

## Laura Crawford

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**From:** Murray Bell  
**Sent:** 24 February 2025 18:11  
**To:** Orla Burns  
**Cc:** Planning  
**Subject:** LA01/2021/0772/O - Rebuttal document to planning refusal reasons  
**Attachments:** M20 Callan Rebuttal.pdf

LA01/2021/0772/O

The Hermitage, Limavady, lands to the rear of.

Dear Orla

Please find attached our rebuttal to the refusal reasons advanced in the report for planning committee. For awareness, we have spoken to Mr Dermot Madden of HED:HBU who will be important to speak to in advance.

I trust you will circulate this to the planning committee in preparation.

With thanks

Regards

Murray Bell

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## M20 Callan Hermitage

Application Ref No: LA01/2021/0772/O

**Proposed site for 3 No. detached dwellings with garages, installation of septic tanks and soakaways and all associated works. (on land previously approved for 5 No. dwellings under B/2000/0338/O)**

Proposing the addition of three small houses in the back garden of a Grade B2 listed property in Limavady, requires a well-considered approach that balances the preservation of the historic character with the benefits of new development.

This is an **outline planning application**, and addresses the principle only, additional detail will be provided in due course and as part of the reserved matters application. The additional drawings which have been asked for and which have been provided should not be prescriptive and are for illustration only.

The site is within the development limit, and as such, we argue, the **principle of development should be acceptable**.

**There is a previous approval on the site for 5 dwellings**, and this proposal is only for three. B/2000/0338/o. The Planning report has stated 'no substantial weight' given to the previous approval, instead this should indeed be given weight as important planning history and as a reduction from **five to three proposed dwellings**.

Policy LYL 02 Roe Park is referred as the justification for refusal, when the Roe Park proper is far south of this proposal. The clear intent of the LYL 02 policy is to protect the landscape and context of Roe Park, and not undermine the development potential of Limavady town. The essential basis for planning applications is that they are tested in process and with local engagement, and with no objections or concerns, there is simply no basis for refusal, rather there is the benefit of approval and the creation of three modest dwellings.

### Rebuttal to Refusal Reason 1:

**Refusal Reason 01 'The proposal is contrary to Policy ENV 1 of the Northern Area Plan 2016 in that it does not comply with the requirements of the Local Landscape Policy Area designation LYL02 Roe Park.'**

Policy ENV 1 of the Northern Area Plan 2016 seeks to protect Local Landscape Policy Areas (LLPAs) by ensuring development respects the distinctive character, features, and environmental quality of these designated areas. The LLPA LYL02 Roe Park, encompassing the surroundings of The Hermitage, is intended to safeguard its landscape setting, including views, natural features, and historical context. The refusal reason lacks specificity regarding how the proposed development fails to comply with these requirements.

**Firstly**, a small development of three houses in the rear garden of The Hermitage can be designed to integrate sensitively with the LLPA. The proposal will incorporate low-impact design measures—such as modest building heights, natural screening with native planting, and materials that harmonize with the landscape—to minimize visual intrusion and preserve the character of the area. The planning application demonstrates such mitigation, and can reasonably comply with Policy ENV 1 by ensuring the development enhances rather than detracts from the area's environmental quality.

**Secondly**, the rear garden location demonstrates that the development would not obstruct key views or features identified within the LLPA designation, such as those oriented toward the Roe Valley or prominent natural landmarks. The site is already partially screened by existing vegetation and topography, and the impact on the wider LLPA is negligible. Without evidence from the planning office pinpointing specific harm (e.g., loss of a protected feature or significant landscape degradation), the blanket assertion of non-compliance is overly cautious and unsubstantiated.

**Finally**, the Northern Area Plan encourages sustainable development that balances environmental protection with community needs. A modest residential addition in an existing built-up context, like the rear garden of The Hermitage, supports this aim by utilising underused **zoned** land without sprawling into undeveloped countryside. Thus, with appropriate design and landscaping, the proposal could align with Policy ENV 1's intent, and the refusal fails to adequately justify why this balance cannot be achieved.

## Rebuttal to Refusal Reason 2

**'The proposal is contrary to Paragraph 6.13 of the Strategic Planning Policy Statement and Policy BH11 of Planning Policy Statement 6 Planning, Archaeology and the Built Heritage, in that it has not been demonstrated that it would not harm the setting of The Hermitage, a listed building.'**

**Firstly**, the setting of a listed building is not an inflexible buffer zone but a **contextual relationship** defined by factors such as views, historical associations, and functional connections. The rear garden of The Hermitage, while part of its curtilage, is not the primary aspect of its setting that defines its significance—typically, this would be the elements visible from public vantage points. A development of three houses, if sensitively sited and screened (e.g., set back from the building, using low profiles, and retaining mature trees), could avoid impacting key views or the building's prominence. The planning application includes such measures, and can reasonably demonstrate compliance with SPPS and PPS 6, contradicting the refusal's claim of insufficient evidence.

**Secondly**, Policy BH11 allows development within the setting of a listed building provided it respects its architectural and historic interest. Small-scale residential development in a rear garden can coexist with The Hermitage if designed to complement rather than compete with it—for instance, by avoiding overbearing structures or incongruous styles. Historical precedent supports this: many listed buildings have accommodated modest ancillary development without compromising their integrity. The planning office's refusal does not specify what harm would occur (e.g., visual dominance, loss of context, or altered character), suggesting a lack of rigorous analysis to support its conclusion.

**Lastly**, the SPPS promotes sustainable development and recognizes that heritage assets can adapt to modern needs without losing their value. The addition of three houses will enhance the viability of The Hermitage's site—importantly supporting its upkeep—while meeting local housing demand. If the proposal includes a heritage impact assessment showing negligible or mitigable effects, it aligns with the SPPS's balanced approach and PPS 6's flexibility, undermining the refusal's assertion that harm has not been disproven.

## Conclusion:

Both refusal reasons rely on broad policy citations without detailed evidence of specific harm. The proposed development of three houses complies with Policy ENV 1 and the LLPA designation through sensitive design and minimal landscape impact. Similarly, adherence to SPPS Paragraph 6.13 and PPS 6 Policy BH11 can be demonstrated by ensuring the setting of The Hermitage remains intact through careful siting and mitigation.

A follow-up reserved matters planning application addressing detailed design points could reasonably overcome these items in due course.

## Precedent of Successful Proposals

There are instances in Northern Ireland where new developments have been successfully integrated into the grounds of listed buildings. For example, planning permission was granted for 44 new homes on the grounds of Ballyhamage House in Doagh, a listed property. This demonstrates that, with careful planning and design, new constructions can coexist with heritage sites, providing mutual benefits.

**LA03/2020/0489/F** Ballyhamage House – 44 additional dwellings.

Additional examples:

**LA02/2020/0301/F Cairndhu House** – Creation of a retirement village to provide 17 retirement apartments within, 10 new apartments in the stable block, 5 new retirement cottages and a 69 bed nursing home and 9 independent living units.

**LA01/2020/0550/F** – was allowed by planning committee recently as a new dwelling; the area plan team had stated that it should be refused due to LLPA and area plan.

**LA01/2021/0759** – cited in the previous correspondence, a planning approval in the centre of Bushmills for multiple apartments. (Conversion of existing vacant listed building at 109 -113 Main Street to 1no. retail unit and 1no. apartment; development of new entrance building at 121-123 Main Street with 1no. apartment at first floor level; and development of 24no. apartments on land to the rear, with ancillary parking and landscaping.)

The area plan is designed to be a guide and not an unreasonable constraint, and Council have already allowed modest flexibility with area plan designations.