



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: LA09/2021/1011/O	Target Date: <add date>
Proposal: Dwelling and garage	Location: 110m North East of 65 Roughan Road Stewartstown
Applicant Name and Address: Andrew Richardson 4 Lakeview Meadow Lurgan	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Issues: <p>The application site was previously part of a larger farm holding of 21 fields owned by the applicant's grandfather Mr Mervyn Richardson. When he passed away the farm was split between several family members including the applicant. The applicant has 5 fields including the application site and DAERA have confirmed the applicant is a Category 3 farm and has only had his DAERA farm business ID since 24th February 2021. There are no buildings at the site that the proposed dwelling could cluster or visually link with. It has been shown that all the other lands on the farm has gone to other established farms and the applicant was farming the lands with his grandfather. There is a need to be on the land as the distance between his home and the sheep is becoming to great an issue to manage.</p>	
Summary of Consultee Responses: DFI Roads - safe access can be provided DAERA – farm not established for 6 years	
Characteristics of the Site and Area: <p>The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with predominantly agricultural fields and dwellings on single plots. There is only one</p>	

dwelling in the immediate vicinity at the entrance to the access at No. 65. This is a single storey dwelling with a roadside frontage onto Roughan Road. The application site is a cut-out of two agricultural fields and these are accessed via an agricultural laneway off Roughan Road. The topography of the land rises up steeply to the site where it levels off and there is a group of established trees directly adjacent to the site.

Description of Proposal

This is an outline application for a proposed dwelling and garage.

Deferred Consideration:

This application was before the Planning Committee in April 2022 where it was deferred to meet with the Service Director of Planning. At a meeting on 14 April 2022 there were discussions about the farming interests of the applicant and the transfer of the lands from his grandfather, Mervyn Richardson and additional information was to be submitted.

Some of the background to this case and how the original farm was divided within the family is in the previous report. The information provided indicates the applicants grandfathers business has been taken into 3 other active and established farm businesses for Joyce Richardson, Gladys Johnston and Eddie Richardson. Allen (Allan) Richardson also received land but he farms over 200 acres and 700 cattle with his brother Philip. Members are advised this is a timing issue, had Mervyn applied for planning permission he would have been entitled to a dwelling on the farm as he was an active and established farmer, at the time of the application there were no other sites or buildings sold off the farm and a site at Ballyforlea Road was approved under replacement policy for Mervyn in 2009 I/2009/0426/O & I/2012/0001/RM. Mervyn had buildings on his farm. If an application had been made in Mervyns name then it is highly likely the principle of a dwelling would have been accepted.

The information presented in this case is that all of the other recipients of Mervyns lands have their own farms and would be entitled to a dwelling on their own farms in their own right. Each has provided a written assurance of this and they have assured they each have no claim to a dwelling under Mervyn's business ID or objections to Richard getting a dwelling under that ID. The applicant has advised he worked on the farm with Mervyn but was not named on the farm business otherwise, as confirmed with DAERA, it would have transferred to him. Mervyns business ID has been closed following his passing and the applicant was awarded a Category 3 Business ID on 24th February 2021. The applicants business ID does not meet the criteria for an established farm as it has not been in place for 6 years, though it is currently active and the applicant has his own flock of sheep. He is currently living in Lurgan, 20 miles from the farm and has to come and go to tend to sheep, sometimes late at night. The applicant has 2 young children and his family life and farming life are impacted due to the having to tend to the sheep at unsocial hours and during lambing time. There are no buildings on the farm, though the applicant will be erecting buildings on his holding if he is able to obtain planning for a house.

It is clear there would have been an opportunity for the applicant to have gained planning permission under his grandfathers business ID, if he were still alive. The fact the applicant worked on the farm with his grandfather and is the only grandchild that was left land is, in my opinion, a material consideration in this proposal. I consider it is reasonable to interpret

the bequeath of the land to Andrew as an acknowledgment that he was an active farmer on the holding. I also consider that had Richard been named on the business ID then the only issue that would be for debate is the location of the proposed dwelling away from the group of buildings on the farm, as the business ID would have transferred to him. In light of this I consider it reasonable to make an exception to criteria a in relation to the need to have the 6 years for the business ID being used to support this proposal and criteria c insofar as there is a requirement to have buildings on the holding as there were buildings on the holding belonging to Mervyn. The proposed site is access off an existing lane and there are no other building opportunities sold off from the holding and as such it meets with criteria b of the policy.

While I have noted there were buildings on Mervyn's holding, these are on Alans farm and there was no other land in Mervyn's farm that was located beside these. In light of this I consider it is reasonable to permit a dwelling elsewhere on the farm. The proposed site is well enclosed and screened by existing mature vegetation, which can be retained. In my opinion a dwelling in this site will not have any impacts on rural character as it will not be prominent and there is only one other dwelling close by. As such I consider this would have been in accordance with the exception in CTY10.

As set out in the report, I recognise the proposal does not meet with CTY10, however I consider there are other material factors relating to the applicants involvement on his grandfathers farm, his current involvement in farming and the need for a dwelling to allow him to tend to his flock. Due to these specific circumstances I recommend this application is approved.

Conditions/Reasons for Refusal:

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 Mid Ulster District 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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 90.0m in both directions and a 90.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than

250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

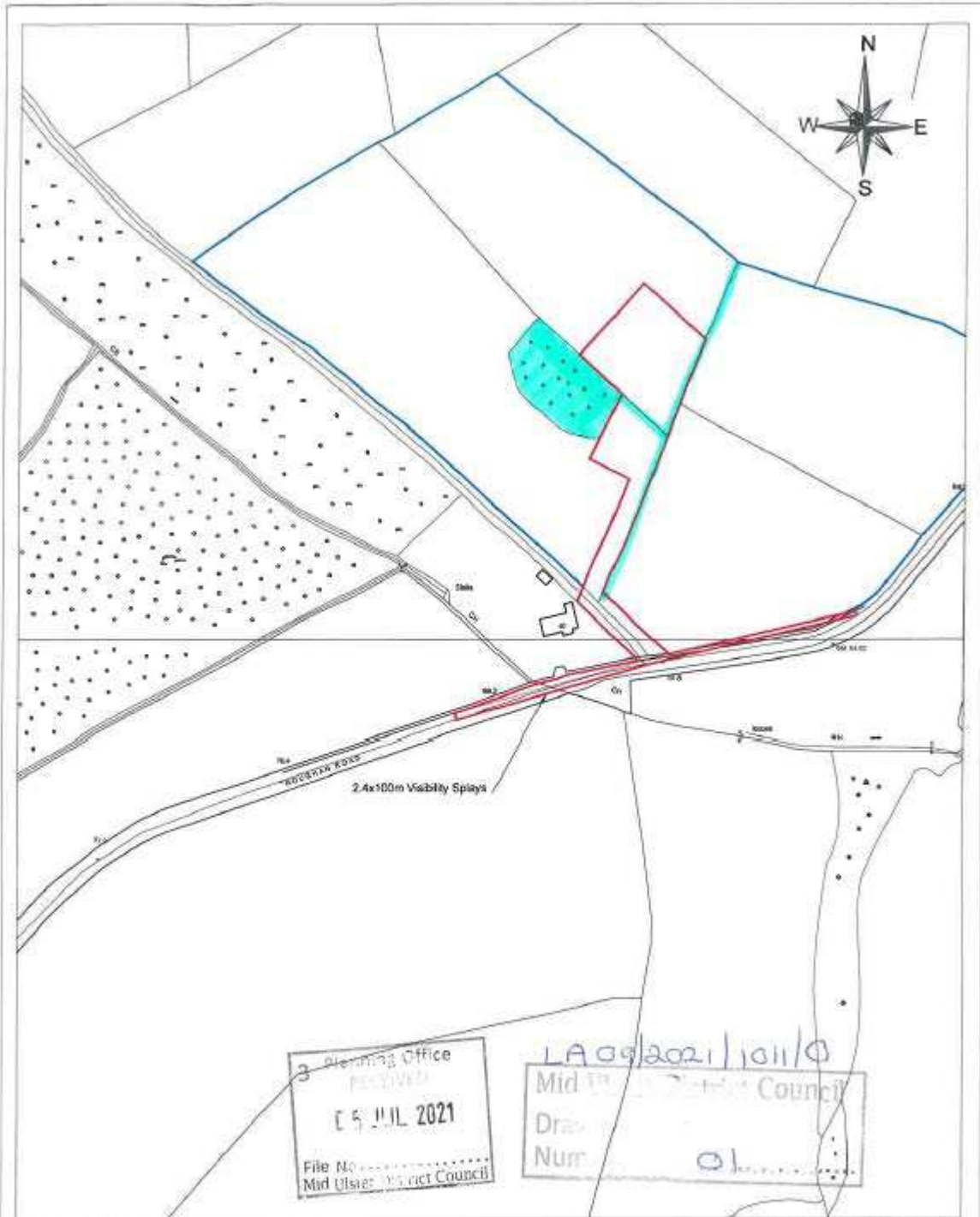
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries as identified in green on drawing No 01 bearing the stamp dated 5 JUL 2021 to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside

Signature(s)

Date:



Location Plan
Scale 1:2500

O.S. Map Ref: 141-12-SW
141-16-NW

A - Issued to planning service - 02.07.21

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Client	Mr Andrew Richardson	Scale/Sheet	1:2500 @ A4	Drawing no.	L01
Project	70m NE of 65 Roughan Road, Stewartstown, Dungannon.	Date	July 2021	Revision	A
Drawing Title	Location Map	Job No.	2174	Drawn By	SL



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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/04/2022	Item Number:
Application ID: LA09/2021/1011/O	Target Date:
Proposal: Dwelling and garage	Location: 110m North East of 65 Roughan Road Stewartstown
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to Policy CTY 10 – Dwellings on Farms in PPS 21 as there are no buildings to cluster or visually link with on the farm holding.3. Contrary to Policy CTY 10 – Dwellings on Farms in PPS 21 as there is not an active and established farm business at the site for the past six years.	
Recommendation:	Refusal
Applicant Name and Address: Andrew Richardson 4 Lakeview Meadow Lurgan	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary: The application site was previously part of a larger farm holding of 21 fields owned by the applicant's grandfather Mr Mervyn Richardson. When he passed away the farm was split between several family members including the applicant. The applicant has 5 fields including the application site and DAERA have confirmed the applicant is a Category 3 farm and has only had his DAERA farm business ID since 24 th February 2021. There are no buildings at the site that the proposed dwelling could cluster or visually link with.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with predominantly agricultural fields and dwellings on single plots. There is only one dwelling in the immediate vicinity at the entrance to the access at No. 65. This is a single storey dwelling with a roadside frontage onto Roughan Road.

The application site is a cut-out of two agricultural fields and these are accessed via an agricultural laneway off Roughan Road. The topography of the land rises up steeply to the site where it levels off and there is a group of established trees directly adjacent to the site.

Description of Proposal

This is an outline application for a proposed dwelling and garage at 110m North East of 65 Roughan Road, Stewartstown.

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.

Representations

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

Planning History

No planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

The site is outside any settlement limits as defined in the Cookstown Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that 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 dwelling on a farm 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'.

Planning Policy Statement 21

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 are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling on a farm CTY 10 is the relevant policy in the assessment.

CTY 10 – Dwelling on a farm

DAERA confirmed the farm business ID as stated on the P1C form has not been in existence for over 6 years and the farm business ID on the P1C form was only allocated on the 24th February 2021. DAERA state the site is part of a category 3 farm which means it is not intensively farmed. The applicant is Mr Andrew Richardson which has signed certificate A on the P1 form to demonstrate he owns all the land. On the P1C form the applicant states he inherited the farm from his grandfather. In an email from the agent dated 16th November 2021 it is confirmed the application site was previously part of a larger farm owned by the applicant's grandfather Mr Mervyn Richardson. The grandfather lived at 24 Newmills Road Stewartstown and owned 30ha split over 21 fields. Upon his passing away the farm holding was split between the following family members. Fields 4,5,6,7 & 8 on the farm maps were willed to Andrew Richardson who is the applicant. These lands are the only lands he owns and the other fields were given to various family members. They all have their own established farm businesses.

As evidence to demonstrate the land has been maintained in good agricultural condition for the past six years receipts have been submitted from 2013 to 2021. The receipts for 2013 to 2020 relate to the original landowner Mr Mervyn Richardson who farmed the land and claimed DAERA subsidies on it. A receipt for 2021 has been submitted from the applicant Mr Andrew Richardson from D and R Moffett Limited agricultural contractors for hedge cutting at the site. There is also a receipt for insurance at the site. I consider the applicant has not submitted enough evidence that he has been actively maintaining the land for the past 6 years.

Paragraph 5.40 on CTY 10 states that planning permission will not be granted for a dwelling under this policy where a rural business is artificially divided for the sole purpose of obtaining planning permission. I am of the opinion this has happened in this case as the site was part of a larger farm and has been split up into smaller farms within the past 10 years.

There are no buildings on the site to cluster or visually link with. Therefore I consider this fails the test in CTY 10 that the proposed dwelling should visually link or cluster with an established group of buildings on the farm. The applicant has submitted 2021 farm maps to show all the land owned. There are no other buildings on these maps to cluster/link with. The applicant does state on the P1C form this is the first building on the farm. A check of the planning histories shows there are no other planning approvals on the land owned.

Overall, I am not content the applicant has met all the criteria in CTY 10 as there are no planning approvals on the land which would demonstrate plans to extend the farm business to this site. In addition, there are no farm buildings or a farm dwelling at the site to cluster or visually link with.

CTY 13 - Integration and Design of Buildings in the Countryside

The land rises up steeply at the site from the Roughan Road to the back of the site where it levels off. As shown in figures 1 to 4 below there are critical views of the dwelling in both directions. To the south west there will be no long distance critical views and the dwelling will only be visible when directly at the road in front of the site. To the north east there will be more open views but the dwelling would site against the backdrop of trees which are within the applicant's ownership.



Fig 1 – The proposed dwelling will be located to the rear of the trees



Fig 2 – Critical view from the road to the northeast travelling towards Newmills



Fig 3 – Critical view from the road from the southwest at No. 65



Fig 4 – Long distance critical view from the southwest

As stated previously there is a grouping of established trees abutting the western boundary of the site and a hedging along the southern boundary and the remaining boundaries are undefined. I consider there is a minimal sense of enclosure as the site is a cut-out of a larger field and has a steep open topography up to it. However there the backdrop of the established trees will assist in integrating the proposal into the landscape.

The proposed dwelling will be accessed off an existing agricultural laneway and will run along hedging so I am content the access will not have an unacceptable impact on rural character.

The design of the dwelling would be considered at the reserved matters stage.

Overall I am content a dwelling of an appropriate scale and massing could integrate at this site due to the backdrop of existing vegetation.

CTY 14 – Rural Character

As stated earlier I am content a modest single storey dwelling would not be unduly prominent in this location due to the backdrop of existing trees which are within the

applicant's ownership. I consider the proposal will not result in a suburban style build-up of development as there is minimal development pressure in the vicinity from the construction of single dwellings. Overall I believe an appropriately sized dwelling would not have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to public roads

DFI roads were consulted as the proposal will result in the creation of a new access to the public road. DFI roads were content subject to visibility splays of 2.4m x 90m and informatives.

Other Considerations

I checked the statutory NED, HED and flooding map viewers and I am content there are no other issues at the site that need consideration. The site is not within an ecological, historical or flooding zones.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet criteria c in CTY 10 or CTY 1 in PPS 21.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to Policy CTY 10 – Dwellings on Farms in PPS 21 as there are no buildings to cluster or visually link with on the farm holding.
3. Contrary to Policy CTY 10 – Dwellings on Farms in PPS 21 as there is not an active and established farm business at the site for the past six years.

Signature(s)

Date:



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Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1098/O	Target Date: 14 October 2022
Proposal: OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.	Location: PLOT OF GROUND SITUATED IN THE TOWNLAND OF ANEETER BEG, 50M SOUTH OF 90 ANEETER ROAD, MOORTOWN, COAGH
Applicant Name and Address: Miss RACHAEL DEVLIN 90 Aneeter Road Cookstown BT800HZ	Agent Name and Address: No Agent
Summary of Issues: The application was considered against CTY2A where it did not meet the criteria for a dwelling in a cluster as there was no development in 2 sides. It was also assessed against CTY8 and the gap while large is considered to meet with the exception in CTY8. Personal circumstances have been submitted for consideration and planning permission was granted on this site on 21/01/08 and has long since expired. There is no evidence of any commencement. It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced, therefore this application is now subject to provisions off PPS 21.	
Summary of Consultee Responses: DFI Roads - safe access can be provided NI Water – no comments	
Characteristics of the Site and Area: The application site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh. The application site comprises an agricultural field located along the roadside. Tall, established hedging and trees define the western,	

southern and eastern boundaries, and a small wooden and wire fence defines the northern boundary with No. 90 Anneeter Road. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered single dwellings and their associated outbuildings.

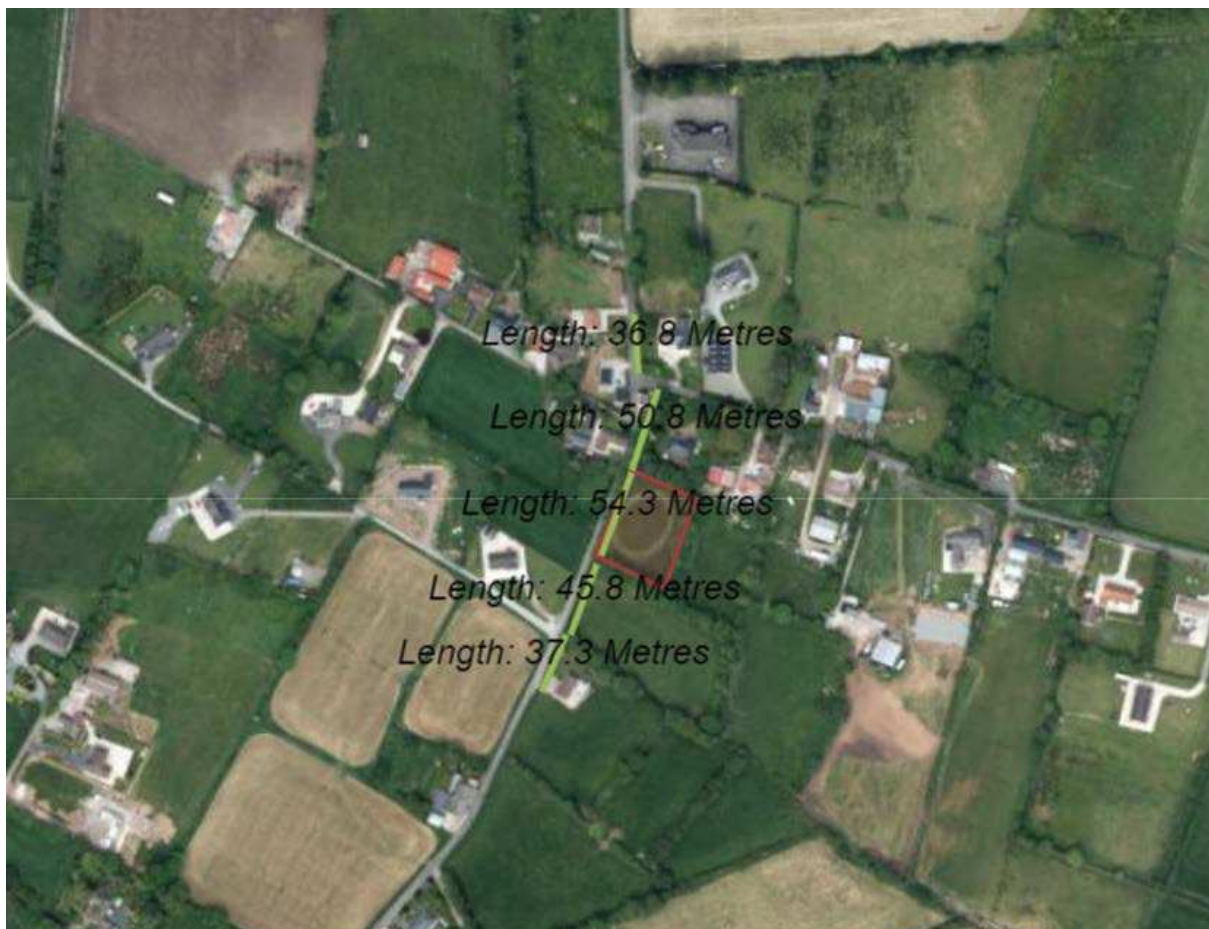
Description of Proposal

This is an outline application for a proposed dwelling and garage.

Deferred Consideration:

This application was before the Planning Committee in September 2023 where it was deferred to meet with the Service Director of Planning. At a meeting on 14 September 2023 the applicant provided additional information in relation to personal circumstances that she wished to be taken into account and Councillor Niall McAleer was supportive of the proposal at a cluster.

Following the meeting I carried out a site inspection and noted there is a cluster of development to the north of the site with Coyles Cottage as a focal point. It is clear the proposed site does not have the necessary development on 2 sides, however there is a strong sense of a cluster of development here on approach from the south and from the north.



I noted the applicants parents house which is located to the immediate north of the site, has a frontage to Anneeter Road and Annaghmore Road and has a plot depth of just over 50 meters, though part of the frontage is taken up with Coyles Cottage. To the north of Anetter Road, there is a bungalow with a plot depth of approx. 37metres and the dwelling to the south has frontage of 37 metres. The gap here is 100m. and the site frontage is 55 meters. The applicant has set out medical circumstance which would require a bungalow to be the development on the site. Taking into account the applicants requirements for a bungalow with special design requirements I consider it is reasonable to consider this site may need to be larger than normal, however it still, in my opinion is in keeping with the general characteristics of the pattern of development around it. The gap site here would, in my view therefore only be capable of accommodating up to a maximum of 2 dwellings. In this case I consider the proposal meets the exception in CTY8 for a gap site.

Conditions/Reasons for Refusal:

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 Mid Ulster District 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.Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions and a 45.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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.

4. The dwelling hereby approved shall have a ridge height not exceeding 5.5m above the existing ground level.

Reason: To ensure the development is not prominent in the landscape.

5. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be

planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.4
Application ID: LA09/2022/1098/O	Target Date: 14 October 2022
Proposal: OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.	Location: PLOT OF GROUND SITUATED IN THE TOWNLAND OF ANEETER BEG, 50M SOUTH OF 90 ANEETER ROAD, MOORTOWN, COAGH,
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Miss RACHAEL DEVLIN 90 Aneeter Road Cookstown BT800HZ	Agent Name and Address: No Agent
Executive Summary: The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY1, CTY 2a, CTY 8, and CTY 14 of PPS 21. CTY 1 – This proposal fails to meet Policy CTY1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. CTY 2a – This proposal fails to meet Policy CTY2a of PPS 21 as the site is not bound on at least two sides with other development in the cluster; the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation will significantly alter the existing character, and visually intrude into the open countryside. CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as the site cannot be considered a small gap site, and could potentially accommodate up to a maximum of three houses; and there is no continuously built up frontage. Development of this site would be considered as ribbon development and would be detrimental to the character, appearance and amenity of the countryside.	

CTY 14 – This proposal fails to meet Policy CTY 14 of PPS 21. If permitted a dwelling would appear as a prominent feature in the landscape and would likely cause a detrimental change to and further erode the rural character of the area.

Please note, planning approval was granted on this site on 21/01/08 and has long since expired. There is no evidence of any commencement. It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced, therefore this application is now subject to provisions off PPS 21.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1098-O.pdf
Non Statutory Consultee	DFI Roads - Enniskillen Office	RS1 Form a (1).doc Roads Consultation outline approval.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located within the open countryside, outside any defined

settlement limits as per the Cookstown Area Plan 2010. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh. The application site comprises an agricultural field located along the roadside. Tall, established hedging and trees define the western, southern and eastern boundaries, and a small wooden and wire fence defines the northern boundary with No. 90 Anneeter Road. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered single dwellings and their associated outbuildings.

The application site is within the Lough Neagh Shore Countryside Policy Area.

Description of Proposal

This is an outline application for the erection of a single dwelling house and detached double garage. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. The Neighbour Notification period expires 31/08/23. At the time of writing, no third party objections were received.

Relevant Planning History

I/2007/0261/RM – Proposed dwelling, 50M South East Of 56 Annaghmore Road, Aneeter. Permission granted – 21.01.2008.

I/2004/0487/O – Proposed site for dwelling, 50M South East Of No. 56 Annaghmore Road, Anneeter. Permission granted – 11.11.2004.

Planning approval was granted on this site on 21/01/08 and has long since expired. History of this site was checked with MUDC Building Control. Building Control confirmed an application was submitted on 21/10/09 under reference: FP/2009/0452. However, this application was cancelled, and Building Control confirmed there is no record of commencement on this site. Historic orthographic images were also checked of the site since the approval of the planning application, and there is no evidence of any commencement.

It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced,

therefore this application is now subject to provisions off PPS 21.

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

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

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

The site is within the Lough Shore Countryside Policy Area and as such should comply with Area Plan Policy CTY 2. This policy states development proposals will be determined in accordance with the provisions of prevailing regional planning policy; it is considered necessary to protect the primarily rural landscapes of the Lough Neagh shoreline and its environs. I am content that the proposal will be assessed against all prevailing regional planning policy below.

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. 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 are acceptable in the countryside.

It is important to note that no Statement of Case was submitted with this application to provide justification for which cases under policy CTY 1 this application should be considered for, therefore I will review the policies which I believe are relevant to this application.

The application will be assessed for a new dwelling in an existing cluster therefore this development must be considered under CTY 2a of PPS 21. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all 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 cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- 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; and
- Development would not adversely impact on residential amenity.

Upon review I am content that the cluster lies outside a farm and consists of four or more buildings, wherein three of which are dwellings. In terms of a focal point, I am content that Coyle’s Cottage (Grabe B Listed thatched cottage) which lies approximately 45m North of the application site can be constituted as a focal point in its own right. In terms of enclosure, the application site is not bound on at least two sides with other development. No. 90 Anneeter Road lies northeast of the application site, however there is no other development surrounding the site therefore this application has failed to meet this criteria. I do not hold the view that development of the site can be absorbed into the existing cluster through rounding off and consolidation. I believe development of this site will result in urban sprawl to the detriment of the rural area. Finally, I am content that a dwelling in this location is unlikely to have an adverse impact on residential amenity.

Given the issues with the lack of enclosure with the site not being bound on at least two

sides, and the development unable to be absorbed into the existing cluster through rounding off and consolidation, I believe this development will result in urban sprawl to the detriment of the rural area and visually intrude in the open countryside, and for these reasons I hold the view that the application fails under CTY 2a.

The application will now be assessed for an infill dwelling and as a result the development must be considered under CTY 8 of PPS 21. Policy CTY 8 of PPS 21 states that planning permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however 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.

Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. No. 57 Annaghmore Road lies north of the application site, No. 90 Anneeter Road lies northeast, while south of the site there is a large agricultural field, and further south is No. 53 Annaghmore. There is a large gap between No. 90 Anneeter Road and No. 53 Annaghmore Road, I do not believe this can be considered a small gap, and I believe it could potentially accommodate up to a maximum of three houses. It is my opinion there is no substantial and built up frontage along Annaghmore Road, where the application site lies. It is clear from visiting the site there is no continuously built up frontage along Annaghmore Road, the two large agricultural fields provide a strong visual break between the cottage at No. 57 and the dwelling at No. 53 Annaghmore Road. It is important to note that No. 90 Anneeter Road does not front on to Annaghmore Road. For these reasons outlined above, I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.

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 only an outline application therefore no design details have been submitted however, given the landform and landscape, and the proposed concept plan provided by the agent, I believe that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping would be required to aid integration therefore a landscaping scheme would be required in any reserved matters application. From which, I am content that the application is able to comply under CTY 13.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am of the opinion that a new building will result in a suburban

style build-up of development when viewed with existing and approved buildings, and it creates or adds to a ribbon of development (Policy CTY 8). The criteria in this policy cannot be met, therefore I hold the view that the application fails under CTY 14.

Summary of Recommendation:

Refuse is recommended

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Refusal Reasons

Reason 1

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal is not bound on at least two sides with other development, and the development cannot be absorbed into the existing cluster through rounding off and consolidation and will significantly alter the existing character and visually intrude into the open countryside.

Reason 3

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the application site does not constitute a small gap site within a substantial and continuously built up frontage.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would cause a detrimental change to and further erode the rural character of the area.

Signature(s): Seáinín Mhic Íomhair

Date: 23 August 2023

ANNEX	
Date Valid	1 July 2022
Date First Advertised	9 August 2022
Date Last Advertised	9 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 56 Annaghmore Road Ardboe Cookstown Tyrone BT80 0JA The Owner / Occupier 90 Anneeter Road Cookstown Tyrone BT80 0HZ	
Date of Last Neighbour Notification	17 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1976/0426 Proposals: ERECTION OF FARM BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/1976/042601 Proposals: ERECTION OF FARM SUBSIDY BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/2006/0168/F Proposals: Proposed dwelling & domestic garage Decision: PG Decision Date: 04-AUG-06</p> <p>Ref: I/2005/0586/O Proposals: Proposed dwelling & garage Decision: PG Decision Date: 21-JAN-06</p> <p>Ref: I/2003/0351/F Proposals: Dwelling and Garage</p>	

Decision: PG
Decision Date: 17-JUN-03

Ref: I/1992/0332
Proposals: Erection of dwelling
Decision: PG
Decision Date:

Ref: I/1999/0620/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 29-JUN-00

Ref: I/1999/0621/O
Proposals: Site for dwelling
Decision:
Decision Date:

Ref: I/2001/0384/F
Proposals: Proposed New Dwelling with Semi-Detached Garage
Decision: PG
Decision Date: 22-NOV-01

Ref: LA09/2022/1098/O
Proposals: OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.
Decision:
Decision Date:

Ref: I/2014/0168/RM
Proposals: Pre-fabricated timber framed single storey dwelling
Decision: PG
Decision Date: 05-SEP-14

Ref: I/2013/0344/O
Proposals: Site of single storey dwelling on agricultural land (amended Certificate of Ownership received).
Decision: PG
Decision Date: 14-MAR-14

Ref: LA09/2016/1385/F
Proposals: Proposed change of house type for site approved under planning application
ref: I/2014/0168/RM

Decision: PG
Decision Date: 19-JAN-17

Ref: LA09/2019/0529/O

Proposals: Proposed dwelling and garage in a gap site

Decision: PG

Decision Date: 23-JUL-19

Ref: LA09/2022/1141/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 25-NOV-22

Ref: I/2001/0752/F

Proposals: Proposed dwelling

Decision: PG

Decision Date: 09-APR-02

Ref: I/2000/0063/O

Proposals: Site for new dwelling

Decision: PG

Decision Date: 19-OCT-00

Ref: I/1976/0485

Proposals: SITE OF SUPERMARKET AND RESTAURANT

Decision: PR

Decision Date:

Ref: LA09/2018/0802/F

Proposals: Proposed 2 Storey dwelling and detached garage to infill site (amended drawings received)

Decision: PG

Decision Date: 10-SEP-18

Ref: I/2013/0095/F

Proposals: Proposed 2 Storey dwelling and detached garage to infill site

Decision: PG

Decision Date: 23-SEP-13

Ref: I/1974/0295

Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: I/2010/0084/O

Proposals: Proposed 2 storey dwelling and detached garage to infill site

Decision: PG

Decision Date: 18-MAY-10

Ref: I/2008/0388/F
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 18-NOV-08

Ref: I/2004/0717/O
Proposals: Proposed Site for Dwelling
Decision: PG
Decision Date: 18-JAN-05

Ref: I/2003/0111/A41
Proposals: Proposed improvements and disabled adaptations to existing dwelling
Decision: 205
Decision Date: 28-FEB-03

Ref: I/1981/021401
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: I/1981/0214
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: I/2002/0482/O
Proposals: Proposed Site for New Dwelling
Decision: PG
Decision Date: 04-MAR-03

Ref: I/1999/0284
Proposals: Erection of Dwelling
Decision: PG
Decision Date:

Ref: I/1995/0390
Proposals: Proposed site for dwelling
Decision: PG
Decision Date:

Ref: I/2002/0189/F
Proposals: Mobile Home
Decision: PG
Decision Date: 16-JAN-03

Ref: LA09/2018/1216/O
Proposals: Proposed site for dwelling and garage
Decision: PG
Decision Date: 07-DEC-18

Ref: LA09/2019/0330/RM
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 01-MAY-19

Ref: I/2002/0451/O
Proposals: Site for a dwelling
Decision: PG
Decision Date: 28-AUG-02

Ref: I/1993/0358B
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/1993/0358
Proposals: Bungalow
Decision: PG
Decision Date:

Ref: I/1993/0357
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/1993/0099
Proposals: Dwelling
Decision: WITHDR
Decision Date:

Ref: I/1990/0211
Proposals: Site for Kinturk Band Hall
Decision: PG
Decision Date:

Ref: I/1978/0239
Proposals: REPLACEMENT DWELLING
Decision: PR
Decision Date:

Ref: I/1978/0512

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1978/051201

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1984/022602

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: I/1984/0226

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1984/022601

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1996/0025

Proposals: Extension to dwelling

Decision: PG

Decision Date:

Ref: LA09/2018/1601/O

Proposals: Proposed dwelling and garage in a cluster

Decision: PG

Decision Date: 03-MAY-19

Ref: LA09/2022/0528/RM

Proposals: Proposed dwelling & garage.

Decision:

Decision Date:

Ref: I/1987/0505

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: I/2007/0261/RM

Proposals: Proposed dwelling

Decision: PG
Decision Date: 21-JAN-08

Ref: I/2004/0487/O
Proposals: Proposed site for dwelling
Decision: PG
Decision Date: 11-NOV-04

Ref: I/1989/0295
Proposals: Bungalow
Decision: PG
Decision Date:

Ref: I/1978/0167
Proposals: FARM HOUSE/GUEST HOUSE
Decision: PG
Decision Date:

Summary of Consultee Responses

NI Water - Single Units West-LA09-2022-1098-O.pdf
DFI Roads - Enniskillen Office-RS1 Form a (1).docRoads Consultation outline approval.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1504/O Recommendation: Refuse	Target Date: 27 January 2023
Proposal: Proposed site for dwelling and domestic garage as cluster policy cty 2a	Location: 160M North East Of 116 Lurgylea Road, Dungannon
Applicant Name and Address: Mr PATRICK CLARKE 100 LURGYLEA ROAD DUNGANNON BT70 2NY	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Summary of Issues: <p>The proposal is contrary to Policy CTY2a of PPS 21 in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster. The proposal also fails to meet CTY1, CTY 13 and CTY14 of PPS 21.</p>	
Summary of Consultee Responses:	
Description of Proposal <p>Proposed site for dwelling and domestic garage as cluster policy cty 2a</p>	
Deferred Consideration: <p>This application has been considered at a deferred office meeting in February 2023, it was deferred again in November for a site visit with Members which took place on 20th November 2023. This is an application for a dwelling based on CTY 2a in a cluster. The agent refers to 3 focal points adjacent to the site, a car sales, a church and cross roads and also PAC decisions taken on the basis that policy interpretation is not a rigid set of rules.</p>	

The proposed site is a large triangular shaped field with some conifer trees along the east boundary, it is open to views from the west. This field is the only land that that has been identified as in the ownership of the applicant.

There are 6 criteria that must be met before planning permission can be granted under that policy. There have been occasions where the members have allowed development where it does not meet all the criteria, however those have been clearly set out as exceptions where they are well contained and surrounded by development and rounds off a cluster. It is noted there is development on the opposite side of Lurgylea Road from the site. That development is well contained and framed, a dwelling on the proposed site whoever will be open and exposed in views and will not, in my view read with it. A dwelling on this site will appear in isolation and does not meet the concept of clustering of development. A new dwelling on this site will not be contained within the cluster nor can it be considered as a rounding off as referred to in Policy CTY 2a. The red line of the application site has been drawn to show there is development on two sides. However, the proposed size is distinctly out of character with other development in the immediate context of this site and to have a curtilage that is appropriate to the character of the area will only allow for development on one site, thus a new dwelling is not considered to be in the spirit of Policy CTY 2a.

The applicant only has identified this site as being in their ownership and control. As there are no buildings and the site does not have any potential to integrate a dwelling, farming information was not south as it is unlikely to meet the exception test in CTY10 if the other criteria was met.

Considering the above I concur with the previous recommendations that this application is refused.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 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.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks well established boundaries to enable the site to integrate in the rural countryside and as a result the proposal would, if permitted, erode the rural character of the area.

Signature(s):Karen Doyle

Date: 21 November 2023



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: LA09/2022/1504/O	Target Date: 27 January 2023
Proposal: Proposed site for dwelling and domestic garage as cluster policy cty 2a	Location: 160M North East Of 116 Lurgylea Road, Dungannon
Applicant Name and Address: Mr PATRICK CLARKE 100 LURGYLEA ROAD DUNGANNON BT70 2NY	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Summary of Issues: The proposal is contrary to Policy CTY2a of PPS 21 in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster. The proposal also fails to meet CTY1, CTY 13 and CTY14 of PPS 21.	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 60.0m and 60.0m forward sight lines necessary for safe access.	
Characteristics of the Site and Area: The site is a 0.95ha parcel of ground located on the Lurgylea Road and lies approximately 2.3km north west of Galbally. The site is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is a triangular field with the Lurgylea Road running along the southern boundary and the Shanmaghry Road running along the northern boundary. The southern boundary is defined by hawthorn hedging, with similar hedging and intermittent mature deciduous trees along the southern half of the eastern boundary. The northern boundary is defined by a double post and wire fence with saplings in between the two fences. The highest point of the site is at the	

southeastern tip, with the site falling away from the Lurgylea Road towards the Shanmaghry Road, as well as from east to west.

There is little recent development pressure in the area, with a single storey dwelling with associated shed and also a commercial double garage (Barrack Hill Garage) to the south of the site, and an agricultural structure to the north of the site. Altmore Church Of the Immaculate Conception lies 130m to the south of the western most tip of the site, with a two storey dwelling and associated outbuildings (No. 116 Lurglylea Road) 76m to the SW of this point.

Description of Proposal

Proposed site for dwelling and domestic garage as cluster policy cty 2a

Deferred Consideration:

This application was before the Planning Committee in February 2023 and was deferred for a meeting with the Service Director. At a meeting on 16th February 2023, via zoom, the agent referred to 3 focal points adjacent to the site, a car sales, a church and cross roads and also that PAC decisions were taken on the basis that policy interpretation is not a rigid set of rules.

The proposed site is a large triangular shaped field with some conifer trees along the east boundary, it is open to views from the west as can be seen in Pic 1 and Pic 2 below. This field is the only land that that has been identified as in the ownership of the applicant.



Pic 1 – proposed site identified in red, crossroads in the foreground, car sales to the right of the picture, Church of the Immaculate Conception not visible to left of picture



Pic 2 – closer view



Pic 3 – proposed site in the foreground of the picture with car sales to the rear at grey barrel roofed buildings, crossroads to the right and Church not visible behind car sales

The application has been submitted for consideration as a dwelling within a cluster, Policy CTY2a. Members will be aware there are 6 criteria that must be met before planning permission can be granted under that policy. There have been occasions where the members have allowed development where it does not meet all the criteria, however those have been clearly set out as exceptions where they are well contained and surrounded by development and rounds off a cluster. Taking into account the images above, members will note there is development on the opposite side of Lurgylea Road from the site. That development is well contained and framed, a dwelling on the proposed site whoever will be open and exposed in views and will not, in my view read with it. A dwelling on this site will appear in isolation and does not meet the concept of clustering of development.

The applicant only has identified this site as being in their ownership and control. As there are no buildings and the site does not have any potential to integrate a dwelling, farming information was not south as it is unlikely to meet the exception test in CTY10 if the other criteria was met.

In light of the above I concur with the previous officers report and recommend this application is refused.

Refusal Reasons:

Reason 1

The proposal is contrary to the SPPS 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.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks well established boundaries to enable the site to integrate in the rural countryside and as a result the proposal would, if permitted, erode the rural character of the area.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.26
Application ID: LA09/2022/1504/O	Target Date: 27 January 2023
Proposal: Proposed site for dwelling and domestic garage as cluster policy cty 2a	Location: 160M North East Of 116 Lurgylea Road, Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr PATRICK CLARKE 100 LURGYLEA ROAD DUNGANNON BT70 2NY	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	No objection, subject to conditions. Roads outline.docx FORM RS1 STANDARD.doc

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The proposal is contrary to Policy CTY2a of PPS 21 in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster. The proposal also fails to meet CTY1, CTY 13 and CTY14 of PPS 21.

Characteristics of the Site and Area

The site is a 0.95ha parcel of ground located on the Lurgylea Road and lies approximately 2.3km north west of Galbally. The site is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is a triangular field with the Lurgylea Road running along the southern boundary and the Shanmaghry Road running along the northern boundary. The southern boundary is defined by hawthorn hedging, with similar hedging and intermittent mature deciduous trees along the southern half of the eastern boundary. The northern boundary is defined by a double post and wire fence with saplings in between the two fences. The highest point of the site is at the southeastern tip, with the site falling away from the Lurgylea Road towards the Shanmaghry Road, as well as from east to west.

There is little recent development pressure in the area, with a single storey dwelling with associated shed and also a commercial double garage (Barrack Hill Garage) to the south of the site, and an agricultural structure to the north of the site. Altmore Church Of the Immaculate Conception lies 130m to the south of the western most tip of the site, with a two storey dwelling and associated outbuildings (No. 116 Lurgylea Road) 76m to the SW of this point.

Description of Proposal

Proposed site for dwelling and domestic garage as cluster policy cty 2a

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Relevant Histories

There are no recent relevant histories associated with this site.

Representations

Three (3) neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. To date no letters of

representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

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. It does not present any change in policy direction from PPS 21, therefore existing policy applies.

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 a new access onto the Shanmaghry Road, as indicated on the submitted plan. DFI Roads have no objection subject to sightlines of 2.4m x 60m being provided. This will result in the existing hedge and fence to be setback within the sight visibility line area, which I consider acceptable.

CTY1 of PPS 21 - Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;

- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

CTY 2a – New Dwellings in Existing Clusters

CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all 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 existing development in the area lies outside of a farm. To the south of the site lies No. 110 - a single storey dwelling which has a large shed building adjacent and west of it situated within the same curtilage, and No. 112 - Barrack Hill Garage. An agricultural structure is situated to the north of the site. A Church with associated carpark, and No. 116 a two storey dwelling with associated outhouses lie further to the south/southwest of the site. The agricultural structure to the north is open on two sides and therefore cannot be included within any cluster. On the same principle, the shed associated with No. 110 cannot be considered, nor can the ancillary buildings at No. 116. The Church lies 130m from the nearest point of the site, with No. 116 located 76m from the nearest point of the site. It should be noted at this time that the agent has indicated the southwestern most portion of the site as the preferred location of the site, which would increase these distances to 158m and 160m respectively. These buildings are all located in a linear form along the Lurgylea Road. I do not feel there is an existing cluster of development at this location, nor are there at least three dwellings. From this I consider the first criterion for CTY 2a has not been met.

the cluster appears as a visual entity in the local landscape;

When viewed on site and from orthophotography the site and the surrounding development does not appear as a visual entity in the landscape. When travelling northwest along the Lurgylea Road the site will read with the existing development at No. 110 as well as with Barrack Hill Garage; however, it does not read with the Church or No. 116 given their set back and distance from the public road, as well as the existing mature vegetation. When travelling southeast along the Lurgylea Road the site is viewed with No. 116 and with the garage. There is no visual connection with the Church given its setback and the intervening vegetation. When travelling northeast along the Shanmaghy Road along the site frontage, a dwelling sited as proposed will read with No. 110 and the garage but not with the Church or No. 116. When travelling southwest along the Shanmaghy Road a dwelling as proposed will read with No. 110, the garage and No. 116. These views are filtered by the existing vegetation along the southern portion of the eastern boundary. Once again, the Church is screened from view by the intervening vegetation. There is currently no sense of arriving at 'a cluster' on any approach to the

site and I therefore do not feel the second criterion has been met.

the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The focal point as identified by the agent comprises the Church as well as the dwelling and ancillary buildings at No. 116. The Church can be considered a focal point here, but I do not feel there is a cluster of development associated with it as there is not four or more buildings of which at least three are dwellings. Furthermore, although the site is located at a road junction it is not a cross-roads, and as such the proposal fails to comply with the third criterion of CTY2a.

the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site has limited vegetation cover save for the southern half of the eastern boundary. The site is bounded to the south by a single storey dwelling with associated shed as well as a commercial garage. There is no development to the eastern boundary, and only an open sided agricultural structure to the north. The site is only bounded to one side by development. I do not feel the site has a suitable degree of enclosure, nor is it bounded on three sides with other development. I do not consider this criterion has been met.

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;

A new dwelling here cannot be absorbed into the existing cluster, as a cluster of development does not exist. A dwelling on this site would significantly alter the existing character here. As there is no existing development on either side it is my consideration the development could not be absorbed, but would rather significantly alter the existing character and would visually intrude into the open countryside. Accordingly, the fifth criterion cannot be met.

development would not adversely impact on residential amenity.

A new dwelling on this site would not adversely impact on residential amenity should an approval be considered acceptable.

Policy CTY 13 – Design and Integration and Policy CTY 14 – Rural Character

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. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. It is my consideration that the site lacks long established natural boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape, but rather would rely primarily on the use of new landscaping for integration. The proposal fails to meet the requirements of CTY 13.

CTY 14 of PPS21 Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling would read with the existing

buildings in both static and transient views. This would result in a suburban style build-up of development that would be detrimental to rural character. A dwelling on this site is not in accordance with this policy and the proposal therefore fails to comply with CTY 14.

There is no evidence to suggest that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. The agent was advised on 30th November 2022 that we did not think this application met Policy CTY2a as there is not an existing cluster of development consisting of at least three dwellings, however no further justification for the site has been provided. It therefore does not comply with Policy CTY1 or Policy CTY2a of PPS21.

Other Material Considerations

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

From a check of the Rivers Agency Strategic Flood Map I have no flooding concerns. I recommend the application is refused as it is contrary to CTY 1, CTY 2a, CTY 13 and CTY 14 of PPS 21.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the SPPS 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.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks well established boundaries to enable the site to integrate in the rural countryside and as a result the proposal would, if permitted, erode the rural character of the area.

Signature(s): Deirdre Laverty

Date: 24 January 2023

ANNEX	
Date Valid	14 October 2022
Date First Advertised	25 October 2022
Date Last Advertised	25 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier Church Of The Immaculate Conception Altmore Pomeroy The Owner / Occupier 116 Lurgylea Road, Dungannon BT70 2NY The Owner / Occupier 110 Lurgylea Road, Dungannon BT70 2NY	
Date of Last Neighbour Notification	18 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-No objection, subject to conditions.Roads outline.docxFORM RS1 STANDARD.doc	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



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: LA09/2023/0118/O	Target Date: 22 May 2023
Proposal: Proposed site for a new dwelling and domestic garage	Location: Lands Approx 60M North West of 61 Sherrigrim Road Stewartstown, Dungannon
Applicant Name and Address: Mr Miller Glendinning 49 West Street Stewartstown Dungannon BT71 5HT	Agent Name and Address: Mr Andrew Glendinning 49 West Street Stewartstown Dungannon BT71 5HT
Summary of Issues: The application site is on an active and established farm, sited away from buildings on the farm. There is a health and safety reason for siting away from the buildings and the proposed stew il not have any detrimental impact in the rural character of the area.	
Summary of Consultee Responses: DFI Roads - safe access can be provided DAERA – farm established but not currently active	
Characteristics of the Site and Area: The red line of the site includes a rectangular portion of lands located approx. 60M North West of 61 Sherrigrim Road, Stewartstown. The site is quite flat throughout and hedging and some mature trees providing the boundary treatment of the site. It is set back from the public road a short distance and is accessed via an existing laneway. The lands surrounding the site to the north are outlined in blue which indicates ownership, include a number of agricultural fields and farm buildings some distance to the North. The surrounding lands are rural in nature the site itself is not far from Stewartstown settlement limits.	

Description of Proposal

Outline planning permission is sought for a proposed site for a new dwelling and domestic garage.

Deferred Consideration:

This application was before the Planning Committee in September 2023 where it was deferred to meet with the Service Director of Planning. At a meeting on 14 September 2023 the applicant provided information about the farming activities and reasons why this dwelling needs to be sited away from the farm buildings.

The applicant explained there are issues with the access to the dwelling in Stewartstown which cannot be resolved. Members are advised these lands are inside the settlement limits and so CTY10 does not require the applicant to site there. Accounts for the farm were submitted for year end 2018, 2019, 2020, 2021 and 2022. This shows there has been activity on the farm and as such I am content there is a currently active farm business. The applicant explained at the office meeting that another farm uses the lane to access their lands. They use heavy machinery and it would be dangerous to have to use the lane with them. I visited the site after the meeting and noted there is a group of buildings which the applicant owns down the lane which I do not consider the proposed dwelling will visually link with. I also noted the lane is narrow and that heavy machinery had been using the lane and it was clear this machinery filled the entire laneway with no space for any pedestrians to move out of the path of the machines. Members are reminded of the Ministerial Statement from then Minister Attwood on 16 July 2013 which highlighted Health and Safety concerns in siting dwellings on farms. In this case I accept the applicant's concerns about health and safety and while the proposal is on the same lane, it is much closer to the road where the lane is wider and passing areas are available. The proposed site is very well enclosed by trees and I consider a dwelling sensitively sited here with the vegetation retained will not be visible from the surrounding road network and will not have an adverse impact on the rural character.

I consider the proposal does meet with the exception in CTY10 for siting away from farm buildings and recommend approval.

Conditions/Reasons for Refusal:

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 Mid Ulster District 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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 90.0m in both directions and a 90.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

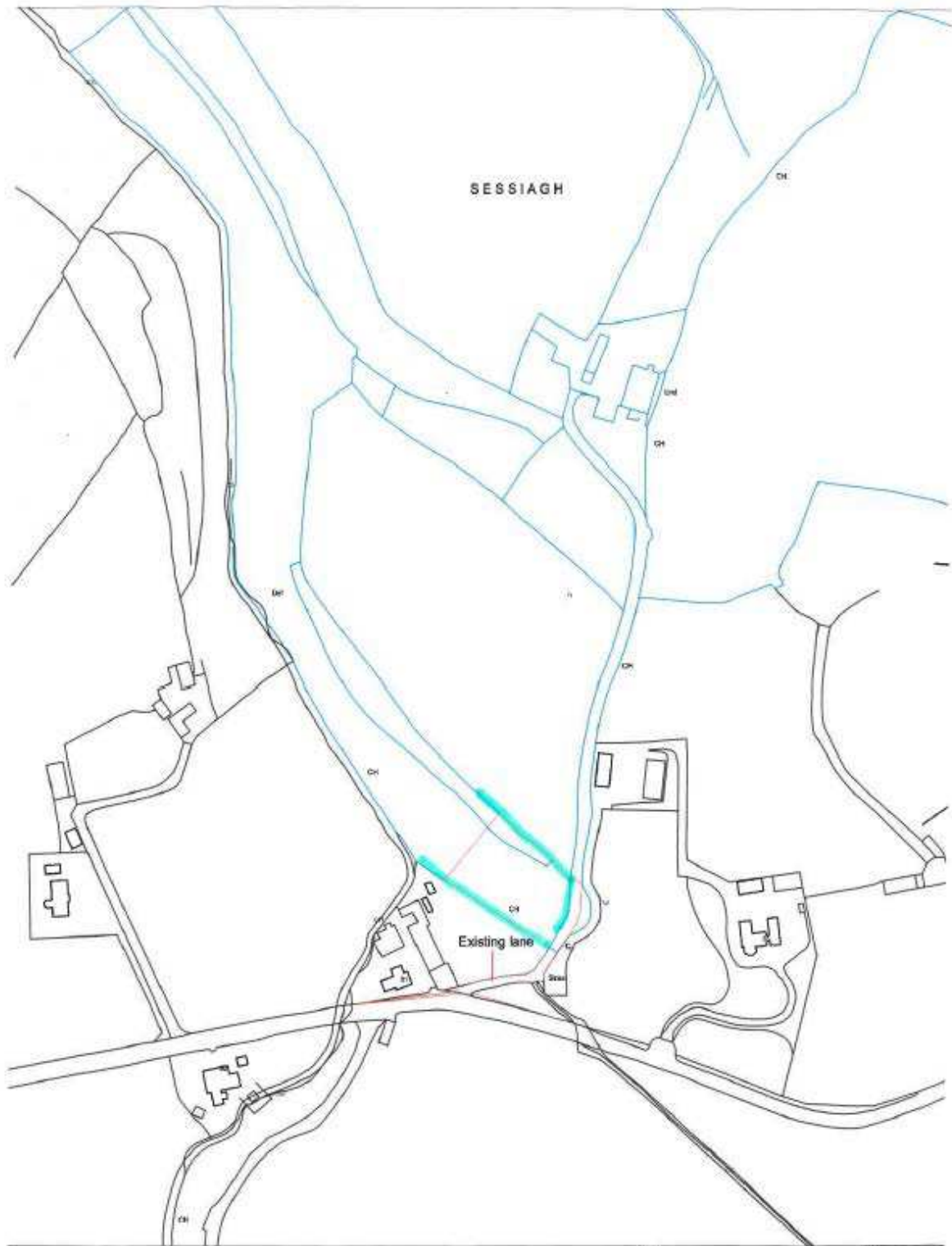
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries as identified in green on drawing No 01 received 6 February 2023 to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside

Signature(s)

Date:



Advanced  Building Consultants

Client	Mr. W.M. Glandinning	Date	27/01/23
Project	New Build Dwelling and garage, at land approx. 55m North East of 61, Sherrigim Road, Dungannon	Architect	AG
Drawing No	Proposed Site Plan	Scale	1:2500 @ A4
Revised	22/02	Checked	P001
		Drawn	-



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.10
Application ID: LA09/2023/0118/O	Target Date: 22 May 2023
Proposal: Proposed site for a new dwelling and domestic garage	Location: Lands Approx 60M North West of 61 Sherrigrim Road Stewartstown, Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Miller Glendinning 49 West Street Stewartstown Dungannon BT71 5HT	Agent Name and Address: Mr Andrew Glendinning 49 West Street Stewartstown Dungannon BT71 5HT
Executive Summary: Contrary to CTY 10 of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	Response previously submitted on 05/07/23
	DAERA - Omagh	LA09-2023-0118-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No representations received.

Characteristics of the Site and Area

The red line of the site includes a rectangular portion of lands located approx. 60M North

West of 61 Sherrigrim Road, Stewartstown. The site is quite flat throughout and hedging and some mature trees providing the boundary treatment of the site. It is set back from the public road a short distance and is accessed via an existing laneway. The lands surrounding the site to the north are outlined in blue which indicates ownership, include a number of agricultural fields and farm buildings some distance to the North. The surrounding lands are rural in nature the site itself is not far from Stewartstown settlement limits.

Description of Proposal

Outline planning permission is sought for a proposed site for a new dwelling and domestic garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

I/2002/0523/O - Proposed Dwelling (Re-Advertisement) – Adjacent To 61 Sherrygrim Road, Stewartstown - PERMISSION GRANTED

I/1996/0345 - Site for Dwelling - Site Adjacent To 61 Sherrigrim Road Stewartstown – PERMISSION GRANTED

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 61 Sherrigrim Road. At the time of writing, no third party representations have been received.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside. There are no other zonings or designations within the Plan.

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

The Strategic Planning Policy Statement for Northern Ireland (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.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

(a) the farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

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

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years however they noted that the applicant has not claimed on the land over the last 6 years and that the lands were claimed on in 2023 by another farm business. They note within their response that the farm business id is Category 1 but has dormant status (5 year not active rule). No further information was sought from the applicant in relation to this given we felt the proposal failed on criterion (c) of CTY 10 anyway.

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

With respect to (c), there is considered to be appreciable distance between the site and buildings on the farm. The agent was asked for justification for the proposed siting and noted a range of reasons why this site was chosen. The justification given includes there is already a water and electricity supply to the adjacent site and the existing landscaping of the site. They add that there is an uncovered effluent tank further up the lane beside the farm buildings which poses health and safety risks and there is also an easement for a neighbouring farmer to access their lands and the farm machinery etc would pose

further health and safety risks. IT should be noted that this proposal intends to use the existing laneway for access purposes as noted on the P1 form so this would still apply if this site were to be granted.

They also refer to a replacement opportunity which was demolished in the 1960s and refer to other history of the site where permissions were granted previously but the applicant chose not to proceed with either of these permissions and they have since lapsed. Other reasons referred to in the justification note the lands within Stewartstown were there are visibility splay issues with 3rd party land owners and thus would not be an option. I am not satisfied that the reasons given would justify a siting away from the farm buildings as there appears to be a number of alternative fields which would be deemed more suitable in terms of siting to visually link with farm buildings. There are no verifiable plans that the farm business is to be expanded and as such the proposal fails on this criterion.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, as we feel that the proposal fails on criterion (g) of CTY 13 where 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. If approval were to be forthcoming, the design and size of the dwelling should be carefully considered to ensure that it is not unduly prominent at this site. The site has good boundaries which should be conditioned to be retained if approval were forthcoming as they would help soften the impact of a dwelling at this site.

The applicant has noted that they intend to utilise the existing access onto Sherrigrim Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new building is not visually

linked or sited to cluster with an established group of buildings on the farm.

Signature(s): Sarah Duggan

Date: 22 August 2023

ANNEX	
Date Valid	6 February 2023
Date First Advertised	21 February 2023
Date Last Advertised	21 February 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 61 Sherrigrim Road Stewartstown Dungannon BT71 4DQ	
Date of Last Neighbour Notification	14 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Omagh-Response previously submitted on 05/07/23 DAERA - Omagh-LA09-2023-0118-O.docx DFI Roads - Enniskillen Office-Outline resp.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	

