

PLANNING APPEALS COMMISSION

THE PLANNING ACT (NORTHERN IRELAND) 2011

SECTION 58

2023/A0074

Appeal by Mr. David Duncan against the refusal of outline planning permission for a proposed infill dwelling and garage between No. 26B Craigstown Road and No. 1 Craigstown Meadow, Ross, Kells, BT42 3NE (Site B)

2023/A0075

Appeal by Mr. David Duncan against the refusal of outline planning permission for a proposed infill dwelling and garage between 26B Craigstown Road and 1 Craigstown Meadow, Ross, Kells, BT42 3NE (Site A)

Report

by

Commissioner Rachel Taylor

Planning Authority References: LA02/2023/1567/O (2023/A0075)

LA02/2023/1568/O (2023/A0074)

Procedure: Written Representations

Commissioner's Site Visit: 19th June 2024

Report Date: 17th July 2024

1.0 **BACKGROUND**

1.1 Mid & East Antrim Borough Council received two applications for Planning Permission on 27th June 2023. By notices dated 31st October 2023 the Council refused outline planning permission giving the same reasons for both applications: -

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CS1 of the Mid and East Antrim Borough Council Local Development Plan 2030 – Plan Strategy, in that there are no overriding reasons why this development is essential in the countryside and could not be located within a settlement.**
2. **The proposal is contrary to Policy HOU 13 of the Mid and East Antrim Borough Council Local Development Plan 2030 – Plan Strategy, in that the application site does not constitute a small gap site sufficient to accommodate only one dwelling within an otherwise substantial and continuously built up frontage, does not respect the existing development pattern in terms of siting and plot size and would, if permitted, add to ribbon development along the Craigstown Meadow laneway, and does not represent an exception to policy.**
3. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy GP1 criterion (f) of the Mid and East Antrim Borough Council Local Development Plan 2030 – Plan Strategy, in that the proposal would, if permitted, add to a ribbon of development along Craigstown Meadow laneway, and would result in a suburban style build-up of development when viewed with existing and approved buildings along this road, which would result in a detrimental change to the rural character of the area.**

1.2 The Commission received both appeals on 14th November 2023 and advertised them in the local press on 29th November 2023.

1.3 Five representations for each of the applications from two third parties were received during the processing of the planning applications. The Council forwarded these to the Commission. A statement of case was received from one of the two third parties at appeal stage in relation to both appeals.

2.0 **SITE AND SURROUNDINGS**

2.1 The appeal sites comprise an agricultural field located between No. 26b Craigstown Road and 1 Craigstown Meadow, Kells. The grassed field is rectangular in shape and falls gently in a south easterly direction from its highest point in the north eastern corner by around 3m towards the laneway at Craigstown Meadow. Site A comprises the northern section of the field, with the remainder comprising Site B.

2.2 To the north of Site A lies No. 26b Craigstown Road, a one and a half storey dwelling with a separate double garage to the side. No. 26b is accessed from Craigstown Road via a gated access and pillars. It has a gravelled laneway along its western boundary which leads to the appeal sites and is gated at both ends. Craigstown Meadow sits to the west of this lane. A further agricultural laneway runs along the

eastern boundary of No. 26b with another gated access to the field forming the appeal sites. No. 26a Craigstown Road, a recently constructed one and a half storey dwelling and its associated single storey outbuilding is located east of this laneway.

- 2.3 To the south of the appeal sites is a single storey dwelling at No. 1 Craigstown Meadow. Further south is a paddock, which contained sheep.
- 2.4 The boundaries for Site A consist of the common boundary with No. 26b with a ranch style fence, a low hedge and the two gated access points to the field. The boundary with No. 26a is a vertical boarded fence. The eastern boundary is a field hedge and the western boundary with Craigstown Meadow consists of a post and wire fence and an overgrown verge. The southern boundary is undefined.
- 2.5 The boundaries for Site B consist of the same post and wire fence and overgrown verge along Craigstown Meadow forming the western boundary. The common boundary with No. 1 Craigstown Meadow forms the southern boundary and consists of mature trees and hedging. The eastern boundary is a field hedge, and the northern boundary is undefined.
- 2.6 Surrounding land use is open countryside with some roadside dwellings along Craigstown Meadow and Craigstown Road, beyond which are largely dispersed rural dwellings and outbuildings.

PLANNING AUTHORITY'S CASE

- 3.1 Two planning applications were submitted on 29th June 2023 [sic], each pertaining to the erection of a dwelling (Site A) and (Site B),
- 3.2 In a letter to the agent dated 9th August 2023, the Council highlighted that the proposals as submitted had been assessed under PPS 21 and were found contrary to Policies CTY 1, 8 and 14 and offered an opportunity for submission of further information. Mid and East Antrim Borough Council adopted the Local Development Plan 2030 - Plan Strategy (PS) on 16th October 2023. The PS became effective from the date of adoption and while the applications subject of these appeals were received on the 29th June 2023 they fell to be assessed under the PS.
- 3.3 The Council consider the proposed sites fall within the rural countryside outside of the development limits of any settlement as defined in the Ballymena Area Plan 1986-2001 and the PS.
- 3.4 Paragraph 5.9.9 of the PS states that there are a range of types of development considered to be acceptable in principle in the countryside, which are set out within Policy CS 1 Sustainable Development in the Countryside. Policy CS 1 sets out opportunities when development in the countryside will be permitted. Under the 'Housing Development' section, one opportunity is for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy HOU 13.
- 3.5 As the proposed development does not comply with Policy HOU 13, then it follows that it also does not comply with the SPPS and Policy CS 1 of the PS.

- 3.6 Policy HOU 13 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient to accommodate only one dwelling within an otherwise substantial and continuously built up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plots size and meets the General Policy and other planning and environmental requirements.
- 3.7 For the purposes of this policy, the definition of a substantial and built up frontage includes a line or three or more substantial buildings with a common frontage to a road, footpath or private lane served by individual accesses and visually linked when viewed from the road, footpath or private lane. The justification and amplification indicates that the 'substantial buildings' should not be located within a designated settlement limit, each should have their own defined curtilage and they cannot include ancillary domestic sheds, outbuildings or garages or small agricultural buildings.
- 3.8 Site A (LA02/2023/1567/O) is located to the rear and between No. 26b Craigstown Road and No. 1 Craigstown Meadow, Kells. Craigstown Meadow is located off the Craigstown Road to the north east of Kells/Connor Village. Access is from a gravel surfaced laneway which currently serves 5 dwellings and associated outbuildings. The proposed sites are formed through the subdivision of a larger agricultural field which is currently rough pasture. The boundary of Site A to the north (common boundary with No. 26b) is defined by ranch fencing, to the east by hedging and to the west by post and wire fencing. The southern boundary is currently undefined.
- 3.9 To the north of Site A is No. 26b Craigstown Road, a detached two storey dwelling and detached garage. This property is located on a corner where the Craigstown Road and Craigstown Meadow join. The dwelling and garage have a northern orientation and a similar building line with the access taken from the Craigstown Road.
- 3.10 The site to the south is Site B (LA02/2023/1568/O) beyond which is No. 1 Craigstown Meadow, a chalet bungalow with a western orientation and a frontage to Craigstown Meadow. The southern boundary of site B is the common boundary with No. 1 Craigstown Meadow which is defined by mature trees and hedging. The eastern boundary is defined by hedging and the western boundary is defined by post and wire fencing with the northern boundary (common boundary with Site A) undefined.
- 3.11 The policy requires at least three substantial buildings with a common frontage to the road, footpath or private lane to make up a substantial and continuously built up frontage. In this instance there are only two substantial buildings within their own curtilage and with frontage with Craigstown Meadow namely No. 26b Craigstown Road and No. 1 Craigstown Meadow. Their associated ancillary garages do not constitute substantial buildings for the purposes of HOU 13 as they do not have their own defined curtilage. Therefore, the site is not located within a substantial and continuously built up frontage.
- 3.12 The proposed sites have frontage with the laneway, however are capable of accommodating more than one dwelling and are not within a substantial and

continuously built up frontage. The proposal fails to meet Policy HOU 13 and it would lead to ribbon development along Craigstown Meadow.

- 3.13 Policy GP 1 (f) states that development should not have a significant adverse impact on landscape character, the rural character of the locality or environmental quality. It sets out criteria to ensure appropriate forms of development in the countryside. Criterion (vi) states that proposals should not result in a suburban style build up of development and criterion (vii) states that proposals should not create or add to a ribbon of development.
- 3.14 The second refusal reason for both appeals considers that the proposal would result in the creation of ribbon development along Craigstown Meadow. This would give rise to a suburban style of build up when viewed from the existing buildings. Consequently, the proposed developments would be contrary to criteria (vi) and (vii) of Policy GP 1 (f) of the PS.
- 3.15 With regard to the appeal examples which have been provided on behalf of the appellant, the Council contend that no direct relevant comparison has been made with the appeal sites.
- 3.16 The appeal proposals fail to comply with the SPPS and the PS, specifically policies CS 1, Policy HOU 13 and Policy GP 1. The Council respectfully requests that the appeals are dismissed.
- 3.17 In the event of approval, the following conditions are proposed without prejudice for both appeals:
- Time limit;
 - Reserved matters siting, design, external appearance, access and landscaping;
 - 1:500 scale plan in accordance with RS1 form; and
 - Detailed landscaping with replacement landscaping.

4.0 THIRD PARTIES

- 4.1 The appeals are contrary to the SPPS and the field in which these dwellings and associated buildings are to be built does not constitute a small gap site and if granted they would create a ribbon of development. They would destroy the rural idyll of Craigstown Meadow and surrounding countryside.
- 4.2 If the Commission are minded to grant these appeals, it would leave the door open to re-apply for planning permission in the field between No. 1 and 3 Craigstown Meadow as an infill site thus creating a whole estate.
- 4.3 There are strong concerns regarding the detrimental effects which the construction of these buildings and groundworks could have on adjacent property and the laneway i.e. waterlogging of adjacent property, destruction of hedges and trees which afford privacy and are home to various wild birds, bees and other small creatures as well as further damage to an already cratered laneway due to heavy building traffic.

- 4.4 Should the appeals be allowed, the hedges and trees should not be disturbed. They are outside of the sites boundaries.
- 4.5 With respect to the laneway servicing Craigstown Meadow, it is understood that this was to be left in an adoptable standard by the owner. Unfortunately, this has not happened and the laneway is in a poor state of repair with local residents having to regularly repair it. It would be unfair to expect them to shoulder any extra expense for damage caused to the laneway by heavy lorries and additional traffic delivering services to these sites.
- 4.6 Retention of the field hedge on the eastern boundary for privacy was raised. The outdated nature of the location plans which do not accurately reflect the dwelling, garage and sunroom constructed at No. 26a Craigstown Road was also highlighted. Concerns regarding impact on views and references to a refused planning application LA02/2018/0416/O were raised during the processing of the planning applications.

5.0 APPELLANT'S CASE

- 5.1 Applications are applied for under PPS21 – Sustainable Development in the Countryside, CTY8 – Ribbon Development as an exception, and SPPS Paragraph 3.8, which states the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
- 5.2 The proposal is situated in a substantial built-up locality. The proposals present a frontage along Craigstown Meadow consisting of a dwelling at No. 26b Craigstown Road and its garage, both which can be seen from the Craigstown Meadow. PAC example 2015/A0107 has confirmed that when a building is partly seen it is counted as part of the substantial “build up”. Numerous PAC cases have accepted domestic garages as part of the “build up” Reference 2015/A0197 acknowledges that a building on a corner site can have two road frontages irrespective of orientation. Next in the line is the gap for the proposed two dwellings followed by no. 1 Craigstown Meadow.
- 5.3 PAC references 2019/A0064, 2019/A0173 and judicial reviews have clarified that decisions are a “juggling act” or a “balancing act” between the aims and objectives and it is not about mathematical equations or ticking boxes, but that of an overall assessment. However, having reviewed Building on Tradition (BOT) guidance, page 71, the dwelling at No. 26b Craigstown Road has frontage onto Craigstown Meadow of 51 metres (m), and No. 1 Craigstown Meadow is 48m totalling 99m with an average of 49.5m. While the gap for the 2 infills represents 92m divided by two for each site gives 46m, which is less than the average.
- 5.4 Access to the proposals is from the existing access and will be finalised at Reserved Matters stage.

- 5.5 With regards landscaping, the proposals benefit from mature trees to the rear, eastern and southern boundaries. The northern boundaries consist of existing hedging. All of the existing hedges and trees are to be retained. The separation between the two sites will be formal with new post and wire fencing with new hawthorn hedging at 1.2m high at 450mm staggered centres intermingled with natural indigenous species trees of Rowan, Ash, White Beam, etc. at 3m maturity.
- 5.6 Council refusal reasons 1-3 are based on the adoption of the Local Development Plan (LDP) on 16th October 2023. The applicant is a small local builder of 4 young tradesmen with 3 additional employees, including apprentices and sub-contractors which can total up to 30 additional employees.
- 5.7 The site was purchased for £100k with the hope to develop 2 dwellings with £50k potential profit on each. The potential loss is therefore £200k.
- 5.8 There is latitude within the PAC to approve the applications. The PAC do not have to abide by Council Policies as policy is not law as referred to in many Judicial Reviews, all of which are material considerations to these appeals.
- 5.9 Judge Tracey [2014] NIQB 3, point [48] *“Of course, the Planning Service need not “slavishly” follow the policy.....The policy itself, and much case law on this and similar issues, acknowledges that no policy can take into account the myriad considerations that may arise in individual fact scenarios that arise in the broad policy area. No planning policy can anticipate the personal, environmental, logistical etc circumstances of all the individual planning applications made under the policy that need to be considered”*. However, he recognised that policy cannot be ignored, referring to the Gransden case, which simply means that if ignoring policy, the reasons must be stated. It also indicates *“the Minister had a right to depart from that policy”* and also states *“it would be an improper attempt to curtail the discretion which is provided by the Act, which indicates that in determining planning applications regard is not only to be had to the provisions of the development plan so far as material, but also to any other material considerations”*.
- 5.10 The above statement is reiterated by recent Judicial Reviews by Judge McCloskey and Judge Scofield referring to decisions as a *“juggling act”* or a *“balancing act”*.
- 5.11 Examples of material considerations are detailed within the chronological order:
- The applicant applied in good faith and paid the planning fee to the Council for the applications to be assessed against PPS 21, Policy CTY 8 as an exception;
 - Throughout the LDP process, from 2017, the target date for adoption was constantly changing;
 - There was a lack of openness and transparency of the adoption date, no notification was forwarded to those interested in the LDP, including agents;
 - There appears to be a lack of understanding from MP's, MLA's, Councillors and many within the construction industry including planning consultants, developers and applicants regarding the changes and implications of the LDP;

- There appears to be an approach by some Council Officers to enforce the LDP requirements prior to adoption e.g. LA02/2022/0590/O where they were not accepting of ancillary buildings as buildings forming part of a substantial and continuously built up frontage, which is an addition into the new LDP, not CTY 8, and LA02/2023/1316/O where the Council were refusing an application of a Category 3 farmer under CTY 10 of PPS 21 despite this being a new insertion into the LDP and not the position accepted by previous Council and PAC approvals;
- There was a delay in addressing this application in a timely manner to set a meeting as requested by an MLA on behalf of the applicant from 10th September 2023, in the knowledge from 7th September 2023 that an adoption date was already set for 16th October 2023 but only proposing meeting dates of 11th and 18th October which were after the known adoption date; and
- A meeting agreed for 18th October 2023 was not attended after it transpired that the new LDP now applied, so as not to waste the appellants and MLA's time. Correspondence received from the Head of Planning dated 17th October 2023 confirmed that the appeals process, is under the PAC jurisdiction and is therefore a matter for them to interpret the policy in relation to the transitional arrangements as set out in the SPPS Paragraphs 1.9 and 1.12. This appears to imply latitude for the PAC to take a different approach from the Council. Paragraph 1.9 of the SPPS refers to "The existing suite of Planning Policy Statements and the remaining provisions of "A Planning Strategy for Rural Northern Ireland" will be cancelled when all eleven Councils have adopted a new Plan strategy for the whole of their Council area" which has not yet taken place. Paragraphs 1.9, 1.10 and 1.12 specifically refer to Councils, not the appeal process for applications received before the adoption date.

5.12 The basis of planning policy is openness, fairness, transparency and to secure public confidence. This is also referred to in the SPPS which is still valid and not rescinded, particularly Paragraph 5.62. Within the SPPS there is a presumption in favour of approval.

6.0 CONSIDERATION

6.1 The main issues in both appeals are whether the proposal would:

- be acceptable in principle;
- result in ribbon development; and
- have an adverse impact on rural character.

6.2 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, 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.

6.3 Mid and East Antrim Borough Council adopted the Mid and East Antrim Borough Council Local Development Plan 2030 – Plan Strategy (PS) on 16th October 2023. In

line with the transitional arrangements, as set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the Local Development Plan now becomes a combination of the Department Development Plan (DDP), in this case the Ballymena Area Plan 1986 – 2001, and the PS read together. Any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS. Additional guidance is provided in Building on Tradition: A Sustainable Design Guide for The Northern Ireland Countryside (BOT).

- 6.4 Despite the fee, fairness and legal arguments advanced by the appellant, pursuant to the statutory provisions outlined above, the previous regional policies, including those contained within PPS21 have now been superseded in this Council area. Therefore, it now falls to the Commission to assess the appeal proposal within the context of the LDP, in accordance with the legislative provisions and in light of the reason for refusal.
- 6.5 Whilst the first and third reasons for refusal refer to the SPPS, the Council did not provide any evidence as to which elements of this document are relevant to these appeals. In this context, these elements of the Council's first and third refusal reasons are not sustained.
- 6.6 In the DDP, the appeal sites are in the open countryside. The DDP policies relevant to the control of residential development in the open countryside outside of the greenbelt and rural policy areas and the Area of Outstanding Natural Beauty have been superseded by regional policy and for the reasons given above no longer apply. The proposals fall to be considered against the provisions of the most up to date operational policy for the countryside which is contained in the PS. There is no conflict between the DDP and the PS insofar as they relate to the proposal.
- 6.7 Policy CS1 of the PS is entitled 'Sustainable Development in the Countryside' and it sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy expands to say that opportunities for development in the countryside are permitted through a number of policies. One of these is for the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy HOU 13 which relates to ribbon/infill development, Policy CS 1 states that proposals must meet the General Policy (GP1) and accord with other provisions of the LDP.
- 6.8 Policy HOU 13 states that *'planning permission will be refused for a building which creates or adds to a ribbon of development in the countryside'*. It continues to say that *'an exception will be permitted for the development of a small gap site sufficient to accommodate only one dwelling within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size, meets the General Policy, and accords with other provisions of the LDP'*. For the purpose of this policy, the definition of a substantial and built-up frontage includes *'a line of three or more substantial buildings with a common frontage to a road, footpath or private lane served by individual accesses and visually linked when viewed from that road, footpath, or private lane.'* The policy justification and amplification further states that the 'substantial buildings' that are being relied upon to create the substantial and

continuously built up frontage should not be located within a designated settlement limit, each should have their own defined curtilage and they cannot include ancillary domestic sheds, outbuildings or garages or small agricultural buildings.

- 6.9 The buildings identified as presenting a frontage to Craigstown Meadow by the appellant are the dwelling at No. 26b Craigstown Road and its garage and No. 1 Craigstown Meadow. The Council did not dispute that the dwellings at No. 26b Craigstown Road and No. 1 Craigstown Meadow are substantial buildings. They consider that the garage associated with No. 26b Craigstown Road is not a substantial building, as it is ancillary and does not have its own curtilage. I agree that a domestic garage within the curtilage of a dwelling cannot constitute a 'substantial' building for the purposes of Policy HOU 13.
- 6.10 Despite the Council stating the frontage of No. 26b Craigstown Road's plot is onto the Craigstown Road, they consider that it also forms a frontage with Craigstown Meadow. Consequently, there are only two substantial buildings along the common frontage of Craigstown Meadow, namely the dwelling at No. 26b Craigstown Road and 1 Craigstown Meadow. There is no substantial and continuously built up frontage at this location for the purposes of the policy. Notwithstanding that the gap between the aforementioned buildings is too large for only one dwelling, neither proposed dwelling qualifies for the exception under Policy HOU 13. The appellant's arguments relating to the pattern of development, guidance in BoT, alleged built up nature of the locality and references to previous appeal decisions pertaining to build up and frontage development would not persuade me otherwise.
- 6.11 The Council's reasons for refusal raise concerns that the proposed dwellings would both *add to* (emphasis added) a ribbon of development but did not specify the extent of the existing ribbon, other than reference to ribbon development along Craigstown Meadow. The Council evidence, however, stated that the proposals would lead to and *create* (emphasis added) ribbon development along Craigstown Meadow. The Council and the third parties also argue that the proposal would be contrary to criterion (f), of Policy GP 1 of the PS in that the proposals would lead to a suburban-style build-up of development, though again, the Council did not specify particular buildings in this regard.
- 6.12 The definition of ribbon development differs from that of a substantial and continuously built-up frontage within the PS in that it does not require the buildings forming the ribbon to be substantial. The justification and amplification of Policy HOU 13 states at paragraph 8.1.68 that a 'ribbon' does not necessarily have a continuous or uniform building line. Buildings sited back, staggered, or at angles and with gaps between them can still represent ribbon development, if they have a common frontage and they are visually linked when viewed from the road.'
- 6.13 Notwithstanding my conclusion above regarding the admissibility of the garage associated with No. 26b Craigstown Road which did not constitute a qualifying building for the purposes of the exceptional test within Policy HOU 13, no such exclusions exist for buildings such as garages in terms of the assessment of ribbon development.
- 6.14 There is both visual linkage and common frontage between No. 26b Craigstown Road and its garage and No. 1 Craigstown Meadow from viewpoints along the length of

Craigstown Meadow laneway from the junction with Craigstown Road to the frontage of 1 Craigstown Meadow. There is an existing ribbon of development along this frontage and the addition of the proposed two dwellings, either individually or cumulatively, would add to the ribbon of development along Craigstown Meadow. Given the addition of two further roadside dwellings at this location which would, again, read as part of a ribbon of development, irrespective of the existing boundary vegetation referred to by the appellant, they would also result in a suburban style build up of development along Craigstown Meadow. For the reasons given above, the Council's second and third reasons for refusal, as well as the related concerns of objectors, in relation to both appeals are sustained to the extent specified.

- 6.15 Appeals 2015/A0107, 2015/A0197, 2019/A0064, 2019/A0173 are referenced within the appellant's SOC. They have not been appended in full and are relevant to the policy at that time which has been superseded by the PS, thus are of little assistance.
- 6.16 The suggestion that the Council were trying to enforce the PS ahead of its adoption is also not a matter for these appeals. Furthermore, in the event of the Council applying policy in advance of adoption, the right of appeal is still available to an applicant.
- 6.17 The matter of costs for purchase of the land constituting the appeal sites was undertaken at the appellant's own risk, as no planning permission had been secured at the time the land was bought. Whilst it may be the case that any granting of permission would generate work for those in the construction industry, that would not in this case justify allowing the appeal developments.
- 6.18 Whilst third parties raised the matter of precedent, given I have found the appeal developments unacceptable, this matter does not arise. In any event, each application is considered on its own merits. Issues regarding potential damage to natural heritage or waterlogging, I do not find determining, as no persuasive evidence has been submitted to support the concerns raised. The bringing up to an adoptable standard of the laneway and potential repair costs that might arise from construction traffic associated with the appeal developments as well as drawing accuracy are not determining matters for these appeals.
- 6.19 As the appeal proposals offend Policy HOU 13, they do not satisfy the requirements of Policy CS 1 of the PS. Consequently, the Council's first reason for refusal in relation to both appeals is sustained insofar as specified.

7.0 RECOMMENDATION

7.1 I recommend to the Commission that both appeals be dismissed.

7.2 These recommendations relate to the following drawings: -

Appeal 2023/0074 (Site B)

Drawing No.	Title	Scale	Date refused by Council
01	Location Map	1:2500	31 st October 2023

Appeal 2023/0075 (Site A)

Drawing No.	Title	Scale	Date refused by Council
01	Location Map	1:2500	31 st October 2023

List of Documents for 2023/A0074

Planning Authority: - "A" - Statement of Case by Mid & East Antrim Borough Council
 "A1" – Rebuttal Statement by Mid & East Antrim Borough Council

Appellant: - "B" – Statement of Case by Mc Neill Architectural Design & Surveying Consultant
 "B2" – Rebuttal Statement by Mc Neill Architectural Design & Surveying Consultant

Third Parties:- "C" – Statement of Case by Stephen Cardwell
 "C1"- Rebuttal Statement by Stephen Cardwell

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