



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: LA09/2021/0443/O	Target Date: <add date>
Proposal: Proposed dwelling & garage in gap site.	Location: 30m W of 154 Battery Road Cookstown.
Applicant Name and Address: Shauna Quinn 59 Drumads Road Dungannon BT71 5BA	Agent Name and Address:
Summary of Issues: This is not a gap site, a dwelling here would add to ribbon development. No reason for siting away from a group of buildings on a farm has been presented and a dwelling here would result in urban sprawl.	
Summary of Consultee Responses: DFI Roads – access can be provided and set out standards for sight lines of 2.4m x 80.0m to west and 2.4m x 95.0m to west with forward sight distance 80.0m to east and 95.0m to west DEARA – active and established farm	
Characteristics of the Site and Area: The site, which sits adjacent the Battery Rd, is located in the Countryside Policy Area as depicted within the Cookstown Area Plan, just west of Moortown settlement limits (see Fig: 1).	



Fig 1: Extract of northern portion of Moortown settlement limits taken from CAP 2010 with location of site identified in blue.

The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The site in effect cuts the roadside frontage of this field in half, occupying the east side. A low mature hedgerow approx. 1.2 metres high defines the southern / roadside frontage boundary of the site and the eastern boundary of the site. The western and northern boundaries of the site are undefined and open onto the host field.

The site which is to be accessed directly off the Battery Rd is located immediately west of an existing line of roadside development consisting of dwellings, ancillary outbuildings/garages and agricultural sheds, extending along the north side of the Battery Rd and out of Moortown settlements limits. The properties in the aforementioned line located outside of Moortown settlement limits, extending east to west, include nos. 156a & 156 Battery Rd, two relatively newly approved and constructed detached bungalow style dwellings; and no. 154 Battery Rd, a detached bungalow with small outbuilding to its rear/west side. No. 156 Battery Rd has a detached garage located to its rear / east side.

Critical views of this site will be limited until passing along the roadside frontage of the host field due primarily to its location. The roadside development to its east screen it on that approach; and the mature high hedgerow and trees along the western boundary of the host field screen it on that approach.

Whilst the site sits just west of Moortown and the immediate stretch of road heading out of the settlement limits has come under some development pressure in recent years the wider area to the north, south and east of the site is typically rural in character comprising largely flat agricultural lands interspersed with single dwellings and farm holdings.

Description of Proposal

This is an outline planning application for a dwelling and garage in a gap site located 30m W of 154 Battery Road Cookstown. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development, the agent has provided additional information in relation to a farming case for the dwelling under CTY10.

Deferred Consideration:

This application was before the Planning Committee in on 5 October 2021 where it was deferred for an office meeting with the Planning Manager to allow further discussions. At a meeting on 14 October 2021 the agent advised there was a farming case for consideration as the applicants father owns farm buildings in Moortown to the east (Fig 2). It was

advised to submit information to demonstrate this is for an active and established farmer and once this was established, we could look at other lands to see if there are any alternative sites.

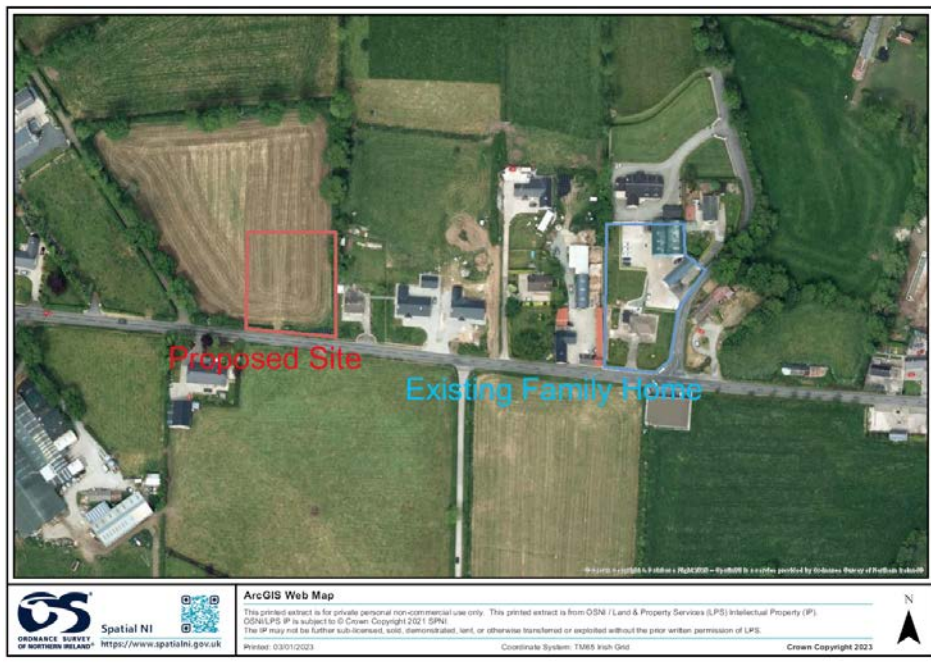


Fig 2 – site and existing farm buildings

Following the meeting information was submitted about the applicants fiancés farm at Edendoit Road, Pomeroy (Fig 3), some 25kms away from the application site. DEARA have confirmed it is an active and established farm and a check of the lands and planning records show that permission was granted for a dwelling in 2004 and nothing within the last 10 years. The agent was asked to provide some information to demonstrate there are verifiable plans to expand the farm or health as safety reasons for not siting beside the existing buildings on the farm. No information has been provided to demonstrate this.



Fig 3 – farm at Edendoit Road

The agent was also advised the site as chosen is not an infill opportunity as it does not constitute a small gap in a substantially built up frontage.

Members are advised CTY15 sets out the principle of settlement limits is to contain and promote development and maintain a clear distinction between the built up area and the surrounding countryside. Planning permission was granted to the east of the site for 2 dwellings under application LA09/2015/1163/O. At that time it was considered these would round off development here and were considered as an exception to policy. Any dwelling here would, in my opinion, add to ribbon development and result in urban sprawl which would mar the distinction between the settlement and the surrounding countryside.

As has already been concluded in the previous report to Committee, the proposed development would add to ribbon development along this side of Battery Road. It would also result in urban sprawl and mar the distinction between Moortown and the surrounding countryside. It does not meet the policy for a dwelling on a farm or the exception within that policy and as such is recommended for refusal.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Battery Rd leading to a further erosion of the areas rural character.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Battery Rd leading to urban sprawl and mar the distinction between Moortown and the surrounding countryside.
4. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there is a need to site a dwelling here away from an established group of buildings on a farm any dwelling here would add to ribbon development.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

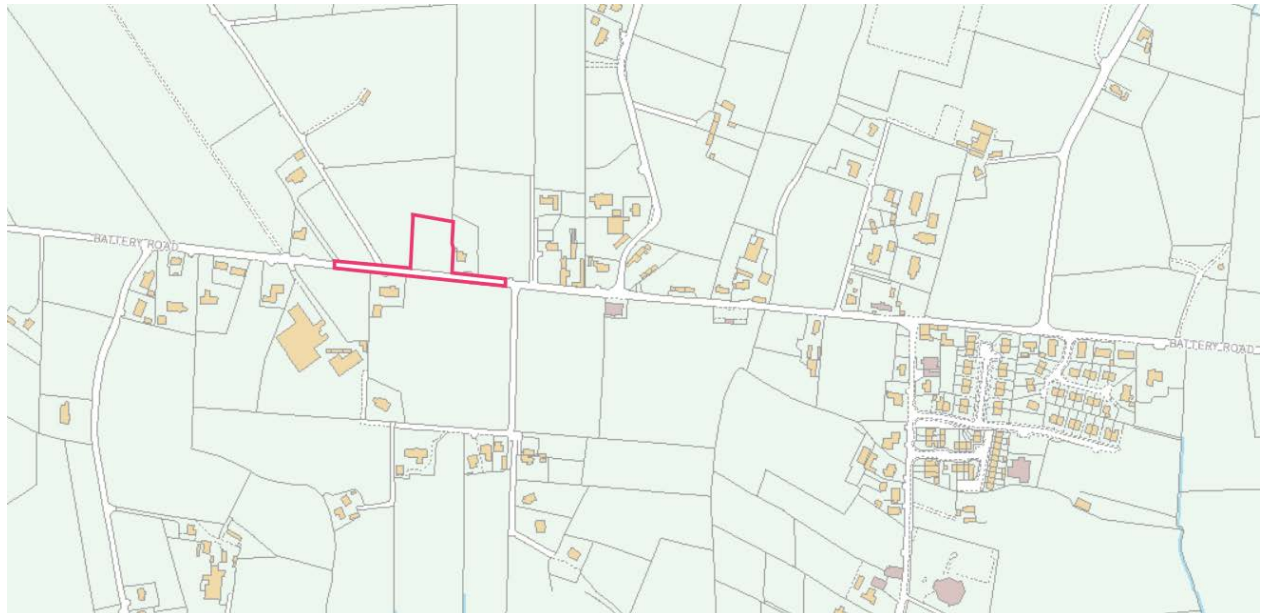
Mid-Ulster
Local Planning Office
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50 Ballyronan Road
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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0443/O	Target Date:
Proposal: Proposed dwelling & garage in gap site.	Location: 30m W of 154 Battery Road Cookstown.
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Shauna Quinn 59 Drumads Road Dungannon BT71 5BA	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	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

Description of Proposal

This is an outline planning application for a dwelling and garage in a gap site located 30m W of 154 Battery Road Cookstown. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area

The site, which sits adjacent the Battery Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just west of Moortown settlement limits (see Fig: 1).



Fig 1: Extract of northern portion of Moortown settlement limits taken from CAP 2010 with location of site identified in blue.

The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The site in effect cuts the roadside frontage of this field in half, occupying the east side. A low mature hedgerow approx. 1.2 metres high defines the southern / roadside frontage boundary of the site and the eastern boundary of the site. The western and northern boundaries of the site are undefined and open onto the host field.

The site which is to be accessed directly off the Battery Rd is located immediately west of an existing line of roadside development consisting of dwellings, ancillary outbuildings/garages and agricultural sheds, extending along the north side of the

Battery Rd and out of Moortown settlements limits. The properties in the aforementioned line located outside of Moortown settlement limits, extending east to west, include nos. 156a & 156 Battery Rd, two relatively newly approved and constructed detached bungalow style dwellings; and no. 154 Battery Rd, a detached bungalow with small outbuilding to its rear/west side. No. 156 Battery Rd has a detached garage located to its rear / east side.

Critical views of this site will be limited until passing along the roadside frontage of the host field due primarily to its location. The roadside development to its east screen it on that approach; and the mature high hedgerow and trees along the western boundary of the host field screen it on that approach.

Whilst the site sits just west of Moortown and the immediate stretch of road heading out of the settlement limits has come under some development pressure in recent years the wider area to the north, south and east of the site is typically rural in character comprising largely flat agricultural lands interspersed with single dwellings and farm holdings.

Planning Assessment of Policy and Other Material Considerations

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

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

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

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.

Relevant Planning History

On site - None

Adjacent site

- I/1999/0669/O - Dwelling - Adjacent to 150 Battery Rd Coagh – Granted 26th January 2001
- I/2002/0786/F - New Dwelling - Site adjacent to 150 Battery Rd Coagh – Granted 16th May 2003
- I/2007/0593/F - Proposed new access and gates to existing dwelling - Lands at 150A Battery Rd Coagh – Granted 14th November 2007

The above applications relate to the lands now occupied by no. 150a Battery Rd, a two-storey detached dwelling set back from the Battery Rd to the northwest of the site. (See Figs 2 & 3 below)

- LA09/2015/1163/O - Infill site for 2no dwellings - Lands adjacent to and East of 154 Battery Rd Moortown - Granted 14th June 2016
- LA09/2016/1194/F - Proposed 2 Dwellings 1 garage - Lands adjacent to and East of 154 Battery Rd Moortown Granted 14th November 2016

The above application relate to lands now occupied by no. 156 & 156a Battery Rd, 2 roadside bungalow style dwellings with approx. 6.5m ridge heights located one dwelling (no. 154 Battery Rd) to the west of the site.

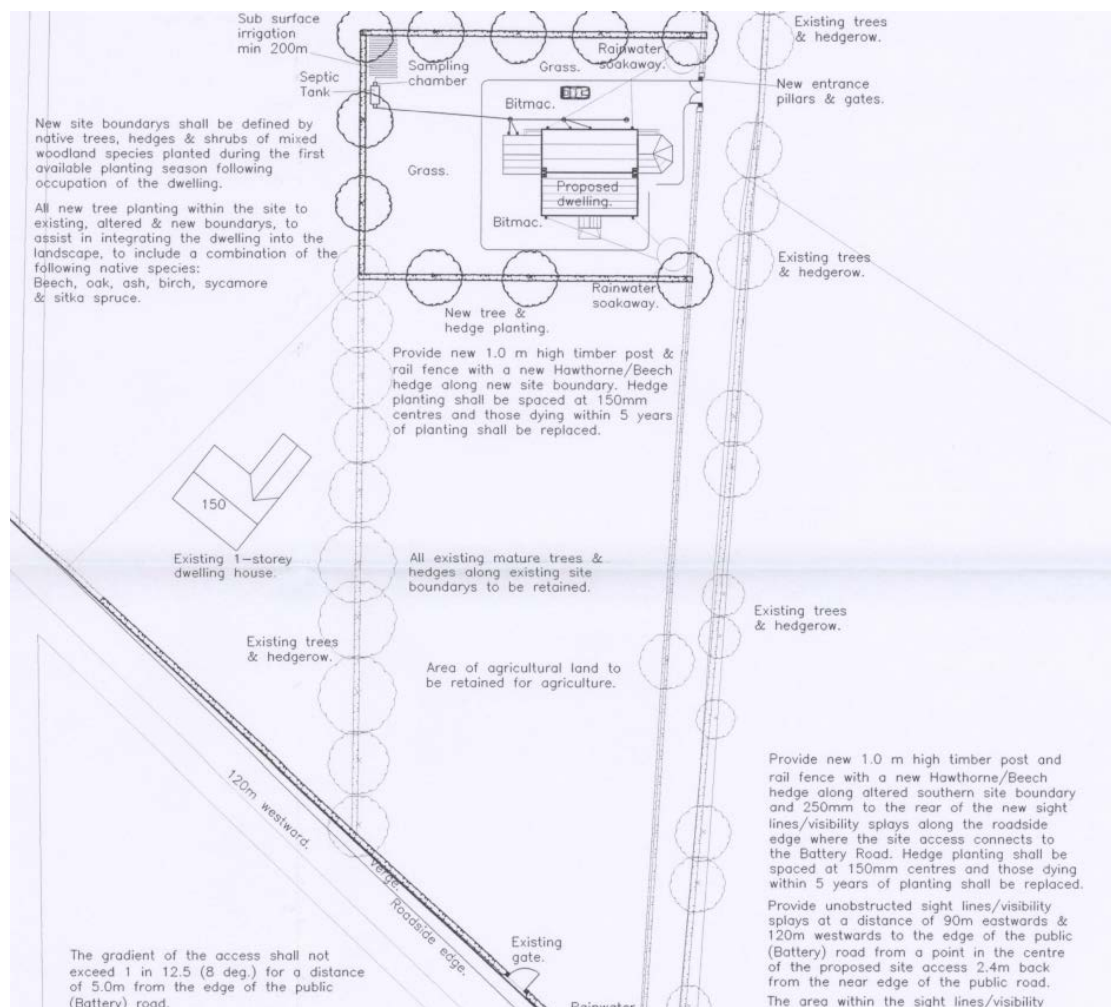


Fig 2: Block plan granted under planning application I/2002/0786/F show land to front of dwelling to be retained for agriculture.

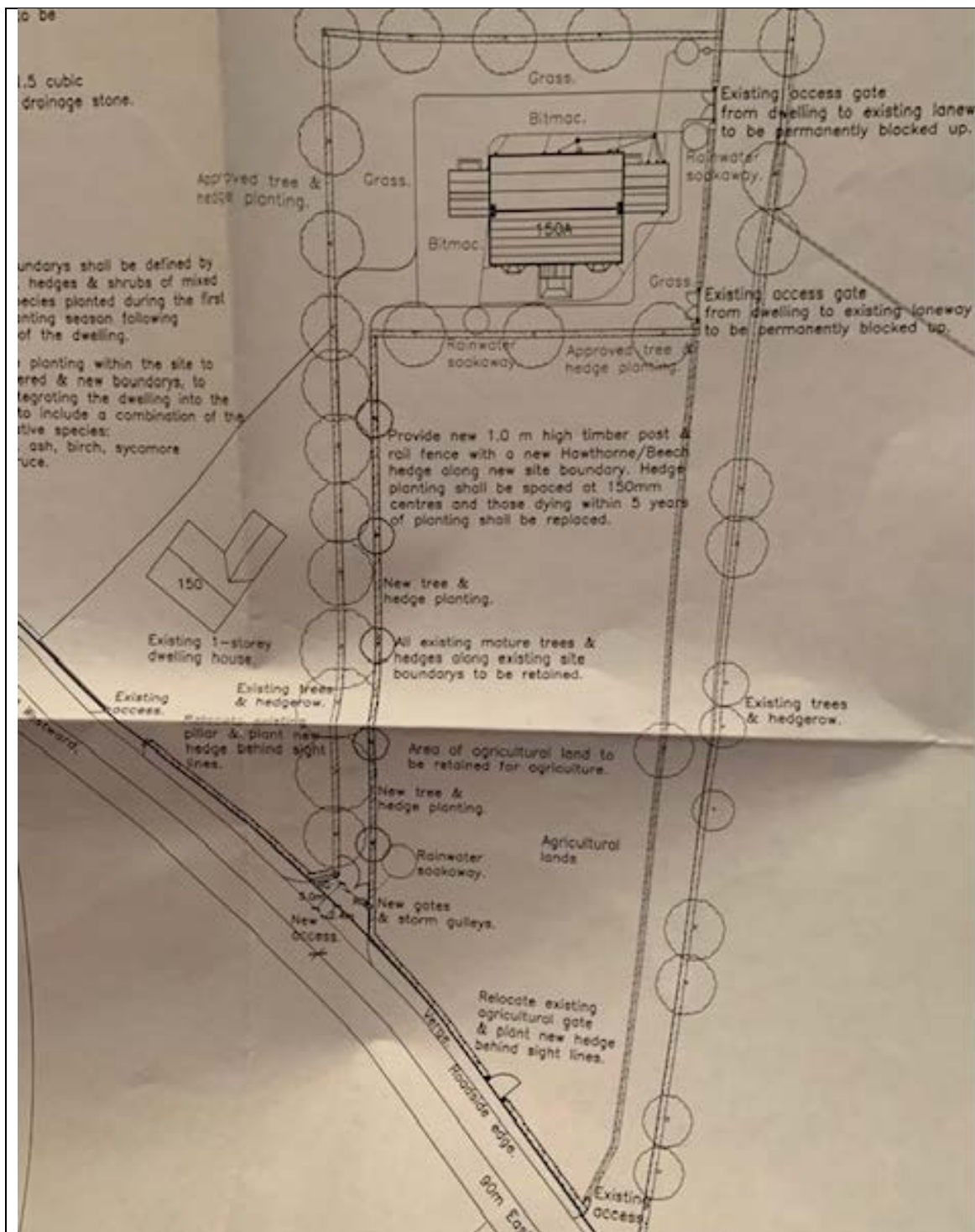


Fig 3: Block plan granted under planning application I/2007/0593/F showing land to front of dwelling to be retained for agriculture.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

2. River Agency were consulted as Flood Maps NI indicate a small area of surface water flooding to the west side of the site. Under PPS 15 Planning and Flood Risk, Policy FLD3 Development and Surface Water, Rivers Agency responded that a Drainage Assessment (D.A) is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

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

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

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

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surround area I do not consider the site meets with the requirements of Policy CTY8. The site / host field is not located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst the site / host field is bound by at least 3 buildings running along and fronting onto the Battery Rd to the east (nos. 154, 156, & 156a Battery Rd, as detailed in Characteristics of the Site and Area) it is not bound to its west by buildings with a frontage onto the Battery Rd.

The site is bound to its west by an agricultural field. This field is located to the front of no. 150a Battery Rd, a large 2 storey dwelling set back from and accessed off the Battery Rd via a lane along the west side of the field. This dwelling and access was granted under planning applications I/2002/0786/F and I/2007/0593/F respectively. Under the aforementioned applications, the field / lands to the front of the dwelling adjacent the site were conditioned to be, and currently are, retained in agricultural use.

This proposal, which is not bound by roadside development to the west, will result in the extension of ribbon development along the Battery Rd leading to the further erosion of the area rural character.

Given the opinion above, Planning on the 9th August 2021 via email asked the agent has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS21. The information required was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 23rd August 2021. The agent was advised that If no additional information was received within the specified timeframe this application would proceed to the next available committee meeting based on the information on file.

To date no additional information for further consideration has been received.

Additional considerations

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

Had the proposal met with Policy CTY8 of PPS 21 the surface water flooding on the west portion of the site would need further consideration to establish whether a dwelling could have sited outside the area indicated by Flood Maps or if a Drainage Assessment (D.A) would be required. PPS 15 requires a D.A for any development proposal except for minor development, which this proposal is not, located in an area where there is evidence of a history of surface water flooding.

Recommendation: Refuse

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

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

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if

permitted, result in the extension of ribbon development along the Battery Rd leading to a further erosion of the areas rural character.

Signature(s)

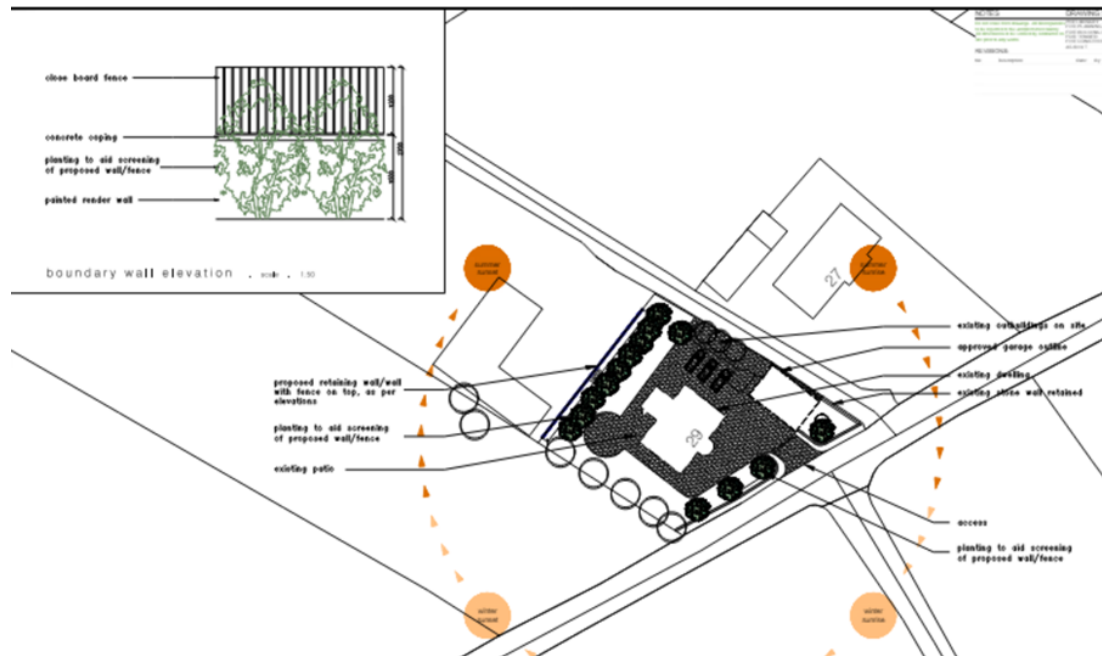
Date:



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0641/F Recommendation: Approve	Target Date: 30 August 2022
Proposal: Retention of boundary wall/fence	Location: 29 Glengomna Road Draperstown BT45 7JQ
Applicant Name and Address: Barry O'Kane 28 Glengomna Road Draperstown BT45 7JQ	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: <p>This application was first on the Agenda for November 2022 Planning Committee, with a recommendation to Approve. It was being presented to Committee as there was an objection to the proposal however it was removed from the Agenda on the day of Committee as late information (Structural Assessment) was submitted by the objector which required due consideration by the Planning Department. The application is before Members again with a recommendation to Approve and the justification for this recommendation is detailed further in this report.</p>	
Summary of Consultee Responses: <p>Consultation was carried out with Liam O'Neill (Engineer) who is a shared service between Mid Ulster Council and Fermanagh and Omagh Council.</p>	
Description of Proposal <p>This is a full planning application for the retention of a domestic boundary wall topped with a fence. It runs along the rear boundary of the dwelling at number 29 Glengomna road. The wall (1.5m high) has been constructed with concrete block and is finished in a white painted render. It is topped by a closed board wooden fence (1.2m). The overall length of the wall subject to this application is 29m and the fence stops just short of the 29m. The wall does extend further along</p>	

the adjacent laneway however that section is not being considered under this application. Immediately in front of the wall, towards the dwelling, is a raised garden area accessed via concrete steps. The application has been submitted on the back of an enforcement compliant and there is currently a live enforcement case (LA09/2022/1031/CA) for the construction of an unauthorised retaining wall.





Deferred Consideration:

This proposal for the retention of a domestic boundary wall/fence has been subject to 12 representations (objections from a third party and rebuttals to the objections by the applicant) and it is important to summarise and consider all of these at the outset of this deferred consideration as they do raise material planning considerations. Rebuttals to the objections have been submitted by the applicant and are available for Members to view on Public Access.

Objections raised the following issues:

Applicant failed to declare that a relative worked in the Planning Department - P1 amended to provide details of this.

Inaccurate land boundary maps - Applicant submitted an amended site location and I am satisfied that any inaccuracies in this regard have been addressed. The objector has had sight of the revised plans.

Objector didn't receive formal neighbour notification - The objectors property did not fall within

the scope of NN. He is however aware of the application and has not been prejudiced in any way.

Encroachment of the wall onto the laneway and how this is making it difficult and dangerous for vehicles and pedestrians - The laneway is not a public road and so is outside any remit for DFI Roads to comment on. No evidence has been presented to substantiate the claim that it traffic cant pass along the laneway. No verifiable evidence has been presented that pedestrians regularly use the laneway.

Why has the wall been constructed before planning permission has been granted - Planning Legislation provides that development can be applied for retrospectively. The Planning Department can only assess applications that are presented to them. We have an enforcement team to deal with unauthorized development and in this case, the application was submitted to deal with an enforcement compliant.

The walls fails in design (by 2.8 times its capacity and doesn't meet Building Regulations). Structural Reports submitted by Jane Leadon to substantiate this - I will deal with this later in this report.

Part of the wall is built along a "townland pass" between Glengomna Road and Bancran Road and its construction makes it difficult to use this townland pass. - I informally consulted with DFI Roads who advised that they weren't familiar with "townland passes" but that the laneway was a privately maintained shared access that has not been adopted into the public road network. They would have no control over.

The wall is unsightly and will impact on the character of the Sperrins AONB. The initial case officer didn't assess the proposal under Policy DES 4 of the Rural Strategy - I will deal with this further in my report.

The wall will restrict views from the adjacent farm buildings towards the Sperrins - This is not a material planning consideration.

The proposal/application doesn't deal with the wall in its entirety - The Planning Department is assessing the proposal as it is presented. The section along the laneway may fall under Domestic Permitted Development however I am not assessing that under this current application.

The Council could be liable if the wall collapsed especially if they haven't fully considered the structural information provided - In light of the submission of the Structural Assessment by Jane Leadon dated 3rd October 2022 and a rebuttal email submitted by the applicant on the 3rd November 2022, I arranged a meeting with MUDC Building Control on the 8th November 2022 to ascertain if it was within their remit to advise on the structural stability of the wall. Building Control confirmed that Jane Leadon was a competent engineer who regularly submitted reports to them. The contents of her assessment were considered in the context of Building Regulations. Building Control have confirmed that under Regulation 9 (m) of The Building Control Regulations (2012) As Amended, the wall is exempt due to the fact it does not form part of a building to which the Regulations apply. As such, its structural integrity falls outside the remit of Building Control and they have no remit to comment on the content of Jane Leadons Assessment. Consideration was also given by Building Control to the Dangerous Structures Act

and they confirmed to me that as the wall is not on a street or public road, the Dangerous Structures Act is not relevant. Building Control advised that any dispute over the location or structural integrity of the wall was a civil matter between the parties involved.

Despite Building Control advising that it was not in their remit to comment on the wall, it was decided to seek advice from Mr Liam O'Neill who is a shared resource between Fermanagh and Omagh Council and MUDC. He is a Chartered Engineer with over 40 years experience. His advice was sought not from a Building Control perspective but from a Chartered Engineers perspective. He has concluded that the structural stability of the wall is more than adequate. I will go into this in more detail later in this report.

Concern over the findings in the structural report compiled by MEA on behalf of the applicant. Assumptions being relied upon rather than facts. Request that Liam O'Neill do bore holes tests to inform his assessment - This all was highlighted to Liam O'Neill and he was aware of the concerns in advance of preparing his report. On the day of his site visit he did not consider it necessary to dig bore holes to inform his consideration.

Liam O'Neill's response should not hold determining weight in the Councils assessment of the proposal as it has not set out the facts that led to his conclusion - Liam O'Neill is a Chartered Engineer and the Planning Department has no reason to discount his conclusions. He is impartial and not employed by either the applicant or the objector. He has had sight of all information provided by both parties.

Delay by the Senior Officer in processing this case - this is not material to the assessment of this proposal.

POLICY CONSIDERATION

The proposal has been considered taking account of the Magherafelt Area Plan 2015, the Strategic Planning Policy Statement (SPPS), the Addendum to PPS 7 (Residential Extensions and Alterations), Planning Policy Statement 2 (Policy NH6 - Areas of Outstanding Natural Beauty) and The Planning Strategy for Rural NI (Policy DES 4 - AONB's)

As noted the site is located within the Sperrin's AONB. Policy DES 4 requires that development in these areas should not be detrimental to environmental quality. It should be in sympathy to the special character of the AONB. Policy NH 6 requires sympathetic siting and scale and respect of character, architectural styles, local materials, design and colour. The existing block wall which is finished in a white painted render and topped with grey fencing is sited to the rear of the dwelling. It will be subject to minimal public views. It is a minor development and will not detract from the overall character of the Sperrins AONB.

The overall height of the wall/fence is 2.7m and extends over 29m in length. Its scale and massing is not considered excessive. It does not detract from the appearance and character of the surrounding area. It is minor in nature and sits behind a two storey dwelling with limited visual impact. There are no third party residential properties abutting the site and so it will not impact negatively on neighbours in terms of privacy or amenity. The closest third party buildings are farm buildings. The erection of the wall has not resulted in the loss of any important landscape features and it has not reduced any in-curtilage parking or manouervring of vehicles. I am satisfied that the proposal is not at conflict with any of the criteria contained in Policy EXT 1

of the Addendum to PPS 7.

OTHER MATERIAL CONSIDERATIONS

The main area of contention with this application rests on a dispute between the applicant and a third party and the fact that the third party objector contends that the wall is not structurally sound. The Planning Department, in the interests of making certain that the stability of the wall has been fully assessed has accepted structural reports from both the applicant and objector. These have been forwarded to an independent and qualified engineer, who has considered both as well as carrying out a site inspection. In his initial response Liam O'Neill concluded that the wall is well capable of retaining the noted garden depth of 0-300mm. In his second response and following his review of Jane Leadons report dated 31 Aug 2023 Liam refers to the fact that Jane notes that the garden levels have increased by between 400-430mm, which makes the levels between the yard and garden practically level along the rear wall. Liam has advised the Planning Department that based on this, it is his opinion that the wall is no longer "retaining" and he is content with his previous conclusion. The Planning Department have no reason to doubt Liam's conclusions - as such, I would be confident in advising Members that the objectors concern about the instability of the wall does not merit the refusal of this application.

Approval is therefore recommended as there is no policy conflict with the proposal and the other material considerations raised have not been given determining weight in the assessment.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

Reason: This is a retrospective application.

Signature(s):Karla McKinless

Date: 17 May 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.16
Application ID: LA09/2022/0641/F	Target Date: 30 August 2022
Proposal: Proposed boundary wall/fence	Location: 29 Glengomna Road Draperstown BT45 7JQ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Barry O'Kane 28 Glengomna Road Draperstown BT45 7JQ	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Objections received. Applicants sister in law works for Mid Ulster District Council Planning Department.

There have been 3 letters of objection from one neighbour. The first objection letter raised concerns over a family member of the applicant working for the council which was not declared on the original application form. This has since been corrected by the agent. Secondly, the objector raised concerns over the accuracy of the map submitted and the type of map. I am content that following updates the maps clearly show what is

on the site and adjoining the site and the maps are accurate. The objector also raised queries as to why they weren't neighbour notified. The principle planner spoke with the objector and advised on this. Further objections were received relating works being proposed on lands which are not within the applicants control.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits and within an area of outstanding natural beauty as per the Magherafelt Area Plan 2015. The site itself includes an existing two storey dwelling with a mature hedge running along the south western boundary. The roadside boundary is undefined with a shared laneway running along the north eastern boundary of the site with an old stone wall and outbuilding located here also. The north western boundary is undefined and third party farm buildings are located beyond this. The surrounding area is mainly agricultural lands with single dwellings located sporadically throughout.

Description of Proposal

This is a full planning application for a proposed boundary wall/fence.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
Addendum to PPS 7- Residential Extensions and Alterations

The SPPS provides a regional framework of planning policy that will be taken into account of in preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore, transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Original plans proposed a wall 1.5m high with a close board fence taking the total height to 3m, running along the north western boundary and then along the corner along the shared laneway until it meets an existing outbuilding. However, amendments were received where the proposed wall has been reduced to a total height of 2.7m high and is now only proposed along the north western boundary to separate the site between the dwelling and the third party farm buildings behind this. Planting has also been proposed within the curtilage of the site to aid the integration. I am content the proposal will not detract from the appearance and character of the surrounding area.

I have no concerns about residential privacy or amenity given the location of the proposed wall and the lack of residential properties at this side. The proposed wall/fence is to provide privacy to the applicants home.

The proposal will not cause the loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The proposal includes additional planting which will aid the local environmental quality on the site.

Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. From such, I am content the proposal fully complies with Policy EXT 1 of addendum to PPS 7.

Other Material Considerations

With regards the objectors points over land ownership although this is a civil matter, I am content that the correct application form has been submitted and the correct certificate has been completed by the applicant. Two pieces of land were questioned, the first directly to the rear of the applicants property stating the red line was within an area outside their ownership. However, having measured the red line of the site location against a land registry folio and another map supplied by the objector I am content the red line is accurate and appears to be within the applicants ownership. There was another issue of land ownership raised by the objector relating to a piece of land along the shared laneway adjacent the site where initial plans proposed a wall to be built however, following a discussion with the principle planner the red line was slightly amended and removed the outbuilding and piece of land adjacent the laneway and the proposal of a wall/fence at this location was also removed from the plans. Therefore, I am content the Planning Department has received the correct application form and the correct ownership certificates have been completed as part of this application and it is a valid application. Any permission granted does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development, any issues over land ownership are a civil matter.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent

Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011

Condition 2

All proposed planting shown on stamped drawing No. 02 Rev A shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

Signature(s): Ciaran Devlin

Date: 17 October 2022

ANNEX	
Date Valid	17 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 27 Glengomna Road Draperstown Londonderry BT45 7JQ</p>	
Date of Last Neighbour Notification	30 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2000/0452/F Proposals: Replacement dwelling Decision: PG Decision Date: 19-SEP-00</p> <p>Ref: H/2014/0288/F Proposals: Proposed change of access to recently approved farm dwelling and garage H/2014/0126/O Decision: PG Decision Date: 23-MAR-15</p> <p>Ref: LA09/2015/0098/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 24-JUL-15</p> <p>Ref: H/2014/0126/O Proposals: Proposed farm dwelling and garage Decision: PG Decision Date: 19-JUN-14</p>	

Ref: LA09/2022/0641/F

Proposals: Proposed boundary wall/fence

Decision:

Decision Date:

Ref: LA09/2017/1121/F

Proposals: Proposed two storey replacement dwelling and garage

Decision: PG

Decision Date: 23-NOV-17

Ref: H/2002/0430/Q

Proposals: Site for Dwelling.

Decision: 300

Decision Date: 24-MAY-02

Ref: H/2009/0359/O

Proposals: Site of proposed dwelling and garage

Decision: PR

Decision Date: 17-NOV-10

Ref: H/2011/0296/F

Proposals: Proposed farm dwelling and garage

Decision: PG

Decision Date: 28-NOV-12

Ref: H/2003/0912/F

Proposals: Dwelling and garage.

Decision: PR

Decision Date: 30-OCT-05

Ref: H/2011/0224/F

Proposals:

Proposed dwelling and garage on a farm

Decision: PG

Decision Date: 26-JUL-11

Ref: H/1978/0178

Proposals: RETIREMENT BUNGALOW WITH GARAGE

Decision: PG

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Rev A
Site Layout or Block Plan Plan Ref: 02 Rev A
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0652/O Recommendation: Approve	Target Date: 25 September 2023
Proposal: Proposed Dwelling on a Farm	Location: Site at 150M West of 18A Ballynacross Road, Maghera
Applicant Name and Address: Mr David Fulton 100 Carricknakielt Road Knockcloghrim Magherafelt BT45 8PU	Agent Name and Address: Mr Martin Kearney 48 Main Street Castledawson Magherafelt BT45 8AB
Summary of Issues: <p>This application was first before Members at February 2024 Planning Committee with a recommendation to refuse. It was considered that the proposed development was contrary to Policies CTY 1, CTY 10, CTY 13 and CTY 14 of PPS 21 in that the proposed dwelling was not visually linked or clustered with buildings on the farm and that a dwelling on this site would be prominent and would fail to integrate. Members agreed to defer the application for an office meeting which was facilitated on the 16th February 2024. Following this office meeting and a subsequent site inspection, the proposal is now recommended for approval with justification for this recommendation provided further in this report.</p>	
Summary of Consultee Responses: <p>No new consultations were issued to inform this deferred re-consideration.</p>	
Description of Proposal <p>The proposed is an outline application for a dwelling on a farm.</p>	

Deferred Consideration:

This outline application for a dwelling on a farm is assessed primarily under CTY 1 and CTY 10 of PPS 21. Policy CTY1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling on a farm and therefore must be considered against Policy CTY 10.

A consultation was made to DAERA who confirmed that the farm business is currently active and has been established for at least 6 years. I am therefore satisfied that there is an active and established farm business for the purpose of the policy test. A check on the planning portal of all the farm lands attached to the farm number provided confirm that there are no dwellings or development opportunities that have been sold off from the farm holding within 10 years of the date of this application.

The basis for the recommendation to refuse was the fact that there are no nearby buildings on the farm that a dwelling at this site is able to visually link or cluster with. The applicant resides at 100 Carricknakielt Rd and this is where his house and his considerable number of farm buildings are located. The applicant has confirmed that he is an intensive pig farmer and has approximately 200 sows and 4000 pigs. Given these numbers it is evident that he has a substantial pig farm and that there would be impacts from odours and noise associated with his pig farming over and above what would be expected from a normal dairy or arable farm.

In terms of siting dwellings away from farm buildings it is normally recommended that any third party dwellings be sited at least 75m from farm buildings in order to protect residential amenity. This increases to 150m for intensive poultry and pig farming. In this case the applicant's son, for whom this dwelling is being applied for, is named on the farm business and his dwelling would not be considered a third party dwelling. As such it is not unreasonable to insist on lesser separation distances. The applicant has however made a case that his son's future wife has not been brought up on a farm and would not be used to odours associated with intensive pig farming.

I do accept that the lands closest to the applicants dwelling and farm buildings would present amenity concerns given the extent of his farming practices. This can be considered as a demonstrable health and safety reason for the purpose of the policy test and would allow for consideration of an alternative site away from the farm buildings. I consider this primarily as the farm is a pig farm and if this was an arable farm my consideration would differ.

The applicant has also provided a map showing the extent of his farm lands and has identified the issues with a siting a dwelling on these lands in terms of visual prominence and accessibility. Having carried out a site inspection, I do accept the case that has been put forward in terms of the unacceptability of these sites and I hold some weight to this in my consideration of the case.

I do agree that the site chosen is the most acceptable he has in terms of integration. A dwelling sited just immediately West of the existing thick hedgerow running through the middle of the site and conditioned to a low ridge of 6m would not appear overly prominent in the local landscape. When travelling from the West to East along the public road it will benefit from a backdrop of rising land as well the existing hedgerow and intermittent semi mature trees. The winding nature of the road when travelling from this direction along with the presence of field boundaries and

trees go some way to filtering out any long term critical views from this approach. When travelling in the opposite direction, mature road side boundaries screen out any long term critical views of the site and the only critical view of the site will be from the site frontage.

For these reasons it is my opinion that there is no conflict with policies CTY 10, CTY 13 and CTY 14 of PPS 21 and I recommend Members approve this application subject to the conditions set out below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 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.

Condition 2

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

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

Condition 3

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the RS1 form available to view on Public Access

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

Condition 4

The proposed dwelling shall have a ridge height of less than 6.0 metres above finished floor level

Reason: To ensure that the development satisfactorily integrates

Condition 5

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

Reason: To ensure the dwelling integrates into the landform

Condition 6

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity

Condition 7

The proposed dwelling shall be sited in the area shaded green on drawing no. 01 uploaded on Public Access on 12 June 2023

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

Condition 8

The existing natural screenings of this site as outline in red on drawing no. 01 uploaded to Public Access on 12 June 2023, including the hedgerow running through the middle of the site shall be permanently retained.

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

Condition 9

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

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

Signature(s):Karla McKinless

Date: 20 May 2024

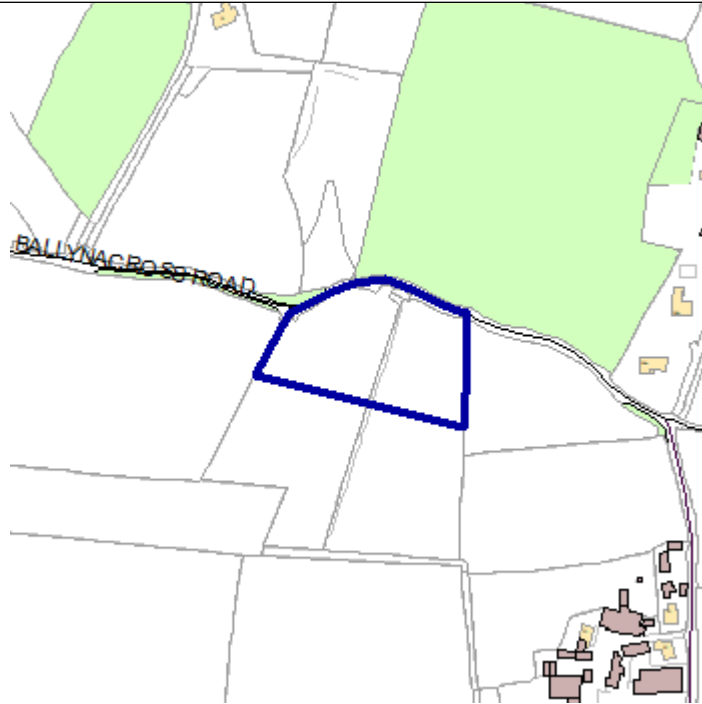


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 February 2024	Item Number: 5.20
Application ID: LA09/2023/0652/O	Target Date: 25 September 2023
Proposal: Proposed Dwelling on a Farm	Location: Site at 150M West of 18A Ballynacross Road, Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr David Fulton 100 Carricknakielt Road Knockcloghrim Magherafelt BT45 8PU	Agent Name and Address: Mr Martin Kearney NEWLINE ARCHITECTS 48 Main Street Castledawson Magherafelt BT45 8AB
Executive Summary: <p>This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with Policy CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. The proposal is also contrary to Policy CTY 13 and Policy CTY 14 of PPS 21 in that it would be unduly prominent in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0652-O.DOCX
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0652-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

Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately

0.8 miles north west and outside the Knockcloghrim settlement limit as defined in the Magherafelt Area Plan 2015. The 0.92 hectare area site comprises two adjoining agricultural fields which front the Ballynacross Rd. The western field section of the site is relatively flat while the eastern portion slopes upwards to the east. The existing access to the site is that of a field gate. Field hedgerow runs down the middle of the site between the two fields, with a small scattering of trees. Site boundaries include field hedgerow along the northern roadside boundary and post and wire fencing along the southern edge of the site. There are no nearby farm buildings to the site. The wider surrounding environment consists mostly of agricultural fields with a series of farm yards, buildings and dwellings scattered all along the Ballynacross Rd.

Description of Proposal

The proposed is an outline application for a proposed dwelling on a farm.

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 as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Magherafelt Area Plan 2015

The site of the proposed development is located in the rural countryside approximately 0.8 miles north west and outside the Knockcloghrim settlement limit as defined in the Magherafelt Area Plan 2015.

Relevant Histories

None

Representations

No third party representation have been received to date.

Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is not located within or adjacent to any listed building / structures.

The Flood Maps NI identify two small lines of surface water flooding on the western portion of the site which is the flatter area of land. This is a miniscule area of surface

water flooding. As a precaution, If approval is to be granted, it is recommended that a siting condition be applied so that the dwelling or any hard surfacing is located away from this area.

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 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 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 farm dwellings. 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: Sustainable Development in the Countryside

Policy CTY1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling on a farm and therefore must be considered against Policy CTY 10.

A consultation was made to DAERA who confirmed that the farm business is currently active and has been established for at least 6 years.

A check on planning portal of all the farm lands attached to the farm number provided confirm that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of this application.

A new access is proposed for the dwelling at this outline stage. There are no nearby buildings on the farm that a dwelling at this site is able to visually link or cluster with. The agent was asked to consider an alternative siting with the applicant. It was suggested that a siting at lands at 100 Carricknakielt Rd (close to applicant's current address) would provide visual linkage with existing buildings on the farm, with scope to also provide a separation distance of 75m from the same group of buildings, which are used for pig farming.

Because the current siting is without visual linkage to any buildings on the farm, the

proposed development fails to satisfy Policy CTY 10.

Policy CTY 13 states 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. This is an outline application and therefore such details as the design are only received at the reserved matters stage if approval is granted at this outline stage. It is considered that a dwelling at this site would be an unduly prominent feature in the environment. The site is quite open and sits close to the road. The most prominent views of the site are along the western approach of the Ballynacross Rd where both fields are in clear view. It is my view that a dwelling at this site would spoil the rural character of this area with its prominence. A dwelling at this site would also have to rely almost entirely on the use of new landscaping for its integration. It is therefore my view that the proposed development fails to satisfy Policy CTY 13.

Policy CTY 14 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. As mentioned above, it is considered that a new dwelling at this site would be unduly prominent in the landscape and damage the rural character of the area. It is therefore my view that the proposed development fails to satisfy Policy CTY 14.

Planning Policy Statement 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. The proposed access arrangements involve the creation of a new access onto the public road. DfI Roads were consulted in this application and provided no objection to the proposed subject to condition. It is considered that the proposed accords with Policy AMP 2 of PPS 3.

Recommendation

Given the proposed development does not site to visually link or cluster with any established buildings on the farm, the proposed fails to meet Policy CTY 10 and therefore I have to recommend that this application be refused. It is also considered that a dwelling at this site would be a prominent feature in the landscape and therefore it is my opinion that the proposed development fails to meet Policy CTY 13 and CTY 14 of PPS 21.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site does not visually link or cluster with an established group of farm buildings.

Reason 3

The proposal is contrary to Policy CTY 13 and Policy CTY 14 of PPS 21 in that it would be unduly prominent in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Signature(s): Benjamin Porter

Date: 23 January 2024

ANNEX	
Date Valid	12 June 2023
Date First Advertised	27 June 2023
Date Last Advertised	27 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2023/0652/O Proposals: Proposed Dwelling on a Farm Decision: Decision Date: Ref: H/2003/0797/F Proposals: New 33kv Overhead Electric Line and alterations to existing lines. Decision: Decision Date:	
Summary of Consultee Responses DAERA - Coleraine-Consultee Response LA09-2023-0652-O.DOCX DAERA - Coleraine-Consultee Response LA09-2023-0652-O.DOCX DFI Roads - Enniskillen Office-Outline resp.docx	

Drawing Numbers and Title

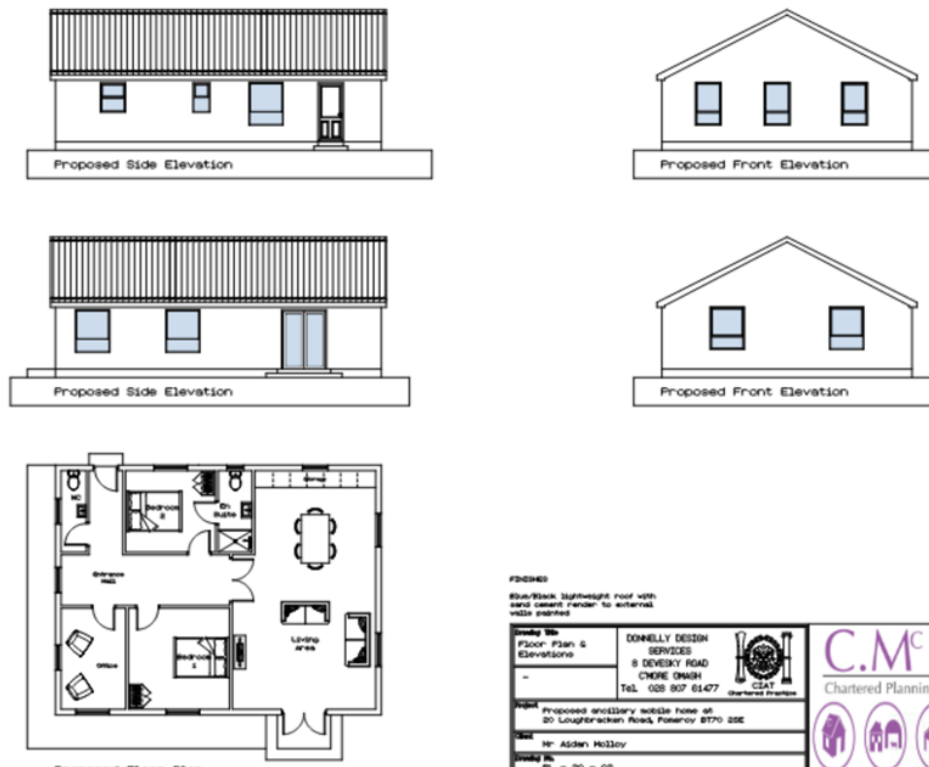
Site Location Plan Plan Ref: 01
Farm Boundary Map Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0693/F Recommendation: Refuse	Target Date: 16 October 2023
Proposal: Proposed temporary mobile home	Location: 20 Loughbracken Road, Pomeroy
Applicant Name and Address: Mr Aidan Molloy 20 Loughbracken Road Pomeroy BT70 2SE	Agent Name and Address: Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Summary of Issues: This application was first before Members at March 2024 Planning Committee. It was recommended for refusal as it was considered that the proposal failed to comply with Policy CTY 6 of PPS21 in that it had not been demonstrated that a genuine hardship would be caused if planning permission was refused. The applicant was granted speaking rights at that time so that he could make his case directly to Members. It was agreed to defer the application for an office meeting which was facilitated on the 21 st March 2024. Following a re-consideration of the case I recommend that the application be refused and justification for this recommendation is provided further in this report.	
Summary of Consultee Responses: No consultations were issued to inform this deferred consideration	
Description of Proposal This is a full application for a proposed temporary mobile home to be sited within the existing domestic curtilage of number 20 Loughbracken Road. The mobile home will be used as a standalone unit of residential accommodation and you can see from the floor plan below, it contains 2 bedrooms (1 of which is ensuite), an office, a bathroom and a kitchen/living/dining area. It is not physically connected to number 20.	



Deferred Consideration:

Policy CTY 1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. The application will be assessed under all relevant policies contained within PPS 21, primarily CTY 6, CTY 9, CTY 13 and CTY14.

Under Policy CTY 9 planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances. These exceptional circumstances include:

- o the provision of temporary residential accommodation pending the development of a permanent dwelling; or
- o where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

This application for a temporary mobile home has been applied for on the basis of the applicants personal and domestic circumstances. Under Policy CTY 6 planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

I have reviewed all the evidence put forward by the applicant including the information provided by him at the office meeting. This includes supporting documentation from his agent, his sister and a therapeutic counsellor. I will not provide the specific details of this supporting documentation due to its sensitive nature. I can provide further detail, in confidence, at Planning Committee.

The first test of the policy is that the proposal is required to meet the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances. Based on the evidence provided there is nothing that sets out the long term needs of the applicant based on his condition. The development is being applied for on a temporary basis and this fact alone would indicate that the mobile is not being considered for the long term. The applicant at the office meeting advised that he could only consider things in the short term hence his application is for a temporary mobile. The policy does indicate that a temporary mobile home can be considered for a limited period to deal with immediate short term circumstances. Again, it is my opinion that the evidence provided does indicate any immediate short term circumstances that necessitate a mobile home in this location. The applicant currently resides in number 20 and has not detailed what level of care he currently requires or gets in the short term to meet this test of the policy.

The next test is based on whether there are compelling and site specific reasons for needing a dwelling/mobile home. Having reviewed the documentation there has been no medical evidence put forward that sets out that a dwelling/mobile home is needed in this exact location. A therapeutic counsellor and his sister have advised that he requires support and a stable home environment and I do not dispute that there is some evidence that he has personal circumstances that he is addressing but in my opinion this is not compelling or site specific justification for the purpose of the policy.

The policy also has a genuine hardship test. This is quite difficult to assess and both mental and physical hardship must be considered. From the supporting evidence provided there would be no physical hardship experienced if permission were refused. Both a therapeutic counsellor and his sister have advised that not having his own dwelling/mobile home would result in health concerns. Whilst I do hold some weight to this evidence, on the whole it is my opinion that it is not strong enough to show full compliance with the policy test.

The final test of the policy relates to the exploration of alternative solutions. At the office meeting it was suggested to the applicant to consider extending the dwelling at number 20 to provide ancillary accommodation. This would allow his sister and her family to return home from America to reside in the dwelling and for him to have his own independence whilst at the same time being close to her for support. It was also suggested to give consideration to a garage conversion. The applicant's agent has advised that these aren't options that the applicant can consider due to cost. His counsellor however has advised that if the conversion is the preferred option, the applicant would like it considered under this current application as it would be too costly to submit a new application. Notwithstanding this indication that he may consider a garage conversion if it was assessed under this planning application, I am of the opinion that

the applicant does not have compelling or site specific reasons which justify a mobile home or a garage conversion in any instance.

OTHER MATERIAL CONSIDERATIONS

I refer Members to an appeal decision (2018/A0249) for a dwelling applied for under Policy CTY 6 of PPS 21. The appellant here made a case that his daughter needed to live beside him so that he and his wife could provide emotional support and encouragement through difficult times. The commissioner noted that no evidence had been provided to confirm that there is a genuine need for her to live beside her parents and that no details were provided about the current level of care required and provided. The commissioner noted that she could not take account of past requirements or future concerns and that she had not been provided with sufficient details to demonstrate that there is a genuine need for a dwelling at the appeal site or that genuine hardship would result if the appeal were dismissed. The appeal was dismissed and the application refused under CTY 6 of PPS 21. This case has many similarities and is material in my consideration of the proposal.

I recommend that Members refuse this application for the reasons stated below.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

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

Signature(s):Karla McKinless

Date: 22 May 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.9
Application ID: LA09/2023/0693/F	Target Date: 16 October 2023
Proposal: Proposed temporary mobile home	Location: 20 Loughbracken Road, Pomeroy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Aidan Molloy 20 Loughbracken Road Pomeroy BT70 2SE	Agent Name and Address: Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Executive Summary: <p>The application is before Members as it is recommended for Refusal. It is proposed for a temporary mobile home. This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, and PPS 21 (CTY 1,6,9,13 and 14). No objections have been received to date. Issues raised by the Planning Department include conflict with policy such as the PPS21 CTY 6 with regards to genuine hardship being caused and CTY 9 with relation to the temporary siting of the mobile home. A special circumstances case has been put forward however it is considered that the application is contrary to paragraph 5.29 of CTY 6 as no verifiable documents from a GP/Medical Professional that explain how genuine hardship would be caused if this application were to be refused. With Regards CTY 9 no adequate details have been provided of the immediate short-term circumstances and how a temporary mobile home will deal with these.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

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 site is located within the open countryside as defined in the Cookstown Area Plan 2010, approximately 0.8km northeast of Pomeroy village. The site is identified as 20 Loughbracken Road an existing two storey detached dwelling which is set back from the road, the dwelling is accessed from the Loughbracken Road via a private lane. Mature hedging and fencing surround the sites curtilage, I note that the immediate surrounding

area is rural in nature however there is several existing dwellings located along this section of Loughbracken Road.

Description of Proposal

This is a full application for a proposed temporary mobile home.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Two (2) neighbouring properties were notified with (No.24 returned by royal mail – addressee inaccessible), and press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.

Consultations

No consultations were considered necessary for this application.

Relevant Planning History

Reference: I/1999/0126

Location: 20 Loughbracken Road Pomeroy

Proposal: Extension & Alterations to dwelling

Decision: Permission Granted

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 21 - Sustainable Development in the Countryside
 - CTY 1 – Development in the Countryside
 - CTY 6 - Personal and Domestic Circumstances
 - CTY 9 - Residential Caravans and Mobile Homes
 - CTY 13 - Integration and Design of Buildings in the Countryside
 - CTY14 - Rural Character

Cookstown Area Plan 2010

The Cookstown Area Plan 2010 identifies the site as being in the rural countryside, approximately 0.75km north of Pomeroy. There are no other zonings or designations within the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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.

Mid Ulster District Council Draft Plan Strategy 2030

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 as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. The application will be assessed under all relevant policies contained within PPS 21 such as CTY 6, CTY 9, CTY 13 and CTY14.

Policy CTY 9 – Residential Caravans and Mobile Homes

Planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

- the provision of temporary residential accommodation pending the development of a permanent dwelling; or
- where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

The planning department has not been provided with adequate details of the immediate short-term circumstances and how a temporary mobile home will deal with these.

Policy CTY 6 – Personal and Domestic Circumstances

Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

I am of the opinion that there is not enough information for the planning department to determine if genuine hardship would be caused if planning permission were refused. CTY 6 (b) also states that permission will be granted the use of a temporary mobile home for a limited period to deal with short term circumstances however the agent/applicant has not provided detailed information as to why a temporary mobile home would deal with short term circumstances and what the short-term circumstances are.

Paragraph 5.29 states that applicants will be expected to provide sufficient information to allow a proper assessment of each specific case.

Such information should include:

- *a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.*

Whilst the applicant has provided us with a statement of case detailing the personal circumstances these have not been verifiable from a GP or medical professional.

- *details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.*

A letter submitted by the applicant's sister explains that she currently resides in New York City where she works as a registered nurse. M Molloy details that she intends to relocate to Ireland in Spring 2024, to provide a level of care for her brother, the applicants sister states 'This arrangement would offer him a more stable home environment, close family support coupled with maintaining his independent living which is crucial for his rehabilitation'. No details have been provided that identify a carer is needed for Mr Molloy and that the registered carer for Mr Molloy is his sister. No documents have been submitted which specify who Mr Molloy's current carer is while his sister resides in the New York City.

- *an explanation of why care can only be provided at the specific location and how*

genuine hardship would be caused if planning permission were refused.

No information has been provided indicating why care can only be provided at the proposed site.

Having carried out an assessment of the planning policy, I recommend that this application be refused planning permission as it is contrary to PPS21 policies CTY 6 and CTY9.

Habitats Regulations Assessment

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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposed temporary mobile home is considered contrary to planning policy statement 21 CTY 6 as the applicant has not demonstrated that genuine hardship will be caused should planning permission be refused based on his special circumstances.

Signature(s): Ciara Carson

Date: 8 February 2024

ANNEX	
Date Valid	3 July 2023
Date First Advertised	30 January 2024
Date Last Advertised	11 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 18 Loughbracken Road Pomeroy Tyrone BT70 2SE The Owner / Occupier RNN 24 Loughbracken Road Pomeroy Tyrone BT70 2SE	
Date of Last Neighbour Notification	19 January 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1999/0126 Proposals: Extension & Alterations to dwelling Decision: PG Decision Date:</p> <p>Ref: I/1979/0017 Proposals: EXTENSION AND IMPROVEMENTS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: LA09/2017/0278/O Proposals: Farm dwelling and garage Decision: PG Decision Date: 22-MAY-17</p> <p>Ref: LA09/2023/0693/F Proposals: Proposed detached ancillary granny flat Decision: Decision Date:</p>	

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01/1

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0916/F Recommendation: Approve	Target Date: 15 December 2023
Proposal: Proposed off site replacement dwelling and garage	Location: 180M West of No 16 Carncoise Road Cranny Moneymore
Applicant Name and Address: Mr Gregory McGovern 31 Tirgan Road Moneymore BT45 7RZ	Agent Name and Address: CMI Planners 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: <p>This application was first before Members at February 2024 Planning Committee with a recommendation to refuse. It was considered that the proposed development was contrary to Policy CTY 3 of PPS 21 in that the proposed dwelling would have a significantly greater visual impact than the dwelling it was replacing. Members agreed to defer the application for an office meeting which was facilitated on the 16th February 2024. Following this office meeting and a subsequent site inspection, the proposal is now recommended for approval with justification for this recommendation provided further in this report.</p>	
Summary of Consultee Responses: <p>No consultations were carried out to inform this deferred consideration</p>	
Description of Proposal <p>This is a full application for a proposed offsite replacement dwelling and garage. The existing dwelling is shown in the photo below and it is proposed to replace it with the dwelling detailed in the plan drawing further below.</p>	



SPRINGER DESIGN
 10/10/2023

FINISHES
 low profile flat concrete tiles
 rendered walls
 pvc windows and doors
 pvc kitchen goods
 pvc painted garage roller door
 Permacork timber on retaining walls



Prepared: Off Site Residential Dwelling & Garage 18/19 Carrows Road
 County Wick, Wexford, 8148 IRE.
 PROJECT NO.
 Ground Floor Plan & Front Elevation
 1:100
 DRAWING NAME - SCALE - 8/20

APPLICATION NUMBER – LA09/2023/0916/F
 ACKN

Deferred Consideration:

The main concern with this application is that it was considered that the proposed dwelling would have a significantly greater visual impact than the dwelling it was replacing. As such, it was considered contrary to policy CTY 3 of PPS 21.

CTY 3 states that the overall size of a new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing dwelling. Having carried out a site inspection I can confirm that the existing dwelling cannot be viewed from the public road. The policy allows for off site locations in certain circumstances and in this application the applicants justification for an off site location has been considered acceptable. Moving the dwelling off-site is resulting in a dwelling that will be viewable from the public road. The site is set back from the Carnose Road and the presence of mature roadside and field boundaries will filter and soften any views of the dwelling and it is considered that whilst the new dwelling will have a greater visual impact, it will not be significantly greater. This is also helped by the fact that the dwelling is single storey and incorporates a good landscaping scheme, which will be a condition of approval to ensure the dwelling integrates into the surrounding landscape.

Members are advised to approve this application as it is considered that there is no conflict with Policy CTY 3 of PPS 21.

Conditions/Reasons for Refusal:**Approval Conditions****Condition 1**

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

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

Condition 2

The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on drawing no. 01, uploaded on Public Access on 1 September 2023, is demolished, all rubble and foundations have been removed in accordance with the details on the approved plans

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

Condition 3

The vehicular access including visibility splays 2.4 x 33 metres East and 2.4 x 45 metres West and any forward sight distance, shall be provided in accordance with Drawing No. 06 uploaded on Public Access on 12 January 2024, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 4

During the first available planting season after the occupation of the dwelling hereby approved, the proposed trees and vegetation shall be planted in accordance with drawing no. 02 uploaded on Public Access on the 1 September 2023.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

Condition 5

The existing natural screenings of this site, as identified on drawing 02, uploaded on Public Access on 1 September 2023, shall be permanently retained.

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

Signature(s):Karla McKinless

Date: 20 May 2024

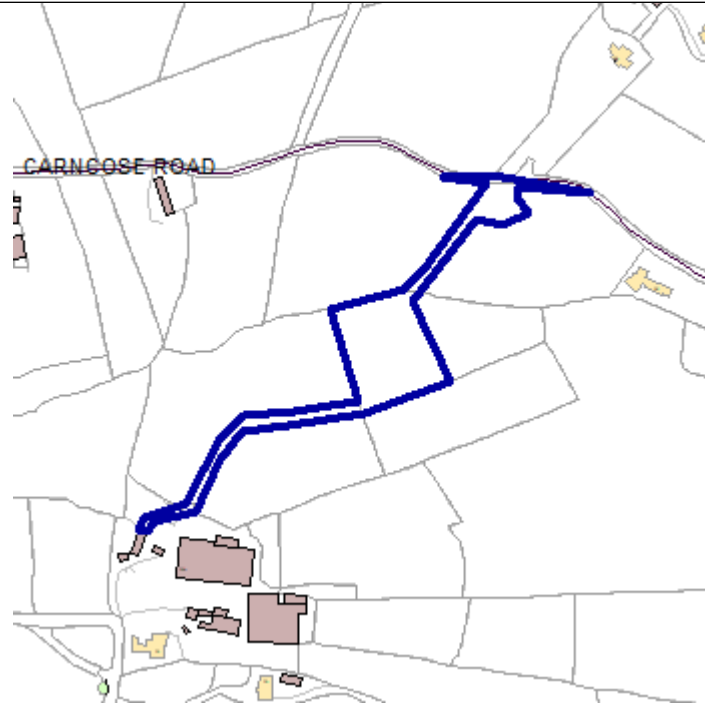


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 February 2024	Item Number: 5.26
Application ID: LA09/2023/0916/F	Target Date: 15 December 2023
Proposal: Proposed off site replacement dwelling and garage 180m West of No. 16 Carncose Road, Cranny, Moneymore, BT45 7RY	Location: 180M West of No 16 Carncose Road Cranny Moneymore
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Gregory McGovern 31 Tirgan Road Moneymore BT45 7RZ	Agent Name and Address: CMI Planners 38B Airfield Road Toomebridge BT41 3SG
Executive Summary: <p>This proposed full application for an off-site replacement dwelling is brought to the planning committee with a recommendation for refusal. The proposed fails to meet the criteria in Policy CTY 3 of PPS 21 in that it would, if permitted, have a significantly greater visual impact than the existing dwelling.</p> <p>I am however content that the proposed complies with Policy CTY 13 and CTY 14 of PPS 21.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Full 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

Characteristics of the Site and Area

The site of the proposed development is in the rural countryside outside any designated settlement limit as defined in the Magherafelt Area Plan 2015. The site for the proposed dwelling is 180m west of no. 16 Carncoise Road Moneymore and comprises a hilltop portion of a larger agricultural field. The site is set back approximately 90 metres from

the Carnose Rd. Boundaries include field hedgerow along the northern and southern edges of the site and post and wire fencing along the western boundary. The site for the dwelling is 170 metres north west of Tir-con Engineering which is comprised of a large built up yard area with a series of large sheds. The existing dwelling to be replaced lies along the western edge of this yarded area and is marked in green within the red-lined area of the site location map.

Description of Proposal

This is a full application for the proposed off site replacement dwelling and garage 180m west of no. 16 Carnose Road, Cranny, Moneymore, BT45 7RY.

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 as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Planning History

LA09/2023/0357/F – Proposed off-site replacement dwelling and detached garage – Lands approx. 1110m NE of 37 Tirgan Road Moneymore – Permission Granted 13/11/2023

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site of the proposed development is in the rural countryside outside any designated settlement limit as defined in the Magherafelt Area Plan 2015.

Other Constraints

The site is located in the Sperrins AONB. The proposal is considered against Policy NH 6 of PPS 2 in the main body of the report.

The site is not located adjacent to any listed building / structures.

There are no issues pertaining to flooding at the site.

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 and 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 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 replacement dwelling 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'.

PPS 3 – Access, Movement and Parking

The proposed involves the creation of a new access to a public road. Given this is a replacement dwelling, there will be no intensification of the use of this access and thus the proposed will not prejudice road safety. DfI Roads were consulted in this application and provided no objection to the proposal, subject to condition. I am content that the proposed satisfies policy AMP 2 of PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY 3 - Replacement Dwellings being met.

The existing building on site exhibits the essential characteristics of a dwellinghouse, including what appears to be the remnants of a fireplace / chimney and domestic-scale door and window gaps. All four walls are substantially intact. Thus I am content that the existing dwelling qualifies for replacement. It is not a listed building and nor is it considered to make an important contribution to the heritage, appearance or character of the locality.

Policy CTY 3 provides that the proposed replacement dwelling should be sited within the established curtilage of the existing building. I acknowledge that the existing building is located along the western edge of a heavily built up and busy yard area with limited existing domestic curtilage and therefore it is accepted that the proposed replacement dwelling cannot be sited at this location.

The design of the replacement dwelling is considered to be appropriate for its rural setting, with rendered walls and flat dark concrete tiles. All necessary services can be provided without significant adverse impact on the environment and the access to the public road is considered to be in compliance with PPS 3, as established above.

Finally, the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. While the proposed dwelling is single storey and modest in size, it is considered that the siting for the dwelling on what is a significantly more prominent position atop a hill, will result in the dwelling having a significantly greater visual impact than the existing dwelling. The agent was asked to consider with the applicant an alternative siting location for the replacement dwelling, including the agricultural field just north of the existing dwelling, though this has not been forthcoming. Because of this I have to advise that the proposal fails on this aspect of the policy and therefore fails to meet Policy CTY 3.

Consideration is given to a similar application which was recently granted planning permission. Planning approval was granted to the off-site replacement dwelling under LA09/2023/0357/F, the existing dwelling of which was the adjoining dwelling to the south of the existing dwelling in this current case under consideration. There were initial concerns raised pertaining to the height of the dwelling in that case, and as a result the proposed dwelling was reduced to single storey. While this current application also proposes a single storey dwelling, the siting by comparison to the siting of that approved, results in a significantly greater visual impact than that of the existing dwelling.

Policy CTY 13 states 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 above, the design of the dwelling is considered to be acceptable. The proposed site is complete with a degree of long established natural boundaries which include field hedgerow to the north western and south eastern boundaries. There is a degree of proposed landscaping at the site consisting of natural species feature trees dotted around the proposed dwelling. It is considered that the proposed dwelling would not be a prominent feature in the environment, though it is important to note that this does not mean that the proposed dwelling does not have a significantly greater visual impact than that of the existing dwelling as has been established for the purposes of Policy CTY 3 above. I am content that the proposal meets the criteria under Policy CTY 13.

Policy CTY 14 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. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that the proposal meets the criteria under Policy CTY 14.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application for planning

permission be refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to comply with Policy CTY 3 of PPS 21 in that it would, if permitted, have a significantly greater visual impact than the existing dwelling.

Signature(s): Benjamin Porter

Date: 18 January 2024

ANNEX	
Date Valid	1 September 2023
Date First Advertised	12 September 2023
Date Last Advertised	12 September 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 31 Tirgan Road Moneymore Londonderry BT45 7RZ The Owner / Occupier 19 Carncoose Road Moneymore Londonderry BT45 7RY	
Date of Last Neighbour Notification	12 September 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0624/F Proposals: Proposed single storey rear extension and alterations to dwelling Decision: PG Decision Date:</p> <p>Ref: H/2006/0145/O Proposals: Site of proposed Community Hall (Removal of Existing) for Social Community Events & Provision of Car Parking Facilities Decision: PG Decision Date: 06-SEP-07</p> <p>Ref: H/2003/1362/O Proposals: Site of dwelling and garage. Decision: Decision Date:</p> <p>Ref: H/1994/0553 Proposals: SITE OF RETIREMENT DWELLING Decision: WITHDR Decision Date:</p> <p>Ref: H/2008/0293/F</p>	

Proposals: Proposed new access laneway into house No. 31a Tirgan Road, Moneymore

Decision: PG

Decision Date: 15-APR-09

Ref: H/1988/0118

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0051

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/2006/0355/F

Proposals: Proposed new access laneway into house No. 31a Tirgan Road, Moneymore

Decision:

Decision Date:

Ref: LA09/2023/0928/LDE

Proposals: Existing Manufacture, Storage & Office Buildings for Tircon Engineering specialising in the Manufacture & Erection of steel agricultural sheds

Decision:

Decision Date:

Ref: H/2000/0836/PA

Proposals: Telecommunications Apparatus

Decision: 53

Decision Date: 03-JAN-01

Ref: H/1989/0368

Proposals: RETIREMENT BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0357/F

Proposals: Proposed off-site replacement dwelling and detached garage

Decision:

Decision Date:

Ref: H/1975/0200

Proposals: 11KV AND M/V O/H LINES (C.7060)

Decision: PG

Decision Date:

Ref: H/2000/0771/F

Proposals: 11kv Overhead Line

Decision: PG

Decision Date: 18-DEC-00

Ref: LA09/2023/0916/F

Proposals: Proposed off site replacement dwelling and garage 180m West of No. 16 Carnose Road, Cranny, Moneymore, BT45 7RY

Decision:

Decision Date:

Ref: LA09/2020/0500/F

Proposals: Proposed off Site Replacement Dwelling

Decision: WDN

Decision Date: 16-JUN-21

Ref: LA09/2021/0934/O

Proposals: Dwelling & Garage

Decision: WDN

Decision Date: 06-SEP-23

Ref: H/2008/0628/F

Proposals: Extension and refurbishment to existing dwelling and erection of new garage for domestic use.

Decision: PG

Decision Date: 18-FEB-09

Ref: H/2007/0861/F

Proposals: Replacement Dwelling

Decision:

Decision Date:

Ref: H/2015/0084/LDP

Proposals: Improvement works are proposed within the existing NI water service reservoir site to facilitate deployment of emergency tankering operations if required during extreme weather conditions. The works include creation of a parking bay, new posts to abut existing fence proposed concrete post and strained wire fence

Decision: PG

Decision Date: 06-AUG-15

Ref: H/1996/0448

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1995/0441

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/1996/0028

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1983/0136

Proposals: REINFORCED CONCRETE RESERVOIR AND OUTSTATION

Decision: CROWN

Decision Date:

Ref: LA09/2016/0019/RM

Proposals: Proposed dwelling and garage for residential purposes

Decision: PG

Decision Date: 25-FEB-16

Ref: LA09/2015/0642/O

Proposals: One dwelling house and garage

Decision: PG

Decision Date: 09-NOV-15

Ref: H/2003/1280/O

Proposals: Site of single dwelling.

Decision: PG

Decision Date: 01-MAR-05

Ref: H/1986/0123

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: H/1977/0430

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1975/0244

Proposals: 11KV AND MV O/H LINES C7240

Decision: PG

Decision Date:

Ref: H/1974/0053

Proposals: SITE OF CONVERSION OF RECREATION BUILDING TO OFFICES AND STORES

Decision: PG
Decision Date:

Ref: H/1994/0053
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Full Resp.docx
DFI Roads - Enniskillen Office-Full Resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Floor Plans Plan Ref: 04
Proposed Elevations Plan Ref: 05
Road Access Plan Plan Ref: 06

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: LA09/2023/1071/O	Target Date: 24 January 2024
Proposal: Dwelling and garage	Location: Approx 50M NE of No 2 Cullenramer Road Dungannon
Applicant Name and Address: Mr Michael Walls 2 Cullenramer Road Greystone Dungannon BT70 1SS	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Summary of Issues: This application is for a dwelling and garage in the countryside. The application is being assessed against CTY2a, dwelling in a cluster. The site is close to a crossroads, not at the crossroads. The area is known locally as Greystone, which centres around the 2 crossroads and where there was historically the Greystone Post Office. A dwelling here would cluster with a group of buildings.	
Summary of Consultee Responses: DFI Roads - provided standards for acceptable access	
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 though around the crossroads and extending along Legilly Road there is a small rural shop (Greystone Stores) a builders yard (Greystone Joinery) vehicle sales and repairs beside the former post office at the crossroads. The application site is an agricultural field where the land rises from the roadside to the rear boundary. There is a row of established trees along the rear boundary. Fencing is the	

boundary treatment along the remaining boundaries. There is a single storey dwelling, garage and outbuildings to the rear of the site at No.2. Another gable fronted bungalow and outbuildings, some formerly used as a beauticians and spa retreat, are at No.4. A low 2 storey farmhouse and agricultural buildings is located further north which provides a stop to the development here. Opposite is a 2 storey dwelling and agricultural building which back onto a small river.

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approx. 50m NE of No 2 Cullenramer Road, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in February 2024 where it was deferred for a meeting with Dr Boomer to discuss the clustering policy and explore other potential policies that might be more appropriate. A meeting was held on 15 February 2024 where the clustering policy was discussed and it was indicated a dwelling was proposed in the west part of the site, in front of the applicants house and outbuildings. It was advised there had been permission granted for a dwelling here before, however this was not acted upon.

A check of the planning history provided shows:

M/1979/0821, Outline Planning Permission granted for 2 dwellings (bungalows) on the road frontage of the site

M/1979/0822, Outline Planning Permission granted for a dwelling at the roadside part of this site

M/1984/0214, Outline Planning Permission granted for a dwelling

M/2006/1064/O, Outline Planning Permission for a dwelling was refused as it was considered a dwelling here when added to the existing would constitute a group of houses in the countryside. This site was to the south west of the application site.

Members are advised the above applications were all considered under a different policy context and the proposal must be assessed against the current policies contained in PPS21, until Mid Ulster Council develops and adopts its own suite of policies. 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.

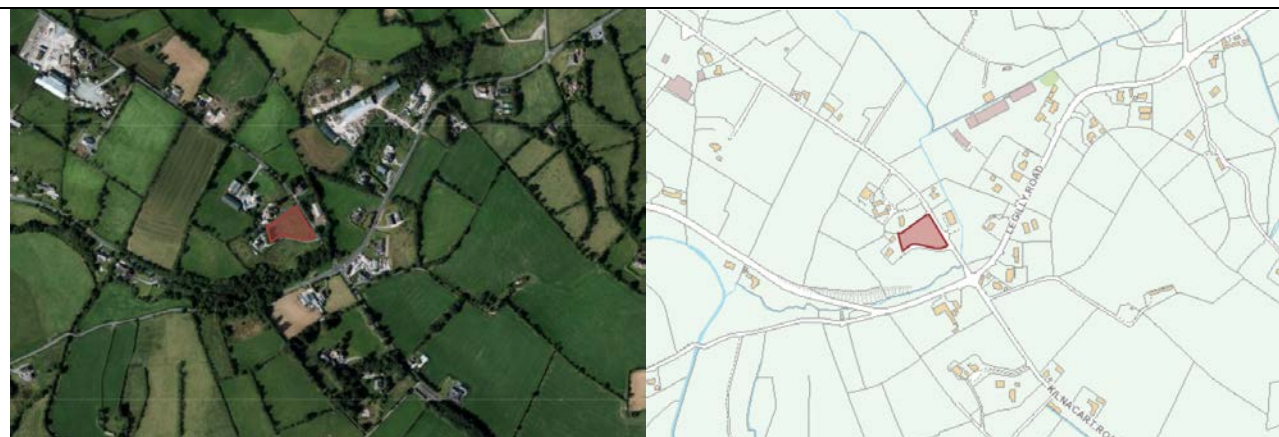


Fig 1 and 2 – aerial and map, Greystone Sores to east of pic, Greystone Joinery to east and cluster of development around the site.

As set out in the previous report the application was assessed against CY2a as a dwelling in a cluster and was recommended as a refusal as it did not meet one of the criteria, it was not considered to be associated with a focal point or located at a crossroads. Members are advised the criteria is not specific that a focal point must be a social/community building/facility, it states 'a focal point such as a social/community building/facility'. Previous decisions have been based on the focal point being a place where someone would know or it has an identity or is easily identifiable. In this case the site is located at Greystone, which is a locally known area. It is identifiable by the small rural shop called Greystone Stores to the east, the builders/construction company called Greystone Joinery and the former Greystone Post Office at the crossroads, which still has the marker 'Greystone' on the wall. I am of the opinion the proposed site is associated with the focal point of Greystone and as such does meet with the criteria for a dwelling as set out in CTY2a – New Dwellings in Existing Clusters.

In light of all of the above I consider the proposal does meet the clustering test and a dwelling and garage may be approved on this 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 the Council, in writing, before any development is commenced.

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

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

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

4. The dwelling hereby approved shall be sited as generally shown on drawing No 02 received 17 January 2024.

Reason: In the interest of visual amenity and to ensure the dwelling clusters with other development.

5. The dwelling hereby approved shall have a ridge height not exceeding 6.0m above the finished floor level and the underbuilding shall not exceed 0.45m at any point.

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

6. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All new curtilage boundaries shall be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Mid Ulster Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed by Mid Ulster Council in writing.

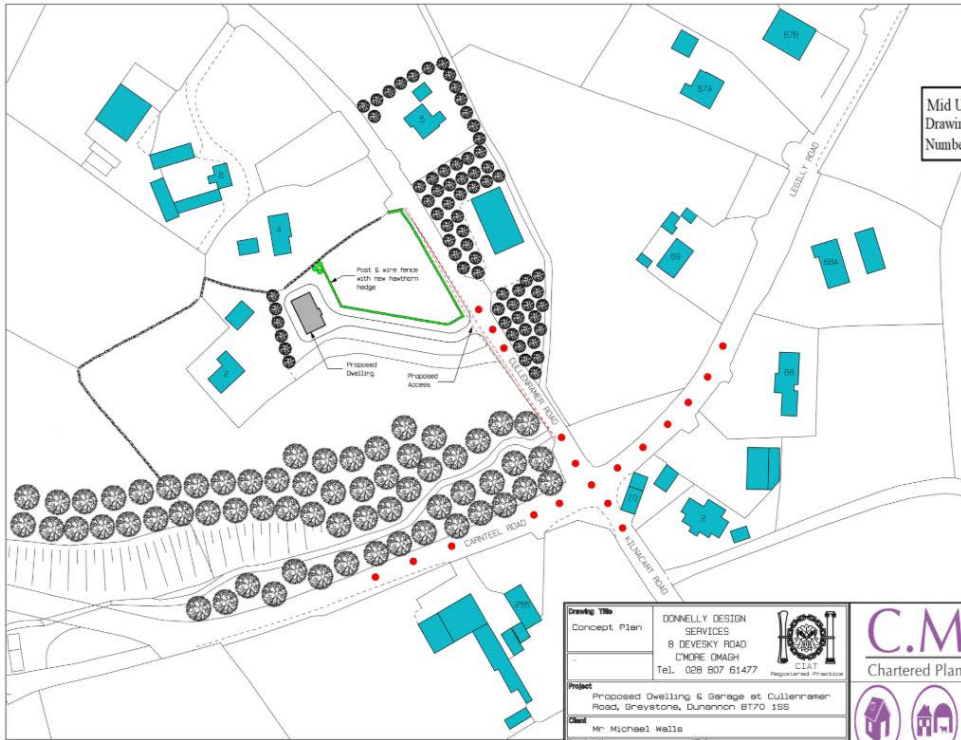
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

7. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the uploaded form RS1 including sight lines of 2.4m by 80.0m to the northwest and 2.4m by 60.0m to the southeast where the access meets the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s)

Date:



Mid Ulster District Council
 Drawing
 Number..... 02.....

Drawing Title	DONNELLY DESIGN SERVICES	
Concept Plan	8 DEVESKY ROAD	
	CMORE DMAGH	
	Tel: 028 807 61477	
Project	Proposed Dwelling & Garage at Cullennamer Road, Breystone, Dunannon BT70 1SS	
Client	Mr. Michael Walls	
Drawing No.	PL - 02 - 02	Date January 2026
Scale	1:1250	License No 1557 From I.G. 17/05

C. McIlvar Ltd
 Chartered Planning Consultants MRTPI



E : carol@cmcilver.com Tel : 028 8676 9312



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 February 2024	Item Number: 5.29
Application ID: LA09/2023/1071/O	Target Date: 24 January 2024
Proposal: Dwelling and garage	Location: Approx 50M NE of No 2 Cullenrammer Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Michael Walls 2 Cullenrammer Road Greystone Dungannon BT70 1SS	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Executive Summary: No third party representations have been received.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx

Representations:

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

Summary of Issues

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 agricultural fields, interspersed with groups of farm buildings and single dwellings.

The application site is an agricultural field where the land rises from the roadside to the rear boundary. There is a single storey dwelling and garage to the rear of the site at No.2. There is another dwelling to the north at No.4 and across the road is a dwelling and shed. There is a row of established trees along the rear boundary. Fencing is the boundary treatment along the remaining boundaries.

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approx. 50m NE of No 2 Cullenramer Road, Dungannon.

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.

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 recent 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.

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone

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 new dwelling in existing cluster 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 new dwelling in an existing cluster CTY 2a is the relevant policy in the assessment.

Policy CTY 2a – New Dwellings in Existing Clusters

I am content there is a cluster of development outside of a farm and there are four or more buildings with at least three are dwellings as shown in figure 1 below.



Figure 1 – Image of the site in the context of the surrounding area.

There is No.2 to the west, No.4 and No.6 to the north are dwellings and No.5 across the road is a dwelling. In addition, there is a shed directly across the road.

I am content the cluster appears as a visual entity in the landscape as shown in figure 1 above.

There is no focal point in the immediate area such as a community building or social facility. I consider the site is not located at a crossroads. There is a crossroads nearby, but the policy states the cluster should be located at a crossroads. In a supporting statement submitted by the agent it is argued the site is located at a crossroads as the crossroads is easily identifiable when travelling along the roads which lead into it. It is stated that roadside development is found along all four roads which meet at the junction.

I am content there is a suitable degree of enclosure and there is development on two sides as there is a dwelling to the west and north of the site.

I consider a single storey dwelling on the western portion of the site adjacent to No.2 and No.4 would round off the existing cluster. I am content a dwelling in this siting would not have a detrimental effect on rural character.

There is a row of established trees along the western boundary which will assist in

protecting neighbour amenity at No.2 to the north. The proposed dwelling would be adjacent to No.4 to the north, but I consider additional planting would assist in the integration of the dwelling and reduce any overlooking or loss of privacy.

Having assessed all the evidence, the proposal does not meet all the criteria in CTY 2a as the site is not at a crossroads or has a focal point. However, the proposal if sited in the western half of the site would rounding off a cluster of buildings and would not have a detrimental impact on rural character as shown on the concept plan submitted. It is stated in the supporting statement that the proposed dwelling would read with the existing cluster of development.

CTY 13 – Integration and Design of Buildings in the Countryside

The land rises steeply from the roadside to the rear boundary of the site adjacent with No.2 Cullenrammer Road. The predominant house type in the area is single storey and due to the rising topography, I consider a single storey dwelling would be the most acceptable house type in this location. I am of the opinion a modest dwelling to the rear of the site would round off the cluster and not be a prominent feature in the landscape. There are established trees along the rear boundary but additional hedging around the remaining boundaries would assist in the integration into the landscape. I am content a dwelling would integrate at the site subject to a siting condition.

CTY 14 – Rural Character

As stated earlier in the assessment I am content a dwelling in this location would not be a prominent feature in the landscape. There are already several other dwellings in the immediate area so I am of the opinion another dwelling would not exacerbate a suburban style build-up of development. I consider a dwelling in this location would not have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard. Roads were content a new safe access could be created to the site subject to the positioning of a dual access with the existing laneway.

Other Considerations

I completed checks on the statutory map viewers and I am satisfied there are no other ecological, historical or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The application site does not meet any policies in PPS 21 for a dwelling in the countryside.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential and could not be located within a settlement.

Reason 2

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the application site is not at a crossroads or associated with a focal point.

Signature(s): Gillian Beattie

Date: 22 January 2024

ANNEX	
Date Valid	11 October 2023
Date First Advertised	23 October 2023
Date Last Advertised	23 October 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 4 Cullenramer Road Dungannon Tyrone BT70 1SS The Owner / Occupier 2 Cullenramer Road Dungannon Tyrone BT70 1SS	
Date of Last Neighbour Notification	12 October 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2004/1595/F Proposals: Proposed dog kennels for commercial use Decision: Decision Date: Ref: M/1979/0822 Proposals: PROPOSED DWELLING Decision: PG Decision Date: Ref: M/1979/0821 Proposals: TWO DWELLINGS (BUNGALOWS) Decision: PG Decision Date: Ref: M/1984/0214 Proposals: DWELLING Decision: PG Decision Date: Ref: LA09/2023/1071/O Proposals: Dwelling and garage Decision: Decision Date: Ref: M/1987/0379 Proposals: DWELLING	

Decision: PG
Decision Date:
Ref: M/1981/046901
Proposals: ERECTION OF DWELLING AND GARAGE
Decision: PG
Decision Date:
Ref: M/1981/0469
Proposals: DWELLING AND GARAGE
Decision: PG
Decision Date:
Ref: LA09/2016/0262/F
Proposals: Removal / variation of condition 8 of M/2011/0500/F
Decision: PG
Decision Date: 09-MAY-16
Ref: LA09/2015/0447/PAD
Proposals: Proposed pet crematorium
Decision: PAD
Decision Date: 30-NOV-15
Ref: M/2006/2096/F
Proposals: Proposed change of use from domestic garage to provide office
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable