



Title of Report:	Planning Committee Report – LA01/2020/1235/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th June 2026
For Decision or For Information	For Decision – Referred Application by Ald Robinson & Fielding & Cllr Beattie
To be discussed In Committee YES/NO	Yes

Linkage to Council Plan (2026-31)	
Strategic Theme	Governance, Quality & Continuous Improvement
Outcome	Governance arrangements that ensure compliance, transparency and effective decision-making
Lead Officer	Development Management Manager

Budgetary Considerations	
Cost of Proposal	
Included in Current Year Estimates	N/A
Capital/Revenue	
Code	
Staffing Costs	

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2020/1235/O **Ward:** Drumsurn
App Type: Outline
Address: Site adjacent to No. 53 East Road, Drumsurn
Proposal: Proposed infill site for dwelling between 51 & 53 East Road,
Drumsurn
Con Area: N/A **Valid Date:** 18.11.2020
Listed Building Grade: N/A
Agent: AQB Architectural Workshop Ltd, as1 Ebrington Terrace,
Waterside, Derry, BT47 6JS
Applicant: Alex McDonald, 22 Rathmore Road, Limavady, BT49 0DF
Objections: 0 **Petitions of Objection:** 0
Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for an infill dwelling under policy CTY8 of PPS21.
- The site is located within the countryside, outside of any defined settlement development limit as defined in the Northern Area Plan 2016.
- The principle of development is considered unacceptable in regard to the SPPS Edition 2 and PPS21 as there is no substantial and continuously built up frontage within the countryside at this location. The proposal would also have an adverse impact on rural character through the creation of ribbon development, suburban style build-up and would fail to satisfactorily integrate into the landscape.
- No overriding reasons have been forthcoming as to why the development is essential and cannot be facilitated within the development limit.
- DFI Roads, Environmental Health were consulted on the application and have no concerns with the proposal.
- No objections have been received
- The application is recommended for Refusal in that it is contrary to Paragraphs 6.70 and 6.73 of the SPPS Edition 2 and Policies CTY1, CTY8, CTY13 and CTY14 of PPS21.

Drawings and additional information are available to view on the Planning Portal-

<https://planningregister.planningsystemni.gov.uk/simple-search>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 In order to facilitate a reassessment of the proposal the application site was re-inspected. The most recent inspection took place 4th June 2026. The application site is located adjacent to and west of No. 53 East Rd, Drumsurn. The application site comprises a small roadside field, which is irregular in shape and falls gently from the road in a southern/south-eastern direction. The roadside boundary has been removed entirely with a stoned access formed to the eastern side of the site frontage. The eastern boundary of the site is defined by a low ranch fence, field date and gable wall of the outbuilding at No. 53, with a post and wire fence defining the rear portion of the eastern boundary. The southern boundary of the site is defined by a close boarded timber fence which is approximately 1.8-2m in height. A number of mature trees are present within the southern (rear) portion of the site which are approximately 10-12m in height.
- 2.2 The western boundary of the site as defined by the red boundary comprises a recently erected timber ranch fence which runs perpendicular to East Rd in a north south direction to meet the original fence line of the host field/Curtilage of No. 51 East Road. This newly erected fence omits a small portion of the extreme north-western part of the field from the application boundary that originally formed part of the application site. The remaining field

boundary along the south-western boundary is defined by a post and wire fence.

- 2.3 The application site is located within the rural area outside of any settlement as defined in the Northern Area Plan 2016, located approximately 1.5km North West of Drumsurn. The application site is not located within any environmental designations.
- 2.4 The area is predominately agricultural in character with a number of single dwellings scattered throughout the area. Within the immediate vicinity of the application site there are three other dwellings. Two dwellings are located to the east of the site (Nos. 53 and 55), with a dwelling located to the rear of the application site (No. 51) which is accessed via a laneway to the west of the application site.

3 RELEVANT HISTORY

B/2012/0155/O - Site Adjacent to 53 East Road, Carrick West, Drumsurn - Site for dwelling (infill site) - Permission Refused - 04.09.2012.

LA01/2020/0962/O - Site adjacent to No 53 East Road, Carrick West, Drumsurn - Proposed infill site for dwelling between No 51 & No 53 East Road, Carrick West, Drumsurn - Application Withdrawn 02.11.2020.

LA01/2024/0475/RM - 53 EAST ROAD, CARRICK EAST, LIMAVADY, BT49 0NW - Proposed single storey dwelling at infill site (Previously Approved under LA01/2020/1235/O) – Permission Granted 18.09.2024.

LA01/2020/1235/O was challenged via Judicial Review. On the 6th February 2025 the Court of Appeal quashed the outline planning approval.

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed infill dwelling.
- 4.2 LA01/2020/1235/O was previously presented to Planning Committee as a referred application following a recommendation to refuse planning permission. At the August 2021 Planning Committee Meeting, members voted to grant outline planning permission. Outline planning permission was granted 26th August 2021.
- 4.3 The outline planning permission was challenged by way of application for judicial review by Mr Gordon Duff. On the 6th February 2025 the Court of Appeal provided written judgement ordering that the outline permission be quashed - (2025) NICA 8.
- 4.4 Consequently, the Council is now obliged to re-consider the application.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal.

5.2 Internal

DFI Roads: No objection

Environmental Health: No objection

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination 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.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The application has been assessed against the following planning policy and guidance:

[Regional Development Strategy 2035.](#)

[Northern Area Plan 2016.](#)

[Strategic Planning Policy Statement Edition 2 - 2025 \(SPPS\).](#)

[PPS 3: Access, Movement and Parking.](#)

[PPS 21: Sustainable Development in the Countryside.](#)

Supplementary Planning Guidance

[Building on Tradition: A Sustainable Design guide for Northern Ireland.](#)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the Principle of Development, Integration and Rural Character, Access Movement and Parking, Sewerage Disposal, Natural Heritage and HRA

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted for a dwelling and garage within a gap and therefore falls to be assessed under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.

- 8.3 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception within this policy 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 these 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.

- 8.4 The application site is located at the immediate roadside along East Rd. To the east of the application site are the dwellings at Nos. 53 and 55. Both properties occupy a roadside location and have a frontage onto East Rd and have ancillary buildings which are set behind the dwellings. To the west of the application site is a laneway which serves as access to No. 51 and other lands. The dwelling at No. 51 sits to the rear of the application site. The

curtilage of No. 51 does not extend to East Rd, terminating approximately 25m back from the road edge where it accesses onto the laneway. As the curtilage of No. 51 does not have a common frontage onto East Rd, it cannot be taken to form part of a substantial and continuously built-up frontage along East Road. This assessment of what constitutes a common frontage is consistent with that of the Planning Appeals Commission who have a settled position on what defines a common frontage, as outlined within appeal 2019/A0250 (Appendix 1).

- 8.5 As there is no development with a common frontage to the western side of the application site, there is no substantial and continuously built-up frontage at this location. Consequently, as there is no substantial and continuously built-up frontage present, there is no gap in which to infill, and as such the proposal fails to comply with the policy requirements of the SPPS and CTY8.
- 8.6 At the August 2021 Committee meeting planning permission was granted. Members who voted to approve the application considered that the dwelling at No. 51 did have a frontage onto East Rd, and that the proposal met with the policy requirements, would not result in ribbon development and would integrate with buildings already present.
- 8.7 The challenge brought by Mr Duff largely centred on the decision to grant planning permission in breach of planning policy without appropriate justification i.e. the consideration of the presence of a built-up frontage.
- 8.8 In the matter of application by Gordon Duff for Judicial Review - (2024) NIKB 31 Scofield J found that *“The fact that No 51 is accessed by a laneway which opens out onto the road does not mean that the dwelling, which sits to the rear of the application site, has or forms part of a frontage along the road. The curtilage of the property ends some 25m back from the road edge (where it accesses onto the laneway). It is only the laneway which meets the road; and the access to No 51, beyond gates on the lane, is*

well back from the road on which the application site and other houses do have frontage. The officer was simply right, as a matter of fact and/or a matter of the application of the policy, to say that as the curtilage of No 51 does not have a common frontage onto East Road it cannot be taken to form part of a substantial and continuously built-up frontage along East Road... Whether viewed as an error of material fact, a misinterpretation of the policy, or simply an irrational approach, this represents a legal flaw which renders the resulting decision liable to be set aside.” Mr Justice Scoffield found that the Council had acted unlawfully when granting the impugned planning permission.

- 8.9 Following the initial permission being quashed the agent contacted the Planning Department to advise that physical changes had occurred on the ground which, in their opinion, overcomes the primary reason for refusal relating to the absence of a substantial and continuously built-up frontage. The most pertinent change to the proposal includes the realignment of the western application site boundary to omit a portion of land from the north-western part of the site. The applicant and agent advise that this land has been transferred to No. 51 and now forms part of their residential curtilage extending to East Rd however, verification of the legal transfer of the lands has not been provided. An amended site location plan has been submitted to outline the newly proposed application site boundaries.
- 8.10 Following a site inspection, it is noted that a timber ranch fence has been erected along the revised western site boundary, extending from the East Rd down to the entrance pillars of No. 51. However, it is noted that the curtilage of No. 51 remains defined by the entrance pillars and timber ranch fence and does not include the parcel of land in question. The parcel of land appears as a separately defined entity out with the defined residential curtilage of No. 51.
- 8.11 The applicant and agent have been advised that the any increase to the residential curtilage of No. 51 would require planning

permission. To date no planning application for the extension of curtilage for No. 51 has been submitted.

- 8.12 Consequently, the assertion that the current physical conditions on the ground overcome the main objection in principle to the proposed development cannot be given any determining weight in the assessment of Planning Policy CTY8.
- 8.13 It is a fact that the established and lawful residential curtilage of No. 51 does not front onto East Rd and cannot be considered as part of any substantial and continuously built-up frontage at this location. Consequently, as there is no substantial and continuously built-up frontage present, there is no gap in which to infill, and as such the proposal fails to comply with the requirements of the SPPS, Paragraph 6.73 and Policy CTY8.
- 8.14 Furthermore, as there is no gap site at this location, a dwelling on the application site would further add to the linear pattern of development along the roadside at this location adding to ribbon development at this location, which is detrimental to rural character. Again (2024) NIKB 31 Scoffield J found that *“the respondent reached an irrational conclusion in determining that the presence of the laneway at the location ensured that ribboning does not take place”*. As the proposal will add to ribbon development at this location the proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY8 and of PPS21.
- 8.15 Additionally, as no overriding reason has been forthcoming as to why the development is essential in this location the development is contrary to Paragraph 6.73 and Policy CTY1 of PPS21.

Integration & Rural Character.

- 8.16 Policy CTY 13 states that 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.

- 8.17 The application site at present is currently undefined along the roadside boundary, with the former hedgerow now removed to provide the necessary access and visibility splays, leaving clear views into the application site. There are mature trees to the rear of the site which will provide a backdrop for the development, however from the public viewpoints along East Rd and Terrydoo Rd, the most critical views would see the application site open and lacking a suitable degree of enclosure. The lack of natural boundaries would result in a dwelling not being able to suitably integrate into the landscape and would be contrary to Paragraph 6.70 of the SPPS and Policy CTY13.
- 8.18 The prevailing character along East Rd is single storey/chalet bungalows with the dwellings in the immediate vicinity of the application site of a modest size. Given the surrounding context anything other than a modestly sized dwelling of similar scale to the adjacent dwellings would appear as a prominent and dominant feature. This however does not overcome the sites inability to provide a satisfactory level of integration for the dwelling as outlined above.
- 8.19 CTY 14 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. A new building will be unacceptable where:
- a) It is unduly prominent in the landscape
 - b) It results in a suburban style build up of development when viewed with existing and approved buildings
 - c) It does not respect the traditional pattern of settlement exhibited in that area
 - d) It creates a ribbon of development
 - e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character
- 8.20 As outlined at Paragraph 8.13 above, a dwelling on the application site would further add to the linear pattern of roadside

development at this location, adding to ribbon development which is detrimental to rural character and contrary to Paragraph 6.70 of the SPPS and Policy CTY14 of PPS21.

- 8.21 In addition, a dwelling on the application site would add to the existing built-up form at this location. When approaching towards East Rd along the Terrydoo Rd, the three dwellings are visually linked, with no notable gap evident between the dwellings at Nos. 51 and 53. Likewise, on approach along East Rd there is an awareness of an already built-up form. Another dwelling at this location would further add to the built-up form and would result in a suburban style build up at this location which would further erode the rural character of the area, again contrary to Paragraph 6.70 of the SPPS and CTY14.

Access Movement and Parking

- 8.22 Access is proposed via a new access directly onto the East Rd. DFI Roads have been consulted on the proposal and have no objections. The proposal therefore complies with Policy AMP2 of PPS3 in that it will not prejudice road safety.

Sewerage Disposal

- 8.23 Policy CTY 16 of PPS 21 – Development relying on non-mains sewerage, applies; Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.
- 8.24 The applicant proposes to discharge to a package treatment plant. Environmental Health have been consulted and are content. In line with standing advise consultation with DAERA Water Catchment Unit is not required for proposals reliant on non-mains foul disposal. Standing advice provides for the inclusion of a condition requiring applicants to obtain the necessary Consent to Discharge Consent from DAERA prior to

the commencement of development. Officials are satisfied the proposal complies with CTY 16 of PPS 21.

Natural Heritage

- 8.25 It is noted that that approximately 35m of roadside hedgerow has been removed to facilitate the provision of the access and visibility splays which, has resulted in the loss of priority habitat. However, it is noted that the extent of hedge loss is relatively short and this loss could be mitigated by the re-instatement of native species hedgerow to the rear of the visibility splays, with scope for additional planting of hedgerow and trees along new or undefined site boundaries and within the body of the site. Officials consider that subject to mitigation the proposal meets with Policy NH5 of PPS2.

Habitat Regulations Assessment

- 8.26 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.

9 CONCLUSION

- 9.1 The application site fails to meet with the principal planning policies as there is no substantial and continuously built-up frontage at this location, and consequently no gap to infill as there are not buildings to the west of the application site with a frontage onto East Road. The proposal does not meet with any of the permissive circumstances for development in the countryside, and no over-riding reasons have been provided as to why development is necessary at this location. The application proposal will add to ribbon development along East Road and result in a sub-urban style build-up of development at this

location. The site lacks a sufficient level of screening and integration in order to allow a dwelling to integrate satisfactorily. The proposal is subsequently contrary to Paragraphs 6.70, and 6.73 of the SPPS and Policies CTY1, CTY8, CTY13 and CTY14 of PPS21. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement 2025 and Policy CTY 1 of the 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 paragraph 6.73 of the Strategic Planning Policy Statement 2025 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the application site does not represent a small gap site as there is no substantial and continuously built up frontage at this location; and the proposal would, if permitted, result in the addition of ribbon development along East Road.
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement 2025 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration, and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement 2025 and Policy CTY14 of Planning

Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Site Location Plan



Referral Requests

-----Original Message-----

From: George Robinson
Sent: 06 January 2021 17:09
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: LA01/2020/1235. East Road, Limavady.

Hello,

I wish to refer this application to the Planning Committee.
The Architect states that this site was reviewed by Planning Headquarters during an earlier application and they confirmed that the application was within the spirit of planning policy CTy8A. The client had been working abroad at the time and let the time to appeal expire.

Many thanks

Alderman Alan Robinson
Alderman Mark Fielding.

Sent from my iPad

From: Orla Beattie
Sent: 06 January 2021 20:49
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: Planning deferral

LA01/2020/1235, Infill dwelling at East Road, Drumsurn

Good evening,
Could I please ask for the above planning application to be deferred to the planning committee for decision as the agent believes that the application meets the criteria for an infill site as outlined in CTY 8a.

Regards,
Councillor Orla Beattie

Appendix 1 – Appeal Ref 2019/A0250



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2019/A0250
Appeal by:	Mr Liam O’Kane.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Proposed site for dwelling based on CTY 8.
Location:	Land 25m SE of 27a Garrison Road, Toberhead, Knockcloghrim.
Planning Authority:	Comhairle Ceantair Lár Uladh Mid Ulster District Council.
Application Reference:	LA09/2019/0470/O.
Procedure:	Written representations and Commissioner’s site visit on 1 st December 2020.
Decision by:	Commissioner Damien Hannon, dated 10 th December 2020.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle and its impact on visual amenity and rural character.
3. The appeal site lies within the countryside as designated in the statutory Magherafelt Area Plan 2015 (MAP). The plan however, contains no provisions relevant to the appeal proposal. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and retained policy regarding issues raised by this appeal. Consequently, Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS21), provides the relevant policy context.
4. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The appeal site is a rectangular shaped plot with a 20m frontage onto Garrison Road. It is bounded to the east by a laneway serving a dwelling and outbuildings (No. 29) located to the rear of the appeal site at a point some 50m off the road. Bordering the appeal site to the west is No 27a, a detached dwelling with a 40m frontage onto Garrison Road, set in a similar shaped plot to the appeal site. An access way serving a detached dwelling and outbuildings at No. 27 lies to the west of No. 27a. The buildings at No. 27 are set back some 40m off the road. I conclude that all these buildings, given the visual

linkage between them and road frontage location of No. 27a, read as a ribbon of development along Garrison Road, for the purposes of Policy CTY 8. I further conclude that the proposal would add to this ribbon of development.

5. Policy CTY 8, however, adds that exceptionally, permission will be granted 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. It adds that proposals must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The appellant argued that the proposal constituted the development of a small gap site in accordance with Policy CTY 8 and that it was therefore acceptable in principle and Policy CTY 21 compliant.
6. The second paragraph of Policy CTY 8 states that a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. While Nos. 27 and 29 take access off Garrison Road, the buildings within their curtilages do not have a frontage onto the road, due to their setback from it and the configuration of the plots. Nos. 27, 27a and 29 do not therefore form part of an otherwise continuously built up frontage for the purposes of Policy CTY 8. In these circumstances, the appeal site does not constitute the exceptional development of a small gap site, acceptable in accordance with Policy CTY 8 and I conclude that the proposal would add to an existing ribbon of development in conflict with Policy CTY 8 of PPS 21.
7. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case however, was advanced and the Council's objection in principle is upheld. The Council's first and third reasons for refusal, based on policies CTY 1 and CTY 8 respectively, are sustained.
8. Policy CTY 14 relates to rural character and states that a building will be unacceptable where any of a number of stated criteria are engaged. The Council argued that the proposal would offend criterion (b) as the building would unacceptably erode rural character through build up when viewed with existing buildings. If approved, the proposal would result in a group of four detached dwellings and outbuildings in bordering plots, all of which would, to various degrees, be visually linked when viewed from Garrison Road. Notwithstanding the degree of set back from the road of some buildings and the screening and softening impact of existing vegetation, the proposal would, in conjunction with the existing group, read as unacceptable build up and further erode the rural character of the countryside. Criterion (b) would be offended. The Council's objection on rural character grounds is well founded and its fourth reason for refusal based on Policy CTY 14 is sustained.
9. Policy CTY 21 of PPS 21 lists a dwelling at an existing cluster in accordance with Policy CTY 2a as an acceptable type of development in the countryside. While the appellant referred to this policy at an earlier stage of the application, no case in this respect was advanced through his statement of case. In these circumstances I conclude that the appellant has chosen not to pursue such an argument. The Council based its second reason for refusal on the grounds that the proposal did not comply with Policy CTY 2a. Policy CTY 2a is however permissive. Consequently, there is no requirement that a proposal satisfies Policy CTY 2a in

order to comply with Policy CTY 1, rather, compliance with this policy is one of a number of possible avenues whereby Policy CTY 1 can be met. In this context I conclude the Council's second reason for refusal, based on Policy CTY 2a, not to be sustained.

9. The Council's three reasons for refusal based on Policies CTY 1, CTY 8 and CTY 14 of PPS 21, that I have found sustained, are determining in this case.

This decision is based on the 1:2500 scale Location Map received by the Council on 9th April 2019 and numbered 01 by them.

COMMISSIONER DAMIEN HANNON