
Appeal Reference:	2023/A0089
Appeal by:	Mr Gerald McNeill
Appeal against:	The refusal of outline planning permission
Proposed Development:	A farm dwelling
Location:	Lands immediately south east of Mason Saws, Kilmore Road, Armagh and immediately opposite 18 Kilmore Road, Richhill, Armagh
Planning Authority:	Armagh City, Banbridge and Craigavon Borough Council
Application Reference:	LA08/2020/0052/O
Procedure:	Written representations and accompanied site visit on 24 July 2024
Decision by:	The Commission, dated 22 August 2024

The Commission has considered the report by Commissioner Rachel Taylor and accepts her analysis of the issues and recommendation that the appeal should succeed. The case involves two alternative siting options for the proposed farm dwelling within the appeal site. The Commission agrees that whilst the reasons for refusal in relation to Site A are sustained, the sole reason for refusal relating to Site B is not sustained. Therefore, subject to a siting condition to ensure that the proposed farm dwelling is located on Site B, the appeal is allowed.

Decision – the appeal is allowed and outline planning permission is granted, subject to the following conditions:-

1. Except as expressly provided for by conditions 2, 4, 5, and 6 the following reserved matters shall be as approved by the planning authority – the design, external appearance and means of access to the dwelling.
2. The ridge height of the dwelling shall not exceed 5.5 metres above existing ground level at the lowest point within its footprint and underbuilding shall not exceed 0.3 metres at any point above existing ground level.
3. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.
4. Any windows on the north west and south west elevations of the dwelling shall be designed to avoid direct overlooking of properties adjoining the site.

5. The dwelling including its curtilage area shall be sited within the cross hatched area on the attached drawing PAC 1, date stamped 13th January 2020.
6. Visibility splays of 2.4 metres x 90 metres shall be laid out in both directions onto Kilmore Road before any building operations commence and thereafter shall be permanently retained.
7. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme providing for: -
 - the retention of trees and hedgerows along the north western, south eastern and the south western boundaries of the site;
 - all new boundaries for the curtilage of the dwelling hereby approved; and

The scheme of planting, as finally approved, shall be carried out during the first planting season after the dwelling is occupied. Trees and shrubs dying, removed or becoming seriously damaged within five years shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.
8. Application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
9. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision approves the following drawing:-

Drawing No.	Title	Scale	Date received by Council
PAC1	Site Location Plan	1:2500	13 th January 2020

ANDREA KELLS
Chief Commissioner