



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0934/O <b>Recommendation:</b> Refuse	<b>Target Date:</b> 12 August 2021
<b>Proposal:</b> Dwelling & Garage	<b>Location:</b> Approx 130M West Of 16 Carncoise Road Money more.
<b>Applicant Name and Address:</b> Gregory McGovern 36 Tirgan Road Money more	<b>Agent Name and Address:</b> Cmi Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
<b>Summary of Issues:</b>  No objections received.	
<b>Summary of Consultee Responses:</b>	
<b>Description of Proposal</b>  This is an outline application for a proposed dwelling and garage.	
<b>Deferred Consideration:</b>  The application was presented before Members with a recommendation to refuse in June 2022 where it was agreed to defer the application for an office meeting with the Service Director which took place on 16 June 2022. I have since considered the evidence submitted with the application and find as follows.  The applicant, Gregory McGovern, has a Category 3 business as confirmed by DARD and this was allocated in 2012. According to the DARD map which was submitted with the application the applicant has one field registered on his category 3 business, of which a portion is being used for the current planning application. The DARD map is dated in 2012. The P1c form has been signed by both Gregory McGover (applicant) and Anthony Faulkner. A letter has been	

received from O'Kane Boyle Solicitors to the applicant's father confirming he wishes to transfer the larger field to the applicant with no monies passing hands, this letter is dated 21 July 2021. A search of land registry in January 2022 shows the lands are not in the ownership of the applicant but of his father's business Tir-Con Engineering. There is a copy of a lease agreement to show the applicant and Anthony Faulkner lease the lands from Paul McGovern. The applicant's father obtained planning permission for a dwelling under LA09/2019/0390/O with full details approved in May 2020 under LA09/2019/1631/F and this field was included as part of lands for the purposes of that application.

In summary the case being presented is that for an application for a dwelling on a farm, based on the applicant leasing one field with a category 3 hobby farm Business ID with DARD. Receipts have been submitted to show evidence of business activity in the form of bales being sold by the applicant and invoices of goods bought by the applicant from local merchants and hedges being cut. However, given the planning history of an approval for the applicant's father who claimed this field at that time of that application being approved, it is my opinion the farm is being artificially divided for the sole purpose of obtaining planning permission for a dwelling for a hobby farmer with one field leased and I consider this is contrary to CTY 10. The land on which planning permission was granted for the applicant's father has since been transferred off the farm to another son, also named Paul McGovern.

Based on the reasons before I recommend a refusal of this application.

#### **Conditions/Reasons for Refusal:**

##### **Refusal Reasons**

###### **Reason 1**

The proposal is contrary to Policy CTY 1 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 Policies CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case as this appears to be a sub-division of another farm business who has already attained an approval for a farm dwelling within 10 years of the date of this permission and has been transferred off that farm holding.

**Signature(s):**Karen Doyle

**Date:** 22 August 2023



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0934/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling & Garage	<b>Location:</b> Approx 130m West of 16 Carncose Road Moneymore.
<b>Referral Route:</b>  To Committee - Refusal - Contrary to CTY 1 and 10.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Gregory McGovern 36 Tirgan Road Moneymore	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Consulted in Error
Non Statutory	DAERA - Coleraine	Substantive Response Received

### Representations:

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

### Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and 10 of PPS 21.

### Characteristics of the Site and Area

The application site is located approximately 5km south west of the development limits of Magherafelt but within an Area of Outstanding Beauty of the Sperrins, as such the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The red line covers a portion of a much larger agricultural field but also a portion of the neighbouring field to

provide access to the site. I note that the laneway rises from the Carnose Road to lead to a relatively flat but elevated site well screened by mature vegetation on all boundaries of the field. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

#### Representations

No representations were received.

### Description of Proposal

This is an outline application for a proposed dwelling garage, the site is located Approx. 130m West of 16 Carnose Road, Moneymore.

### Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy  
 Strategic Planning Policy Statement (SPPS)  
 Magherafelt Area Plan 2015  
 PPS 1 - General Principles  
 PPS 3 - Access, Movement and Parking  
 PPS 21 - Sustainable Development in the Countryside  
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside  
 CTY 1 - Development in the Countryside  
 CTY 10 - Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response confirmed that farm business identified in the P1C was allocated in 2012 however there are no claims in the last six years. The agent went on to provide a series of receipts to demonstrate a level of activity over the last six years. I note that the lands appeared during the site visit to be maintained in good agricultural condition, on balance it has been shown that the business is active and established as per policy.

With respect to (b), upon review of the farm business I note that there is only one field identified as part of the business. Upon review of this field shows that it was confirmed be in the ownership of the applicants father in planning application LA09/2019/0390/O. A land registry confirmed that field was in the ownership of TirCon Engineering, a company owned by the applicants father. Concern is that this is a subdivision of the fathers farm who has already attained planning permission for a farm dwelling. As such I hold the view the 1 in 10 years has already been used and I hold the view that the application has failed this part of the policy.

With respect to (c), I note that the registered address of the farm business sits approximately 0.5km west of the proposed site, where as noted that the site is the only lands in association with the farm business. I note that there are no buildings on this land. Given such it has been accepted that in the absence of buildings it goes to the best integrated site, which is easy in this case as there is only one field the dwelling could be located in. I note the policy states where practical to use an existing laneway however this is not possible and the intention of creating a new access seems the most practical option. Given the issue over whether this is a sub division of another farm business, I hold the view that this fails under CTY 10.

I note that no other policy case has been put forward, upon a review of the policies under CTY 1 I hold that the view that the application would not meet any of these.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view that a dwelling with a ridge height no more than 6.5m with suitable landscaping, would not appear prominent in the landscape and be capable of successfully integrating into the landscape. On balance this application is able to comply under CTY 14.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I hold the view that an appropriately designed dwelling will not appear prominent with the view that it would not result in a detrimental change nor erode the rural character of the area.

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.

**PPS 3 - Access, Movement and Parking;**

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case as this appears to be a sub-division of another farm business who has already attained an approval for a farm dwelling within 10 years of the date of this permission.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th June 2021
<b>Date First Advertised</b>	29th June 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: LA09/2020/0500/F            Proposal: Proposed off Site Replacement Dwelling            Address: Approx 210m NE of 31 Tirgan Road, Moneymore,            Decision:            Decision Date:</p> <p>Ref ID: LA09/2021/0934/O            Proposal: Dwelling &amp; Garage            Address: Approx 130m West of 16 Carncose Road, Moneymore.,            Decision:            Decision Date:</p> <p>Ref ID: H/2000/0771/F            Proposal: 11kv Overhead Line            Address: Tirgan Road, Moneymore            Decision:            Decision Date: 18.12.2000</p>	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	



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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





## Deferred Consideration Report

<b>Summary</b>	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/1531/O <b>Recommendation:</b> Refusal	<b>Target Date:</b> 15 December 2021
<b>Proposal:</b> Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm)	<b>Location:</b> Lands 60M SW Of 105 Ruskey Road The Loup Coagh
<b>Applicant Name and Address:</b> Columbo McVey 121 Ruskey Road Ballymaguigan Coagh BT45 7TS	<b>Agent name and Address:</b> Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b>  No objections received.	
<b>Summary of Consultee Responses:</b>	
<b>Characteristics of the Site and Area</b>  The proposed site is located approximately 40m south of the development limits of The Loup and is in the rural area. The site is accessed via an existing field gate. The surrounding rural area is characterised by agricultural uses and some residential dwellings and to the north is the settlement of The Loup.	
<b>Description of Proposal</b>  This is an outline application for a proposed dwelling & domestic garage based on Policy CTY 10 dwelling on a farm.	

**Deferred Consideration:**

This application was presented to Members in April 2022 with a recommendation to refuse whereupon it was agreed by Members to defer the application for an office meeting with the Service Director. Following the office meeting I carried out a site visit and I have considered the application.

The applicant has a Category 3 Business ID (hobby farmer) which has been confirmed by DAERA and was allocated in June 2017 which is more than 6 years ago. However, there is no evidence to demonstrate the Category 3 business is currently active either by DAERA, or in the form of receipts and invoices from the applicant, and no information was submitted following the office meeting in April 2022, accordingly I consider the application fails to meet criteria (a) of CTY 10.

There is currently a moveable tin structure on the site that has not been demonstrated to be lawful and cannot be considered as an established group of buildings on the farm. A new dwelling on this single field holding cannot therefore be visually linked or sited to cluster with an established group of buildings on the farm and I consider the application fails to meet criteria (c) of CTY 10.

With regards to Policy CTY 14, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to the rural character of an area. The application is in very close proximity to the development limits of The Loup and the agent stated at the deferred office meeting the red line of the site has been drawn to avoid any concerns marring the distinction of the settlement limit. However it is clear that an approval of a dwelling at this location will mar the distinction between the rural area and the built up area in the settlement of The Loup and a new dwelling at this location could be read as part of that settlement limit, thus marring the distinction of the settlement limit eroding the visual break between settlement and rural which is also contrary to Policy CTY 15.

I recommend a refusal on this application for the reasons cited 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.

**Reason 3**

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style

build-up of development when viewed with existing buildings.

**Reason 4**

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of The Loup and the surrounding countryside.

**Signature(s):**Karen Doyle

**Date:** 23 August 2023



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1531/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm)	<b>Location:</b> Lands 60m SW of 105 Ruskey Road The Loup Coagh
<b>Referral Route:</b>  To Committee - Refusal - Contrary to CTY 1, 10, 14 and 15 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Columbo McVey 121 Ruskey Road Ballymaguigan Coagh BT45 7TS	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 10, 14 and 15 of PPS 21.

### Characteristics of the Site and Area

The proposed site is located approximately 40m south of the development limits of The Loup, as such the site is located in the open countryside as per the Cookstown Area Plan 2010. The site is currently accessed via an existing field gate but the application intends to create a new access for the site onto the public road. I note that the red line covers a large portion of an agricultural field. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties with the north of the site being dominated by the settlement of the Loup.

#### Representations

Three neighbour notifications were sent out however no representations were received.

## Description of Proposal

This is an outline application for a proposed dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm), the site is located Lands 60m SW of 105 Ruskey Road, The Loup, Coagh.

## Planning Assessment of Policy and Other Material Considerations

The key planning issues are as stated below and following policies/advice have been included in this assessment:

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy  
 Strategic Planning Policy Statement (SPPS)  
 Cookstown Area Plan 2010  
 PPS 1 - General Principles  
 PPS 3 - Access, Movement and Parking  
 PPS 21 - Sustainable Development in the Countryside  
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside  
 CTY 1 - Development in the Countryside  
 CTY 10 - Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response they noted the farm business was only established in 2017 and that no claims have been made on the farm. I note no additional evidence has been provided to show activity. From this, I am not content that there is an active farm business that has been established for more than 6 years.



With respect to (b), I note that there is only one field included in the farm map, from review of this and the farm business it does not appear that any farm sites have been attained nor any other development opportunities sold off.

With respect to (c), despite the issues over the farm business, I note that the applicant lives in the settlement of the Loup with the only building on the farm is a small shelter. I must note that this shelter has no permission and there is no evidence that it has been in place for over 5 years. With this in mind, a dwelling is being located on the only farm lands available to it which is acceptable on balance. The policy states that where practicable to use an existing laneway for access, I note that the intention is to create a new access onto public road which would be the only suitable option. Given this I hold the opinion the application has failed under this policy.

I note that no other policy consideration was put forward and upon review of each I hold the view that they would not meet any of the relevant policies under CTY 1.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view that an appropriately designed dwelling will be able to visually integrate into the landscape and will not appear as visually prominent.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the proximity to the development limits of The Loup I would hold the view that a dwelling in this location has the capacity to mar the distinction between the countryside and the settlement. As such would erode the rural character of the area as any new dwelling would nearly read as part of the settlement as such.

CTY 15 is relevant in this application given the proximity of the site to the development limits of The Loup, wherein this is seen as an important visual break between the settlement and the countryside where a dwelling in this location would remove this. As such I hold the view that this application fails under CTY 15.

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.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

I have no ecological or residential amenity concerns.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if permitted would result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of The Loup and the surrounding countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th October 2021
<b>Date First Advertised</b>	2nd November 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Rogully Road Moneymore Londonderry The Owner/Occupier, 105 Ruskey Road Coagh Londonderry The Owner/Occupier, 105a Ruskey Road, Coagh, Londonderry, BT45 7TS	
<b>Date of Last Neighbour Notification</b>	11th November 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: LA09/2021/1531/O            Proposal: Dwelling &amp; domestic garage based on Policy CTY 10 (dwelling on a farm)            Address: Lands 60m SW of 105 Ruskey Road, Ballymaguigan, Coagh,            Decision:            Decision Date:</p> <p>Ref ID: I/2011/0137/F            Proposal: Change of House Type to Previously approved Application I/2010/0133 to comprise of Storey and a half Farm Dwelling and Single Storey Garage            Address: 140 M North East of Rogully Road, Moneymore, BT45 7TR,            Decision:            Decision Date: 11.05.2011</p> <p>Ref ID: I/2010/0133/F            Proposal: New Farm Dwelling to comprise of storey and half dwelling            Address: 140m North East of 5 Rogully Road,Moneymore            Decision:            Decision Date: 26.01.2011</p> <p>Ref ID: I/1975/0402            Proposal: ERECTION OF FARMWORKERS BUNGALOW            Address: BALLYROGULLY, LOUP, MONEYMORE            Decision:            Decision Date:</p>	

Ref ID: LA09/2021/1450/F  
Proposal: Proposed dwelling and garage  
Address: Site ay 100m N.W. of 4 Rogully Road, Magherafelt,  
Decision:  
Decision Date:

**Summary of Consultee Responses**

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1568/F	<b>Target Date:</b> 24 December 2021
<b>Proposal:</b> Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development) (amended description)	<b>Location:</b> 95M Se Of 133 Bush Road Coalisland BT71 6QQ.
<b>Applicant Name and Address:</b> Adrian McCann 131 Bush Road Coalisland Dungannon BT71 6QQ	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Summary of Issues:</b>  This application is for retention of a shed and yard associated with an active and established farm. The application is for a workshop to serve the local agricultural industry.	
<b>Summary of Consultee Responses:</b> DFI Roads - approve with conditions EHO – no comments DEARA – active and established farm, currently active	
<b>Characteristics of the Site and Area:</b>  The application site is located in the open countryside along the Bush Road on the outskirts and to the north east of the settlement limits of Coalisland as identified in the Dungannon & South Tyrone Area Plan. The submitted red line site is a stoned yard area with a metal clad shed in it. The yard is used for parking and storing agricultural machinery The shed itself is a standard aluminum clad shed with a concrete block base and a large roller shutter door on the road facing gable elevation. The lane and body of the site are	

enclosed by a timber post and wire fence. The rear of the site drops off quite steeply to the east, where a small shed is situated.

The surrounding area is predominantly residential in nature with a scattering of dwellings and farm holdings located along the roadside. The site lies in a row of 5 dwellings, with a yard including a number of large sheds directly to the rear.

### **Description of Proposal**

Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products

### **Deferred Consideration:**

This application was before the Planning Committee in September 2022 where it was deferred for a meeting with the Service Director for Planning. At the office meeting it was clarified this was for a farmer to diversify and the agent undertook to provide additional information about the agricultural interests of the applicant. The proposal is for the fixing and sales of hydraulic hoses for the farming industry and there are other ancillary products available within the building. The application, supported by the Francie Molloy MP advised that he provides a valuable service to the agricultural industry. He is available on a call out or call in basis to repair or replace machinery parts. The MP advised he himself has had to use the facility out of hours when other facilities are not open and parts were needed to service machinery for the farming activities which are not always at predictable hours. The building and yard are located adjacent to the existing building and yard and do not affect the operations on the farm. I consider this shows that it is being run in conjunction with the operations on the farm.

Policy CTY11 sets out 4 criteria where it involves the re-use or adaption of existing buildings and it also provides an exception where a new building is required.

The applicant provided his father's business id and DEARA have advised the business was created in 1993, it is active and claims have been submitted for the last 6 years. I am content this is an active and established farm business, in accordance with the criteria set out in CTY10 and meets criteria a of CTY11. The building is not very large, 18m x 9m with a footprint of approx. 160sqm and 5m ridge height, it is located behind a relatively built up frontage and beside one of the existing farm buildings on the holding. To the north and north east is the main group of buildings and these are at a lower level. Views of this building and yard are limited from the Bush Road due to the existing buildings and when viewed from the other roads to the east the building is clustered with other buildings and at a distance. I consider it is appropriate in terms of character and scale. There are no features of natural or built heritage located close to the building. There are a number of private residences located around the site, the nature of the use is unlikely to cause odour issues and at my inspection I was unable to detect any noise outside the building even when the operations were going on inside. That said the immediate dwellings are shown as within the family ownership. EHO were consulted and did not raise any concerns about the proposal.

This is a new building and the policy allows an exception where no existing buildings are available. The case officer at the initial inspection was of the view that buildings were available use. During my inspection all the buildings were being used for storage of

machinery and animal feeds with some emergency accommodation for animals. The building is, in my opinion well integrated with the existing buildings on the farm, agricultural and residential and as such I consider this meets the exception to the policy.

I consider the proposal meets the policy and is acceptable.

**Conditions/Reasons for Refusal:**

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

Reason: This is a retrospective application.

2. Within 6 weeks of the date of this decision, the vehicular access, including visibility splays of 2.4m x 80m in both directions, a 45m forward sight line and other details as set out on drawing No 2C bearing the stamp dated 21 FEB 2023 shall be provided in accordance with those details. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing No 2C bearing the stamp dated 21 FEB 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 September 2022	<b>Item Number:</b> 5.15
<b>Application ID:</b> LA09/2021/1568/F	<b>Target Date:</b> 24 December 2021
<b>Proposal:</b> Retention of shed for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development)	<b>Location:</b> 95M Se Of 133 Bush Road Coalisland BT71 6QQ.
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Adrian McCann 131 Bush Road Coalisland Dungannon BT71 6QQ	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Executive Summary:</b>	



## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DFI Roads - Enniskillen Office	Substantive: TBC

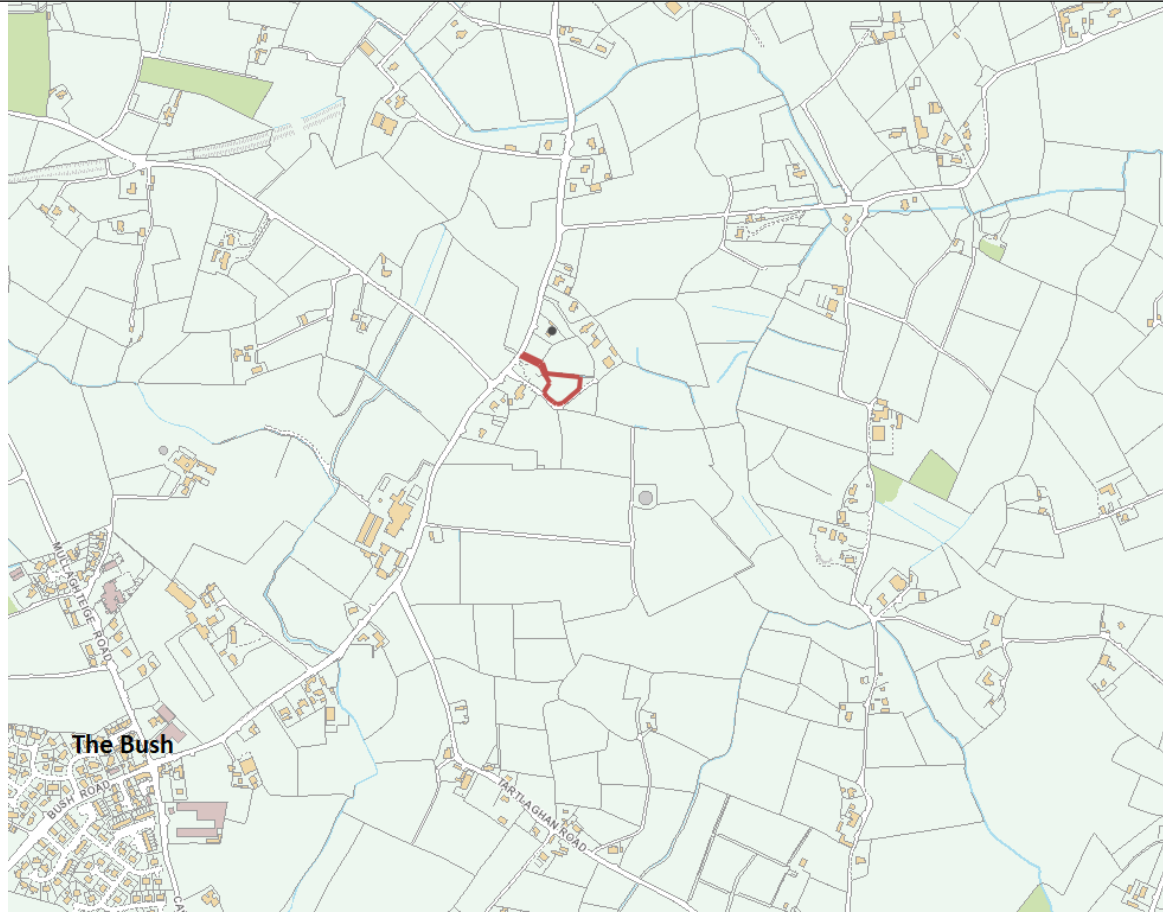
### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The application site is located in the open countryside along the Bush Road on the outskirts and to the north east of the settlement limits of Coalisland as identified in the Dungannon & South Tyrone Area Plan.



The submitted red line site is an agricultural field which is relatively flat located to the rear of number 131 Bush Road. There are also a number of mature trees on the boundaries. A caravan has been stationed within the site and it is within a row of residential dwellings. The red line includes a stoned access which leads to the main body which has been cleared and stoned to provide a large yard area with the shed seeking retention in the north east corner.



The shed itself is a standard aluminum clad shed with a concrete block base and a large roller shutter door on the road facing gable elevation. The lane and body of the site are enclosed by a timber post and wire fence, therefore the lack of natural vegetation allow the shed to be clearly seen from the roadside. The rear of the site drops off quite steeply to the east, where a small shed is situated.



The surrounding area is predominantly residential in nature with a scattering of dwellings and farm holdings located along the roadside. The site lies in a row of 5 dwellings, with a yard including a number of large sheds directly to the rear.

### **Description of Proposal**

The proposal seeks full planning permission for the retention of a shed for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification project)



## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

#### Planning Act

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.

#### History

LA09/2016/0095/F – 131 Bush Road – dwelling – GRANTED 13.06.2019

#### Area Plan

Dungannon and South Tyrone Area Plan 2010 - unzoned land located in the countryside. The policy provisions of SPPS, PPS21 apply.

### **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 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

### **SPPS - Strategic Planning Policy Statement for Northern Ireland**

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction from Policy CT1 or CTY 11 of PPS 21, nor Policy PED 1 and PED 9 of PPS 4 - Planning and Economic Development therefore existing policy applies.

### **PPS 21 – Sustainable development in the countryside**

As the site lies in the countryside of Mid Ulster it falls to be considered against the provisions of PPS21. Policy CTY1 of PPS 21 list a number of developments that area acceptable in principle in the countryside. One of those listed is development in accordance with farm diversification proposals and policy CTY 11.

### **PPS 21 – CTY 11 Farm Diversification**

The main thrust of this policy is that the proposal will be ran in conjunction with the agricultural operations on the farm. Proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Development proposals must meet certain criteria;

- a) the farm or forestry business is currently active and established;

The original submission did not include a farm diversification project and therefore a farming case including a P1C form was not submitted. The proposal has subsequently changed, however, in light of the recommendation I have not sought proof of active farming nor consulted DAERA yet. However, if the recommendation was to be over turned, the applicant would need a P1C form and a consultation with DAERA.

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

This proposal does not involve the utilisation of an existing building but instead involves the retention of an unauthorised shed which has the appearance of a large industrial building and is therefore not suitable in this location.

- c) it will not have an adverse impact on the natural or built heritage;

There are no natural or built heritage concerns regarding this application.

- d) The proposal involves the manufacturing of hydraulic hoses and therefore it is possible it may have a detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution. However, environmental health have been consulted and responded with no concerns subject to conditioning the use.

Proposals **will only** be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

With respect to the above paragraph which is crucial to this report it must be noted that there are 4 other sheds on the surrounding blue land. The agent has also identified these sheds in their supporting statement and has stated that they are all in use and unavailable for adaption or re use. The sheds include a livestock house and a silo which would be unsuitable for re-use. However, there are two other sheds, which for ease of purpose they are identified as shed 1 and shed 4 in the agent's statement. The agent has identified these buildings as used for storage, maintenance and repair of farm machinery, whilst I accept that these are needed for everyday farm use, at the time of site visit they were by no means being fully utilised and in my opinion would be suitable for adaption for this intended use.

In addition if the new shed was justified, the proposal should be satisfactorily integrated with an existing group of buildings. In this case the shed is not located in the existing yard alongside the existing group of buildings, but is proposed in a new field behind the rear of a newly built dwelling and in my opinion not capable of satisfactory integration in the rural area. As can be seen in the below image from the Bush road, the shed lacks any established boundaries to aid integration and would rely solely on landscaping proposals.



### **PPS 21 – CTY 13 Integration and design of buildings in the countryside**

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

In this case the proposal would fail to integrate into the landscape as it lacks any long established natural boundaries and would not be able to provide a suitable degree of enclosure for a building to integrate into the landscape and it would rely primarily on the use of new landscaping, therefore it fails the policy tests of CTY13.

### **Conclusion**

The proposal fails policy CTY 11 in that it is my opinion that there are other buildings within blue land which could be adapted or re used for the proposal and therefore a new building is not justified. In addition a had a new building been justified, it would only be acceptable if it was satisfactorily integrated with an existing group of buildings, in this case the new building is set away from the farm on its own.

Finally, the proposal fails CTY 13 in that the site lacks long established boundaries and would rely on new landscaping for integration.



<b>Neighbour Notification Checked</b>	<b>Yes/No</b>
<b>Summary of Recommendation:</b>	
Refuse is recommended	
Refusal Reasons	
Reason 1 Enter Text here	
Reason 2 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.	
Reason 3 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is not satisfactorily intergated with the established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.	
Reason 4 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, in addition the proposed building relies primarily on the use of new landscaping for integration.	
<b>Signature(s):</b> Peter Hughes	
<b>Date:</b> 22 August 2022	

<b>ANNEX</b>	
<b>Date Valid</b>	29 October 2021
<b>Date First Advertised</b>	11 November 2021
<b>Date Last Advertised</b>	9 November 2021
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 133 Bush Road Dungannon Tyrone BT71 6QQ The Owner / Occupier 131 Bush Road Dungannon Tyrone BT71 6QQ The Owner / Occupier 129 Bush Road Dungannon Tyrone BT71 6QQ	
<b>Date of Last Neighbour Notification</b>	18 November 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: TBC	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 1B Site Layout or Block Plan Plan Ref: 2B Proposed Floor Plans Plan Ref: 3A Proposed Elevations Plan Ref: 4A	

**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	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1651/O	<b>Target Date:</b> 11 January 2022
<b>Proposal:</b> One new dwelling (Revised Land Ownership Certificate)	<b>Location:</b> Lands To The West Of 69 Derrylaughan Road Coalisland Dungannon
<b>Applicant Name and Address:</b> Pamela Quinn 69 Derrylaughan Road Coalisland Dungannon	<b>Agent Name and Address:</b> P G Quinn Ltd, Consulting Engineers 15 Derrytresk Road Dungannon BT71 4QL
<b>Summary of Issues:</b>  This application is for a dwelling, it was initially assessed as a dwelling in a cluster however farming details have been submitted for consideration and the proposal meets the criteria for a dwelling on a farm.	
<b>Summary of Consultee Responses:</b> DFI Rivers - development not inside 1 in 100 year flood area, large site area may want to request Drainage Assessment DFI Roads – recommend to approve with conditions NIEA – request Preliminary Ecological Survey SES – may impact on RAMSAR as hydrological link DEARA – no business id supplied cannot confirm if active and established	
<b>Characteristics of the Site and Area:</b>  The site is in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings. There is a lot of development pressure along Derrylaughan Road and adjoining roads from the construction of single dwellings. The application site is a portion of a larger	

agricultural field with a flat topography and there are at least eight other dwellings along this laneway.

**Description of Proposal**

This is an outline application for a dwelling at lands to The West Of 69 Derrylaughan Road, Coalisland, Dungannon.

**Deferred Consideration:**

This application was before the Planning Committee in September 2022 where it was deferred for a meeting with the Service Director for Planning. At the meeting it was indicated that the proposal does not meet all the criteria for a dwelling in a cluster as there is no focal point, however all the other criteria have been met. The agent advised there is a farming case to be considered and agreed to provide additional information in relation to a farming case.

The farming information was submitted and DAERA were consulted, they have advised they do not have a business ID allocated to this business. Members will be aware that a farming ID is not required provided details can be submitted that demonstrate there is a farm business, it is established for over 6 years and is currently active. The applicants father, Mr Edmund Quinn, lives in the dwelling to the east of the site, No 69 Derrylaughan Road. He owns the field the site is in which is 1.3ha in area. There is also other lands totalling 1.2ha in the moss and 1.2ha of grassland beside the River Blackwater.

The following receipts/invoices have been submitted to establish the farming activities:

- 27.10.2021 – bales from Campbell Farms – no name
- 08.09.2021 – washers from Murdocks, no name
- 16.08.2021 – screws from Murdocks, no name
- 14.08.2021 – timber fencing and d rail fencing from Murdocks, no name (x2)
- 14.08.2021- hay bales for Edmund Quinn from McCourt Hay Sales
- 11.08.2021 – cement and concrete posts from Murdocks, no name
- 17.07.2021 – concrete posts from Murdocks, no name
- 23.06.2021 – posts and hangers for Ed Quinn from Mervyn Potts
- 18/06/2021 – wire, posts and hangers for Ed Quinn from Mervyn Potts
- 08.09.2021 – washers from Murdocks, no name
- 05.06.2021 – timber and screws from Murdocks, no name
- 05.05.2021 – timber and screws from Murdocks, no name
- 30.04.2021 – timber fencing, nails drill bits from Murdocks, no name
- 24.04.2021 – rope, cement and fence rails from Murdocks, no name
- 16.03.2021 – cleaning drains and piping for Edmund Quinn from P McCann
- 04.06.2020- grazing and bales from Martin Morgan no name
- 21.11.2019 – collect from Campbell Farms, no name
- 17.11.2019 – paints for Eddie Quinn from Harry Black
- 18.10.2019 – paving from Murdocks, no name
- 15.06.2019 – fence brush from Murdocks, no name
- 01.06.2019 – wood, tools gripfill, nails from Murdocks, no name
- 07.05.2019 - timber and screws from Murdocks, no name
- May 2019 – cleaning drains, Edmund Quinn from P McCann

- 19.09.2018 – chemicals from Macblair, no name
- 09.06.2018 - bales to Ed Quinn from McCourt Hay Sales
- 04.06.2018 – grazing, fencing and grass from Martin Morgan, no name
- 09.05.2018 – cement and cutting discs – McAleer & Sins Ltd, customer ref Quin (x2)
- 31.03.2018 – sand, cement, gripfill from MacBlair, no name
- 30.03.2018 – electrical cable and join from JJ Quinn for Edmond Quinn
- 26.02.2018 – engine oil and chainsaw oil from Fane Valley Stores, no name
- 16.10.2017 – bales from Campbell Farms, no name
- 12.10.2017 – lift hire from CP Hire for Edmund Quinn
- 04.08.2017 – shoring lands from P McCann for Edmund Quinn
- 15.06.2017 – undecipherable from Murdocks
- 16.03.2017 – sprayer, filler knife, red label (chemical) gloves and body warmer from Fane Vally Stores, no name
- 31.12.2016 – statement for Edmund Quinn from J Stevenson & Co of 4 transaction in 2015
- 13.11.2016 - bales from Campbell Farms, no name
- 12.10.2016 – grazing from Martin Morgan, no name
- 31.08.2016 - statement for Edmund Quinn from J Stevenson & Co of 2 transaction in 2016
- 31.07. 2016 – polythene sheets to Edmund Quinn from J Stevenson & Co
- 23.07.2016 - hangers from Mervyn Potts, no name
- 13.07.2016 – statement for Edmund Quinn from J Stevenson & Co of 4 transaction in 2016
- 31.03.2016 – polytene for Edmund Quinn from J Stevenson & Co
- 31.12.2015 – timber, boards, pipes, hinges and pins to Edmund Quinn from J Stevensons & Co Ltd
- 14.10.2015 – paint from Murdocks, no name
- 31.10.2015 - statement for Edmund Quinn from J Stevenson & Co of 3 transaction in 2015
- 31.10.2015 – felt, gas, guttering for Edmund Quinn from J Stevenson & Co
- 30.09.2015 - statement for Edmund Quinn from J Stevenson & Co of 3 transaction in 2015
- 31.08.2015 - statement for Edmund Quinn from J Stevenson & Co of 3 transaction in 2015
- 31.08.2015 – timber. Bolts, panel pins, felt and tools for Edmund Quinn from J Stevenson & Co
- 14.08.2015 – bales to Edmund Quinn from McCourt Hay Sales
- 07.07.2014 – trailer mounted lift hire, Edmund Quinn from CP Hire Ltd
- 02.06.2014 - statement for Edmund Quinn from J Stevenson & Co of 4 transaction in 2014
- No date – timber from Mervyn Potts, no name
- No date – undecipherable from Mervyn Potts, no name
- No date – lime spreading from WG Mills and Sons to Ed Quinn
- No date – lime spreading from WG Mills and Sons to Ed Quinn
- No date – lime spreading from WG Mills and Sons to Edmund Quinn

The information provided would indicate there is activity of an agricultural nature and Mr Quinn invests in the upkeep of the land to facilitate him allowing others to let their livestock graze the land or he cuts hay and or silage off it and sells it. This amounts to agricultural activities when considered against the definition of agricultural in CTY10. The receipts date back to 2014 and as such I consider they do show these activities have been on-going for at least 6 years. During my site visit I noted the land appeared to be in grass and in good condition. I consider this meets the criteria for an active and established farmer as set out in CTY10.

There is a dwelling and buildings immediately in the front of the site, which any dwelling sited as shown on the drawing 01 Rev 3 will cluster with. I consider this meets the second criteria in CTY10.

A planning history search of the lands shown as on the farm has not provided any details of any planning permission or sites sold off in the last 10 years and so I consider this criteria of CTY10 has also been met.

NIEA and SES have requested a Preliminary Ecological Appraisal to be carried out as they have assessed the proposal as close to trees, scrublands and a watercourse that links to Lough Neagh. Their response is based on the initial application which included the entire field as the site and a desktop survey of the area. The applicant has since reduced the area of the site to the rear of the existing buildings in the east of the field. This proposed location is over 170 metres from the watercourse, access to the site will require removal of some conifers which I do not consider have any particular ecological value, an existing hedge line can be conditioned to be retained at the rear of the site and the land is improved grassland with little ecological value. Any sewage treatment plant will have to be designed and maintained to meet the standards set by NIEA in any Consent to Discharge and as such I do not consider one additional dwelling here would have such a significant impact on designated features of Lough Neagh. it is necessary to request this information.

In my opinion the proposal meets the requirements of CTY10 and there is sufficient mitigation available to ensure the proposal is unlikely to have any significant impacts of Lough Neagh. I recommend the application is approved.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called

"the reserved matters"), shall be obtained from Mid Ulster District Council, in writing, before any development is commenced.

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

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

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

**Signature(s)**

**Date:**





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 September 2022	<b>Item Number:</b> 5.17
<b>Application ID:</b> LA09/2021/1651/O	<b>Target Date:</b> 11 January 2022
<b>Proposal:</b> One new dwelling (Revised Land Ownership Certificate)	<b>Location:</b> Lands To The West Of 69 Derrylaughan Road Coalisland Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Pamela Quinn 69 Derrylaughan Road Coalisland Dungannon	<b>Agent Name and Address:</b> P G Quinn Ltd, Consulting Engineers 15 Derrytresk Road Dungannon BT71 4QL
<b>Executive Summary:</b>	
<b>Characteristics of the Site and Area</b>  The site is in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings. There is a lot of development pressure along Derrylaughan Road and adjoining roads from the construction of single dwellings. The application site is a portion of a larger agricultural field with a flat topography and there are at least eight other dwellings along this laneway.	
<b>Description of Proposal</b>  This is an outline application for a dwelling at lands to The West Of 69 Derrylaughan Road, Coalisland, Dungannon.	
<b>Planning Assessment of Policy and Other Material Considerations</b>	

## **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 have been received.

### Planning History

No planning histories at the application site.

### Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

### 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. The site is not within any other zonings or designations as defined 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 6.77 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.

The applicant has not specifically asked for the proposal to be considered under a

specific policy so the assessment has considered all potential policies for a dwelling in the countryside.

I do not consider the proposal meets all the criteria for a dwelling in a cluster. Within the surrounding area there are at least three dwellings and when viewed on orthophotography the immediate area does appear as a visual entity in the landscape. The site is not associated with a focal point or at a crossroads so fails this criteria in CTY 2. There is a suitable degree of enclosure at the site as there is a dwelling to the south and another dwelling to the east. The site is on agricultural land behind a dwelling at No. 69 and there are a number of dwellings along this laneway. I am of the opinion a suitable designed dwelling would not have an unacceptable impact on neighbouring amenity through overlooking, loss of light etc.

There is no dwelling to be replaced so CTY 3 is not relevant.

The proposal would not meet the criteria for an infill dwelling as the site is behind an existing dwelling at No. 69.

In terms of dwelling on a farm the agent was asked on the 14th February 2022 what policy he would like the application considered under and no response was received. The applicant lives at No. 69 Derryloughan Road which is the dwelling immediately west of the site.

I consider the proposal is contrary to CTY 1 in that no overriding reason has been provided as to why the dwelling could not be located within a settlement limit and it does not meet any of the other policies for a dwelling in the countryside.

#### CTY 13 - Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger agricultural field on land to the rear of dwellings at No. 67 and No. 69 Derryloughan Road. The site has a flat topography and there is a post and wire fence along the eastern boundary with No. 69. Along the southern boundary is established hedging. The remaining boundaries are undefined as the site is a portion of a larger field. As the site is behind a row of dwellings I am content a suitably designed dwelling would not be a prominent feature in the landscape.

As the proposal is for an outline the design would be considered at reserved matters stage.

A new access would run along the southern boundary of No. 69 and to the north of No. 73. I have no concerns about the access as it would run along an existing boundary.

#### CTY 14 - Rural Character

As stated previously in the assessment I am content a dwelling on this site would not be a prominent feature in the landscape. The site is directly behind existing dwellings and there is already a lot of development pressure along this laneway from the construction of dwellings. I am of the opinion that another dwelling would not significantly alter the rural character of the area.

Planning Policy Statement 3 - Access, Movement  
Parking Policy AMP 2 - Access to Public Roads

PPS 3 policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access onto a public road where; It does not prejudice public safety or inconvenience traffic. It does not conflict with access to protected routes. In addition, consideration should be given to the nature and scale; character of existing development; contribution to a quality environment and the location and number of existing accesses.

DFI Roads were consulted as a new access is being created and they responded with no objections subject to visibility splays of 2.4m x 45m in both directions. The site is not onto a protected route so this is not relevant in this case.

PPS 15 - Planning and Flood Risk  
Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains

A check on the statutory map viewer showed a portion of the site to the south west is within the Q100 flood plain which is contrary to FLD1. Consequently the red line of site was reduced in size away from the area of flooding. I am satisfied as the proposed site is away from the area of flooding a drainage assessment is not necessary. There are no other flooding issues at the site.

Other Considerations

The site is within Lough Neagh and Lough Beg Ramsar site so I sent an informal email to SES and they responded stating a formal consultation was required. SES responded on the 4th April 2022 stating they are waiting on NED's response. NED had asked for a preliminary ecological appraisal to allow an assessment of the impact on the ramsar. To date this has not been submitted.

There are no other ecological or built heritage issues at the site.

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal as it does not meet any policies in PPS 21.

**Refusal Reasons**

Reason 1

Contrary to CTY 1 in PPS 21 in that there is no overriding reason why the development cannot be located within a settlement.

**Case Officer:** Gillian Beattie

**Date:** 17 August 2022

<b>ANNEX</b>	
<b>Date Valid</b>	16 November 2021
<b>Date First Advertised</b>	26 April 2022
<b>Date Last Advertised</b>	30 November 2021
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 73A Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 69 Derryloughan Road Coalisland Tyrone BT71 4QS</p> <p>The Owner / Occupier 67 Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 65A Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 71 Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 63 Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 73B Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 73 Derryloughan Road Coalisland Tyrone BT71 4QS</p>	
<b>Date of Last Neighbour Notification</b>	6 April 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>	
<p>Rivers Agency-Substantive: TBCResponseType: FR</p> <p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p> <p>Shared Environmental Services-Substantive: YResponseType: FR</p> <p>NIEA-Substantive: YResponseType: FR</p> <p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p> <p>Rivers Agency-Substantive: YResponseType: FR</p>	

**Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 02  
Site Location Plan Plan Ref: 01 Rev 3

**Notification to Department (if relevant)**

Not Applicable

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2022/0230/O <b>Recommendation:</b> Refuse	<b>Target Date:</b> 20 April 2022
<b>Proposal:</b> Proposed site for dwelling and garage	<b>Location:</b> Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
<b>Applicant Name and Address:</b> Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	<b>Agent Name and Address:</b> Cmi Planners Ltd 38 Airfield Road Toomebridge
<p><b>Summary of Issues:</b></p> <p>This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that the proposal did not meet the criteria for a Farm Dwelling under Policies CTY 1 and CTY 10 of PPS 21. It was also considered that the development, if approved, would create a ribbon of development and have a negative impact on the rural character of the area and as such was contrary to Policies CTY 8 and CTY 14 of PPS 21. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Refuse. The justification for this recommendation is detailed further in this report.</p>	
<p><b>Summary of Consultee Responses:</b></p> <p>No additional or new consultations were issued to inform this deferred consideration.</p>	
<p><b>Description of Proposal</b></p> <p>This is an outline planning application for a proposed site for a dwelling and garage.</p>	
<p><b>Relevant Site History</b></p> <p>LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of</p>	



99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

### **Deferred Consideration:**

This is an outline application for a farm dwelling. Under Policy CTY 10 of PPS 21 the first test is whether or not there is an active and established farm business for at least 6 years. This is normally demonstrated with evidence such as a DAERA Business Number. The applicant does have a business number which DAERA have confirmed is a category 3 business number assigned in October 2022. A category 3 business number is awarded for veterinary purposes and enables a person to obtain a herd/flock/pig number, however with a category 3 number a person cannot make any claims or receive grants. He has not made any claims. The business number is registered to an address 6 Bells Terrace, Castledawson. This is not the address of the application site. The farm map submitted shows 5.28 hectares of farm lands, with name on the map being Mrs Kathleen Glackin and her business number (now deceased). Following the office meeting the applicant was given the opportunity to provide additional evidence to demonstrate that there is an active and established farm business for the required 6 year period. This has not been forthcoming and as such the proposal fails to meet the first test under CTY 10 of PPS 21. It would appear that no dwellings or development opportunities have been sold off the holding in the past 10 years and so the second policy test of CTY 10 has been met. The third test of the policy relates to siting a dwelling so it clusters/visually links with an established group of buildings on the farm. The business number details provided with this application gives the address of the farm business as being in Castledawson. No case has been provided to consider an alternative siting. It is also noted that the applicant has identified sheds at the rear of number 99 Mullaghboy Road as being part of the farm. These buildings in fact relate to a business identified as FG Plumbing and Heating. The business is established under LA09/2021/0330/LDE and other planning approvals. As such, they cannot be relied upon for siting or clustering with and the proposal fails to meet this test of CTY 10.

All applications for development listed in CTY 1 of PPS 21 must also be assessed under Policies CTY 13 - Design and Integration and CTY 14 - Rural Character.

If a dwelling were approved on this location it would extend a ribbon of development along this section of the Mullaghboy Road. This ribbon would consist of the 2 dwellings to the immediate NW and if a dwelling were approved it would add a third dwelling to this frontage - which is clearly a ribbon as defined in Policy CTY 8 of PPS 21. This in turn would have a negative impact on rural character. For this reason the development is also considered contrary to

policies CTY 8 and CTY 14 of PPS 21.

To conclude, it is my recommendation that Members refuse this application as it fails to meet policies CTY 1, CTY 8, CTY 10 and CTY 14 of PPS 21

**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 CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business has been active and established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

**Reason 3**

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Mullaghboy Road

**Signature(s):**Karla McKinless

**Date:** 16 August 2023



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4 April 2023	<b>Item Number:</b> 5.4
<b>Application ID:</b> LA09/2022/0230/O	<b>Target Date:</b> 20 April 2022
<b>Proposal:</b> Proposed site for dwelling and garage	<b>Location:</b> Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	<b>Agent Name and Address:</b> Cmi Planners Ltd 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0230-O (No. 2).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

Proposal is contrary to policy

## **Characteristics of the Site and Area**

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line of the application site is the roadside portion of a larger agricultural field which is a flat agricultural field with some scrub hedges located within the field. The north eastern and south eastern boundaries are currently undefined. The south west and north western boundaries are defined by a low level hedge and post and wire fence with a shared laneway running between dwelling No.99 Mullaghboy and the application site. The surrounding area is a mix of land uses, with residential dwellings, business sheds and agricultural lands.

### **Representations**

No third party written representations have been received.

## **Description of Proposal**

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

### **Relevant Site History**

LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

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

### **Policy Consideration**

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster' 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

(a) the farm business is currently active and has been established for at least 6 years;  
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and  
(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.  
Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

The agent originally completed the application form in which they provided a farm business No. for a Ms. Kathleen Glackin and a consultation was issued to DAERA on this business ID who confirmed the business has been in existence for more than 6 years but that no claims have been made on the farm business in any of the last 6 years, No further evidence of farming/business activity was provided. It was then brought to the attention of the planning department that the business ID holder had passed away prior to this application being made, therefore we needed further information regarding the farm business. The agent then submitted further info with a new farm business ID assigned to Hugh Glackin of 6 Bells Terrace, Castledawson. (It should be noted that this is the same name as the applicant but a different address as provided in the application form.) DAERA were then reconsulted on this new business ID and confirmed it was

assigned on October 2022 as a category 3 and no payments have been claimed in any of the last 6 years. As it was only assigned in the last 6 months, the farm business has not been established for at least 6 years and no further information has been provided to indicate otherwise. Therefore, the proposal is contrary to CTY 10.

No dwellings or development opportunities have been sold off from the farm holding within the last 10 years. The farm business has only been established since October 2022.

With regards criteria C the agent has identified existing farm sheds at the rear of 99 Mullaghboy Road. However, there is extensive planning history for these buildings and surrounding which relate to the business identified as FG Plumbing & Heating. LA09/2021/0330/LDE sought a certificate of lawfulness for the existing business and subsequent applications were submitted and approved for the business here. As such from this there are no existing farm buildings which the proposed dwelling can visually link with or cluster with. Therefore, the proposal fails to meet criteria C of CTY 10.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however, I am content a dwelling with a maximum ridge height of 6m above finished floor level would not be a prominent feature in the landscape. A dwelling of this size would integrate into the landscape and the existing dwellings adjacent and the business to the rear of these dwellings provide a backdrop when travelling north west. Additional planting would be required but the site would not primarily rely on new landscaping for integration. As previously mentioned the dwelling is not visually linked or sited to cluster with an established group of buildings on a farm and fails Policy CTY 13.

Policy CTY 14 states, 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 this is an outline application, no design details were submitted. As previously mentioned a dwelling with a ridge height of no more than 6m would ensure it is not a prominent feature. However, criteria (d) refers to creating or adding to a ribbon of development which I feel if a dwelling was approved here it would extend a ribbon of development along the Mullaghboy Road. Therefore, the proposal fails to comply with CTY 8 and CTY 14 of PPS 21.

### **Other Material Considerations**

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.

### **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 the farm business ID provided has not been established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Mullaghboy Road

**Signature(s):** Ciaran Devlin

**Date:** 21 March 2023



<b>ANNEX</b>	
<b>Date Valid</b>	23 February 2022
<b>Date First Advertised</b>	8 March 2022
<b>Date Last Advertised</b>	8 March 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 101B Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101A Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 99A Mullaghboy Road Bellaghy Londonderry BT45 8JH	
<b>Date of Last Neighbour Notification</b>	9 March 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: H/2003/1173/O Proposals: Site of replacement dwelling and garage. Decision: PG Decision Date: 23-MAR-04 Ref: H/2005/0370/O Proposals: Site of Dwelling and Garage Decision: PG Decision Date: 05-OCT-06 Ref: H/1986/0426 Proposals: SITE OF BUNGALOW MULLAGHBOY ROAD, MULLAGHBOY, BELLAGHY. Decision: HISAPP Decision Date: Ref: LA09/2021/0204/F Proposals: Existing offices & existing storage unit associated with established business. Decision: Decision Date: Ref: LA09/2021/0213/F Proposals: Retrospective application for existing storage unit & associated works to include car parking.	

Decision: PG

Decision Date: 31-MAR-22

Ref: H/2004/0463/O

Proposals: Site of New Dwelling and Garage.

Decision: PR

Decision Date: 24-NOV-05

Ref: LA09/2021/0214/F

Proposals: Part retrospective application for existing offices, storage and associated works to include car park.

Decision: PG

Decision Date: 31-MAR-22

Ref: LA09/2022/0230/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Ref: H/2004/0160/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 28-NOV-05

Ref: H/2005/0107/F

Proposals: Dwelling and garage (amended house type from that approved under H/2002/0565/

Decision: PG

Decision Date: 05-JUL-05

Ref: LA09/2021/0725/F

Proposals: Change of house type & garage to previously approved site H/2009/0535/F with sma extension of site curtilage.

Decision: PG

Decision Date: 17-AUG-21

Ref: LA09/2021/1583/O

Proposals: Proposed farm dwelling and Garage

Decision: PG

Decision Date: 02-FEB-22

Ref: H/2007/0220/RM

Proposals: Proposed replacement dwelling.

Decision: PG

Decision Date: 24-AUG-07

Ref: H/1998/0164

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/2009/0535/F

Proposals: Re-positioning of replacement dwelling approved under H/2003/1173/O and H/2007/0220/RM and removal of foundations and re-instatement of land and proposed detached domestic garage

Decision: PG

Decision Date: 12-OCT-09  
Ref: H/1979/0285  
Proposals: BUNGALOW  
Decision: PG  
Decision Date:  
Ref: LA09/2021/0330/LDE  
Proposals: Existing offices and existing storage unit  
Decision: PG  
Decision Date: 03-MAR-22  
Ref: H/2011/0550/F  
Proposals: Proposed dwelling and garage for residential purposes  
Decision: PG  
Decision Date: 05-JUL-12  
Ref: H/1993/0258  
Proposals: SITE OF BUNGALOW  
Decision: PR  
Decision Date:  
Ref: H/1989/0302  
Proposals: DWELLING  
Decision: PR  
Decision Date:  
Ref: H/2002/0565/F  
Proposals: Dwelling and Garage  
Decision: PG  
Decision Date: 16-SEP-02

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR  
DAERA - Coleraine-Substantive: TBCResponseType: FR  
DAERA - Coleraine-Consultee Response LA09-2022-0230-O (No. 2).DOCX

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

### **Notification to Department (if relevant)**

Not Applicable





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2022/0651/F	<b>Target Date:</b> 1 September 2022
<b>Proposal:</b> Change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F	<b>Location:</b> Lands Approx. 70M South West Of 6 Goland Road Ballygawley BT70 2NQ
<b>Applicant Name and Address:</b> Darragh McAnenly & Caoimhe Glass 11 Richmond Lane Ballygawley Dungannon BT70 2AN	<b>Agent Name and Address:</b> Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
<b>Summary of Issues:</b>  This application is for the erection of a dwelling and garage in substitution for a previous planning permission. Information on the history of the site has shown that development has not started however there are circumstances that indicate the intent was there to start and works were done in the belief this secured the site.	
<b>Summary of Consultee Responses:</b> DFI Roads - access conditioned as 2.0m x 60.0m with 60.0m fsd, need to be provided	
<b>Characteristics of the Site and Area:</b> The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal development pressure for single dwellings along this stretch of public road. The predominant land use in the area is agricultural grazing land. The land mass in the immediate area of the application site does not afford long distance views, given the winding nature of the road.	

In terms of the application, the northern boundary of the site is undefined on the ground. The eastern boundary of the site is bounded by distribution (safety clothing/equipment) business. The southern roadside boundary of the site is defined by 1m grass verge and mature native species hedge row approx. 2m high. The western boundary of the site is defined by mature native species hedge row. There is no defined characteristic design of dwelling in the area.

**Description of Proposal**

This is a full application for a change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F at Lands Approx. 70M South West Of 6 Goland Road Ballygawley.

**Deferred Consideration:**

This application was before the Planning Committee in November 2022 where it was deferred for a meeting with the Service Director for Planning. A meeting took place on 10 November 2022 where the agent set out the understanding of the applicants who purchased this site on the understanding that it had planning permission secured. The planning history of the site was discussed as well as the works done in accordance with approvals on the site.

The issues in this case relates to the ‘fallback position’ where development has lawfully commenced and can be competed in accordance with approved plans. The case officer has rightly identified there are no foundations in place for any development and as such no works in the course of the erection of the building took place. It is however also important to look at the planning history for this site and the planning permissions that were granted for development.

M/2011/0046/F - Dwelling on a farm - 45 Metres East Of 6 Goland Road Aughnacloy – Permission Granted 13th March 2012 which had a 5 year time commencement condition and pre commencement condition for the access to be provided.

M/2013/0341/F - Amendment of Planning Approval M/2011/0046/F in relation to siting - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 26th March 2014 with a 3 year time commencement condition and pre commencement condition in relation to the access.

LA09/2015/0595/F - Amendment of access as approved under M/2013/0341/F - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 23rd November 2015 with time commencement condition tied to the approval of M/2013/0341/F and requiring the sight lines to be put in place before the access becomes operational.

Members are advised the history of the site and descriptions of the developments here are relevant to the considerations of the case. While the 2013 permission did not contain the access in the description of the development, the 2015 permission did specifically refer to an access and I consider this ties the permissions together. I am of the view that due to the conditions it is reasonable to consider development having commenced for the access as being a start for the whole development. If the access has been commenced in time then I consider members could consider that development for the entire scheme has commenced.

A check of google streetview show this access was not in place in April 2011 but is there in July 2021 (Fig 1 and 2)

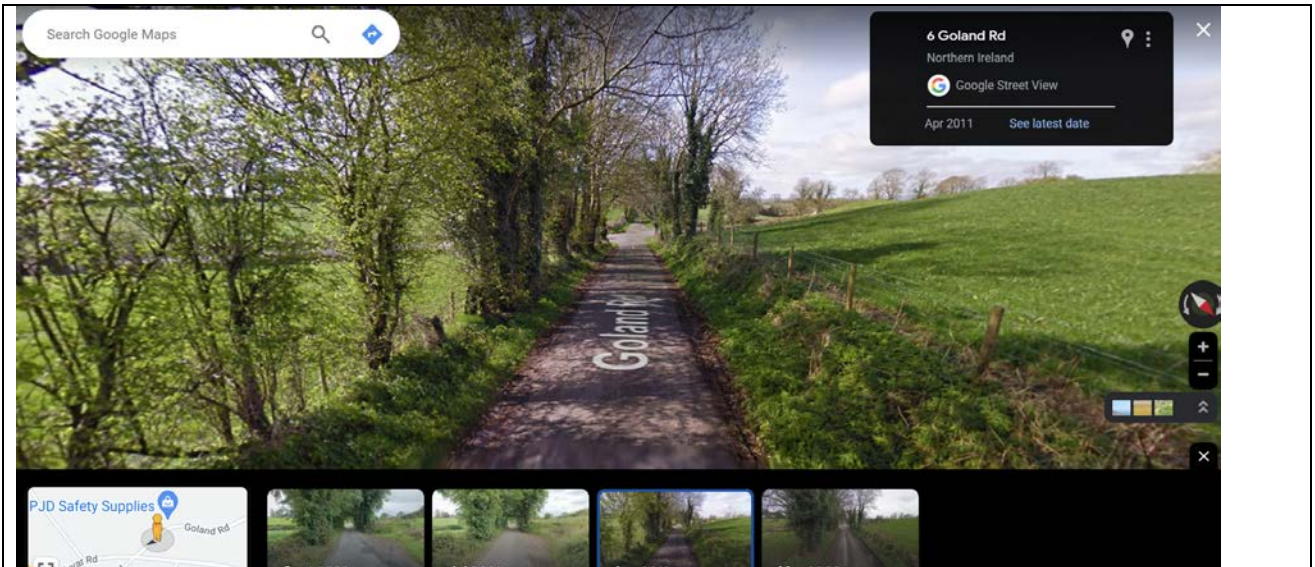


Fig 1 – April 2011 Streetview

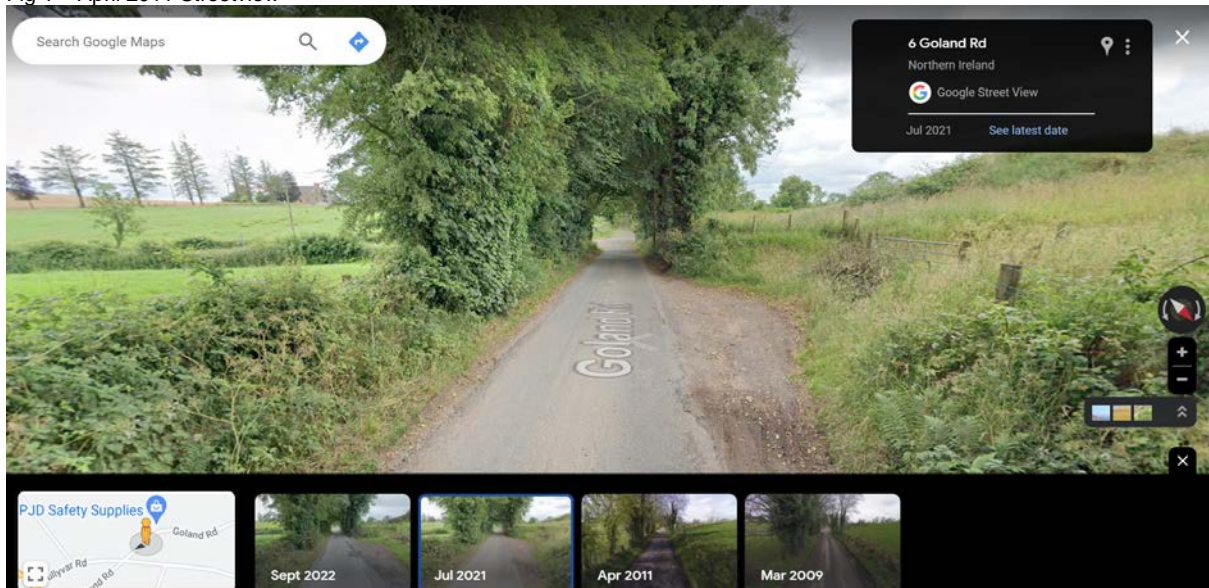


Fig 2 July 2021 Streetview

There is also a letter from a Councillor to confirm the access had commenced on the site on 14 March 2017, in accordance with the approval for the amended access location. I am content there was excavation and stoning of the access carried out before the permission for the access lapsed.

I visited the site on 30 January 2023 and noted there is an access in place in the general location of that approved under LA09/2015/0595/F. When I visited the site, I did not consider the sight lines had been put in place as approved to the south of the access as the road appeared to be tight against the hedge line.. (Fig 3).



Fig 3 – view to south

Images on google street view maps have however put into question where the road edge was located at the time of the access being created. Since the access has been put in place there has been more and heavier traffic on the road which has resulted in vehicles driving on the verges. This has pushed the verges back and I would tend to give the applicant the benefit of the doubt here in relation to the sight lines being put in place. Overall I am content the access was put in place prior to that permission lapsing.

As the access is development that was commenced with planning permission and this was an amendment to the previous permission I consider there is a fall back position and the development has commenced on the site. As previously assessed the proposed development is acceptable and as such I recommend approval for this proposal.

#### Conditions/Reasons for Refusal:

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 94 of the Planning Act (Northern Ireland) 2011

2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.0m x 60.0m to the northeast, 2.0m to the junction to the southwest and 60.0m forward sight line and other details as set out on drawing No 02 Rev 2 received 04 Jul 2023 shall be provided. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02 Rev 2 received on 4 Jul 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with



5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual amenity

4. One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 received 19 May 2012.

Reason: To control the number of dwelling on the site as this permission supersedes planning approvals M/2011/0046/F and M/2013/0341/F and is not for an additional dwelling on the site.

**Signature(s)**

**Date:**

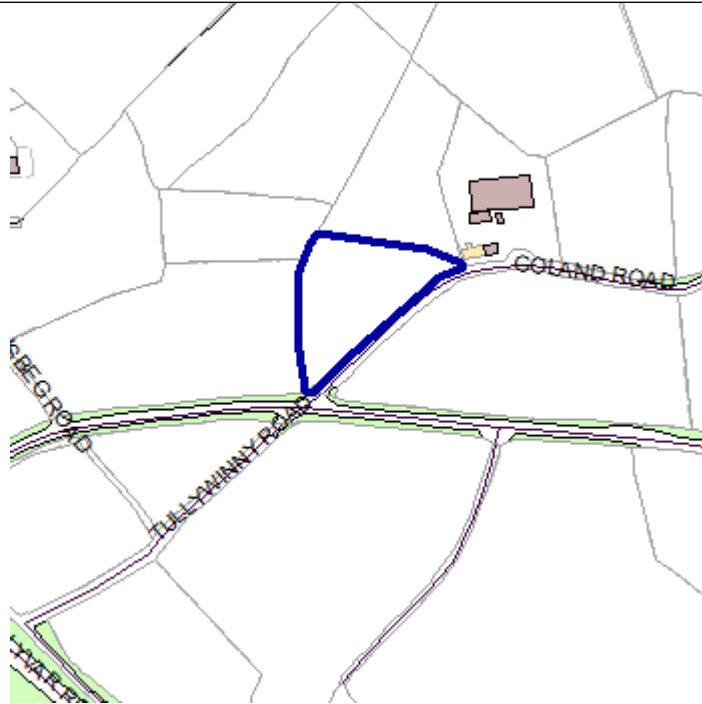


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 1 November 2022	<b>Item Number:</b> 5.17
<b>Application ID:</b> LA09/2022/0651/F	<b>Target Date:</b> 1 September 2022
<b>Proposal:</b> Change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F	<b>Location:</b> Lands Approx. 70M South West Of 6 Goland Road Ballygawley BT70 2NQ
<b>Referral Route: Refuse is recommended</b>	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Darragh McAnenly & Caoimhe Glass 11 Richmond Lane Ballygawley Dungannon BT70 2AN	<b>Agent Name and Address:</b> Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
<b>Executive Summary:</b>  No foundations in place at the application site. The access has not fully been put in place according to pre-commencement conditions.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0651-F - 6 Golland Road Ballygawley - Response.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 is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal

development pressure for single dwellings along this stretch of public road. The predominant land use in the area is agricultural grazing land. The land mass in the immediate area of the application site does not afford long distance views, given the winding nature of the road.

In terms of the application, the northern boundary of the site is undefined on the ground. The eastern boundary of the site is bounded by distribution (safety clothing/equipment) business. The southern roadside boundary of the site is defined by 1m grass verge and mature native species hedge row approx. 2m high. The western boundary of the site is defined by mature native species hedge row. There is no defined characteristic design of dwelling in the area.

### **Description of Proposal**

This is a full application for a change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F at Lands Approx. 70M South West Of 6 Goland Road Ballygawley.

### **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 representations have been received.

#### **Planning History**

M/2011/0046/F - Dwelling on a farm - 45 Metres East Of 6 Goland Road Aughnacloy – Permission Granted 13<sup>th</sup> March 2012

M/2013/0341/F - Amendment of Planning Approval M/2011/0046/F in relation to siting - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 26<sup>th</sup> March 2014

LA09/2015/0595/F - Amendment of access as approved under M/2013/0341/F - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 23<sup>rd</sup> November 2015

## **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. All valid representations received have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

## **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 Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

## **PPS 21 Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

The principal of this development has already been established through planning approvals M/2011/0046/F and M/2013/0341/F. The full approval was granted on 13<sup>th</sup> March 2012 for a dwelling on a farm, therefore, works at this site would need to have commenced before 13<sup>th</sup> March 2017. There was an access pre-commencement condition on M/2011/0046/F.

Condition 4 stated

“The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted and shall be retained and kept clear thereafter”

M/2013/0341/F granted approval for an amended siting and there was also a pre-commencement access condition. M/2013/0341/F was granted approval on the 26<sup>th</sup> March 2014 so the applicant had three years to commence from this date.

When I visited the site, I saw no evidence of foundations in place for either the dwelling or garage. The agent confirmed no foundations are in place at the site and only a small amount of soil has been moved. Condition 1 of M/2013/0341/F granted another 3 years from this date to commence work at the site. The development is the dwelling and garage so to have commenced some works for either need to have been started within the 3-year period from 26<sup>th</sup> March 2014.

## Section 63 2(a)

For the purposes of sections 61 and 62, development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—

where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building

I do not consider this development has commenced and there is no legitimate fall-back position as no works have commenced in the erection of the building.

In terms of the access pre-commencement condition, LA09/2015/0595/F granted approval for an amendment to an access approved under M/2013/0341/F. Figures 1 and 2 show what access has been put in place. In discussions with the Planning Manager it was agreed that the access is not in place. Works have created an opening and visibility splays but no concrete/gravel has been laid for the access lane.



Figure 1 – Google image from July 2021 of the access



Figure 2 – Google image from July 2021 of the access

### CTY 13 – Integration in the Countryside

M/2013/0341/F granted approval for the dwelling as shown below in figure 3 and figure 4 shows the proposed dwelling in this application.



Figure 3 – Snapshot from planning approval M/2013/0341/F



Figure 4 – Snapshot of proposed dwelling in this application

In terms of the design, I consider the new design is more acceptable as a dwelling in the countryside. When viewed from the roadside the front elevation will be a simple form of a traditional dwelling with windows with a vertical emphasis and a small porch. The form will be an L shaped and a long section extending from the rear wall. There are minimal long-distance views in all directions so I am content the proposal will not be a prominent feature in the landscape. The dwelling has been pushed further back on the site and more into the slope than previously approved. The topography at the site rises up at the southwest corner at 116m to a slope of 124m. The proposed dwelling will cut into the slope as the dwelling is at 124m and the curtilage of the dwelling extended. I consider the amended siting will not have an unacceptable impact on neighbouring amenity or integration into the landscape.

There are established trees along the rear boundary and a post and wire fence along the northeast boundary. There is hedging along the roadside boundary but some of these needs removed for the visibility splays and the west boundary is undefined. The applicant has shown additional trees and hedging along the undefined boundaries which will assist in the integration into the landscape.

In addition, to the northeast of the site there are light industrial sheds for PJD Safety Supplies which has external materials of light grey metal sheeting. In the context of the buildings in the surrounding area I am content the dwelling and garage will integrate into the landscape.



**CTY 14 – Rural Character**

I am content the proposal will not be unduly prominent in the landscape as the principle of development as already been established at this site through previous approvals. I consider a dwelling in this location will not be detrimental to rural character as I have no concerns about the scale, massing and design of the dwelling and garage.

**Other Considerations**

I checked the statutory map viewers and I am content there are no ecological, built heritage or flooding issues at the site.

**Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal as it has not commenced within the required time period.

**Refusal Reasons****Reason 1**

Contrary to CTY 1 of PPS 21 in that it has not been demonstrated there is a legitimate fall-back position in that no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.

**Signature(s):** Gillian Beattie

**Date:** 19 October 2022

<b>ANNEX</b>	
<b>Date Valid</b>	19 May 2022
<b>Date First Advertised</b>	30 June 2022
<b>Date Last Advertised</b>	30 June 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 6 Goland Road Ballygawley Tyrone BT70 2NQ The Owner / Occupier PJD Safety Supplies, Goland Road, Aughnacloy, BT70 2NQ.	
<b>Date of Last Neighbour Notification</b>	25 August 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
Ref: M/2011/0046/F Type: F Status: PG  Ref: M/2011/0438/F Type: F Status: PG  Ref: M/2013/0385/PREAPP Type: PREAPP Status: EOLI  Ref: LA09/2022/0464/F Type: F Status: PCO  Ref: M/2013/0341/F Type: F Status: PG  Ref: LA09/2022/0651/F Type: F	

Status: PCO

Ref: LA09/2015/0595/F

Type: F

Status: PG

Ref: LA09/2017/1157/F

Type: F

Status: PG

Ref: LA09/2015/0650/F

Type: F

Status: PG

Ref: M/2012/0090/F

Type: F

Status: PG

Ref: M/2014/0180/F

Type: F

Status: PG

Ref: LA09/2020/0998/F

Type: F

Status: PG

Ref: M/2015/0169/F

Type: F

Status: PG

Ref: LA09/2022/0431/F

Type: F

Status: PG

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-LA09-2022-0651-F - 6 Golland Road Ballygawley - Response.docx

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02 Rev 1  
Proposed Plans Plan Ref: 03  
Proposed Elevations Plan Ref: 04  
Garage Plans Plan Ref: 05

**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	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2022/0689/O	<b>Target Date:</b> 12 September 2022
<b>Proposal:</b> Dwelling on a farm in accordance with PPS 21 Policy CTY10	<b>Location:</b> Proposed Site 350M West Of No.5 Corick Road Clogher BT77 0BY
<b>Applicant Name and Address:</b> Mr Edwin Boyd Killyfaddy Manor 209 Aghadfad Road Clogher BT76 0XR	<b>Agent Name and Address:</b> Jim Ireland Architects LTD 18 Moss Road Banbridge BT3 3NZ
<b>Summary of Issues:</b> The proposal is for a dwelling on farm and the issue is if it clusters or visually links with the farm buildings.	
<b>Summary of Consultee Responses:</b> DFI Roads – sight lines of 2.4m x 45.0m and 45.0m forward sight lines necessary for safe access. DAERA – confirm this is an active and established farm HED - no concerns	
<b>Characteristics of the Site and Area:</b>  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 and the predominant land uses are agricultural fields, dwellings on single plots and groups of farm buildings. There is minimal development pressure from the construction of single dwellings within the immediate area. To the south of the site is a group of agricultural buildings which serve as a feed business. The application site is a cut-out of an agricultural field to the north of this feed business and is separated by a row of established trees along the southern boundary. The site itself has an elevated topography from the road level and the remaining boundaries are undefined.	

## Description of Proposal

This is an outline application for dwelling on a farm in accordance with PPS 21 Policy CTY10 at Proposed Site 350M West Of No.5 Corick Road, Clogher.

## Deferred Consideration:

This application was before the Planning Committee in March 2023 and was deferred for a meeting with the Service Director. At a meeting on 24 March 2023, via zoom, the issues in relation to the siting of the dwelling in relation to the group of farm buildings was were discussed and the agent undertook to provide additional information for consideration.

Additional information was provided on 5 May 2023 which set out the uses in the existing buildings and provided an up-to-date map to show the built development around the farm group. The group of buildings are used for housing animals, silage pits, hay and round bales (indicated in green fig 1) and milling to produce feed for sale (indicated in blue fig 1).

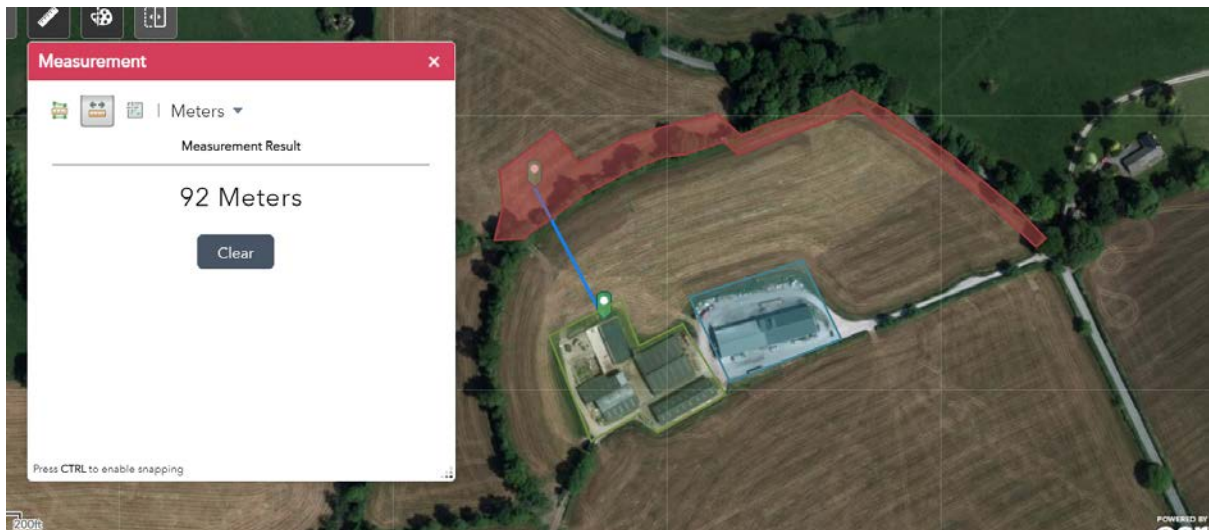


Fig 1 -farm group and site

The agent has advised they have chosen this site as it visually links with the farm buildings. Members will be aware the amplification of the policy does clarify that there should be ' little appreciation of any physical separation that may exist between them'. I note that in views from the north, a dwelling on this site would be seen with the buildings, however I do consider there would be an appreciation of the separation for the buildings. I do not consider this part of policy CTY10 has been met and am in agreement with the original case officers report. That said, I visited the site and noted the closest buildings to the proposed site (92 meters to middle of the site) are used to house animals and there are 2 silage pits dug into the hillside. The mill buildings were in operation on the day of my visit and the noise and dust from them was very apparent in close proximity to the buildings. The Ministers Statement (Review of PPS21 published 16 July 2013) highlights the health and safety issues that are apparent on farmyards. I accept the issues put forward by the agent in this case, in respect of the health and safety issues especially as it is not just a farm group but also a working feed mill. I consider the exception in CTY10 is a material consideration here and having checked the farm maps do not see any other buildings on the farm to group a dwelling with.

A dwelling sited as proposed will have limited views of it from the surrounding public road network due to the landscape, vegetation and topography of the area. Critical views will be

from Corick Road to the north and from here a dwelling will have a backdrop of the agricultural buildings and the rising ground to integrate it. There are no other dwellings or buildings in close proximity that I consider would result in a loss of rural character as this dwelling would be seen on its own, from the limited views. Access to the mill and the farm buildings is shared and the Ministers Review identifies that it is not always practicable to access new dwellings through busy farmyards, especially if a new access does not cause concerns in terms of integration. In this case there is a new access lane proposed which follows the existing hedge line and as such I do not consider it will be prominent, provided new landscaping is provided and the existing is retained.

In light of the specific circumstances surrounding this case, it is my recommendation that an exception to CTY10 could be applied and that planning permission is granted.

Conditions:

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

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

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

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

3. 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. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries within the site and on the site boundaries shall be retained and augmented with trees and native species hedging, except where necessary for access purposes. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

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

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

6. 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 45.0m in both directions and a forward sight distance of 45.0m 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:**



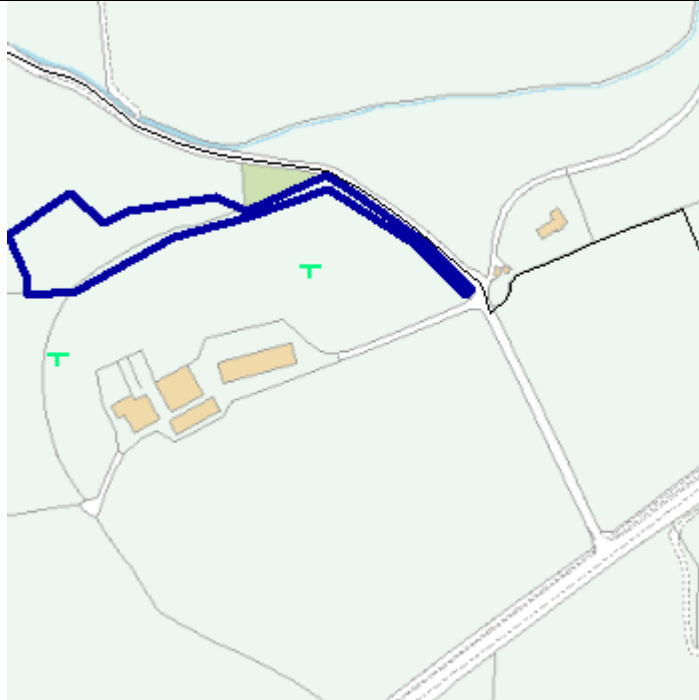


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 March 2023	<b>Item Number:</b> 5.16
<b>Application ID:</b> LA09/2022/0689/O	<b>Target Date:</b> 12 September 2022
<b>Proposal:</b> Dwelling on a farm in accordance with PPS 21 Policy CTY10	<b>Location:</b> Proposed Site 350M West Of No.5 Corick Road Clogher BT77 0BY
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Edwin Boyd Killyfaddy Manor 209 Aghadfad Road Clogher BT76 0XR	<b>Agent Name and Address:</b> Jim Ireland Architects LTD 18 Moss Road Banbridge BT3 3NZ
<b>Executive Summary:</b>  The proposal in it's current siting does not cluster or visually link with the established group of farm buildings on the farm to the south. The agent was asked was there other groups of buildings on the farm which may cluster with and to date no information has been received. There are no health and safety reasons or verifiable plans to expand at the group of buildings to demonstrate why the proposal cannot be sited closer to the group of farm buildings.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0689-O - 16 Corick Road Augher - Response.docx LA09-2022-0689-O - 16 Corick Road Augher - RS1 Form.doc
Non Statutory Consultee	DAERA - Omagh	LA09-2022-0689-O.DOCX See uploaded document
Statutory Consultee	Historic Environment Division (HED)	HED is unable to provide comment at this time as the correct map has not been provided via the planning portal workqueue. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated map, drawings

		and documents.
<b>Representations:</b>		
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		
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, dwellings on single plots and groups of farm buildings. There is minimal development pressure from the construction of single dwellings within the immediate area. To the south of the site is a group of agricultural buildings which serve as a feed business. The application site is a cut-out of an agricultural field to the north of this feed business and is separated by a row of established trees along the southern boundary. The site itself has an elevated topography from the road level and the remaining boundaries are undefined.</p>		
<b>Description of Proposal</b>		
<p>This is an outline application for dwelling on a farm in accordance with PPS 21 Policy CTY10 at Proposed Site 350M West Of No.5 Corick Road, Clogher.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<b><u>Policy Consideration</u></b>		
<p>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.</p>		
<b>Representations</b>		
<p>Press advertisement and neighbour notification have been carried out in line with the</p>		

Council's statutory duty. At the time of writing 2no. third-party objections have been submitted. With both objections no name and address has been provided.

The first objection was received by letter on the 11<sup>th</sup> July 2022 and the objector stated they wished to object as they believed under planning policy the dwelling should be grouped with the farm business. It is stated the farm business is separated by a hedgerow and is a long distance away. Also, there is an animal meal business at the farm building as there are many large vehicles travelling daily to it. The objector also stated other factors to consider are the impact on the environment and poor design of the house.

A further objection was received by letter on the 19<sup>th</sup> July 2022 and the objector raised a number of issues similar to the first objection letter.

- The proposed dwelling is sited a considerable distance away from the established group of buildings on the farm.
- No evidence has been provided why the dwelling should be sited at an alternative site away from the farm group.
- A row of trees and hedging separates the dwelling from the farm cluster.
- The proposed dwelling sits on an exposed site.
- The design is not appropriate to a rural setting.
- The proposal is an intensification of an existing access and DFI Roads will require improved visibility splays.

In rebuttal the siting of the proposed dwelling will be considered in the assessment in CTY 10, and the design will be considered at the reserved matters stage. Also DFI roads will be consulted as the statutory authority on roads.

### **Planning History**

There are no planning histories at the application site.

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22<sup>nd</sup> 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 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> December 2020. On the 28<sup>th</sup> 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. The site is not within any other zonings or designations as defined 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 farm 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’.

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling on a farm CTY 10 is the relevant policy in the assessment.

### **CTY 10 – Dwelling on a Farm**

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the applicant is a category 1 farmer and the farmer has claimed farm subsidies for the past 6 years. I am content the farm business is currently active and established for the past six years.

The applicant submitted 2022 DAERA farm boundary maps and I completed checks on the land and farm business number. I am content no dwellings or development opportunities have been sold off from the farm holding within the past 10 years.

The applicant is Mr Edwin Boyd who lives at Killyfaddy Manor, 209 Aghafad Road and this is shown on the farm maps. There is a cluster of agricultural buildings within the farm holding along Corick Road and the buildings are currently used as a farm feed business. I checked the planning histories and I could find no planning approvals for the sheds but a check on Spatial NI shows the shed have been on site since at least 2004. I am content there is established group of buildings on the farm. The proposal is to site the proposed dwelling in a field to the north of the buildings in front of a row of trees and hedging. I am of the opinion the proposal will not cluster or visually link with these group of farm sheds in critical views as shown in figure 1 below.



Figure 1 – Image from the site visit showing the proposed siting of the dwelling in relation to the group of farm buildings

In a concept statement dated 27 May 2022 the agent states that the proposed siting was chosen as the group of farm buildings have an elevated site and the siting to the north the land levels fall away. There are critical views of the group of farm buildings from Crossowen Road which is a heavily trafficked main road between Augher and Clogher. In discussions at other sites, I consider a revised siting to the south of the buildings would not be acceptable as the land is elevated and there would be prominent views from the main road. On the 19<sup>th</sup> Dec 2022 and 17<sup>th</sup> January 2023 further information was provided by the agent to support the case for the proposed siting as shown in figure 2 below



### Visual appraisal of the site by agent

Criteria c in CTY 10 states that an alternative site elsewhere on the farm may be considered where it has been shown there are no other groups of buildings on the farm, or health and safety reasons or verifiable plans to expand. At the time of writing no further information has been submitted by the agent to demonstrate that there are no other more acceptable sites at other groups of buildings on the farm.

The policy in CTY 10 states that where practicable the existing lane to the farm buildings should be used for the dwelling. The proposal will use the same access point at the road but the access will run along the southern boundary and along the boundary of the field at the application site. As the access will run alongside hedging, I have no concerns as this will assist with integration.

Overall, I consider the proposal fails criteria c in CTY10.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

The application site is a cut-out of a larger agricultural and the topography rises up from the roadside to the site. The land slopes downwards from the southern boundary to the undefined north boundary at the site. There are critical views of the site from the minor Corick Road but as shown in figure 2 below there are no views of the proposed siting from Crossowen Road which sites behind the group of farm buildings.



Figure 2 – Images from Google Maps October 2022

The applicant has submitted a concept plan to demonstrate a potential single storey dwelling at the site which I consider would not be prominent in the landscape. There is a row of established trees along the southern boundary which are within the applicant's ownership and have shown will be retained. I consider the proposal fails criteria g in CTY 13 as the application is for a dwelling on a farm and does not cluster or visually link with an established group of buildings on the farm.

### **CTY 14 – Rural Character**

As stated previously in the assessment I am content the proposal will not be a prominent feature in the landscape. The proposed dwelling is set back from the road and the applicant has shown a single storey dwelling with additional planting. I am content a dwelling in this location would not be detrimental to rural character.

### **PPS 3 Access, Movement and Parking**

### **Policy AMP 2 – Access to Public Roads**



The proposal does not access onto a protected route so I have no concerns on this regard.

As the applicant is proposing a new access I consulted DFI roads as the statutory authority. Roads have no concerns subject to visibility splays of 2.4m x 45m in both directions and 45m forward sight distance. I am content the applicant can achieve a safe access onto the road.

### **Other Considerations**

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

HED were consulted as there are two historic monuments in the field to the south of the site and HED historic monuments responded with no concerns.

### **Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal as it fails to meet all the criteria in CTY 1, CTY 10, and CTY 13 in PPS 21.

### **Refusal Reasons**

#### **Reason 1**

Contrary to CTY 1 - Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.

#### **Reason 2**

Contrary to criteria c in CTY 10 - Dwelling on a Farm in PPS 21 Sustainable Development in the Countryside in that the development if permitted would not cluster or visually link with an established group of buildings on the farm.

#### **Reason 3**

Contrary to criteria g in CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that the development if permitted would not cluster or visually link with an established group of buildings on the farm.

**Signature(s):** Gillian Beattie

**Date:** 10 February 2023

<b>ANNEX</b>	
<b>Date Valid</b>	30 May 2022
<b>Date First Advertised</b>	1 September 2022
<b>Date Last Advertised</b>	30 June 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 5B Corick Road Augher Tyrone BT77 0BY The Owner / Occupier 5 Corick Road Augher Tyrone BT77 0BY	
<b>Date of Last Neighbour Notification</b>	16 August 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
Ref: M/1978/0020 Appl Type: H13 Decision: PG Decision Date:	
Ref: M/1977/029501 Appl Type: H13 Decision: PG Decision Date:	
Ref: M/1977/0295 Appl Type: H13 Decision: PG Decision Date:	
Ref: LA09/2022/0689/O Appl Type: O Decision: Decision Date:	
Ref: M/2005/2187/F Appl Type: F	

Decision:  
Decision Date:

Ref: M/2006/0083/F  
Appl Type: F  
Decision: PG  
Decision Date: 17-FEB-06

### **Summary of Consultee Responses**

Historic Environment Division (HED)-  
DFI Roads - Enniskillen Office-LA09-2022-0689-O - 16 Corick Road Augher -  
Response.docxLA09-2022-0689-O - 16 Corick Road Augher - RS1 Form.doc  
DAERA - Omagh-LA09-2022-0689-O.DOCXSee uploaded document  
Historic Environment Division (HED)-HED is unable to provide comment at this time as  
the correct map has not been provided via the planning portal workqueue. To enable  
HED to make an appropriate response under the relevant planning legislation, please  
resubmit this consultation with associated map, drawings and documents.

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

### **Notification to Department (if relevant)**

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2022/1697/O <b>Recommendation:</b> Refuse	<b>Target Date:</b> 21 March 2023
<b>Proposal:</b> Dwelling and garage under CTY 2A	<b>Location:</b> 60 m NE of 11 Creagh Hill Castledawson
<b>Applicant Name and Address:</b> Mrs Anne McGrogan 154 Creagh Road Castledawson BT45 8EY	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b> <p>This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that it did not meet all the criteria to merit being accepted as a dwelling in a cluster under Policy CTY 2A of PPS 21. Concern was also raised about the integration qualities of the site and the potential to impact on rural character through build up. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Officer. This application is before Members again with a recommendation to refuse and the justification for this is set out further in this report.</p>	
<b>Summary of Consultee Responses:</b> <p>No new consultations were carried out to inform this deferred consideration</p>	
<b>Description of Proposal</b> <p>This is an outline application for a dwelling and garage under policy CTY 2A at lands 60m north-east of No. 11 Creagh Hill, Castledawson.</p>	

### **Deferred Consideration:**

This proposal is being considered under Policy CTY 2A of PPS 21, Dwelling in a cluster. This policy sets out 6 different criteria that must be met. The cluster must lie outside of a farm and consist of 4 or more buildings of which at least 3 are dwellings. It is not contested that the site is in an area where there are more than 4 dwellings and it is outside of a farm.

The cluster must appear as a visual entity in the local landscape. I have carried out a site inspection and I would contend that there is a cluster of development but it tends to be more situated to the South of the site, taking in a row of 5 dwellings, roads infrastructure and other mixed use development. There are two dwellings, numbers 4 and 6 Creagh Road, located to the North of the site but these are somewhat removed from the cluster. It is noted that LA09/2021/1204/O and LA09/2021/1810/F, approved immediately to the West of the site was granted under Policy CTY 2A so this holds some material weight in accepting that there is a cluster in this area.

A cluster must be associated with a focal point such as a social/community building or is located at a cross roads. Again, the adjacent approval accepted that "The Thatch" Bar and Restaurant, which is located some way to the West of the site, was an appropriate focal point, and weight must be given to that.

To be considered a site in a cluster, the site must provide a suitable degree of enclosure and be bounded on at least 2 sides with other development in the cluster. At the office meeting the agent advised that he is relying on the dwelling to the South of the site and the recently approved dwelling to the West of the site in order to meet this criteria. Having reviewed the approved site layout drawing associated with LA09/2021/1810/F it is very clear that the approved curtilage does not abut the application site and in my opinion can not be relied upon as development along one side. The adjacent outline application LA09/2021/1204/O was accepted as being bound on 2 sides due to the size of the red line. I would be of the opinion that the application is not adequately enclosed with development for the purposes of the policy.

CTY2A also requires that the application site be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter rural character or visually intrude. It would seem that the laneway running down the Western site boundary would be the natural edge to the cluster. Any development East of this lane extends development further into the countryside and for this reason development of this site should not be accepted as rounding off or consolidation.

The last criteria deals with residential amenity. If a dwelling were approved on this site it would not have a negative impact on adjacent residential amenity.

On the basis of this assessment I would advise Members that the proposal fails to meet the required criteria of Policy CTY2A in that the site is not bound on 2 sides by development in the cluster and a dwelling on this site can not be considered as rounding off or consolidation of the cluster and would in fact visually intrude into the undeveloped rural landscape to the East.

The initial recommendation brought before Members in April also raised concern about integration and build up. The site benefits only from low level hedge row along its roadside and western boundaries. 60m of the roadside hedge would require removal to provide splays. The

remaining site boundaries are undefined on the ground and there is no form of backdrop to the site. For these reasons I would be of the opinion that the site would not adequately integrate a dwelling and as such is at conflict with CTY 13 of PPS21. The argument raised by the previous case officer in respect of build up and its impact on rural character has been further considered. It is very evident that there is already a considerable build up of development in this immediate area when you take in the existing development to the South of the site, the adjacent approval and the dwellings to the North. I do not feel this can be added as a reason for refusing this application.

To conclude, I recommend that Members refuse this application as it fails to meet all the required criteria for a dwelling in a cluster and the site lacks the required established boundary treatment which would adequately integrate a dwelling on a rural roadside site.

### **Conditions/Reasons for Refusal:**

#### **Refusal Reasons**

##### **Reason 1**

The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

##### **Reason 2**

The proposal is contrary to Policy CTY2A of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure. A dwelling would, if permitted, also visually intrude into the open countryside.

##### **Reason 3**

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure to integrate a dwelling on this road side site.

**Signature(s):**Karla McKinless

**Date:** 23 August 2023



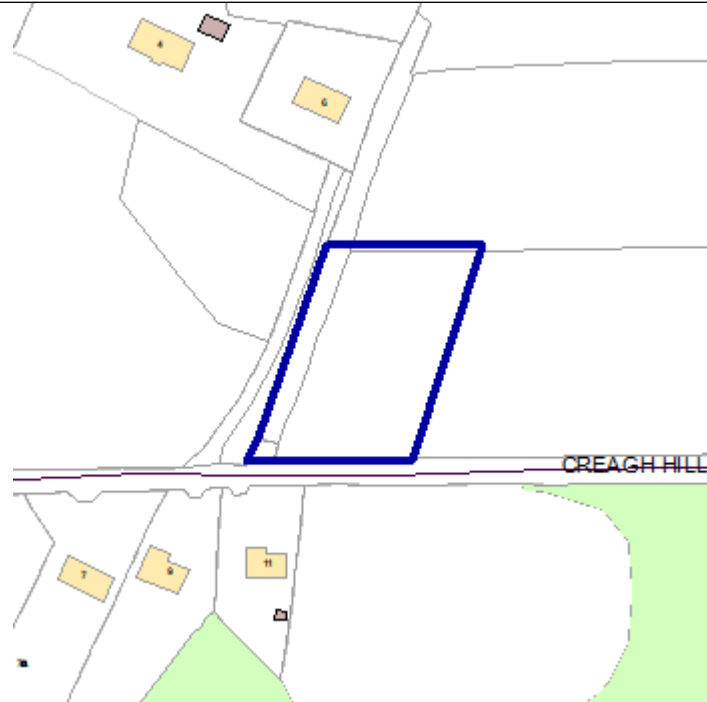
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4 April 2023	<b>Item Number:</b> 5.13
<b>Application ID:</b> LA09/2022/1697/O	<b>Target Date:</b> 21 March 2023
<b>Proposal:</b> Dwelling and garage under CTY 2A	<b>Location:</b> 60 m NE of 11 Creagh Hill Castledawson
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mrs ANNE MCGROGAN 154 Creagh Road Castledawson BT45 8EY	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>  The current application is presented as a refusal, having failed to meet the requirements of policy CTY 2A - New Dwellings in Existing Clusters.	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.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 application site is located at lands 60m north-east of No. 11 Creagh Hill, Castledawson. The site occupies a roadside corner portion of a larger agricultural field. The front (southern) and western boundaries are defined by an established hedgerow with scattered trees. As the application site is part of a larger field, the remaining

boundaries are undefined.

Lands to the north and east of the site are agricultural in nature. There is a laneway running along the western boundary providing access to two houses set back from the roadside. Lands west of the application site have been approved under LA09/2021/1204/O for a dwelling and garage within a cluster site. A subsequent full application was approved under LA09/2021/1810/F as it did not comply with all conditions set at outline stage. During the site visit on 17/02/2023, it was noted that works on this site had not commenced. To the south, there is a row consisting of five detached dwellings.

### **Representations**

Two neighbour notification letters were issued in relation to this application however, no objections have been received to date.

### **Consultations**

- DfI Roads were consulted in relation to this application and responded on 30/12/2022 advising they had no objection subject to compliance with conditions.

### **Planning History**

- LA09/2019/0760/O - 65MTS Northeast of No.11 Creagh Hill Castledawson - Proposed site for a dwelling and domestic garage/store under policy CTY 2A – Permission Refused 07.11.2019

### **Description of Proposal**

This is an outline application for a dwelling and garage under policy CTY 2A at lands 60m north-east of No. 11 Creagh Hill, Castledawson.

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

#### **Policy Consideration**

#### **Magherafelt Area Plan 2015**

The site falls within the open countryside, approximately 1.8km east of the settlement limits of Castledawson and 1.3km northwest of the settlement limits of Creagh as defined in the Magherafelt Area Plan 2015. There are no other specific designations or zonings on this site.

#### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

The Strategic Planning Policy Statement provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local

Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that ‘proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. The application to be considered is for a dwelling and garage under the provisions of policy CTY 2a – New Dwellings in Existing Clusters.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of the following criteria are met:

***The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;***

The application site lies outside of a farm with no development to the north or east. To the west, a dwelling has been approved, however as development has not yet commenced, this does not count as a building. There is a detached dwelling across the road from the application site to the south. I am not content that the proposal meets this criterion.

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

The existing group of five detached dwellings on the opposite side of the road from the application site can be read together as a cluster. The proposed site does not read with this existing line of residential development as it is located on the opposite side of the road and forms part of a larger agricultural field. The proposal therefore does not meet this criterion.

***The cluster is associated with a focal point such as a social / community building / facility, or is located at a crossroads;***

The application site is not located close to any focal points and therefore does not meet this criterion. It should be noted that under application reference LA09/2019/0760/O which was refused, the agent had proposed ‘The Thatch Inn’ as the focal point however it was deemed to be too far removed from the application site (approximately 313m) to be considered acceptable.

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

There is no development to the north or east of the site. Whilst planning permission has

been granted for a dwelling to the west of the application site, development has not yet commenced therefore cannot be considered under this application. There is a bungalow across the road, to the south however as this is only along one boundary, the proposal does not meet this criterion.

***Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;***

As the proposal site would be breaking into a larger agricultural field with no existing development to the north, east or west, I am of the opinion that a dwelling in this location would alter the existing character of the area and visually intrude into the open countryside therefore the proposal does not meet this criterion.

***Development would not adversely impact on residential amenity.***

I am content that the proposal would not adversely impact on residential amenity should an approval be granted in this location.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

*Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*

*A new building will be unacceptable where;*

- (a) It is a prominent feature in the landscape; or*
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

A dwelling could be accommodated on the proposed site however, it lacks the long-established boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape. The site would rely primarily on new landscaping for integration and therefore fails to meet the criteria of CTY 13.

### **CTY 14 – Rural Character**

*Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.*

*A new building will be unacceptable where:*

- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

I am not content that the proposed site is within the existing cluster and feel that the approval of this application would result in a suburban style build up and therefore erode rural character. The proposal fails to meet the criteria of CTY 14.

It is evident that there has been no change to the proposed development which was refused under LA09/2019/0760/O.

For the above reasons, the proposal fails under policy CTY 2A, CTY 13 and CTY 14 and I would therefore recommend refusal for this application.

**Mid Ulster Local Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22<sup>nd</sup> 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 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> December 2020. On the 28<sup>th</sup> of 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.

**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 proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

**Reason 2**

The proposal is contrary to Policy CTY 2A of Planning Policy Statement 21 - New Dwellings in Existing Clusters in that the cluster is not associated with a focal point, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

**Reason 3**

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21 - Sustainable Development in the Countryside, in that the proposed site lacks long-established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

**Reason 4**

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21 - Sustainable Development in the Countryside, in that the proposal will erode rural character and result in a suburban style build up of development when viewed alongside the existing.

**Signature(s):** Zoe Douglas

**Date:** 21 March 2023

<b>ANNEX</b>	
<b>Date Valid</b>	6 December 2022
<b>Date First Advertised</b>	20 December 2022
<b>Date Last Advertised</b>	20 December 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 9 Creagh Hill Castledawson Londonderry BT45 8EU The Owner / Occupier 11 Creagh Hill Castledawson Londonderry BT45 8EU	
<b>Date of Last Neighbour Notification</b>	13 December 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/2003/0797/F  Proposals: New 33kv Overhead Electric Line and alterations to existing lines.  Decision:  Decision Date:</p> <p>Ref: H/2012/0003/F  Proposals: Proposed infill dwelling  Decision: PR  Decision Date: 17-OCT-12</p> <p>Ref: LA09/2022/1697/O  Proposals: Dwelling and garage under CTY 2A  Decision:  Decision Date:</p> <p>Ref: H/1982/0315  Proposals: SITE OF DWELLING HOUSE  Decision: PG  Decision Date:</p> <p>Ref: H/2013/0450/O  Proposals: Single Dwelling  Decision: PG  Decision Date: 20-JAN-15</p> <p>Ref: LA09/2019/1409/F  Proposals: Proposed 2 storey dwelling garage and domestic equestrian facilities including sand</p>	

arena and stables

Decision: PG

Decision Date: 11-FEB-20

Ref: H/1981/0223

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1984/0418

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1986/0034

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2020/1032/F

Proposals: Dwelling and garage within a cluster

Decision: PG

Decision Date: 15-DEC-20

Ref: LA09/2020/0001/O

Proposals: Outline planning permission for dwelling within a cluster.

Decision: PG

Decision Date: 13-MAY-20

Ref: H/2008/0519/F

Proposals: Proposed replacement dwelling.

Decision: PG

Decision Date: 12-DEC-08

Ref: H/1993/0296

Proposals: EXTENSION TO DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/2006/0838/F

Proposals: Extension to rear of dwelling and detached garage

Decision: PG

Decision Date: 28-DEC-06

Ref: H/1978/0058

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1976/0291

Proposals: SITE OF FARM DWELLING

Decision: PR

Decision Date:

Ref: H/2004/0683/F

Proposals: New dwelling and garage.



Decision: PG

Decision Date: 18-FEB-05

Ref: H/2005/0071/Q

Proposals: dwelling

Decision: ELR

Decision Date: 22-FEB-05

Ref: H/2001/0653/O

Proposals: Site Of Dwelling & Garage.

Decision: PG

Decision Date: 17-OCT-01

Ref: H/1998/0015

Proposals: DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1998/0677

Proposals: NEW ACCESS TO APPROVED DWELLING

Decision: PG

Decision Date: 08-DEC-99

Ref: H/1973/0172

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: H/1991/0388

Proposals: UNDERGROUND SEWAGE PUMPING STATION WITH CONTROL KIOSK AND SURROUNDING FENCE

Decision: PG

Decision Date:

Ref: LA09/2021/1810/F

Proposals: Proposed one and a half storey dwelling and garage within a cluster site

Decision: PG

Decision Date: 09-MAR-22

Ref: LA09/2021/1204/O

Proposals: Proposed dwelling and garage within a cluster site

Decision: PG

Decision Date: 17-NOV-21

Ref: H/1994/0457

Proposals: UNDERGROUND PUMPING STATION WITH CONTROL KIOSK AND SURROUNDING FENCE

Decision: PG

Decision Date: 15-DEC-94

Ref: LA09/2019/0760/O

Proposals: Proposed site for a dwelling and domestic garage/store under policy CTY 2A

Decision: PR

Decision Date: 07-NOV-19

Ref: H/1983/0215

Proposals: HV O/H LINE (BM 5888)

Decision: PG

Decision Date:

Ref: H/1997/0528

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/2014/0431/O

Proposals: Site for Infill Dwelling

Decision: PR

Decision Date: 13-MAR-15

Ref: H/1974/0413

Proposals: SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: H/1996/0050

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Outline resp.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

### **Notification to Department (if relevant)**

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2022/1761/F <b>Recommendation:</b> Refuse	<b>Target Date:</b> 5 April 2023
<b>Proposal:</b> (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8	<b>Location:</b> 90M NW of 28 Mawillian Road Moneymore
<b>Applicant Name and Address:</b> Mr Paddy Campbell 28 Mawillian Road Moneymore BT45 7XM	<b>Agent Name and Address:</b> Mr Austin Mullan 38B Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> <p>This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that the proposal did not meet the criteria for infill development under Policies CTY 1 and CTY 8 of PPS 21. It was also considered that the development, if approved, would have a negative impact on the rural character of the area. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Refuse. The justification for this recommendation is detailed further in this report.</p>	
<b>Summary of Consultee Responses:</b> <p>No new or additional consultations were issued to inform this deferred consideration.</p>	
<b>Description of Proposal</b> <p>This is a full application for a proposed (infill / gap) site for 2 no. dwellings and domestic garages under policy CTY 8.</p>	

**Deferred Consideration:**

The primary policy test for this application is Policy CTY 8 of PPS 21. The thrust of the policy is to avoid the creation or addition of ribbon development in order to protect rural character. CTY 8 contains an exception which allows the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage. For the purpose of the policy a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The gap under consideration takes in an agricultural field located between two dwellings to the SE, numbers 26 and 28 Mawillian Road, both of which front directly onto the Public Road. To the NW of the site the applicant is relying on small agricultural structure nestled between vegetation in order to constitute a substantial built up road frontage at this location. Further to the NW is another dwelling, number 22, which fronts onto the Mawillian Road. This dwelling has to be excluded from this consideration due to the presence of another field and laneway between it and the site. Having carried out a site inspection it is my opinion that the agricultural structure cannot be considered as part of the assessment. Its scale along with its siting does not create any visual linkage with the dwellings at numbers 26 and 28 in order to be considered a substantial and built up frontage. Furthermore, the gap in question is of a size that it provides a visual break between the dwellings to the SE and the dwelling at 22. This is exacerbated when you include the field and laneway to the NW. For these reasons the proposal fails to meet the policy tests of CTY 8 and if 2 dwellings were approved a ribbon of development would be created along this section of the Mawillian Road. The creation of a ribbon development in this area would have a negative impact on rural character and would also be in conflict with Policy CTY 14 of PPS 21.

As noted by the previous case officer, the application site lies in an area of Pluvial Flooding. Consultation with Rivers Agency confirmed this. As the development of 2 dwellings and their associated curtilages would result in the creation of more than 1000m<sup>2</sup> of new buildings/hard standing, a Drainage Assessment would be required. This has not been requested as the development is not considered acceptable in principle.

There have been no third party objections to this proposal.

To conclude, it is recommended that Members refuse this application as it fails to meet the policy tests of CTY 1, CTY 8 and CTY 14 of PPS21

**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 CTY8 of Planning Policy Statement 21, Sustainable

Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Mawillian Road and would, if permitted, adversely impact on the rural character of this area.

**Reason 3**

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s):**Karla McKinless

**Date:** 16 August 2023

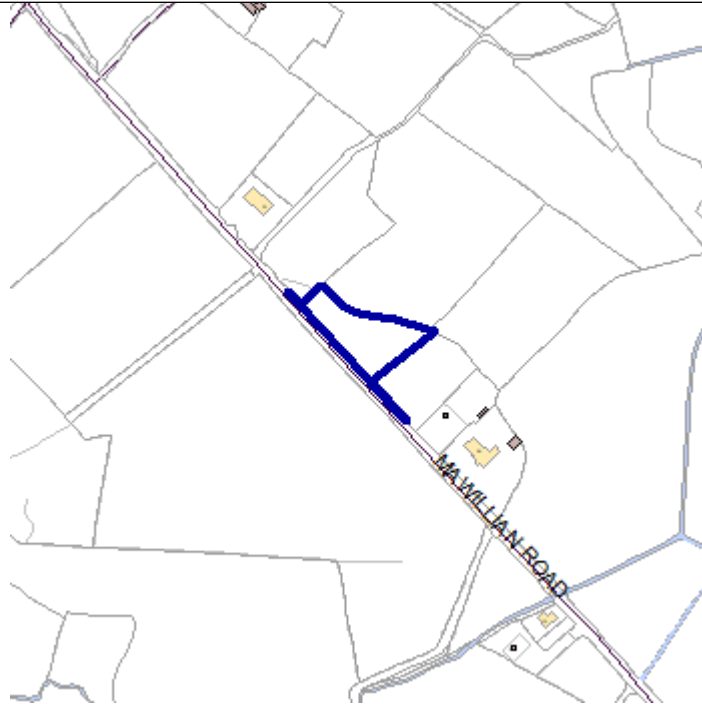


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4 April 2023	<b>Item Number:</b> 5.16
<b>Application ID:</b> LA09/2022/1761/F	<b>Target Date:</b> 5 April 2023
<b>Proposal:</b> (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8	<b>Location:</b> 90M NW of 28 Mawillian Road Moneymore
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr PADDY CAMPBELL 28 MAWILLIAN ROAD MONEYMORE BT45 7XM	<b>Agent Name and Address:</b> Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
<b>Executive Summary:</b>  This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1761-F.pdf
Non Statutory Consultee	Rivers Agency	14391 - Final Response.pdf

### 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

This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

## **Characteristics of the Site and Area**

The site is located in the rural countryside approximately 2 miles south east and outside of the Moneymore settlement limit as defined in the Cookstown Area Plan 2010. The site is a 0.23 hectare area agricultural field sited adjacent to the Mawillian Road, with a field gate providing the current access to the site along the same road. The field is sited next to no. 26 Mawillian Road. The site has a flat topography and is irregular in shape. The principle roadside boundary is marked by mature hedgerow, picket fencing and scatterings of trees. The rear boundary provides a backdrop of mature trees and is also marked by picket fencing. The south eastern boundary is marked by picket fencing without any vegetation and the north western boundary is defined by a thick line of mature trees. There is a small corrugated iron shed sited at this end of the field which is not visible from the road, within the curtilage of this proposal. The application site as a whole is well screened from the road, most notably from the north western approach. The field is most viewable from the road when approaching from the south east adjacent to no. 26. Other nearby dwellings include no. 28 south east and adjacent to no. 26, and no. 22 which is sited 50m north west of the application site. The wider surrounding environment consists mostly of agricultural fields and a low and dispersed pattern of development dotted along the Mawillian Road.

## **Description of Proposal**

This is a full application for a proposed (infill / gap) site for 2 no. dwellings and domestic garages under policy CTY 8.

## **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.

### **Relevant Histories**

I/2014/0009/O – Dwelling on family land for member of landowners family under Policy CTY10 of PPS21 – 120m north west of 28 Mawillian Road Moneymore Magherafelt BT 45 7XH – Application withdrawn

I/2006/0252/O – Proposed site for new dwelling and garage – approximately 100m north west of 28 Mawillian Road, Moneymore – Permission Refused

I/2003/0948/O – New dwelling – 270m south east of no 20 Mawillian Road, Coagh – Application withdrawn



## Representations

To date no third party representations have been received.

### Cookstown Area Plan 2010

The site is located in the rural countryside approximately 2 miles south east and outside of the Moneymore settlement limit as defined in the Cookstown Area Plan 2010.

### 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 infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

### 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 proposal involves the creation of a new access onto the public road. A consultation was made to DfI Roads who provided no objection to the proposed. In light of this, I am content that the proposed complies with PPS 3.

### PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon

## Development.

In terms of the plot size, I am content that the site would be able to accommodate the two dwellings that are proposed. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am satisfied that nos. 26 and 28 Mawillian Road to the south east of the site are buildings which provide a substantial and built up frontage along the road. This application relies on the shed at the other side of the application site as being the third building along the road frontage. It is my view that the shed does not amount to a building that is substantial, nor does it lend itself to the built up frontage provided by nos. 26 and 28. The shed in question is small and not visible from the public road, and therefore provides no meaningful visual presence which could merit a gap site opportunity between it and the two dwellings to the south east. The shed does not appear as a permanent structure and it is questionable as to whether the shed is even a building. It is not known how long this shed has been at the site as it is screened from view and therefore cannot be confirmed with google street view / historical ortho imagery. There is no record of any planning permission / CLUD for the shed to demonstrate its lawfulness. Given the above, it is my view that the proposal adds to a ribbon of development and therefore fails to meet Policy CTY 8 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The two proposed dwellings for the site are like-for-like. Both dwellings have a principal ridge height of 6 metres from finished floor levels, which is in keeping with the ridge heights of nos. 26 and 28 Mawillian Road. Finished materials include white smooth render and natural stone elements to the walls and blue / black slates to the roofs. It is considered that the design of the proposed dwellings are appropriate for the site and its locality and they would not be prominent features in the landscape. Site boundaries are strong in the form of hedging along the roadside edge and scatterings of trees throughout, most notably along the north western and rear boundaries, providing a suitable backdrop for the proposed dwellings. The existing trees should be retained and new landscaping implemented. From this I am content that the application is able to comply with Policy CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwellings would not appear prominent in the landscape. However, given the proposal creates a ribbon of development, the proposed does not comply with Policy CTY 14.

## PPS 15 – Planning and Flood Risk

Dfl Flood Maps(NI) indicate that the site lies within an area of predicted pluvial flooding. Dfl Rivers were consulted and in their response provide that a drainage assessment is required for new buildings and /or hard surfacing exceeding 1000sqm, as per Policy FLD3 of PPS 15. In this instance, the 2 no. proposed dwellings and hardstanding measure 1040sqm. A drainage assessment is required for this application. However, given that the proposal fails to meet Policies CTY 8 and CTY 14 of PPS 21, the drainage

assessment is not requested at this time.

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.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused on the grounds that it does meet Policies CTY 8 and CTY 14 of PPS 2 in that it would create a ribbon of development if approved.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

**Signature(s):** Benjamin Porter

**Date:** 16 March 2023

<b>ANNEX</b>	
<b>Date Valid</b>	21 December 2022
<b>Date First Advertised</b>	10 January 2023
<b>Date Last Advertised</b>	10 January 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 26 Mawillian Road Moneymore Londonderry The Owner / Occupier 22 Mawillian Road Moneymore Londonderry BT45 7XH	
<b>Date of Last Neighbour Notification</b>	9 January 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: I/2002/0181/F Proposals: Bungalow and Garage Decision: PG Decision Date: 22-FEB-03 Ref: I/2003/0030/O Proposals: Site for dwelling and garage (2 storey) Decision: PG Decision Date: 15-MAR-03 Ref: I/2004/1415/O Proposals: Dwelling & Garage Decision: Decision Date: Ref: I/2008/0792/F Proposals: Erection of dwelling and garage (full permission in Substitution for Reserved Matters on outline per I/2005/1300/0) Decision: PG Decision Date: 19-MAY-09 Ref: I/2005/1300/O Proposals: Proposed dwelling house Decision: PG Decision Date: 10-JAN-06 Ref: I/1997/0096	

Proposals: Site for Dwelling

Decision: PG

Decision Date:

Ref: I/1997/0096B

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: I/2003/0948/O

Proposals: New Dwelling

Decision:

Decision Date:

Ref: LA09/2019/0291/RM

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 10-MAY-19

Ref: LA09/2017/1336/O

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 17-OCT-18

Ref: I/2006/0252/O

Proposals: Proposed Site for New Dwelling & Garage

Decision: PR

Decision Date: 18-DEC-06

Ref: I/2014/0009/O

Proposals: Dwelling on Family Land for member of landowners family under Policy CTY10 of PPS21.

Decision:

Decision Date:

Ref: I/2002/0726/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 30-DEC-02

Ref: I/1982/0080

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: I/1999/0570/F

Proposals: Garage and alterations dwelling

Decision: PG

Decision Date: 08-JAN-00

Ref: LA09/2022/1761/F

Proposals: (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8

Decision:

Decision Date:

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-  
NI Water - Single Units West-LA09-2022-1761-F.pdf  
Rivers Agency-14391 - Final Response.pdf

**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 Elevations Plan Ref: 04  
Garage Plans Plan Ref: 05

**Notification to Department (if relevant)**

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2023/0076/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 8 May 2023
<b>Proposal:</b> Proposed new infill dwelling and garage	<b>Location:</b> Land between No 6 and No 15 Dungororan Road, Dungannon
<b>Applicant Name and Address:</b> Miss Jessica Brown 65 Lurganeden Road Pomeroy Dungannon BT70 2TS	<b>Agent Name and Address:</b> Mr Mervyn McNeill 30 Knowehead Road Ballymena BT43 7LF
<b>Summary of Issues:</b> <p>This application was presented as a refusal to Members at June 2023 Planning Committee. It was considered that the proposal did not meet the criteria for infill development under Policies CTY 1 and CTY 8 of PPS 21. It was also considered that the development, if approved, would have a negative impact on the rural character of the area. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Approve. The justification for this recommendation is detailed further in this report.</p>	
<b>Summary of Consultee Responses:</b> <p>No new consultations issued to inform this deferred consideration.</p>	
<b>Description of Proposal</b> <p>This is an outline application for a proposed infill dwelling and garage located at land between No. 6 and No. 15 Dungororan Road, Dungannon.</p> <p><b>Representations</b> Two neighbour notification letters were issued in relation to this application however, no objections have been received to date.</p> <p><b>Consultations</b></p>	

- DfI Roads were consulted and have no objection to the proposal subject to the inclusion of a condition.
- Historic Environment Division (Historic Buildings) were consulted due to the proximity of the application site to the Former Kerrib National School, Pomeroy Road (HB13/14/014). They have provided a response stating that the proposal is satisfactory to SPPS and PPS 6 of archaeological policy requirements.

### **Planning History**

There is not considered to be any relevant planning history associated with the site.

### **Deferred Consideration:**

The primary policy test for this application is Policy CTY 8 of PPS 21. The thrust of the policy is to avoid the creation or addition of ribbon development in order to protect rural character. CTY 8 contains an exception which allows the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage. For the purpose of the policy a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In the justification and amplification of the policy it goes on to advise that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development.

The gap in question takes in an agricultural field between a dwelling and outbuildings at number 6 Dungororan Road. These buildings and dwelling front directly onto the public road. The applicant is also relying on a dwelling at number 15 fronting onto the road as well as the adjacent agricultural buildings located to the immediate North of number 15. Having carried out a site inspection it was evident on the ground that the dwelling at number 15 does not front directly onto the Dungororan Road. It is set back off the road and accessed via a laneway. Its domestic curtilage is defined and it clearly does not extend to the road. Between the road and the defined domestic curtilage is an agricultural field and what appears to be recently laid hardcore/stones to provide access to an adjacent approval for a dwelling (LA09/2018/0117/F). There was no evidence on the ground that the field in front of number 15 ever formed part of its domestic curtilage. For these reasons I do not accept that number 15 can be included as part of a built up road frontage. Regarding the agricultural buildings to the North of number 15 there is a loose argument that these front onto the road as there is no defined boundary separating them from the Dungororan Road. Based on this pattern of development it is my opinion that there is no built up frontage as defined by the policy and as such the proposal is contrary to CTY 8. Any reference in the policy amplification to buildings being sited back or being staggered relates solely to the visual appreciation of a ribbon of development and not to what defines a frontage.

There are other site specific circumstances in this case that Members may want to consider which set it aside from other cases which Members have previously refused on the basis of the building/s not fronting directly onto a road. From being on site I would advise that the gap in question does not provide any degree of a visual break between the dwelling and outbuildings at number 15 and those at number 6. There is a clear and definite visual linkage between the buildings at either side of the application site. Policy does recognise that where there is such a



strong visual linkage between development then the rounding off of sites can be a reason to treat a proposal as an exception. Members have allowed such rounding off in the past. In this case, whilst the buildings are staggered and not all fronting directly onto the road, it is clear that they are all visually linked. This is evident when travelling either direction along the Dungororan Road where the buildings at number 6 and those at number 15 all read together. The approved farm dwelling immediately adjacent to the application site (albeit I cannot confirm that it has commenced lawfully before the expiration date of 7th June 2023) if built, would also add to this. The development of this gap site could be regarded as rounding off and would result in no significant impact on rural character. The fact that the existing development effectively book ends the site, providing a sense of enclosure and to some extent, conceals the visual impact the same way a conventional road frontage ribbon would do so, means that the development of this site could not lead to further development that would impact on the wider rural character of the area.

To conclude, it is my recommendation that Members consider approving this application as an exception to policy. It does not meet the test of Policy CTY 8 in terms of being a gap within a substantial built up road frontage however, given the visual linkage of the existing development (existing and approved) at either side of the site as well as the lack of visual break provided by the application site it is considered a dwelling here would not negatively impact on the rural character of this area.

#### **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

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the 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 3

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.

**Condition 4**

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

**Condition 5**

The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level

Reason: To ensure that the development is not prominent and is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

**Condition 6**

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

Reason: To ensure the dwelling integrates into the landform.

**Signature(s):**Karla McKinless

**Date:** 16 August 2023

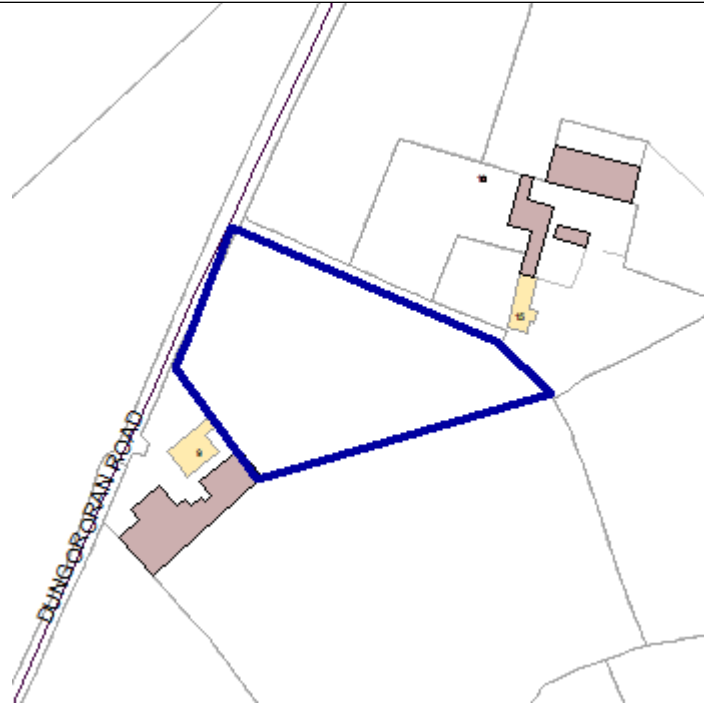


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 12 June 2023	<b>Item Number:</b> 5.42
<b>Application ID:</b> LA09/2023/0076/O	<b>Target Date:</b> 8 May 2023
<b>Proposal:</b> Proposed new infill dwelling and garage	<b>Location:</b> Land between No 6 and No 15 Dungororan Road, Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Miss Jessica Brown 65 Lurganeden Road Pomeroy Dungannon BT70 2TS	<b>Agent Name and Address:</b> Mr Mervyn McNeill 30 Knowehead Road Ballymena BT43 7LF
<b>Executive Summary:</b>  The current application is presented as a refusal, having failed to meet the requirements of policy CTY 8 - Ribbon Development.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.docx

### Representations:

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

### Summary of Issues

## **Characteristics of the Site and Area**

The application site is located in the open countryside at lands between No. 6 and No. 15 Dungororan Road. The front boundary which runs along the Dungororan Road is defined by an established hedgerow which extends along the northern boundary shared with No. 15 Dungororan Road. The south-eastern boundary shared with No. 6 is defined by a wall approximately 1.5m in height as well as the outbuildings of the neighbouring dwelling. The rear boundary is currently defined as it forms part of a larger agricultural field.

I note the immediate and wider setting is characterised predominately agricultural land uses with a scattering of residential dwellings and associated outbuildings.

## **Description of Proposal**

This is an outline application for a proposed infill dwelling and garage located at land between No. 6 and No. 15 Dungororan Road, Dungannon.

## **Representations**

Two neighbour notification letters were issued in relation to this application however, no objections have been received to date.

## **Consultations**

- DfI Roads were consulted and have no objection to the proposal subject to the inclusion of a condition.
- Historic Environment Division (Historic Buildings) were consulted due to the proximity of the application site to the Former Kerrib National School, Pomeroy Road (HB13/14/014). They have provided a response stating that the proposal is satisfactory to SPPS and PPS 6 of archaeological policy requirements.

## **Planning History**

There is not considered to be any relevant planning history associated with the site.

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

### **Policy Consideration**

#### **Cookstown Area Plan 2010**

The site falls within the open countryside, approximately 4.35km southeast of the settlement limits of Pomeroy, and 3.65km southwest of The Rock as defined in the Cookstown Area Plan 2010. There are no other zonings or designations on the site.

### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

The Strategic Planning Policy Statement provides a regional framework of planning policy that will be considered in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

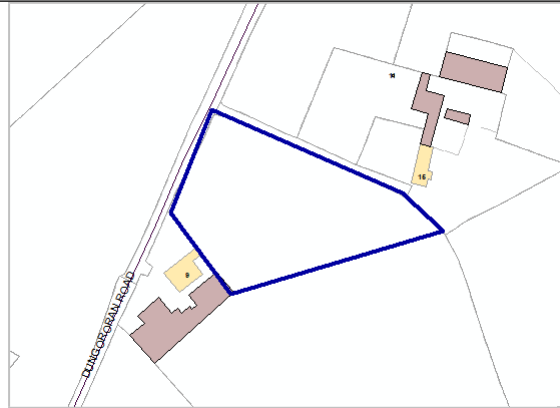
### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. The application to be considered is for a dwelling and garage under the provisions of policy CTY 8 – Ribbon Development.

Policy CTY 8 states that “an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale siting and plot size and meets other planning and environmental requirements”.

The application is seeking an infill site between No. 9 Dungororan Road to the southwest and No. 15 to the northeast of the application site. In my opinion, the development mentioned does not constitute the definition of a substantially built-up frontage.

I am content that the dwelling and outbuilding at No. 9 Dungororan Road represent two buildings. This is followed by the application site and then No. 15 Dungororan Road which is set back from the roadside. No. 15 does not have road frontage and therefore the proposal therefore fails to meet infill policy. The agent has submitted a statement of case (uploaded to Public Access on 15/05/23) wherein they acknowledge that No. 15 Dungororan Road does not form part of the built-up frontage. They also mention an additional site located in front of No. 15 for which development has not yet commenced. This site cannot be considered as no work has commenced, however, it should also be noted that the new dwelling still does not have road frontage therefore, it would have no impact on the recommendation regardless.



### **CTY 13 – Integration and Design of Buildings in the Countryside**

*Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.*

*A new building will be unacceptable where;*

- (a) It is a prominent feature in the landscape; or*
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes, and other natural features which provide a backdrop; or*
- (g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

The current proposal is for outline planning permission and details of the design have not been submitted at this stage. It is considered that the site has the capacity to absorb a dwelling of suitable size and scale.

### **CTY 14 – Rural Character**

*Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.*

*A new building will be unacceptable where:*

- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

This application is not deemed acceptable under any of the policy headings in PPS 21 and it is therefore considered that a new dwelling at this location will cause a detrimental change to the rural character of this area which is contrary to CTY 14 as it will result in a suburban style build-up of development when viewed with existing buildings in the area.

### **Planning Policy Statement 6 – Planning, Archaeology, and the Built Heritage**

HED have advised that the proposal is satisfactory to PPS 6 archaeological policy requirements.

### **Mid Ulster Local Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22<sup>nd</sup> 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 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> December 2020. On the 28<sup>th</sup> of 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.

### **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 proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - 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 8 of Planning Policy Statement 21 - Development in the Countryside in that the proposed site does not represent a substantial and built-up



frontage and would, if permitted, result in ribbon development along the Carrydarragh Road.

**Reason 3**

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

**Signature(s):** Zoe Douglas

**Date:** 24 May 2023

<b>ANNEX</b>	
<b>Date Valid</b>	23 January 2023
<b>Date First Advertised</b>	7 February 2023
<b>Date Last Advertised</b>	7 February 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 9 Dungororan Road Pomeroy Dungannon Tyrone BT70 3EQ The Owner / Occupier 15 Dungororan Road Dungannon Tyrone BT70 3EQ	
<b>Date of Last Neighbour Notification</b>	27 January 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/1997/4087  Proposals: Renovations to Dwelling  Decision: PDNOAP  Decision Date:</p> <p>Ref: M/2005/1994/F  Proposals: Retention of dwelling and garage (re-orientation to supercede application - M/2004/1109/RM)  Decision: PG  Decision Date: 26-NOV-05</p> <p>Ref: M/2004/1109/RM  Proposals: Proposed dwelling &amp; garage  Decision: PG  Decision Date: 01-NOV-04</p> <p>Ref: M/2004/2172/O  Proposals: Dwelling House  Decision: PG  Decision Date: 18-OCT-05</p> <p>Ref: M/2008/1116/RM</p>	

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 22-DEC-08

Ref: M/2006/0905/O

Proposals: Dwelling

Decision: PR

Decision Date: 12-OCT-06

Ref: M/2009/1052/O

Proposals: Single detached retirement dwelling

Decision: PG

Decision Date: 23-JUN-10

Ref: M/2012/0359/F

Proposals: Detached retirement dwelling

Decision:

Decision Date:

Ref: M/2012/0414/F

Proposals: Detached retirement dwelling

Decision: PG

Decision Date: 12-FEB-13

Ref: LA09/2023/0076/O

Proposals: Proposed new infill dwelling and garage

Decision:

Decision Date:

Ref: M/1994/0465

Proposals: Site for Bungalow

Decision: WITHDR

Decision Date:

Ref: M/1999/0591/O

Proposals: Site for dwelling

Decision: PR

Decision Date: 09-NOV-99

Ref: M/2003/1286/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 28-APR-04

Ref: M/2008/1330/RM

Proposals: Proposed dwelling and garage

Decision: PG  
Decision Date: 16-FEB-09

Ref: M/2004/0380/O  
Proposals: Proposed Dwelling & Garage  
Decision: PG  
Decision Date: 28-JAN-06

Ref: M/2000/0033/F  
Proposals: Extension and renovations to dwelling.  
Decision: PG  
Decision Date: 16-FEB-00

Ref: LA09/2018/0117/F  
Proposals: Renewal of previously approved dwelling under M/2012/0414/F  
Decision: PG  
Decision Date: 07-JUN-18

### **Summary of Consultee Responses**

Historic Environment Division (HED)-  
Historic Environment Division (HED)-  
Historic Environment Division (HED)-  
DFI Roads - Enniskillen Office-DC Checklist 1.docFORM RS1 STANDARD.docRoads  
outline.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

### **Notification to Department (if relevant)**

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2023/0232/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 14 June 2023
<b>Proposal:</b> Site for dwelling	<b>Location:</b> Site between 139 and 143 Drumagarner Road Kilrea
<b>Applicant Name and Address:</b> Mr Brian Mc Closkey 42 Drumsaragh Road Kilrea BT51 5XN	<b>Agent Name and Address:</b> Mr GERARD MC PEAKE 31A MAIN STREET LIMAVADY BT49 0EP
<b>Summary of Issues:</b> <p>This application was presented as a refusal to Members at June 2023 Planning Committee. It was considered that the proposal did not meet the criteria for an infill dwelling under Policy CTY 8 of PPS 21 and subsequently created a ribbon of development in conflict with policy CTY 14 of PPS 21. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Officer. The application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.</p>	
<b>Summary of Consultee Responses:</b> <p>No new or additional consultations were issued to inform this deferred consideration.</p>	
<b>Description of Proposal</b> <p>The proposed is an outline application for an infill dwelling between 139 and 143 Drumagarner Road, Kilrea, BT51 5TN.</p>	
<b>Deferred Consideration:</b> <p>This application is for an infill dwelling to be considered under Policy CTY 8 of PPS 21. The thrust of the policy is to avoid the creation or addition of ribbon development in order to protect</p>	

rural character. CTY 8 contains an exception which allows the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage. For the purpose of the policy a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The gap under consideration sits between a dwelling and associated outbuildings at number 139 and another dwelling and outbuilding at number 143. The dwelling at 139 has a very extensive domestic curtilage, with the dwelling sited some way back off the public road, however the curtilage very clearly extends to the road. The boundary with the road is heavily vegetated which makes it difficult to view the dwelling, apart from a passing view through the gated access. The outbuildings associated with 139 are set slightly back from the dwelling but are contained within the existing curtilage and can be considered as having the same road frontage also. The dwelling and outbuilding at 143 are both sited back from the public road, with only the laneway extending to the road frontage. There is an agricultural field between the established domestic curtilage and public road. For the purpose of the policy these 2 buildings cannot be considered as having a road frontage and for this reason the proposal cannot be considered as an acceptable infill opportunity within a substantial and built up road frontage.

There are other site specific circumstances with this case that Members may want to take into consideration. It is notable that there is a considerable level of development surrounding the application site. To the South and South East there is a cluster of least 14 dwellings. These are made up of a mix of detached and semi's fronting onto the road with others nestled to the rear of the road frontage development. In effect, the immediate area has the character of a small hamlet. If the proposal were to be assessed under Policy CTY 2A of PPS 21, Dwelling in an Existing Cluster, it would meet all but 1 of the criteria, that being the Cluster is associated with a focal point or at a cross roads. It is noted that there is a Primary School approx. ¼ mile to the South of the site, which is slightly too far removed to be visually associated with the cluster of development.

In this particular case, given the level of development in the immediate area and the fact that a dwelling on this site would not further extend the cluster of development into the rural countryside - in effect it would be a clear consolidation of the cluster, I am confident that it would not lead to an erosion of rural character. The proposal meets all but 1 of the clustering criteria and for these site specific reasons I am recommending the approval of the application subject to standard planning conditions.

### **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 and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the 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 depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

#### 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.

Reason: To ensure the dwelling integrates into the landform.

#### Condition 6

The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level

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

#### Condition 7

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:** 23 August 2023



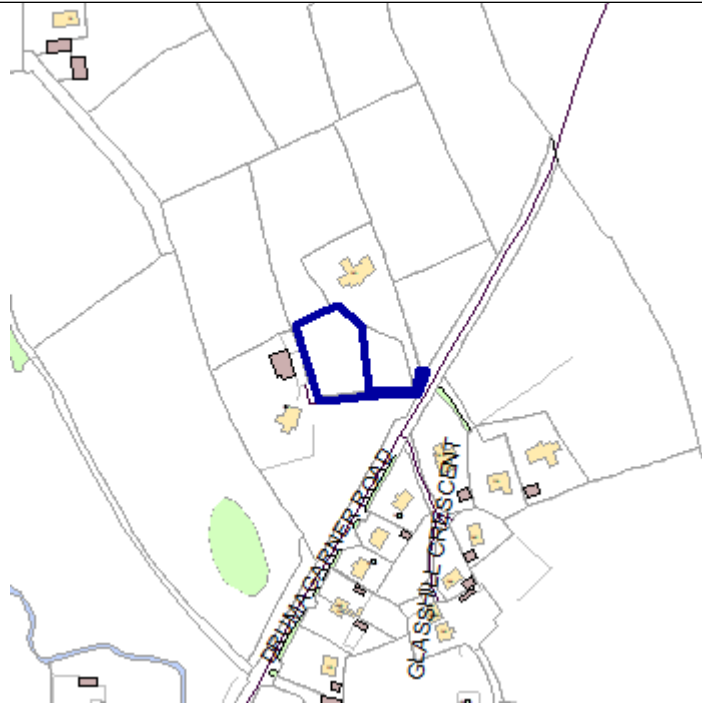


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 12 June 2023	<b>Item Number:</b> 5.50
<b>Application ID:</b> LA09/2023/0232/O	<b>Target Date:</b> 14 June 2023
<b>Proposal:</b> Infill site for dwelling between 139 and 143 Drumagarner Road, Kilrea ,BT51 5TN	<b>Location:</b> Infill site between 139 and 143 Drumagarner Road Kilrea
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Brian Mc Closkey 42 Drumsaragh Road Kilrea BT51 5XN	<b>Agent Name and Address:</b> Mr GERARD MC PEAKE 31A MAIN STREET LIMAVADY BT49 0EP
<b>Executive Summary:</b>  This application is brought before the planning committee with a recommendation for refusal. The proposal is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
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 is located in the rural countryside approximately 4 miles north and outside of the Upperlands settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 0.23 hectare area, and slopes gradually upwards from the Drumaganner Rd. The site is defined by existing field hedgerow along the northern and eastern boundaries while the southern and western boundaries are marked by picket

fencing which run parallel with a laneway. The site benefits from a good backdrop of mature trees. Neighbouring dwellings include no. 139 to the south west and no. 143 to the north east. The wider surrounding environment consists mostly of agricultural fields with dwellings and other development fronting the Drumagarner Rd on a frequent basis.

### **Description of Proposal**

The proposed is an outline application for an infill dwelling between 139 and 143 Drumagarner Road, Kilrea, BT51 5TN.

### **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.

#### **Relevant Histories**

N/A

#### **Representations**

To date no third party representations have been received.

#### **Magherafelt Area Plan 2015**

The site of the proposed is located in the rural countryside approximately 4 miles north and outside of the Upperlands settlement limit as defined in the Magherafelt Area Plan 2015.

#### **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.

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 infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

### 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 use of an existing unaltered access to a public road. A consultation was made to DfI Roads who provided no objection to the proposed. In light of this, I am content that the proposed complies with PPS 3.

### PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development.

In terms of the plot size, I am content that the site is sufficient only to accommodate up to a maximum of two dwellings. The site is therefore able to accommodate the indicative dwelling that is proposed at this outline stage. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am content that there are 3 substantial buildings; these are no 139 and the accompanying large shed within the same curtilage, both adjacent and south west of the proposed site, and no. 143 adjacent and north east of the proposed site. While it is considered that these buildings are substantial, it is considered that no. 143 Drumagarner Rd does not occupy a road frontage position. The curtilage of this dwelling is set back 60 metres and does run along the road frontage and therefore the application is without a substantial and built up frontage that includes a line of 3 or more buildings along a road frontage. The proposed fails to comply with Policy CTY 8 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a design, size and scale that is comparable to the dwellings in the vicinity. The site is complete with strong natural boundaries in the form of mature trees along the northern, western and southern boundaries which can provide a decent backdrop for a dwelling at this site, while not relying primarily on the use of new landscaping for its integration. The proposed complies with CTY 13 at this outline stage.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, a dwelling at this site would not appear prominent in the landscape. However, given the proposal creates a ribbon of development, the proposal does not comply with 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 is refused on the grounds that it does not meet Policies CTY 8 and CTY 14 of PPS 21 in that it would create a ribbon of development if approved.

### **Summary of Recommendation:**

Refuse is recommended

### Refusal Reasons

#### Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

**Signature(s):** Benjamin Porter

**Date:** 16 May 2023

<b>ANNEX</b>	
<b>Date Valid</b>	1 March 2023
<b>Date First Advertised</b>	14 March 2023
<b>Date Last Advertised</b>	14 March 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 143 Drumagarner Road Kilrea Londonderry BT51 5TN The Owner / Occupier 138A Drumagarner Road Kilrea Londonderry BT51 5TN The Owner / Occupier 139 Drumagarner Road Kilrea Londonderry BT51 5TN	
<b>Date of Last Neighbour Notification</b>	3 March 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/2009/0556/RM  Proposals: Proposed bungalow  Decision: PG  Decision Date: 25-NOV-09</p> <p>Ref: LA09/2023/0126/F  Proposals: Proposed 2 storey side extension to dwelling  Decision:  Decision Date:</p> <p>Ref: H/2004/0750/O  Proposals: Site of dwelling.  Decision:  Decision Date:</p> <p>Ref: H/2005/0383/O  Proposals: Site of Bungalow  Decision: PG  Decision Date: 18-SEP-06</p>	

Ref: LA09/2017/1324/F

Proposals: New domestic shed for vintage cars and tractors.

Decision: PG

Decision Date: 28-NOV-17

Ref: H/2004/0278/F

Proposals: Alterations / Additions to house.

Decision: PG

Decision Date: 20-MAY-04

Ref: H/1993/0056

Proposals: BUILDERS STORE FOR CAR,LORRY AND TURF SUPPLIES

Decision: PR

Decision Date:

Ref: H/2013/0297/F

Proposals: Proposed Retrospective Planning for Existing Laneway and Planning as per Condition 2 of Planning Approval H/2009/0556/RM

Decision: PG

Decision Date: 08-JUL-14

Ref: H/2003/1042/F

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 14-DEC-04

Ref: LA09/2017/0007/F

Proposals: Proposed 2 no. infill dwellings and garages

Decision: PG

Decision Date: 24-MAR-17

Ref: H/2004/1305/F

Proposals: Bungalow and Garage.

Decision: PG

Decision Date: 21-JAN-06

Ref: H/1989/0332

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/2002/0605/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 05-FEB-03

Ref: H/2013/0018/O

Proposals: Proposed infill site for dwelling and garage

Decision: PG

Decision Date: 30-AUG-13

Ref: LA09/2015/0011/RM

Proposals: Proposed infill dwelling and garage

Decision: PG

Decision Date: 30-SEP-15

Ref: LA09/2019/1573/O

Proposals: Proposed site for dwelling and garage

Decision: PG

Decision Date: 20-MAY-20

Ref: LA09/2017/1229/F

Proposals: Proposed retention of existing access (amended description)

Decision: PG

Decision Date: 05-DEC-17

Ref: H/1994/0065

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/1999/0080

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1998/0443

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/2000/0518/O

Proposals: Site for dwelling

Decision: PG

Decision Date: 18-SEP-00

Ref: H/2000/0039/F

Proposals: 2 No Dwellings and Garages

Decision: PG

Decision Date: 19-MAY-00

Ref: H/2006/0619/F



Proposals: 11KV Supply  
Decision: PG  
Decision Date: 24-OCT-06

Ref: H/2002/0479/RM  
Proposals: Dwelling  
Decision: PG  
Decision Date: 24-JUL-02

Ref: H/1980/0347  
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Decision: PG  
Decision Date:

Ref: H/2001/0565/O  
Proposals: Site for Dwelling  
Decision: PG  
Decision Date: 18-DEC-01

Ref: H/1999/0485  
Proposals: SITE OF DWELLING  
Decision: PG  
Decision Date:

Ref: H/2000/0207/RO  
Proposals: Dwelling and garage  
Decision: PG  
Decision Date: 17-MAY-00

Ref: H/1988/0142  
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Decision: PG  
Decision Date:

Ref: H/2005/0564/O  
Proposals: Site Of Dwelling & Garage  
Decision: PR  
Decision Date: 22-NOV-07

Ref: H/2004/0357/F  
Proposals: Two storey rear extension.  
Decision: PG  
Decision Date: 20-MAY-04

Ref: H/1990/0533  
Proposals: BUNGALOW

Decision: PG  
Decision Date:

Ref: H/1990/0064  
Proposals: SITE OF DWELLING  
Decision: PG  
Decision Date:

Ref: H/2006/0736/F  
Proposals: Proposed extension to dwelling to provide extended kitchen with bedroom over  
Decision: PG  
Decision Date: 24-SEP-07

Ref: H/2000/0260/F  
Proposals: Dwelling and Garage  
Decision: PG  
Decision Date: 18-SEP-00

Ref: H/1991/0350  
Proposals: BUNGALOW AND GARAGE  
Decision: PG  
Decision Date:

Ref: H/1978/0151  
Proposals: SITE OF DWELLING  
Decision: PR  
Decision Date:

Ref: H/1988/0122  
Proposals: SITE OF BUNGALOW AND GARAGE  
Decision: PG  
Decision Date:

Ref: H/1981/0152  
Proposals: BUNGALOW  
Decision: PG  
Decision Date:

Ref: H/1982/0131  
Proposals: GARAGE  
Decision: PG  
Decision Date:

Ref: H/2003/1350/O  
Proposals: Site of dwelling and garage.

Decision: PG  
Decision Date: 21-SEP-04

Ref: H/2002/0198/O  
Proposals: Site of Dwelling & Garage  
Decision:  
Decision Date:

Ref: LA09/2015/0729/PAN  
Proposals: Construction of approximately 20km of 110kV single circuit overhead electricity line to connect Brockaghboy wind farm (planning permission approved) to the approved Rasharkin Main Cluster Substation  
Decision: PANACC  
Decision Date: 27-JUL-16

Ref: H/1985/0055  
Proposals: SITE OF BUNGALOW AND GARAGE  
Decision: PG  
Decision Date:

Ref: H/1985/0004  
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE  
Decision: PG  
Decision Date:

Ref: LA09/2017/0016/NMC  
Proposals: Proposed in line movement of Structure IMP73 (2 metres) West of previously approved location.  
Proposed in line movement of Structure IMP56 (1.5 metres) South West of previously approved location.  
All alterations are contained within the land ownership boundaries of the landowners who requested the movements.  
Decision: CG  
Decision Date: 17-JAN-17

Ref: LA09/2017/0017/NMC  
Proposals: Proposed in line movement of Structure IMP42 (11 metres) West of previously approved location.  
Proposed in line movement of Structure IMP76 (3 metres) West of previously approved location.  
Proposed in line movement of Structure IMP79 (30 metres) North to boundary hedge.  
This will require a further movement to structures AM78 (10 metres) and AM81 (10 metres) to accommodate this new structure location.  
All alterations are contained within the land ownership boundaries of the landowners who requested the movements.  
Decision: CG

Decision Date: 17-JAN-17

Ref: LA09/2017/0002/DC

Proposals: Discharge of conditions 11 and 12 on Planning Application LA09/2015/1294/

Decision: AL

Decision Date: 13-JAN-17

Ref: LA09/2023/0232/O

Proposals: Infill site for dwelling between 139 and 143 Drumagarner Road, Kilrea ,BT51  
5TN

Decision:

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Outline resp.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Housing Concept Plan Plan Ref: 02

### **Notification to Department (if relevant)**

Not Applicable