



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: LA09/2017/1004/O	Target Date: <add date>
Proposal: Proposed replacement dwelling and domestic garage.	Location: Land approx. 320m N.W. of 180 Caledon Road Aughnacloy
Applicant Name and Address: Mr Adrian Robinson 59 Curlough Road Aughnacloy	Agent name and Address: Bernard Donnely 30 Lismore Road Ballygawley BT70 2ND
Summary of Issues: It has not been demonstrated the building to be replaced was a dwelling, access to the development is via a new access to a protected route. Roads object to any new access onto protected routes. A members site visit was carried out and there has been no change in the recommendation.	
Summary of Consultee Responses: Roads object to a new access onto a protected route.	
Characteristics of the Site and Area: The application site is part of a larger agricultural field that sits above the level of Caledon Road approx 3.5 kms south east of Aughnacloy The site is bounded by mature trees to the south , west and east and the north boundary is undefined. In the south west corner of the field are 2 buildings, currently used for agricultural purposes. One of the buildings is of stone constriction with a tin roof and 3 solid walls, the other is a smaller tin shed. The west boundary is a high point here with	

Caledon Road in a cutting to the south separated from the site by a treed embankment. The land falls away from these existing buildings to the north, west and east. The area is very rural in character within a drumlin landscape and little perception of development along this relatively new stretch of road. There are isolated farm groups and single rural dwellings in the locality.

Description of Proposal

The proposal is for a site for a replacement dwelling and garage.

Deferred Consideration:

Members will be aware this application was discussed at the September Meeting, the agent was concerned that not all the information that had been presented had been considered in the Planning Officer Report and that information had not been uploaded to the Planning Portal. The application was deferred to allow a members site visit to take place to look at the existing buildings and the access that is proposed.

A site visit took place on 26 September 2019, at the visit it was noted:

- there was no evidence of a lane to the rear of the hedge,
- the buildings on the site did not have any features that would identify them as a dwelling and
- the traffic on the road travelled at a high speed and a dip in the road towards Aughnacloy, meant traffic was not visible for a time.

Members are advised following the site visit DFI Roads Engineers were asked to clarify the access position has the necessary sight lines in place to ensure any access was safe. DFI Roads have advised, they have estimated the road speed at 100kmh (62mph) and in accordance with Development Control Advice Note 15, a safe access here requires sight splays of 2.4m x 160.0m and that these are in situ. Members are therefore advised there is no road safety issue with an access here.

Members should note the following information was presented for consideration with the planning application:

- A map from Public Records Office showing the application site in a field numbered 30
- A ledger from the Public Records Office, which accompanied the map, this states Henry Hagan -In Chancery Foster Dunwoody (Receiver) – House Office and Land – 17 acres 1 rood and 17 perch – Buildings - Land Value £14, 2 shillings and 0 pence – Buildings value £2, 10shillings and 0 pence - totalling £16, 12 shillings and 0pence
- Recollection from the applicants father that someone lived in a house on these lands

As previously indicated this information is only helpful in that it illustrates there was a dwelling on these lands, it does not help to identify which building was the dwelling. This does not provide anything new for consideration that was not already considered in the previous reports and it does not demonstrate the field gate is a vehicular access for the

purposes of consideration of the policies in Planning Policy Statement 3 – Access, Movement & Parking.

In view of the lack of evidence that this building was a dwelling and that it involves the creation of a new access to a protected route, it is recommended this application is refused.

Reasons for Refusal:

1. The proposal is contrary to the Consequential Amendment to Policy AMP3 of Planning Policy Statement 3 - Access, Movement and Parking in that it has not been demonstrated this building meets the criteria for a replacement dwelling as set out in CTY3 of PPS21 and that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.

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: LA09/2017/1004/O	Target Date: <add date>
Proposal: Proposed replacement dwelling and domestic garage.	Location: Land approx. 320m N.W. of 180 Caledon Road Aughnacloy
Applicant Name and Address: Mr Adrian Robinson 59 Curlough Road Aughnacloy	Agent name and Address: Bernard Donnely 30 Lismore Road Ballygawley BT70 2ND
Summary of Issues: It has not been demonstrated the building to be replaced was a dwelling, access to the development is via a new access to a protected route. Roads object to any new access onto protected routes.	
Summary of Consultee Responses: DFI Roads - object to a new access onto a protected route.	
Characteristics of the Site and Area: The application site is part of a larger agricultural field that sits above the level of Caledon Road approx 3.5 kms south east of Aughnacloy The site is bounded by mature trees to the south , west and east and the north boundary is undefined. In the south west corner of the field are 2 buildings, currently used for agricultural purposes. One of the buildings is of stone construction with a tin roof and 3 solid walls, the other is a smaller tin shed. The west boundary is a high point here with Caledon Road in a cutting to the south separated from the site by a treed embankment. The land falls away from these existing buildings to the north, west and east.	

The area is very rural in character within a drumlin landscape and little perception of development along this relatively new stretch of road. There are isolated farm groups and single rural dwellings in the locality.

Description of Proposal

The proposal is for a site for a replacement dwelling and garage.

Deferred Consideration:

This application was considered as a dwelling on a farm and was recommended for refusal at the Committee Meeting in January 2019 as it was not considered to meet Protected Routes Policy. The agent revised the submission to a replacement dwelling before the meeting and the application was deferred to consider the revised proposal, it was presented back to Committee on 5th March 2019 and deferred for an office meeting with the Planning Manager. At the office meeting it was indicated the old building on the site was formerly a dwelling and its access to the Caledon Road was cut off by the new road. It was further advised that as the access was cut off a facilitation laneway was built to allow the old buildings to be accessed from the public road. The Planning Manager advised if information could be provided to clearly demonstrate this, then it is quite clear the application meets the policy for access to a protected route and invited the applicant to submit this information.

Mr Robinson (Snr) advised the members at the office meeting that he remembered someone living in the old building on the site, other than that recollection there is no additional information to suggest this was a dwelling. That said, the principle of a dwelling on a farm has been considered and it is acceptable in principle, subject to a suitable access being provided.

A Geotechnical Investigation has been carried out and submitted, this includes information from trial pits and geotechnical testing consisting of Dynamic Core Penetration (DCP) to establish the California Bearing Ratio (CBR) of the ground. Members are advised the California Bearing Ratio (CBR) is a simple strength test that compares the bearing capacity of a material with that of well graded crushed stone, which has a CBR value of 100%. The test involves applying a load to a small penetration piston and recording the total load penetration. <https://www.pavementinteractive.org/reference-desk/design/design-parameters/california-bearing-ratio/>

The report shows that 3 locations close to the hedge (Test Locations 1, 4 & 10 in the report) appear to have better load bearing capacity than the remainder of the grounds. The report suggests this is due to the ground having been developed to provide a stoned laneway. From the trial pits information provided, the report suggests a 0.25m deep bed of gravel has been encountered at 2 locations close to the hedge, southeast of the existing buildings. Again the report suggests this was because a laneway had been constructed along the rear of the hedge.

Members are advised the report is unhelpful as it can only advise there may have been a stoned laneway provided along the rear of the hedge. This does clearly demonstrate that the lane was used as an access to a dwelling and as such constitutes an existing access for the purposes of AMP3. That said neither does it demonstrate the lane was only used for agricultural purposes, which would result in the creation of a new access to the protected route. The situation on the ground is:

- there is a field gate from the side of the road into the field,
- there is no obvious laneway to the rear of the hedge, it all appears to be in grass and part of the fields

If a lane had been created, in my opinion and from observation on site, its use was abandoned long ago and there is now no vehicular access onto the protected route at this location. Members are reminded that PPS3 clearly sets out in footnote 4 on page 21 that for the purpose of the policies in the PPS a field gate is an access.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Policy TRAN4 as proposed does not provide any significant change in policy. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

In view of the lack of evidence that this building was a dwelling and there is an existing vehicular access to a protected route, it is recommended this application is refused.

Reasons for Refusal:

1. The proposal is contrary to the Consequential Amendment to Policy AMP3 of Planning Policy Statement 3 - Access, Movement and Parking in that it has not been demonstrated this building meets the criteria for a replacement dwelling as set out in CTY3 of PPS21 and that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.

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: LA09/2017/1004/O	Target Date: <add date>
Proposal: Proposed replacement dwelling and domestic garage.	Location: Land approx. 320m N.W. of 180 Caledon Road Aughnacloy
Applicant Name and Address: Mr Adrian Robinson 59 Curlough Road Aughnacloy	Agent name and Address: Bernard Donnely 30 Lismore Road Ballygawley BT70 2ND
Summary of Issues: It has not been demonstrated the building to be replaced was a dwelling, access to the development is via a new access to a protected route. Roads object to any new access onto protected routes.	
Summary of Consultee Responses: Roads object to a new access onto a protected route.	
Characteristics of the Site and Area: The application site is part of a larger agricultural field that sits above the level of Caledon Road approx 3.5 kms south east of Aughnacloy. The site is bounded by mature trees to the south, west and east and the north boundary is undefined. In the south west corner of the field are 2 buildings, currently used for agricultural purposes. One of the buildings is of stone construction with a tin roof and 3 solid walls, the other is a smaller tin shed. The west boundary is a high point here with Caledon Road in a cutting to the south separated from the site by a treed embankment. The land falls away from these existing buildings to the north, west and east.	

The area is very rural in character within a drumlin landscape and little perception of development along this relatively new stretch of road. There are isolated farm groups and single rural dwellings in the locality.

Description of Proposal

The proposal is for a site for a replacement dwelling and garage.

Deferred Consideration:

This application was considered as a dwelling on a farm and was recommended for refusal at the Committee Meeting in January 2019 as it was not considered to meet Protected Routes Policy. The agent revised the submission to a replacement dwelling before the meeting and the application was deferred to consider the revised proposal.

Members will be aware of Policy CTY3 of PPS21 which sets out the considerations for replacement dwellings in the countryside. This Policy has not been changed by the SPPS and I consider it is still the relevant policy for consideration of this proposal. Members will be aware that Policy CTY3 allows the replacement of a building that was formerly used as a dwelling and the policy requires the building to be replaced to exhibit the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The policy does not give any guidance of what is meant by substantially intact and as such it is a subjective test. Helpfully a review of PPS21 was carried out in July 2013, the then Minister for the Environment, identified good practice for consideration of a flexible approach to replacement dwellings. The Minister referred to an application in Armagh (this has been subsequently identified as O/2009/0175/O) which had long ago been a dwelling, it had no roof and the walls were not 100% intact. Members are advised the Ministers Statement is not setting out new policy, merely giving guidance on how to best interpret the existing policy.

The applicant has indicated that the building in the south west corner of the site was a dwelling and it is proposed to replace this with a new dwelling. The existing building on site has 3 stone walls and a tin roof , the front wall is missing and the rear wall has one small window opening in it. There are no other features within the building to give any indication of its previous uses. (see photos in Annex A). The applicant has stated the building was a dwelling and there is evidence in historic maps that a building or buildings have been on the site for some considerable time, however this does not demonstrate the building was used as a dwelling. There is nothing here to give me any comfort that this was a dwelling and I do not see that it is directly comparable to the case referred to by the Minister in the Review and I do not consider it has been shown this was a dwelling that could be replaced.

Members are advised that even if this was a dwelling, the fundamental issue that still has not been addressed is the provision of a new access onto a Protected Route. The agent has provided details of planning permission K/2010/0529/F, a decision that was taken by

the Department in relation to an access to the A5 Protected Route for a dwelling on a farm. That decision allowed a new access to a Protected Route through what was clearly a field gate. I have considered this and cannot see how this would have met the Policy and as such I do not consider this poor decision to set a precedent which should allow unfettered access to the Protected Route network. The Consequential Amendment to Policy AMP3 – Access to Protected Routes Protected Routes Policy requires a dwelling to be replaced to meet the criteria for a replacement dwelling as set out in CTY3 and there must be an existing vehicular access onto the protected route. For the purposes of this policy it is set out in footnote 4 that a field gate is not a vehicular access. As stated in the previous report, the access to this building is from a field gate to the south east. Again historical maps have indicated that an access to the buildings was lastly achieved from a laneway that went north of the buildings then west onto the then Caledon Road line which ran alongside the railway line. There is some evidence that a lane was in place with its path still evident but overgrown to the north, a crossing point over a watercourse is still in place which provides access between 2 agricultural fields. The point where the lane would have met the new road is marked by a field gate and there is no evidence of a lane along the side of the field. (See Photographs in Annex B)

In view of the lack of evidence that this building was a dwelling and that it involves the creation of a new access to a protected route, it is recommended this application is refused.

Reasons for Refusal:

1. The proposal is contrary to the Consequential Amendment to Policy AMP3 of Planning Policy Statement 3 - Access, Movement and Parking in that it has not been demonstrated this building meets the criteria for a replacement dwelling as set out in CTY3 of PPS21 and that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.

Signature(s):

Date

ANNEX A

Photographs of the Building to be Replaced

Side walls



Rear wall



Rear wall window opening



Front of building



Internal wall



Rear wall with window opening blocked up





ANNEX B

Access photographs

Field gate as indicated for access to proposal



Remains of lane to north of buildings



View from new road of field where lane is indicated on old maps





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: LA09/2017/1004/O	Target Date:
Proposal: Erection of dwelling and garage on a farm	Location: Land approx. 320m N.W. of 180 Caledon Road Aughnacloy
Referral Route: Refusal recommended as contrary to policy AMP3 - Access onto Protected Routes. Objection from Roads Service.	
Recommendation:	Refusal
Applicant Name and Address: Mr Adrian Robinson 59 Curlough Road Aughnacloy	Agent Name and Address: Bernard Donnely 30 Lismore Road Ballygawley BT70 2ND
Executive Summary: The proposal meets the criteria for a dwelling on a farm, access to the development is proposed off a new access to a protected route.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Object to new access onto Protected Route
Non Statutory	DAERA - Omagh	Active and established for over 6 years

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

The proposal meets the criteria for a dwelling on a farm, access to the development is via a new access to a protected route. Roads object to any new access onto protected routes.

Characteristics of the Site and Area

The application site is part of a larger agricultural field that sits above the level of Caledon Road approx 3.5 kms south east of Aughnacloy. The site is bounded by mature trees to the south, west and east and the north boundary is undefined. In the south west corner of the field are 2 buildings, currently used for agricultural purposes. One of the buildings is of stone construction with a tin roof and 3 solid walls, the other is a smaller tin shed. The west boundary is a high point here with Caledon Road in a cutting to the south separated from the site by a treed embankment. The land falls away from these existing buildings to the north, west and east. The area is very rural in character within a drumlin landscape and little perception of development along this relatively new stretch of road. There are isolated farm groups and single rural dwellings in the locality.

Description of Proposal

The proposal is for a site for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

The proposal is for a dwelling in the countryside and the policies contained in the Area Plan are determining unless other material facts should indicate otherwise. The site is not within any settlement limits defined in the Dungannon & South Tyrone Area Plan and there are no policies within the plan relevant to the proposed development.

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 Strategic Policy Statement for Northern Ireland is the most recent policy published by the Department. It provides guidance for Councils in the preparation of their Local Development Frameworks and until these LDF's are published in final form the SPPS, as well as other published policies are to be considered in determining planning applications. Where policy direction or clarification is different in the SPPS than other policies, the SPPS shall be determining. I do not consider there is any change in policy for this development in the SPPS. I consider the policies contained in PPS21 - Sustainable Development in the Countryside is the most relevant policy for consideration and Policy CTY1 allows for certain development in the Countryside provided it accords with other policies contained within CTY2 - CTY16.

DEARA have confirmed this is for an active and established farmer and the agent advises there is a dairy herd on the holding. A search of the farm map has not shown any development opportunities that have been transferred off the holding since 25 November 2008. The main farm group is located approx. 2kms to the south east off the proposed site. A site has not been chosen there as the land close to the buildings is subject to flooding, this has been confirmed on the DEARA flood maps. Members are advised policy CTY10 directs new dwellings on farms to be side to visually link or cluster with a group of established buildings on the far. There are 2

buildings in the south west corner of the site, as such I consider a dwelling sited beside these would meet with the criteria in CTY10. Due to the height of the existing vegetation on the site boundaries and around the site, I consider a large storey and half dwelling or small 2 storey dwelling could be well integrated on this site. There is limited development pressure around this area and as such I do not consider a dwelling here would have any undue impact on rural character.

Members are however advised that it is proposed to access the dwelling off a protected route, where it is the Roads Authority policy to severely restrict new access so as to minimise disruption to the free flow of traffic on these important routes. The consequential amendment to Policy AMP3 of PPS3 allows farm dwellings to access off protected routes where there is no reasonable possibility to access off an adjacent minor road and provided it uses an existing access. For the purposes of access policy it is important to note a field gate cannot be considered as a vehicular access.

The applicant has advised one of the old buildings used to be a dwelling and that it had an access onto the old road to the south west. When the new road was being built in the 1980's, as the old dwelling was not occupied, no provision was made for an access to it from the new road, or indeed the surrounding roads. Since then access has been via a field gate at the north east corner of this field, where it is proposed to provide the access for this dwelling. Old maps from the Public Records Office online library would appear to validate this claim. Where the existing stone building with the tin roof is located, it is clear there has been a building here for some considerable time:

- First edition map (1832-1846) shows a building and enclosures
- Second edition map (1846 - 1862) shows a building with an access to the road to the south west
- Third edition map (1900 - 1907) shows 2 buildings and the access has moved to the north with a dog leg to the west and access the road west of the buildings
- Fourth edition map (1905 - 1957) shows the same as the third edition but a building is now located at the south side of where the access meets the public road.

(See appendix A)

Roads engineers were asked to confirm if there is an existing vehicular access, however they are unable to provide any confirmation of this and as such it would appear there is no existing vehicular access to the public road. Due to the hard shoulder along the side of the road, Roads have advised 2.4m x 160.0m sight lines can be achieved to create a safe access and as such the issue here is the principle of a new access onto the Protected Route.

Members are advised that alternative sites, which do not access onto the Protected Route, have been explored and in principle may be acceptable. However the applicant has advised they wish to have a decision on this application.

I recommend to the Committee that this application is refused as it will result in the creation of a new access onto a Protected Route and is contrary to Policy AMP3, as amended by PPS21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation to refuse.

Refusal Reason:
1. The proposal is contrary to Policy AMP3 of Planning Policy Statement 3 - Access, Movement and Parking in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.
Signature(s)
Date:

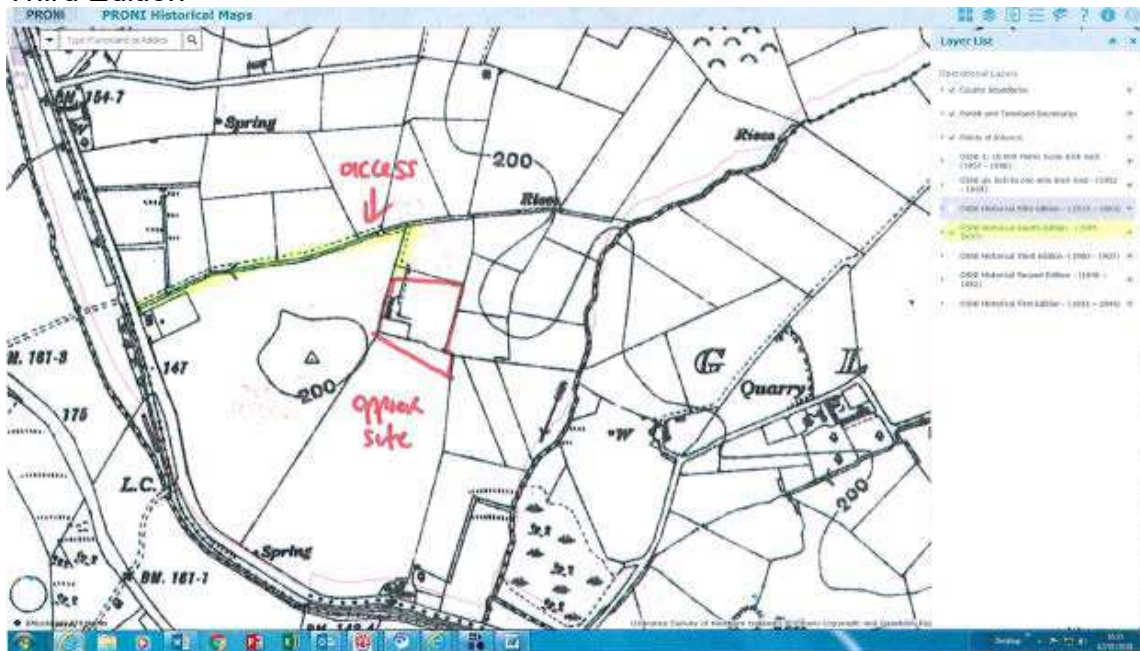
First Edition



Second Edition



Third Edition



ANNEX	
Date Valid	26th July 2017
Date First Advertised	10th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	None required
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1979/0181 Proposal: ERECTION OF TWO STOREY DWELLING HOUSE Address: GLENDAVAGH, AUGHNACLOY Decision: Decision Date: Ref ID: LA09/2017/1004/O Proposal: Erection of dwelling and garage on a farm Address: Land approx. 320m N.W. of 180 Caledon Road, Aughnacloy, Decision: Decision Date:	
Summary of Consultee Responses Roads object to a new access onto a protected route.	
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:

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/1349/F	Target Date:
Proposal: Animal isolation and farm machinery storage shed	Location: Approx 120m South East of 37 Rocktown Lane Knockloughrim
Applicant Name and Address: Robert Edward Scullion 322 Hillhead Road Knockloughrim	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Summary of Issues: <p>Following an initial deferral a site meeting was held on the site in May 2019. The application was recommended for refusal but withdrawn from the Committee schedule in Jan 2019 to consider additional information. This not been forthcoming following numerous attempts asking for this information and a final deadline was given for 18th July 2019. The issues remain as previously and refusal is recommended.</p>	
Characteristics of the Site and Area: <p>The site is located approximately half a mile east of Knockcloghrim in open countryside in accordance with the Magherafelt Area Plan 2015. The site address is described as 100m south east of No 37 Rocktown Lane and the site consist of an area of hardstanding surrounded by mature trees. The site is accessed via an existing laneway onto Rocktown Lane.</p>	
Description of Proposal <p>The application proposes to erect a portal frame building to provide winter housing and isolation facilities when there is an outbreak of TB. The site is within a cleared area of woodland located approximately half a mile north east of the existing farm complex located at No 322 Hillhead Road, Knockcloghrim. The building measures 18.6m x 15m</p>	

with a ridge height of 6.6m. The lower half of the building is cavity walls construction and the upper half of the building is finished using insulated metal cladding. The roof finish is also insulated metal cladding. A 4m x 4m roller shutter door is proposed on the western elevation and pedestrian door with glass panel is proposed on southern elevation. 2 No. 0.8m x 0.8m ventilation louvres are proposed on each gable.

Deferred Consideration:

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

1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings is essential for the efficient functioning of the business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building.
2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Following a discussion at that meeting it was agreed that the application would be deferred to allow Committee members to visit the site. A subsequent site meeting took place on 17th May 2018 and was attended by Councillors McKinney and McPeake together with Mr Bowman and Mr McCrystal from MUDC.

At that site meeting issues were discussed in relation to the principle of siting an isolation shed away from the main group of farm buildings. The justification for this was that the applicants herd being infected by TB. However this does not necessitate an isolation building to be located on a site remote from the main farm grouping. In fact, to site such a building away from the main farm grouping, such as proposed, would have the consequence of moving infected animals to a small narrow plot with two other farm businesses on either side, with the potential to infect animals on those lands. It was claimed the applicant has around 30 acres of land at this location, however, full details of these lands have never been provided.

It was agreed that the details of the aforementioned lands would be requested on a without prejudice basis to enable further consultation to be undertaken with DAERA and to allow the case to be reconsidered. This information was duly requested, however it has not been provided and therefore there has been no further consultation with DAERA. On Dec 2018, the agent advised by letter that Mr Scullion had completed the purchase of 30 acres of land adjacent to the proposed storage shed and the land will be attached to his single farm payment claims in Jan 2019. On this basis the application was withdrawn from the Committee schedule in Jan 2019 to consider the additional information. However, these details have not been forthcoming, farm maps and land reg documents have been requested in March 2019 and again in June 2019, giving a final deadline of 4 weeks to get the details in, which is now well past. In addition to this, a land reg check by Planning was carried out on 11/10/19 on adjacent land and none is in the name of the applicant.

The proposed development also raises questions regarding the appropriateness of siting a livestock building within a plantation, which is also an ideal habitat for badgers which are a source of TB. The supporting statement states that cattle will have access to outside grazing throughout the plantation, which may heighten the risk of cattle being exposed to badgers, thus increasing the risk of a TB outbreak. Furthermore, the applicant has failed to demonstrate that an alternative site away from the existing buildings is essential for the business and why an isolation shed cannot be located at the existing main farm grouping.

As the agent has advised, DAERA have changed the applicants herd test type because his herd is at a high risk of TB from neighbouring farms. Therefore, in reality, what the applicant is proposing will not only put his livestock at a high risk of contracting TB from other farms due to the close proximity of the proposed building to third party lands, but will also put those other parties livestock at risk if the applicants herd were to suffer a TB outbreak.

In reconsidering the proposed development, no persuasive evidence has been provided to justify why an isolation shed should be permitted at this location as the applicant has alternatives at the existing main farm grouping which can be accommodated through the provision of a shed which meets the current DAERA guidance for Isolation Facilities. This guidance confirms that farm isolation buildings only need to be free-standing buildings (i.e. solid walls, no shared airspace, water supply or drainage with other animal accommodation) from any buildings used for other livestock. There is no requirement to locate the isolation building/facility on an alternative site away from existing farm buildings.

The issue relating to achieving the NE visibility splay has not yet been fully resolved. A vertical section drawing has not been provided to show this can be achieved. However as the principle of development has not yet been established the section was not requested. However it would appear the applicant can achieve this, so it would not be necessary as an additional refusal reason.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

Conclusion

The main issues remain the same as previously, and as no further information has been submitted to address the concerns, the refusal reason is as follows below;

Refusal Reasons

1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings, should be treated as exceptional, nor why it is essential for the efficient functioning of the

business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building.

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: Malachy McCrystal	
Application ID: LA09/2017/1349/F	Target Date: <add date>
Proposal: Animal isolation and farm machinery storage shed	Location: Approx 120m South East of 37 Rocktown Lane Knockloughrim
Applicant Name and Address: Robert Edward Scullion 322 Hillhead Road Knockloughrim	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Characteristics of the Site and Area: The site is located approximately half a mile east of Knockcloghrim in open countryside in accordance with the Magherafelt Area Plan 2015. The site address is described as 100m south east of No 37 Rocktown Lane and the site consist of an area of hardstanding surrounded by mature trees. The site is accessed via an existing laneway onto Rocktown Lane.	
Description of Proposal The application proposes to erect a portal frame building to provide winter housing and isolation facilities when there is an outbreak of TB. The site is within a cleared area of woodland located approximately half a mile north east of the existing farm complex located at No 322 Hillhead Road, Knockcloghrim. The building measures 18.6m x 15m with a ridge height of 6.6m. The lower half of the building is cavity walls construction and the upper half of the building is finished using insulated metal cladding. The roof finish is also insulated metal cladding. A 4m x 4m roller shutter door is proposed on the western elevation and pedestrian door with glass panel is proposed on southern elevation. 2 No. 0.8m x 0.8m ventilation louvres are proposed on each gable.	

Deferred Consideration:

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

1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings is essential for the efficient functioning of the business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building.
2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Following a discussion at that meeting it was agreed that the application would be deferred to allow Committee members to visit the site. A subsequent site meeting took place on 17th May 2018 and was attended by Councillors McKinney and McPeake together with Mr Bowman and Mr McCrystal from MUDC.

At that site meeting issues were discussed in relation to the principle of siting an isolation shed away from the main group of farm buildings. The justification for this was that the applicants herd being infected by TB. However this does not necessitate an isolation building to be located on a site remote from the main farm grouping. In fact, to site such a building away from the main farm grouping, such as proposed, would have the consequence of moving infected animals to a small narrow plot with two other farm businesses on either side, with the potential to infect animals on those lands. Councillor McPeake referred to the applicant having around 30 acres of land at this location, however, full details of these lands have never been provided.

It was agreed that the details of the aforementioned lands would be requested on a without prejudice basis to enable further consultation to be undertaken with DAERA and to allow the case to be reconsidered. This information was duly requested, however it has not been provided and therefore there has been no further consultation with DAERA.

The proposed development also raises questions regarding the appropriateness of siting a livestock building within a plantation, which is also an ideal habitat for badgers which are a source of TB. The supporting statement states that cattle will have access to outside grazing throughout the plantation, which may heighten the risk of cattle being exposed to badgers, thus increasing the risk of a TB outbreak. Furthermore, the applicant has failed to demonstrate that an alternative site away from the existing buildings is essential for the business and why an isolation shed cannot be located at the existing main farm grouping.

As the agent has advised, DAERA have changed the applicants herd test type because his herd is at a high risk of TB from neighbouring farms. Therefore, in reality, what the applicant is proposing will not only put his livestock at a high risk of contracting TB from other farms due to the close proximity of the proposed building to third party lands, but will also put those other parties livestock at risk if the applicants herd were to suffer a TB outbreak.

In reconsidering the proposed development, no persuasive evidence has been provided to justify why an isolation shed should be permitted at this location as the applicant has alternatives at the existing main farm grouping which can be accommodated through the provision of a shed which meets the current DAERA guidance for Isolation Facilities. This guidance confirms that farm isolation buildings only need to be free-standing buildings (i.e. solid walls, no shared airspace, water supply or drainage with other animal accommodation) from any buildings used for other livestock. There is no requirement to locate the isolation building/facility on an alternative site away from existing farm buildings.

Conclusion

Given the above situation, it is my opinion that the proposed development is contrary to Planning policy as stated and should be refused for the following reasons:-

Refusal Reasons

1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings is essential for the efficient functioning of the business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building.
2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s):**Date**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1349/F	Target Date:
Proposal: Animal isolation and farm machinery storage shed	Location: Approx 120m South East of 37 Rocktown Lane Knockloughrim
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Robert Edward Scullion 322 Hillhead Road Knockloughrim	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

For committee decision



18/4/18

Case Officer Report

Site Location Plan



Consultations:

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

Characteristics of the Site and Area

The site is located approximately half a mile east of Knockcloghrim in open countryside in accordance with the Magherafelt Area Plan 2015. The site address is 100m south east of No 37 Rocktown Lane and the site consists of a cleared area of rock/hardstanding and access is via an existing laneway onto Rocktown Lane. The site is located within Lemnaroy Plantation which consists largely of mature trees and overgrown gorse. Views into the site are virtually non-existence.

Description of Proposal

The application proposes to erect a portal frame building to provide winter housing and isolation building. The site is within a cleared area of woodland located approximately half a mile north east of the existing farm complex located at No 322 Hillhead Road, Knockcloghrim. The building measures 18.6m x 15m with a ridge height of 6.6m. The lower half of the building is cavity walls construction and the upper half of the building is finished using insulated metal cladding. The roof finish is also insulated metal cladding. A 4m x 4m roller shutter door is proposed on the western elevation and a pedestrian door with glass panel is proposed on southern elevation. 2 No. 0.8m x 0.8m ventilation louvres are proposed on each gable.

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

No relevant history

Representations:

1 neighbour notification letter was sent to the occupiers of No 37 Rocktown Lane, Knockcloghrim.

No letters of representation have been received.

Policy Considerations

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

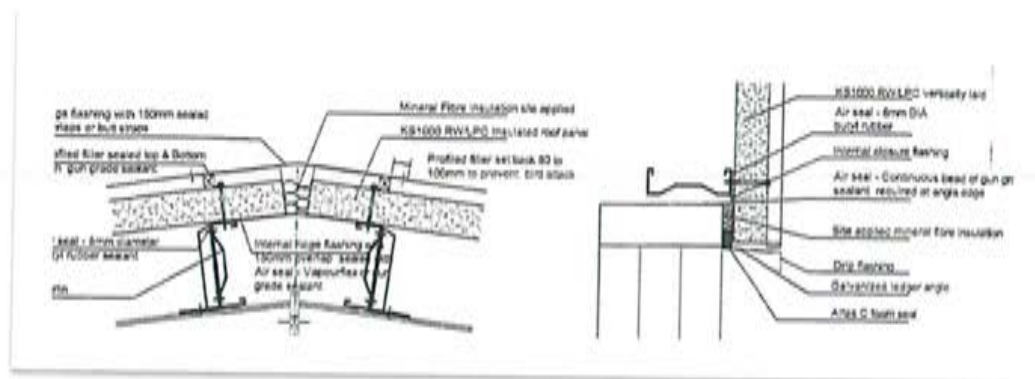
Magherafelt Area Plan 2015: The site is located within open countryside. There are no other designations on the site, however part of the site falls within an area of a monument constraint. HED Historic Monuments have been consulted and are content that the proposal satisfies the SPPS and PPS 6.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside, which includes agricultural development (CTY 12). Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; - The policy requires the applicant to provide evidence of an active farm business, established for at least 6 years. The applicant has provided a DAERA Business number. Consultation with DAERA has confirmed that the farm business is currently active and is established for over 6 years. The applicant has also submitted farm maps indicating the extent of his farm holding which is about 30.55 hectares. The issue regarding whether the shed is necessary will be considered under the heading '**Justification for an Alternative Site**'.

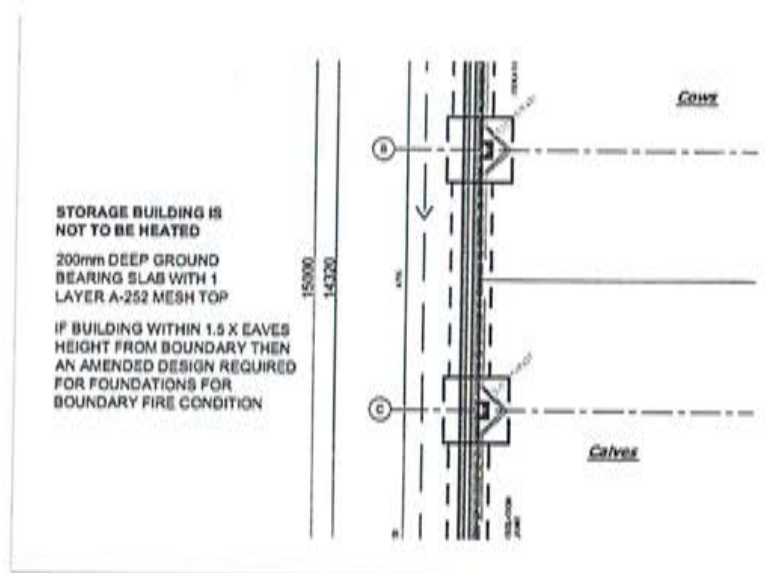
(b) in terms of character and scale it is appropriate to its location;

I have concerns that the proposed building will not be used for agricultural purposes. Firstly, the building will be constructed using cavity walls and metal insulated cladding which are not typical construction methods used for constructing livestock buildings.



According to DAERA guidance, livestock buildings should be designed to allow the free movement of air to circulate within the building to prevent the build-up of stale air/condensation. From my own farming background, housing a large number of animals inside a sealed insulated building over a prolonged periods of time would undoubtedly lead to a build-up of condensation which may result in outbreaks of respiratory diseases such as pneumonia.

Secondly, drawing No 4 Rev 1 which was received on 13th April 2018 includes a note which states that the '**STORAGE BUILDING IS NOT TO BE HEATED**' which also demonstrates that the building will not be used for agricultural purposes.



(c) it visually integrates into the local landscape and additional landscaping is provided as necessary and considering CTY 13 & 14;

The site is setback approximately 100m from the public road and is surrounded by mature trees along all boundaries. The size and scale of the shed will integrate into landscape and there will be no detrimental change to the rural character.

(d) it will not have an adverse impact on the natural or built heritage;

The proposal will not have an adverse impact on any monuments or buildings of historic value.

(e) 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 dwelling is located at No 37 Rocktown Lane which is approximately 100m northwest of the site. Environmental Health Department have been consulted with regards to noise and smell and have raised no concerns, therefore I am satisfied the proposal will not have a significant detrimental impact on third party residential amenity.

Justification for an Alternative Site.

The proposal will not be sited beside an existing group of farm buildings, instead will be located within a plantation located approximately 0.5 mile north east of the principle farm holding located at No 322 Hillhead Road, Knockcloghrim. CTY 12 allows for an alternative site away from existing farm buildings, 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.

A supporting statement was submitted on 7th March and states that the isolation shed is necessary because the applicant's milking herd has been affected by TB on three separate occasions within the last 2 years and that TB was revealed in the herd on 7th March 2018. The supporting statement concludes by stating that 'the applicant is investing in good husbandry practices to eliminate the risk of further TB infection whilst protecting his milking herd which he has built up over many years'.

To help verify the above information was correct, I contacted Coleraine Veterinary Office and a DAERA official confirmed that the applicant herd is not subject to any TB restrictions following two clear tests, one in April 2017 and another in November 2017. The official also confirmed that the applicant runs a beef enterprise and not dairy enterprise as claimed.

I contacted the agent regarding the information provided by DAERA and he ^{admitted} omitted that he had made a 'mistake' regarding the type of farm the applicant runs, however he refused to confirm the up to date TB status of the applicant herd, instead argues that DAERA has had to amend the applicant's TB test which was due on the 28/03/2018 from an ordinary Annual Herd Test (AHT) to a Lateral Check Test (LCT) because his herds is at high risk to TB breakdown from neighbouring farms.

A follow up supporting statement was submitted on 13th April and states that the shed is required-also required for winter housing because all the sheds at the existing farm complex are fully utilised. The supporting statement also states that the applicants has 30 acres of land at the proposed site and cows and calves will be have access to outside grazing over the winter months.

Consideration

The applicant has failed to demonstrate why his herd is at greater risk from an outbreak of TB than other herds. An isolation building will not prevent the outbreak of TB, it is only used to isolate an animal if it tests positive for TB, until the animal is either retested or removed off the farm. DAERA guidance for Isolation Facilities confirms that buildings used for on farm isolation need to be free standing building (i.e. solid walls, no shared airspace, water supply or drainage with other animal accommodation) from any buildings used for other livestock. There is no requirement to locate the isolation building/facility on an alternative site away from existing farm buildings.

No supporting information has been provided to demonstrate that the applicant owns/farms 30 acres beside the site, therefore no weight can be attached to this information.

I would question the appropriateness of siting a livestock building within a plantation which is also an ideal habitat for badgers. Badgers are well known carrier of TB. The supporting statement states that cattle will have access to outside grazing throughout the plantation which may heighten the risk of cattle coming into contact with badgers, thus increasing the risk of a TB outbreak.

The applicant has failed to demonstrate that an alternative site away from the existing buildings is essential for the business. No information has been provided to demonstrate why existing buildings on the holding can be utilised and the design and materials are not keeping those used for the construction of livestock buildings.

Other Material Consideration.

Following an internal consultation with Sean Hackett of DFI Roads, a vertical section through the visibility splay on the RHS exiting indicating 1.05 – 0.26 and 1.05 – 1.05 at 2.4m x 60m was requested on the 31st January 2018. To date the section has not been provided, however given the principle of development has not been established the section is not required.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation: recommend refusal on the bases of non-compliance with CTY12 of PPS 21.

Refusal Reasons:

1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings is essential for the efficient functioning of the business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building.

2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s)

Date:

ANNEX	
Date Valid	29th September 2017
Date First Advertised	19th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Rocktown Lane Knockcloghrim Magherafelt	
Date of Last Neighbour Notification	31st October 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2015/0608/LDP Proposal: Erection of Dwelling and Garage Address: Site opposite No 37 Rocktown Lane, Knockloughrim, Decision: PR Decision Date: Ref ID: LA09/2017/1349/F Proposal: Animal isolation and farm machinery storage shed Address: Approx 120m South East of 37 Rocktown Lane, Knockloughrim, Decision: Decision Date: Ref ID: H/1974/0299 Proposal: EXISTING QUARRY Address: GULLADUFF ROAD, KNOCKLOUGHRIM Decision: Decision Date: Ref ID: H/2003/0450/O Proposal: Site of dwelling house. Address: Site opposite no 37 Rocktown Lane, Knockloughrim. Decision: Decision Date: 05.03.2004 Ref ID: H/2011/0164/LDE Proposal: Development commenced within the timeframe of the approval for dwelling and garage approved under H/2007/0204/RM dated 1st March 2007 by construction of visibility splays as required therefore works are lawful. Address: Site opposite no. 37 Rocktown Lane, Knockloughrim, Decision: Decision Date:	

Ref ID: H/2007/0204/RM

Proposal: Proposed single storey dwelling and single storey double garage.

Address: Site opposite No. 37 Rocktown Lane, Knockloughrim

Decision:

Decision Date: 16.06.2008

Summary of Consultee Responses

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 Revision 1

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/1452/F	Target Date:
Proposal: Proposed storage extension to the rear of building (amended plans)	Location: 12 William Street Cookstown
Applicant Name and Address: Andrew McConnell 12 William Street Cookstown	Agent name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Summary of Issues: <p>Proposal was deferred to allow agent to submit amended plans, these have been received and reconsidered and approval is now recommended. Neighbours were re-notified on amended plans and further objector concerns have been fully considered.</p>	
Summary of Consultee Responses: <p>No objections</p>	
Characteristics of the Site and Area: <p>The site is located within the development limits of Cookstown but also within the town centre, part of the site is also situated within the Primary Retail Core and Area of Townscape Character as per defined in the Cookstown Area Plan 2010. On the site sits the existing retail unit known as 'McConnell Shoes' with a small rear yard defined by a concrete wall. . The immediate area is defined by a mix of development inclusive of retail units, residential, bars, restaurant and a bank.</p>	

Description of Proposal

This is a full application for the storage extension to the rear of building.

Deferred Consideration:

This application was presented as a refusal at Committee in June 2019 for the following reason;

1. The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development, in that the development would, if permitted, would harm the living conditions of the existing residents in 12 and 14 Union Place by reason of loss of light, overshadowing and dominance.

It was subsequently deferred to allow the agent to submit amended plans in an attempt to overcome the objector's issues. Amended plans were received on 30 July 2019 and neighbours were re-notified. An objection was received on 16th August from 14 Union Place who felt the amendments did not significantly address their concerns, in terms of dominance, over shadowing and loss of sunlight.

Amended plans submitted on 25 Sept 2019 showed a trocal flat roof for 3m before the covered ceiling and the store has been reduced from 163sqm to 140sqm. This moved the extent of the extension a further 3m from the neighbours at first floor level.

No.14 Union Place raised objections to the amends, and following discussion with the Planning Manager, it was felt if the proposal was moved a further 0.5m back so there would be the same amount of separation from the common wall from the extension and the common wall and the No.14 (6m), this would be an acceptable solution.

This change was done and amended plans submitted on 30 October 2019, also showing the roof is no longer sloped but a flat roof. This would also reduce the impact on No's 12 and 14 Union Place to an acceptable degree and complies with PS4- PED9.

DES 2 of PSNRI is relevant. In terms of amenity, the proposal is compatible with the neighbouring properties. In terms of design, the detailing and materials of the proposal are acceptable.

Neighbours were re-notified on 08/11/19 and no objections were received at the time of writing the report.

Approval is now recommended based on the amended plans.

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.

Signature(s):

Date

**Development Management Officer Report
Committee Application**

Summary

Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1452/F	Target Date:
Proposal: Proposed storage extension to the rear of building	Location: 12 William Street Cookstown

Referral Route:

Refusal – To Committee – Contrary to PPS 4 and objections received.

Recommendation:

Applicant Name and Address:
Andrew McConnell
12 William Street
Cookstown

Agent Name and Address:
APS Architects LLP
4 Mid Ulster Business Park
Cookstown
BT80 9LU

Executive Summary: Refusal

Signature(s): Peter Henry

for committee decision

19/6/19

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content

Representations:

Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Refusal – To Committee – Contrary to PPS 4 and objections received.

Summary of objections;

- The two storey building will be tight the boundary and would appear dominant over the dwellings and gardens. Opinion that this proposed extension does not fit in visually with this residential area and the dominance is felt as it is at the bottom of the garden.
- There will be a loss of light – firstly, loss of direct sun light into the rear gardens resulting in overshadowing taking away from the enjoyment of garden space. Secondly, there will be a loss of light into the living areas such as the kitchen and dining area creating dull and dark spaces which may affect the resident's mood.
- There will be serious disruption during construction – affect parking arrangements, noise coming from machinery.
- Loss of privacy during construction – they would be towering over the garden areas.
- Fears that these works would impact on the boundary wall, making it become unstable with fear of this causing damage to the residential properties.

- Fears that this work would resultantly devalue these residential properties.

Characteristics of the Site and Area

The site is located within the development limits of Cookstown but also within the town centre, part of the site is also situated within the Primary Retail Core and Area of Townscape Character as per defined in the Cookstown Area Plan 2010. On the site sits the existing retail unit known as 'McConnell Shoes' with a small rear yard defined by a concrete wall. . The immediate area is defined by a mix of development inclusive of retail units, residential, bars, restaurant and a bank.

Representations

There were thirteen neighbour notifications sent out with 6 objections received in connection with this application.

Description of Proposal

This is a full application for the storage extension to the rear of building.

Planning Assessment of Policy and Other Material Considerations

The proposal is for the storage extension to the rear of building.

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 4 Planning and Economic Development

PPS 3 Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS supersedes PPS 5 in relation to retail planning policy and it aims to 'support, and sustain vibrant town centres as the first choice location of retailing and other main town centre uses'. The use as a garden centre has long been established wherein this application intends to add internal floor space along with additional external ground area by extending the existing polytunnels. The proposed extension is both subordinate and ancillary to the main use of the garden centre. I note that the extension is to use the same external materials as that of the existing which is deemed acceptable within the context of the surrounding area.

PED 1 of PPS 4 deals with Economic Development in Settlements, with PED 1 it states that a development proposal to extend an existing development use or premises within settlements will be determined on its individual merits having regard to Policy PED 9.

PED 9 of PPS 4 provides general criteria for economic development, in which any proposal for economic development use will be required to meet the following criteria:

(a) it is compatible with surrounding land uses;

I note that this is a proposed extension to provide storage for an existing commercial business which as stated part of the site is located within the Primary Retail Core. I do note that the site is located within an area characterised by a mix of development from which I am content it is compatible.

(b) it does not harm the amenities of nearby residents;

I note that the initial design of the extension was deemed to be too dominant on the neighbouring residential units, mainly that of Nos. 12 and 14 Union Place. From such and after a number of discussions the scheme was amended creating a pitch roof to try and reduce the dominance. However after group discussions this was still deemed to be unacceptable and was again met by objections from neighbouring residents. From such, a reduction in the scheme was requested however after a number of conversations with the agent, they stated that the applicant did not want to amend the application any further. From this the most current scheme is still deemed unacceptable and it is felt that it will adversely harm the amenities of neighbouring amenity.

Given its location and the extent of the extension coupled with the existing separation distances I am content that the proposal is likely to have any adverse impact on any neighbouring residents.

(c) it does not adversely affect features of the natural or built heritage;

I do note that part of the site is located within the ATC however I do note that the extension is not located within the ATC and from such I am content that it is unlikely to have an adverse impact on the natural or built heritage. In addition HED were consulted who confirmed they were content with the proposal.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
The site is not located within a flood plain and it is unlikely to cause or exacerbate flooding.

(e) it does not create a noise nuisance;

Given the nature of the development being identified as storage I am content that the proposal is unlikely to create any adverse noise nuisance.

(f) it is capable of dealing satisfactorily with any emission or effluent;

The proposal is to create storage and from this is unlikely to cause any emissions or effluent but I am content that the existing arrangements on the site should be sufficient to deal with any that is created.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

I am content that the existing road network would be able to deal with any extra traffic.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

The proposal is create a car port to provide parking from which I am content that access, parking and manoeuvring areas are sufficient to deal with the extension to the shop.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; This is a rear extension for the purpose of storage and I am content that the existing movement pattern is adequate to support all access needs.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

I note the design is simple and the external materials are acceptable for this type of the development however given its location it has created issues with neighbouring amenity.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

As noted the proposal is in direct view of the rear two residential dwellings which has been met with a number of objections otherwise there would be minimal public views given it is to the rear.

(l) is designed to deter crime and promote personal safety; and

The site is designed to deter crime and is able to promote personal safety.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Site is located within the development limits of Cookstown.

PPS 3 Access, Movement and Parking

DFI Roads were consulted in relation to this application who responded to confirm that they had no objections to the application, from this I am content that it is able to comply under PPS 3.

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policy ECON 1 – Economic Development in Settlements. As this is an extension to an existing premises within the development limits I am content it is able to comply under this policy. However I note that the initial consultation period of the Draft Strategy has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

In response to the issues raised by the objectors; as noted I am of the opinion that the extension in its current form will appear dominant on the neighbouring properties so I share this view raised by the objectors. In addition I agree that the proposed extension has the capacity to result in a loss of light and overshadow the neighbouring dwellings. In relation to any issues to nuisance or loss of privacy during construction, this is a matter between parties and I note that there may be nuisances during construction but this would only be for a limited time. With regards to fears to impact on the boundary walls with the view it may become unstable and cause damage to the neighbouring dwellings, again this is a matter of the applicant to ensure that all works are carried out in a safe manner to ensure no damage is caused. Finally, with regards to the potential if approved that the extension may devalue the neighbouring houses making it difficult to sell on, I

acknowledge that this may be the case however property values are deemed to be material in this planning consideration and the application has been assessed under the relevant policies and guidance.

Given the impact on neighbouring amenity I must recommend refusal as it has failed to comply under PED 9 of PPS 4.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development, in that the development would, if permitted, would harm the living conditions of the existing residents in 12 and 14 Union Place by reason of loss of light, overshadowing and dominance.

Signature(s)



Date: 18/6/19.

ANNEX	
Date Valid	20th September 2017
Date First Advertised	9th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Union Place, Cookstown, Tyrone, BT80 8NP, The Owner/Occupier, 11 Coagh Street, Cookstown, Tyrone, BT80 8NG, The Owner/Occupier, 12 Union Place, Cookstown, Tyrone, BT80 8NP, Winnie Best 12, Union Place, Cookstown, Tyrone, Northern Ireland, BT80 8NP Winnie Best 12, Union Place, Cookstown, Tyrone, Northern Ireland, BT80 8NP The Owner/Occupier, 13 Coagh Street, Cookstown, Tyrone, BT80 8NG, Gerard Rooney 14 Union Place, Cookstown, BT80 8NP The Owner/Occupier, 14 Union Place, Cookstown, Tyrone, BT80 8NP, Gerard Rooney 14, Union Place, Cookstown, Tyrone, Northern Ireland, BT80 8NP Gerard Rooney 14, Union Place, Cookstown, Tyrone, Northern Ireland, BT80 8NP Gerard Rooney 14, Union Place, Cookstown, Tyrone, Northern Ireland, BT80 8NP The Owner/Occupier, 14a William Street, Cookstown, BT80 8NB The Owner/Occupier, 15 Coagh Street, Cookstown, Tyrone, BT80 8NG, The Owner/Occupier, 16-18 William Street, Cookstown, BT80 8NB The Owner/Occupier, 5 Coagh Street, Cookstown, Tyrone, BT80 8NG, Paul Rooney 6, Union Place, Cookstown, Tyrone, Northern Ireland, BT80 8NP The Owner/Occupier, 7 Coagh Street, Cookstown, Tyrone, BT80 8NG, The Owner/Occupier, 9 Coagh Street, Cookstown, Tyrone, BT80 8NG, The Owner/Occupier, A J2 Jewellers, 14 William Street, Cookstown, Tyrone, BT80 8NB, The Owner/Occupier, Caulfield Insurance Brokers, 8 William Street, Cookstown, Tyrone, BT80 8NB,	

Date of Last Neighbour Notification	13th February 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1452/F Proposal: Proposed storage extension to the rear of building Address: 12 William Street, Cookstown, Decision: Decision Date: Ref ID: I/1996/0398 Proposal: Environmental Improvement Scheme Address: OLDTOWN STREET, WILLIAM STREET, JAMES STREET, LOY STREET COOKSTOWN Decision: Decision Date: 15.11.1996 Ref ID: LA09/2016/0454/F Proposal: 2 Storey side extension to dwelling to include lounge ,WC, and utility on ground floor and bedroom ,ensuite above Address: 14 Union Place, Cookstown, Decision: PG Decision Date: 30.06.2016 Ref ID: I/2004/0407/F Proposal: Extension and renovations revised drawings to modify approved application number I/2003/0182 Address: 8 William Street, Cookstown Decision: Decision Date: 07.07.2004 Ref ID: I/2005/0544/A Proposal: Shop front signage Address: 8 William Street, Cookstown Decision: Decision Date: 29.06.2005 Ref ID: I/2005/0545/F Proposal: New shop front Address: 8 William Street, Cookstown Decision: Decision Date: 28.06.2005 Ref ID: I/2003/0183/A Proposal: Office Signage	

Address: 8 William Street, Cookstown

Decision:

Decision Date: 17.06.2003

Ref ID: I/2003/0182/F

Proposal: Partial demolition of existing offices with refurbishment of and extension to remaining office building

Address: 8 William Street, Cookstown

Decision:

Decision Date: 11.06.2003

Ref ID: I/1997/0076

Proposal: Extension to shop

Address: 12 WILLIAM STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2011/0521/A

Proposal: Replacement Shop Signage

Address: 10 12 William Street Cookstown,

Decision:

Decision Date: 13.02.2012

Ref ID: I/1988/0072

Proposal: NEW SHOP FRONT AND SHOP REFURBISHMENT

Address: 10-12 WILLIAM STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/0217

Proposal: Illuminated External Static Sign

Address: 10-12 WILLIAM STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1997/0446

Proposal: Erection of Flats

Address: ADJACENT TO NO. 5 COAGH STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1987/0035

Proposal: CHANGE OF USE TO INSURANCE BROKER'S OFFICE AND ALTERATIONS TO FRONT

Address: 8 WILLIAM STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/0383

Proposal: Alterations to office & provision of fire escape

Address: 8 WILLIAM STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1976/0014

Proposal: EXTENSION OF RESTAURANT, AND RECREATION ARCADE

Address: 8 WILLIAM STREET, COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01 9REV-1)

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Existing Plans

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: LA09/2018/0371/F	Target Date:
Proposal: Subdivision of replacement dwelling into two dwellings incorporating a proposed dwelling on a farm	Location: 89 Moneysallion Road Kilrea
Applicant Name and Address: David Gordan 46 Kilrea Road Portglenone	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Consultee Responses: Dfi Roads now content to approve with conditions.	
Characteristics of the Site and Area: <p>The application site is located at 89 Moneysallin Road, Kilrea. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. On the site is a two storey semi-detached dwelling which does not benefit from any planning permission. The dwellings occupy a prominent and elevated position on the site, fronting onto the Fallahogy Road. There are two separate accesses into the site, one coming off the Moneysallin Road and the other coming off the Fallahogy Road. A low level hedgerow and wooden fence defines the site boundaries. There are also some semi mature trees located along the NW site boundary.</p> <p>This area is rural in character with a dispersed settlement pattern and an undulating topography. To the immediate NW of the site is a semi detached dwelling, one of which is single storey and the second being two storey. The Inverroe water course flow approx. 180m to the South of the site.</p>	

Description of Proposal

This is a full application for the subdivision of a replacement dwelling into two dwellings incorporating a proposed dwelling on a farm.

Deferred Consideration:

This application had been presented to Committee with the following refusal reason;

This proposal is contrary to policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated by way of an adequate 1:500 site layout, that the proposal will not prejudice road safety or inconvenience the flow of traffic.

It was subsequently deferred for an office meeting to allow the agent to address the issues relating to PPS3.

The principle of the proposal had been agreed, and the only outstanding information was relating to AMP2 of PPS3, which had previously been requested from the agents.

Amended plans were finally received on 22 October 2018, addressing the issues raised DFI Roads, who were re-consulted on 23/10/2019. DFI roads then responded on 11/11/2019 with conditions to be attached to any approval.

As this was the only reason for refusal and it has now been overcome, an approval is recommended.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

Conditions

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

Reason: This is a retrospective application.

2. The vehicular access including visibility splays 2.4 x 33 metres North and 2.4 x 60 metres South plus any forward sight distance, shall be provided in accordance with Drawing No 03/01 bearing the date stamp 22 Oct 2019 within 8 weeks from the date of

this permission. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level 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 access (onto Moneysallin Road) indicated on Drawing No 03/01 bearing the date stamp 22 Oct 2019 shall be permanently closed and the carriageway / verge properly reinstated to DfI Roads satisfaction within 4 weeks of the entrance unto Fallahogy becoming operational.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

4. The existing natural screenings of the site, as indicated in green, on approved drawing 03/01, date stamped received 22 Oct 2019 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 to ensure that the proposed development does not prejudice the appearance of the locality.

Informatives

1. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads 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 Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

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: 5/3/2019	Item Number:
Application ID: LA09/2018/0371/F	Target Date: 27/6/2018
Proposal: Subdivision of replacement dwelling into two dwellings incorporating a proposed dwelling on a farm	Location: 89 Moneysallion Road Kilrea
Referral Route: Refusal recommended	
Recommendation: Refuse	
Applicant Name and Address: David Gordan 46 Kilrea Road Portglenone	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge, BT41 3SG
Executive Summary: Despite several requests for a revised site layout, one has not been forthcoming. As such, I am unable to assess this proposal from a road safety perspective in line with policy AMP 2 of PPS 3. Refusal is recommended.	
Signature(s):	

For committee decision



18 | 2 | 19

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert for this proposal was placed in local newspapers and the following adjoining landowners were consulted by letter - 87, 87a and 89 Moneysallion Road. To date, no objections have been received.

Characteristics of the Site and Area

The application site is located at 89 Moneysallion Road, Kilrea. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. On the site is a two storey semi-detached dwelling which does not benefit from any planning permission. The dwellings occupy a prominent and elevated position on the site, fronting onto the Fallahogy Road. There are two separate accesses into the site, one coming off the Moneysallion Road and the other coming off the Fallahogy Road. A low level hedgerow and wooden fence defines the site boundaries. There are also some semi

mature trees located along the NW site boundary.

This area is rural in character with a dispersed settlement pattern and an undulating topography. To the immediate NW of the site is a semi, one of which is single storey and the second being two storey. The Inverroo water course flows approx. 180m to the South of the site.

Description of Proposal

This is a full application for the subdivision of a replacement dwelling into two dwellings incorporating a proposed dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2016/1279/F - Pair of 2 No. Semi detached Dwellings. Refused 21/6/17

H/2013/0288/F - Proposed internal alterations (provision of stair case and internal doors) to dwelling and linked granny flat as approved under H/2010/0248. Refused 13/2/2014

H/2012/0024/F - Change of use from existing dwelling to house in multiple occupancy. Refused 19/6/2012

H/2010/0248/F - Proposed replacement dwelling and garage to include integral granny flat for residential purposes. Approved 6/1/2011

H/2005/0568/F - Change of use from private dwelling to house of multiple occupancy. Approved 19/10/2005

H/2002/0110/RM – Dwelling. Approved 12/4/2001

H/2001/0737/O - Site for Dwelling. Approved 12/10/2001

No current live enforcement.

The following policies will be considered in this assessment:

Magherafelt Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan 2015 and is not subject to any area plan designations, therefore existing planning policy must be adhered to (ie) PPS 21

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. This site is located where there are no known interests of acknowledged importance. It is not adjacent to any Listed Buildings nor is it in an area of archaeological potential. There are no watercourses within or immediately adjacent to the site which could have the potential to link with a designated site.

The SPPS gives specific provision for development in the countryside subject to a number policy provisions. This includes farm dwellings. There has been no change in policy direction in the SPPS in respect of farm dwellings, therefore policy CTY 10 of PPS 21 remains my primary policy consideration in this assessment.

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. This proposal involves the use of two existing accesses, one onto the Moneysallion Road and the other onto the Fallyhogy Road. DFI Roads have been consulted and have requested the submission of an amended site layout clearly indicating sight splays, levels and a section through the existing carriageway. This information was requested by email on the 28th November 2018 and again by email on the 1st February 2019. To date the information has not been forthcoming so DFI Roads are unable to advise me as to the acceptability of these access arrangements from a road safety perspective.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 10 – Dwellings on Farms

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

The farm business is currently active and established for at least 6 years.

DAERA have been consulted with the applicant's farm details. They have responded and have confirmed that the farm business ID has been in existence for more than 6 years and that the farm business has made claims in the last 6 years. On the basis of this response I am satisfied that the business is currently active and has been established for the required 6 year period.

No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.

I have carried out a planning history search of the applicant's holding and I am satisfied

that there are no development opportunities that have been transferred/sold off within 10 years of the date of application.

The new building is visually linked or sited to cluster with an established group of buildings on the farm.

The address of the farm business as indicated on the P1C form is 46 Kilrea Road. This is where the applicant runs his haulage business from. This is approx. 2.5 miles away from the application site. The applicant has submitted a supporting statement in which he states that he is also in ownership of the semi detached dwellings (87a and 87b Moneysallion Road) and outbuildings to the rear of the application site and he contends that these should be considered as a group of buildings on his holding. A land Registry check has confirmed they are on his holding. It is his interpretation that the farm dwelling being applied for visual links and is sited to cluster with these buildings and that there is no stipulation in Policy CTY 10 that the group of buildings on the farm should be agricultural in design or use.

In my opinion this proposal is not in keeping with the spirit of the policy for farm dwellings. It would appear that the application is an attempt to gain approval for an additional dwelling in lieu of the "granny annex" that was previously approved under H/2010/0248/F. The dwellings on the site and adjacent to the site do not appear to have any connection to the farm business at 46 Kilrea Road. The policy test does however appear to have been met with regards to siting/clustering as 87a and 87b are a group of buildings on the applicants holding.

Policy CTY 13 – Integration and Design

The site sits at a road junction between two roads and the existing dwellings do appear prominent, however any critical views are localised and short term. The original dwelling on this site was also similar in scale and massing. This site was deemed acceptable in terms of integration under previous planning applications therefore it would be difficult to recommend refusal on the basis of CTY 13.

Policy CTY 14 – Rural Character

It is my opinion that a semi-detached dwelling is not normally in keeping with the character of a rural area however the design of this semi does give the impression that it is only one dwelling. It is also acknowledged that there is a semi located to the immediate rear of the site so a precedence has already been set in the locality.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Refusal Reasons

1. This proposal is contrary to policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated by way of an adequate 1:500 site layout, that the proposal will not prejudice road safety or inconvenience the flow of traffic.

Signature(s)

Kate M. M. M.

Date:

18/2/19

ANNEX	
Date Valid	14th March 2018
Date First Advertised	29th March 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 87 Moneysallin Road Kilrea Londonderry The Owner/Occupier, 87a Moneysallin Road Kilrea The Owner/Occupier, 89 Moneysallin Road, Kilrea, Londonderry, BT51 5SR,	
Date of Last Neighbour Notification	24th April 2018
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA09/2016/1279/F Proposal: Pair of 2 No. Semi detached Dwellings (Amended Description) Address: 89 Moneysallin Road, Kilrea, Decision: PR Decision Date: 21.06.2017 Ref ID: LA09/2018/0371/F Proposal: Proposed subdivision of replacement dwelling into two dwellings incorporating a proposed dwelling on a farm Address: 89 Moneysallin Road, Kilrea, Decision: Decision Date: Ref ID: H/2013/0288/F Proposal: Proposed internal alterations (provision of stair case and internal doors) to dwelling and linked granny flat as approved under H/2010/0248 Address: 89 Moneysallin Road, Kilrea, Decision: PR Decision Date: 13.02.2014 Ref ID: H/2005/0568/F	

Proposal: Change of use from private dwelling to house of multiple occupancy
 Address: 87 Moneysallin Road, Kilrea (Access on the Fallahogy Road)
 Decision:
 Decision Date: 19.10.2005

Ref ID: H/2001/0737/O
 Proposal: Site for Dwelling
 Address: Adjacent to 89 Moneysallin Road, Kilrea
 Decision:
 Decision Date: 12.10.2001

Ref ID: H/2002/0110/RM
 Proposal: Dwelling
 Address: Fallahogy Road, Kilrea (Adjacent to 89 Moneysallin Road, Kilrea)
 Decision:
 Decision Date: 12.04.2002

Ref ID: H/2010/0248/F
 Proposal: Proposed replacement dwelling and garage to include integral granny flat for residential purposes.
 Address: 89 Moneysallin Road, Kilrea
 Decision:
 Decision Date: 06.01.2011

Ref ID: H/2012/0024/F
 Proposal: Change of use from existing dwelling to house in multiple occupancy
 Address: 89 Moneysallin Road, Kilrea,
 Decision:
 Decision Date: 19.06.2012

Summary of Consultee Responses

DFI Roads – Have requested additional information
 DAERA – No objections

Drawing Numbers and Title

Drawing No. 02
 Type: Proposed Plans
 Status: Submitted

Drawing No. 01
 Type: Site Location Plan
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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: LA09/2018/0454/F	Target Date: <add date>
Proposal: Retention of a mobile home for residential use	Location: Approx 170m North of 5 Doon Avenue Aughamullan Dungannon
Applicant Name and Address: Martin McCaliskey 27 Ballybeg Road Dungannon BT71 5DX	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge Antrim BT41 3SG
Summary of Issues: Enforcement action has been taken, the building is immune from action however the use of the building is not and is subject to action. The applicant has bought a site, with planning permission close by and wishes to reside in the mobile while a permanent house is constructed.	
Summary of Consultee Responses: DFI Rivers – the building may be in an area prone to flooding EHO – no objections Shared Environmental Services – will not have adverse affect on European Site DFI Roads – sight lines of 2.4m x 90.0m to be provide in accordacne with adjacent approval (LA09/2016/16022/F)	
Characteristics of the Site and Area: The site on which the modular building is located is situated in the rural countryside approx. 170 metres north of 5 Doon Avenue, Dungannon. The mobile has a rectangular floor plan measuring approx. 9m x 6m and a flat roof. The mobile is painted white; has white pvc window frames and doors; and white pvc guttering and downpipes. The mobile	

is accessed off the Ballybeg Road via a paired gravel laneway that also serves a large shed (71 Ballybeg Road) to the west and a modular dwelling (71c Ballybeg Road) to the north. A small area of curtilage to the sides and rear of the mobile is bound by a close boarded fence approx. 1.8m high.

The large shed to the west of site received approval for light industrial use. The modular dwelling to the north is immune from enforcement but is unlawful.

Land in the area is flat and below road level. The area is defined by dispersed single dwellings and farm holdings.

Flood Maps NI shows the site is located within a floodplain.

NIEA Natural Environment Division Map Viewer shows the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders.

Planning Portal shows site within SG Defence Estates - consultation only required for buildings over 15.2m high.

Description of Proposal

This is a full planning application for the retention of an existing mobile for residential use.

Deferred Consideration:

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.

Dungannon and South Tyrone Area Plan 2010

The site lies in a Countryside Policy Area as defined in the Dungannon and South Tyrone Area Plan 2010. The publication of PPS 21 – Sustainable Development in the Countryside removed the Countryside Policy Area and provided a policy for the entire countryside in the Dungannon & South Tyrone Area.

Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. 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. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided in CTY9 – Residential Caravans and Mobile Homes as set out in PPS 21 – Sustainable Development in the Countryside.

This application was before the Committee with a recommendation to refuse in August 2018, where it was deferred to allow further discussion with the Planning Manager. A meeting was held and since that time the applicant has bought a site close by, which has planning permission. Information has been presented to show the applicant has purchased the land with planning permission granted under file M/2007/1409/RM on 15th January 2008. A Certificate of Lawfulness Ref LA09/2017/1049/LDE was issued for the development in the site on 4th July 2018, which establishes that the dwelling approved under M/2007/1409/RM was lawfully commenced. That development site lies 0.3km to the north of this mobile home. The applicant has advised it is their intention to progress development on the site from Spring 2020 and that they will require 14 months to build the development. I consider 24 months is therefore a reasonable time to allow the new dwelling to be ready for habitation.

Policy CTY9 allows the provision of a residential caravan or mobile home in exceptional circumstances, for a temporary period of up to 3 years. One of the exceptions relates to the provision of temporary accommodation pending the development of a permanent dwelling. The policy does not elaborate on where the temporary buildings should be and in this instance it is located away from where the new dwelling will be erected. It does however recognise that due to their design finishes the integration potential may be limited and for this reason only allows the buildings for a temporary period.

The proposal here is for the retention of the mobile home for residential use and, in accordance with the policy requirements in CTY9, once the temporary dwelling is no longer needed a condition can be imposed to require its removal from the site. Members are reminded that the temporary building is at risk from flooding and the flooding policies relate to limiting the potential impacts of flooding. In this case by limiting the period of time the mobile is on the site, this in turn could be seen as limiting the potential risk of it being flooded in the future.

Members should be aware that if temporary permission is granted for the use of the building for residential purposes, it will not remove the enforcement notice that is in effect. This will only happen if permission is granted for the permanent use of the building for residential purposes or the Council withdraws the notice. The outcome of granting planning permission for a temporary period means the enforcement notice will cease to

have effect for that period, once the temporary period elapses the notice will become effective again.

I consider the proposed retention of the mobile home for a temporary period complies with Policy CTY9. The applicant has indicated they only require the use of the building for a temporary period, and I consider it is appropriate to condition the removal of the building after that period. On the basis of the information submitted by the applicant I consider 24 months will be adequate to allow the new dwelling to be built.

I recommend this application is approved with a 24 month time limit.

Conditions/Reasons for Refusal:

Conditions

1. This permission authorises the siting and use of the mobile for residential purposes for a period of 24 months from the date of this decision. At the end of this 24 month period the mobile shall be permanently removed from the site identified in red on drawing No 01 Rev 01 bearing the stamp dated 10 May 2018

REASON: In the interest of visual amenity and to reduce the risk of flooding.

2. Within 6 weeks of the date of this decision the vehicular access including visibility splays of 2.4m x 90.0m shall be provided in accordance with the details as set out on drawing No 02(Rev1) bearing the stamp dated 10 MAY 2018. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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

Informatives

The applicant is advised this temporary permission will not remove the enforcement notice from the site. The enforcement notice will cease to be effective for the period of the temporary permission.

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: LA09/2018/0454/F	Target Date:
Proposal: Retention of a mobile home for residential use	Location: Approx 170m North of 5 Doon Avenue Aughamullan Dungannon
Referral Route: Recommendation to refuse	
Recommendation:	
Applicant Name and Address: Martin McCaliskey 27 Ballybeg Road Dungannon BT71 5DX	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge Antrim BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	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 site on which the modular building is located is situated in the rural countryside approx. 170 metres north of 5 Doon Avenue, Dungannon. The mobile has a rectangular floor plan measuring approx. 9m x 6m and a flat roof. The mobile is painted white; has white pvc window frames and doors; and white pvc guttering and downpipes. The mobile is accessed off the Ballybeg Road via

a paired gravel laneway that also serves a large shed (71 Ballybeg Road) to the west and a modular dwelling (71c Ballybeg Road) to the north. A small area of curtilage to the sides and rear of the mobile is bound by a close boarded fence approx. 1.8m high.

The large shed to the west of site received approval for light industrial use. The modular dwelling to the north is immune from enforcement but is unlawful.

Land in the area is flat and below road level. The area is defined by dispersed single dwellings and farm holdings.

Flood Maps NI shows the site is located within a floodplain.

NIEA Natural Environment Division Map Viewer shows the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders. Planning Portal shows site within SG Defence Estates - consultation only required for buildings over 15.2m high.

Description of Proposal

This is a full planning application for the retention of an existing mobile on the application site for residential use.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statements, PPS 3, PPS 6 and PPS21 refer to this application with particular relevance to Policies CTY 1, CTY 6, CTY 9 of PPS 21.

Planning History on Site

LA09/2015/1274/LDE - a certificate of lawfulness existing for a mobile home used as dwelling was refused on the 7th April 16. Whilst evidence submitted and OS maps seem to support the fact the mobile home had been on site for more than 5 years insufficient evidence was submitted to show that the use of the building specified had begun more than 5 years prior to and including the date of the applications submission (15th December 2015) as such whilst the storage of the mobile on site was immune from enforcement its use as a dwelling was not.

LA09/2016/0207/CA - Under this enforcement case an appeal has been heard by the PAC in relation to an Enforcement Notice issued for the unauthorised use of the modular building as a residential unit of accommodation; this Notice has taken effect with a compliance date of 7th July 2018.

Consultations

Rivers Agency's advice is as follows:

FLD1 - Development in Fluvial Flood Plains - The Strategic Flood Map for Northern Ireland indicates that part of the site lies within the 1 in 100 year fluvial flood plain. Due to the nature of the Strategic Flood Map for Northern Ireland the geographical extent of predicted flood areas cannot be precisely defined. The recent highest recorded flood level in the area is 13.67m O D Belfast. The return period for this flooding event is unknown. It would be prudent to only build on land above this level. DfI Rivers recommend adding a suitable freeboard (normally 600mm) to this level for all development. It should be noted that the road could get cut off if this flood level was experienced again. The applicant should initially plot this level on a topographic survey of

original site levels. Original site levels may be distorted by building works already taken place. Alternatively, the applicant could carry out a flood risk assessment to better define the 100 year floodplain extents as per D4 of Planning Policy Statement 15.

NIEA Natural Environment Division were consulted due to proximity of the site to Lough Neagh and Beg (Ramsar, SPA and ASSI) and have no objection in principle but recommended the following conditions:

1. A minimum buffer of 10m must be maintained between the location of refuelling, storage of oil/fuel/machinery/spoil, concrete mixing, washing areas and all watercourses.
2. Discharge from the septic tank and soakaway should be directed away from all watercourses.

Strategic Environmental Services were also consulted due to proximity of the site to Lough Neagh and Beg and have no objection in principle provided the following mitigation be included through conditions.

A land buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any adjacent watercourse/land drain. To protect Lough Neagh and Lough Beg SPA/Ramsar from adverse impacts due to polluting discharges at construction phase.

Environmental Health were consulted and have no objection in principle.

Transport NI were consulted on this proposal and have returned comments seeking amended drawings.

Objections

No objections or representations have been received.

Enforcement Action on this Site

The use of the land for the storage of the mobile building itself is immune from enforcement action, however the residential use of the building is not immune from enforcement action and has been deemed to be an unlawful use as per planning enforcement case LA09/2016/0207/CA. This enforcement case resulted in the issuance of an enforcement notice seeking the permanent cessation of the unauthorised use. This Notice was appealed to the Planning Appeals Commission; the Notice was upheld with a compliance of 7th July 2018 for the unauthorised use to cease. If this the mobile is used after this, if someone was living in it they would be liable to prosecution both the landowner and occupant.

Consideration

An application has now been submitted to assess the retention of the mobile for residential use. As it is located in the rural countryside it is considered under CTY 1 of PPS21 and we have been given no overriding reasons why this development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

There are circumstances where mobiles are permitted in the countryside outlined under CTY 9 Residential Caravans and Mobile Homes, which allows a residential caravan or mobile home, for a temporary period only, in exceptional circumstances. These exceptional circumstances include (a) the provision of temporary residential accommodation pending the development of a permanent dwelling; or (b) where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

Policy CTY 6 Personal and Domestic Circumstances states, allows a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following

criteria are met: (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

But these cases have not been argued and no evidence has been submitted. And more importantly the site doesn't appear suitable for human habitation as the site is located in the flood plain as such given the level of flood risk, Rivers Agency's advice and that no information or a floodrisk assessment has been provided to demonstrate the site is not at risk in these circumstances we have no option but to refuse.

Additionally I would query the accuracy of drawing 02 (Rev.01) bearing the date stamp received 10th May 2018 as further to site inspection I drove down from road level into the site therefore am surprised the site is suggested to be higher than road level.

In the absence of a floodrisk assessment in relation to levels I'm not content the requirements of Policy FLD 1 have been met and applicant has failed to demonstrate the site is not subject to flooding.

Recommend: Refuse

The proposal is contrary to Policies CTY1 and CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets policy requirements and there are no overriding reasons why this mobile structure should be used as a dwelling.

The proposal is contrary to policy FLD 1 of Planning Policy Statement 15 (PPS 15) Planning and Flood Risk in that it is located within a floodplain and it has not been demonstrated that the proposed development is of overriding regional importance or that it represents development within any of the categories a-g meriting an exception.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be refused subject to the following reason

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets policy requirements and there are no overriding reasons why this mobile structure should be used as a dwelling.

2. The proposal is contrary to policy FLD 1 of Planning Policy Statement 15 (PPS 15) Planning and Flood Risk in that it is located within a floodplain and it has not been demonstrated that the proposed development is of overriding regional importance or that it represents development within any of the categories a-g meriting an exception.

ANNEX	
Date Valid	30th March 2018
Date First Advertised	19th April 2018
Date Last Advertised	31st May 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 71 Ballybeg Road, Dungannon, BT71 5DX The Owner/Occupier, 71C Ballybeg Road, Dungannon, BT71 5DX	
Date of Last Neighbour Notification	16th May 2018
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2015/1274/LDE Proposal: Mobile home used as a dwelling Address: Adjacent to 71a Ballybeg Road, Coalisland, Decision: PR Decision Date: Ref ID: LA09/2016/0935/F Proposal: Proposed Dwelling Address: Approx 180m North of 5 Doon Avenue, Aughamullan, Dungannon, Decision: PR Decision Date: 15.12.2016 Ref ID: LA09/2016/1602/F Proposal: Retrospective application for the extension to existing workshop approved under M/2004/0295 and hardcore area for turning and parking Address: 71 Ballybeg Road Ballbeg Dungannon, Decision: PG Decision Date: 28.07.2017 Ref ID: LA09/2018/0454/F Proposal: The use of a mobile home for residential accommodation. Mobile home immune from enforcement Address: Approx 170m North of 5 Doon Avenue, Aughamullan, Dungannon,	

Decision:
Decision Date:

Ref ID: M/2004/0295/F
Proposal: retention of light engineering workshop & hardstanding.
Address: 160m north of 1 Doon Avenue, Aughamullen (Ballybeg Road), Coalisland
Decision:
Decision Date: 12.04.2006

Ref ID: M/2012/0081/F
Proposal: Retention of mobile home
Address: 71a Ballybeg Road, Ballybeg, Coalisland,
Decision:
Decision Date: 06.06.2012

Ref ID: M/2014/0548/F
Proposal: Retention of modular home (Postal address: 71c Ballybeg Road, Coalisland)
Address: Number 71C Ballybeg Road, Coalisland,
Decision: PR
Decision Date: 09.07.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 02
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location 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:

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0141/F	Target Date:
Proposal: Proposed Agricultural Shed with Steel box Profile Facade. (amended address)	Location: 65m SE of 21 School Lane, Gulladuff Magherafelt
Applicant Name and Address: Mr Eugene Bradley 110 Boveedy Road Kilrea Coleraine BT51 5TZ	Agent name and Address: Ward Design The Gravel 10 Main Street Castledawson BT45 8AB
Summary of Issues: Following a recommendation for refusal the application was deferred to allow the applicant the opportunity to address the refusal reasons. No representations have been received in respect of this proposed development.	
Summary of Consultee Responses: Roads Service raised no issues of objection. DAERA were not consulted as the applicant failed to provide any farm business details including the Farm business ID number. Environmental Health have issues relating to distance of proposal to a third party dwelling.	
Characteristics of the Site and Area: The site is located along a private laneway, shared laneway. The boundaries of the site are post and wire fencing to the north-east (laneway) and a 2.4m high hedgerow along the	

south eastern boundary. The remaining boundaries are undefined. There is a similar size shed located at the northern corner of the field. That shed is contained within a compound which is enclosed by a 2.1m high close-boarded fence. The existing compound is used for storing builders materials such as scaffolding, security fencing, paving bricks, concrete wall copings and kerbs, roof and ridge tiles, various sizes of drainage pipes, a block grab, inspection chamber cover and timbers. The existing shed is sited immediately adjacent to a chalet bungalow with a large rear private amenity space and a domestic garage/outbuilding of a similar size to the shed. The existing shed/compound is separated from the chalet dwelling by a low concrete wall with a metal railing on top. The compound is accessed from the laneway via a pair of gates in the close-boarded fence. The laneway provides access to and can be utilised by 5 dwellings with 2 more dwellings under construction, an engineering business, the builders storage compound, a farmyard in addition to the farm lands. As the laneway can be used by the aforementioned dwellings and businesses, there is a public interest along the laneway. Therefore there are critical views of the proposed site from the laneway on approach from both the north-west and south-east.

Description of Proposal

Proposed Agricultural Shed with Steel box Profile Facade.

The proposal is for the erection of an agricultural shed with a steel box profile façade. The shed measures 10.0m x 6.0m with an eaves height of 4.0m and a ridge height of 4.8m. There is a roller shutter door in one gable end with a pedestrian door in one side. The shed is to be located in the south eastern corner of an agricultural field with an access directly onto an existing laneway which serves a number of dwellings in addition to farm lands.

Deferred Consideration:

This application was presented as a refusal to Planning Committee in May 2019, under CTY1, CTY8, CTY12 and CTY14. It was subsequently deferred for 30 days to allow the applicant to be given an opportunity to address the refusal reasons.

Amended plans were received on 31st Oct 2019 moving the shed to the further corner of the red line of the site.

The agent was asked to consider moving the proposed shed closer the existing grouping or the possibility of the existing shed being adapted or replaced with a new shed. An amended p1 form was submitted with a more accurate address. This meant the application had to be re-advertised and neighbours were re-notified, with statutory expiration date for this up on 5 July 19.

Environmental health were consulted and replied on 15/10/19 stating they have concerns regarding the close proximity of a third party dwelling located at 21a School Lane, the occupiers of this dwelling may be subjected to farm type odours and noise on occasion. It is stated the use is for 'shelter for fodder and machinery', and would ask this is conditioned as such. The most up to date plans 01/03 show the distance from the facade of the proposed agricultural unit and dwelling No.21a, is 45m. EH have requested the applicant

to relocate the shed no closer than 75m from any 3rd party if the use could not be conditioned as stated.

Although the building has moved approx. 3m, this is still felt too close to the dwelling No.21a and it will impact on their amenity and enjoyment. No objection has been received from this property.

The recommendation remains a refusal, as the proposal has not sufficiently addressed the issues raised in relation the stated refusal reasons.

Refusal under CTY1, CTY8, CTY12 and CTY14, with the addition of the detrimental impact on the amenity on No.21a School Lane.

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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the potential for an extension of a ribbon of development along the shared lane, by the creation of future infill development opportunities.
3. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that;
It is essential for the efficient functioning of the agricultural holding;
the proposed building fails to satisfactorily integrate into the local landscape;
there are no suitable existing buildings on the holding or enterprise that can be used;
the proposal is sited beside existing farm or forestry buildings;
there are no alternative sites available at another group of buildings on the holding;
that health and safety reasons exist to justify an alternative site away from the existing farm buildings; and
the applicant has failed to satisfactorily demonstrate that the farm business is active and established.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
the proposed building would, if permitted, be a prominent feature in the landscape;
the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
the proposed building would, if permitted, rely primarily on the use of new landscaping for integration;
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the building would, if permitted, be unduly prominent in the landscape;
the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
the building would, if permitted be likely to add to a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

6. The proposal is contrary to the SPPS & PED9 of PPS4, in that if approved the proposal could have a detrimental impact on the residential amenity of No.21a School Lane, by means of potential noise, and other disturbance.

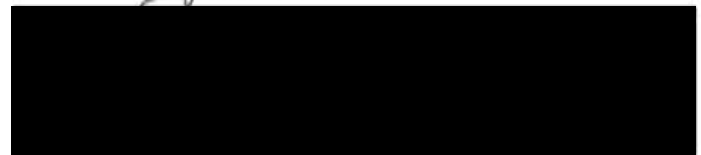
Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0141/F	Target Date:
Proposal: Proposed Agricultural Shed with Steel box Profile Facade.	Location: Adj to 21 School Lane Gulladuff Magherafelt BT45 8PE
Referral Route: This application is being presented to Committee as it is being recommended for Refusal	
Recommendation:	Refuse
Applicant Name and Address: Mr Eugene Bradley 110 Boveedy Road Kilrea Coleraine BT51 5TZ	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

For committee
23/5/19



23/5/19

Case Officer Report

Site Location Plan



Consultations:

Consultation Type

Consultee

Response

Statutory

DFI Roads - Enniskillen Office

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 including Representations

No representations have been received in respect of this proposed development.

Description of proposal

The proposal is for the erection of an agricultural shed with a steel box profile façade. The shed measures 10.0m x 6.0m with an eaves height of 4.0m and a ridge height of 4.8m. There is a roller shutter door in one gable end with a pedestrian door in one side.

The shed is to be located in the south eastern corner of an agricultural field with an access directly onto an existing laneway which serves a number of dwellings in addition to farm lands.

Characteristics of the site and area

The site is located along a private laneway, shared laneway. The boundaries of the site are post and wire fencing to the north-east (laneway) and a 2.4m high hedgerow along the south eastern boundary. The remaining boundaries are undefined. There is a similar size shed located at the northern corner of the field. That shed is contained within a compound which is enclosed by a

2.1m high close-boarded fence. The existing compound is used for storing builders materials such as scaffolding, security fencing, paving bricks, concrete wall copings and kerbs, roof and ridge tiles, various sizes of drainage pipes, a block grab, inspection chamber cover and timbers. The existing shed is sited immediately adjacent to a chalet bungalow with a large rear private amenity space and a domestic garage/outbuilding of a similar size to the shed. The existing shed/compound is separated from the chalet dwelling by a low concrete wall with a metal railing on top. The compound is accessed from the laneway via a pair of gates in the close-boarded fence.

The laneway provides access to and can be utilised by 5 dwellings with 2 more dwellings under construction, an engineering business, the builders storage compound, a farmyard in addition to the farm lands. As the laneway can be used by the aforementioned dwellings and businesses, there is a public interest along the laneway. Therefore there are critical views of the proposed site from the laneway on approach from both the north-west and south-east.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

There is one planning history on this site as follows:-

H/2005/0612/O – Site of Dwelling for Mr E Bradley. This application was determined as being invalid on 27.07.2005.

Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the criteria below;

- is necessary for the businesses efficient use;

Although the applicant has provided a supporting statement, it is not accepted that there is any justification for the new shed. The existing shed, whilst it is not accepted that this is currently used for agricultural purposes, could be reduced in size and adapted to make it suitable for the proposed use.

- it is appropriate in terms of character and scale;

The proposed shed is not appropriate in terms of character. A shed erected at the proposed site would inevitably open up further infill opportunities between the proposed building and the existing dwelling at No.21. Such an arrangement would harm the rural character of the area by extending a ribbon of development along the laneway.

- it visually integrates;

The proposed site only has one sufficient boundary which has a low hedgerow. All other boundaries are either undefined or have a post and wire fence. Consequently the proposed site cannot provide a suitable sense of enclosure for the building and it would therefore suffer from a lack of integration.

- there will be no adverse impact on natural or built heritage; and

There will be no adverse impact on natural or built heritage.

- there will be no detrimental impact on residential amenity;

The proposed building is located on a site and would be less than 40m from a neighbouring dwelling. Although the building would not be directly in front of that dwelling it will be closer than it will be to the existing dwelling at No.21.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings.

Originally no farm details were provided, however, on request a P1C form was submitted along with a planning statement to justify the proposed shed. The P1C states the name of the applicant but states the name of the farm business owner as N/A. Other than to state that the applicant does not have a farm business ID no. and that they do not submit a Single Farm Payment or other farm subsidy claim, the only other information provided is to state that this proposed shed is to replace one shed with another. Therefore it is apparent that the applicant does not have a farm business registered with DAERA and they are not an active farmer. Finally, the P1C has been signed by the agent and not the applicant as required. Therefore the P1C is invalid and does not provide any support for this proposed development.

A subsequent planning statement was provided to justify the proposed development and includes the following:-

- The proposal described in this application is the taking down of one agricultural shed and its substitution with a smaller one.

This is incorrect as the description on the P1 states, 'Proposed agricultural shed with steel box profile façade'. There is no mention of taking down the existing shed, or its substitution, although it is acknowledged that the location map indicates the 'Existing shed to be removed'. The removal of the existing shed does not require planning approval and it can therefore be removed at any time.

- There is no doubt that the subject lands have been maintained in a state making it suitable for grazing, which by itself satisfies the EU definition of active farming, and by extension satisfies the definitions used by the SPPS.

Although the subject lands may have been maintained in good agricultural condition, there is nothing within this application nor the supporting statement to suggest or to demonstrate that this has been by the applicant, who has continuously failed to provide any evidence of his agricultural business.

- Policy CTY 12 in PPS 21 is a material consideration. The drafting of this policy clearly envisages proposals for new, additional buildings. It does not make reference to substitution, or replacement.

Whilst CTY 12 does not mention substitutions or replacements, this is because a building which is a substitution, or replacement is still a new building and is therefore still assessed under this policy.

- The justification and amplification text speaks of a preference for redevelopment.

Although redevelopment might mean fixing up older buildings, it might also mean taking down a building and replacing it with a new one.'

This is incorrect, as the policy wording is implicit in requiring the applicant to satisfactorily demonstrate that 'renovation, alteration or redevelopment opportunities do not exist.' The applicant has not explored the option of renovating or altering the existing shed which could be reduced in length to a size which has a similar footprint to the proposed shed. Additionally, redevelopment would not be considered as being applicable to the erection of a new shed on an alternative site.

- The shed to be replaced is a modern form, quite large in scale by comparison with the adjacent dwelling. The proposed shed is more modest in scale.....allowing it to nestle against the field boundaries.

The existing shed has a similar size footprint to the garage of the adjacent dwelling and is considered acceptable on that site. With regards to the field boundaries, it should be noted that the only boundary with any vegetation is a low hedge along the south eastern boundary.

Therefore the proposed shed would not be acceptable on that site as it would suffer from a lack of integration and would also be out of character with the surrounding area.

- The holding has the benefit of an existing shed.....it is necessary to have shelter for fodder and machinery..... so we seek permission to replace that with a smaller unit.

Whilst there is an existing shed within the field, there is no existing farm business. In this case no verifiable evidence has been provided to satisfactorily demonstrate that the applicant has any connection with farming other than to own one field. Furthermore, no verifiable evidence has

been provided to show what fodder needs to be stored or indeed that the applicant makes any or what machinery they need to store there. Additionally there is no mention of the applicant having any livestock, so the question is asked, what is the need for fodder. Whilst the applicant is seeking to replace the existing shed with a smaller one, it would be much easier and quicker to provide such a shed on the existing site.

- The proposal reduces the scale of buildings and is sympathetic to its rural context.

It is not accepted that the proposal is sympathetic to the rural context as the proposed site suffers from a lack of integration and will have a detrimental impact on rural character.

- the location chosen achieves those aims better than the existing site. (residential amenity and integration);

It is not accepted that the proposed site improves the amenity of the existing dwelling or achieves an acceptable degree of integration. While the proposed shed would be further from the existing dwelling it is not accepted that the existing shed has an unacceptable impact on the amenity of the occupants of that dwelling. The compound is separated from the dwelling's curtilage by a concrete wall and railing. This boundary could easily be made more substantial by continuing the close-boarded fence along this boundary, thereby reducing any issue of overlooking or inter-visibility. Alternatively a hedge could be planted along the side of the existing wall. With regards integration, the existing shed integrates into the landscape with the help of the existing dwelling and associated garage, whereas the proposed shed only has one low hedgerow to provide any degree of integration, which is not sufficient in this case when viewed from the critical view points on the shared laneway.

- the two realistic possible locations for the shed are to either side of the land's frontage to the laneway. The location of the existing shed is too close to the adjacent house.....but the separation distance to a neighbouring dwelling is greater than the current situation. Betterment is offered.

The fact that the proposed shed is further from a neighbouring third-party dwelling is not sufficient justification for relocating it to an unacceptable location.

- The existing building is larger than necessary.....in terms of reduced visual impact...

If the existing building is too large then the applicant can simply reduce the size of that building which would not only be less expensive but would be more acceptable in planning terms as that site does have the same visual impact as the proposed site in terms of its potential to integrate into the landscape.

- Because of amenity concerns, and excess size, the existing building is not suitable.

The issue of amenity concerns was not an issue when the existing shed was erected by the applicant adjacent to his own dwelling. The issue of excess size has been discussed above.

- The proposed design is sympathetic to the locality and to the adjacent buildings.

Although the design of the proposed building may be traditional for a farm building, it is not sympathetic to the locality due to the inappropriate form of development at this location in terms of suffering from a lack of integration and erosion of rural character.

- Assuming that approval is granted, there will be no other buildings on the holding for the proposed building to site alongside.

This statement proves beyond doubt that the proposed building will suffer from a lack of integration as the site is unable to provide a suitable degree of enclosure. The proposed building will be seen as a stand-alone building, whereas the existing building is sited to cluster with the existing dwelling and garage and is much more acceptable in that respect.

- We propose a smaller building to replace a larger building, in the same field

Although the propose building is within the same field as the existing building, it is not on the same site. The proposed building is 40m away from the existing building and on a less favourable site.

CTY 8 – Ribbon Development – The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that 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 proposed building is located 40m south-east of the existing shed with no additional buildings on the same side of the shared laneway beyond the site. Therefore the site is not considered to be a gap site and is not an acceptable exception to this policy. If the existing shed were to be removed following the proposed shed being erected this would create a gap of 65m to No.21, which in effect would create a valid opportunity for an infill dwelling or possibly two dwellings. Such a scenario, is clearly contrary to policy in that it would extend a ribbon of development by as much as 50m in a south-easterly direction.

CTY 13 – Integration and design of buildings in the countryside requires all buildings in the countryside to achieve an acceptable degree of integration into the surrounding landscape. The proposed building fails this test due to the lack of sufficient boundary vegetation to provide a sense of enclosure. As the site only has the benefit of a single hedgerow along the south-eastern boundary, the proposed building will appear as a prominent feature in the landscape. The building would therefore rely heavily on new landscaping to achieve an acceptable degree of integration.

CTY 14 – Rural Character allows for a building in the countryside provided it does not cause a change to or further erode the rural character of the area. The proposed building will appear prominent in the landscape due to the lack of sufficient boundary vegetation to provide a sense of enclosure. On approach along the shared laneway, the building will be viewed in connection with the ribbon of development to the north-west and the dwelling and garage to the east. The result of this is to extend the ribbon of development further in a south-easterly direction which is contrary to this policy. Any building on the proposed site would rely heavily on proposed planting which would take a considerable time to mature and in the interim will not mitigate the impact of the building. Consequently the proposal is considered to be contrary to this policy.

Other policy and material considerations

Although the proposed building is described as an agricultural shed and does not elaborate on what its purpose is, the supporting statement states that it is required for fodder and machinery storage. Therefore it was not thought necessary to formally consult Environmental Health with regards the potential to have a detrimental impact on the residential amenity of No.21A. However, if the shed were to be approved it would be pertinent to attach a condition that the shed cannot be used for the purpose of livestock housing so as to protect the amenity of the neighbouring dwelling.

Recommendations

That planning approval be refused for the proposed development for the reasons listed below:-

Neighbour Notification Checked	Yes
--------------------------------	-----

Summary of Recommendation:

The application should be refused for the reasons stated below:-

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 is not considered to be a gap site, it would create further development opportunities for infill sites and would, if permitted, result in the extension of a ribbon of development along the shared lane.
3. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that;
 - It is essential for the efficient functioning of the agricultural holding;
 - the proposed building fails to satisfactorily integrate into the local landscape;
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm or forestry buildings;
 - there are no alternative sites available at another group of buildings on the holding;
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings; and
 - the applicant has failed to satisfactorily demonstrate that the farm business is active and established.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building would, if permitted, be a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building would, if permitted, rely primarily on the use of new landscaping for integration;
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted, be unduly prominent in the landscape;
 - the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the building would, if permitted add to a ribbon of development; *do would be what?*
 - and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX

Date Valid	31st January 2019
Date First Advertised	14th February 2019
Date Last Advertised	



Details of Neighbour Notification (all addresses) The Owner/Occupier, 19a ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 19b ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 21 School Lane Gulladuff Londonderry The Owner/Occupier, 21a School Lane Gulladuff The Owner/Occupier, 21b ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 96 Gulladuff Road,Gulladuff,Londonderry,BT45 8QB	
Date of Last Neighbour Notification	20th February 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2005/0183/O Proposal: Site of Single Storey Bungalow With Garage Address: 210M South East Of 21 School Lane, Knockloughrim, Magherafelt. Decision: Decision Date: 03.07.2006 Ref ID: H/2004/1020/RM Proposal: Proposed Dwelling Address: 320 Metres South East Of 15 School Lane, Gulladuff, Magherafelt Decision: Decision Date: 22.12.2004 Ref ID: H/2003/0970/O Proposal: Site of single storey bungalow. Address: 320m South East of 15 School Lane, Gulladuff, Knockloughrim, Magherafelt. Decision: Decision Date: 23.03.2004 Ref ID: H/1974/0254 Proposal: BUNGALOW Address: MAYOGALL, MAGHERAFELT Decision: Decision Date: Ref ID: H/2006/0480/F Proposal: Proposed dwelling amended to provide additional accommodation from previously approved dwelling H/2003/1493 Address: 140m E of 19 School Lane, Gulladuff	

Decision:
Decision Date: 21.03.2007

Ref ID: H/1997/0085
Proposal: ERECTION OF DWELLING & GARAGE
Address: 120M. WEST OF 19 SCHOOL LANE GULLADUFF MAGHERA
Decision:
Decision Date:

Ref ID: H/1996/0493
Proposal: SITE OF DWELLING AND GARAGE
Address: 70M WEST OF 19 SCHOOL LANE GULLADUFF MAGHERA
Decision:
Decision Date:

Ref ID: H/2003/1493/F
Proposal: Proposed change of house type. (Ref:H/1998/0544).
Address: 140m East of 19 School Lane, Gulladuff.
Decision:
Decision Date: 22.06.2004

Ref ID: H/1997/0362
Proposal: SITE OF DWELLING
Address: 150M EAST OF 19 SCHOOL LANE MAYOGALL MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1998/0544
Proposal: DWELLING
Address: 140M EAST OF 19 SCHOOL LANE GULLADUFF
Decision:
Decision Date:

Ref ID: H/1998/0458
Proposal: DWELLING
Address: 140M EAST OF 19 SCHOOL LANE MAYOGALL
Decision:
Decision Date:

Ref ID: H/2007/0197/O
Proposal: Site of single dwelling and garage.
Address: Adjacent to No. 21 School Lane, Gulladuff
Decision:
Decision Date: 22.09.2010

Ref ID: H/2001/1052/F
Proposal: Roof Space Conversion & Alterations To Dwelling
Address: 21 School Lane, Mayogall Road, Gulladuff, Maghera
Decision:
Decision Date: 14.03.2002

Ref ID: H/2000/0588/F
 Proposal: Double garage
 Address: Rear of 21 School Lane, Gulladuff
 Decision:
 Decision Date: 18.10.2000

Ref ID: LA09/2019/0141/F
 Proposal: Proposed Agricultural Shed with Steel box Profile Facade.
 Address: Adj to 21 School Lane Gulladuff Magherafelt BT45 8PE,
 Decision:
 Decision Date:

Ref ID: H/2009/0594/F
 Proposal: Attic conversion to dwelling and new sunroom
 Address: 21b School Lane, Knockloughrim
 Decision:
 Decision Date: 13.01.2010

Ref ID: H/2008/0122/RM
 Proposal: Site of single storey dwelling with double garage
 Address: 210m South East of 21 School Lane, Knockloughrim
 Decision:
 Decision Date: 11.07.2008

Summary of Consultee Responses

Roads Service raised no issues of objection.
 DAERA were not consulted as the applicant failed to provide any farm business details including the Farm business ID number.
 Environmental Health were not consulted as it is not proposed to use the shed for animal housing.

Drawing Numbers and Title

Drawing No. 01
 Type: Site Location Plan
 Status: Submitted

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

Drawing No. 02
 Type: Site Layout or Block Plan
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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: LA09/2019/0186/F	Target Date: <add date>
Proposal: Retention of mobile home for temporary accommodation under CTY9	Location: 98a Gortlenaghan Road Dungannon Co Tyrone.
Applicant Name and Address: Tony McElduff 98a Gortglenaghan Road Dungannon BT70 3AS	Agent name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Summary of Issues: Enforcement action has been taken requiring the building to be removed from the site. Planning permission has recently been granted for a new dwelling on this site.	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 45.0 to be provided.	
Characteristics of the Site and Area: The site comprises an agricultural field to the east and part of another field to the west. Access appears to be via an agricultural field gate at roadside where a 'beware of the dogs' sign hangs on a gate post. I did not enter the site due to potential health and safety risks. There is a mobile home visible from the roadside, located in the NW corner of the site. There does not appear to be any laneway leading to the site or area where the mobile home is situated, just a worn track in the field. Agricultural land is the predominant land use in the area, with dispersed single dwellings and farm holdings. There is evidence of dwelling foundations to both the east and west of	

the site, finished to sub floor. Cappagh village lies approx. 3km to the north with Cabragh and the A4 dual carriageway approx. 3km to the south.

Description of Proposal

This is a full planning application for the retention of mobile home for temporary accommodation under CTY9.

Deferred Consideration:

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.

Dungannon and South Tyrone Area Plan 2010

The site lies in a Countryside Policy Area as defined in the Dungannon and South Tyrone Area Plan 2010. The publication of PPS 21 – Sustainable Development in the Countryside removed the Countryside Policy Area and provided a policy for the entire countryside in the Dungannon & South Tyrone Area.

Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. 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. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided in CTY9 – Residential Caravans and Mobile Homes as set out in PPS 21 – Sustainable Development in the Countryside.

This application was before the Committee with a recommendation to refuse in June 2019, where it was deferred to allow further discussion with the Planning Manager. A meeting

was held on 13 June 2019 and since that time the applicant has applied for and obtained planning permission, ref LA09/2019/1017/O for a site for a dwelling on this land.

Policy CTY9 allows the provision of a residential caravan or mobile home in exceptional circumstances, for a temporary period of up to 3 years. One of the exceptions relates to the provision of temporary accommodation pending the development of a permanent dwelling. In light of the applicant recently obtaining planning permission, I consider this part of the policy has been met. Members are advised that details of the design and appearance of the new dwelling have to be agreed before the house can be built and in light of this I consider it is appropriate to allow the maximum 3 year period allowed in the policy for the temporary permission.

As the proposed retention of the mobile home for a temporary period complies with Policy CTY9, I recommend this application is approved with a 3 year time limit.

Conditions/Reasons for Refusal:

Conditions

1. This permission authorises the siting and use of the mobile for residential purposes for a period of 3 years from the date of this decision. At the end of this 3 year period the mobile shall be permanently removed from the site identified in red on drawing No 01 bearing the stamp dated 07 FEB 2019.

REASON: In the interest of visual amenity and to reduce the risk of flooding.

2. Within 6 weeks of the date of this decision the vehicular access including visibility splays of 2.4mx 45.0m and any forward sight distance shall be provided in accordance with the details as set out on drawing No 02 bearing the stamp dated 07 FEB 2019. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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.

Informatives

The applicant is advised this temporary permission will not remove the enforcement notice from the site. The enforcement notice will cease to be effective for the period of the temporary permission.

Signature(s):

Date



Comhairle Ceantait
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: LA09/2019/0186/F	Target Date: 24/05/2019
Proposal: Retention of mobile home for temporary accommodation under CTY9.	Location: 98a Gortlenaghan Road Dungannon Co Tyrone.
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Tony McElduff 98a Gortglenaghan Road Dungannon BT70 3AS	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



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 the retention of mobile home for temporary accommodation under CTY9.

Characteristics of Site and Area

The site comprises an agricultural field to the east and part of another field to the west. Access appears to be via an agricultural field gate at roadside where a 'beware of the dogs' sign hangs on a gate post. I did not enter the site due to potential health and safety risks. There is a mobile home visible from the roadside, located in the NW corner of the site. There does not appear to be any laneway leading to the site or area where the mobile home is situated, just a worn track in the field.

Agricultural land is the predominant land use in the area, with dispersed single dwellings and farm holdings. There is evidence of dwelling foundations to both the east and west of the site, finished to sub floor. Cappagh village lies approx. 3km to the north with Cabragh and the A4 dual carriageway approx. 3km to the south.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010- the site is located in open countryside on unzoned land. Until such times as an up to date area plan has been adopted, the policy provisions of SPPS and PPS21 apply.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, and Policy CT5 - Temporary Caravans and Mobile Homes are applicable to this application. In my opinion the proposal is not in compliance with CT1 in that the temporary mobile home will not cluster or consolidate and group with existing buildings. The site is however acceptable in terms of integration and rural character. However, design is not acceptable in that it is of a temporary nature within a rural context, however should the proposal only be retained for a temporary period then I would have no objections. I have no concerns with urban sprawl.

The proposal also fails to comply with Policy CT5 in that it has not been demonstrated that the temporary mobile home is to accommodate the development of a permanent dwelling or that there are compelling and site specific reasons related to personal and domestic circumstances.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

Relevant planning history

There is an enforcement notice on this site for the removal of the mobile home. Enforcement action is ongoing but is paused pending the outcome of this subject planning application.

There is previous enforcement on this site, where an enforcement notice required the removal of unauthorised mobile buildings from the site and other materials and structures. These have been removed.

Key Planning Policy

The proposal is for the retention of a mobile home on a site in the countryside for a temporary period. Planning Policy Statement 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including residential caravans and mobile homes in accordance with policy CTY9.

It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) states that the policy provisions of PPS21 are retained until such times as a Plan Strategy for the whole of the council area has been adopted.

Policy CTY9 states that permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances including;

- pending the development of a permanent dwelling; or
- where there are compelling site specific reasons related to personal or domestic circumstances.

A firm proposal for a dwelling for the applicant (Mr Tony McElduff) does not exist and there is no planning history on this site to support this.

To the east of the site there is foundations of a dwelling finished to sub floor. The planning history for this site is;

-M/2003/0005/O- outline approval for dwelling for Francis Rafferty, granted 24/03/2003;

-M/2003/1233/RM- reserved matters permission for dwelling and garage for Mr Gerry Small, granted 30/12/2003.

To the west of the site there is foundations of a dwelling finished to sub floor. The planning history for this site is;

-M/2001/1187/O- outline approval for a dwelling for Mr S McAleer, granted 31/12/2001

-M/2003/1231/RM- reserved matters approval for dwelling and garage for Mr Gerry Small

In terms of compelling site specific reasons relating to personal or domestic circumstances, some information has been provided (material of a sensitive nature and Members may want to discuss within closed session) in support of this but it is not clear why the applicant has to live at this particular site and could not live within a town or settlement.

A letter of support has been provided by an MLA and a Statement of Support by the Agent, but in my view this is not sufficient to warrant accommodation of a temporary nature in this mobile home. There are no compelling personal and domestic circumstances why this person has to live on this site for a temporary period or that genuine hardship would be caused if planning permission were refused therefore I advise Members that planning permission should not be granted.

The applicant/agent has also provided utility bills to show that electricity has been paid at this site for a period of over 5 years. In some cases development becomes immune from enforcement action if it has been in place for a period of over 5 years. This is not the case in this instance, as previous and current enforcement history on the site clearly demonstrates. Enforcement action is on going and a live enforcement notice exists on this site for the removal of the subject mobile home. In the past the applicant lived on a mobile home which was subsequently removed from the site. Since then a new mobile home has been brought onto the site (not sure of exact dates but some time after 07/06/2013 and before 12/05/2016 as evident from Ortho Maps).

The agent has also states in his written statement of support that the applicant grows potatoes on his land and sells these in the locality. Some hand written receipts have been provided from 2012 to 2017 which show sale of potatoes, signed by the applicant. There has been no P1C provided or verification from DAERA that this applicant is a bonafide farmer. Plus, there is no application submitted by the applicant for a dwelling on a farm therefore at present there does not seem to be any intention by the applicant to live on the land on a permanent basis. There is insufficient evidence to demonstrate that the applicant upkeeps the land in a good agricultural state. Plus the proposal is not sited to cluster with an existing group of buildings on the farm. In my view the applicant falls short in demonstrating that the temporary mobile home is a response to a farming need. No information has been proffered as to the applicants current domestic circumstances and that not living on this site would cause genuine hardship. In my view insufficient evidence has been provided to demonstrate a genuine case of need in this instance.

In terms of integration, the mobile home is well integrated onto the site and is not clearly visible when driving along this stretch of road. However, as the proposal is of a temporary nature, the design is not something that is seen as suitable for the countryside on a permanent basis. Should permission ever be granted, then the structure on site should be conditioned for removal after a specified period.

This proposal does not add or create a ribbon of development nor does it add or create or add to an unacceptable build up of development that would cause harm to the character of this area of countryside, therefore policies CTY8 and CTY10 are not offended.

Other considerations

No letters of objection have been received on this proposal.

There are no residential amenity concerns with this proposal.

The site is not subject to flooding and there are no contamination, human health or ecology issues to consider.

DfI Roads advise splays of 2.4m by 45m in both directions. In the event that Members agree this proposal I advise that these splays are put in place within 1 month from the date of the permission and permanently retained until such times as the mobile is removed from the

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 CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-it has not been demonstrated that the proposal is for the provision of temporary residential accommodation pending the development of a permanent dwelling;

-the applicant has not provided compelling and site specific evidence that a residential caravan/mobile home is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

Signature(s)

Date:

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0470/O	Target Date:
Proposal: Proposed site for dwelling and garage based on policy CTY8 (gap site) and policy2a new dwelling in existing clusters	Location: 25m South East of 27a Garrison Road Toberhead Knockcloghrim
Applicant Name and Address: Mr Liam O'Kane 65 Gulladuff Hill Magherafelt	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Application was deferred to further consider the proposal under policies CTY 8 (gap site) and policy CTY2a - new dwelling in existing cluster. The recommended for refusal remains unchanged.	
Summary of Consultee Responses: NO OBJECTIONS	
Characteristics of the Site and Area: The proposal site is currently a small agricultural/grazing field located on the roadside of Garrison Road. The site is relatively flat in nature and is accessed directly off Garrison Road. Immediately adjacent on the western boundary is a single storey detached dwelling with a frontage to the road while on the eastern boundary is a private access and further	

agricultural land. To the rear of the site are two detached dwellings and several domestic outbuildings however these buildings are unseen from the roadside due to the existing mature vegetation.

Description of Proposal

Proposed site for dwelling and garage based on policy CTY 8 (gap site) and policy CTY2a- new dwelling in existing cluster.

Deferred Consideration:

This application presented as a refusal to Planning committee in August 2019 and was subsequently deferred for an office meeting with the Area Planning Manager on 15th August 2019. It was agreed that the site would be re-visited to further reconsider the proposal.

A site visit was carried out on 14/10/19.

In relation to CTY8, there is no small gap sufficient to accommodate up to 2 dwellings, within an otherwise continuously and substantial built up frontage. This would require a line of 3 or more buildings along a road frontage without accompanying development to the rear. To the west is a single roadside dwelling (No.27A), next to this is the laneway leading to No.27. On the eastern side of the site is the private laneway to No.29, which is located to the rear of the proposed site. There is no road frontage for properties No. 27 and 29. These properties do not have visual linkage with each other or the site.

In terms of CTY2, a number of the criteria are not being met.

It is possible to view No.27a and the site together and then No.27 and No.27a together. However as the site is well trees and has strong boundaries this ensures it can only be viewed with No.27a. These cannot all be read together along any part of the Garrison Road.

Due to the strong boundary treatment and the setback nature of 27 and 29, neither can be viewed with the site and therefore no cluster can be identified, failing on the first 2 criteria of CTY2a.

In addition there is no focal point or crossroads -

No.29 Garrison Road objected on 26th April 2019 raising a number of issues which had been previously addressed. It had been identified by the objector that No.27a was possibility built in the wrong place, it was approved under H/2002/0840/O and would have be have been started by Nov 2007, so now would be immune from any enforcement action. However it would no difference to the outcome of this decision.

In their letter they clearly state they do not run an equestrian centre as shown on location plan 01 dated 9 April 2019. They own horses for their own personal domestic use and have stables and exercising facilities to the rear of their houses for their own horses only. At the site visit two horses was in the field adjacent to No.29 although it would not be called a business and was clearly not an identifiable focal point. This cannot be therefore considered as a focal point as part of the CTY2a criteria.

As previous concerns, CTY14 is an issue in terms of the site, when viewed with existing development would create a built up of development in the locality.

Refusal is recommended as previously under CTY1, CTY2a, CTY8 and CTY14.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling, the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point and is not located at a cross-roads and 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.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside as the site is not located within a substantial and continuously built up frontage.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if would result in a detrimental change to (further erode) the rural character of the countryside by reason of build-up.

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: LA09/2019/0470/O	Target Date:
Proposal: Proposed site for dwelling and garage based on policy CTY8 (gap site) and policy2a new dwelling in existing clusters	Location: 25m South East of 27a Garrison Road Toberhead Knockcloghrim
Referral Route: Refusal recommended – contrary to PPS21 CTY 1, CTY 2a, CTY 8 & CTY 14 of PPS 21	
Recommendation: Refusal	
Applicant Name and Address: Mr Liam O'Kane 65 Gulladuff Hill Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	1
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 proposal site is currently a small agricultural/grazing field located on the roadside of Garrison Road. The site is relatively flat in nature and is accessed directly off Garrison Road. Immediately adjacent on the western boundary is a single storey detached dwelling with a frontage to the road while on the eastern boundary is a private access and further agricultural land. To the rear of the site are two detached dwellings and several domestic outbuildings however these buildings are unseen from the roadside due to the existing mature vegetation.

Description of Proposal

Proposed site for dwelling and garage based on policy CTY 8 (gap site) and policy 2a new dwelling in existing cluster.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the countryside

Neighbours: - Owners/Occupiers of Nos 27, 27a, 29 & 30 Garrison Road were notified of this proposal on 07.05.2019, One objection has been received from Mr Philip Campbell of 29 Garrison Road. His main points of concern are:

- no neighbourhood notification was made to him - As stated previously neighbour notifications were issued on 07.05.2019, No 29 was one of these such notifications.
- on the submitted site location plan an equestrian centre has been identified, Mr Campbell states that this is in fact his own private domestic stable and clearly states no equestrian centre exists here.
- Mr Campbell states that No 27A has been constructed in the wrong location in order to leave a larger area for future development - this point has been forwarded onto our enforcement team for investigation.
- Mr Campbell mentions wording of deeds for No27a stating that only one dwelling shall be constructed - this is a civil matter and not one that planning will be entering into.
- Mr Campbell queries where the sewerage facilities for No 27a is located, according to the plans approved under H/2002/0840/F these are located to the rear of No 27a and not located in the land located east of the 27a Garrison Road.
- Mr Campbell queries how the sewage will be dealt with for the new proposal should an approval be granted, according to the submitted P1 this will be dealt with via a sewage package treatment plant.
- Mr Campbell questions the capability of Garrison road for accommodating additional traffic from the proposed development. DfI have been asked to comment and responded on 22.05.2019 with no issues of concern subject to conditions and informatives.
- Mr Campbell is of the opinion that the proposal as submitted does not meet the criteria for granting approval for a dwelling at this location.

Consultees: Environmental Health were asked to comment and responded on 31.05.2019 with no objections subject to advice.

NI Water were asked to comment and responded on 09.05.2019 with no objections subject to advice.

DfI were asked to comment and responded on 22.05.2019 with no objections subject to conditions and advice.

In line with legislation this proposal was advertised in the local press on 25.04.2019, no further representations have been received to date apart from Mr Campbell of No 29 Garrison Road.

According to Planning Policy Statement 21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Two of these such types of development are a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a and the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with policy CTY 8.

Considering the requirements of CTY 2a - New dwellings in existing clusters planning permission will be granted for a dwelling at an existing cluster of development provided ALL of the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings - The proposal site does lie outside of a farm complex, when viewing the development located immediately adjacent to the proposal site from the submitted map it does appear there is a cluster of buildings however when actually viewing the situation on the ground there does not appear to be cluster as there is no visual linkage between existing buildings due to existing vegetation, separation distances, landform and siting.
 - the cluster appears as a visual entity in the local landscape - as previously mentioned when viewing the existing development on site there is no visual linkage between No 27, 27a and 29, and you are only aware of No 27a and 30 when travelling along Garrison road at this point.
 - the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross -roads - there is no community/social/facility, nor is the site located at a cross roads thus failing to meet this criteria.
 - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster- the proposal site provides a suitable degree of enclosure with mature vegetation to all sides existing as well as being bounded on two sides by existing development although when travelling along Garrison road the development to the rear of the proposal site is unseen.
 - development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside - this is not recognised as an existing cluster.
 - development would not adversely impact on residential amenity - the proposal would not adversely impact on residential amenity as the proposal site is large enough to facilitate a suitable degree of separation and the existing planting could provide integration.
- Thus having considered all of the above it is my judgement that the proposal as presented does not comply with the requirements of CTY 2a of Planning Policy Statement 21.

Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The proposal site is located within a small agricultural/grazing field, immediately adjacent on the western boundary is a detached single storey dwelling while east is a private access serving No 29 Garrison Road and further agricultural land thus the proposal site is not located within a substantial and continuously built up frontage and fails to meet the requirements of CTY 8 of Planning Policy Statement 21.

Considering the requirements of CTY 13 - Integration and Design of Buildings in the Countryside 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. A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; - the proposal site is not in a prominent location.
 - b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; - the site has mature and established boundaries to all sides.
 - c) it relies primarily on the use of new landscaping for integration - the site has mature and established boundaries to all sides
 - d) ancillary works do not integrate with their surroundings - as this is an outline application no ancillary works have been indicated, access would be directly off Garrison road should an approval be granted.
 - e) the design of the building is inappropriate for the site and its locality - as this is an outline application no design has been proposed at this stage.
 - f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - the site is flat and surrounded by mature vegetation thus could comply with this criteria.
 - g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm - this proposal is not a proposed dwelling on a farm.
- Thus having considered the points above the proposal adheres to the criteria of CTY 13.

Considering the requirements of CTY 14 - Rural character planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- a) it is unduly prominent in the landscape; - the proposal site is not unduly prominent.
- b) it results in a suburban style build up of development when viewed with existing and approved buildings; - the proposal when viewed alongside the existing development would create a build up of development in the locality and therefore fails this criteria.
- c) it does not respect the traditional pattern of settlement exhibited in that area; - the existing pattern of development in this area appears to be predominantly single dwellings located on the roadside.
- d) it creates or adds to a ribbon of development; -the proposal site would not create or add to a ribbon of development.
- e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character - no ancillary works would be required should an approval be considered acceptable.

Having considered all of the information presented it is my professional opinion that the proposal does not adhere to the requirements of CTY 1, CTY 2a, CTY 8 or CTY 14 of PPS21 and as such a refusal should be issued.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – Contrary to CTY 1, CTY 2a, CTY 8 & CTY 14 of PPS21

Refusal Reasons

1. The proposal is contrary to the SPSS 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling, the cluster does not appear as a visual entity in the local landscape the cluster is not associated with a focal point and is not located at a cross-roads.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside as the site is not located within a substantial and continuously built up frontage.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a detrimental change to (further erode) the rural character of the countryside as result of build-up..

Signature(s)**Date:**

ANNEX	
Date Valid	9th April 2019
Date First Advertised	25th April 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Garrison Road Knockcloghrim Londonderry The Owner/Occupier, 27a Garrison Road, Knockcloghrim, Londonderry, BT45 8RD The Owner/Occupier, 29 Garrison Road, Philip Campbell 29 Garrison Road, Knockcloghrim, Magherafelt, BT45 8RD The Owner/Occupier, 30 Garrison Road Knockcloghrim Londonderry	
Date of Last Neighbour Notification	7th May 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0470/O Proposal: Proposed site for dwelling and garage based on policy CTY8 (gap site) and policy2a new dwelling in existing clusters Address: 25m South East of 27a Garrison Road, Toberhead, Knockcloghrim, Decision: Decision Date:	
Ref ID: H/2004/1583/O Proposal: Site of dwelling. Address: Approx 67m NE of 27 Garrison Road, Curran Decision: Decision Date: 03.04.2006	
Ref ID: H/2000/0003/O Proposal: Site Of Dwelling and Garage Address: Land opposite 30 Garrison Road, Curran, Castledawson. Decision:	

Decision Date: 25.05.2000

Ref ID: H/2001/0228/O

Proposal: Site of dwelling and garage

Address: Opposite 30 Garrison Road, Curran

Decision:

Decision Date: 24.10.2001

Ref ID: H/2002/0840/F

Proposal: Amendment to previously approved house type.

Address: Adjacent to 27 Garrison Road, Curran.

Decision:

Decision Date: 15.11.2002

Ref ID: H/2000/0691/F

Proposal: Dwelling and garage

Address: Garrison Road, Castledawson

Decision:

Decision Date: 21.06.2001

Ref ID: H/2010/0104/F

Proposal: Equestrian building to replace existing menage

Address: 29 Garrison Road, Castledawson

Decision:

Decision Date: 21.04.2010

Ref ID: H/1993/6050

Proposal: SITE OF DWELLING GARRISON ROAD KNOCLCLOGHRIM

Address: GARRISON ROAD

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0569/O	Target Date:
Proposal: Proposed site for farm dwelling & domestic garage (based on Policy CTY 10)	Location: 35m East N/East of No.22 Dirnan Road Dirnan, Cookstown BT80 9XL.
Applicant Name and Address: Mr Noel Conway 26 Dirnan Cookstown BT45 9XL	Agent name and Address: Brendan Monaghan T/A Lissan Design 45 Letteran Road Moneymore BT45 7UB
Summary of Issues: Additional information provided following office meeting so Approval is now recommended under CTY10.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The proposed site is located approximately 2km North of the development limits of Churchtown from such it is located within the open countryside but it is also situated within the AONB of The Sperrins as per the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field but also covers a portion of the agricultural yard inclusive of two agricultural buildings. The proposed application intends to create a new access and laneway onto the Dirnan Road rather than going through the existing farm yard. The eastern and southern boundaries remained undefined within the field wherein the northern is defined by a mix of mature hedging and post and wire fencing with the western boundary being defined by the farm yard and associated buildings. The	

immediate and surrounding area is predominately agricultural land uses with a scattering of residential properties.

Representations

There were four neighbour notifications sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed site for farm dwelling & domestic garage (based on Policy CTY 10) located at 35m East N/East of No.22 Dirnan Road, Dirnan, Cookstown.

Deferred Consideration:

This proposal was presented as a refusal to Committee in October 2019 due to insufficient information provide to prove an established farm business for at least 6 years in line with CTY10. It was subsequently deferred for an office meeting which was held on 10th October 2019.

The applicants grandfather, Mr Eugene Conway, rented the farm land to Helen Johnson in conacre until 2016 and she claimed payment for business in 2014/15 /16, as confirmed by DEARA. The applicant, Noel Conway, who has now taken over working the farm, got his own business No. in March 2018 and has claimed payment in 2018 and 2019.

The farm is currently active and established, and evidence was submitted relating to the year 2017 to demonstrate the continuous use of the farm business for at least 6 years. These include receipts to Noel Conway relating to the farm land for work carried out to the land and to Vets Service etc. This are deemed sufficient to show farm business activity in the year 2017 by the applicant.

A history check of surrounding properties show no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of this application.

It has been demonstrated in line with part (a) of CTY10 the farm business is currently active and has been established for at least 6 years. This had been the only issue with the proposal and since it has now been resolved, an approval is recommended.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

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

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

5. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

6. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

Signature(s):

Date

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0569/O	Target Date:
Proposal: Proposed site for farm dwelling & domestic garage (based on Policy CTY 10). See attached pic form and associated farm maps.	Location: 35m East N/East of No.22 Dirnan Road Dirnan Cookstown BT80 9XL.
Referral Route: Refusal – To Committee – Contrary to CTY 10 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Noel Conway 26 Dirnan Cookstown BT45 9XL	Agent Name and Address: Brendan Monaghan T/A Lissan Design 45 Letteran Road Moneymore BT45 7UB
Executive Summary: Refusal	
Signature(s): Peter Henry	

For Committee
2019



17/9/19

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	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 Issues

Refusal – To Committee – Contrary to CTY 10 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 2km North of the development limits of Churchtown from such it is located within the open countryside but it is also situated within the AONB of The Sperrins as per the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field but also covers a portion of the agricultural yard inclusive of two agricultural buildings. The proposed application intends to create a new access and laneway onto the Dirnan Road rather than going through the existing

farm yard. I note that given the red line that the eastern and southern boundaries remained undefined within the field wherein the northern is defined by a mix of mature hedging and post and wire fencing with the western boundary being defined by the farm yard and associated buildings. The immediate and surrounding area is predominately agricultural land uses with a scattering of residential properties.

Representations

There were four neighbour notifications sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed site for farm dwelling & domestic garage (based on Policy CTY 10) located at 35m East N/East of No.22 Dirnan Road, Dirnan, Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 – Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. 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 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'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a

dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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; and

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

With respect to (a) a consultation was sent to DAERA, in their response they confirmed that the farm business identified has been allocated in 2018 and that there has been claims in 2018 and 2019. However within the submitted design and access statement the agent confirmed that this was a continuation of his grandfather's farm business. However in the submitted information with the application it appears that the grandfather only ever has an applicant number with Farm Business Number. From this, the agent was requested to provide more clarity about what Farm ID, if any, existed for the farm holding prior to this. In which the agent provided a response to state that another farm business claimed the lands during 2014/15. DAERA were contacted to provide further light on this, in which they confirmed that the proposed site was claimed for payment by this other business up to 2016 but the field no claims by any business in 2017. From such it is clear that there are gaps to try and demonstrate that the relevant six years. In which the agent attempted to provide additional information to demonstrate this however the information submitted was discussed during group discussions and it was concluded that it is insufficient to demonstrate that there has been a farm ID established on the site for an excess of 6 years along with activity over this time nor does it appear to be any continuation of a previous business that has now ceased. From this it fails under this part of CTY 10.

With respect to (b) and upon a review of the history of the farm business, I note that the business has only been allocated in 2018 and from this I did not find any development opportunities that had been sold off the farm during this time. I note that there does not appear to be any permissions attained nor sold off by the second business number identified by the agent.

With respect to (c), it is noted that the site is located in close proximity to the registered address of the farm business but I note that there two farm buildings located within the red line with a single dwelling and another farm building beside these. From such I am content that these buildings are able to constitute as a group of existing farm buildings. And given the location of the site I am content that a dwelling located within the red line would be able to visually link with this existing group. The policy does state where practicable that access should be taken from an existing laneway, I note to do so would require going through the middle of the farm yard and between existing buildings which is not deemed as reasonable, with this in mind a new access onto the Dirnan Road

seems like the right approach. It is considered that the application has complied with criteria b and c however has failed to demonstrate that the farm business is active and established for the relevant six years therefore I am of the opinion that it fails under CTY 10.

Policy CTY 13 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 note that this is an outline application in which the exact design and siting details have not been submitted, however I am of the opinion that an appropriately designed dwelling will not appear unduly prominent in the landscape. Given the nature of the red line, new boundaries will need to be planted out along the new southern and eastern boundaries but as much of the existing landscaping should be retained and supplemented with new planting to aid integration. Therefore a landscaping plan will be necessary in any 'Reserved Matters' application. Due to the surrounding landform and surrounding development it is felt necessary to restrict the height of the dwelling to a 6.0m ridge height from finished floor level. From this I am content that the application is able to comply with CTY 13.

In terms of policy CTY 14 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. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. I note that that a dwelling located within the site will not lead to future development through infilling. From all of this it has been agreed that the application is able to comply with CTY 14 on balance.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

I have no flooding, ecological or residential amenity concerns.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded confirmed that in order for the applicant to create a safe access onto Dirnan Road which meets the standards set out in PPS3 and DCAN15 the relevant conditions must be applied.

I have no ecological, flooding or residential amenity concerns.

As the application has failed under CTY 10 of PPS 21 I must therefore recommend refusal for the application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – To Committee – Contrary to CTY 10 of PPS 21.

Reasons for Refusal:

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 farm business has been established and active for at least six years.

Signature(s)



Date:

17/11/19

ANNEX	
Date Valid	25th April 2019
Date First Advertised	9th May 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 Dirnan Road Cookstown Londonderry The Owner/Occupier, 22a Dirnan Road Cookstown The Owner/Occupier, 22b Dirnan Road Cookstown The Owner/Occupier, 22d Dirnan Road Cookstown	
Date of Last Neighbour Notification	7th May 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0569/O Proposal: Proposed site for farm dwelling & domestic garage (based on Policy CTY 10). See attached pic form and associated farm maps. Address: 35m East N/East of No.22 Dirnan Road, Dirnan, Cookstown, BT80 9XL., Decision: Decision Date: Ref ID: I/1978/0045 Proposal: 11KV O/H LINE Address: DIRNAN, COOKSTOWN Decision: Decision Date: Ref ID: I/2004/0993/F Proposal: New dwelling and garage Address: Adjacent to 24B Dirnan Road, Cookstown Decision: Decision Date: 08.03.2006 Ref ID: I/1987/0268 Proposal: EXTENSION AND IMPROVEMENTS TO DWELLING Address: 22 DIRNAN ROAD, DIRNAN, COOKSTOWN	

Decision: Decision Date: Ref ID: I/1998/0318 Proposal: Site for dwelling Address: REAR OF NO. 22 DIRNAN ROAD COOKSTOWN 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: