

**PLANNING APPEALS COMMISSION**

**THE PLANNING ACT (NORTHERN IRELAND) 2011  
SECTION 58**

**Appeal by Mrs Celine McCoo  
against the refusal of outline planning permission for an infill site for two dwellings  
and garages between No. 45 Moneygore Road and No. 80 Bannfield Road,  
Rathfriland, BT32 5JQ.**

**Report  
by**

**Commissioner Kieran O'Connell**

**Planning Authority Reference: LA08/2022/1036/O**

**Procedure: Written Representations**

**Commissioner's Site Visit: 22<sup>nd</sup> March 2024**

**Report Date: 24<sup>th</sup> April 2024**

## 1.0 **BACKGROUND**

- 1.1 Armagh City, Banbridge & Craigavon Borough Council received the application for Planning Permission on 11<sup>th</sup> August 2022.
- 1.2 By notice dated 12<sup>th</sup> October 2022, the Council refused permission giving the following reasons: -
1. **The proposal is contrary to the Strategic Planning Policy Statement and to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
  2. **The proposal is contrary to the SPPS paragraph 6.73, Policy CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site does not represent a small gap and could accommodate more than 2 dwellings. The application site, if developed for two dwellings, would not respect the existing development pattern along the road frontage in terms of plot size and width and if permitted, would create a ribbon of development along Bannfield Road.**
  3. **The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwellings would if permitted result in the dwellings being prominent features in the landscape and the lack of established boundaries along part of Bannfield Road would result in the dwellings relying primarily on the use of new landscaping for integration.**
  4. **The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted, result in the creation of a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.**
- 1.3 The Commission received the appeal on 29<sup>th</sup> November 2022 and advertised it in the local press on 26<sup>th</sup> January 2023.
- 1.4 No representations were received from third parties at either the appeal stage or the application stage.

## 2.0 **SITE AND SURROUNDINGS**

- 2.1 The appeal site is cut out of a larger field on the western side of Bannfield Road. The eastern roadside boundary is defined by a grass verge and a post-and-wire fence. The southern boundary adjacent to No. 45 Moneygore Road is defined by post and wire fence except for the south-eastern quadrant which is open and allows access to No. 45. The western boundary is undefined and forms part of the wider agricultural field. The northern boundary of the appeal site runs parallel to No. 80 and the adjoining lands. The appeal site sits slightly above road level along the frontage and

rises from east to west towards and beyond the rear (western) boundary of the larger host field, which is defined by post and wire fencing, hedgerow and trees.

- 2.2 No. 45 Moneygore Road is a bungalow-styled dwelling with accommodation within its roof. It has a dual frontage to both Moneygore Road and Bannfield Road. Pedestrian access is onto Moneygore Road, while the main vehicular access to this site is onto Bannfield Road. There is a stone building within the northeastern corner of the garden to No. 45 immediately adjacent to the junction of Moneygore Road and Bannfield Road. On the western side of No. 45 Moneygore Road, there are several agricultural buildings and a farmyard accessed via Moneygore Road.
- 2.3 No. 80 is a recently constructed two-storey dwelling with a double garage located to the north of the appeal site and is accessed via a driveway onto Bannfield Road. The roadside vegetation has been cleared. The landform rises westward towards a raised earth embankment and No. 80 beyond. The access to and the yard within No. 80 are delineated by kerbs. Immediately to the north of No. 80 and between No. 82 there is an agricultural gate and laneway providing access to the lands to the rear of No. 80.
- 2.4 No. 82 is a two-storey dwelling that forms part of a larger grouping of agricultural buildings located beyond the northern boundary of No. 80. No. 82 is set back from Bannfield Road along a laneway, while there is also a roadside single-storey building which has become overgrown by vegetation and a two-bay, red-roofed agricultural shed immediately adjacent to Bannfield Road.

### **3.0 PLANNING AUTHORITY'S CASE**

- 3.1 The appeal site comprises a large rectangular-shaped agricultural field which has a frontage onto Bannfield Road, Rathfriland. The site frontage onto the road mainly consists of a mix of post and wire fencing and hedgerow.
- 3.2 Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
- 3.3 The application site lies in the open countryside as defined by the Banbridge Newry and Mourne Area Plan 2015 (BNMAP). There are no specific policies in BNMAP relevant to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) along with Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), therefore provides the relevant planning context for determining this application.
- 3.4 Paragraph 6.73 of the SPPS is no more prescriptive than the text of PPS 21. Policy CTY1 of the PPS 21 identifies a range of types of development, which, in principle, are considered acceptable in the countryside.
- 3.5 The Appellant asserts that photographs were not taken during the site visit or used in the assessment of the planning application. This is not the case. Photographs signed and dated 02/09/2022 are attached to the rebuttal statement. These photographs

- demonstrate that the works on the build-out of approval LA08/2020/0936/F (No.80) were ongoing and in no way complete.
- 3.6 Concerns were raised regarding the length of time taken to issue consultations on the application. This was simply down to the case officer being on a period of leave during the summer months.
  - 3.7 Further concerns were raised regarding the agent not being notified when officers formed a recommendation and subsequently placed the application on a delegated list. The logic behind the publication of the delegated lists on a weekly basis is to allow both the public and elected members the opportunity to call in any application before the Planning Committee if they disagree with the officer's recommendation. The onus is on the agent/applicant to check the delegated lists and seek said call-in request through an elected member. When a decision is made on an application, it is the Council's practice to only upload the officer's report and decision notice when the decision notice is issued. This was not peculiar to this application.
  - 3.8 With respect to the EIA Screening, the agent would have received a copy of the negative screening soon after the screening was carried out. The fact that the negative screening was carried out the same day as the decision notice issued had no bearing on the reasons for refusal associated with this application, and therefore there was no prejudice to the Appellant in this regard.
  - 3.9 The application site comprises an area of land in the open countryside as set out in the BNMAP. Policy CTY 1 Development in the Countryside of PPS 21 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 Council is of the view the proposal must comply with one of the types of development to be considered acceptable. However, for the reasons set out in further detail below, the development does not fall within one of the types of acceptable development as set out in CTY 1. Therefore, the proposal fails to meet the subsequent criteria and as such leads to this refusal reason.
  - 3.10 The proposal would be contrary to the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
  - 3.11 Policy CTY 8 requires four specific elements to be met: the gap site must be within an otherwise substantial and continuously built-up frontage, the gap must be small sufficient only to accommodate a maximum of two houses, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met.
  - 3.12 A substantial and built-up frontage does exist along the portion of the road. It comprises No. 45 Moneygore Road and its associated agricultural buildings which have a frontage onto the road and No. 82 Bannfield Road and its associated agricultural buildings which also share a frontage with the road. A gap does exist along this portion of frontage, the gap is between No. 45 Moneygore Road to the south and an agricultural building associated with No. 82 Bannfield Road. This gap measures approximately 220 metres from building to building.

- 3.13 The dwelling, currently under construction (No. 80 Bannfield Road), does not have a direct frontage onto Moneygore Road (except for a narrow access laneway). This position has been considered at length by the PAC. The approved curtilage of the dwelling under construction (LA08/2020/0936/F) indicated that a large portion of the site which abuts the road is to remain as an agricultural field.
- 3.14 When an approved development relevant to the policy assessment is not complete on the ground, it would be common practice to check the approved drawings to ascertain how the approved dwelling would be completed. The Commission will note that on approved drawing 02 Rev 1, the dwelling is set back behind a proposed new hedge planted behind proposed stock control fencing. Officers in the assessment of Policy CTY 8 considered that the stock control fencing and planted hedge to the rear would mark a separation between the residential curtilage and the paddock/agricultural field that fronted onto the public road.
- 3.15 The second part of Policy CTY 8 states 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 a substantially and continuously built-up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements.
- 3.16 The gap is 220 metres from building to building, as indicated above. Based on the frontage widths of the dwellings which constitute the built-up frontage as set out above, the gap of 220 metres could accommodate in the range of 3-4 dwellings. As the defined gap site could comfortably accommodate more than 2 dwellings, the gap is not considered small, and the proposal therefore fails Policy CTY 8.
- 3.17 Policy CTY 13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long-established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate, or the proposal would fail to blend with the landform and other natural features which provide a backdrop.
- 3.18 Two dwellings on the site could be considered prominent features in the landscape. This is due to the topography of the site and also the lack of established and mature vegetation along the site frontage with Bannfield Road. The development would rely on a substantial level of new landscaping to achieve a degree of integration with the countryside. The proposal is therefore considered to fail Policy CTY 13 of PPS 21 and the Strategic Planning Policy Statement.
- 3.19 The SPPS and Policy CTY 14 of PPS 21, state that a new building will be unacceptable where; it is unduly prominent in the landscape; it results in a suburban-style build-up of development when viewed with existing and approved buildings; it does not respect the traditional pattern of settlement exhibited in that area; or it creates or adds to a ribbon of development (see Policy CTY 8); or the impact of ancillary works would damage rural character.
- 3.20 As discussed above, the proposal does not comply with the criteria set out in Policy CTY 8. Therefore, two dwellings on this site would result in a ribbon of development along Bannfield Road which is contrary to Policy CTY 14 Rural Character. As the

proposal fails criterion (d) of CTY 14, it would result in a detrimental change to the rural character of the countryside and therefore fails Policy CTY 14 and the SPPS.

- 3.21 The proposal fails to comply with the SPPS and PPS21, specifically in relation to CTY1, CTY8, CTY 13 and CTY14 in that the site does not represent a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. The development would, if permitted, create a ribbon of development and result in a detrimental change to the rural character of the countryside.
- 3.22 If the Commission decides to allow this appeal, the following conditions are requested:
- The requirement that a Reserved Matters application be submitted within 3 years;
  - Time limits;
  - Approval of the siting, design, and external appearance of the buildings, the means of access and the landscaping of the site by the Council before any development is commenced;
  - Maximum ridge height of 6.5m above finished floor level;
  - No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed buildings and the position, height, and materials of any retaining walls;
  - The depth of the underbuilding between the finished floor level and the existing ground level shall not exceed 0.3 metres at any point;
  - Retention of existing natural screening of the site;
  - Replacement of any retained tree if it is removed within 5 years from the date of the completion of the development;
  - Requirement for a scale plan and accurate site survey at 1:500 (minimum) be submitted showing the access points to be constructed and other requirements in accordance with the attached form RS1;
  - The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage for the parking of private cars at the rate of 2 spaces per dwelling, and an additional space outside the curtilage by way of access lay-by; and
  - Prior to any development commencing on site, details of the proposed sewerage treatment shall be submitted to and approved by the Council and thereafter implemented.

#### **4.0 APPELLANT'S CASE**

- 4.1 The processing of this application was flawed from the beginning. A full chronology of the application from the date of receipt on 11<sup>th</sup> August 2022 to date of determination on 12<sup>th</sup> October 2022 is provided.
- 4.2 During the processing of the application, no contact was made with the agent. The Commissioner is asked to seek clarification from the Planning section on the following:
1. Was a site visit carried out? There are no dated photographs in the Planning Report. This information would have been critical for detailed discussions at the Group meeting and to make any subsequent recommendation.

2. Consultations were not issued until 20 days after receipt of the application on 31<sup>st</sup> August 2022.
  3. There was no contact with the agent to give prior notice of a recommendation.
  4. As the planning report was not put on the Planning Portal until after the Decision Notice was signed (14<sup>th</sup> October 2022), how could the agent make any comments on the application or submit further documentation?
  5. Why was the agent not made aware of the EIA Determination until after the Decision was signed and the consultation was put on the Portal on the same date as the decision notice?
- 4.3 The processing time is totally out of keeping with normal practice in this Planning Department. In our opinion, the application was not given the required care and attention to reach the correct decision. The planning application was processed in 52 days yet the average time to process applications in this area appears to be well in excess of 100 days. Indeed, local Councillors who were aware of the application did not even get an opportunity to request a deferral due to the speed of processing the application.
- 4.4 Apart from the questionable timeline for processing the application, the hub of this appeal is how the determination was made. No Photographic documentation of the site and surroundings was included in the Case Officer's Report (COR). The site was not correctly assessed through a visual consideration of what is actually on the ground in the locality. Therefore, how could an informed decision have been made during Group discussions?
- 4.5 Documentation for an extant approval adjacent to the site was used to determine the size of the gap between buildings. The policy clearly states that the gap is between existing buildings and their frontage, not what may or may not happen in the future. If the approach used in this instance were accepted, then other gap sites would be assessed using extant approvals on paper as opposed to what is actually on the ground. This is the established and recognised method by both Planning and PAC, so clarification must be sought as to why this method was deviated from for this application.
- 4.6 With respect to refusal reasons 2 & 4. In the COR, it states that "Officers are of the opinion that substantial and built-up frontage does exist along the portion of the road." However, they contend that "the dwelling currently under construction (No. 80 Bannfield Road) does not have a direct frontage onto Moneygore Road except for a narrow access laneway." This is totally incorrect as the dwelling referred to is on the Bannfield Road and not Moneygore Road and here we would question whether this is a typographical error or was there a site visit carried out. On-site, there is a driveway to the house and not an access laneway. There was never a separate lane and field, as Planning noted in the COR. The attached photographs of the dwelling were taken on 1<sup>st</sup> June 2023. Photographs 1 & 2 show the access driveway and the front garden clearly.
- 4.7 The Case Officer refers to the planning approval for No. 80 Bannfield Road. Although the planning history of an area is an important part of determining the application, this approval and drawing was referred to on a number of occasions and appears to have been the basis of Group discussions. It also appears that paperwork has been given more weight than the visual test. This is not the correct approach, as a visual

test is the accepted norm. If this approach is accepted, then it will undermine both existing decisions and the whole approach taken in the future. If extant approvals adjacent to sites are taken as read, then Planning and the Appeals process will be open to question from all sides.

- 4.8 The Council refer to an agricultural field, however, this field does not exist on site. As an Agent, Planning constantly say that while processing an application, they can only take account of what is visible on site. This is also a position adopted by the PAC and is quoted in many Appeal Decisions, such as 2018/A013 where the Commissioner states "I must assess what I see on the ground at the time of my site visit". Planning has failed to do this at the time of their documented alleged site visit on 2<sup>nd</sup> September 2022 as the lane referred to did not exist.
- 4.9 The Case Officer has stated that there is a gap of 220m and could accommodate 3-4 dwellings. This is an ambiguous statement and is open to interpretation. It is either 55m for 4 sites or 73m for 3 sites. It is our opinion that the gap is 130m with a frontage of each proposed site of approximately 65m, which is by inference acceptable to Planning and respects the pattern of development.
- 4.10 In the assessment of the planning application, Planning ignored the established criteria and precedent and relied on paper documents of an approval. For the sake of clarity, the Commissioner must ask Planning whether they adopt the visual test on-site visits or use the planning history when determining an application. It has, up until now, been the case that Planning will discount extant approvals for dwellings not built when determining infill applications, and also discount buildings which do not have the benefit of Planning Permission.
- 4.11 With respect to the other reasons for refusal not related to the principle of infill and gap size, the following comments are made:
- 4.12 Reason 1. If the principle of infill is established, then there are overriding reasons why this development is essential in this rural location and this reason for refusal is not sustainable.
- 4.13 Reason 3. The Commissioner will see during their site visit that the sites have rising ground to the rear to act as enclosure and if they are deemed to be an infill opportunity then the buildings and hedges on either side will form the enclosure. Due to the low-lying nature of the site and minimal critical viewpoints from minor country roads, the dwellings with appropriate height restrictions would be in no way prominent features in the landscape. They would respect the type of development in the locality. In the COR, the main reference to enclosure is the boundary along the road frontage. In the majority of sites in the countryside, a portion of the roadside vegetation is required to be removed to provide visibility splays, as would be the case in this instance. A new native species hedge behind the necessary visibility splays would be a betterment to this length of public road.
- 4.14 As the Council has cited no additional information, we would respectfully suggest that they have conceded that their original decision was incorrect and that the Appeal should be allowed.



## 5.0 CONSIDERATION

- 5.1 The main issues in this appeal are whether the proposal would:
- be acceptable in principle in the countryside,
  - result in ribbon development; and
  - have an adverse impact on rural character.
- 5.2 Section 45(1) of the Planning Act (Northern Ireland) 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 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.
- 5.3 The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the LDP for the area in which the appeal site is located. In BNMAP, the appeal site lies in the countryside outside of any designation. The plan contains no policies pertinent to this proposal and directs to regional policy in respect to development in the countryside.
- 5.4 The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) sets out transitional arrangements that will operate until a Plan Strategy (PS) is adopted for a Council area. In this case, there is no PS. Accordingly, during the transitional period, the SPPS retains certain existing Planning Policy Statements (PPSs), including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). As there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21, provides the relevant policy context for assessing the appeal development.
- 5.5 Policy CTY 1 of PPS 21 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. One of these allows for the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8. It follows that if Policy CTY 8 is met, then Policy CTY 1 is also satisfied.
- 5.6 Policy CTY 8 of PPS 21 is entitled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. For the purpose of this Policy, the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- 5.7 There is no dispute that there is a substantial and continuously built up frontage along Bannfield Road. The dispute centres on whether No. 80 Bannfield Road forms

part of the substantial and continuously built up frontage, and whether the resultant gap would be small and respect the development pattern.

- 5.8 Policy CTY 8 requires that there be a baseline of at least three buildings lined out along the frontage of the road. A building has a frontage to a road, footpath, or lane if the plot on which it stands abuts or shares a boundary with that road, footpath, or lane. For the purpose of establishing if a building has a frontage, it does not matter whether the building faces towards the road, footpath, or lane, or whether it takes vehicular or pedestrian access from it.
- 5.9 From my observations on site, I agree with the Council that the substantial and continuously built-up frontage consists of No. 45 Moneygore Road and the small roadside building within its curtilage to the south of the appeal site and No. 82 and the roadside agricultural buildings north of No. 82. The curtilage of the recently constructed dwelling and garage at No. 80 Bannfield Road to the north of the appeal site does not accord with the stamped approved plans as provided by the Council in its evidence. Whilst I agree with the Appellant that my assessment must be made on the basis of what is on the ground, it must also be based on what is lawful. Accordingly, while No. 80 is laid out to give the appearance that it has a frontage to Bannfield Road, it does not have planning permission to do so. Given this and in the absence of a Lawful Development Certificate to demonstrate that this arrangement is lawful, it cannot be weighed into the consideration of the above policy requirement. In any event there is a substantial and continuously built up frontage excluding No. 80.
- 5.10 The second element of the infill policy is that there is a small gap site, sufficient only to accommodate up to a maximum of two houses. In accordance with Paragraph 5.34 of PPS 21, it is the gap between buildings rather than the appeal site that should be considered. Given my conclusions above on the substantial and continuously built up frontage, the gap to be considered is between No. 45 to the south and the agricultural outbuilding associated with No. 82 to the north as stated by the Council. The Council measures this gap at approximately 220 metres from building to building. I concur with this.
- 5.11 To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than one or two houses but, must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements. The 220m gap could easily accommodate more than two dwellings taking into account the plot sizes and frontage widths along the road. As such, I consider that the appeal site is not a small gap site sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built-up frontage. The appeal development does not therefore meet the exceptional test within Policy CTY 8. Additionally, given my conclusions below relating to ribbon development and consequent impacts on rural character, the appeal development would not fully meet the other planning and environmental requirements element of Policy CTY 8. The Appellant's analysis, including the indicative site plan and other material submitted at the application stage would not persuade me otherwise.
- 5.12 Policy CTY 8 is linked with Policy CTY 14 of PPS21 insofar as both deal with ribbon development. The Council considered that two dwellings on the appeal site would

result in the creation of ribbon development along Bannfield Road. Although PPS 21 does not provide a comprehensive definition of ribbon development, paragraph 5.33 indicates that it does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked.

- 5.13 Notwithstanding my conclusions above regarding the exceptional test under Policy CTY 8, when travelling southward along Bannfield Road towards the appeal site and the Moneygore Road junction, the conjoined double bay red agricultural building, the roadside stone building, and the recently constructed dwelling and garage at No. 80 Bannfield Road, while not part of a substantially and continuously built-up frontage, nevertheless, read as part of an existing ribbon of development as they are visually linked. Therefore, two dwellings located on the appeal site, regardless of design, would add to the aforementioned ribbon and extend it southward. The appeal development would also visually link with and share common frontage with the dwelling and stone building at No. 45, further extending ribbon development to the detriment of rural character. For the reasons given above, the appeal development would be contrary to Policies CTY 8 and CTY 14 of PPS21 and the related provisions of the SPPS. The Council's second and fourth reasons for refusal is sustained to the extent specified.
- 5.14 Policy CTY 13 of PPS 21 relates to the integration and design of buildings in the countryside. It states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. It cites seven instances where a new building will be unacceptable. The Council has raised concerns with criterion (a) that the proposal would be a prominent feature in the landscape; (b) that the site would lack long-established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and (c) that the proposal would rely primarily on the use of new landscaping for integration.
- 5.15 The eastern roadside boundary and the southern boundary of the appeal site are defined by post and wire fencing and lack any notable natural features to aid integration. The remaining northern and western boundaries are undefined and the proposed development would rely on rising ground to the west and mature hedges and trees along the northern field boundary to assist with integration into the landscape. However, from my on-site observations, given the overall extent of the appeal site, its lack of established boundaries would be appreciable in the landscape. Two dwellings on the appeal site, therefore, while not occupying a top of slope location, would read as elevated relative to Bannfield Road. Both dwellings, irrespective of design, would be open to the road and therefore be prominent features within the landscape when travelling along the site's frontage, and in particular on the northern approach to the appeal site beyond the junction of Bannfield Road.
- 5.16 There would be no natural screening to either site, nor would there be any sense of enclosure around the proposed buildings when travelling along Bannfield Road, even with restricted ridge heights as suggested by the Appellant. The appeal development would rely primarily on the use of new landscaping to achieve a satisfactory degree of integration into the countryside. For these reasons, the proposed development

would be contrary to Policy CTY 13 of PPS21 and the related provisions of the SPPS. Accordingly, the Council has sustained its third reason for refusal.

5.17 Whilst the Appellant raised concerns regarding the processing of the planning application by the Council, these are matters between the parties and are outside the scope of this appeal. Jurisdiction has now passed to the Commission and the issues raised in the evidence at appeal have been independently assessed as set out above.

5.18 There is no evidence to suggest that the appeal development is acceptable in principle in the countryside under Policy CTY 1 or that there are any overriding reasons why the development is essential and could not be located in a settlement. Nor are there any material considerations to outweigh the policy objections to the proposal. The proposal is contrary to Policy CTY 1 and the related provisions of the SPPS. The Council's reasons for refusal are sustained to the extent specified.

## **6.0 RECOMMENDATION**

6.1 I recommend to the Commission that the appeal be dismissed.

6.2 This recommendation relates to the following drawing: -

- 1:2500 scale Site Location Plan Drawing No. 01 date stamped 11<sup>th</sup> August 2022.

**List of Documents**

Planning Authority: - Statement of Case by Armagh City, Banbridge & Craigavon Borough Council.

Rebuttal Statement by Armagh City, Banbridge & Craigavon Borough Council.

Appellant: - Statement of Case by Martin J Bailie MCIAT.

Rebuttal Statement by Martin J Bailie MCIAT.