



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Case Officer: Phelim Marrion	
Application ID: LA09/2018/1258/F	Target Date: 09/01/2019
Proposal: Proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land	Location: Approx 110m N.E. of Portafill International Ltd Dungannon Business Park Killyliss Road Dungannon
Applicant Name and Address: Acrow Formworks N.I. Industrial Estate Granville Road Dungannon	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: The proposed site is outside the settlement limits for Granville and is within a Site of Local Nature Conservation Importance (SLNCI). The proposed development will have a negative impact on the SLNCI and there is no overriding reason for the development outside the settlement limits or loss of the habitat.	
Summary of Consultee Responses: NIEA – recommend refusal as the proposed developed will have adverse impacts on priority habitats DFI Roads – recommend approval subject to conditions DFI Rivers – Drainage Assessment submitted, lacks some detail NI Water – standard response	

Characteristics of the Site and Area:

The site is located just outside and at the edge of the settlement limits of Granville, designated a village under the Dungannon and South Tyrone Area Plan.

Granville is located approximately 3 km southwest of Dungannon, close to the A4 Belfast to Enniskillen Road. Whilst the land within Granville to the west side of Granville Road comprises some housing it is characteristically industrial in nature comprising Granville Industrial Estate which the Area Plan identified as existing industry and business, zoning all the additional land to its west, up to the edge of the settlement for Industry and Business.

A new Invest NI industrial estate, 'Dungannon Business Park' has in recent years developed in the most western part of the land zoned for Industry and Business. This new business Park is located off the Killyliss Road just to the north of the new dual carriageway. Whilst located next to the carriageway its location at the edge of the settlement gives it a rural feel.

Dungannon Business Park comprises a number of existing businesses housed in large detached buildings on considerable sized plots. These buildings include Portafill, located immediately to the south of the site, Terex which sits almost directly opposite at the other side of the estate road, Axon just south of Terex, and Westland Horticultural located at the very end of Park to the north east of the site.

The site itself which sits immediately to the north east side of Portafill's curtilage is a relatively large rectangular shaped plot located on low lying ground. It sits just at the edge of Granville's settlement limits and the new business park which it is proposed to be accessed from. The access to the site which sits approx. 45 metres back from the road serving the industrial estate will run through an existing area of trees bounding the business park. The southern boundary of the site is bound by perimeter fencing. The western and northern boundaries of the site are undefined.

There is a lough located just to the north of the site, 'Blacklough (Cornmullagh)' designated with lands surrounding it in the Area Plan as a Site of Local Nature Conservation Importance (SLNCI). The site in its entirety sits within this SLNCI designated for its species rich swamps and fen of local importance.

Description of Proposal

This is a full planning application for a proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land at lands approx 110m N.E. of Portafill International Ltd, Dungannon Business Park, Killyliss Road, Dungannon.

The proposal is for the provision of a 30m x 18m storage shed on a site of approx. 5,500sqm. It is proposed to provide a yard of approx. 3000sqm in area raised by approx.

6m above the surrounding area, with a landscaping buffer along the new sides to the north and west and a new access road through existing vegetation between the site and the Dungannon Business Park.

Deferred Consideration:

This application was before the Committee Members in January 2019 with a recommendation to refuse planning permission, it was deferred as the agent advised they were not given enough time to provide the necessary reports and that these would be submitted within 6 weeks for consideration. Additional information was submitted and considered and this did not address the concerns raised by NIEA and as such the application was presented back to Committee in October 2019 with a recommendation to refuse. The application as deferred for submission of additional reports to address the NIEA concerns in regards to the impacts on the priority habitat.

A Habitat Creation and Management Plan (HCMP) and drawing were submitted and forwarded to NIEA for their comments. NIEA assessed these additional proposals and have concerns that infilling with a substantial amount of inert material and planting of new trees will affect the hydrological characteristics of the habitat. NIEA have advised that Black Lough SLNCI is a lowland fen priority habitat and the proposals will result in the loss of this protected habitat:

- there are no details to substantiate the claim that the substantial amount of inert infilling will not affect the hydrology of the site
- the planting of trees will accelerate the draining of the wetland resulting in its transition into a wet woodland
- the HCMP does not propose to offset the loss of exiting priority habitat by creating additional habitat, retention of the existing is not compensatory measures and the 5 year programme lacks any essential details of specific habitat management measures

The agent has been advised about these concerns and has indicated they wish to pursue the application and would be submitting additional information to address the concerns raised by NIEA. Despite assurances and reminders requesting this information, no new or additional information has been submitted.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

In view of the above concerns, those raised in the previous reports to this committee and the lack of information, I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

Refusal Reasons

1. This proposal is contrary to CTY1 of PPS21 and Dungannon and South Tyrone Area Plan given the proposals location outside the settlement limits of Granville.
2. This proposal is contrary to SPPS / PPS21 and PPS4 in that the proposed development fails to accord with any of the exceptions to development in PPS4 and promotes a stand alone storage building in the countryside.
3. This proposal is contrary to the SPPS, CON1 of the Dungannon and South Tyrone Area Plan and NH4 & NH5 of PPS2 in that the site is located within Black Lough Site of Local Nature Conservation Importance and the proposal will result in the loss of lowland fen priority habitat and it has not been demonstrated that the proposal will have significant benefits that outweigh the value of the existing priority habitat.

Signature(s):

Date



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Deferred Consideration Report

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Characteristics of the Site and Area:

The site is located just outside and at the edge of the settlement limits of Granville, designated a village under the Dungannon and South Tyrone Area Plan.

Granville is located approximately 3 km southwest of Dungannon, close to the A4 Belfast to Enniskillen Road. Whilst the land within Granville to the west side of Granville Road comprises some housing it is characteristically industrial in nature comprising Granville Industrial Estate which the Area Plan identified as existing industry and business, zoning all the additional land to its west, up to the edge of the settlement for Industry and Business.

A new Invest NI industrial estate, 'Dungannon Business Park' has in recent years developed in the most western part of the land zoned for Industry and Business. This new business Park is located off the Killyliss Road just to the north of the new dual carriageway. Whilst located next to the carriageway its location at the edge of the settlement gives it a rural feel.

Dungannon Business Park comprises a number of existing businesses housed in large detached buildings on considerable sized plots. These buildings include Portafill, located immediately to the south of the site, Terex which sits almost directly opposite at the other side of the estate road, Axon just south of Terex, and Westland Horticultural located at the very end of Park to the north east of the site.

The site itself which sits immediately to the north east side of Portafill's curtilage is a relatively large rectangular shaped plot located on low lying ground. It sits just at the edge of Granville's settlement limits and the new business park which it is proposed to be accessed from. The access to the site which sits approx. 45 metres back from the road serving the industrial estate will run through an existing area of trees bounding the business park. The southern boundary of the site is bound by perimeter fencing. The western and northern boundaries of the site are undefined.

There is a lough located just to the north of the site, 'Blacklough (Cornmullagh)' designated with lands surrounding it in the Area Plan as a Site of Local Nature Conservation Importance (SLNCI). The site in its entirety sits within this SLNCI designated for its species rich swamps and fen of local importance.

Description of Proposal

This is a full planning application for a proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land at lands approx 110m N.E. of Portafill International Ltd, Dungannon Business Park, Killyliss Road, Dungannon.

The proposal is for the provision of a 30m x 18m storage shed on a site of approx. 5,500sqm. It is proposed to provide a yard of approx. 3000sqm in area raised by approx.

6m above the surrounding area, with a landscaping buffer along the new sides to the north and west and a new access road through existing vegetation between the site and the Dungannon Business Park.

Deferred Consideration:

This application was before the Committee Members in January 2019 with a recommendation to refuse planning permission, it was deferred as the agent advised they were not given enough time to provide the necessary reports and that these would be submitted within 6 weeks for consideration.

The agent advised they would be submitting additional information for consideration. The overall site area has now been reduced to approx. 5,5000 sqm with landscaping along west and north boundaries of the site. A transport assessment form, drainage assessment, ecological appraisal and supporting statement have been submitted for consideration.

Roads engineers have assessed the TAF and are content with the proposed development, they have advised access in accordance with the proposed plans should be provided prior to the commencement of the development.

DFI Rivers have considered the Drainage Assessment and have advised they require additional information to show where storm water will be discharged to and measures for the attenuation of the storm water. These are technical issues that can be addressed or dealt with by an appropriately worded condition requiring the submission of the details prior to the commencement of the development.

The supporting statement sets out the reasons why Acrow Formworks requires additional space and having visited the existing site in Granville Industrial Estate I do not doubt the need for the additional storage space. However the storage space and any new works should be in an appropriate location and not harm other features of recognised importance. Members will be aware there is a need for additional land for industrial purposes in the Dungannon Area and indeed the members have allowed new development on the outskirts of Granville. Planning Permission LA09/2018/0457/F was for a light industrial unit containing animal tag production for CSL, that site was also outside the settlement limits but did not have any natural heritage concerns.

NIEA have considered the reduction in the site area and the revised ecological surveys that have been provided. They have advised previous requests for information to consider the impacts on breeding birds and newts has not been received for their consideration. This site lies within the Black Lough Site of Local Nature Conservation Importance and it contains lowland fen habitat which is classed as a Northern Ireland Priority Habitat. The report identifies that the fen is in pristine condition and has not suffered from excessive nutrient run off. Despite the lack of any management or grazing the fen and swamp communities are in a high degree of naturalness. The report further highlights that areas to the west of the fen have been affected by disturbance probably caused by the

construction of the industrial units further west (Portafill). NIEA have assessed the information provided and they are of the opinion that the significant change of the levels (the proposal involves raising this site by 6m above its existing levels) will result in significant change to the ground composition and will have a detrimental impact on the priority fen habitat. The policies contained in the SPPS, NH4 of PPS21 and CON1 of the Dungannon & South Tyrone Area Plan all place significant importance on the protection of priority habitats and areas of nature conservation interests. The policies do allow development proposal which are likely to result in unacceptably adverse impact where the benefits of the proposed development outweigh the value of the habitat. The supporting statement has indicated there are 40 jobs with the existing site and that it would be a substantial cost to put all under one roof. This proposal does not result in the entire business being under one roof, it still results in the business operating on 2 sites. Members are advised there is a current undetermined application ref LA09/2019/0947/F, for a replacement storage building for Acrow Formworks which, if approved, will provide a similar sized building to the one proposed here.

I do not consider it has been demonstrated there are no other alternatives to this site and that the benefits outweigh the loss of habitat. There are also no proposals to mitigate against or compensate for the loss of the habitat.

In view of the above concerns and lack of information I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

Refusal Reasons

1. This proposal is contrary to Dungannon and South Tyrone Area Plan given the proposals location outside the settlement limits of Granville.
2. This proposal is contrary to SPPS / PPS21 and PPS4 in that the proposed development fails to accord with any of the exceptions to development in PPS4 and promotes a stand alone storage building in the countryside.
3. This proposal is contrary to the SPPS, CON1 of the Dungannon and South Tyrone Area Plan and NH4 of PPS2 in that the site is located within Black Lough Site of Local Nature Conservation Importance and it has not been demonstrated that the proposal will have significant benefits that outweigh the value of the existing priority habitat.

Signature(s):

Date



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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1258/F	Target Date:
Proposal: Proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land	Location: Approx 110m N.E. of Portafill International Ltd Dungannon Business Park Killyliss Road Dungannon
Referral Route: Recommendation to refuse	
Recommendation: Refusal	
Applicant Name and Address: Acrow Formworks N.I. Industrial Estate Granville Road Dungannon	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
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

Characteristics of the Site and Area

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The site itself which sits immediately to the north east side of Portafill's curtilage is a relatively large rectangular shaped plot located on low lying ground. It sits just at the edge of Granville's settlement limits and the new business park which it is proposed to be accessed from. The access to the site which sits approx. 45 metres back from the road serving the industrial estate will run through an existing area of trees bounding the business park. The southern boundary of the site is bound by perimeter fencing. The western and northern boundaries of the site are undefined.

There is a lough located just to the north of the site, 'Blacklough (Cornmullagh)' designated with lands surrounding it in the Area Plan as a Site of Local Nature Conservation Importance (SLNCI). The site in its entirety sits within this SLNCI designated for its species rich swamps and fen of local importance.

Description of Proposal

This is a full planning application for a proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land at lands approx 110m N.E. of Portafill International Ltd, Dungannon Business Park, Killyliss Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
Planning Policy Statement 21 - Sustainable Development in the Countryside
Planning Policy Statement 2 - Natural Heritage
Planning Policy Statement 3 - Access, Movement and Parking
Planning Policy Statement 3 (Clarification): Access, Movement and Parking
Planning Policy Statement 4 - Planning and Economic Development
Planning Policy Statement 15 - (Revised) Planning and Flood Risk

History on Site

LA09/2016/0755/PAD - Pre Application Discussion for land to be included within existing Granville 2 Industrial land and to be developed for industrial use

Consultations

Northern Ireland Water were consulted and raised **no objections**.

Transport NI were consulted and have requested **Transport Assessment Form (TAF)**.

NIEA were consulted their Water Management Unit and Regulation Unit (RU) (Land and Groundwater Team) raised no objections. **Natural Environment Division (NED) advised that a Preliminary Ecological Appraisal should be completed for this site in order to assess any potential impact upon protected or priority species and habitats.** Noting that this is desk based response NED stated that from aerial photographs the application site and surrounding area has the potential to contain natural heritage features worthy of protection. Further information should be submitted to identify any of these features that are likely to be impacted by the proposed development. **NED note that this proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).** Natural Environment Division (NED) has concerns with this proposal and considers that, in the absence of further information, the proposal would be contrary to the Habitats Regulations and Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that: The development would have an unacceptable adverse impact on priority habitats & natural heritage features worthy of protection and insufficient information has not been submitted to establish otherwise.

DfI Rivers were consulted on this application as Strategic Flood Map (NI) indicated surface water flooding on the northern portion of the site. Rivers responded that the Strategic Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain. **That an undesignated watercourse flows along the north western boundary of the site as such under Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure of PPS15 a 5m maintenance strip is required.** It should be marked up on a drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. **Under PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains, DfI Rivers also recommend that a Drainage Assessment be carried out for this proposal for their consideration, due to the size and nature of the development.**

Through informal consultation with Shared Environmental Service it was not considered necessary to consult with them formally on this proposal despite there being a stream along the north western boundary of the site. There are no European site issues here. The site is a significant distance upstream from Lough Neagh so there could be no conceivable effects to the SPA/Ramsar from this proposal.

Assessment

Dungannon and South Tyrone Area Plan – the site is located in the open countryside as defined in the Plan. It sits just at the edge of Granville settlement limits, outside lands within Granville zoned under the Plan for Industry and Business (zoning DI 01).

The Plan identifies existing industry and business use areas and zoned additional land for such purposes and Plan Policy IND 1 Industry and Business states that within both existing and additional areas, planning permission will normally be granted for industry, storage and distribution, and other appropriate business uses where the development meets the key site requirements contained in Part 3 of the Plan. The Plan considers the range of existing sites and new zonings provides flexibility in choice of site for developers. And highlights there may also be potential for industrial business use development of an appropriate scale within the villages. That proposals for such uses on unzoned land will be assessed on their merits, having regard to published guidance and policy, particularly PPS 4: Industrial Development.

This proposal is located in the open countryside outside any settlement designated by the Plan and outside any existing or additional areas of Industry and Business identified or zoned respectively by the Plan, as such by reason of its location this proposal is in conflict with the Plan.

The site is also located in its entirety within Blacklough (Cornmullagh) Site of Local Nature Conservation Importance (SLNCI) designated for its species rich swamps and fen of local importance. Plan Policy CON 1, states special consideration will be given to the protection of nature conservation interests on or adjacent to these sites when determining planning applications. Planning permission will not normally be granted to development proposals that would have a significant detrimental effect on the intrinsic nature conservation interests of the site. Where a development is permitted which would adversely affect such interests, the Council will endeavour to ensure that effects are kept to a minimum and/or appropriate mitigation measures are agreed. The Plan states SLNCI's are identified based on their flora, fauna or earth science interest, and are designated in the Plan, in accordance with PPS 2. In assessing development proposals on or adjacent to these sites, priority will normally be given to the protection of their nature conservation interests.

This proposals location within Blacklough SLNCI places it in conflict with the Plan as I fail to see how it won't have an impact on its nature conservation interests nor has it been demonstrated that it won't.

The SPPS – states the planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.

In the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified in the following circumstances:

- A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.
- A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

This proposal is contrary to the SPPS in that the proposal fails to accord with any of the exceptions to development.

The SPPS retains the policy provisions of PPS21, PPS4, PPS3 and PPS2..

PPS21, Policy CTY 1 - Development in the Countryside, outlines 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. 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

One type of development outlined in PPS21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development: is industry and business uses in accordance with PPS 4.

Policy PED 2 - Economic Development in the Countryside states proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'.

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

I do not based on the information submitted regard the proposal as satisfying any of these types of development.

In order to fully assess this proposal against the provisions of PPS 4 as detailed above the agent was contacted and given 21 days to provide the following information on a without prejudice basis 1) A case/ justification for the proposed development as it is located outside off and will extend the settlement limits of Granville. This was to include what the building is for. If it is to serve a new or existing business. And what will it store. 2) Details of how the proposed development will improve drainage and land. 3) More detailed drawings to show the extent of the proposed infill and landscaping including what happens at the edges of the infill.

As the information requested from the agent has not been received within the specified timeframe it is considered there is insufficient information on file to determine this application.

Additional consideration

Transport NI were consulted and have requested Transport Assessment Form (TAF).

Natural Environment Division advised that a Preliminary Ecological Appraisal should be completed for this site in order to assess any potential impact upon protected or priority species and habitats.

Under PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains, DfI Rivers also recommend that a Drainage Assessment be carried out for this proposal for their consideration, due to the size and nature of the development.

The above information has not been requested as the principle of this development has not been established.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for Refusal:

1. This proposal is contrary to Dungannon and South Tyrone Area Plan given the proposals location outside the settlement limits of Granville.
2. This proposal is contrary to SPPS / PPS21 and PPS4 in that the proposed development fails to accord with any of the exceptions to development in PPS4 and promotes a stand alone storage building in the countryside.
3. This proposal is contrary to Dungannon and South Tyrone Area Plan and PPS2 in that the site is located within Black Lough Site of Local Nature Conservation Importance and it has not been demonstrated that the proposal will not have a detrimental impact on its nature conservation interests.
4. This proposal is contrary to PPS3 in that it has not been demonstrated the proposed development will not prejudice road safety or the convenience of road users.
5. This proposal is contrary to PPS15 FLD3 in that it has not been demonstrated that the site can appropriately deal with surface water and drainage.

Signature(s)

Date:



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Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1105/O	Target Date:
Proposal: Proposed site for a farm dwelling and double domestic garage	Location: 70 metres (Approx.) West of 25a Corrycroar Road Pomeroy
Applicant Name and Address: Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	Agent name and Address: R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Characteristics of the Site and Area: <p>The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in County Tyrone, which is in the countryside as designated within the Cookstown Area Plan 2010. The proposed site lies within a fairly enclosed area of the countryside consisting of steep elevations with a high degree of vegetation and mature trees bounding the site, which forms the frontage of an existing field.</p> <p>In terms of surrounding topography there is a gradual rise from the site towards the north and west with similar elevations to the east, which contributes to the enclosed nature of the site. The surrounding land raises substantially and is generally best described as hilly landscape with steep elevations especially the south-western and south eastern boundaries. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends in Corrycroar road; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.</p> <p>The main farm complex comprising of several farm buildings which include the main farm dwelling is located approximately 180m south east of the proposed site. The site is adjacent to two small farm sheds used for wintering livestock and keeping feedstuff.</p>	

The closest neighbouring property to the proposal is noted as being No. 25a Corrycroar Road, which is a single-storey dwelling situated approx. 70m to the west of the proposed site.

Description of Proposal

The applicant is seeking outline planning permission for a farm dwelling and double garage 70m west of No 25a Corrycroar Road.

Deferred Consideration:

The application was presented as a refusal to Planning Committee in Feb 2021 and was subsequently deferred for a virtual office meeting with the Area Planning Manager held on 11th Feb 2021.

It was agreed the senior planner would carry out a site visit and consider all supporting information submitted by the agent in the re-assessment.

In terms of policy CTY10, criteria (a) and (b) have been met, there is no issue this is an active and established farm business and has been for at least 6 years and DEARA have confirmed this and no development opportunities have been sold off, the issue with CTY10 relates only to criteria part (c).

Criteria (c) states 'the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane'.

The main farm grouping is located on the opposite side of the road from the proposed site, to the SE so they are not sited to cluster together and there is a lack of visual linkage with the site and the farm holding.

The agents supporting statements put forward the case for the application site that is adjacent to two small farm sheds (see image1). While I acknowledge the presence of the two small structures adjacent to the application site there is no planning related approved for them or any CLUD to determine the lawfulness of them as sheds. The structures do not represent permanent buildings on the farm and therefore cannot be taken for the purposes of CTY10 to justify the site.



Image 1 – structures on site

The proposal involves alterations to an existing lane and so meets policy in this regard.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

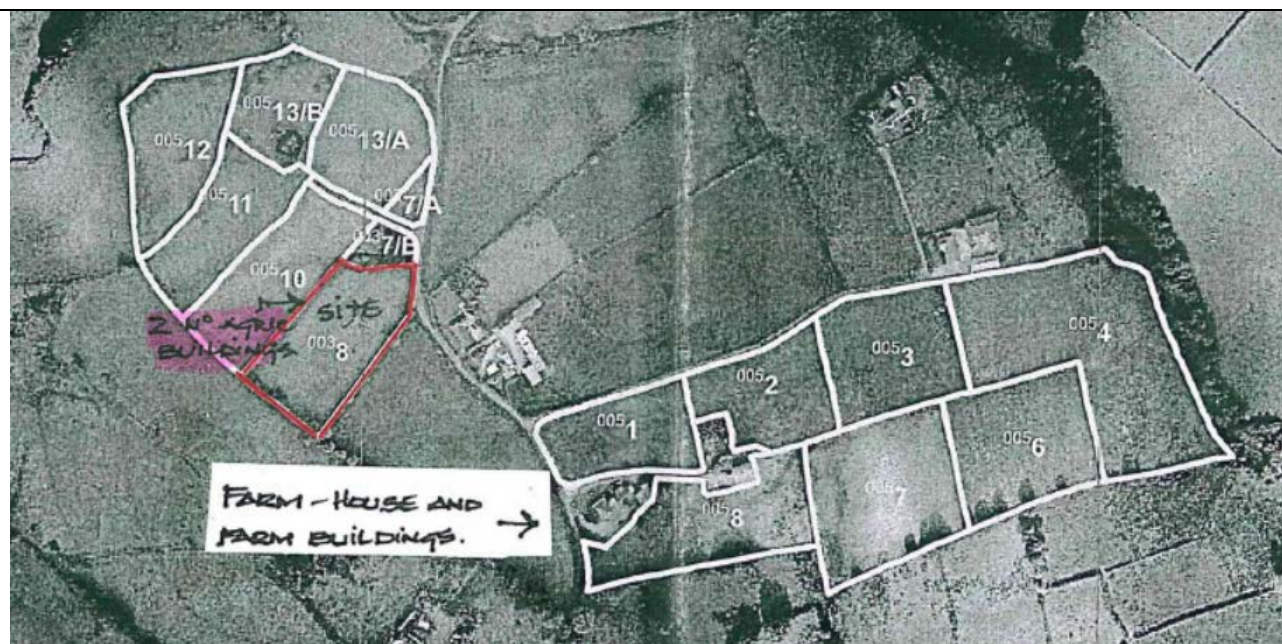
- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

While acknowledging that field Nos 1 and 8 that are located close to the main farm group at No 19 Corrycroar Road, they were asked to be considered as alternative sites by the applicant by the original case officer. However, the applicant felt the two fields would be needed for future expansion of the farm business and would pose problems if he had to build farm sheds off farm away from the existing services as electricity, water supply and tanks to hold slurry.

There have been plans submitted in terms of future expansion so no significant weight can be given to this argument.

Also they put forward the issue of a young family living close to an active farm yard.

This however is not showing demonstrable health and safety reasons and is not sufficient in itself justifying the need for the dwelling to be located across the road from the farm holding, when other land would be suitable which is closer, and would meet the policy requirements of CTY10.



Following my site visit, where I met the agent on site, in addition to fields 1 and 8 (005), I suggested the fields 2, 3 or 7 as alternatives also. The applicant advised the agent felt these were not suitable for a dwelling due to the close proximity to the farm buildings in terms of health and safety as stated previously. Also adding that No.8 is used as a cattle isolation shed as confirmed by Parkland Vets.

Following the offer of all the alternative sites, the agent has advised that the applicant wishes to take this application to the Planning Committee for a decision.

The proposed site must also meet the requirements of CTY 13(a-f) and CTY 14. I am of the opinion that a dwelling and garage of an appropriate size, scale and design could integrate on this site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area in accordance with the requirements of policies CTY13 and 14.

Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Refusal Reason;

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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1105/O	Target Date:
Proposal: Proposed site for a farm dwelling and double domestic garage	Location: 70 metres (Approx.) West of 25a Corrycroar Road Pomeroy
Referral Route: Proposal fails to comply with criteria c contained within Policy CTY 10 of PPS 21, no third party representations received and all other material considerations have been taken into consideration.	
Recommendation:	Refusal
Applicant Name and Address: Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	Agent Name and Address: R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Executive Summary:	
Signature(s):	

For committee decision.

However a need to make
ref to case law and appeal ~



/

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content

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

Characteristics of the Site and Area

The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in County Tyrone, which is in the countryside as designated within the Cookstown Area Plan 2010. The proposed site lies within a fairly enclosed area of the countryside consisting of steep elevations with a high degree of vegetation and mature trees bounding the site.

In terms of surrounding topography there is a gradual rise from the road towards the north, west and east, which contributes to the enclosed nature of the site. The surrounding land raises quite substantially and is generally best described as hilly landscape with steep elevations especially the south-western and south eastern boundaries. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends in Corrycroar road; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.

The main farm complex comprising several farm buildings and includes the main farm dwelling is located approximately 180m south east of the proposed site. The site is adjacent to two small farm sheds used for wintering livestock and keeping feedstuff.

The closest neighbouring property to the proposal is noted as being No. 25a Corrycroar Road, which is a single-storey dwelling situated approx. 70m to the west of the proposed site.

Description of Proposal

The applicant is seeking outline planning permission for a farm dwelling and double garage 70m west of No 25a Corrycroar Road.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves alterations to an existing lane that accesses.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 02/09/2019 (publication date 03/09/2019). Two (2) neighbouring properties were notified on 30/08/2019; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Relevant Planning Histories

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1105/O	70 metres (Approx.) West of 25a Corrycroar Road	Proposed site for a farm dwelling and double domestic garage	VALID APPLICATION RECEIVED	
I/2004/0903/O	Approx 30m N.W. of 25a Corrycroar Road	Erection of dwelling & domestic garage	PERMISSION REFUSED	16.12.2004
I/1990/0367	60M NW OF 25 CORRYCROAR ROAD	Dwelling	PERMISSION GRANTED	
I/1974/0307	CORRYCROAR, POMEROY	ERECTION OF SUBSIDY BUNGALOW	PERMISSION GRANTED	

Consultations.

DAERA: Ni issues confirmation of active farming activities;
DFI Roads no objection subject to standard condition
NIW: No objections standard Informatives.

Planning Assessment of Policy and Other Material Considerations

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010.
3. PPS 21 Sustainable Development in the Countryside.
4. PPS 3 Access, Movement and Parking.

Supplementary Planning Guidance: Building on Tradition: A Rural Design Guide for NI.

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 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Cookstown Area Plan 2010 (CAP) operates as the statutory local plan for the area the site lies in furthermore, the CAP does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS.

As outlined above the site lies outside any designated settlement development limit identified in the Cookstown Area Plan 2010; therefore the relevant planning policy context is provided in Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). PPS 21 is identified by the Strategic Planning Policy Statement for Northern Ireland (SPPS) as retained policy documents.

The SPPS points out that provision should be made for a dwelling house on an active and established farm business. Furthermore, the farm business must be currently active and have been established for a minimum of 6 years. Policy CTY of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. This includes a dwelling house on a farm in accordance with Policy CTY10. This policy states that planning permission will be granted where the following criteria are met.

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. I am content the farm holding has been established for at least 6 years and is currently active.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the proposal is not located in proximity to established farm buildings. The agent has confirmed that the two sheds adjacent to the application site are used for out wintering livestock and sometimes used as an isolation sheds.

The agent submitted two letters (23/03/2020 and 16/11/2020) in support of the applicant's preferred choice of site also sets out reasons why fields close to the main farm group not considered suitable for a dwelling. Fields Nos 1 and 8 according to the applicant's father-in-law raised concerns that a dwelling would be close to the busy farm yard with continuous movement of machinery and livestock and the inevitable dangerous would constitute a health and safety concerns. The agent also highlighted the topography of the site would limit the sitting of a new dwelling would impact on current expansion of the farm business which is ongoing around the main existing farm grouping.

Policy CTY 10 states exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building groups. Evidence to warrant an exceptional case was therefore requested from the agent and the Technical Note dated 29/06/20 has been considered. The Technical Report contends that the proposal "meets the actual policy in part and the intent of policy in part and it is an exception to policy in terms of health and safety reasons".

As stated on Page 2 of the Technical Note, it is accepted that the provisions of policy will prevail unless there are other overriding reasons or material considerations that outweigh them and justify a contrary decision. Therefore, I am do not consider that the Technical Report has presented overriding reasons or material considerations which would outweigh the policy criteria of CTY10.

I note the English Courts found that the issue of permanence should be construed in 'planning terms' rather than merely being permanently secured to the ground. I note that in a recent Planning Appeals Commission decision Reference 2019/A0105 sanctioned a similar view with regards to Permanence.

I am not persuaded by the argument that field Nos 1 and 8 are unsuitable for a dwelling and whilst I acknowledge the topography is challengeable nonetheless I feel that field No 1 has capacity for a dwelling sited to the front of the field facing onto the public Road.

In terms of the application site the agent has relied that the presence of two farm sheds adjacent to the site that they should be considered as an existing farm building. I accept these structures do appear to be associated with livestock and from my observations on site I noted one the buildings contained hay. However, as explained in my report the two structures in themselves do not satisfy the policy test for a new dwelling to visually linked with or be sited to cluster with an established group of farm buildings. That said, the applicant was advised that he submit a CLUD to determine their lawfulness, which if successful would be assessed as a material consideration in this application.



Fig. 1 Small structures adjacent to the application site

The above structures are constructed from corrugated metal sheeting with mono pitch roof. It has been fabricated from timber posts and corrugated metal sheeting. It appears to have been used for housing animals and storing animal feed. There is no hardstanding surrounding them and the floor consists of clay / earth.

Policy CTY13 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. I considered the site is well integrated to accommodate a dwelling given the topography and existing, established vegetation along all boundaries. However, CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

In terms of policy CTY14, 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. It is considered that the site and the surrounding environment is suitable for absorbing a dwelling without significantly impacting on rural character and therefore complies with Policy CTY14.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan. The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Other Material Considerations.

I am content that this proposal will not cause any detrimental impact on neighbouring 3rd party amenity. DfI Roads were consulted and have objected to this proposal, stating that the result in the alteration of an existing access onto a public road thereby prejudicing the free flow of traffic and conditions of general safety.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 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 and no 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.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	20th August 2019
Date First Advertised	3rd September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Corrycroar Road Pomeroy Tyrone The Owner/Occupier, 25a Corrycroar Road Pomeroy	
Date of Last Neighbour Notification	30th August 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1105/O Proposal: Proposed site for a farm dwelling and double domestic garage Address: 70 metres (Approx.) West of 25a Corrycroar Road, Pomeroy, Decision: Decision Date: Ref ID: I/2004/0909/O Proposal: Erection of dwelling & domestic garage Address: Approx 30m N.W. of 25a Corrycroar Road, Pomeroy Decision: Decision Date: 16.12.2004 Ref ID: I/1990/0367 Proposal: Dwelling Address: 60M NW OF 25 CORRYCROAR ROAD POMEROY Decision: Decision Date: Ref ID: I/1974/0307 Proposal: ERECTION OF SUBSIDY BUNGALOW Address: CORRYCROAR, POMEROY Decision: Decision Date:	

Summary of Consultee Responses
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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0024/F	Target Date: <add date>
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR
Summary of Issues: Design and appearance of development, it has the appearance of a small housing development, no existing tourism development or farm diversification to associate with.	
Summary of Consultee Responses: DFI Roads - safe access will require sight lines of 2.4m x 60.0m at the public road, these are achievable SES – additional information required to consider impacts on SPA/RAMSAR NIEA - additional information required to consider impacts on SPA/RAMSAR	
Characteristics of the Site and Area: This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure. The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of	

hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access.

The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Deferred Consideration:

This application was before the Planning Committee in September 2020 and it was agreed to defer for a meeting with the Planning Manager. A meeting was held virtually on 10 September and the agent was asked to provide additional information to establish the principle of this development prior to any further discussions about the layout and design.

The agent advised the site is associated with Brookend Nature Reserve, they referred to a precedent in application LA09/2019/0806/F and asked that the same considerations be given to this application and advised the applicant would be willing to amend the design and condition the use of the buildings.

Planning application *LA09/2017/0806/F* was approved for 5 self catering cottages at Mill Road Cookstown, that application was considered as a farm diversification scheme and was accepted as within the spirit of policy CTY11 as the proposal is for multiple buildings whereas the policy refers to a new building. Members will be aware that farm diversification must be on an active and established farm. The applicant has indicated they own this 2ha field and when I visited the site there were cattle in the field. On this basis additional information was requested on 24 June 2021 to allow consideration of the farming case. To date no information has been submitted for consideration.

The applicant has identified Brookend Nature Reserve as being close by and one of a number of local amenities. They have been asked to provide some information in relation to or explain their involvement with the nature reserve but have not provided any further information to date. DEARA website sets out 37 Nature Reserves in Northern Ireland, it identifies Brookend Nature Reserve as being open all year round and being remote with little to no facilities. There is no designated parking facilities and car parking is at the end of a rough lane. No information has been presented to show how these properties are associated with the Nature Reserve or any information to illustrate the Nature Reserve is an existing tourist amenity which is or will be a significant visitor attraction in its own right. From the information that has been present and the written description of the Nature Reserve, it appears the site is designated for its habitat and the wide array of ecology it harbors. The site is wetland habitat fen and flood plain grazing, NIEA and SES have both requested additional information to allow further consideration of the impacts of this development on recognised features of importance within the SPA and RAMSAR site. The proposed development could therefore have an adverse impact on the Nature Reserve.

The applicant has been afforded the opportunity to submit additional information in support of this case and has failed to do so. In light of this and I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.
4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0024/F	Target Date: 22/04/20
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non-Statutory	SES	Substantive Response

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

Characteristics of the Site and Area

This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure.

The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access. The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 16: Tourism

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

LA09/2019/0573/F - Proposed 2No lodges for short term accommodation to facilitate access to adjacent Lough Shore Nature Area - 210m South West of No 35 Brookend Road, Ardboe – Withdrawn

LA09/2020/0347/O - Proposed dwelling and garage - 120m South West of 39 Brookend Road, Ardboe – Permission Granted 19/08/20

I/2013/0142/F - Proposed building to accommodate Lough Neagh Fishing Boat General Domestic Store (Amended description - P1 and plans) - Lands to the rear of Nos 37 and 39 Brookend Road, Ardboe – Granted 24.01.2014

LA09/2016/0386/F - Single storey side extension to existing dwelling to provide bedroom and en-suite - 37 Brookend Road, Ardboe, Dungannon – Granted 23.05.2016

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located outside any settlement limits in proximity to the shores of Lough Neagh. There are designated nature reserves located to the SW and SE of the site. There are no specific plan policies pertaining to this proposal, the

regional planning policy statements will apply until such times as a Local Development Plan is adopted.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 including tourism development in accordance with the TOU policies contained within PSRNI. These TOU policies have since been superseded by PPS16 - Tourism therefore this proposal will be considered under the relevant policy within PPS16. SPPS does not make any changes to these policy considerations.

Tourism makes a vital contribution to the Northern Ireland economy, it can play an important role in helping to support the viability of many local suppliers, services and facilities. However, tourism accommodation located in the countryside needs to be located at appropriate locations and managed in a sustainable manner in order to protect the rural landscape and environment in line with the area plan and other material considerations. This proposal is for self-catering accommodation in the countryside therefore the provisions of PPS16 TSM5 apply.

TSM5 states that permission will be granted for self-catering units of tourist accommodation should the proposal meet any one of three circumstances. In my view the proposal does not meet any of the circumstances set out in policy as;

- a) it is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) although the proposal is a cluster of 3 units, it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity with a significant visitor attraction requiring these units;
- c) it is not for the restoration of an existing clachan or close.

Paragraph 7.25 of Policy TSM5 J&A states *"Where units are proposed in association with a tourist amenity, Policy requires that the tourist amenity must be a significant visitor attraction in its own right."* The applicant has failed to specify the tourism facility in which the proposal will cater or provide evidence of visitor numbers or the provision of existing facilities linked to and enabling usage of the attraction. It is acknowledged that Lough Neagh is located in close proximity to the application site, however there is insufficient information to demonstrate the numbers of tourists that these cottages would attract or the existing facilities in place that would attract or accommodate them. At present there is no designated walks around the Lough at this location, nor is there any indication that there is existing facilities and/or equipment such as jetties, boats etc in place to cater for tourism. Policy TSM5 J&A states *"Policy provides for sustainable opportunities for self-catering tourist accommodation in the countryside particularly in areas where tourism amenities and accommodation have become established or likely to be provided as a result of tourism initiatives such as the Signature Projects"*. No such signature project exists close to this site and the area does not benefit from established tourism amenities and accommodation.

Paragraph 7.28 of Policy TSM5 J&A states “Permanent residential use of self-catering units will also be deterred through design. Such units will be required to demonstrate an informal site layout with communal open space only. Informal road layout without designated car parking will also be required.” In my view the proposed self-catering units are contrary to Policy TSM5 in that the design and layout could easily be used for permanent residential accommodation. Each has its own defined curtilage, individual parking, own kitchen, living room, bathroom and 3 bedrooms. I have relayed these concerns to the applicant and I received an indicative plan via email with slight amendments to the proposed layout. The amendments do not extend to the floor plans or elevations of the self-catering units rather encompass minor changes to the layout, removing the designated parking and slightly amending the orientation of the units. I do not consider these indicative amendments would deter permanent residential use as designated parking could still be achieved within the curtilage of each unit. Nevertheless, these amended plans to date have not been received in hard copy and to scale.

Policy TSM7 of PPS 16 applies to all types of tourism development and is considered as follows;

- a) I am satisfied that a movement pattern is provided which would support walking, cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way. While access to public transport is not convenient, the settlement of Ardboe is within 2 miles of the site where access to public transport is available.
- b) The design of the buildings appear as dwellings rather than holiday/short term accommodation. However, the site is located adjacent to Lough Neagh which is an ASSI/SAC/RAMSAR site. Shared Environmental Services (SES) require a Preliminary Ecological Appraisal, as well as additional information on the disposal of surface water and sewage, during construction and operation. SES also advise that a Habitat Regulation Assessment is required and that NIEA should be re-consulted once all information is received as there may be impacts on natural heritage interests which are not related to SPA/Ramsar. I requested amendments to the site plan to show the location of the septic tank and soakaways to address the surface water and sewage concerns on 22/07/20 however to date these have not been received. At present it is not possible to full assess impacts on sustainability and biodiversity. The applicant has advised that they have been waiting on an environmental consultant to undertake the requested appraisal which has been delayed given the ongoing COVID 19 pandemic. As I do not consider the proposed development is acceptable in principle and therefore recommending refusal, I do not consider it appropriate that the applicant goes to this expense, however should be permission be granted this will need to be addressed.
- c) The proposed boundary treatment includes a mix of post and wire fencing and natural landscaping. Drawing No.01 date stamped 7th January 2020 includes a detailed planting schedule which is considered acceptable. The proposal is set back significantly from the public road with a backdrop of mature woodland therefore I consider there is adequate enclosure and screening. However, given

the proposal is for self-catering units, it is considered communal shared space would have been more appropriate than separated curtilages.

- d) The P1 form states that surface water will be directed to a soakaway. SES require the site layout plan to include the location of the soakaways which was requested 22/07/20 however to date these have not been received. This will need to be addressed should permission be granted.
- e) In my view the proposal is designed to deter crime and promote personal safety, the site is accessed via a private laneway, set back from the public road behind the applicants dwelling.
- f) This proposal does not involve public art therefore this criterion is not applicable.
- g) The immediate surrounding land use is predominantly agricultural land and woodland. The proposed tourism units are set back from the Brookend Road with limited public views. The scale, size and massing of the units are considered modest and will not detract from the landscape quality. However the granting of 3no. residential units, albeit for short term self-catering use, could result in a build-up of development detrimental to the rural character of that area.
- h) It is considered there is sufficient separation distance from neighbouring properties to ensure no detrimental impact on residential amenity.
- i) I do not considered the proposal will have a detrimental impact on features of built heritage. However, further additional information is required by the applicant to demonstrate that features of natural heritage will not be impacted by the proposal.
- j) Additional information is required to demonstrate that sufficient measures are put in place to deal with sewage effluent from the proposal. As mains sewage connection is not available in this location, the sewage will have to be dealt with by septic tank. I requested amendments to the site plan to show the location of the septic tank on 22/07/20 however to date this has not been received.
- k) Access arrangements are in accordance with PPS3 Access, Movement and Parking and DfI Roads have no objections to this proposal subject to splays of 2.4m by 60m in both directions along with other conditions.
- l) It is considered the proposed access to the public road, subject to conditions suggested by DfI Roads, will not prejudice road safety.
- m) DfI Roads raise no objection over extra traffic onto the public road and it is my view the existing road network can accommodate any additional traffic associated with the proposed development.
- n) There is no access to a protected route proposed.
- o) The proposal will not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset.

In terms of policy CTY13 of PPS21, it is my view that the proposal will integrate into the landscape as it is set back from the public road with limited public views and is of a size, scale and location that will not significantly impact the visual character or landscape quality of the area. I consider the proposal will not have a detrimental impact on the rural character of the area and therefore complies with Policy CTY14.

Policy NH1 of PPS2 Planning and Nature Conservation sets out planning permission will only be granted for a development proposal which either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or Ramsar Site. NIEA were consulted on this application and responded with standing advice given no accompanying ecological information had been submitted. As mentioned above, insufficient information has been provided to demonstrate that there will be no detrimental impact to the conservation objectives of nearby Lough Neagh which is a European Protected Site/Natura 2000.

It should be noted that a previous application (LA09/2019/0573/F) for 2No lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area was withdrawn on 11/03/20. The case officer for this Planning Application also considered that the proposal was contrary to Policy TSM5 and TSM7 of PPS16 and recommended refusal. Planning Application LA09/2019/0573/F was presented to the Planning Committee on 1st September 2019 with a recommendation to refuse however was subsequently deferred on the basis additional information would be submitted in support of the application and to address SES Natural Environment concerns. No additional information was received and the application was withdrawn 6 months later following the submission of this Planning Application – LA09/2020/0024/F.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.

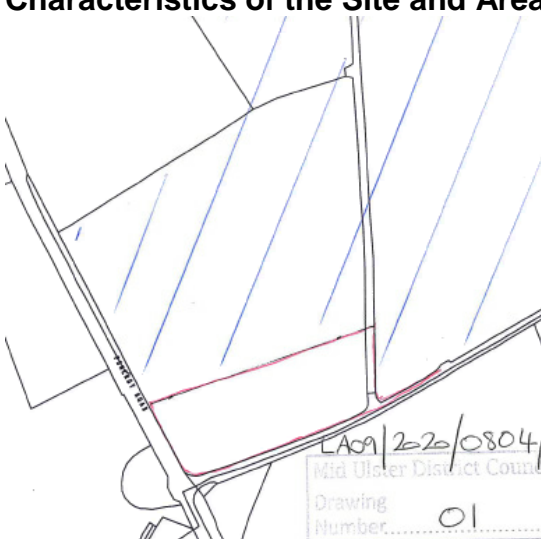
4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0804/O	Target Date:
Proposal: Proposed two storey dwelling & domestic garage	Location: Lands 350m South of 293 Pomeroy Road Lurganeden Pomeroy
Applicant Name and Address: Mr Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield Dungannon	Agent name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Characteristics of the Site and Area:  <p>The application site is located outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The application comprises a rectangular portion of a large agricultural field, the topography of which is relatively flat and at a similar level to the public road. The area is rural in character with low development pressure with the predominant form of development being single dwellings and agricultural buildings. The settlement of Pomeroy lies approximately 3.2km northwest of the site.</p>	

The site is currently accessed via an agricultural field on to Lurganeden Lane, however the field also has frontage on Pomeroy Road. A concrete laneway which appears to be used for agricultural purposes runs along the eastern boundary. The eastern and southern boundary are defined by an established low hedge, approximately 1 metre high. The western boundary is well defined by mature trees and the northern boundary is currently undefined.

Description of Proposal

Proposed two storey dwelling & domestic garage

Deferred Consideration:

This application was deferred at Planning Committee in December 2020 for the following reasons;

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 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 and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and would not visually integrate into the surrounding landscape.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and was held on 12th December 2020. It was agreed the site would be revisited and re-assessment made by the senior planner.

Following the meeting supporting information was submitted by the agent in an attempt to overcome the reasons for refusal.

It is noted from a further site visit that the site is located remote from the existing farm grouping and there appear to be a number of potential sites on the farm that would better meet the policy criteria of CTY10. The agent advised this was the preferred site by the applicant.

A letter was submitted from 'Ready Egg Products' showing they would be willing to support new poultry houses and a letter from M.Kees Farms supporting the applicant if they diversified into pig rearing. However there are no applications submitted on this basis, so therefore they cannot be seen as verifiable plans to expand the farm as per the policy criteria.

The applicant submitted flock books to show the rate for growth of their sheep farming business over the last 3 years, and they have identified there will be more breeding Ewes. However, there is no question the farm business is currently active and established, but we can only assess the farm business as it stands currently and not take into account future plans. A letter from Countrywide Services indicates financial support funding for farm activities. This again is for any future farm expansion.

Supporting information has also been submitted in terms of this proposal promoting 'Sustainable development in the Countryside'. They go on to say the applicant and his brother attended Loughery college and are experienced farmers, as is their father. It is stated the principle farm business supports Ben's father and mother and brother and his family. Ben (the applicant) is moving back home to establish himself on the farmland on the application site for the purpose of developing a standalone cattle and poultry business. He wants to make this a sustainable business in its own right. It is stated by the agent that to locate the dwelling on the principle farm would jeopardise the applicant's future and the whole family's farm business. This is not a test set out in CTY10, the criteria that is required to be met for a farm dwelling is clear. In my opinion, the argument presented would not justify an exception of prevailing policy.

The applicant's father has submitted a letter stating that on receipt of any planning approval he will immediately subdivide the farm holding into two separate lots for his two sons. As things stand the family farm is one lot and so one son would have to wait 6 years before he can apply on his own farm business merit. This would be an exception to what is currently established in policy CTY10 and the case presented does not, in my opinion merit an approval on this basis. The agent is correct that the second son could then apply in the requisite number of years and obtain for a farm dwelling at that time for himself if all criteria is met.

The main issue with this site is that the proposal is not located in proximity to established farm buildings.

The agent has argued that the application site and the existing farm holding on Lurganeden Road are separated by the existence of dense forestation and landscaping at both locations so any impact to the landscape would be negligible. He argues if the application site were to be approved it would not be seen as being detached from the farm group as the existing farm holding is not open to public views.

Paragraph 5.41 states dwellings should be positioned sensitively with an established group of buildings on the farm to help minimise impact on the character and appearance of the landscape. The application site is separated from the farm holding by two public roads and a densely forested portion of land, therefore the visual linkage is non-existent, not only due to the amount of screening but by physical distance. I accept that the existing farm holding is set back from the public road, however I do not consider it has no public views from any vantage point. I am in agreement with the original case officer's opinion and I do not consider this is acceptable justification for not siting with the existing farm buildings. The farm business has existing farm buildings; however the proposal seeks permission for a farm dwelling in a green field with no farm buildings in proximity to aid integration. The justification for positioning of farm dwellings with established farm buildings under CTY10 is to minimise impact on the character and appearance of the

surrounding landscape of the proposal site. Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.



The agent mentions approval LA09/2016/1054/O for a farm dwelling Opposite No 296 Pomeroy Road as a comparable nearby approval. The report stated, " With respect to (c) it is noted that the application site is located across the road from the existing farm however, due to the nature of the site it will still be visually linked", and a siting condition was added to ensure this. However each case is assessed on its own merits and in the current application there is no visual linkage due to the distance and vegetation between the site and the farm buildings.

Policy CTY13 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. There is existing, established vegetation along the east, west and southern boundaries of the proposal site. However the site comprises a cut out of a larger agricultural field with no backdrop to assist integration or provide enclosure. Policy CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

Following the re-assessment of the proposal and taking into account the supporting information, the proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21 as previously.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 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 and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and would not visually integrate into the surrounding landscape.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0804/O	Target Date: 21/10/20
Proposal: Proposed two storey dwelling & domestic garage	Location: Lands 350m South of 293 Pomeroy Road Lurganeden Pomeroy
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Statutory	DAERA	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

Characteristics of the Site and Area

The application site is located outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The application comprises a rectangular portion of a large agricultural field, the topography of which is relatively flat and at a similar level to the public road. The area is rural in character with low development pressure with the predominant form of development being single dwellings and agricultural buildings. The settlement of Pomeroy lies approximately 3.2km northwest of the site.

The site is currently accessed via an agricultural field on to Lurganeden Lane, however the field also has frontage on Pomeroy Road. A concrete laneway which appears to be used for agricultural purposes runs along the eastern boundary. The eastern and southern boundary are defined by an established low hedge, approximately 1 metre high. The western boundary is well defined by mature trees and the northern boundary is currently undefined.

Description of Proposal

This is an outline planning application for a two storey dwelling and domestic garage to be located on lands 350m South of 293 Pomeroy Road, Lurganeden, Pomeroy.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
PPS 21: Sustainable Development in the Countryside

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

No Relevant Planning History.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 1 outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) the farm business is currently active and has been established for at least 6 years
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. I am content the farm holding has been established for at least 6 years and is currently active.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the proposal is not located in proximity to established farm buildings. It should be noted that the farm holding northeast of the application site is not in the applicants ownership or part of his farm business. Following an inspection of the farm maps it was identified that an established group of farm buildings are located approximately 0.6km west of the application site as the crow flies, located on the Lurganeden Road. The agent submitted a supplementary report providing justification for the proposed siting; this report contained sensitive information therefore was not uploaded on to the planning portal. The supplementary report was considered however did not provide site-specific justification for the proposed siting to warrant an exception under Policy CTY10. I relayed this to the agent and he responded relying on Paragraph 5.41 of PPS21 and in particular the below sentence –

If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.

The agent has argued that the application site and the existing farm holding on Lurganeden Road are separated by the existence of dense forestation and landscaping at both locations so any impact to the landscape would be negligible. He argues if the

application site were to be approved it would not be seen as being detached from the farm group as the existing farm holding is not open to public views.

Paragraph 5.41 states dwellings should be positioned sensitively with an established group of buildings on the farm to help minimise impact on the character and appearance of the landscape. The application site is separated from the farm holding by two public roads and a densely forested portion of land, therefore the visual linkage is non-existent, not only due to the amount of screening but by physical distance. I accept that the existing farm holding is set back from the public road, however I do not consider it has no public views from any vantage point. Therefore, I do not consider this is acceptable justification for not siting with the existing farm buildings. In my opinion, the arguments presented would not warrant an exception to prevailing policy. The farm business has existing farm buildings; however the proposal seeks permission for a farm dwelling in a green field with no farm buildings in proximity to aid integration. The justification for positioning of farm dwellings with established farm buildings under CTY10 is to minimise impact on the character and appearance of the surrounding landscape of the proposal site. Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.

Policy CTY13 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. There is existing, established vegetation along the east, west and southern boundaries of the proposal site. However the site comprises a cut out of a larger agricultural field with no backdrop to assist integration or provide enclosure. Policy CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

In terms of policy CTY14, 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 seeks planning permission for a two storey dwelling. Given the established, mature trees and vegetation present along the Pomeroy Road, there are no long-term critical views of the site. As the topography of the land is relatively flat and the site is well screened, I consider a two storey dwelling could be accommodated without appearing unduly prominent in this rural landscape. It is considered that the site and the surrounding environment is capable of absorbing a dwelling without significant impact on rural character and will not result in a suburban style build-up of development, therefore the proposal complies with Policy CTY14.

Planning Policy Statement 3: Access, Movement and Parking - It is considered the proposal complies with PPS 3 in that will not prejudice road safety or significantly inconvenience the flow of traffic. The application site will require a new vehicular access onto the minor Road, Lurganeden Lane. DfI Roads have been consulted and have offered no objections, subject to conditions.

Additional considerations

It was identified the proposal site is in proximity to an IPRI site. NIEA were consulted and offered no objections, providing standing advice and informatives should the application be approved. No built heritage assets or interests of significance have been identified on site or nearby.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 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 and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and would not visually integrate into the surrounding landscape.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0864/F	Target Date: <add date>
Proposal: Proposed car parking and block of semi detached dwellings	Location: Lands approximately 50m West of 39 Charlemont Street Moy
Applicant Name and Address: Hemel Ltd Eurospar 45 Charlemont Street Moy	Agent name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Summary of Issues: None	
Summary of Consultee Responses: DFI Roads – access to dwellings to remain private, support the provision of additional parking for listed building Environmental Health – no details about how the waste water will be dealt with NI Water – no capacity in the Moy WWTW DFI Rivers – proposals to reduce the ground levels in the site to be enforced by Council, if levels reduced houses not in the flood plain, car parking is in the flood plain and is a matter for Council to determine if this is an exception to FLD1, will not comment in the emergency evacuation plan.	
Characteristics of the Site and Area: The application site is a 0.16 hectare vacant plot of land located approx. 50 metres West of number 39 Charlemont Street, Moy, County Tyrone. It lies within the development limits of the village of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It lies just outside the designated Conservation Area.	

The site sits below the level of Charlemont Street (which forms part of the A29 Protected Route) and is currently used as part agricultural field and part car park with the access coming off an existing concrete laneway which runs through the SW section of the site to a dwelling to the rear.

The fields is separated from the remainder of the site by a low wall along the north edge and a temporary chain link fence along the south and east sides. There is also an old derelict building situated in the most western point of the site.

This area is characterised by a mix of residential and commercial uses. To the NW of the site are terraced residential properties and a current planning application for apartments. To the NE of the site are hot food takeaways and a hairdressers. To the East and SE of the site is a large Listed derelict Mill Building (subject to a current planning application to stabilise and convert the ground floor into a restaurant) and a Eurospar. There is limited development to the SW of the site.

This area is also recognised as having archaeological potential. Historically the lands to the South of the site were occupied by a meander of the River Blackwater. Part of the site appears to fall within a designated Flood Plain as confirmed by Rivers Agency consultation response.

Description of Proposal

The proposal seeks full planning permission for block of semi-detached dwellings and car parking for the nearby Granary.

Deferred Consideration:

This application was before the committee in January 2021 with a recommendation to refuse as the development was considered to be located with a flood plain. The application was deferred for a meeting with the Planning Manger and at the meeting on 20 January 2021 the applicant advised they would address issues relating to the flooding and waste water from the houses.

It has been identified that part of the site was raised when utilities were taken through it. A revised flood risk and drainage assessment (FRDA) has been submitted which proposes to reduce the levels back to the previously modelled levels associated with DFI Rivers LiDAR Dataset. This area relates to the car parking and accepts that it will be subject to flooding. The FRDA states the car parking is associated with transport infrastructure and is one of the exceptions to FLD1. I do not agree that it is transport infrastructure, the proposal is for additional car parking in association with the EURO Spar and the Granary Building, a listed building that has been refurbished and brought back into use. While not one of the exceptions set out in FLD1 for undefended areas in floodplains, I do have some sympathy for the applicants. The Granary Building is a listed building that was at risk for a number of years. The applicants have carried out extensive works to restore the building for reuse. Car parking around the site and the adjacent EURO Spar can be at a premium and there are no alternative locations outside the floodplain that would feasibly accommodate additional parking that would be of use to these properties. I consider the site specific nature of the development and the site specific need for it would allow the members to make an exception to the policy here. I also feel it is relevant to consider the applicants FRDA which has identified a need for a Flood Evacuation Management Plan (FEMP) in conjunction with the adjacent EURO Spar. The purpose of the FEMP is to ensure when there is a possibility of flooding that measures can be put in place to limit the potential for any damage to vehicles or personnel in the car park which will in turn limit pollution or environmental effects. I consider it is necessary to request that a copy of the

FEMP is forwarded to the Council for its records, prior to the commencement of any of the work to provide the car park. DFI Rivers have considered the indicative design shown in Appendix D of the FRDA and while they agree that a design is feasible this is subject to agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006. DFI Rivers have considered it necessary to attach a condition requiring the submission of further information to demonstrate that exceedance of the 1:100 year flood event can safely managed so as not to create flood risk to the development or to elsewhere because of this development.

The proposal also includes the replacement of the existing workshop building on the site with a pair of 2 storey, 2 bedroom dwellings. The FRDA has identified that once the ground levels have been restored to the DFI Dataset this area will not be in the flood plain and not subject to FLD1 Policy. I consider it is reasonable to attach a condition that levels are permanently reduced so they are no higher than those shown on the cross sections on the drawings, prior to the commencement of any works for the erection of the dwellings proposed.

The proposed dwellings will require some method of disposing of the waste water from them. The applicant has advised these can be either connected to the public sewer, in agreement with NI Water, or through on site treatment facilities. I consider it is appropriate that prior to the commencement of any development the developer shall provide the Council with either an agreement from NI Water for the connection to their network or a consent to discharge from NIEA showing on site facilities outside of any flooding area for our agreement.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Taking into account the above, I am recommending that this application is approved with the conditions attached.

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. Prior to the commencement if any development hereby permitted a copy of the signed and agreed Flood Evacuation Management Plan (FEMP) shall be submitted to the Council for its records.

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

3. Prior to the commencement of any development hereby permitted the ground levels of the site shall be permanently reduce to be no higher than those levels as indicated in

blue and annotated original level on drawing number 03 bearing the stamp dated 15 JUN 2021.

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

4. Prior to the commencement of the erection of the dwellings hereby approved the developer shall submit to the Council either:
 - a) a letter from NI Water confirming they have agreed to the connection of the dwellings to the public foul sewer or:
 - b) a copy of a consent to discharge issued by NIEA Water Management Unit including details of the type and specification of a Waste Water Treatment facility and its location outside of any floodplain, to serve the approved dwellings for the Councils agreement. No works shall commence until the Council has issued its agreement

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

5. All levels within the site shall be in strict accordance with the details shown as the original levels on drawing No 03 bearing the stamp dated 15 JUN 2021 and there shall be no develop which would result in any levels exceeding those.

Reason: To ensure the proposal does not result in flooding.

6. Prior to the commencement of any approved development the applicant submit shall to the Council details to show how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason: To ensure the proposal does not result in flooding.

Signature(s)

Date:



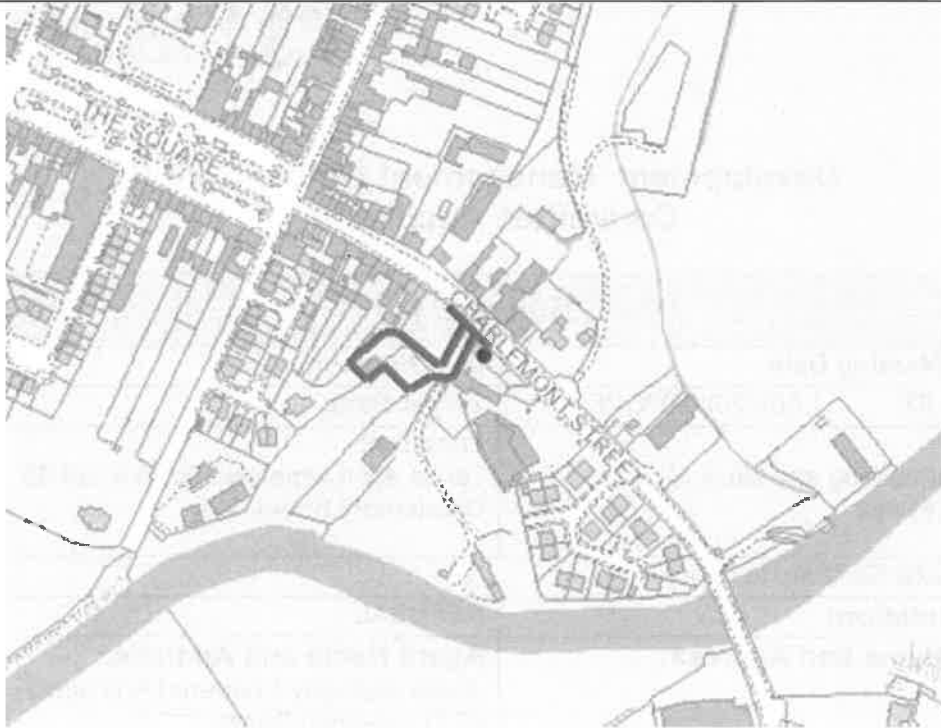
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0864/F	Target Date:
Proposal: Proposed car parking and block of semi detached dwellings	Location: Lands approximately 50m West of 39 Charlemont Street Moy
Referral Route: Contrary to Policy	
Recommendation:	REFUSAL
Applicant Name and Address: Hemel Ltd Eurospar 45 Charlemont Street Moy	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received

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 Objections

None

Characteristics of the Site and Area

The application site is a 0.16 hectare vacant plot of land located approx. 50 metres West of number 39 Charlemont Street, Moy, County Tyrone. It lies within the development limits of the village of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It lies just outside the designated Conservation Area.

The site sits below the level of Charlemont Street (which forms part of the A29 Protected Route) and is currently used as part agricultural field and part car park with the access coming off an existing concrete laneway which runs through the SW section of the site to a dwelling to the rear.



The fields is separated from the remainder of the site by a low wall along the north edge and a temporary chain link fence along the south and east sides. There is also an old derelict building situated in the most western point of the site.



This area is characterised by a mix of residential and commercial uses. To the NW of the site are terraced residential properties and a current planning application for apartments. To the NE of the site are hot food takeaways and a hairdressers. To the East and SE of the site is a large Listed derelict Mill Building (subject to a current planning application to stabilise and convert the ground floor into a restaurant) and a Eurospar. There is limited development to the SW of the site.

This area is also recognised as having archaeological potential. Historically the lands to the South of the site were occupied by a meander of the River Blackwater. Part of the site appears to fall within a designated Flood Plain as confirmed by Rivers Agency consultation response.

Description of Proposal

The proposal seeks full planning permission for block of semi-detached dwellings and car parking for the nearby Granary.

Planning Assessment of Policy and Other Material Considerations

History

There is no relevant history on the site however, there is an outline approval for residential development adjacent too and NE of the site, with a current RM proposal (ref LA09/2020/0486/RM) in for 18 apartments. To the South East of the site there is approval for works to the listed building to convert the Grain store into a restaurant (ref LA09/2016/0714/F & LA09/2017/1398/LBC).



- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- PPS 15 - Planning and Flood risk.
- Creating Places

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

DSTAP 2010

The site sits within the existing settlement of The Moy as defined in the DSTAP. The site is not subject to any zonings or key site requirements. The proposal will therefore be assessed under relevant planning policy.

Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight

associated with the adopted plan. It does not present any change in policy direction from that contained within PPS 7.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. Dfi Roads were consulted and responded that "Council Planning should note that the design of the proposed road intended to service the proposed 2 number dwellings does not comply with Creating Places. If Council Planning are setting aside Creating Places then a note should be attached to road stating "Road Remaining Private." In addition they have also stated that access arrangements and visibility splays at the northern exit point on to Charlemont Street were approved under planning applications LA09/2016/0654 & LA09/2016/0714 (Euro Spar) and should be submitted to support this application.

PPS 7 - Quality Residential Environments

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

The development would to a large degree respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposed development is residential in nature and is in an area where residential development, is prevalent. The area is characterised a varied mix of development, including semidetached dwellings to the north, apartments to the east and the euro spar to the south. The proposed semis are of a simple design and as such do not look out of character in the area. The site is flat and topography is not an issue. The general layout of the scheme is acceptable. In-curtilage parking is being provided. Given the location of the site within the Town of The Moy, the provision of landscape is not necessary. Hard surfacing is proposed but will not dominate the development.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. The site is not in an area of archaeological importance and there are no Listed Buildings nearby. There are no TPO trees or important landscape features within the site to be retained or protected.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area, approximately 45m² of private rear amenity space per dwelling is being provided which is in keeping with the Creating Place Standards (Minimum of 40m²). Public open space is available within the Town which can be utilised by residents and can be accessed by car or foot. No planting is proposed along site boundaries however it is my opinion that this is not necessary in this urban location.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The site is within the development limits of The Moy and there are existing neighbourhood facilities already available in the locality (eg) parks, churches, shops etc

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and

convenient access to public transport and incorporates traffic calming measures - As the site is within an urban settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be minimal and would be travelling a low speed.

Adequate and appropriate provision is made for parking within the site. Adequate in-curtilage parking is being provided for 2 cars, the application also proposes 16 spaces for the nearby Granary.

The design of the development must draw upon the best local traditions of form, materials and detailing. The design and finishes of the proposed dwellings do not concern me and are typical of the type of dwellings you would see in any development in the town. I have no issue with the proposed smooth grey render finish.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposed dwellings back onto the rear gardens of the properties along Charlemont Street. The closest third party dwelling is number 6 Cashel Grove. There is a gable to gable separation distance of 45m. I therefore have no concerns regarding overlooking, loss of light or loss of privacy. The residential nature of this proposal will not give rise to any unacceptable noise disturbance, emissions or odours. EH have been consulted and have no objection in principle.

The development is designed to deter crime and promote personal safety - I am satisfied that the development is considered to be designed to deter crime and promote personal safety within the area. Also, in-curtilage parking is provided and street lighting exists along the adjacent public roads.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of dwelling types including terraced and detached dwellings. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. Both proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Rev PPS 15 - Planning and Flood Risk

Rivers Agency were consulted and responded; "Flood Maps NI indicate that the site is affected by floodplain. Surveys by the consultant and DfI Rivers confirm that the floodplain affecting the site (and beyond) has been substantially infilled since the flood map was compiled. The loss of valuable floodplain storage can result in the displacement of flood waters and an increase in flood risk elsewhere."

"Development will not be permitted within the 1 in 100 year fluvial flood plain, unless the applicant can demonstrate that the proposal constitutes an exception to the policy."

It is clear from inspecting the DFI Rivers flood maps that the site lies within the flood plain and the proposal is therefore contrary to PPS 15 Policy FLD1.

FLD1 states that 'Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The applicant has not made any case to present the proposal as an exception;

The development is not on land protected by flood defences,
 The proposal does not involve the replacement of dwellings, there is a shed on the site (see below picture) however it is not a dwelling and would not be eligible for replacement,
 The development is not for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.
 It is not for water compatible development which for operational reasons has to be located within the flood plain.
 It is not for the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes.
 It is not for the extraction of mineral deposits and necessary ancillary development
 The proposal is not of regional economic importance.

Other Consultations

1. Transport NI were consulted in relation to access arrangements and responded ?Council Planning should note that the design of the proposed road intended to service the proposed 2 number dwellings does not comply with Creating Places. If Council Planning are setting aside Creating Places then a note should be attached to road stating ?Road Remaining Private.? In addition they have also stated that access arrangements and visibility splays at the northern exit point on to Charlemont Street were approved under planning applications LA09/2016/0654 & LA09/2016/0714 (Euro Spar) and should be submitted to support this application.?

2. NI Water were consulted and indicated that there is not sufficient sewage capacity within The Moy for the development to connect.

3. Environmental Health were consulted and like NIEA had no objections to this proposal based on the findings of the Contamination Report subject to planning conditions and informatives being attached to any subsequent decision notice.

Conclusion

As the site lies within the flood plain and the applicant has not demonstrated that the proposal should be considered an exception to the policy development will not be permitted.

Recommendation - Refusal

Neighbour Notification Checked	Yes
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Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 15 - Policy FLD1 in that the development would, if permitted, result in development within the floodplain without demonstrating that the proposal constitutes an exception to the policy.

Signature(s)

Date:

ANNEX	
Date Valid	20th July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27b ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27c ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27d ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 29a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 31 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 35 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 39 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 1,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 2,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 3,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 4,25 Charlemont Street,Moy,Tyrone,BT71 7SL	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/0486/RM

Proposal: Residential development for reserved Matters, outline permission LA09/2016/0697/O for 18 apartments

Address: Vacant site at lands between 39 - 27 Charlmont Street, Moy,

Decision:

Decision Date:

Ref ID: LA09/2020/0170/DC

Proposal: Discharge of Condition No5 of Planning Permission LA09/2016/0697/O.

Address: Lands between 39-27 Charlemont Street, Moy.,

Decision: AL

Decision Date:

Ref ID: LA09/2016/0697/O

Proposal: Residential Development

Address: Vacant site at lands between 39-27 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2016/0699/LBC

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of buildings doors and windows.(application accompanies an application for full permission to change the use of ground floor to restaurant use and general site works surrounding the building to provide car parking and public access

Address: Former Grain Store 39-41 Charlemont Street Moy,

Decision: CG

Decision Date: 17.05.2017

Ref ID: LA09/2018/1007/F

Proposal: Single storey extension to front elevation with a 2 storey extension to one side to provide additional retail accommodation with offices above, reconfiguration of parking area and access arrangements and general site works including landscaping and pedestrian access routes and toilet block

Address: Eurospar 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 13.11.2018

Ref ID: LA09/2016/0654/F

Proposal: Single storey extensions to front and one side of supermarket, repositioning of petrol pumps and canopy, reconfiguration of parking areas and access arrangements and general site works including landscaping and pedestrian access routes

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 23.05.2017

Ref ID: LA09/2018/1596/NMC

Proposal: Amendment to internal retail floor layout from previously approved LA09/2018/1007/F

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: CG
Decision Date:

Ref ID: LA09/2016/0714/F

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of the buildings doors and windows, provision of car parking area at rear, and partial change of use of lower ground floor (155.63sqm) to restaurant. General site works and building improvements.

Address: Former Grain Store, 39-41 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2017/1398/LBC

Proposal: This application amends previously approved design Northern 3 bays re ordered, new lower ground floor unit formed with ground floor removed, First floor unit formed with portion of second floor removed and retained portion defined as mezzanine

Address: 39-41 Charlemont Street, Moy,

Decision: CG

Decision Date: 19.02.2018

Ref ID: LA09/2020/0780/O

Proposal: Proposed furniture storage/warehouse facility

Address: Site 80m West of 37 Charlemont Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2020/0863/F

Proposal: Proposed car parking and amenity space linking to existing river walk

Address: Lands approximately 100m South West of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: LA09/2020/0864/F

Proposal: Proposed car parking and block of semi detached dwellings

Address: Lands approximately 50m West of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: M/2009/0901/F

Proposal: The construction of 21 apartments and 3No. retail units with basement parking

Address: 29-37 Charlemont Street, Moy, Dungannon, BT71 7SF

Decision:

Decision Date: 13.06.2011

Ref ID: M/2002/1285/Q

Proposal: Proposed conversion of derelict Mill building into 4 No. retail shop units and 8 No. flats.

Address: 39 Charlemont Street, Moy

Decision:

Decision Date:

Ref ID: M/1990/0662

Proposal: Redevelopment of vacant site to form new shop unit

Address: ADJACENT TO NO 41 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1992/0158

Proposal: Site for Dwelling

Address: REAR OF NO 27 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1997/6002

Proposal: Housing Development Charlemont Street Moy

Address: Charlemont Street Moy

Decision:

Decision Date:

Ref ID: M/2015/0096/PREAPP

Proposal: Redevelopment of Lands at Charlemont Street, Moy

Address: 31-45 Charlemont Street, Moy, Co Tyrone,

Decision:

Decision Date:

Ref ID: LA09/2015/0620/F

Proposal: Extension, alterations and change of use from residential dwelling house to give 4 no self contained apartments. 1 per floor

Address: 25 Charlemont Street, Moy,

Decision: PG

Decision Date: 12.01.2017

Drawing Numbers and Title

Drawing No. 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0888O	Target Date: <add date>
Proposal: Site for 1 no dwelling & garage under CTY8 (re-advertised and neighbour notified due to amended address)	Location: Drummurrer Lane 90m NE of 20 Annaghnaboe Road Coalisland
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Summary of Issues: If this constitutes a gap site in Policy CTY8 of PPS21, no lawful development to the south east of the site to provide the necessary buildings for infill development.	
Summary of Consultee Responses: DFI Roads – safe access requires sight lines of 2.4m x 55.0m and forward sight distance of 55.0m, this is achievable with removal of hedges DETI Geological Survey of Northern Ireland (GSNI) - proposed site is not in an area of known abandoned mines.	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghmore village. The site comprises the western half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaboe Rd. Note current application LA09/2020/0888/O comprises same proposal for a dwelling in the other half of the host field.	

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane.

Access to the yard is off the Annaghnaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team.

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the northeast boundary, which opens unto the eastern half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaboe Rd to the northwest/west of the site.

Description of Proposal

Infill site for 1 no dwelling & garage under CTY8

Deferred Consideration:

This application was before the committee in April 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manager. At the meeting in 13 May 2021 it was explained that CTY8 requires the sites to have a frontage to the same road, lawful development on them to be able to meet the policy exception.

Policy CTY8 – Ribbon Development is primarily to prevent the creation of or extension to ribbon development. The policy does allow for up to a maximum of 2 houses in what is commonly referred to as 'a gap site'. This proposed site is one of 2 applications in this field which is located close to the junction of Drummurrer Lane and Annaghnaboe Road, Coalisland. (Fig 1)



Fig 1 sites and the immediate area

To the south west of the application field is a site for a dwelling that was approved by references M/2006/0832/O and M/2007/0630/RM, this required development to commence by 11 October 2011. Aerial photographs for 31 August 2010 do not show these, the next available photos are 7 June 2013 and the foundations are clearly visible and there appears to be an access and clear sight lines to the frontage suggesting the sight lines had been put in place. (Fig 2)



Fig 2 – aerial photograph of the adjacent site taken 7 June 2013

A number of temporary buildings are located here, with one along the boundary with Drummurrer Lane. These buildings do not have the benefit of planning permission. That said, given the development on the Annaghnaaboe Road, a dwelling on the approved site would, in my opinion likely be acceptable as an infill in its own right. At present the buildings on the site do not have any lawful status and the approved dwelling is not a substantial building.

To the north east of the application field, there is a string of development along this side of Drummurr Lane, the boundary treatments of the dwelling and buildings immediately adjacent to the site are beginning to mature here. There is a small paddock area to the front of these buildings that appears to be used for keeping small animals and it is in front of an agricultural type building. Other development further north has open frontages with ranch type fencing and is more apparent.

The existing site frontage onto Drummurr Lane is a mature hedge which gives a sense of separation between the existing string of development to the north and the development on Annaghnaaboe Road to the southwest. This does have the appearance of a visual break in the development here in what is a built up area. That said there is nothing to prevent the owner from cutting down the hedges here and I consider if this was done there would be a very different view of the site in its surroundings. The agent has indicated that he can sensitively access the proposed sites with a paired access and keep the vegetation so that any new dwellings here would be well integrated. (Fig 3)

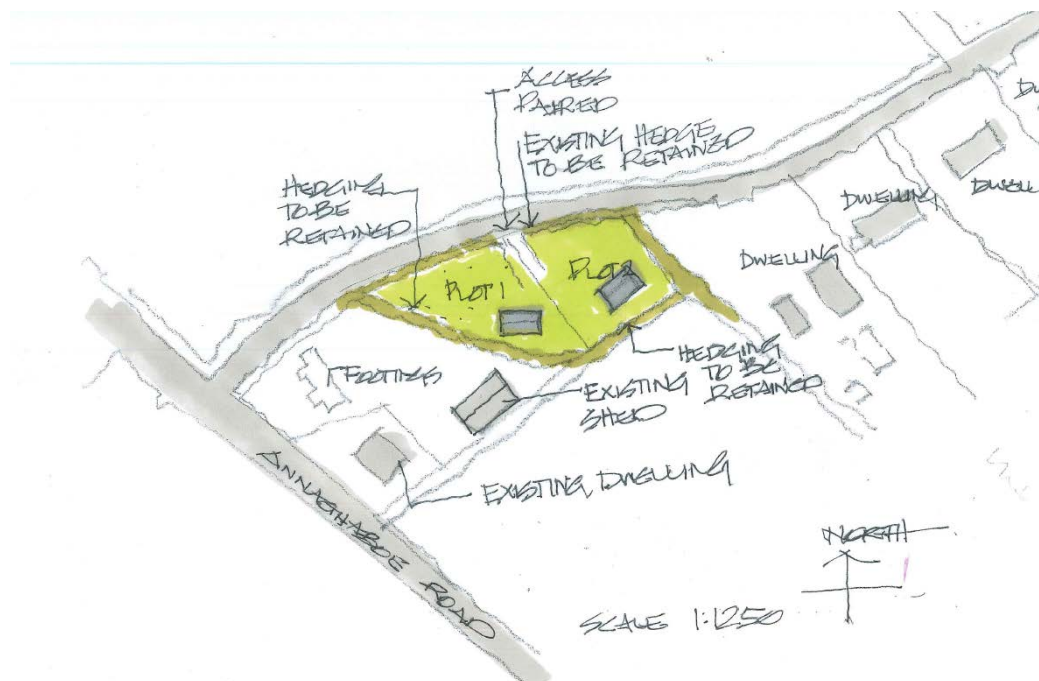


Fig 3 – indicative layout for 2 infill dwellings

I note this proposal which does not have any indication of how the hedges will be impacted by the provision of the sight lines need by DFI Roads, however, I welcome the potential to retain the vegetation and I consider this can be protected with an appropriate condition and new landscaping can be provided to the rear of any new sight lines. While there is no lawful building built to the south west of the site, I am aware of Minister Attwood's Statement on 16 July 2013 into the Review of PPS21. In the statement the Minister made it clear that he wanted officials to take account of extant permission when assessing proposals for infill development. In this case, there is not only a planning permission on the site to the south west, but development has been commenced in accordance with a previous permission. I consider, taking account of the Ministers clear guidance on how to assess Policy CTY8, the extant site will mean this site is one within a substantially built up frontage and is part of a gap that could, taking account of the plot sizes and character of the adjacent development, accommodate up to a maximum of 2 dwellings. I consider it is appropriate to condition the retention of the boundary vegetation

and limit the height of any dwelling to a 6.0m ridge to be in keeping with the surrounding development.

I recommend this application is approved for the reasons above with the conditions set out below.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, site levels, 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.

2. 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.

3. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure resident's privacy is not adversely affected.

4. The underbuilding of the proposed dwelling shall not exceed 0.35m above the existing ground level.

Reason: To ensure that the development is in character with the surrounding area.

5. The proposed dwelling shall have a ridge height of not more than 6.0 metres above the finished floor level.

Reason: To ensure that the development is in character with the surrounding area.

6. Prior to the commencement of any development hereby approved the vehicular access, paired with the adjoining site in this field including visibility splays of 2.4m x 55.0m and forward sight distance of 55.0m as indicated on the attached RS1 form shall be provided in accordance with details to be submitted and approved at Reserved Matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway 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.

7. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

8. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include planting of a native species hedge along the new site boundaries and to the rear of any visibility splays. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

Signature(s):

Date



Comhairle Ceantair
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Mid Ulster
District Council

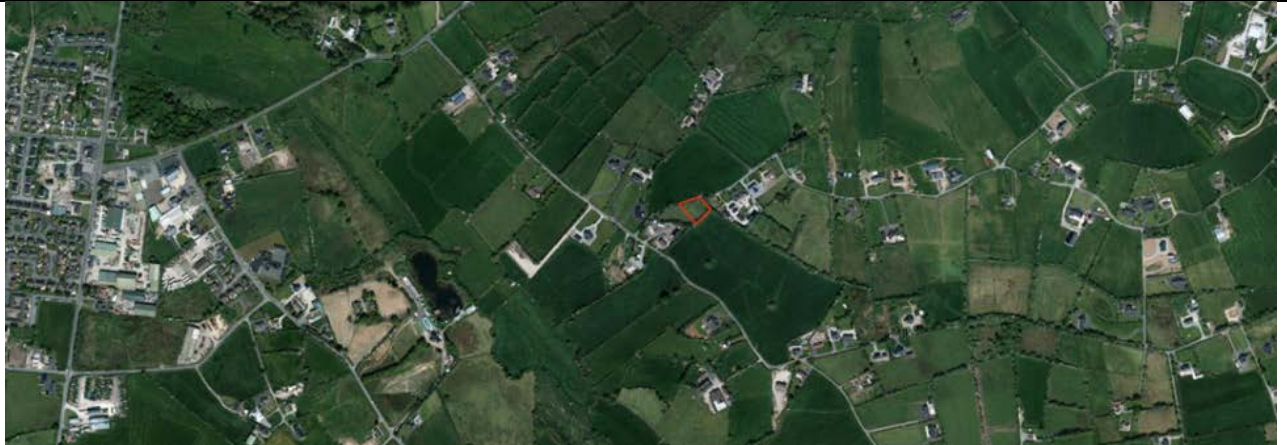
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0888/O	Target Date:
Proposal: Site for 1 no dwelling & garage under CTY8	Location: Drummurrer Lane 90m NE of 20 Annaghnaboe Road Coalisland
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DETI - Geological Survey (NI)	Content

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

Description of Proposal

This is a full planning application for a dwelling and garage to be located on lands at Drummurrer Lane 90m NE of 20 Annaghnaaboe Road Coalisland.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghmore village.

The site comprises the eastern half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaaboe Rd. Note current application LA09/2020/0890/O comprises same proposal for a dwelling in the other half of the host field (see 'Planning History' further below).

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane (see 'Enforcement History' further below).

Access to the aforementioned gravelled yard is off the Annaghnaaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team (see 'Enforcement History' further below).

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the southwest boundary, which opens unto the western half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaaboe Rd to the northwest/west of the site.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dunannon and South Tyrone Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History

On site

- M/2003/0959/O – Proposed Dwelling – 150m SW of Drummurer Lane Coalisland – Withdrawn 26th March 2004

The above application was the current site's host field.

- LA09/2020/0890/O – Infill site for 1 no dwelling & garage under CTY8 – Drummurer Lane 60m North of 20 Annaghnaboe Road Coalisland – on going.

Adjacent site

- M/2006/0832/O – dwelling – Adjacent to 20 Annaghaboe Rd Coalisland – Granted 11th October 2006
- M/2007/0630/RM – Proposed dwelling with attached garage – Adjacent to 20 Annaghaboe Rd Coalisland – Granted 27th November 2007

The above applications relate to the a site approved (foundations) in gravelled yard to northwest side of no. 20 Annaghnaboe Rd.

- M/2009/0286/F – Proposed domestic garage & store – To the rear of 11 Drummurer Lane Coalisland – Granted August 2009
- M/2014/0116/O – Proposed site for dwelling (infill site at junction to create a cluster) – Adjacent to and SE of 18 Annaghnaboe Road Coalisland – Granted 28th May 2014
- M/2014/0543/RM – proposed dwelling and domestic garage – Adjacent to 18 Annaghaboe Road Coalisland – Granted 6th January 2015

The above 2 applications relate to no. 18b Annaghnaboe Rd a relatively new dwelling located at the opposite side of the road to the west of the site and to the inside (north) of the Drummurer Lane and Annaghnaboe Rd junction. This dwelling was granted under infill policy.

Enforcement History

- LA09/2020/0152/CA – Alleged change of use of garage / store to a dwelling – Case closed 21st January 2021 as immune from enforcement action
- LA09/2020/0153/CA – Alleged unauthorised buildings on site, including replacement shed, two mobiles and a portacabin - Ongoing

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site was located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their “Shafts and Adits Database” indicates that the proposed site is not in an area of known abandoned mines.

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Bearing in mind the above, the agent submitted a supporting statement with this application outlining with the aid of a concept sketch, how he considers the site / host field complies with the tests of Policies CTY 8, 13, and 14 of PPS 21 and respectfully requests planning permission for a traditional 1 ½ storey dwelling and garage. I have summarised the principle points in support of this application below:

- a) The site / host field is not located within an otherwise substantial and continuously built up frontage of buildings along Drummurrer Lane as defined by Policy CTY8 of PPS21. Whilst a dwelling on site will have a frontage to Drummurrer Lane it would

not be 'book ended' by development to the SW given the absence of any lawful development which shares a frontage with Drummurrer lane.



Fig 1: Concept Sketch

- b) The gap / host field located between Nos. 11 Drummurrer Lane and 20 Annagnaboe Road measures approx. 100m and is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the frontage. This application is seeking consent for one dwelling on a plot some 50m wide i.e. one half of the total gap. Application LA09/2020/0890/O seeks consent for one dwelling on similar plot to the other half of total gap.
- c) The size, scale, siting and plot size of the proposal would respect the existing development pattern. The applicant proposes a traditionally designed 1½ storey dwelling and detached garage, that would fit in well with the development pattern in the immediate vicinity of the site. The site benefits from screening in either direction together with a backdrop of mature hedging that will allow such a dwelling to integrate well onto the site with minimal impact on the surrounding rural environment thereby making this infill development more acceptable. The proposed site and layout being put forward also follows the guidance as set out on Page 76 of 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' which relates to gap sites and infill principles.

- d) A dwelling on this site fronting onto Drummurrer Lane will integrate on this site to comply with policy CTY13 of PPS21 as the site / host field benefits from being well enclosed by existing vegetation and its location within an existing and continuously built up frontage. It whilst a new hedgerow and planting will define the new boundary to the west and supplementary planting can be provided within the curtilage to promote enhanced biodiversity.

Having assessed the site, taking into account the information in support of this application as detailed above, I do not consider the site meets with the requirements of Policy CTY8.

The reason being the site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst I am content the site / host field is bound by at least 4 buildings running along and fronting onto Drummurrer Lane to the northeast (nos. 9, 11, 11a & 15 Drummurrer Lane, as detailed in Characteristics of the Site and Area) as previously mentioned I am not content it is bound to its southeast by buildings with a frontage onto Drummurrer Lane.

The site is bound to its southeast by a gravelled yard. The gravelled yard contains only the foundations of a dwelling approved under M/2006/0832/O and M/2007/0630/RM respectively, which cannot be considered for the purposes of policy as a building until substantially complete to eaves level. Whilst it also contains 2 no. of mobiles and a large shed located to the northwest side and immediate rear of no. 20 Annaghabe Rd, respectively, I am not content these are lawful and can be considered for the purposes of Policy CTY 8. The mobiles and large shed are currently the subject of investigation by Planning's Enforcement Team.

My own checks of orthos show the mobiles would not appear to have been in place more than 5 years and are therefore not immune to enforcement action. Furthermore, any approval for such development would normally only be forthcoming on a temporary basis under the provisions of PPS21.

In relation to the large shed, owing to gaps in historical orthos available I could not confirm whether it has been erected for more than 5 years or not. That said even if the shed was found by the Enforcement Team to have been erected for more than 5 years and immune from enforcement action, I still would not consider it to have a frontage onto Drummurrer Lane. This is owing to its location to the rear of no. 20 Annaghabe Rd, set back and screened from Drummurrer Lane, on a well enclosed yard. There are only glimpses of the shed from Drummurrer Lane, through mature vegetation defining the northwest boundary of the yard.

Additional considerations

I would agree with the agent the host field is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the Drummurrer Road frontage to its northeast. Whilst the site has the capacity to integrate a 1 ½ storey dwelling and ancillary garage of an appropriate size, scale and design with minimal the development would still extend a ribbon of development along the lane leading a further

erosion of what is left of the areas rural. I believe a suitably designed scheme would not have had any unreasonable impact on existing or potential neighbouring properties (LA09/2020/0890/O) in terms of overlooking or overshadowing due again to the existing vegetation bounding the host field, alongside the separation distances which could have been retained.

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on site.

NI Flood Maps have been checked and whilst they indicate a small amount of surface water flooding along the back boundary of the site this is minimal and the site could still developed for a dwelling outside the identified area.

Recommendation: Refuse

The site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear. It will result in the extension of ribbon development leading to the further erosion of rural character.

Neighbour Notification Checked	Yes
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Summary of Recommendation	Refuse
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Reasons for Refusal:

1. The proposal is contrary 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 Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Drummurrer Lane further eroding the rural character of this area.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0890/O	Target Date: <add date>
Proposal: Infill site for 1 no dwelling & garage under CTY8 (re-advertised and neighbour notified due to amended address)	Location: Drummurrer Lane 60m NE of 20 Annaghnaboe Road Coalisland
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Summary of Issues: If this constitutes a gap site in Policy CTY8 of PPS21, no lawful development to the south east of the site to provide the necessary buildings for infill development.	
Summary of Consultee Responses: DFI Roads – safe access requires sight lines of 2.4m x 55.0m and forward sight distance of 55.0m, this is achievable with removal of hedges DETI Geological Survey of Northern Ireland (GSNI) - proposed site is not in an area of known abandoned mines.	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghnaboe village. The site comprises the western half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaboe Rd. Note current application LA09/2020/0888/O comprises same proposal for a dwelling in the other half of the host field.	

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane.

Access to the yard is off the Annaghnaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team.

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the northeast boundary, which opens unto the eastern half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaboe Rd to the northwest/west of the site.

Description of Proposal

Infill site for 1 no dwelling & garage under CTY8

Deferred Consideration:

This application was before the committee in April 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manager. At the meeting in 13 May 2021 it was explained that CTY8 requires the sites to have a frontage to the same road, lawful development on them to be able to meet the policy exception.

Policy CTY8 – Ribbon Development is primarily to prevent the creation of or extension to ribbon development. The policy does allow for up to a maximum of 2 houses in what is commonly referred to as 'a gap site'. This proposed site is one of 2 applications in this field which is located close to the junction of Drummurrer Lane and Annaghnaboe Road, Coalisland. (Fig 1)



Fig 1 sites and the immediate area

To the south west of the application field is a site for a dwelling that was approved by references M/2006/0832/O and M/2007/0630/RM, this required development to commence by 11 October 2011. Aerial photographs for 31 August 2010 do not show these, the next available photos are 7 June 2013 and the foundations are clearly visible and there appears to be an access and clear sight lines to the frontage suggesting the sight lines had been put in place. (Fig 2)



Fig 2 – aerial photograph of the adjacent site taken 7 June 2013

A number of temporary buildings are located here, with one along the boundary with Drummurrer Lane. These buildings do not have the benefit of planning permission. That said, given the development on the Annaghnaaboe Road, a dwelling on the approved site would, in my opinion likely be acceptable as an infill in its own right. At present the buildings on the site do not have any lawful status and the approved dwelling is not a substantial building.

To the north east of the application field, there is a string of development along this side of Drummurr Lane, the boundary treatments of the dwelling and buildings immediately adjacent to the site are beginning to mature here. There is a small paddock area to the front of these buildings that appears to be used for keeping small animals and it is in front of an agricultural type building. Other development further north has open frontages with ranch type fencing and is more apparent.

The existing site frontage onto Drummurr Lane is a mature hedge which gives a sense of separation between the existing string of development to the north and the development on Annaghnaaboe Road to the southwest. This does have the appearance of a visual break in the development here in what is a built up area. That said there is nothing to prevent the owner from cutting down the hedges here and I consider if this was done there would be a very different view of the site in its surroundings. The agent has indicated that he can sensitively access the proposed sites with a paired access and keep the vegetation so that any new dwellings here would be well integrated. (Fig 3)

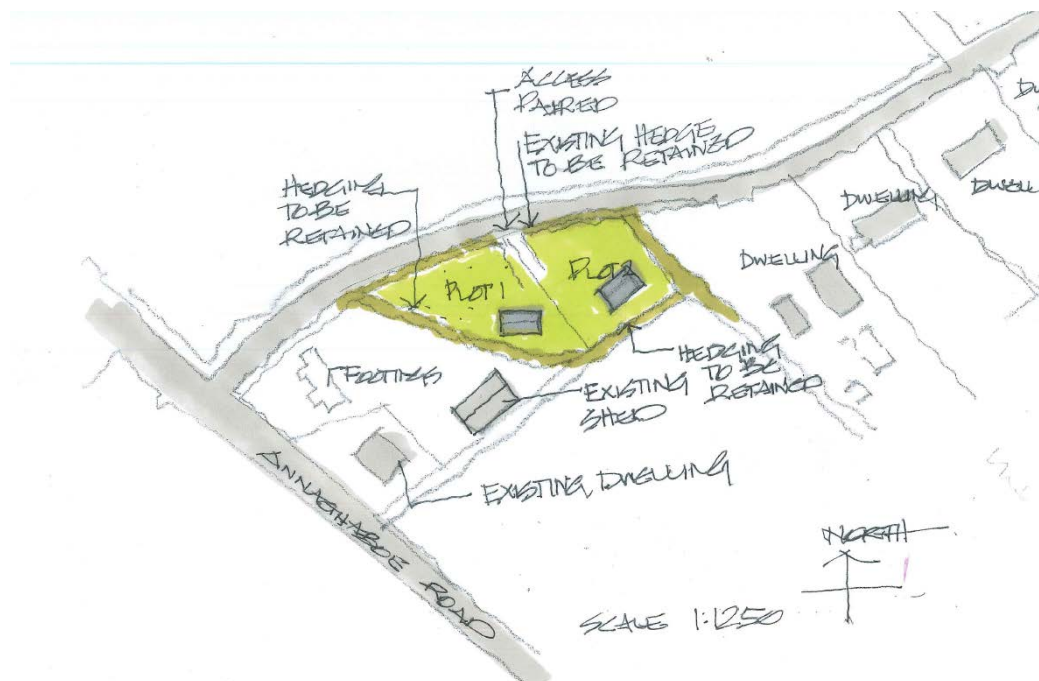


Fig 3 – indicative layout for 2 infill dwellings

I note this proposal which does not have any indication of how the hedges will be impacted by the provision of the sight lines need by DFI Roads, however, I welcome the potential to retain the vegetation and I consider this can be protected with an appropriate condition and new landscaping can be provided to the rear of any new sight lines. While there is no lawful building built to the south west of the site, I am aware of Minister Attwood's Statement on 16 July 2013 into the Review of PPS21. In the statement the Minister made it clear that he wanted officials to take account of extant permission when assessing proposals for infill development. In this case, there is not only a planning permission on the site to the south west, but development has been commenced in accordance with a previous permission. I consider, taking account of the Ministers clear guidance on how to assess Policy CTY8, the extant site will mean this site is one within a substantially built up frontage and is part of a gap that could, taking account of the plot sizes and character of the adjacent development, accommodate up to a maximum of 2 dwellings. I consider it is appropriate to condition the retention of the boundary vegetation

and limit the height of any dwelling to a 6.0m ridge to be in keeping with the surrounding development.

I recommend this application is approved for the reasons above with the conditions set out below.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, site levels, 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.

2. 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.

3. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure resident's privacy is not adversely affected.

4. The underbuilding of the proposed dwelling shall not exceed 0.35m above the existing ground level.

Reason: To ensure that the development is in character with the surrounding area.

5. The proposed dwelling shall have a ridge height of not more than 6.0 metres above the finished floor level.

Reason: To ensure that the development is in character with the surrounding area.

6. Prior to the commencement of any development hereby approved the vehicular access, paired with the adjoining site in this field including visibility splays of 2.4m x 55.0m and forward sight distance of 55.0m as indicated on the attached RS1 form shall be provided in accordance with details to be submitted and approved at Reserved Matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway 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.

7. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

8. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include planting of a native species hedge along the new site boundaries and to the rear of any visibility splays. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
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District Council

Mid-Ulster
Local Planning Office
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50 Ballyronan Road
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**Development Management Officer Report
Committee Application**

Summary	
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Application ID: LA09/2020/0890/O	Target Date:
Proposal: Infill site for 1 no dwelling & garage under CTY8	Location: Drummurrer Lane 60m North of 20 Annaghnaboe Road Coalisland
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Recommendation: Refuse	
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Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received

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

Description of Proposal

This is a full planning application for a dwelling to be located on lands at Drummurrer Lane 60m North of 20 Annaghnaboe Road Coalisland.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghmore village.

The site comprises the western half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaboe Rd. Note current application LA09/2020/0888/O comprises same proposal for a dwelling in the other half of the host field.

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane (see 'Enforcement History' further below).

Access to the yard is off the Annaghnaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team (see 'Enforcement History' further below).

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the northeast boundary, which opens unto the eastern half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaboe Rd to the northwest/west of the site.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

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Strategic Planning Policy Statement for Northern Ireland

Dunannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History

On site

- M/2003/0959/O – Proposed Dwelling – 150m SW of Drummurer Lane Coalisland – Withdrawn 26th March 2004

The above application was the current site's host field.

- LA09/2020/0888/O – Site for 1 no dwelling & garage under CTY8 – Drummurrer Lane 90m NE of 20 Annaghnaaboe Road Coalisland – on going

Adjacent site

- M/2006/0832/O – dwelling – Adjacent to 20 Annaghnaaboe Rd Coalisland – Granted 11th October 2006
- M/2007/0630/RM – Proposed dwelling with attached garage – Adjacent to 20 Annaghnaaboe Rd Coalisland – Granted 27th November 2007

The above applications relate to the a site approved (foundations) in gravelled yard to northwest side of no. 20 Annaghnaaboe Rd.

- M/2009/0286/F – Proposed domestic garage & store – To the rear of 11 Drummurrer Lane Coalisland – Granted August 2009
- M/2014/0116/O – Proposed site for dwelling (infill site at junction to create a cluster) – Adjacent to and SE of 18 Annaghnaaboe Road Coalisland – Granted 28th May 2014

- M/2014/0543/RM – proposed dwelling and domestic garage – Adjacent to 18 Annaghoboe Road Coalisland – Granted 6th January 2015

The above 2 applications relate to no. 18b Annaghoboe Rd a relatively new dwelling located at the opposite side of the road to the west of the site and to the inside (north) of the Drummurr Lane and Annaghoboe Rd junction. This dwelling was granted under infill policy.

Enforcement History

- LA09/2020/0152/CA – Alleged change of use of garage / store to a dwelling – Case closed 21st January 2021 as immune from enforcement action
- LA09/2020/0153/CA – Alleged unauthorised buildings on site, including replacement shed, two mobiles and a portacabin - Ongoing

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site was located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their “Shafts and Adits Database” indicates that the proposed site is not in an area of known abandoned mines.

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Bearing in mind the above, the agent submitted a supporting statement with this application outlining with the aid of a concept sketch, how he considers the site / host field complies with the tests of Policies CTY 8, 13, and 14 of PPS 21 and respectfully requests planning permission for a traditional 1 ½ storey dwelling and garage. I have summarised the principle points in support of this application below:

- a) The site / host field is not located within an otherwise substantial and continuously built up frontage of buildings along Drummurrer Lane as defined by Policy CTY8 of PPS21. Whilst a dwelling on site will have a frontage to Drummurrer Lane it would not be 'book ended' by development to the SW given the absence of any lawful development which shares a frontage with Drummurrer lane.



Fig 1: Concept Sketch

- b) The gap / host field located between Nos. 11 Drummurrer Lane and 20 Annaghnaaboe Road measures approx. 100m and is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the frontage. This application is seeking consent for one dwelling on a plot some 50m wide i.e. one half of the total gap. Application LA09/2020/0888/O seeks consent for one dwelling on similar plot to the other half of total gap.

- c) The size, scale, siting and plot size the of the proposal would respect the existing development pattern. The applicant proposes a traditionally designed 1½ storey dwelling and detached garage, that would fit in well with the development pattern in the immediate vicinity of the site. The site benefits from screening in either direction together with a backdrop of mature hedging that will allow such a dwelling to integrate well onto the site with minimal impact on the surrounding rural environment thereby making this infill development more acceptable. The proposed site and layout being put forward also follows the guidance as set out on Page 76 of 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' which relates to gap sites and infill principles.
- d) A dwelling on this site fronting onto Drummurrer Lane will integrate on this site to comply with policy CTY13 as the site / host field benefits from being well enclosed by existing vegetation and its location within an existing and continuously built up frontage. It whilst a new hedgerow and planting will define the new boundary to the west and supplementary planting can be provided within the curtilage to promote enhanced biodiversity.

Having assessed the site, taking into account the information in support of this application as detailed above, I do not consider the site meets with the requirements of Policy CTY8.

The reason being the site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst I am content the site / host field is bound by at least 4 buildings running along and fronting onto Drummurrer Lane to the northeast (nos. 9, 11, 11a & 15 Drummurrer Lane, as detailed in Characteristics of the Site and Area) I am not content it is not bound to its southeast by buildings with a frontage onto Drummurrer Lane.

The site is bound to its southeast by a gravelled yard. The gravelled yard contains only the foundations of a dwelling approved under M/2006/0832/O and M/2007/0630/RM respectively, which cannot be considered for the purposes of policy as building until substantially complete to eaves level. Whilst it also contains 2no. of mobiles and a large shed located to the northwest aside and immediate rear of no. 20 Annaghboe Rd, respectively, I am not content these are lawful and can be considered for the purposes of Policy CTY 8. The mobiles and large shed are currently the subject of investigation by Planning's Enforcement Team.

My own checks of orthos show the mobiles would not appear to have been in place more than 5 years and are therefore not immune to enforcement action. Furthermore, any approval for such development would normally only be forthcoming on a temporary basis under the provisions of PPS21.

In relation to the large shed, owing to gaps in historical orthos available I could not confirm whether it has been erected for more than 5 years or not. That said even if the shed was found by the Enforcement Team to have been erected for more than 5 years and immune from enforcement action, I still would not consider it to have a frontage onto

Drummurrer Lane. This is owing to its location to the rear of no. 20 Annaghboe Rd, set back and screened from Drummurrer Lane, on a well enclosed yard. There are only glimpses of the shed from Drummurrer Lane, through mature vegetation defining the northwest boundary of the yard.

Additional considerations

I would agree with the agent the host field is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the Drummurrer Road frontage to its northeast. Additionally, I believe a suitably designed scheme would not have had any unreasonable impact on existing or potential neighbouring properties (LA09/2020/0888/O) in terms of overlooking or overshadowing due again to the existing vegetation bounding the host field, alongside the separation distances which could have been retained.

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on site.

NI Flood Maps have been checked and whilst they indicate a small amount of surface water flooding along the back boundary of the site this is minimal and the site could still developed for a dwelling outside the identified area.

Recommendation: Refuse

The site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear. When read in conjunction with the adjacent application M/2020/0888/O it will result in the extension of ribbon development leading to the further erosion of rural character.

Neighbour Notification Checked	Yes
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Summary of Recommendation	Refuse
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Reasons for Refusal:

1. The proposal is contrary 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 Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Drummurrer Lane leading to a further erosion of the areas rural character.

Signature(s)

Date:

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Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1140/O	Target Date: <add date>
Proposal: An infill dwelling and detached garage (farm case submitted)	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road, Glenadush
Applicant Name and Address: Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Summary of Issues: Dwelling on a farm, number of buildings and length of time.	
Summary of Consultee Responses: DFI Roads – Access in accordance with the RS1 form which require visibility splays of 2.4m by 90.0 m in both directions and a forward sight distance of 90.0m. DEARA – Farm has been established for over 6 years, no recent claims and claims associated with another business, business ID issued in 2019 but member has been The business number associated with planning application LA09/2020/1140/O was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011.	
Characteristics of the Site and Area: This site is located in the SE corner of a larger agricultural field, and is access via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.	

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remained of the agricultural field are within the applicants ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

Description of Proposal

This is an outline planning application for an infill dwelling and detached garage (farm case submitted)

Deferred Consideration:

Members are advised this application was deferred at the planning committee on 11th January 2021 for a meeting with the Planning Manager to discuss the application and explore the case. At the meeting on 20 January 2021 it was made clear this does not meet the criteria for an infill opportunity under Policy CYTY8, it was noted that planning permission had been granted for an agricultural building on this land and information was requested on the farming case for consideration against Policy CTY10.

Committee members will be well aware of the requirement of Policy CTY10 when considering dwellings on a farm. There are 3 criteria the policy says must be met and also there is an exception within the policy where there is no site beside existing buildings on the farm.

a) The farm business must be currently active and established for at least 6 years.

In support of this the applicant submitted a P1C – Dwelling on a Farm application form and advised the farm business was allocated on 13 June 2019. Additional information was also provided to set out what the applicant has been doing with the land and how long they have had the land.

DEARA have advised the business number associated with this planning application was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011, this client reference number was created for the purposes of land identification when DARD required proof of ownership of land before they would allocate a field number on their system.

I undertook a site inspection on 2 September 2021 and noted there were 8 sheep in the field as can be seen in fig 1 and 2 below, I consider this illustrates that Mr McAleer is a farmer and the farm is currently active.



Fig 1 view of application site from in front on Old Ballygawley Road



Fig 2 view of application site from in front and west on Old Ballygawley Road

Further information submitted indicates the applicant gained control of the land in 2007. In 2010, 2011 and 2012 Mr Cush rented the land and sowed potatoes. Mr Cush has passed away so this information cannot be verified by Mr Cush, however there are aerial photographs which OSNI have flown on 31 August 2010 (fig 3) and google streetview

photographs from April 2011 (fig 4) that support the applicants version of events that crops were being grown at those times.



Fig 3 - OSNI aerial photograph of the land flown 31/08/20



Fig 4 – Google streetview image captured April 2011

The applicant advises they employed Mr Cush to sow out the land in grass seed in 2012 and from then until 2019 it was taken by Mrs Davidson who advises she only had to put her animals on the land and cut the silage as Mr McAleer carried out all other works to maintain the hedges, fences and drains in the field. An aerial photograph from OSNI flown on 7 June 2013 shows there has been some work done to the land as it is bare earth with clearly visible marks of machinery having been on the land (fig 5). Had this been sown in 2012 as advised then it should have been in grass, however it is evident that at this time work had been done to the land.

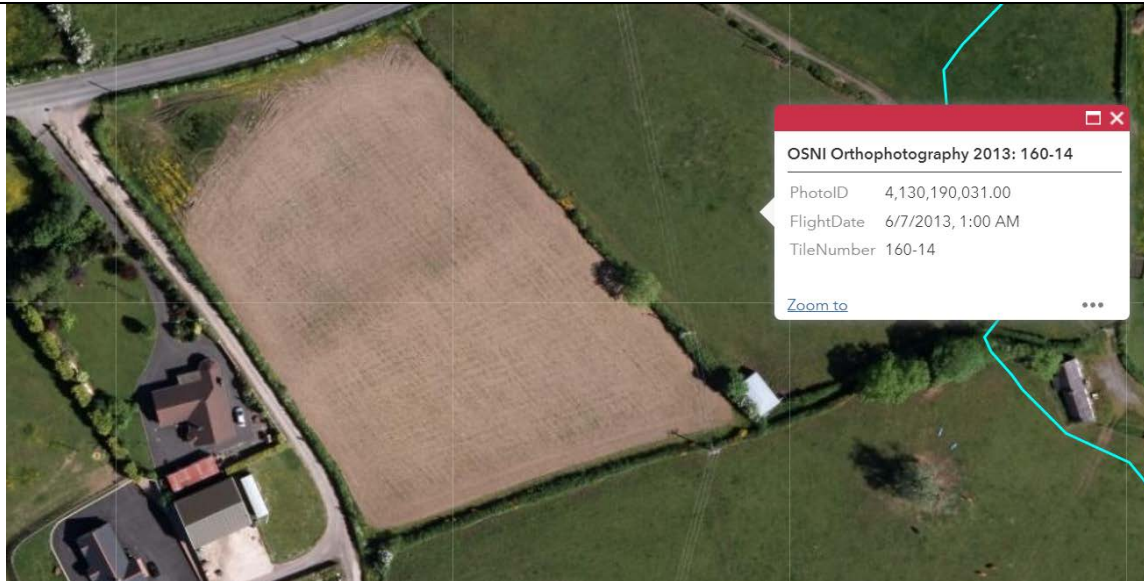


Fig 5 – OSNI aerial photograph of the land on 7 June 2013

Additional information provided in support of the application states:

- 1) the applicant engaged 3 different contractors between 2014 and 2020 to carry out works for the maintenance of the hedgerows. Invoices have been submitted which the applicant advises were written up recently from the contractors records and these are from:
 - S O'Neill for hedge cutting in July and October 2014,
 - K Quinn for hedge cutting in July and October 2015 and
 - D Dobson for hedge cutting in July and October 2016, 2017, 2018, 2019 and 2020
- 2) the applicant engaged Sean Rafferty to carry out works to the drains and fences in 2007-2008
- 3) Mr Ciaran O'Donnell carried out major works to the drains in 2017 where directional drilling was carried out and photographs are provided to show this. I consider the photographs are from the north west corner of this field as it is clear in the photographs there are trees and electricity poles in the south east corner that are still on site today. This can be seen below in the photograph provided by the applicant and in the google streetview image from June 2015 (Fig 7).



Fig 7 photograph of drainage work being undertaken and google streetview map, not trees and electric pole in middle of the pictures.

4) Mrs Davidson has advised that she took the land between 2012 and 2019 and claimed single farm payment on it. She also advised that Mr McAleer maintained the ground and she put her animals on it and took silage off it.

Members will be aware the policy refers to the farm business having to be active and established. Farming activity can take many different forms, the SPPS refers to Regulation (EU) No 1307/2013 for the definition of agricultural activity (see appendix 2). In this case it is clear Mr McAleer has been investing in the land and obtaining a return for that investment, and this is the common understanding of what a business is. There is no dispute that the land has been used for agricultural activities as it has been shown that it was used for growing potatoes and keeping animals on it, which, in my view, falls under the definition of agricultural activities and as it has been ongoing since before 2015 (6 years ago) then I consider this is an established agricultural business.

In light of the above information, I am content that this is an active and established farm business and criteria a of CTY10 has been met.

b) no dwellings or development opportunities have been sold off ... within 10 years of the date of the application....

I have checked the land identified as being in Mr McAleers ownership here and there have not been any sites or dwellings sold off the farm in the 10 years before the application was submitted. I am content that criteria b of CTY10 has been met.

c) new buildings should be sited to visually link or cluster with an established group of buildings on the farm and where practicable access should be from existing lanes.

It is quite clear there is no established group of buildings on this farm, Mr McAleer received planning permission for the farm building located in the south east corner of the field on 3rd October 2019. Members could refuse the application on the basis that it does not cluster or visually link with a group of buildings on the farm. That said, the policy provides an exception that states an alternative site away from a group of buildings will be acceptable where it meets the requirement of Policies CTY13(a-f), CTY14 and CTY16. As there is no group of buildings associated with this farm I consider it appropriate to assess the proposal under this exception in the policy.

The previous case officer report has considered the potential for a dwelling and garage to integrate on this site and has raised concerns about the potential visual impact of this. I agree that a dwelling would be visible on the site, but only when viewed from the public road immediately in front of the site and for approximately 200 metres on approach from Dungannon, as the vegetation to the west completely screens the site from view until the

end of the laneway, identified in fig 6 with the red arrow.



Fig 6 – view from the west, access to the site identified by red arrow

The photograph below (fig 7) shows the view from the west, a dwelling as proposed (siting shown with the blue arrow) could break the skyline here, as it does not benefit from screening or clustering with the existing farm building (red arrow) or the other development to the west (black arrow). A dwelling here could be prominent in the landscape, when seen from this critical view.



Fig 6, siting proposed in blue, existing agricultural building in red and other buildings in black

This application is for outline planning permission and as such the members can consider if there are any conditions that would make this development acceptable. If there are no conditions that could make it acceptable then the development should be refused.

Conditions can be attached that deal with the size, scale, design and location of a dwelling on the site as well as landscaping conditions that can require new planting to be provided and allow existing planting to be retained at a certain height.

It is clear there are long established boundaries on the south and west of the identified site as well as within the applicants control to the north and east boundaries of the field. These can be conditioned to grow on to a height of 3 metres to assist the integration of any dwelling. Additional landscaping can be conditioned along the side of the lane and the

curtilage of the proposed dwelling which will, in my opinion, also assist in the integration of a dwelling on the site, but is not solely relied upon to provide the screening.

Coupled with the above conditions I consider it would be appropriate to control the ridge height of any dwelling and reduce the ground levels to ensure the rising ground and hedges to the rear (south) can provide a suitable backdrop. In my assessment of the site, I consider siting the dwelling as proposed in the indicative site plan with the finished floor levels the same as the existing ground level at the NE curtilage of the proposed site and a ridge height of 5.5m above the finished floor levels would ensure that a dwelling here is not prominent in the landscape. I consider it would also be appropriate to limit the ridge height of any garage to 4m above finished floor levels and these should be the same as the dwelling.

Rural character is a visual assessment that takes into account the existing development and character of the surrounding area. This site is located beside a number of other dwellings and buildings. These are well screened from public view and set back from the public road. The workers cottage opposite the site has little in the way of vegetation around it and is the most obvious development in view. As can be seen in Fig 6 a dwelling in this site would not be critically viewed with other development as to give the impression that the area has reached a critical stage in terms of its character. As one moves along the Old Ballygawley Road from the east to the west the existing development is well screened and set back from the road, in my opinion, a dwelling of a suitably scale and design would also, in a short space of time be well screened and would not detract from the rural character. On approach from the west to the east, any one travelling along the road will not be aware on the dwelling until they are passed it. I do not consider a dwelling here would adversely impact on the rural character of the area.

The application form has indicated that any development here will be served by a septic tank. These can be a number of different types that could be acceptable here and the consent to discharge is a matter that is dealt with by the Environment Agency.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Objections

There have been a number of objections to the proposed development, when it was proposed as infill dwelling and when the details of the farming case were presented, these are summarised in Appendix 1 and a number of the issues raised have been addressed in the above considerations.

Urban sprawl relates to the spreading of settlements into the surrounding countryside in an unplanned fashion. In this case the site is well away from any settlements and would not result in urban sprawl.

The proposed development is for a dwelling, noise from cattle trucks coming and going to the site would be in relation to the agricultural activity and not this dwelling.

The objector has raised issues in relation to Human Rights, these may only be considered in respect to the proposal for a dwelling that is being considered. Article 1 of Protocol 1 of the European Convention on Human Rights which covers the protection of property and the peaceful enjoyment of possessions. The Human Rights Act 1998 and the Convention refer to both Article 1 of the First Protocol, which provides for the protection of property and peaceful enjoyment of possessions and Article 8 of the Convention. These are qualified rights and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. The proposed dwelling can be located a suitable distance away from any other existing dwellings to ensure their right to enjoy their property is not adversely impacted. The final location of the dwelling will be subject to further consideration and as such anyone who has an interest may make further representations at that time. The European Convention, Article 6 also enshrines the right to a fair hearing. This application will be decided by the planning committee and any interested party may address the planning committee, provided they follow the published protocol. Therefore, it is my view there are no Human Rights grounds for refusal of this application.

In view of the above, it is my recommendation to the members that this proposal meets with the exception in CTY10 and that planning permission is granted with the conditions specified.

APPENDIX 1

Objections/representations received raise the following points:

dated 29/10/2020 - objection

planners should apply guidance for development in the countryside

dated 10/11/2020 – objection

application form completion:

- not proposed for dwelling on farm,
- there were previous applications refused on this site for Mrs Gillen

a laneway has been created was supposed to be grass path

Photos:

- sight lines to right not in place
- not infill as it is a small gap site, buildings are not on the road frontage, does not have appearance of built up area, building 4 not a building, just cow shelter

dated 10/11/2021 - representation

no objections provided no impact on 102 or 104

dated 18/11/2020 - objection

photos provided, map provided and neighbour notification letter provided

- vegetation removed
- not a gap site as accompanying development to the rear
- not a farmer

- M/2010/0554/O – application for 2 dwellings

dated 21/12/2020 – objection

Photos of cattle building provided

-same site previously refused for Mrs Gillen

- same site refused for 2 dwellings for applicant – (contrary to CTY1; CTY2a no focal point, no dev on 2 sides and no suitable degree of enclosure; CTY6 no special circumstances; CTY7 as no essential need for business; CTY13 as not suitable degree of enclosure; CTY14 – build up and does not respect character of the area)

dated 28/12/2020 - representation

no planning issues raised in this representation

dated 3/5/2021 - objection

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

dated 3/5/2021 - objection

- not supported by PPS21 paras 3.1, 3.2 CTY12 section 5.00, CTY13 section 5.57, CTY15 and CTY16

dated 3rd May 2021 - objection

- not for a farmer

dated 4/5/2021 - objection

includes extracts from previous report to planning committee recommending refusal

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

date received by Planning Office 4 May 2021 - objection

- has not been farming for 6 years in sense of true farmer
- lacks integration and erodes rural character and would create urban sprawl

date received by Planning Office 5 May 2021 - objection

- not infill
- noise from cattle trucks entering and leaving the site
- loss of privacy

dated 12 May 2021 - representation

-support for the application, refers to previous support letter as not being uploaded,

- owns the lane and others only have a right of way

- the applicant assists with maintenance of the lane and hedges

- previous letter advises:

- Mr McAleer has been farming the land since he purchased it, repairing fencing and drains on his land and on the writers land

- the development will not impact the rural area and will not transform it into a suburban development

date received by Planning Office 19 May 2021- rebuttal of information submitted in support of farming case

Sean Rafferty letter Appendix I Drainage Works

- Mr McAleer did not own the land in 2007, land registry documents attached,
- query flooding issue as not declared on P1 form

Ciaran O'Donnell letter Appendix Major Drainage Works

- Mr McAleer did not own the land in 2017, land registry documents attached,
- query flooding issue as not declared on P1 form,
- photos not of the site as no buildings shown
- billheads not acceptable proof, no departmental proof

Blackbird Letter dated 1 December 2017

- applicant has stated he is not active and established as a farmer, does not claim single farm payment

Ann McNulty letter Appendix L – Letter of Support

- objector claims they own the lane as it was to his parents small farm
- query flooding issue as not declared on P1 form
- land farmed by Mrs Davidson until 2019

Shirley Davidson/David Davidson letter Appendix M Conacre letter

- Mr McAleer did not own the land in some of the years, passed to another owner on 12 June 215, land registry documents enclosed
- Mrs Davidson was the sole farmer of the land

dated 24th May 2021 – objection

- the area has been the subject of a number of planning applications over the years
- development impacting on human rights
- the proposal is not an infill site, no frontage to road and accompanying development to the rear
- not an active farmer, previous application for shed states this and did not show that it farming was active for 6 years
- shed approved as an exception to planning policy as was not an active farmer
- only one building on the farm cannot cluster with buildings on the farm
- new laneway provided to the site, did not use existing as preferred by planning
- do not consider having 3 sheep constitutes being a farmer
- DEARA Legislation states active farmer is one who can claim for Basic Payment Scheme (BPS) Cat 3 farmers cannot
- to allow this would allow others to do the same thing

dated 15/6/2021 - objection

- application form, enclosed, clearly indicates this is not for a dwelling on a farm

dated 24/6/2021 – objection

- need to consider the viability of the farm
- brief history of the land: site has been refused planning for dwelling, was sold at the height of the market, around 2008, site put up for sale approx. 4 years ago and only attracted lower bids, owner applied for other development since

- proposal is contrary to CTY1, CTY2a, CTY6, CTY8, CTY13, CTY14, CTY12
- farmer never bought cattle

APPENDIX 2

Extract from Regulation (EU) No 1307/2013

c)

"agricultural activity" means:

- (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,
- (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by Member States on the basis of a framework established by the Commission, or
- (iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation;

Conditions/Reasons for Refusal:

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. The curtilage of the proposed dwelling, except for the access, shall be limited to the area identified 'proposed new boundary hedge' on the approved plan No. 02 which was date stamp received 21st September 2021.

Reason: To ensure that the development integrates into the landscape.

4. The dwelling hereby permitted shall have a ridge height not more than 5.0m above the finished floor level and the garage hereby approved shall not have a ridge height exceeding 4.0m above the finished floor level.

Reason: In the interests of visual amenity and to protect rural character.

5. The finished floor levels of the dwelling and garage hereby permitted shall not exceed the level of the existing ground level at point A as annotated on drawing number 01 bearing the stamp dated 21 SEP 2020.

Reason: So that the building integrates into the surrounding countryside.

6. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

7. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. The north west, northeast and south east boundaries of the area identified in red and blue on drawing No 01 bearing the stamp dated 21 SEP 2020 shall be allowed to grow up to a height of at least 3 meters and shall be retained at that height. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage.

During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

8. 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 Local Planning Authority, 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 Local Planning Authority gives its written consent to any variation.

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

9. 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 including sight lines of 2.4m by 90.0m in both directions and a forward sight distance of 90.0m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

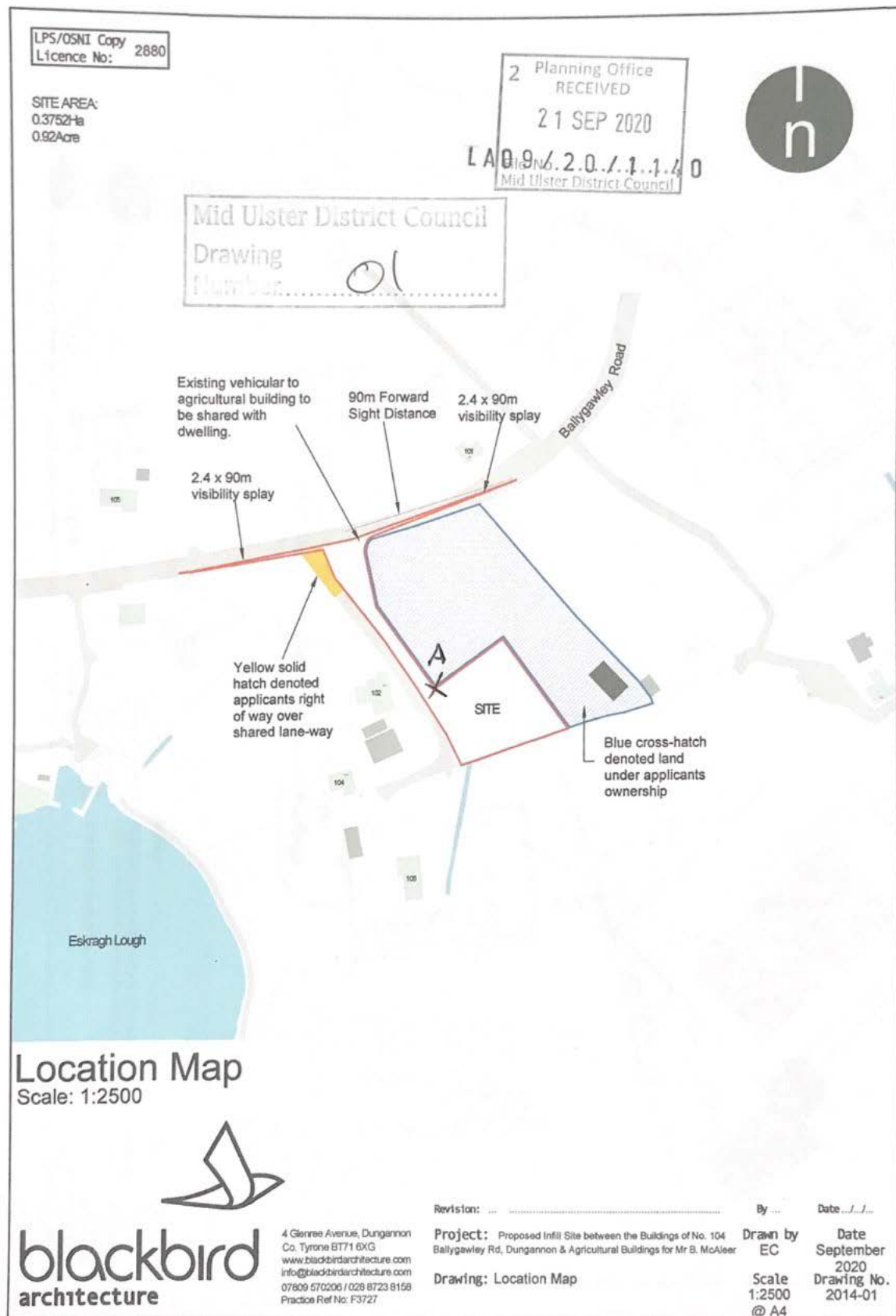
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. The design of the proposal will be assessed at RM stage to ensure there will be no detrimental impacts on neighbouring residential amenity through over looking, over shadowing or over dominance.

Signature(s)

Date:

Location map with point A identified





Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1140/O	Target Date: 01/01/2020
Proposal: An infill dwelling and detached garage	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road Glenadush
Referral Route: Objections, recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent Name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Contrary to CTY1, 8, 13 and 14 of PPS21. The site does not meet the criteria for a gap site, is prominent, lacks integration and will further erode rural character.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Description of proposal

This is an outline planning application for an infill dwelling and detached garage in the countryside.

Characteristics of Site and Area

This site is located in the SE corner of a larger agricultural field, and is accessed via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remainder of the agricultural field are within the applicant's ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Dungannon and South Tyrone Area Plan 2010:

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

Key Planning Policy

SPPS

PPS21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

Design Guidance: Building on Tradition

Relevant Planning History

LA09/2018/1349/F- full planning permission was granted for proposed cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing area for a new hobby farm holding for raising rare cattle and sheep breeds. Granted 03.10.2019. At the time of my site visit this building and access was in place.

LA09/2017/0899/F- permission was refused for cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing areas for a new hobby farm holding for raising rare cattle and sheep breeds on 11.09.2018 for the following reason;

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years and that the development, if permitted, would result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise, odour and flies due to its close proximity. The decision was never appealed.

M/2010/0554/O- Proposed 2 dwellings (detached), Adjacent to 102 Ballygawley Road, Eskragh, Dungannon, Co Tyrone, for Bernard McAleer. This permission was refused on 09.11.2010 for the following reasons;

1. The proposal is contrary 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and / or is not located at a cross-roads; the proposed site is not bounded on at least two sides

with other development in the cluster and does not provide a suitable degree of enclosure; the dwellings would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

3.The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that new dwellings are a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and/ or it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4.The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

5.The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

6.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This site incorporated both LA09/2018/1349/F and this subject application site LA09/2020/1140/O. The decision was never appealed.

Representations

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Consideration

SPPS Strategic Planning Policy Statement for Northern Ireland sets out a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulsters 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.

Planning Policy Statement 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples of development which are considered to be acceptable in the countryside are set out in policy CTY 1, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY 8 Ribbon Development allows for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This site is located adjacent and west of an existing agricultural building. This building is set back approx. 120m from the public road, with the land between the building and the roadside being defined as an existing undeveloped agricultural field. The proposed site is also set back approx. 120m from the public road, and proposes to share the existing access to the agricultural shed. In my view neither the agricultural shed or proposed site represents road frontage development.

This proposed gap site also relies on buildings to the west for consideration as a gap site. No. 102 does not have a frontage to the road, as there is a small agricultural field

between its curtilage and the public road. Plus, No. 102 has accompanying development to the rear, including No 104 and 106 and accompanying sheds, outhouses and garages. The policy is clear that the frontage, which in my view this is not, cannot have accompanying development to the rear which this clearly does.

Given the setback from the public road, and the nature and context of other development in this area, it is my view that this site does not represent a gap within an otherwise continuous and built up frontage.

M/2010/0554/O was refused for 2 dwellings on this site, however, CTY8 did not seem to form part of the assessment and was not included as a reason for refusal in the decision notice. Policy CTY2a and other personal circumstances seemed to form the basis of the assessment. It is my view that this proposal does not meet that criteria of CTY2a in that the site is not associated with a focal point, does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of this area of countryside.

No personal circumstances have been provided in this instance and no other case has been forwarded by the agent for consideration.

In the agents assessment of the gap, he relies on buildings that clearly do not have a road frontage or shared frontage, and are set behind existing development which the policy resists (see building 01 and 02 indicated on drawing No. 03). Plus, building No. 4 indicated on drawing No. 03 is not visible in the landscape and is not read as a visual entity in the landscape when assessing the built up frontage, as it cannot be clearly viewed from public vantage points and in my view is not road frontage.

In terms of policy CTY13 and 14, it is my view that a dwelling of any size or scale cannot satisfactorily integrate onto this site. The site is elevated from the public road, any dwelling will break the skyline and there is no backdrop when viewed from the public road. There is insufficient vegetation to assist with integration. Plus a dwelling will read with other dwellings and development in the area which will lead to a further erosion of rural character.

Previously on the site under M/2010/0554/O for 2 dwellings, it was considered by the then Department under the same policy PPS21, that development on this site would be contrary to;

- Policy CTY13 of Planning Policy Statement 21 in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

- Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This decision or reasons for refusal were never appealed by the applicant and I am of the same view that the proposal would be contrary to CTY13 and 14.

PPS3 Access, Movement and Parking

DfI Roads were consulted on the proposed vehicular access to this site and they raise no objections to the proposal subject to sight splays of 2.4m by 90m in both directions and a forward sight distance of 90m with no blind spots where the access is on the inside of a bend.

Other considerations

The site is not subject to flooding. No land contamination issues have been identified. The site is not located within a protected area, nor is it close to built heritage or archaeological interests.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons;

Refusal Reasons

1. The proposal is contrary 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal 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 proposal would not respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and as a result would have a detrimental impact on the character of this area of countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for it to integrate into the landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode, the rural character of this area of countryside.

Signature(s)

Date:

ANNEX	
Date Valid	21st September 2020
Date First Advertised	6th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 102 Ballygawley Road Dungannon Tyrone Brian Quinn 102 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 104 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 105 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 106 Ballygawley Road,Dungannon,Tyrone,BT70 1TA Brian Donoghue Carraig Na Moil, Glendadush, 105 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Eamonn Cushnahan Email Address	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	No need to screen as not schedule 1 or 2 development, nor is the site located within a sensitive area
ES Requested	No



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1157/0	Target Date:
Proposal: Proposed site for 2 storey dwelling and domestic garage	Location: 90m South East of 46 Airfield Road Toomebridge
Applicant Name and Address: Centrum NI Farms Ltd 80 Hospital Road Magherafelt	Agent name and Address: CMI 38b Airfield Road The Creagh Toomebridge
Characteristics of the Site and Area: The site is located at 90m South East of 46 Airfield Road, Toomebridge	
Description of Proposal 2 storey dwelling and garage – outline application	
Deferred Consideration: This application was presented as a refusal to Planning Committee in May 2021, as the proposal was contrary to FLD1 of PPS15 - Planning & Flood Risk. Subsequently it was deferred to allow for the submission of a Flood Risk assessment to address the issues raised by DFI Rivers. This was the only issue to be overcome, all other planning policy criteria had been met for the farm dwelling. A drainage and flood risk assessment was submitted on 25 May 2021 and DFI Rivers were re-consulted and replied on 2nd July 2021. Their response was forwarded to the agent in order to address a number of points in relation to the Q100 level and mitigation.	

Following discussion, the agent has addressed the points satisfactorily by providing a drawing showing the area to be excavated and infill is being kept no higher than the predicted Q100 level and the material to be used will be permeable. This will ensure the creation of the access will not cause flooding.

Approval is now being recommended with conditions.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements 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.

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the Commencement of the development.

Reason: In the interests of visual amenity.

6. The access/drive shall be constructed as detailed in stamped approved plan 05 dated 22 September 2021.

Reason: To mitigate flooding issues.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1157/O	Target Date: 06/01/21
Proposal: Proposed site for 2 storey dwelling and domestic garage	Location: 90m South East of 46 Airfield Road Toomebridge
Referral Route: Recommended refusal – contrary to PPS15 Policy FLD1	
Recommendation:	Refusal
Applicant Name and Address: Centrum NI Farms Ltd 80 Hospital Road Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Executive Summary: The proposal has been considered against prevailing policy and all material considerations below. No letters of representation have been received. It is considered the proposal is contrary to Policy FLD1 of PPS15 as it is not considered an exception or of overriding regional or sub-regional economic importance.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	DAERA	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

Characteristics of the Site and Area

The proposal is located in the open countryside, outside any settlement limits as defined in the Magherafelt Area Plan 2015. The application site comprises a portion of a large agricultural field on the minor Airfield Road, leading from the Aughrim Road in a southerly direction along the line of the Moyola River and joining onto the Creagh Road to the east. The immediate surrounding landscape is rural, characterised by agricultural fields interspersed with detached dwellings and farm holdings. The settlement limit of Ballymaguigan is located approximately 0.6km southwest of the proposal site, as the crow flies. The site is currently accessed via an existing agricultural gate. The topography of the site is relatively flat. It was noted on the date of the site inspection that

post and wire fencing and new trees/hedging appears to have been planted along the boundaries of the proposal site. Moyola River is located in close proximity to the west of the site with a presence of dispersed trees along the riverbank.

Description of Proposal

This is an outline application for a 2-storey dwelling and domestic garage located 90m South East of 46 Airfield Road, Toomebridge.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Magherafelt Area Plan 2015
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 15: Planning and Flood Risk (Revised)
Planning Policy Statement 21: Sustainable Development in the Countryside

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

LA09/2017/1241/O – Proposed site for 2 storey dwelling and domestic garage (Based on Policy CTY2- new dwelling in existing clusters) - 30m North of 38 Airfield Road, Toomebridge – Permission Refused 08/01/19

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. The

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed, visually integrate into the surrounding landscape and not harm the rural character of the area. Whilst it was noted on the date of the site inspection that some planting and fencing had been carried out along the boundaries, I had some initial concerns that the proposal site lacked established natural boundaries to ensure suitable integration. Particularly given there will be public views of the site when travelling in both directions along the Airfield Road. However, it is noted the topography of the site is relatively flat and the proposed development would be set back approximately 100 metres from the public road. Having considered this application at an internal meeting, group consensus was that the site and its surrounding environment is suitable for absorbing a dwelling without suburban build up or detrimental impact to rural character. The established trees to the west provide a suitable backdrop to ensure the dwelling will not appear overly prominent. It is considered a suitably designed dwelling in accordance with the requirements of Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside Guidance should integrate on to this site in accordance with Policy CTY13 whilst not detrimentally impacting on the rural character of the area in accordance with CTY14

Planning Policy Statement 3: Access, Movement and Parking - DfI Roads have been consulted and have no objections subject to conditions attached to any forthcoming approval. Therefore it is considered the proposal complies with PPS 3 in that will not prejudice road safety or significantly inconvenience the flow of traffic.

Planning Policy Statement 15: Planning and Flood Risk (Revised) – It was identified that the proposal site appears to lie within the 1% AEP fluvial flood plain. DfI Rivers were consulted and have advised any development intended within the 1% AEP Flood Plain will require Planning Authority to deem the application to be an exception or overriding regional importance before they will appraise a flood risk assessment.

Following this response, the agent submitted additional information to argue the proposal site is not within the 1% AEP flood plain including site levels provided on Drawing 02 Rev 1. DfI Rivers were consulted on this additional information submitted and subsequently advised that whilst the Drawings indicate that the indicative siting of the dwelling is located on elevated ground out of the floodplain, the red line boundary of the site, including the access lane is still located in the floodplain. In accordance with the Revised PPS 15 - FLD 1, any development intended within the 1% AEP flood plain will require Planning Authority to deem the application to be an exception or overriding regional importance, before DfI Rivers will appraise a Flood Risk Assessment (FRA). Having considered the exceptions provided in Policy FLD1, it was agreed with the Principal Planner that the proposal did not meet any of the exceptions tests, including "minor development", and is not of overriding regional importance. This was relayed to the agent on 04/02/21 and the agent discussed this with the Principle Planner on 09/02/21. The agent argued that there is an existing laneway access to the site, however this is at odds with what was observed on the date of the site inspection. Whilst I noted new planting and post and wire fencing along the site boundaries, no existing formalised laneway was observed on the date of the site visit. It was relayed that the proposal was not considered an exception as per FLD1 therefore we would not be inviting a FRA any Rivers Agency may not consider any submitted FRA, however the agent advised on this

SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. Policy CTY 10 Dwelling on a Farm states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) the farm business is currently active and has been established for at least 6 years
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and an associated farm map. DAERA have confirmed the business ID has been in existence for more than 6 years and prior to 2020 the proposal site was associated with another farm business. The agent has provided further information including evidence of an Environmental Farming Scheme application dated September 2020 and Single Farm Payment application dated May 2020. As well as this, the agent has provided a list of farm activities carried out between 2019 and 2020 and notification of cattle movement herd forms from September 2020. On the basis of the information provided, I am content the farm holding has been established for at least 6 years and is currently active.

With respect to (b) I have carried out a check of the land associated with the farm maps provided, as well as a search of the Farm Business ID provided and there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c) there are no established buildings on the site for the proposed dwelling to cluster with or to provide visual linkage as required under CTY10. I have reviewed the farm map provided and the field subject to this application is the only field associated with the farm business, therefore there are no farm buildings on the farm holding. The proposal site is a cut out of a larger field and is open to public views. However, the proposed dwelling will be sited in the north-western corner with established trees west along the river bank which will provide some form of backdrop and assist with integration. It is established practice by Mid Ulster District Council Planning Committee to permit a new building on an active and established farm business if there are no established group of buildings anywhere on the farm. On this basis, it is considered the application complies with CTY 10 (C).

phone call that he would be submitting a FRA. To date no further information or FRA has been submitted to address Policy FLD1. Whilst the applicant has demonstrated the indicated siting of the proposed dwelling indicated on Drawing 01 lies outside the floodplain, the application has failed to demonstrate the remainder of the site, including the access, is outside the 1% AEP flood plain. It is not considered the proposal meets an exception tests or is of overriding regional importance, therefore it fails Policy FLD1.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal as it has not been demonstrated that the entirety of the site lies outside the 1% AEP flood plain and as it is not considered to meet the exception tests or of overriding regional importance, it is contrary to Policy FLD 1.

Reasons for Refusal:

1. This proposal is contrary to Policy FLD 1 of Planning Policy Statement 15, Planning and Flood Risk, in that the site lies within the 1% AEP flood plain and is not considered an exception to this policy nor has it been demonstrated that the proposal is of overriding regional importance.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1308/F	Target Date: <add date>
Proposal: Proposed 2No. detached dwellings under PPS21 CTY8	Location: Lands between 8 and 12 Findrum Road Ballygawley
Applicant Name and Address: Jonathan Kirkland 9a Findrum Road Ballygawley	Agent name and Address: ACA Architecture Ltd Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Summary of Issues: Whether or not this site is an infill for opportunity as set out in the exception in Policy CTY8 of PPS21.	
Summary of Consultee Responses: DFI Roads – access to be provided in accordance with the proposed drawings and sight lines and forward sight lines to be provided.	
Characteristics of the Site and Area: This application site is located on land between No 8 and 11 Findrum Road. It sits approximately 80 metres from the most northern western part of the development limit of Ballygawley village, but is in the rural countryside as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The proximity to the settlement limits is not very apparent on the ground as this site is accessed off the A5 Protected Route, however its immediate environs appear quite developed. The site is a rectangular plot which occupies a roadside portion of a triangular shaped field. It is relatively flat with the land outside of the application site falling in a northerly direction. The southern boundary which runs alongside the Findrum Road comprises hedgerow for a small part, 2 ivy covered trees with the majority of this boundary being open, comprising post and wire fencing. A telegraph pole sits close to the north eastern corner of the site as the power lines traverse the site to a pole located on the roadside verge beside the visibility splays. The eastern boundary is hedgerow and marks the curtilage of a large storey and a half dwelling at No 12	

Findrum Road. The northern boundary of the site is undefined and the western boundary is hedgerow with some trees.

Description of Proposal

This application seeks planning permission for 2 detached dwellings under PPS21 CTY8 on lands between 8 and 12 Findrum Road, Ballygawley.

Each dwelling is two storey with a single storey conservatory on the western gable. They each have a footprint of 122 metres squared and a ridge height of 8.4 metres FGL. One dwelling will have a single storey flat roofed porch and one has 2 front projections so each is slightly different. They are proposed to be finished with flat black roof tiles, cream coloured rendered walls with cream coloured window frames. A paired access in the centre of the site allows access to each dwelling.

Deferred Consideration:

This application was before the committee on 4th May 2021 with a recommendation to refuse, at that meeting it was deferred for a meeting with the Planning Manager. A virtual meeting was held on 13 May 2021, at the meeting it was clarified that consideration of a gap in the frontage for the purposes of CTY8 relates to built development and the existing size of frontages/plot sizes. The application was for 2 houses the same and the applicant indicated a willingness to amend the designs so they do not look the same. These amendments were received on 15 September 2021 and neighbours were notified about these on 1st October 2021.

Policy CTY8 – Ribbon Development is primarily to prevent the creation of or extension to ribbon development. The policy does allow for up to a maximum of 2 houses in what is commonly referred to as ‘a gap site’. This proposed site is located on the north side of Findrum Road, a minor road that links Whitebridge Road to the A5 Ballygawley –Omagh Road. On approach to the site from the A5, there is a 2 storey dwelling and garage, large buildings associated with Lewis and Robinson Engineering Ltd – ROBLEW and a detached dormer dwelling as seen in the aerial photograph below, fig 1.



Fig 1, application site and surrounding development

The ROBLEW site has a long planning history, it was approved as an engineering workshop under M/1978/0881 in the west part of the site, and an extension to the workshop was approved under M/1985/0615, still in the west part of the site. The planning history map indicates that application M/1994/0618, for the erection of a materials store, is for the building to the east part of the group and this also would appear to have extended the site curtilage to the east to meet the boundary with the application site. An access is apparent through this part of the site and there is a yard area to the rear that was not part of the original site and was included within the M/1994/0618 site area. From this information I am of the view the ROBLEW site extends from the dwelling in the west to the boundary with the application site and this is the frontage for the purposes of assessing CTY8.

The ROBLEW site has a large frontage at 105m, the dwelling to the east has a 40m frontage and the dwelling to the west 64m. On the opposite side of the road there are 2 dwellings that have frontages of 32m and 46m. The application site has a frontage of 72m which has been divided equally between the two proposed dwellings, giving 36m for each. Taking account of the range of plot sizes, with some smaller than the proposed, I do not consider these would be out of character with the area in terms of the plot size. The map does not

It is proposed to site the dwellings in the front of the site in line, this is generally in line with the dwelling to the east. The dwellings will have a finished floor level approx. 1m below road level. The existing dwelling to the east sits above the level of the road and the cross section through the dwellings indicate the proposed dwellings ridge lines will be broadly in line with the ridge of the existing dwelling.

The map does not reflect the horizontal alignment of the road, which has a crest to the east of the ROBLEW buildings and the existing vegetation along the frontage of the ROBLEW site. The impression on the ground is not of a ribbon of development along this side of the road, however the proposal does meet with the literal assessment of the policy. It is important to note the development on the opposite side of the road which is strung out for comparable distance and as such I do not consider the proposed would be out of character in the area.

Taking all the above into account, I consider the proposed site is a gap site and the proposed dwellings will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. There will be ample separation distance between the existing and the proposed development so as not to result in unacceptable overlooking or overshadowing.

Objections have been received that raise the following issues:

The proposed development is more suited to a town
Previously refused on road safety grounds for one dwelling
Septic tank soakaway through the site
Site will need to be backfilled as steeply falling
Increased traffic on the road
Previously advised no further houses would be allowed on the road

The proposed dwellings have been assessed against the current policy and I consider they meet with the policy, the previous application was not assessed against the current policy and while it may not have been acceptable then, I consider that it meets the current policies. DFI Roads have been consulted and they have not raised any concerns about the proposed development accessing onto this part of the public road network. The proposed dwellings will be sited approx. 1 metre below the level of the road and are generally close to the existing ground levels so are not proposing any significant amounts of land raising. The septic tank for No 12 is located close to the boundary with the application site and the septic tank for one of the proposed dwelling is located close to it. This may require the septic tank and soakaway to be moved within the applicant lands, however this can be dealt with during the consent to discharge application to NIEA. The proposed dwelling is unlikely to be affected by issues from the existing septic tank as it is over 15m from the dwelling.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Taking into account all of the above I consider the proposal meets with the policy in CTY 8 and I recommend that planning permission is granted.

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. Prior to the commencement of any development hereby permitted visibility splays of 2.4m x 55.0m shall be provided as shown on drawing no 02/1 bearing the stamp dated 15 SEP 2021. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway 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.

3. The existing natural screenings of the site along the west and east boundaries shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and biodiversity.

4. All hard and soft landscape works shall be carried out in accordance with the details as set out on drawing No 02/1 bearing the stamp dated 15 SEP 2021 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity

Informatives

1. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by Mid Ulster District Council or other statutory authority.

2. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department Infrastructure for which separate permissions and arrangements are required.

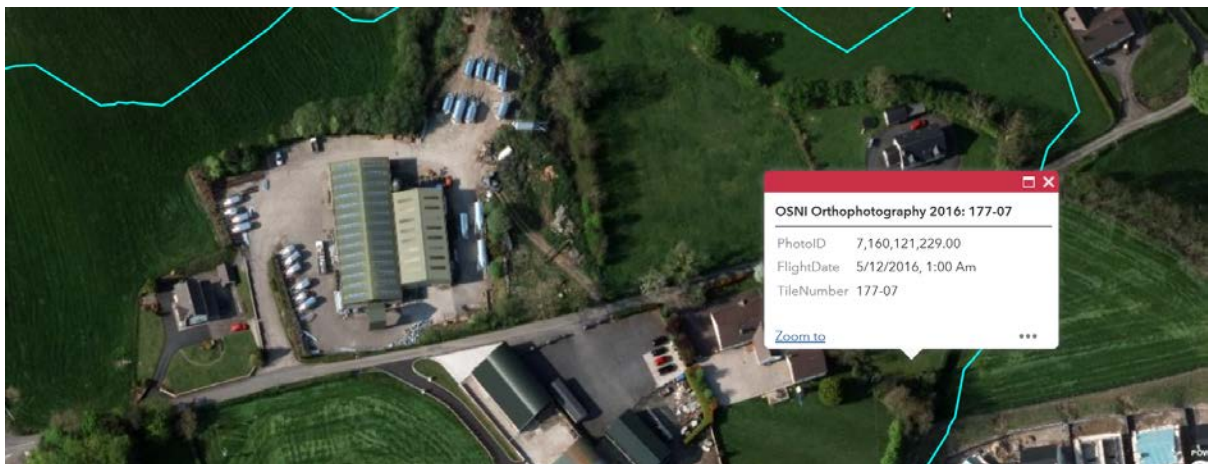
3. It is the responsibility of the developer to ensure that Surface water does not flow from the site onto the public road. The existing roadside drainage is accommodated and no water flows from the public road onto the site. The developer should note that this planning approval does not give consent to discharge water into a DfI Roads NI drainage system.

4. Notwithstanding the terms and conditions of the Mid Ulster District Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Moygashel Depot, Main Street, Moygashel, BT71 7QR. A monetary deposit will be required to cover works on the public road.

Signature(s)

Date:

Appendix 1 – Historical Ortho Photographs









Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1308/F	Target Date:
Proposal: Proposed 2No. detached dwellings under PPS21 CTY8	Location: Lands between 8 and 12 Findrum Road Ballygawley
Referral Route: 2 letters of objection received. Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Jonathan Kirkland 9a Findrum Road Ballygawley	Agent Name and Address: ACA Architecture Ltd Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice

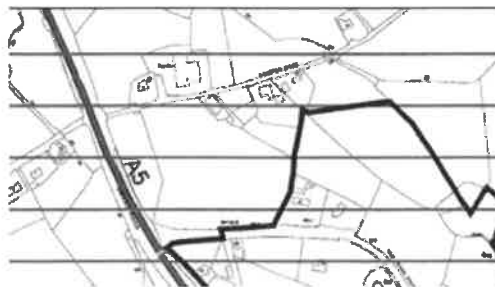
Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Characteristics of the Site and Area

This application site is located on land between No 8 and 11 Findrum Road. It sits approximately 80 metres from the most northern western part of the development limit of Ballygawley village, but is in the rural countryside as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The proximity to the settlement limits is not very apparent on the ground as this site is accessed off the A5 Protected Route, however its immediate environs appear quite developed.



The site is a rectangular plot which occupies a roadside portion of a triangular shaped field. It is relatively flat with the land outside of the application site falling in a northerly direction. The southern boundary which runs alongside the Findrum Road comprises hedgerow for a small part, 2 ivy covered trees with the majority of this boundary being open, comprising post and wire fencing. A telegraph pole sits close to the north eastern corner of the site as the power lines traverse the site to a pole located on the roadside verge beside the visibility splays. The eastern boundary is hedgerow and marks the curtilage of a large storey and a half dwelling at No 12 Findrum Road. The northern boundary of the site is undefined and the western boundary is hedgerow with some trees.

Planning History

In April 2004, planning application M/2003/1469/O for a dwelling and garage on this site was withdrawn. It was initially recommended for refusal and taken to Council where it was then deferred and again refusal was recommended, before the application was withdrawn.

Description of Proposal

This application seeks planning permission for 2 detached dwellings under PPS21 CTY8 on lands between 8 and 12 Findrum Road, Ballygawley.

Each dwelling is two storey with a single storey conservatory on the western gable. They each have a footprint of 122 metres squared and a ridge height of 8.4 metres FGL. The finishes are flat black roof tiles, grey rendered walls with a cream coloured window frames. A paired access in the centre of the site allows access to each dwelling.

Planning Assessment of Policy and Other Material Considerations

Representations and Consultations

DfI Roads were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres in both directions and Forward Sight Distance. This would require the hedge/fence line to be removed back as the splays are not currently available.

In line with the Council's statutory duty, 4 neighbouring residents were notified about this application and it was advertised in the local press.

There were 2 objections submitted from neighbouring properties identifying a number of concerns about this proposal.

- Their septic tank soakway is on the application site
- Much backfilling of land will be required due to the existing topography
- Would create a built-up town appearance in the countryside
- Two additional accesses added onto this country road when considered with the existing accesses in close proximity to the site would jeopardise the safety of road users.
- Previously a single dwelling was being refused on this site, so how can two dwellings now be acceptable.

All of the issues raised have been taken into consideration.

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received have been subject to a Counter Representation period. In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have much impact on this proposal, as PPS 21 is retained and it is this policy which this application will be assessed under. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Policy CTY1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY1 ? Development in the Countryside in PPS 21 states planning permission will be granted for an individual dwelling house in the countryside if it meets all the criteria set out with policy CTY3, for a replacement dwelling in addition to policies CTY13 and CTY14.

Policy CTY 8 - Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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 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. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The applicant has submitted this application as an infill site for 2 dwellings therefore it will be assessed against policy CTY 8. It is considered this proposed site does not meet the policy tests in CTY 8 as it is my opinion the gap site which includes this application site and that adjacent parcel of land to the west could accommodate more than 2 dwellings and it is not a substantial and continuous built up frontage.

When turning onto the Findrum Road from the A3 Protected Route to Omagh, the land rises with the road. A 2 storey dwelling is located on the left at No 4 Findrum Road, this faces onto the A3 while its accesses off the Findrum Road. Running along the rear of this dwelling is a concreted laneway which allows access to the RobLew Silos site. The main buildings on this site face the A3 with their gables closest to the Findrum Road, where a large silo is located. There is a parcel of land which sits east of the RobLew site and west of the application site. This plot of land has a frontage of approximately 27 metres and the roadside boundary is a treed hedgerow with it undefined and open close to where it meets the application site.

This plot is separated from the main RobLew Silos site by a treed hedgerow. On this plot a mud track adjacent to the western boundary of this application site appears to allow access to a storage yard area some 65 metres back from and north of the road. This storage area is

currently utilised for storing the large of silos and its main access is from the main entrance to RobLew.

This intervening land is also currently utilised for the storage of round bales and a poly tunnel type structure is located parallel to the western boundary. This structure is approximately 29 metres in length and 8 metres wide, sited some 13 metres from the roadside. The applicant has informed me this particular poly tunnel is utilised for tug-of-war training. When passing this site recently sometime after my site visit, it was noted there has been more temporary structures placed on this parcel of land between the application site and RobLews. A small greenhouse type structure now sits close to the side of the existing tunnel and what appears to be some kind of metal storage unit to the front of the poly tunnel.

This application site is next with a frontage of 72 metres and No 12 a storey and a half dwelling sits to the east.



The poly tunnel structure is temporary as are the other 2 recent additions to this plot, they can be easily removed and transferred to a different location as they do not have any concrete foundations. Orthophotographical pictures only show the appearance of this tunnel in the October 2019 and do not think this should be considered as a 'building' to create an infill site. In my opinion development on this application site would result in an urban character and would create a ribbon of development, as well as an infill opportunity on the plot between this site and that of RobLew Silos. I am not convinced there is a continuous built up frontage along this stretch of the Findrum Road which could create an infill opportunity. The intervening plot combined with the application site covers a frontage of over 100 metres and could be capable of accommodating more than 2 dwellings and thus fails to meet criteria of CTY 8.

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. The addition of two additional dwellings, located on this particular application site in my view will have a detrimental impact on the rural character as it would create a ribbon of development on land which I consider to represent a significant visual break in the landscape. In my view CTY 14 of PPS21 is not met. 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 (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Neighbour Notification Checked	Yes
Summary of Recommendation: On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and fails to meet the criterion set out in CTY 1 in PPS21 and therefore it is recommended that permission is refused. It fails CTY 14 and it is evident that the gap which includes this application site and another plot of land could accommodate more than 2 dwellings, thereby failing the requirements of Policy CTY8.	
Reasons for Refusal: 1.The proposal is contrary 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and if permitted, would result in the creation of ribbon development. 3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would create a ribbon of development, therefore resulting in a detrimental change to the rural character of the countryside.	
Signature(s) Date:	

ANNEX	
Date Valid	21st October 2020
Date First Advertised	3rd November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Alan & Pamela Clements 11 Findrum Road, Ballygawley, Co Tyrone, BT70 2JL The Owner/Occupier, 11 Findrum Road, Ballygawley, Tyrone, BT70 2JL2 Eric Campbell 12 FINDRUM RD BALLYGAWLEY The Owner/Occupier, 12 Findrum Road, Ballygawley The Owner/Occupier, 8 Findrum Road, Ballygawley The Owner/Occupier, 9 Findrum Road, Ballygawley	
Date of Last Neighbour Notification	20th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1308/F Proposal: Proposed 2No. detached dwellings under PPS21 CTY8 Address: Lands between 8 and 12 Findrum Road, Ballygawley, Decision: Decision Date: Ref ID: M/1994/0618 Proposal: Erection of Materials Store Address: ADJACENT TO 6 FINDRUM ROAD BALLYGAWLEY Decision: Decision Date: Ref ID: M/2003/1469/O Proposal: Erection of dwelling and garage Address: Lands 30m North West of 11 Findrum Road Ballygawley Decision: Decision Date: 07.04.2004	

Ref ID: M/1999/0485

Proposal: Site for chalet bungalow

Address: SITE OPPOSITE 11 FINDRUM ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2004/0337/F

Proposal: proposed dwelling and domestic garage

Address: site opposite 11 Findrum Road, Ballygawley

Decision:

Decision Date: 03.06.2004

Ref ID: M/2002/0532/O

Proposal: Renewal of application M/1999/0485: Site for chalet bungalow.

Address: Site opposite 11 Findrum Road, Ballygawley

Decision:

Decision Date: 01.08.2002

Summary of Consultee Responses

DfI Roads have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres in both directions and Forward Sight Distance.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1371/F	Target Date: <add date>
Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath	Location: Shanmoy Downs Eglish Dungannon
Applicant Name and Address: T G Developers Ltd 4 Stiloga Road Eglish Dungannon	Agent name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Summary of Issues: DFI Roads had concerns about the loss of the cyclepath	
Summary of Consultee Responses: DFI Roads – Roads have requested private streets drawings showing the cyclepath removed, awaiting sign off however agreement has been reached on acceptability.	
Characteristics of the Site and Area: The site is located in the settlement limits of Eglish as depicted by the Dungannon and South Tyrone area Plan 2010 and more specifically within the Shanmoy Downs development which is currently under construction. The red line of the site begins at the Entrance to Shanmoy on the Eglish Road. It runs alongside the existing road right to the western rear corner of the site. The eastern part of the site work has began and a number of dwellings have been completed including the roadway, however the rear eastern portion has not commenced.	

Description of Proposal

The proposal seeks full planning permission for replacing approved cycle path with a 2metre wide footpath within the entire development.

Deferred Consideration:

This application was before the committee in April 2021 with a recommendation to refuse due to DFI Roads concerns about the loss of the cycle path. The application was deferred to explore the concerns with DFI Roads.

DFI Roads have been asked to reconsider their request to keep the cyclepath and have been advised the proposed development road terminates where the river Oonagh and St Patricks GFC grounds meet. The GFC Grounds sit at a higher level than the adjacent field and this severely limits the potential for any connections for cycle paths. The development provides a footpath link to the Killyliss Road from Eglis Road along the side of the chapel carpark.

DFI Roads have now requested private streets drawings which show the cyclepath removed and have agreed these in principle with some minor changes. These drawings were received and forwarded to DFI for their sign off.

In light of DFI Roads no longer raising objections to the proposal I recommend the application is approved.

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

PSD01 – DFI Roads have determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 3/1 stamp date 8 OCT 2021.

REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980..

Informatives

The decision notice relating to this planning application should be read in conjunction with the conditions / informatives associated with previous approvals Application Reference M/2015/0085/F & M/2004/0778/F and all other approvals for this site.

The applicant must apply to the Dfi Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department/Dfi to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from Dfi Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfi Roads Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Dfi Roads Street Lighting Section at an early stage to agree a works programme for works associated with relocating of any existing street light columns. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

It is a Dfi requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

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: LA09/2020/1371/F	Target Date:
Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath	Location: Shanmoy Downs Eglish Dungannon
Referral Route: Contrary to Policy	
Recommendation:	REFUSE
Applicant Name and Address: T G Developers Ltd 4 Stiloga Road Eglish Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	

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 objections received

Characteristics of the Site and Area

The site is located in the settlement limits of Eglish as depicted by the Dungannon and South Tyrone area Plan 2010 and more specifically within the Shanmoy Downs development which is currently under construction.

The red line of the site begins at the Entrance to Shanmoy on the Eglish Road. It runs alongside the existing road right to the western rear corner of the site. The eastern part of the site work has begun and a number of dwellings have been completed including the roadway, however the rear eastern portion has not commenced.



As can be seen below at the time of site visit the road way is in place albeit without the finished surface and the footpath is visible due to the kerbing in place and the pathway has been stoned.



Description of Proposal

The proposal seeks full planning permission for replacing approved cycle path with a 2metre wide footpath within the entire development.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- The land is not zoned and remains as white land within the settlement limits of Eglish as depicted by the area plan. All applications within settlement limits are assessed against SETT1 and I consider if the proposal meets with the other regional policies it will also meet with the criteria in SETT1.

Key Planning Policy

Strategic Planning Policy Statement (SPPS)

PPS 3 - Access Movement and Parking.

PPS 7 - Quality Residential development.

Planning History

M/2004/0778/F - Approval for residential development of 47 dwellings - 16.09.2010

3rd party representation

No objections have been received.

Policy provisions of SPPS do not impact on the provisions of PPS 3 or PPS 7, which are the key consideration until such times as a new area plan for Mid Ulster is introduced.

PPS3 - Access Movement and Parking and in particular Policy AMP 8 - Cycle provision is relevant in this application. It states that where appropriate safe and convenient Cycle paths should be provided with links to existing cycle networks. In this case at the time of site visit there are no existing networks to be linked too. AMP 8 states that's the need for cyclists must be taken into account for developments comprising shopping, leisure, or educational or community uses, however, PPS7 addresses the provision of Cycle paths in association with residential development.

In this particular instance DFI Roads - Development Control requests that the cycleway as previously approved is retained. The reasoning for this is to future proof the delivery of a connecting cycleway in accordance with promoting the Ministers Active Travel Plan. So whilst on site it may appear that there are no existing networks to connect too, there are plans in place to create a whole new cycle network upon which this will link into. DFI Roads are recommending refusal of this planning application and as such have provided council with refusal reasons.

PPS 7 - Policy QD1 requires that a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures.

I have assessed the following:

-It is my opinion that the loss of cycle path will have little significant detrimental impact on the amenity, character or biodiversity of an area as it is replaced with a similar nature of development albeit a smaller 2 metre wide footpath;

-in this case, an area of cycle path is to be replaced by a 2 metre wide footpath, however, the actual benefits of the cycle path remains unclear. It would appear that the cycle path would only be used by the people living in the development and its actual benefits would be minimal. In addition the developer is not planning to do away with the cycle path in totality, but rather replace with a 2 metre wide footpath which is more appropriate given the nature of the development. In this case I do not feel the need for a cycle path from the roadside to the rear of the site is necessary and a 2 metre wide footpath is more appropriate and meets the needs of the development. However, it must be noted that DfI Roads have stated that it is necessary to future proof the delivery of a connecting cycleway in accordance with promoting the Ministers Active Travel Plan and this material consideration must be given determining weight.

Other Considerations

Some of the site is subject to flooding, however it is the portion at the road front where development has already commenced in accordance with previous permissions. I do not consider his proposal will cause or be at greater risk of flooding. DfI Roads were consulted on this proposal and have no objections subject to conditions and informatives. This proposal will not have a detrimental impact on natural or built heritage in this area.

In light of all of the above it is my opinion that it is not acceptable to replace the existing cycle path with a standard foot path and therefore I consider it should be recommended for Refusal.

Neighbour Notification Checked

Yes

Refusal Reasons

1.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 8: in that it would, if permitted, result in the loss of a cycle path necessary to future proof the delivery of a connecting cycleway in accordance with promoting the Ministers Active Travel Plan.

Signature(s)

Date:

ANNEX	
Date Valid	3rd November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 141 Eglish Road,Dungannon,Tyrone,BT70 1LB The Owner/Occupier, St Patrick'S Rc Church,Killyliss Road,Dungannon,Tyrone,BT70 1LE	
Date of Last Neighbour Notification	30th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1371/F Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath Address: Shanmoy Downs, Eglish, Dungannon, Decision: Decision Date: Ref ID: LA09/2020/1073/F Proposal: Amendment of site layout as previously approved under M/2015/0085/F & M/2004/0778/F to relocate two houses, amend part road layout and access pathway link to Killyliss Road. Address: Shanmoy Downs, Eglish, Dungannon, Decision: Decision Date: Ref ID: M/2015/0085/F Proposal: Proposed No. 3 Detached Dwellings Address: 35m north of 141 Eglish Road, Eglish, Dungannon, Decision: PG Decision Date: 17.10.2017 Ref ID: LA09/2018/1559/F Proposal: Proposed change of house types as approved in M/2004/0778/F, from 5 No. detached on sites 2, 7, 8, 25 and 26 to 4 pair of semi-detached houses and foul water treatment plant to service additional houses. Address: 120m North West of 141 Eglish Road, Eglish, Dungannon, Decision:	

Decision Date:

Ref ID: M/1980/0370

Proposal: IMPROVEMENTS TO DWELLING

Address: STILLAGO

Decision:

Decision Date:

Ref ID: M/1995/0017

Proposal: Extension and alterations to dwelling

Address: 141 EGLISH ROAD EGLISH DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0778/F

Proposal: Proposed residential development of 47 dwellings

Address: Opposite 114 Killyliss Rd, Eglish

Decision:

Decision Date: 12.10.2010

Ref ID: M/1981/0386

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: EGLISH, DUNGANNON

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

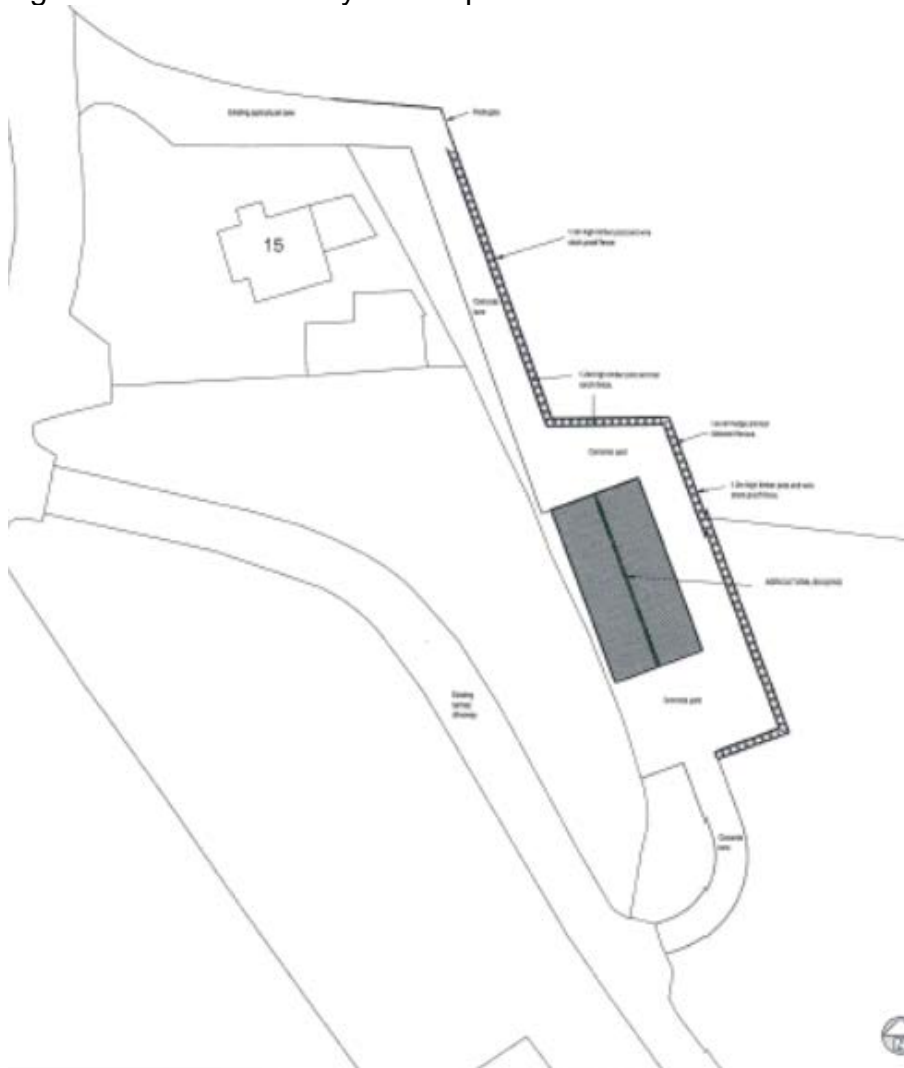
Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0096/F	Target Date:
Proposal: Retention of existing agricultural shed for machinery and feed stuff	Location: On lands to the East of 15 Tamlaghtmore Road Cookstown
Applicant Name and Address: Mr and Mrs Hutchinson 13 Tamlaghtmore Road Cookstown	Agent name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Characteristics of the Site and Area: The proposal is located in the open countryside, outside any settlement limits as defined in the Cookstown Area Plan 2010. The application site is located immediately SE of the detached dwelling No.15 Tamlaghtmore Road, this dwelling is outside the applicants ownership. This is a retrospective planning application therefore the agricultural shed subject to this application is currently in place on the site. The shed is finished to a high standard with a concrete laneway and yard surrounding the subject building. There are two existing vehicular access points onto the Tamlaghtmore Road within the red line of the application site, the southern access point forms part of the driveway of No.13 Tamlaghtmore Road. The topography of the site is relatively flat, however the land to the south is at a lower ground level and there is a gentle incline when travelling north along this portion of Tamlaghtmore Road. Post and wire fencing with some recent planting define the eastern boundary of the site. The proposal is enclosed and screened from public views by existing mature vegetation to the western boundary. The surrounding area is rural in character with a low development pressure typified by large agricultural fields, dispersed single dwellings and farm groups with associated agricultural outbuildings.	
Description of Proposal This is a retrospective application seeking full planning permission for the retention of an existing agricultural shed for machinery and feed stuff on lands to the East of 15 Tamlaghtmore Road, Cookstown.	



This application was presented as a refusal to Planning Committee in July 2021 and a virtual office meeting was held with the Area Planning Manager on 22 July 2021. The refusal reason is listed below;

Following the office meeting, the agent submitted a supporting statement to be considered and the senior planner re-visited the site in order to carry out a re-assessment.

In terms of integration, if the shed were to be located adjacent to the farm buildings it would be more prominent than where it is now located due to the landform. This location allows for ease of access to the farm shed for feed and animal shelter, and provides

added security as it is located in a secure gated area on the applicants land off the existing laneway. The shed is essential for the efficient running of the farm.

At the site visit there was a visual linkage between the shed and the group of farm buildings on the laneway. The shed is acceptable in terms of size, scale and design at this location.

No objections have been received and the neighbour at No. 15 has written in with his support for the application.

An approval with conditions is therefore recommended.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Conditions-

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Boundary treatment should be carried out, as indicated on approved plan 02 date stamped 25 Jan 2021 and any proposed planted shown on the same plan should be carried on during the first available planting season.

Reason: To provide adequate screening and integration at this rural location.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0096/F	Target Date:
Proposal: Retention of existing agricultural shed for machinery and feed stuff	Location: On lands to the East of 15 Tamlaghtmore Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr and Mrs Hutchinson 13 Tamlaghtmore Road Cookstown	Agent Name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: The proposal has been considered against prevailing policy and all material considerations below. No letters of representation have been received. It is considered the proposal fails to meet the exceptions test within Policy CTY12 of PPS21 in that the proposal is not sited with existing farm sheds on the farm holding and acceptable justification has not been provided for the alternative siting.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Statutory	DAERA	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

Characteristics of the Site and Area

The proposal is located in the open countryside, outside any settlement limits as defined in the Cookstown Area Plan 2010. The application site is located immediately SE of the detached dwelling No.15 Tamlaghtmore Road, this dwelling is outside the applicant's ownership. This is a retrospective planning application therefore the agricultural shed subject to this application is currently in place on the site. The shed is finished to a high standard with a concrete laneway and yard surrounding the subject building. There are two existing vehicular access points onto the Tamlaghtmore Road within the red line of the application site, the southern access point forms part of the driveway of No.13 Tamlaghtmore Road. The topography of the site is relatively flat, however the land to the south is at a lower ground level and there is a gentle incline when travelling north along

this portion of Tamlaghtmore Road. Post and wire fencing with some recent planting define the eastern boundary of the site. The proposal is enclosed and screened from public views by existing mature vegetation to the western boundary. The surrounding area is rural in character with a low development pressure typified by large agricultural fields, dispersed single dwellings and farm groups with associated agricultural outbuildings.

Description of Proposal

This is a retrospective application seeking full planning permission for the retention of an existing agricultural shed for machinery and feed stuff on lands to the East of 15 Tamlaghtmore Road, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 12 Agricultural and Forestry Development.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, 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) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

No relevant planning history.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. The

the locality successfully without detrimental impact. The established trees to the west provide integration and the existing dwelling of No.15 partially screens the proposal from public view there the building does not appear overly prominent. It is considered the site and its surrounding environment can accommodate the farm shed without suburban build up or detrimental impact to rural character.

Planning Policy Statement 3: Access, Movement and Parking - DfI Roads have been consulted and have offered no objections however have advised that both access points have restricted sightlines. DfI Roads have suggested an informative advising on the substandard access should Council consider the access to be non-intensification of vehicular movements of the existing farm operation. Having discussed Roads response with the Principle Planner, it is agreed that given it has been successfully been demonstrated that the farm business is established and active and the shed is sought to store the applicant/farmers farm machinery and is sited beside the applicants agricultural fields which are well maintained, this would not represent an intensification of access. Should members consider that the planning permission should be granted, it is considered necessary to attach an informative as suggested by DfI Roads.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The agent's supporting statement acknowledges that the proposal does not neatly meet the relevant policy tests, however argues in the round approval should be granted as the proposal meets the needs of the farm. This will be a matter for consideration by members however it has been considered that the proposal fails to fully comply with the policy provisions of Policy CTY12 of PPS21 and as such it is recommended planning permission is refused.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that the alternative site away from existing farm buildings is essential for the efficient functioning of the farm business or that there are demonstrable health and safety reasons.

Signature(s)

Date:

the design and materials to be used are sympathetic to the locality and adjacent buildings; and

The design and materials are typical of an agricultural shed and are considered acceptable to its rural setting.

the proposal is sited beside existing farm buildings.

The proposed shed is not sited beside the existing buildings on the applicants farm holding and is located approx. 220m SE of the farmyard.

Exceptionally, consideration may be given to an alternative site away from existing farm, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

The applicants supporting information argues that the subject shed was necessary to allow the applicant to safely store farm machinery and feedstuffs and that the existing farm yard was ruled out because it is remote from the farmhouse. The agent has argued that as the existing farmyard is not overlooked by a dwelling it is vulnerable to theft and generally inconvenient. Furthermore, the agent has argued that the existing farmyard occupies a prominent position in the surrounding countryside, whereas the application site is well integrated and sited with a group of buildings.

The group of buildings (No.15 and associated garage) which the subject building is sited beside are outside the farm holding, and the applicant's control, therefore cannot be relied upon. Whilst it is noted that the existing farm holding is located at a higher ground level and is more prominent than the application site, this does not mean an additional agricultural building at the existing farmyard could not successfully integrate. It is considered a farm building replacing an existing derelict farm building on the farm yard or a new agricultural building located to cluster with existing farm sheds on an established farm holding could successfully integrate into the landscape and would not significantly impact on rural character. The agent's arguments regarding convenience and security have been considered at internal group with the Principle Planner. Whilst it is accepted that the applicant would prefer the shed to be located closer to his property, the policy explicitly states that the exceptions are where it is essential for the existing function of the business; or where there are demonstrable health and safety reasons. It was considered at the group meeting that neither of these circumstances have been adequately demonstrated. The existing farm holding is located on the same stretch of road than the farm dwelling approximately 280 metres from the applicant's driveway therefore arguments on security from rural crime and usefulness are not accepted to comply with the exceptions test.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed, visually integrate into the surrounding landscape and not harm the rural character of the area. It is considered the design and materials of the shed are traditional to typical farm buildings in the immediate and wider locality and are acceptable in that respect. The siting is acceptable and integrates into

No built or natural heritage interests have been identified on or in close proximity of the site have been identified which may to be impacted by this proposal.

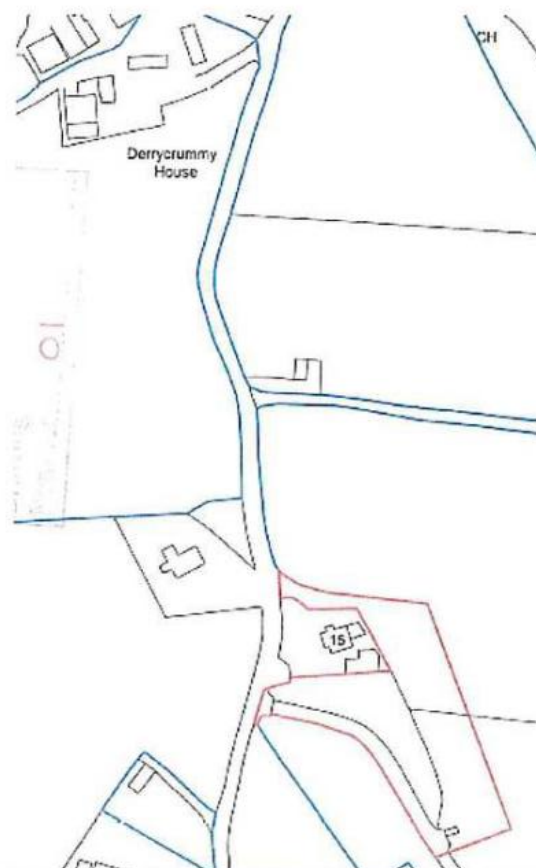
it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The closest third party occupied dwelling is located approximately 50 metres SE of the site. Environmental Health were consulted and have advised subject to the condition that the shed will be used for storage purposes only they would have no objections. In light of Environmental Health response I am content that the proposal will not result in detrimental impact on residential amenity and consider it reasonable and necessary to attach a condition restricting the use of the shed to storage only, should Members consider planning permission should be granted.

In cases where a new building is proposed, as is the case here, applicants will also need to provide sufficient information to confirm all of the following:

the applicant has no buildings on the holding that can be used;

The agent has provided a supporting statement which advises the existing farm holding is located north of the application site. This farmyard is known as 'Derrycummy House' and is approximately 220metres from the site. The agent has argued the four buildings at this farm holding are in a poor state of repair and some are in a state of partial dereliction. Whilst no other evidence has been provided to demonstrate these buildings could not be used or adapted for the required purpose, I have no reason to disrepute this assertion therefore I am content based on the information provided that there are no existing buildings on the holding which can be used.



SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years, however the farm business does not claim payments. Following this the agent has provided further information including a significant number of receipts and invoices ranging from 2016 to present. Based on the information provided, I am content that, the farm business is both active and established for the required time. It is now necessary to assess the proposal against each of the policy tests as follows:-

The proposed development is necessary for the businesses efficient use;

The agent has provided a Supporting Statement which details the agricultural shed is necessary for the safe storage of farm machinery and feedstuffs including hay. The agent has argued that the farm shed is necessary to protect from theft and that the existing sheds on the holding are in a state of disrepair and therefore are unsuitable. Having considered the information provided, I am content the shed is necessary for the efficient use of the agricultural holding.

in terms of character and scale it is appropriate to its location;

The surrounding area is rural in character. This shed is typical of an agricultural building in terms of its design, size, scale and materials and considered appropriate to its location.

it visually integrates into the local landscape and additional landscaping is provided as necessary;

It is considered the proposed agricultural shed by its nature (including design, size, scale and materials) integrates onto the site and into the surrounding landscape without detriment to the character of this rural area. The shed is sited to the rear of No.15 Tamlaghtmore Road. It is considered the proposal visually integrates into the local landscape given the existing built form and established vegetation enclosing the application site.

it will not have an adverse impact on the natural or built heritage; and