous Structures Fees Regulations

ECONOMIC ASSESSMENT (Option 3)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	**Optional**		**Optional**	**Optional**
High	**Optional**		**Optional**	**Optional**
Best Estimate	**N/A**		**N/A**	**N/A**

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

Property owners and other persons with a relevant interest in premises that become subject to dangerous structures procedures may be liable to pay fees to survey / inspect / monitor the premises.

The Department does not hold sufficient evidence to estimate the number of cases that may arise annually across Northern Ireland or the total aggregate costs that may be incurred by affected parties. Consequently, no robust monetised estimate of annual costs has been included.

The fees are intended to cover costs incurred by councils in exercising their statutory functions (survey, inspection, monitoring) and are expected typically to be in the region of several hundred pounds to thousands of pounds depending on the size/scale of the dangerous structure and complexity of each case.

Under this Option, the cost of the survey work would be passed to those with an interest in a property (and a responsibility for its upkeep) rather than being born by councils / ratepayers.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

Some administrative costs will arise for councils in establishing and operating fee charging arrangements, processing payments and maintaining records relating to fees. These costs are expected to be limited and form part of normal regulatory administration.

Overall Assessment: Low
The Regulations impose limited direct costs which are expected to be proportionate to the services provided and the public safety objectives being pursued.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	**Optional**		**Optional**	**Optional**
High	**Optional**		**Optional**	**Optional**
Best Estimate	**N/A**		**N/A**	**N/A**

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

The principal monetised benefit is expected to be improved recovery of costs incurred by district councils in undertaking surveys, inspections and associated dangerous structures functions.

The Department does not possess sufficient evidence to quantify the total value of costs likely to be recovered annually and consequently no monetised estimate has been included.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

The Regulations support the principle that costs associated with regulatory intervention should, where appropriate, fall on those whose properties necessitate council action rather than on the wider ratepayer.
Improved cost recovery may reduce financial barriers to councils making use of dangerous structures powers where necessary to protect public safety.
A clear statutory charging framework provides greater consistency, transparency and certainty for councils, businesses and property owners throughout Northern Ireland.
The Regulations support effective implementation of the dangerous structures provisions contained within the Dilapidation Act (Northern Ireland) 2026 by ensuring that councils have access to an appropriate mechanism for recovering survey and inspection costs – regardless of whether a council ultimately undertakes remediation work itself.
Improved implementation of dangerous structures powers may contribute indirectly to safer local environments by facilitating inspections and ultimately interventions (by interested persons or councils) where risks are identified.

Overall Assessment: Moderate
While benefits cannot be quantified, the Department considers they are likely to outweigh the limited direct costs to business associated with the proposed fees. The cost burden will be shifted from councils / ratepayers to those

businesses with an interest in structures / properties that have become potentially dangerous.

Key Assumptions, Sensitivities, Risks Maximum 5 lines

The assessment assumes that:
District councils will make use of the dangerous structures provisions only where considered necessary and proportionate.
The prescribed fees will remain broadly reflective of the costs incurred by councils in carrying out relevant functions.
The number of dangerous structures cases arising annually will remain relatively limited.
Fees will typically represent a small proportion of the overall costs that may be associated with addressing dangerous structures.

The principal uncertainty relates to the number of cases that may arise in future and the extent to which individual councils choose to utilise the powers available under the Act.
There is a risk that fees may not achieve full cost recovery in every case. However, the Regulations are intended to support recovery of costs rather than generate revenue.

BUSINESS ASSESSMENT (Option 3)

Direct Impact on business		
Costs: Low overall	**Benefits: Medium**	**Net: Positive +**

Cross Border Issues (Option 3**)**

How does this option compare to other UK regions and to EU Member States (particularly Republic of Ireland) Maximum 3 lines

UK: Generally, this option differs from other regions. Local authorities in England & Wales can recoup reasonable costs but there isn't an equivalent England/Wales fees regime to ensure they can charge survey fees in circumstances where owners ultimately comply with a notice and remediation work isn't undertaken by the local authority.

EU: n/a

Evidence Base

PROBLEM UNDER CONSIDERATION

The dangerous structures provisions of the Dilapidation Act provide councils with powers intended to protect public safety and address risks arising from structures that may pose a danger. Councils may need to undertake inspections, commission surveys and conduct monitoring. Without a fee regime, the costs of those activities would fall primarily on councils and their ratepayers. In a period of continuing pressure on public finances, the absence of a charging mechanism may weaken the practical effectiveness of the regime.

RATIONALE FOR INTERVENTION

Government intervention is justified because dangerous structures may present risks to public safety, local amenity and economic activity. The ability to recover the costs of surveys etc. contributes to the sustainability of enforcement activity and supports the effective operation of the regime.

POLICY OBJECTIVE

The objectives are to provide a transparent charging framework, improve cost recovery, support consistent implementation, reduce pressure on council budgets and reinforce the principle that those creating the need for intervention and with an interest in the relevant structures should bear the associated costs.

DESCRIPTION OF OPTIONS CONSIDERED

Option 1: Do Nothing

As this is the ‘do-nothing’ option there is no change made. District councils would be unable to charge fees for survey and inspection / monitoring work undertaken prior to any remediation works. Councils could spend significant sums on professional surveys for example but would be unable to charge the interested person a fee for this work unless the interested person ultimately breached a dangerous structure notice and the council undertook remediation works itself (in which case they could recover such costs under 12(1) of the Dilapidation Act).

Option 2: Non-Statutory Guidance

District councils would still be unable to charge fees for survey and inspection / monitoring work undertaken prior to any remediation works. Councils could spend significant sums on professional surveys for example but would be unable to charge the interested person a fee for this work unless the interested person ultimately breached a dangerous structure notice and the council undertook remediation works itself (in which case they could recover such costs under 12(1) of the Dilapidation Act). The non-statutory guidance might help manage costs but any impact would be marginal.

Option 3: Dangerous Structures Fees Regulations

The Fees Regulations will enable councils to charge a fee for surveys, inspections and monitoring undertaken in relation to dangerous structures – regardless of whether the council goes on to undertake remediation work itself. The fees adopt a banded approach – with fees charged based on the floor area of the dangerous structure. This is intended to ensure that the fees charged are proportionate.

The Regulations will support the principle that costs associated with regulatory intervention should, where appropriate, fall on those whose properties necessitate council action rather than on the wider ratepayer.

Improved cost recovery may reduce financial barriers to councils making use of dangerous structures powers where necessary to protect public safety.

A clear statutory charging framework provides greater consistency, transparency and certainty for councils, businesses and property owners throughout Northern Ireland.

Risks

The overall impact will depend on the number of cases arising and the extent to which councils choose to exercise their powers (councils have a duty to issue a dangerous structure notice where it appears that a structure is dangerous – but have discretion on subsequent steps). It is assumed that fees will remain proportionate and broadly reflective of the costs incurred. The principal risk is that fees may not fully recover survey and inspection costs in all cases given the banding approach adopted. There are benefits from establishing a clear charging framework.

Displacement

None

Non-Monetary Considerations

Improved cost recovery may reduce financial barriers to councils making use of dangerous structures powers where necessary to protect public safety.

A clear statutory charging framework provides greater consistency, transparency and certainty for councils, businesses and property owners throughout Northern Ireland.

Businesses benefit from a transparent and consistent regulatory framework and from the principle that costs are linked directly to services provided. Effective implementation of dangerous structures powers may also contribute indirectly to safer and more attractive commercial environments.

The Preferred Option

Option 3 is preferred because it provides a statutory basis for charging, supports consistency across Northern Ireland, improves cost recovery and promotes effective implementation of the dangerous structures regime while imposing only limited and proportionate costs.

Declaration

"I have read the Regulatory Impact Assessment, and I am satisfied that the benefits justify the costs."

Signed

[TBC

Minister of Agriculture, Environment & Rural Affairs][1]

[1] The AERA Minister will sign the finalised Regulatory Impact Assessment post-consultation

Appendix 1

Draft Ards and North Down Borough Council response to the Consultation on the Draft Regulatory Impact Assessment for Dangerous Structures (Fees) Regulations (Northern Ireland)

Please provide any comments, observations or suggestions you might have in relation to the draft RIA.

ANDBC supports the principle that those with an interest in a dangerous structure should bear the reasonable costs associated with surveys, inspections and monitoring rather than those costs falling on council ratepayers. The Council also recognises the potential benefits of a regional fee framework, including greater consistency, transparency and improved cost recovery.

However, ANDBC cannot support the fee mechanism as currently proposed. The draft Regulations would require councils to meet the full cost of surveys, specialist advice, inspections and monitoring in advance, with no certainty as to whether or when those costs would be recovered. This places the cash-flow burden, non-payment risk and debt recovery responsibility on local government and ultimately on ratepayers.

The Council considers that the Regulations should provide a more effective mechanism for securing payment or alternatively be supported by appropriate central government funding or underwriting arrangements, so that councils are not required to subsidise the scheme pending recovery of costs.

The Council makes the following comments for consideration:

1 Need for Cost Recovery

- Dangerous structures investigations can require specialist structural engineering advice, surveys and ongoing monitoring, often at significant cost. Without a fair and equitable fee mechanism that recovers these upfront costs, councils may incur substantial expenditure even where the owner ultimately complies with a notice and undertakes the necessary works.

2 Banded Fee Structure (based on floor area of building)

- While a banded fee structure provides certainty and transparency of a fixed fee, it is unlikely to accurately reflect the costs incurred in every

case. Some small structures may require complex investigations, whilst larger structures may require relatively limited input.

- Consideration should be given to whether the proposed fee bands will achieve an appropriate level and equity of cost recovery across all types of cases. The fee structure should reflect the actual complexity and cost of individual cases rather than relying solely on fixed fee bands.

3 Administrative Burden on Councils

- The RIA should acknowledge that councils will incur additional administrative costs associated with calculating fees, invoicing, debt recovery, record management and responding to disputes regarding charges.
- While these costs are expected to be manageable, they are likely to be greater than implied in the current assessment.

4 Consistency Across Councils

- ANDBC would suggest regional guidance on application and procedure to accompany the Regulations that promotes a consistent approach to inspections, monitoring, fee application and recovery. This would help ensure that similar cases are treated consistently across all district council areas.

5 Evidence Base

- The numerical assumptions used throughout the RIA regarding likely case numbers and costs should be clearly identified as illustrative examples unless supporting data is available.
- As the prescribed fees within the Dangerous Structures (Fees) Regulations (NI) 2027 are yet to be agreed and consultation is ongoing with council officers, it is hard to understand the accuracy of the Regulatory Impact Assessment, particularly in respect of Option 3.

6 Impact on Property Owners

- While the proposed fees will impose an additional cost on property owners, the fees are associated with circumstances where council intervention is considered necessary in the interests of public safety.
- The principle that the owner, rather than the wider ratepayer, should bear reasonable investigation costs is considered appropriate provided the fees remain proportionate, equitable and transparent.

7 Impact on Rural Areas

- The RIA should recognise that the costs associated with dangerous structures investigations may vary significantly between urban and rural locations.
- In rural areas, structures can be more remote and may require longer travel times, multiple site visits, specialist access equipment, or additional monitoring arrangements.
- The availability of suitably qualified structural engineers and other specialists may also be more limited in rural locations, potentially resulting in higher investigation costs.
- Consideration should therefore be given to whether the proposed fee structure adequately reflects the additional costs that may be incurred in rural areas whilst maintaining fairness and consistency across all council districts.

In summary, ANDBC welcomes the introduction of Dangerous Structures (Fees) Regulations, in principle, that support councils in administering the impending Dilapidations Act; however, it believes the proposed fee recovery model requires significant revision before it can be supported. Without a more robust payment mechanism or appropriate financial support arrangements, councils remain exposed to substantial financial and administrative risks in delivering this statutory public safety function.

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	04 November 2025
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Invitation to Councillors – Mixed Tenure Information Seminar
Attachments	Email from Kelly Cameron of 9.10.26, Secretary NIHC
File Reference (if applicable)	
Legislation	Local Government Act (Northern Ireland) 2014
Resource Implications	None Narrative:
Screening Requirements	*The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:* Screening of report not required
Link to Corporate Plan Priority and Outcome	Priority 1: Economic Choose an item. If multiple:

A request has been received (Appendix 1) from the Northern Ireland Housing Council to make Planning Committee Members aware of a joint Northern Ireland Housing Council/Department for Communities Mixed Tenure Information seminar being held on Thursday, 10 December in Mossley Mill, Newtownabbey and seek representation accordingly.

RECOMMENDATION

It is recommended that the Council **Agrees** to accept the invitation to the Northern Ireland Housing Council/Department for Communities Mixed Tenure Information seminar and seeks nominations to attend.

Subject: FW: SAVE THE DATE - Invitation to Councillors - Mixed Tenure Information Seminar

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

Please find attached an invitation for a joint Northern Ireland Housing Council/Department for Communities a Mixed Tenure Information seminar being held on Thursday, 10th December in Mossley Mill, Newtownabbey.

I would be grateful if you could include on your next Planning Committee agenda. To seek representation at the forthcoming seminar.

The final programme will be forwarded to you in due course.

Can you forward the names to me and I will register accordingly.

Kind Regards

Kelly

Kelly Cameron
Secretary
Northern Ireland Housing Council

ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	03 November 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Appeals Update
Attachments	7a. PAC Decision 2025/A0124
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	*The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:* Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

Appeal Decisions

1. The following appeal was dismissed on 25 September 2026.

PAC Ref	2025/A0124
Council Ref	LA06/2024/0952/F
Appellant	James Morley
Subject of Appeal	Demolition of existing dwelling and erection of 2 No. 3 bed and 4 No. 2 bed apartments
Location	115 Station Road, Craigavad

The Council refused the application at Committee meeting on 03 February 2026 for the following reasons:

i. The proposal is contrary to Policy LC1 of the Addendum to PPS 7 "Safeguarding the Character of Established Residential Areas" criterion (a) in that the proposed density is significantly higher than that found in the established residential area, which consists mainly of large detached single dwellings within large curtilages.

ii. The proposal is contrary to Policy LC1 of the Addendum to PPS 7 criterion (b) in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

iii. The proposal is contrary to the SPPS Edition 2, paragraph 6.137 in that the proposed density, together with its form, scale, massing and layout does not respect local character and environmental quality, and this proposal does not represent an exceptional circumstance; and

iv. The proposal would create an unacceptable precedent, and the potential cumulative impact of similar development would further detract from the environmental quality and established character of the surrounding area.

By way of summary of the Commissioners findings. The Commissioner was of the opinion that the proposal would result in a substantial increase in housing density (from approximately 11 dwellings per hectare to 64 dwellings per hectare) that would be out of character with this surrounding low-density residential area.

The Commissioner also was of the opinion that the proposed building's scale, height, massing and layout, together with extensive hardstanding and parking areas, would lead to overdevelopment of the site and harm the established character and environmental quality of the area.

Although it was acknowledged that there was an extant permission for a smaller 4-apartment scheme, the Commissioner found that the current proposal was materially different from what was previously approved being of the opinion that the proposal subject of the appeal would create greater harm.

With regard to the road, which is unadopted, the Commissioner was of the opinion that increased vehicle movements associated with the six apartments would prejudice road safety on this narrow, unadopted coastal section of Station Road. It was also observed that this area is also heavily used by pedestrians and forms part of a public right of way.

While other concerns raised by third parties (including flooding, wastewater, accessibility, servicing and neighbour amenity impacts) were not upheld, the Commissioner concluded that the proposal would harm the character of the area and road safety, and therefore the appeal was dismissed.

New Appeals
No new appeals lodged since date of last report.
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 any attachments.

Planning Appeals Commission

Appeal Decision

4th floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2025/A0124
Appeal by:	James Morley
Appeal against:	The refusal of full planning permission
Proposed Development:	Demolition of existing dwelling and erection of 2 No. 3 bed and 4 No. 2 bed apartments
Location:	115 Station Road, Craigavad, BT18 0BU
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2024/0952/F
Procedure:	Written Representations with Commissioners Site Visit on 4th June 2026
Decision by:	Commissioner Hannah Ellison, dated 25th September 2026

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Third parties to this appeal raised concerns regarding the validity of the appeal, particularly in respect of the red line boundary annotated on the site location plan and the ownership certificate. I agree with the Council that the plan accurately and precisely defines the appeal site. I am also satisfied that the plan does not relate to any additional land beyond that which is under the appellant's ownership, thus no further notification would be required and no party has been prejudiced. The appeal is valid.

Reasons

3. The main issues are the effect of the proposal on the character of the area and road safety.

4. 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.

5. The North Down and Ards Area Plan 1984 – 1995 (NDAAP) operates as the LDP for the area within which the appeal site lies. In the NDAAP the appeal site is not zoned for any purpose, it falls within the development limit of Holywood and it is also within the Cultra/Craigavad Policy Zone (0.2ha zone).

6. Section 13.7 of the NDAAP states 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.

7. Section 18.9 the NDAAP explains that possibilities exist for extra development through conversion or subdivision of residential properties which, if permitted piecemeal, could have a detrimental effect on local amenity. It explains that the area in question has been divided into six zones with plot size restrictions imposed in order to protect the inherent qualities of this area. The appeal site lies within the 0.2 ha zone. The NDAAP continues that it recognises that there will be developments which are acceptable in planning terms although they are not strictly in accordance with the plot size policy, as a consequence of the physical or environmental considerations of a particular site or the nature of the development proposed. In addition to the plot size requirement all new development will be expected to integrate satisfactorily into the locality in terms of scale, design and respect for the environmental elements that characterise the area and contribute to its general amenity.

8. On 18th May 2017 the Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 to be unlawful. Whilst the draft BMAP 2004 (dBMAP) is not a DDP, it remains a material consideration in certain cases. Within it, the appeal site falls within the settlement development limit of Holywood and the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC). The Council has raised no objections with respect to this proposed designation and there are no other policies which are pertinent to this appeal within the dBMAP.

9. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals and transitional arrangements are set out in it. On 11th December 2025, the Department for Infrastructure published the SPPS Edition 2 (SPPS2) which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2 makes clear that all other policy provisions within the former SPPS are unchanged.

10. The SPPS2 retains policies within existing planning policy documents until such times as the local council adopts a Plan Strategy (PS). No PS has been adopted for this council area. The SPPS2 retains certain existing Planning Policy Statements (PPSs) including PPS3: Access, Movement and Parking, PPS7: Quality Residential Environments and the Addendum to PPS7: Safeguarding the Character of Established Residential Areas (APPS7).

11. Paragraph 6.137 of the SPPS2 falls under 'Housing in Settlements'. Insofar as the parties deem it relevant to this appeal, 6.137 states 'Planning authorities must deliver increased housing density without town cramming: higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.'

12. There is no conflict between the provisions of the SPPS2 and those of retained policy regarding issues relevant to this appeal. I shall however provide further commentary on this matter below. In accordance with the transitional arrangements set out in the SPPS2, the appeal should be determined in accordance with the relevant policies of the aforementioned retained policy documents, which I shall return to below.

13. 115 Station Road comprises a two-storey detached dwelling which directly overlooks Belfast Lough. It is finished in render and has a predominantly flat roof. To the front of the dwelling are areas of lawn and space for the parking of two vehicles. The lawn continues along the side of the dwelling to the rear garden. The appeal site is of a modest size and is wedge-shaped, tapering towards the western boundary at the rear.

14. The side and rear boundaries consist largely of timber fencing and vegetation. There is no delineated boundary between the front of the property and the shared driveway. Beyond this, there is a low boundary wall separating this part of the shared driveway from the North Down Coastal Path segment of the Ulster Way (the Public Right of Way (PRoW)). The shared driveway continues beyond the appeal site to the east, providing access to two detached properties at 115B and 117 Station Road, as well as undeveloped parcels of land at 115A and 117A which each have planning permission for a single dwelling.

15. The shared driveway serving the appeal site and the aforementioned properties and sites leads from a private coastal stretch of Station Road. The road then turns landward and continues uphill towards a railway bridge. The road becomes adopted at the bridge. It continues to a signal controlled junction onto the A2 Bangor Road dual carriageway.

16. Properties within this predominantly residential area of Station Road and the various cul-de-sacs leading from it are typically of a generous size and are set well back from the road within large, mature plots. They are of varying design and age. Conversely, the appeal dwelling and the two detached properties immediately to the west, at Nos. 111 and 113, occupy narrower plots which are of a restricted depth. The built form along this short stretch is therefore positioned close together and close to the road. Despite this anomaly to the

general character of the area, overall there is a sense of space in this coastal locality.

17. The appeal development seeks permission for the demolition of the appeal dwelling and erection of a three storey building comprising of four 2 bedroom apartments and two 3 bedroom apartments. Communal access to the building would be from the front steps and a rear ramp. The building would be finished in stone and render, with extensive areas of glazing to the front and rear elevations. It would have a flat roof. There would be six parking spaces to the front of the site and five to the rear, accessed from a link road running below the building at its eastern side and enclosed by a roller shutter set back from the front elevation. Each apartment would be served by at least one balcony. The balconies would be located on the front and rear elevations of the building, and there would be a communal garden to the rear corner of the appeal site. Waste storage bins would be located to the front and sides of the building.

18. Planning permission was granted for a replacement dwelling at the appeal site (Council ref: LA06/2018/1077/F) (the 2018 Approval). Subsequently, demolition of the existing dwelling and erection of 4 no.2 bed apartments was granted on appeal (Appeal ref: 2021/A0227) (the 2021 Appeal). That development reflected the footprint of the 2018 Approval. I shall return to this planning history below.

19. Policy LC 1 of the APPS7 is titled 'Protecting Local Character, Environmental Quality and Residential Amenity'. It states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS7, and additional criteria set out in LC 1 are met. Of particular concern to the Council are criteria (a) and (b) of LC 1 which seek to ensure that (a) the proposed density is not significantly higher than that found in the established residential area and (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

20. Footnote 1 of Policy LC 1 of the APPS7 confirms that density is generally considered to be a calculation of dwellings per hectare (dph). Annex E of APPS7 provides a definition of an Established Residential Area (ERA), stating that they are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens.

21. Whilst the parties have not made clear what they consider the ERA to be in this instance, within their evidence reference is consistently made to the 2021 Appeal in which the Commissioner considered the ERA to comprise the line of buildings along the northern spur coming off Station Road. I take this to mean the coastal stretch of Station Road. I agree that the ERA insofar as this appeal is concerned should be taken to comprise all properties fronting the coastal stretch of the road, including the adjacent properties and land to the east of the appeal site which are accessed from the shared driveway.

22. I have referred above to the range of dwelling styles and sizes, as well as plot sizes along this stretch of Station Road. The built form differs between the larger plots with dwellings which are commensurate with their plot sizes, and the smaller plots including, and immediately to the west of, the appeal site where the dwellings are more compact and tightly spaced together. Nevertheless, all contribute towards the one ERA. Furthermore, as above, the appeal site falls within the 0.2 ha zone within the NDAAP. This equates to 5 dph. The parties identify this ERA as being at 5.2 dph.

23. The evidence before me indicates that the in-situ dwelling equates to a density of 11 dph. The appellant and Council agree that the appeal proposal would result in a density of 64 dph. Third parties state it would be 65 dph. Regardless of this minor discrepancy, the appeal proposal would clearly result in a very significant increase in the density within this ERA. As such, the proposal would fail to accord with criterion (a) of LC 1 of the APPS7.

24. Despite the conflict with criterion (a) of LC 1, a higher density does not automatically result in harm to local character, which LC 1 seeks to protect. Rather, it is the resultant effect of the increased density which also needs to be taken into consideration. This can materialise in varying ways. In this respect, the Council and third parties have raised concerns with the pattern of development, form, scale, massing and layout of the appeal proposal. I turn to such matters next.

25. Whilst the appellant suggests that the appeal development would appear materially the same as the 2021 Appeal development, a matter I will address later, it is important to note here that, on the ground, one would not experience the proposal in comparison with the 2021 Appeal development, but rather it would be read with the existing built form. I must have regard to the proposal in its own right, whilst also considering the planning history.

26. The proposed apartment building would fill much of the width of the appeal site and it would extend a considerable distance to the rear. The area between the sides of the building and the site boundaries would be narrow, only providing space for some bin storage and through access. The front of the building would be dominated by hardstanding (and any resultant parking of vehicles) arising from the provision of 6 parking spaces and an access point leading through the building to the rear of the site. To the rear, much of the area would be given over to 5 parking spaces and hardstanding for vehicle movements.

27. The large footprint of the appeal building and the extensive areas of hardstanding would dominate the constrained plot. This arrangement and coverage of built form within the site would not be in keeping with the pattern of development in this ERA, whereby the built form predominantly comprises single dwellings which are positioned comfortably within spacious, mature plots.

28. Although the hardstanding to the rear of the proposal would not be readily apparent from public vantage, this layout would nevertheless fail to reflect the

pattern of development in this locality whereby properties are generally arranged in a traditional layout with space for vehicles to the front/side and private amenity space to the rear. The uncharacteristic vehicle movements to and from the rear of the site would be perceptible to passers-by due to the comings and goings from the rear of the site, which would be experienced from the front elevation.

29. I acknowledge the existing tight knit pattern of development from No. 111 to the host dwelling at the appeal site, and that the proposed development would reflect a similar close relationship to the side boundaries of the host site. Nonetheless, the proposed building would comprise of three stories, which is in stark comparison with the adjacent two-storey dwelling at No. 113 and the one and half storey dwelling at No. 111. Whilst I appreciate that the ridge height of the proposal would be slightly greater than the ridge of No. 113, it is important to note the modern, asymmetrical design of No. 113 which gives only part of the dwelling a taller height. Overall, the proposed development would have a third floor across its entire footprint which would rise considerably above the first floor of No. 113.

30. The height of the proposal, along with its very significant and bulky mass, would cause it to be visually and physically cramped in its constrained plot. The resultant presence of an overly developed site comprising apartments would be evident from public vantage, particularly when seen from the front of the building, but also on the approach from the east for those travelling along the shared driveway and the PRoW and from the west along Station Road. Whilst I acknowledge that the finished floor level of the ground floor has been raised to future-proof against any flood risk, I am not persuaded that a building of the scale proposed must follow.

31. The appellant has suggested that new dwellings to the rear of the appeal site are extremely dominant to the street scene, with particular attention drawn to an example at Plot 9, Craigavad Park. Whilst this dwelling, currently under construction, may have a greater height than the appeal development, this example is not directly comparable as it is positioned on slightly higher land than the appeal site and is not within a line of development along a road. Furthermore, the land to the appeal site rises upwards, thus any built form to the rear is therefore read within a very different context to the appeal site.

32. Third parties have raised concerns with the level of provision of amenity space for future occupiers of the appeal development. The Council did not raise any specific objections on the numerical amount of space provided. Regardless of whether the scheme delivers the required amenity space or not, all in all the proposal would still result in overdevelopment of the host site for the reasons I have set out above. The proposal would fail to accord with criterion (b) of LC 1 of the APPS7.

33. I must now take into consideration the previous approvals at the appeal site. Planning permission was granted for the 2018 Approval in February 2021 thus, without any evidence to suggest otherwise, this permission has expired.

34. The planning permission granted by the 2021 Appeal is dated January 2024, thus it is extant. The appellant suggests that it would have a similar effect to the appeal proposal. I accept that the footprint of the 2021 Appeal development matches that of the development before me. However, there are key differences, not only in the increased density from 40 dph to 64 dph but also, noticeably, in the pattern of development, form, scale, massing and layout.

35. I have set out my concerns above with regards to the large footprint of the appeal development in relation to the restricted size of the host plot. Whilst I accept that the weight to be afforded to this concern is reduced by virtue of the proposal having the same footprint as the 2021 Appeal development, the appeal proposal would nevertheless be 0.75m greater in height across the entire footprint of the building. This increased height over the substantial footprint is not insignificant, as suggested by the appellant, but rather it would result in a building which has a considerably greater form, scale and massing than the 2021 Appeal development.

36. Additionally, the rear of the site in the 2021 Appeal development was predominantly given over to communal garden areas whereas the development before me includes extensive hardstanding for the parking and manoeuvring of vehicles in the rear of the site. This layout results in a very different pattern of development. I have set out the harm in respect of these matters above.

37. Accordingly, whilst there may be a real prospect of the 2021 Appeal being implemented, for the reasons given the appeal proposal would result in a clear intensification and materially greater harm, thus this fallback does not serve to justify it. The fallback is notably different to what is before me now and as such, issues raised in this appeal have not already been settled, as suggested by the appellant.

38. I agree that the appeal site has a very particular context and interrelationship with the surrounding built development and that every application must be determined on its own merits. However, as acknowledged above, the appeal site is located within a tight, linear grouping of development on similarly sized plots. It has not been convincingly demonstrated to me that there is no reasonable prospect of a similar development to the appeal proposal being repeated elsewhere in this locality. Similarly, although the planning history of the appeal site may have contributed to the submission of this appeal proposal, I am also not persuaded that the particular circumstances could not reoccur on another site. It is imperative to note that the 2021 Appeal development was found to be acceptable. Thus, in the event that it was found to set a precedent, it would not have resulted in harm.

39. Whilst the site could be described as occupying an end of lane location, not including the additional properties beyond it to the east, the appeal development would still be readily apparent from public vantage given it is located adjacent to the PRoW. Should similar development be repeated elsewhere in this ERA, the cumulative effect would result in further harm to the

character of the area. As such, I find that the appeal development would set a harmful precedent.

40. For the reasons given above, the appeal proposal would fail to safeguard the character of the ERA, contrary to Policy LC 1 of the APPS7.

41. As noted above, paragraph 6.137 of the SPPS2 concerns housing density and states that in residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances. I acknowledge that the appeal site is located within the proposed Marino, Cultra and Craigavad ATC. As confirmed in the 2021 Appeal, this is a draft designation which does not have the same status or legal standing as a designated ATC. However, in the 2021 Appeal the focus, in this regard, was on whether the policies and provisions of the SPPS concerning ATC's were relevant. Consideration was not given to whether paragraph 6.137 of the SPPS2 relates to ATC's, designated or otherwise. In this appeal, the Council has not raised any concerns with the effect of the development on the draft ATC. Irrespective of the status of the ATC in this instance and whether or not the appeal site falls within a residential area of distinctive townscape character, I have found that the proposal would result in an increase in density and material considerations do not overcome the resultant harm.

42. Accordingly, the Council's four reasons for refusal, insofar as specified, along with the concerns raised by third parties in respect of the effect of the proposal on the character of the area, have been sustained.

43. The Council did not refuse the planning application on the grounds of road safety or any other related concerns and I acknowledge that the Department for Infrastructure – Roads (DFI Roads) has not expressly objected to the proposed development. However, the third parties raised various concerns with the proposal including the design of the access point to the appeal site, the parking layout within the proposed development, and the resultant increase in vehicle movements and the consequential interaction between vehicles and other users of this coastal stretch of Station Road and the PRoW. These matters are therefore before me, and the unadopted status of Station Road does not negate my consideration of whether the development would result in demonstrable harm to road safety, which is an interest of acknowledged importance.

44. With respect to the parking arrangement, the most up to date correspondence from DFI Roads suggests that it would be desirable for the parking and turning within the appeal development to be as per the layout in Creating Places: Achieving Quality in Residential Developments (CP), but that due to the distance from the public road it would not be necessary as the appeal site would not be bound by the requirements of CP as it lies some distance from the adopted road. DFI Road's position appears to be predicated on the appeal site being located on an unadopted road.

45. The swept path analysis submitted by the appellant indicates that a vehicle can access all parking spaces, manoeuvre within the site and exit in a forward gear. However, it is clear from this plan that accessing and egressing many of the spaces in the rear of the appeal site relies on drivers completing various and accurate manoeuvres. This convoluted movement, together with any vehicles which may overhang their spaces or are not parked entirely within their bay, may mean the scenarios demonstrated in the swept path analysis are not realistically achievable in every circumstance. Therefore, regardless of whether or not CP applies in this instance, I find that the parking arrangement is constrained, thus I agree with the concerns raised by the third parties.

46. I also note the consultation response from DFI Roads in which it is stated 'DFI Roads consider that this application does not represent intensification of use from the private road onto the public road in the vicinity of the railway bridge. This has taken into account the number of existing units and future committed development. The addition of 1 dwelling, the subject of this application, in addition to those dwellings committed but not yet commenced, will not have any impact where the private road meets the public road'. Although the latest correspondence from DFI Roads also states that there are adequate opportunities for turning, passing and parking before vehicles will reach the public road, the conclusion that the appeal development will only result in the addition of one dwelling is incorrect.

47. The appeal development would provide 6 apartments and 11 parking spaces. When compared to the existing 4-bedroom dwelling which has 2 parking spaces, an unequivocal greater number of vehicle movements to/from the appeal site along Station Road would arise. Compared to the 2021 Appeal, which I acknowledge is a fallback position, the proposed development would result in an increase of 2 units and 4 parking spaces over what was previously judged acceptable.

48. I have not been provided with any baseline evidence on vehicle movements attributable to the existing property, or any evidence regarding the vehicle movements which were considered in the 2021 Appeal. Without any evidence to the contrary, it seems to me that there will likely be greater car ownership and vehicle movements above the existing arrangement and what has previously been found acceptable. I therefore now turn to consider my on-site observations.

49. The coastal stretch of Station Road comprises a narrow, single lane carriageway with no footpaths. The carriageway is, in effect, a shared surface for vehicles and pedestrians. During my site visit I experienced that two vehicles could only pass one another when one vehicle pulled into one of the driveway entrances. This requires tight manoeuvres depending on the width and design of the driveway utilised for passing, as well as vehicle size.

50. Whilst there is sufficient space for a vehicle and pedestrian to pass along some stretches given the driveway access points and areas of grass verge, there are nevertheless stretches of the road where there are no additional areas beyond

the carriageway for pedestrians to utilise when a vehicle is passing. I had to drive slowly and wait for pedestrians to come to a suitable point where I could then safely pass them in my vehicle.

51. There are also stretches where there are no passing places and the forward visibility for drivers is limited, particularly around two bends. These constitute pinch points for drivers and pedestrians requiring even further care to navigate, as two cars meeting would necessitate one vehicle reversing along the shared surface in a location where visibility is restricted.

52. At the time of my site visit there was also a considerable number of pedestrians along this stretch of Station Road, and I experienced and witnessed conflict between vehicles and pedestrians. My site visit is just a snapshot in time. However, given the PRoW status to this part of the road and the comments from third parties which indicate such issues are common, it appears that my observations were not unusual.

53. I accept the premise in the 2021 Appeal that it is reasonable to expect that motorists travelling to and from the appeal site to be cognisant of the local driving environment. However, I have found above that the level of comings and goings resulting from the appeal development would be greater than the existing and fallback positions. Therefore, even if drivers are alert to the conditions, the likelihood of interactions between pedestrians and vehicles along the constrained stretches of the coastal stretch of Station Road would increase. I have not been provided with any surveys or other evidence which demonstrate that the proposal would not hinder pedestrians and drivers along this coastal stretch of Station Road. I cannot ignore my observations and the lived experienced of residents in this locality given the seriousness of road safety.

54. Reference has been made by the appellant to a proposed new road for this coastal stretch of Station Road, which appears to include a dedicated footpath. However, other than hand-drawn plans, I have no cogent evidence to indicate the status of a new road or the likelihood of one being constructed. This matter does not therefore overcome my concerns.

55. For the reasons given above I find that the proposed development would prejudice road safety and this third party concern is sustained.

56. Further to the above, third parties have raised various other concerns with the appeal development. These include the effect on flooding; the impact on servicing and deliveries, including bin collections, emergency vehicles and post/parcel deliveries; whether the development is accessible, with particular regard to disabled parking provision and the design of the ramped access; the impact on wastewater capacity; and the effect on the condition of the unadopted road through the increased vehicle movements.

57. Concerns were also raised in respect of the effect on the living conditions of neighbouring occupiers with particular regard to privacy; light; the potential for

the number and location of bins to cause smells and attract vermin; and the increased parking demand and vehicle movements which may require vehicles to temporarily utilise the parking provision of neighbouring properties resulting in noise and inconvenience to existing residents.

58. The Council, along with its relevant consultees, has raised no concerns with the additional issues highlighted by third parties, subject to the imposition of various conditions. Having given due consideration to the concerns raised, and in the absence of any persuasive evidence to suggest otherwise, I agree with the Council that the proposed development would not result in harm in respect of those matters.

59. I also note the concerns regarding the ownership and right of access across the private driveway traversing the front of the appeal site and leading to the adjacent properties and land to the east of the site. This is not a matter for me within the context of this appeal.

60. As the Council has sustained its reasons for refusal insofar as stated, and as I have also found harm in respect of road safety, the appeal must fail.

This decision relates to drawing nos. 00, 01, 08C, 09, 10, 11, 12, 13, 14, 15, 16 and 17 which were submitted with the planning application.

COMMISSIONER HANNAH ELLISON

List of Documents

Planning Authority:-	Statement of Case and Rebuttal (including appendices) by Ards and North Down Borough Council
Appellant:-	Statement of Case and Rebuttal (including appendices) by James Morley
Third Parties:-	Statement of Case and Rebuttal (including appendix Statement of Case and Rebuttal by Marrac Design Ltd) by Pragma