



Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2017/0802/F	Target Date: <add date>
Proposal: Proposed (2 storey) replacement dwelling	Location: No 124 Sixtowns Road Labby Draperstown
Applicant Name and Address: Mr Alastair Clerkin 124a Sixtowns Road Labby Draperstown BT45 7BE	Agent name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Design of a dwelling within the Sperrin's AONB	
Summary of Consultee Responses: One consultation was issued to DfI Roads who suggested appropriate conditions.	
Characteristics of the Site and Area: The site is located approximately half a mile south west of Straw in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located at No 124 Sixtowns Road and consists of a two storey dwelling set back 40m from the edge of the public, a roadside paddock and farm buildings located to the rear of the dwelling and paddock. There are two accesses into the site, one is concrete laneway which serves both the dwelling and the farm, the other runs parallel with the laneway and is only used to serve the dwelling. The southwest boundary is defined by mix of mature deciduous and non-deciduous trees and the northeast (roadside) boundary is defined by 1.5m hedgerow.	
Description of Proposal The application seeks full planning permission for a replacement dwelling and a detached gym. The proposed dwelling has a 15.95m frontage, a gable depth of 10.5m and a ridge height of 9.2m above ground level. A two storey front porch and a flat roof single storey side projection are also proposed. A small detached gym is proposed at the side of the dwelling, the gym measures 8.2m x 5.7m and will have a ridge height of 4.8m above ground level.	

The roof is hipped and the finish is black slates. The wall finish is smooth render painted (off white/pale grey). The chimneys are located on either gable and will not be expressed along the ridgeline.

Deferred Consideration:

This application was presented before the Planning Committee in May 2018 with a recommendation to refuse based on the following reason:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that construction of the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the design of the proposed building is inappropriate for the site and its locality.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Sperrin's Area of Outstanding Natural Beauty in general and of the particular locality.

Following a discussion at that meeting the application was deferred for an office meeting to discuss how the design could be made more acceptable.

The deferred office meeting took place on 10th May 2018, which was attended by Dr Boomer and M McCrystal MUDC and C Cassidy, B Monaghan (Agents) and the applicants and at that meeting the following was discussed:-



Original dwelling



Initial design



Agreed design

There is a need to simplify the design as the proposed design is an amalgamation of a number of unacceptable elements, ie. hipped roof, chimneys, front porch. The roof should be a traditional roof with gable ends, chimneys at gable ends and centred on ridges, a two storey front projection would be acceptable if it is narrow with a single window at first floor level and the portoco roof removed, windows should be designed to be similar to sliding sash with thicker transoms. It was agreed that the gable depth could be retained as it was similar to a dwelling recently approved on a nearby site.

Amended plans were duly submitted which took account of the above issues of concern and which are now considered to be acceptable. The hipped roof has been replaced with a traditional gable ended roof with chimneys at either end and centred on the ridgeline, the windows have a vertical emphasis and resemble sliding sash, the front two storey projection has been removed as have the arched windows. There is a small flat roofed front projection over the front door and which is centred on the front elevation. The side annex now has a flat roof with a small glazed roof-light. The integral car port and gym have also been removed and the stone finish has now been changed to smooth render.

All of the above amendments are acceptable and the design is now considered to be capable of approval.

Conclusion

Given the above situation, it is my opinion that the proposed dwelling can be approved subject to the conditions listed below:-

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the stamped approved drawing no. 01 is demolished, all rubble and foundations have been removed and the site restored in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

3. The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

4. The existing natural screenings along the south western boundaries of this site, shall be permanently retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

5. All proposed planting as indicated on the stamped approved drawing no. 02/3 date stamped 31st October 2018 shall be undertaken during the first available planting season following occupation of the dwelling hereby approved.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

6. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

Reason: To ensure the continuity of amenity afforded by existing hedges/trees.

7. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. The vehicular access, including visibility splays of 2.4m x 120m in both directions, shall be in place, in accordance with Drawing No. 02/3 date stamp 31st October 2018, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0802/F	Target Date:
Proposal: Proposed (2 storey) replacement dwelling	Location: No 124 Sixtowns Road Labby Draperstown
Referral Route: Contrary to CTY 3, 13 & 14 of PPS 21 and NH 6 of PPS 2	
Recommendation:	Refusal
Applicant Name and Address: Mr Alastair Clerkin 124a Sixtowns Road Labby Draperstown BT45 7BE	Agent Name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Recommended Item

19/4/18

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues: No issues raised.

Characteristics of the Site and Area

The site is located approximately half a mile south west of Straw in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located at No 124 Sixtowns Road and consists of a two storey dwelling set back 40m from the edge of the public, a roadside paddock and farm buildings located to the rear of the dwelling and paddock. There are two accesses into the site, one is concrete laneway which serves both the dwelling and the farm, the other runs parallel with the laneway and is only used to serve the dwelling. The southwest boundary is defined by mix of mature deciduous and non-deciduous trees and the northeast (roadside) boundary is defined by 1.5m hedgerow.

Description of Proposal.

The application seeks full planning permission for a two storey hipped roof dwelling and detached gym.

The proposed dwelling has a 15.95m frontage, a gable depth of 10.5m and a ridge height of 9.2m above ground level. A two storey front porch and a flat roof single storey side projection are also proposed. A small detached gym is proposed at the side of the dwelling, the gym measures 8.2m x 5.7m and will have a ridge height of 4.8m above ground level.

The roof finish is black slates and the wall finish is smooth render painted (off white/pale grey).

The chimneys are located on either gable and will not be expressed along the ridgeline.

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

No relevant History

Representations:

2 neighbour's notification letters were sent to the occupier Nos 122 & 124a Sixtowns Road, Draperstown.

No letter of representation have been received

Development Plan and Key Policy Consideration:

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherfelt Area Plan 2015: The site is located in the open countryside. The site is also located within the Sperrin's Area of Outstanding Natural Beauty, whilst there is no design guide for this designation, a new dwelling should respect the scale and character of the quiet rural area.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 2: Natural Heritage: set out the planning policy for development in an AONB.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a replacement dwelling in accordance with Policy CTY3

Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

The picture below depicts the current condition of the existing dwelling. The dwelling appears to be uninhabited, however it is still in a good state of repair and all walls are intact to the front, rear and both gables as well as the roof. The building therefore constitutes a genuine replacement opportunity.

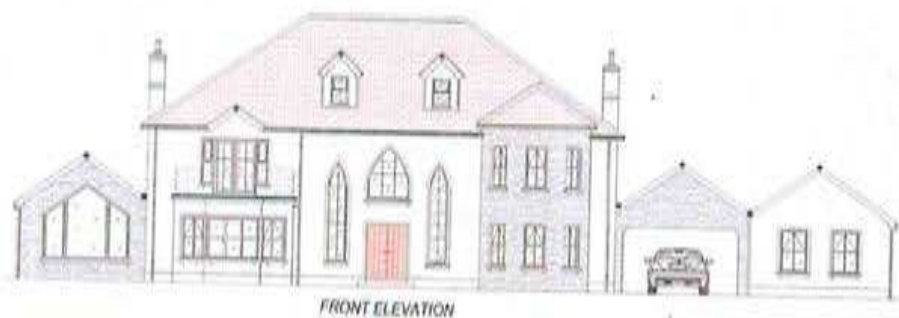


Policy CTY3 differentiates between normal replacement cases and non-listed vernacular dwellings. Annex 2 of PPS21 outlines the characteristics of vernacular dwellings. Whilst the current structure does exhibit some of these characteristics such as linear form with limited gable depth and vertical emphasis windows, the dwelling appears to have been modernised and as a result no longer makes an important contribution to the heritage, appearance or character of the area, therefore I do not see any merit in retaining the structure or incorporating it into the new scheme.

Policy CTY 3 also states that the replacement dwelling should be sited within the established curtilage of the existing building unless it is so restricted that a modest sized dwelling cannot be accommodated or that an alternative position nearby would result in landscape, heritage, access or amenity benefits. Under this application the new dwelling will be located partly within the existing curtilage and the remainder located in an adjacent paddock. The existing curtilage appears too restricted to accommodate a modest size dwelling and there may also be amenity benefits gained by moving the dwelling away from a farm complex located to the rear of the existing dwelling.

CTY 3 states the overall size of the new dwelling should integrate into the surrounding landscape and should not have a visual impact significant greater than the existing dwelling and the design should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.

The image below depicts the original house type submitted with the application. Following discussion with the senior planners, the proposal was considered unacceptable for an AONB and would have a visual impact significantly greater than the existing dwelling.

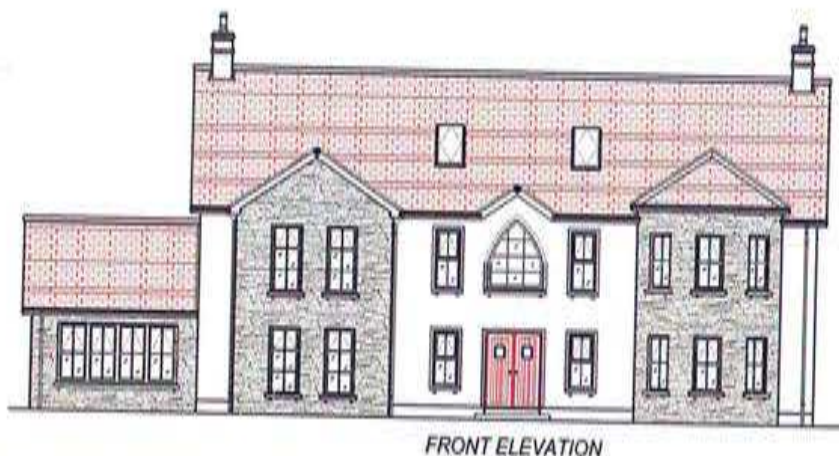


The agent was informed about the Council concerns and requested a meeting to discuss the proposal. At the meeting the agent was advised that the proposal was unacceptable in the AONB because of its visual impact and unacceptable design features such as:

- the hipped roof.
- the mid-roof dormers.
- the bay window and balcony.
- the gothic/arch windows.
- the round front projection.
- the large amount of stone.
- the ridge height (10.7m above GL) and the gable depth (12.2m) were excessive.

The agent agreed to amend the proposal citing that the design had been 'driven by the applicant'.

The image below depicts the revised house type which was received on 22nd November.



The revised house type shows the hipped roof replaced with a traditional pitched roof, the mid-roof dormers replaced with roof lights and a slight reduction in the ridge height and gable depth. However, the visual impact was still unacceptable, and the introduction of a second front projection and the large amount of stone on the front façade were also unacceptable. The agent was advised that the revised house type was still unacceptable and he asked for feedback on what would be acceptable in the ANOB. An email was sent on 2nd February with a list of required amendments:

1. The ridge height lowered to 8.5m, similar to the existing two storey dwelling.

2. The frontage width reduced to not more than 14m and any side projection(s) step back and step down from the main dwelling.
3. The gable depth reduced to not more than 8m.
4. Only one centralised front projection will be permitted large enough to accommodate a small storm porch.
5. The front elevation should have a simple form with a high solid-to-void ratio (i.e. greater wall surface area than windows and doors).
6. Round projections and arch or gothic window(s) are not acceptable in the ANOB and will not be permitted.
7. The amount of natural stone should be kept to a minimum.

The image below depicts the third revised house type which was received on 16th March.



Whilst some of the amendments outlined above have been made, the proposal has reverted to a hipped roof design which is disappointing given that the agent has already been advised that a hipped roof would not be acceptable in AONB. The agent advises that if the proposal remains unacceptable he would like it taken to the Planning Committee as refusal.

Integration and Rural Character.

The proposed development must also comply with policies CTY 13 and 14.

CTY 13 states that the proposed development should be able to visually integrate into the surrounding landscape and be of appropriate design. The proposal will not integrate into the surrounding landscape due to its significant visual impact and unacceptable design in the AONB. The proposal is contrary to criteria (a) & (e) of CTY 13.

CTY 14 states planning permission will only 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. The proposal will be moved from a well screened and enclosed curtilage into a more open site. When travelling in a north easterly direction towards Straw the proposal will be screened by mature vegetation along the southwest boundary, however travelling in the opposite direction the proposal will be visually prominent in the landscape compared with the existing row of single storey dwellings located northeast of the site. The proposal is contrary to criterion (a) of CTY 13.

Planning Policy Statement 2: Natural Heritage.

PPS 2: Policy NH6 is applicable as the application is located within the Sperrin's AONB and states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. Part (a) of NH 6 states that the siting and scale of the proposal should be sympathetic to the special character of the AONB in general and of the particular locality. Due to the issues discussed above relating to visual impact and design it is considered that the proposal will not be sympathetic to the special character of the AONB.

Part (c) of NH 6 states the proposal must respect local design. The surrounding dwellings have traditional pitched roofs and the introduction of a hipped roof dwelling will look out of character. Whilst I acknowledge there is a hipped roof dwelling at No 126 located 120m south west of the site, this on its own would not be sufficient to justify the proposal. Therefore, the proposal is contrary to policy NH6 of PPS2.

Other Policy and Material Considerations

I am satisfied that the proposal is adequately sited to avoid a significant adverse impact on neighbour amenity and that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Summary of Recommendation: Recommend refusal on the bases of non-compliance with CTY 1, 3, 13 & 14 of PPS 21 and NH 6 of PPS 2

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that construction the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the design of the proposed building is inappropriate for the site and its locality.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Sperrin's Area of Outstanding Natural Beauty in general and of the particular locality

Signature(s)

Date:

ANNEX	
Date Valid	12th June 2017
Date First Advertised	29th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 118 Sixtowns Road Labby Draperstown The Owner/Occupier, 120 Sixtowns Road Labby Draperstown The Owner/Occupier, 122 Sixtowns Road Labby Draperstown The Owner/Occupier, 124a Sixtowns Road, Labby, Draperstown, Londonderry, BT45 7BE,	
Date of Last Neighbour Notification	4th July 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0802/F Proposal: Proposed (2 storey) replacement dwelling Address: No 124 Sixtowns Road, Labby, Draperstown, Decision: Decision Date: Ref ID: H/1983/0351 Proposal: DWELLING HOUSE Address: SIXTOWNS ROAD, DRAPERSTOWN Decision: Decision Date: Ref ID: H/1996/0357 Proposal: GARAGE Address: 124A SIXTOWNS ROAD DRAPERSTOWN Decision: Decision Date: Ref ID: H/2004/1329/O Proposal: Site of Dwelling & Garage Address: Between 124a & 126 Sixtowns Road, Draperstown Decision: Decision Date: Ref ID: H/2001/0872/F Proposal: Sun Lounge	

Address: 124A Sixtowns Road, Draperstown

Decision:

Decision Date: 14.12.2001

Ref ID: H/2007/0873/O

Proposal: Site of Dwelling and garage.

Address: To the rear of 122 Sixtowns Road, Draperstown

Decision:

Decision Date: 28.05.2009

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/1474/O	Target Date:
Proposal: Proposed Dwelling and Garage under PPS21 CTY10	Location: 250m SE of 6 Churchtown Road Cookstown
Applicant Name and Address: Mark Bell 10 Churchtown Road Cookstown BT80 9XD	Agent name and Address: Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: This is an outline application for dwelling and garage under PPS21 CTY10 and associated with a farm holding. The site is comprised of three distinct areas. The first is a road frontage field with a low cut hedge along the road frontage, the second area is a small heavily wooded area set back behind the first field and the third area is a small well contained paddock with good natural boundaries and again located to the rear of the first field. This third area is the one in which the new dwelling is proposed to be sited. There is a farm track leading to the preferred site which also leads to farm land beyond the site. Within the proposed site there are two small corrugated iron clad sheds measuring approximately 5m x 3m and around 2.5 – 3.0m in height with flat roofs. Both sheds are open at the front. They are constructed with steel box section posts driven into the ground, with timber purlins on the sides	

and roof and clad with iron cladding. The brackets holding the timber purlins onto the steel posts are screwed on with new Tek screws and the sheeting is nailed on with new springhead nails.

Description of Proposal

Proposed Dwelling and Garage under PPS21 CTY10

Deferred Consideration:

Following an office meeting on 14/06/18 with Dr. Boomer, the agent was asked to submit an application for the two sheds on site to ascertain if they can be used as part of the criteria necessary for a farm dwelling case under CTY10.

An application was submitted on 27/06/18 for 'the retention of 2 agricultural sheds', which was subsequently approved on 23/10/18 under LA09/18/0905/f. The two small sheds are currently being used for the shelter and feeding of livestock, and the assessment of the proposal under CTY12 showed all the relevant criteria was met.

In terms of this application for a dwelling and garage on a farm, criteria (c) of CTY10 can now be met, in that the two recently approved sheds can be visually linked the proposed new dwelling. Despite their scale following a site visit, due to their location they can be viewed with the site as per the policy requirement. As this had been the only refusal reason and has now been successfully overcome, I now recommend approval.

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Signature(s):

Date

Development Management Officer Report Committee Application

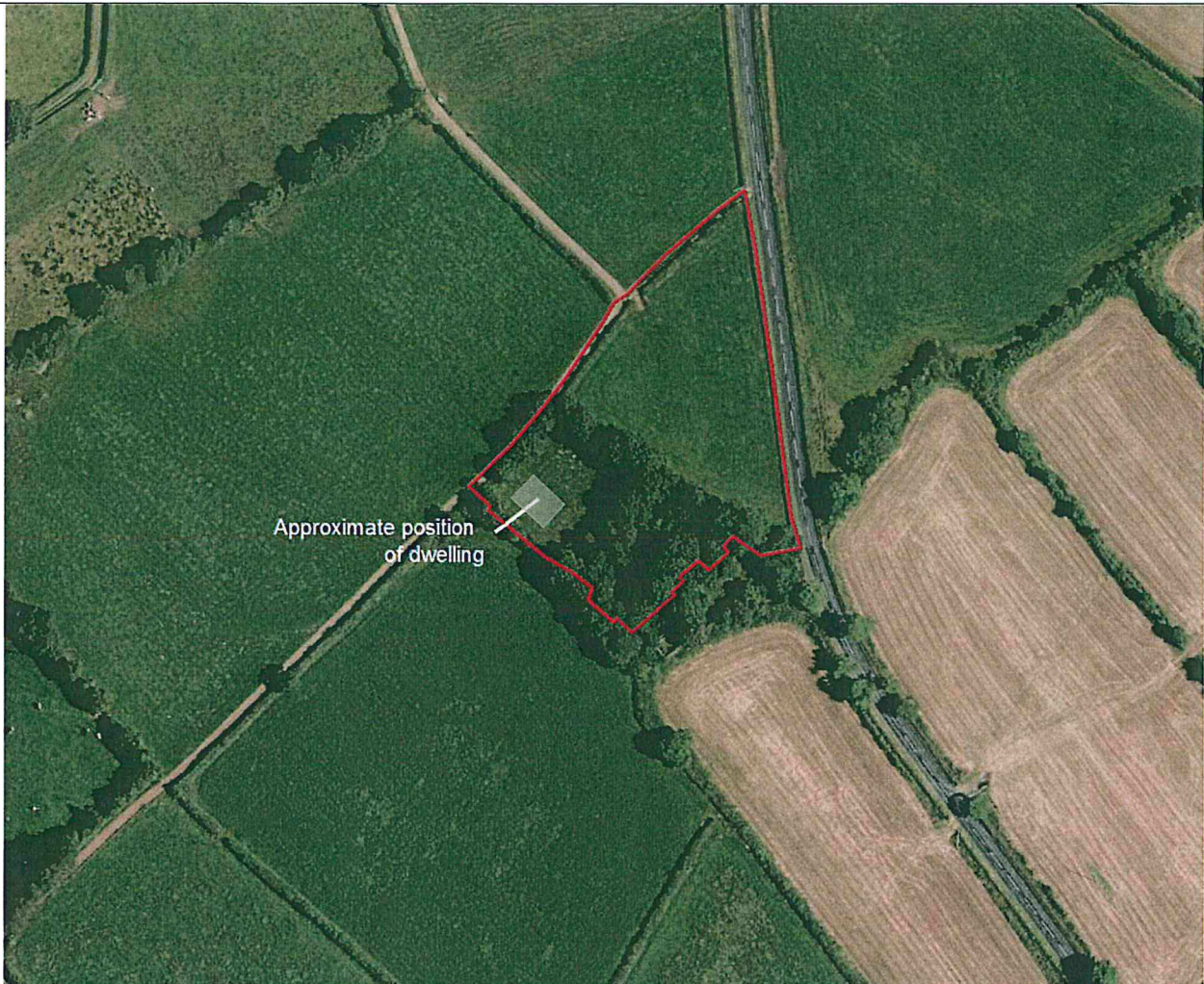
Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1474/O	Target Date:
Proposal: Proposed Dwelling and Garage under PPS21 CTY10	Location: 250m SE of 6 Churchtown Road Cookstown
Referral Route: This application is being presented to Committee as the application is being recommended for refusal.	
Recommendation:	
Applicant Name and Address: Mark Bell 10 Churchtown Road Cookstown BT80 9XD	Agent Name and Address: Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ
Executive Summary:	
Signature(s):	

For committee
24/5/18



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues including representations

No objections have been received in respect of this application.

Description of proposal

This is an outline application for dwelling and garage under PPS21 CTY10 and associated with a farm holding.

Characteristics of the site and area

The site is comprised of three distinct areas. The first is a road frontage field with a low cut hedge along the road frontage, the second area is a small heavily wooded area set back behind the first field and the third area is a small well contained paddock with good natural boundaries and again located to the rear of the first field. This third area is the one in which the new dwelling is proposed to be sited. There is a farm track leading to the preferred site which also leads to farm land beyond the site.

Within the proposed site there are two small corrugated iron clad sheds measuring approximately 5m x 3m and around 2.5 – 3.0m in height with flat roofs. Both sheds are open at the front. They are constructed with steel box section posts driven into the ground, with timber purlins on the sides and roof and clad with iron cladding. The brackets holding the timber purlins onto the steel posts are screwed on with new Tek screws and the sheeting is nailed on with new springhead nails.

Planning Assessment of Policy and Other Material Considerations**Planning History**

There is no relevant planning history on the application site.

Planning Assessment of Policy and other Material Considerations

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business.

The main policy considerations in the assessment of this application are:-

CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- DAERA's consultation response confirmed that the business has been in existence for more than 6 years and that the business has claimed single farm payment or agri environment payments within the last 6 years.
- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- Although there are two small existing buildings (see photo 1 below) located at this part of the farm holding, the applicant has failed to provide any evidence that they have been in existence for more than five years other than a verbal claim by the planning consultant that the 'buildings were constructed by his family many years ago....' They also state that the sheds are sheltered

by a canopy of mature trees and surrounded by dense vegetation, so the aerial photographs and google streetview images do not help to define the existence of the buildings'. The statement goes on to say "if it is assumed the buildings are established....' which is a clear indication that there is no evidence to support the claim that they have been in existence for the required period of time. The statement also advises that the site clusters with a group of third party farm buildings, however this is of no benefit as it does not meet the requirements of the policy.



Photo 1 – unauthorised farm sheds on site

However, while acknowledging that the two small sheds are located within an area of the site bounded by tall trees and whilst they would be relatively well screened from view on travelling along the Churchtown Road, on checking the Councils ortho-photographic records, there is no indication of these sheds at any time. One such aerial photograph is dated 26.03.2012 (see ortho photo 1 below) and was taken at a time of year when there would not have been any foliage on the trees. Consequently, if the buildings in question had been in existence, one would expect that they would be clearly visible given that the trees along this boundary are tall thin trees with little in the way of crown spread. It should be noted that any subsequent aerial photographs up to the most recent taken on 31.05.2016, also fail to show any indication that the buildings have been in existence. Indeed on measuring from the base of the trees, as defined by the Ordnance Survey maps, the crown spread of the trees in places along the hedge in question extends to less than 2.0m, which is less than the depth of the buildings in question. As the two buildings are set out from the base of the hedge, the crown spread therefore could not be expected to hide the buildings from an aerial view.



Ortho photo 1 – showing crown spread distances and no evidence of existing buildings

It is my considered opinion therefore, in the absence of any unequivocal evidence to support the applicant's case that the buildings have not been in existence for more than five years, subsequently the proposal fails the test in that they are not sited beside buildings on the farm. Indeed the planning consultant has accepted that limited weight can be attached to the claim that the buildings have been in existence for the required time.

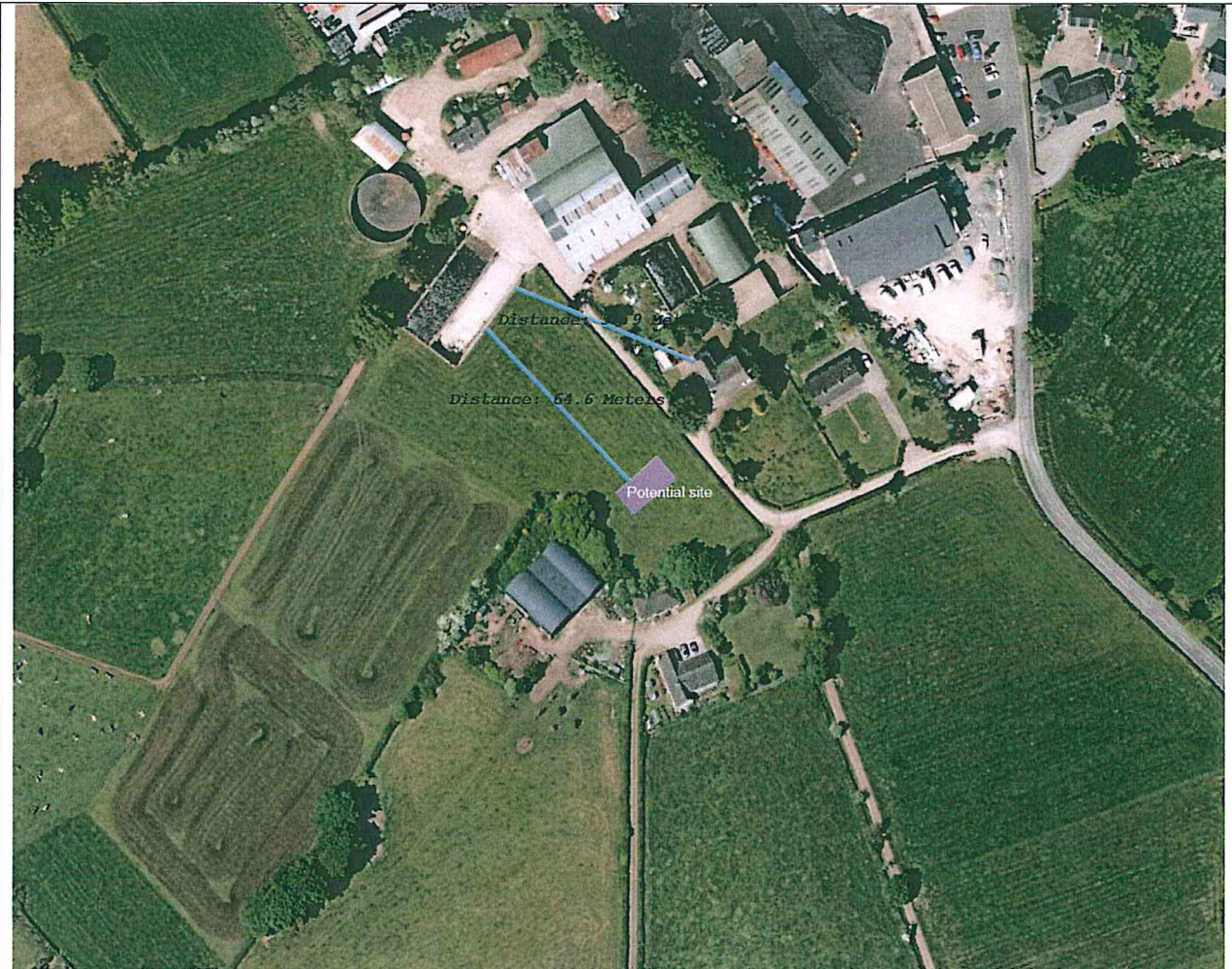
The supporting statement also states that a dwelling may be 'removed from the existing building group' or the visual linkage may be 'virtually non-existent'. However, the statement has taken this advice out of context as the amplification text clearly states that such circumstances relate to sites where 'the existing building group is well landscaped or where a site adjacent to the building group is well landscaped....' The proposed site meets neither of these two situations and therefore is unacceptable in this regard.

The supporting statement goes on to identify 5 potential sites (A to E, see map 1 below) which were considered but have been discounted for various reasons. I agree that sites A and B can be discounted as they are immediately adjacent to the existing farm buildings.



Map 1 showing alternatives sites A – E, in relation to the proposed site and settlement limit

The supporting statement discounts site C as it is 'close to silage pits...', it is earmarked for future expansion of the existing farm yard and that it would mar the distinction between the settlement and the surrounding countryside. However, a dwelling could be constructed on this site with a separation distance in excess of 60m from the said silage pits, which would be further than the applicants existing dwelling (see map 2 below).



Map 2 - potential dwelling on site C, further from silos than the applicants existing dwelling

No planning approvals have been granted for, nor has any verifiable evidence been presented to support the claim of such an extension to the farm yard is imminent. The issue relating to CTY 15 is dealt with later in this report. On balance, therefore site C is considered acceptable as it has a sufficient separation distance from the farm buildings even in terms of Health and Safety.

It is claimed that area D is the front garden of the main farm house. However, on checking the ortho-photography this is clearly not the case as the site in question appears as a rough grass paddock linked to the area to the side of the dwelling and with direct access onto the farm yard (see ortho photo 2 below). The area is also clearly separated from the amenity space by a mature hedge as can be seen from the aerial photography. Furthermore, no planning approval has been granted for an extension to the curtilage of the main dwelling into this site. Consequently, this area can therefore be considered as available for development.



Ortho photo 2 showing paddock area D and site E

Area E (see ortho photo above) is claimed to be satisfactory in terms of amenity but is ruled out due to the potential access issues and in that it would mar the distinction between the settlement of Churchtown and the surrounding countryside. Notwithstanding the access issue, if the suggested site satisfies the requirements of Policy CTY 10 in so far as it is visually linked or sited to cluster with an established group of buildings on the farm, then it would be considered acceptable even when assessed against Policy CTY 15. Furthermore, site E is not considered to be prominent as it sits approximately at road level, it has the benefit of mature trees to the west and the existing two storey dwelling house to the rear (see photo 2 below). Therefore this site can be considered as a potential site for a dwelling on the farm.



Photo 2 – Existing 2 storey farm dwelling with mature trees at road level not considered to be prominent

Regarding the access issues from the existing laneway, the statement advises that the required visibility splays are not available to the left hand side existing and forward sight distances are not available to the right hand side exiting. However, regardless as to whether or not the existing access is up to the required standard, the applicant has the potential to upgrade the existing access or if that is not possible due to third party use, the applicant can create a new laneway paired with the existing laneway as they own the necessary lands to the right hand side exiting. Such an access would then exit on the outside of the bend, thereby meeting all the necessary access standards in terms of visibility splays and forward sight distances.

CTY 13 – Integration and Design of Buildings in the Countryside

Although there are critical views of the overall site on approach from the north due to the low cut roadside hedgerows, however, as the preferred site is located in a small paddock area, is set well back off the Churchtown Road to the rear of mature hedging and which has a good sense of enclosure, a dwelling on that site would normally achieve an acceptable degree of integration and would therefore be acceptable in terms of integration into the surrounding countryside. However, as the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, it therefore fails to meet this policy test.

CTY 14 – Rural Character

This is an application for a site for a dwelling on a farm holding that is sited to the rear of a natural hedgerow which will effectively screen a dwelling from public view. As there would be no critical views of the proposal, any dwelling on the proposed site will not result in a detrimental change to rural character.

PPS 3 – Access, Movement and Parking;

The proposal is to utilise an existing farm access onto the Churchtown Road. This will require the existing hedgerows at the entrance to be set back to the rear of the required visibility splays.

Transport NI advised that they have no objection to the proposed development subject to conditions.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10 and 13 for the reason stated below.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The application is being recommended for refusal as the site is not visually linked or sited to cluster with an established group of buildings on the farm.

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	25th October 2017
Date First Advertised	9th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) None	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/1474/O Proposal: Proposed Dwelling and Garage under PPS21 CTY10 Address: 250m SE of 6 Churchtown Road, Cookstown, Decision: Decision Date: Ref ID: I/2000/0067/O Proposal: Site for dwelling and garage Address: 300m SE of 6 Churchtown Road Churchtown Cookstown Decision: Decision Date: 27.06.2000 Ref ID: I/2003/0879/O Proposal: Replacement dwelling and garage Address: 300metres (approx) south of 10A Churchtown Road, Rossmore, Cookstown. BT80 9XD Decision: Decision Date: 26.08.2004	
Summary of Consultee Responses No consultees raised any issues of concern	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	