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<b>Appeal Reference:</b>	2024/A0026.
<b>Appeal by:</b>	Mr. John Boyle.
<b>Appeal against:</b>	The refusal of full planning permission.
<b>Proposed Development:</b>	Proposed site for 1no. detached dwelling with associated site works (infill development).
<b>Location:</b>	Lands approx. 14m North of 3 Laurelhill Road, Blackskull, Dromore, Co. Down, BT25 1JS.
<b>Planning Authority:</b>	Armagh City, Banbridge & Craigavon Borough Council.
<b>Application Reference:</b>	LA08/2023/2876/O.
<b>Procedure:</b>	Written Representations with Commissioner's site visit on 2 <sup>nd</sup> October 2024.
<b>Decision by:</b>	Commissioner Kieran O'Connell, 11 <sup>th</sup> October 2024.

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposal would:
  - be acceptable in principle in the countryside,
  - respect the existing pattern of development and
  - have an adverse impact on rural character.
3. Section 45(1) of the Planning (Northern Ireland) Act 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Craigavon Area Plan 2010 (CAP) operates as the LDP for the area where the appeal site is located. In it, the appeal site lies in the countryside. The site is also close to an unscheduled archaeological site and monument. However, there are no archaeological objections and no other policy provisions in the plan that are material to the appeal proposal.
5. The Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing

planning policy documents until such times as Plan Strategies for all Council areas in NI have been adopted. As no Plan Strategy has been adopted for this Council area, the transitional arrangements set out in the SPPS are engaged. They prescribe that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

6. Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) is a retained policy. No conflict arises between the provisions of the SPPS and PPS21 insofar as they relate to this appeal proposal. The retained PPS 21, therefore, provides the policy context for assessing the proposal. Supplementary planning guidance for buildings in the countryside is set out in the document 'Building on Tradition' – A Sustainable Design Guide for Northern Ireland Countryside (BoT). This is a material consideration in the appeal.
7. Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. 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 CTY 8.
8. Policy CTY 8 of PPS 21 is titled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and, provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements.
9. For the purpose of this policy, the definition of a substantial and continuously built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. There is no dispute that a substantial and continuously built-up frontage exists along this section of Laurelhill Road. This comprises of the two-storey dwelling and one-and-a-half-storey double garage at No. 3 Laurelhill Road immediately south of the appeal site, a single-storey roadside outbuilding which is within the appeal site and the roadside farmyard and the conjoined agricultural building to the north of the appeal site. The agricultural building set behind (east) of the roadside agricultural outbuilding and accessed via the same farmyard has been discounted by the parties as a qualifying building along the frontage. The Council's concerns centre on the size of the gap, the plot/frontage size and the siting and disposition of the proposal.
10. It is clear from the policy when read as a whole that the gap to be considered is that between buildings. The Appellant states that the gap is between the existing farm buildings and No. 3 Laurelhill Road. He does not identify which buildings he refers to. He further contends that the appeal proposal adheres to the plot sizes and existing development pattern along Laurelhill Road and its immediate vicinity to support his position that the gap is suitable for development.

11. The Council consider the 29m gap to be between the dwelling at No. 3 and an outbuilding located within the appeal site. The Council say the gap is not of sufficient size to accommodate this proposal as it would not respect the existing development pattern in terms of its siting, plot size and disposition of the building.
12. From my on-site observations, it is clear that the gap to be considered is between the double garage at No. 3 Laurelhill Road (not the dwelling) and the roadside agricultural building. This gap would be smaller than that argued by the Council. Whilst it may be possible to locate a dwelling in this gap, if an infill proposal does not respect the existing development pattern, then regardless of the size of the gap, it is contrary to the policy.
13. The Council argued that the average plot width along the frontage is approximately 61.5m. However, this assessment is not restricted to 'residential' frontages, as proffered by the Council. The Appellant's figure is approximately half this at 30.5m. Irrespective of the difference, as the appeal site frontage mirrors that of the existing farmyard, the width of the frontage would not change as a result of the proposal. Therefore, the proposed plot width would not be at odds with those along the frontage. The Council's arguments on this matter are not sustained.
14. The Appellant's map highlights the frontage widths of several properties in the wider area beyond the subject frontage that he says would be comparable to the proposal. These include No. 7 Laurelhill Road, to the south of the appeal site and Nos. 52, 54 & 56 Donaghcloney Road. Policy CTY 8 is clear that it is the development pattern along the substantial and continuously built-up frontage wherein the appeal site is located that must be respected. These buildings do not therefore assist the Appellant's case. For the same reason, the references to plot sizes outside of the subject frontage are not germane to my consideration.
15. The Appellant claims that plot size of the proposal is comparable to those on Laurelhill Road. He argues that the plot would be 0.2ha, whilst the dwelling and garage at No. 3 Laurelhill Road are on a plot of approximately 0.3ha. The Council counters that even though the appeal site protrudes into an agricultural field, the proposed plot size (at approximately 1,470sqm) would be 'considerably smaller' than No. 3 Laurelhill Road (at approximately 2,770sqm). Neither party, surprisingly, has referred to the size of the plot of the conjoined shed given they are in agreement that it is within the substantial and continuously built-up frontage. Even if I were to agree with the Appellant, the proposed plot size would be significantly smaller than that of No. 3 and the average plot size of the two stated plots combined.
16. Notwithstanding my consideration of the plot sizes above, the Council also raised concerns with the layout and disposition of the proposed building. The assessment of whether a site is suitable for infill development is not simply a mathematical exercise. Whether or not a gap site is suitable for infill development is a matter of planning judgment, taking into account what one ascertains on the ground. In the evidential context provided and from my on-site observations, I consider that the gap would be too small to accommodate a dwelling that would respect the pattern of development within the area. This is because the Appellant's indicative site plan suggests relocating the appeal dwelling centrally into the farmyard partially behind the roadside agricultural building to accommodate a driveway. This would be disproportionately close to No. 3 and the existing farm buildings compared with the

disposition of other buildings in the area. Also, the appeal plot would extend into the wider agricultural field to the east which would be unrepresentative of others along the frontage. Even if the dwelling were to be located closer to the public road, this would lead to a contrived design and layout that would not be characteristic of this area. In line with the BoT guidance, both would indicate that the gap is too small to accommodate a dwelling whilst respecting the existing development pattern.

17. Although the Council argued the appeal development would be similar to two appeal decisions, each case falls to be assessed on its own site-specific merits and within its own evidential context. Direct comparables are rare.
18. Policy CTY 14 of PPS 21 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. Given my conclusions above concerning the principle and pattern of development, the siting of the appeal development would further erode the rural character of the area as it would not adopt the spacing of traditional buildings found in the locality and thus would not respect the settlement pattern exhibited in the area. Notwithstanding the Appellant's design solution and the provision of additional landscaping, another dwelling at this location would add to the built-up appearance of the area and further erode its rural character. Consequently, the appeal development would be contrary to Policy CTY 14 read as a whole. The Council's third reason for refusal is sustained.
19. The Appellant referred to three appeals. However, no details were provided for comparative purposes. As such, they do not assist.
20. In light of my findings above, the proposal does not represent one of the types of development that are considered to be acceptable in principle in the countryside, and no overriding reasons were presented to demonstrate how the appeal development is essential and could not be located in a settlement. It is, therefore, also contrary to Policy CTY 1 of PPS21. The Council's first reason for refusal is sustained. The appeal must fail.

This decision is based on the following drawings:

- 01 – 1:2500 scale, Site Location Map date stamped by the Council on dated October 2023.
- 02 – 1:500 scale, Block Plan, dated October 2023

**COMMISSIONER KIERAN O'CONNELL**

## **List of Documents**

Council: - Statement of Case by Armagh City, Banbridge and Craigavon Borough Council.

Appellant: - Statement of Case by NI Planning Permission