

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2019/0483/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 4 June 2019
<b>Proposal:</b> Infill dwelling and garage	<b>Location:</b> Approx 51M South West Of 12 Fallylea Road Maghera
<b>Applicant Name and Address:</b> Mr Fergal Rafferty 12 Fallylea Road Maghera	<b>Agent name and Address:</b> Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b>  <p>This application was first before Members with a recommendation to refuse at August 2019 Planning Committee. It was considered that the proposal failed to comply with Policies CTY 1, CTY 8, CTY 14 of PPS 21 and Policy FLD 3 of PPS 15 in that there was not a substantial and built up road frontage and that if a dwelling were erected it would create a ribbon of development along this section of the Fallylea Road. It was also considered that the applicant failed to submitted any information to deal with the concerns around surface water flooding in the site. Members agreed to defer the application for an office meeting which was facilitated. Following a site inspection and a re-consideration of the proposal, the application is now being recommended for approval and the justification for this is detailed further in this report.</p>	
<b>Summary of Consultee Responses:</b>  	
<b>Characteristics of the Site and Area</b>  <p>The site consists of a small narrow field approx. 51M South West of a dwelling at 12 Fallylea Road Maghera. No.12 is set back from the road with the driveway and front garden space extending to the road. The northern boundary is defined by the driveway of No.12 whilst the north-eastern and south-western boundaries are defined by post and railing fencing with a sporadic hedge containing mature trees along the south-eastern boundary. A farm shed sits on a separate plot immediately adjacent to the south-western boundary and has a frontage with the Fallylea Road. To the north of the site there is a small field which rises up steeply from the</p>	

applicant's dwelling at no.12. This field has an extant planning approval LA09/2018/1242/O for a dwelling which has not yet been constructed, however the garage associated with the approval has been erected. This plot extends to the Fallylea Road.

The area is rural in character and has a scattering of detached dwellings and agricultural outbuildings. It has an undulating topography. The application site has a history of surface water flooding.

### **Description of Proposal**

This is an outline application for a dwelling and garage to be assessed under Policy CTY 8 as an infill opportunity.

### **Deferred Consideration:**

In terms of the principle of a dwelling on this site, I am re-considering this application under 2 primary policies - CTY 8 and CTY 14 of PPS 21. In order to assess whether or not an infill opportunity exists under CTY 8, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Having visited the site I consider the frontage to include the following - the detached garage associated with the approval to the immediate North of the site (LA09/2020/0465/F). This garage is complete. The red line of this approval extends to the Fallylea Road and therefore the garage constitutes a road frontage development. To the South of the site is a detached dwelling and detached garage. The previous case officer did not consider this garage as a part of the road frontage, however it is my opinion that it is a substantial building in its own right and follows the same building line as the dwelling. As such it can be considered as a third building for the purpose of the policy. Furthermore there is a 4th building, an agricultural building located further to the South West which has a frontage to the Fallylea Road. I would therefore contend that there are 4 buildings in this immediate location which all front onto the Fallylea Road and meet the test of the policy in terms of having a substantial and built up road frontage.

The next test is whether there exists a gap within this frontage which would accommodate a maximum of 2 dwellings based on the existing development pattern along this stretch of road. It is my assessment that there is no uniformity with regards to the shape or size of the plots or in terms of their actual length of frontage. I do acknowledge that the application site is of a size that it does not act as a visual break between the agricultural building to the South West and the other development to the North. The rural character of the area has already been destroyed due to the pre-existing built up road frontage. I am satisfied that the development of this site would not create a ribbon of development and so there is no conflict with policy CTY 8 nor is there conflict with CTY 14 in terms of impact on rural character.

In addition to policies CTY 8 and CTY 14 of PPS 21, Policy FLD 3 of PPS 15 is also a consideration in this assessment as the site is impacted by surface water flooding according to Rivers Agency Strategic Flood Maps. Policy FLD 3 requires the submission of a Drainage Assessment if a proposed development is located in an area where there is evidence of a "history" of surface water flooding. This site is mapped for surface water flooding and the previous case officer's interpretation of the policy was incorrect. If a site is mapped for surface water flooding it is the developers responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This advice can be an informative if Members decide to approve this application.

Consideration has also been given to Policy NH5 of PPS 2 in terms of any potential loss of priority habitat. The proposed development does not require the removal of any hedgerow to provide site splays along the site frontage. A bio-diversity checklist has not been considered necessary. A condition is being recommended for the retention of vegetation along site boundaries as well as the introduction of landscaping. This will further ensure the protection of priority habitat inline with Policy NH5.

There have been no third party objections to this application and I recommended that Members approve this application subject to the conditions below.

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

#### **Approval Conditions**

##### **Condition 1**

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

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

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

##### **Condition 2**

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

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

##### **Condition 3**

A scale plan 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**

No development shall take place until a landscaping scheme has been submitted to and approved by the Council at Reserved Matters stage 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 5**

The existing natural screenings of this site shall be permanently retained.

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

**Condition 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. Development shall be carried out in accordance with the approved levels

Reason: To ensure the dwelling integrates into the landform.

**Condition 7**

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

Reason: In the interest of visual amenity

**Signature(s):**Karla McKinless

**Date:** 17 June 2024



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

### Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0483/O	Target Date:
Proposal: Infill dwelling and garage	Location: Approx 51m South West of 12 Fallylea Road Maghera
Referral Route:  This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Fergal Rafferty 12 Fallylea Road Maghera	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

## Representations:

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

## Summary of Issues

No representations have been received in respect of this application.



**Description of the proposal**

The proposal is an outline application for an infill dwelling and garage.

**Characteristics of the site and area**

The site consists of a small narrow field set to the side of a dwelling. The dwelling is set back from the road with the driveway and front garden space extending to the road. The site also includes the driveway to the existing house and site in front of the detached garage which is sited to the side of the dwelling. The northern boundary is defined by the driveway whilst the north-eastern and south-western boundaries are defined by post and rails fencing with a sporadic hedge containing mature trees along the south-eastern boundary. A farm shed sits on a separate plot immediately adjacent to the south-western boundary. To the north of the site there is a small field which rises up steeply from the applicant's dwelling at no.12. This field has an extant planning approval for a dwelling which has not yet commenced under LA09/2018/1242/O.

**Planning Assessment of Policy and Other Material Considerations****Relevant planning history**

There is previous planning history on this site, however this relates to the existing dwelling which was approved under the following applications:-

H/1997/0215 – Site for dwelling Approved 18.07.1997

H/1998/0057 – Dwelling Approved 17.04.1998

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP – Draft Plan Strategy has been published for consultation, 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 as these policies are cancelled by the introduction of the SPPS.

The main policy considerations in the assessment of this application are:-

Magherafelt Area Plan 2015 - the site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. The site also lies within the Sperrins Area of Outstanding Natural Beauty.

**PPS 21 – sustainable development in the countryside**

The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage "includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".

The site is bounded to the south west by a single farm building which has a frontage to the Fallylea Road. To the north/north-east is the existing dwelling at no.12 again with a frontage to the Fallylea Road. Although there is a detached garage to the side of no.12, the garage is set to the side of the dwelling and to the rear of the proposed site. It therefore does not have any frontage to the public road and cannot be considered to be one of the three buildings required to constitute the substantial and built up frontage. To the immediate north of no.12 is the site approved under LA09/2018/1242/O, however, this site has not commenced and therefore like

the detached garage cannot be considered to be one of the required three buildings required to have a gap site. Consequently, as there are not three buildings within a substantial and built up frontage, the proposed site does not constitute a gap site. Furthermore, a dwelling on this site would create a ribbon of development stretching from no.12 to the farm building to the south west. The proposed development is contrary to the key test of this policy and should be refused.

While the site fails to satisfy the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 – Integration and CTY 14 – rural character.

#### CTY 13 – Integration

Given the level of vegetation in existence around and on the approach to the site, a dwelling on the proposed site would not have a detrimental impact on visual amenity.

#### CTY 14 – Rural Character

As the proposed site is not considered to be an infill site, the construction of a dwelling on this will visually link the existing dwelling to the farm shed, albeit only when viewed from the proposed access point. However, when viewed from the proposed access point, which will be a shared access and thereby a public viewpoint, it will have a cumulative impact which leads to the erosion of rural character in this area. The proposal is therefore considered to be contrary to this policy.

PPS Planning and Flood Risk advises that 'A Drainage Assessment will also be required for any development proposal, except for minor development, where:

- The proposed development is located in an area where there is evidence of a history of surface water flooding.'

The site lies within an area identified as a pluvial surface water flood zone on Rivers Agency's flood maps. Therefore the applicant is required to provide a drainage assessment. This assessment was requested from the agent on 8th May 2019 and again on 13th May 2019, however to-date, the necessary information has not been provided. The proposal is therefore considered to be contrary to PPS 15 Policy FLD 3.

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

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.

In light of this the Draft Plan cannot be given any determining weight at this time.

#### Consultations

Transport NI and NI Water have advised that they have no issues of concern with the proposed site.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be refused for the following reasons:-

Neighbour Notification Checked	Yes
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#### Summary of Recommendation:

Refuse for the reasons listed below:-



**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along this stretch of the Fallylea Road.
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 create a ribbon of development at that part of the Fallylea Road and therefore result in a detrimental change to the rural character of the countryside.
4. The proposal and ancillary works are contrary to Policy FLD3 of Planning Policy Statement 15 Planning and Flood Risk in that the development would if permitted be at risk from flooding as the site is located in an area where there is evidence of a history of surface water flooding and as provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of its potential to flood.

**Signature(s)****Date:**

ANNEX	
Date Valid	9th April 2019
Date First Advertised	25th April 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Fallylea Road Maghera Londonderry	
Date of Last Neighbour Notification	9th May 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History  Ref ID: LA09/2019/0483/O Proposal: Infill dwelling and garage Address: Approx 51m South West of 12 Fallylea Road, Maghera, Decision: Decision Date:  Ref ID: H/1991/0215 Proposal: HOUSING DEVELOPMENT Address: MULLAGH ROAD MAGHERA Decision: Decision Date:  Ref ID: H/1997/0215 Proposal: SITE OF DWELLING Address: 80M SOUTH OF 10 FALLYLEA ROAD MAGHERA Decision: Decision Date:  Ref ID: H/1998/0057 Proposal: DWELLING Address: SITE AT 80M SOUTH OF 10 FALLYLEA ROAD MAGHERA Decision: Decision Date:  Ref ID: H/2003/1125/O Proposal: Site of dwelling. Address: 20m South of 10 Fallylea Road, Maghera. Decision:	

<p>Decision Date: 07.11.2005</p> <p>Ref ID: H/2003/1306/O</p> <p>Proposal: Site of dwelling.</p> <p>Address: 40m South East of 12 Fallylea Road, Maghera.</p> <p>Decision:</p> <p>Decision Date: 10.04.2006</p>
<p>Summary of Consultee Responses</p> <p>DfI Roads responded without raising any issues of concern.</p> <p>Due to the failure of the applicant to provide the requested information in relation to flooding, it was not possible to consult Rivers Agency in this respect.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



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

## Further Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1380/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Erection of Dwelling, relocation of existing dwelling and site restoration	<b>Location:</b> Adjacent & 100m East of 18 Shantavny Road Garvaghy.
<b>Applicant Name and Address:</b> Ciaran Owens Shantavny Road Garvaghy Ballygawley	<b>Agent name and Address:</b> T A Gourley 35 Moveagh Road Cookstown BT80 9HE
<b>Summary of Issues:</b> This application has been changed to the Erection of Dwelling, relocation of existing dwelling and site restoration, it was previously considered for the retention of a dwelling though it was located close to a chambered grave and is now proposing to relocate the dwelling beside the existing dwelling at 18 Shantavny Road.	
<b>Summary of Consultee Responses:</b> DFI Roads – recommend conditions to be attached if the Council wish to approve Historic Monuments Division – no objections to the resiting, recommend conditions to be attached for surveillance of archaeology Loughs Agency – no objections in principle	
<b>Characteristics of the Site and Area:</b> This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site.  This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission to relocate measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors.	

There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The dwelling is to be moved to beside the existing bungalow and outbuilding at the end of the lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

#### Planning History

There is no relevant planning history associated with this site.

#### Description of Proposal

This application seeks planning permission for the Erection of Dwelling, relocation of existing dwelling and site restoration on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy.

#### Deferred Consideration:

This application was before the Planning Committee in April 2021, March 2023 and again in January 2024 with a recommendation to refuse. Prior to the January 2024 Meeting the agent submitted the following details:

- Confirmation by a contractor who has been engaged for over 10 years to carry out work for the applicant, receipts for cutting and bailing silage for 2018, 2019, 2020, 2021, 2022, and 2023. The first invoices are dated 28 September 2018
- Letter from GP about family member who would benefit from the applicant residing close by
- Solicitors letter and Land registry documents to show land is solely owned by Kieran (Ciaran) Owens and all charges have been removed from the land
- Revised site layout
- Structural report for the existing house which demonstrates it is damp
- Archaeological Assessment

The description of the development was amended to Erection of Dwelling, relocation of existing dwelling and site restoration. This was subject to re-advertisement and neighbour notification and consultation were undertaken.. No objections have been received to the proposal.

This application has been submitted on the basis of 2 different policies,

- CTY6 for personal and domestic reasons,

The Personal and domestic circumstances have been previously been assessed and members will be aware there is a high bar for meeting this test. The applicant has put forward medical information and a letter from their GP. The GP has advised it would be of a benefit to have the applicant living close by. There is no information to explain the undue hardship that would be incurred if this was refused. Other information about the condition of the existing house and why an extension could not be provided are noted however I do not consider there is a personal and domestic case for this dwelling.

- CTY10, for a dwelling on a farm.

This application has taken a long time to process, members will note that it was received in 2020 and due to delays in providing information it has been nearly 4 years in the system. Initially the applicant submitted details from 2016 to show activity on the farm, tis added to the recent invoices does prove the applicant has, in my opinion, been involved in farming on the holding for the required 6 years. I am of the view this is an active and established farm and the first criteria of CTY10 is met. The applicant has recently registered the land in his name, the documents relate to the entire farm and so I am content there have not been any building opportunities or sites sold off the farm in the last 10 years. I have conducted a search of the lands and can advise there are no other plans passed for a dwelling on this farm in the last 10 years. The second criteria of CTY10 is therefore met. The final criteria requires the new dwelling to be sited beside a group of buildings on the farm. To the west of the where it is proposed to re-site the dwelling, and contained within the land identified in blue as other land owned, is No 18 Shantavny Road. This dwelling has a

garden shed and some smaller outbuildings around it. I consider these as other buildings on the farm and as such the 3<sup>rd</sup> criteria is met.

DFI Roads had issues with the access where it meets the public road, this was due to a drawing not being easily read. Amended plans were submitted and they now have no concerns about the safety of the access.

The existing dwelling is sited beside an historic chambered grave, the applicant has submitted an archaeological survey for the relocation of the dwelling. Historic Environment Division have assessed this and are content that the dwelling can be sited as proposed without unduly impacting on the historic monument. They have recommended some monitoring conditions to ensure that any historic remains that are unearthed during the relocation works are properly documented.

Members are advised the existing dwelling on this site is the subject of an enforcement notice that requires it to be removed. This followed an appeal against the Enforcement Notice to the Planning Appeals Commission who upheld the notice but varied it to give the applicant 10 months to comply. In light of this and the need to provide an Archaeological Program of Works I consider it is appropriate and reasonable to condition this permission is similarly time bound to ensure the historic monuments setting is reinstated as soon as possible.

Following the provision of the additional information and in consultation with DFI Roads and DfC HED I recommend this application is approved.

#### **Reasons for Refusal:**

1. The development hereby permitted shall be begun before the expiration of 10 months from the date of this permission.

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

2. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
  - The identification and evaluation of archaeological remains within the site;
  - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
  - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
  - Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 2.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 2. These measures shall be implemented and a final archaeological report shall be submitted to Mid



Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

5. Within 6 weeks of the date of this decision the vehicular access, including visibility splays of 2.4m x 60.0m in both directions and other details as set out in drawing No 04/1 bearing the stamp dated 26 APR 2021 shall be provided as approved. 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.

6. All hard and soft landscape works as detailed on drawing no 03 Rev 1 received on 5 JAN 2024 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

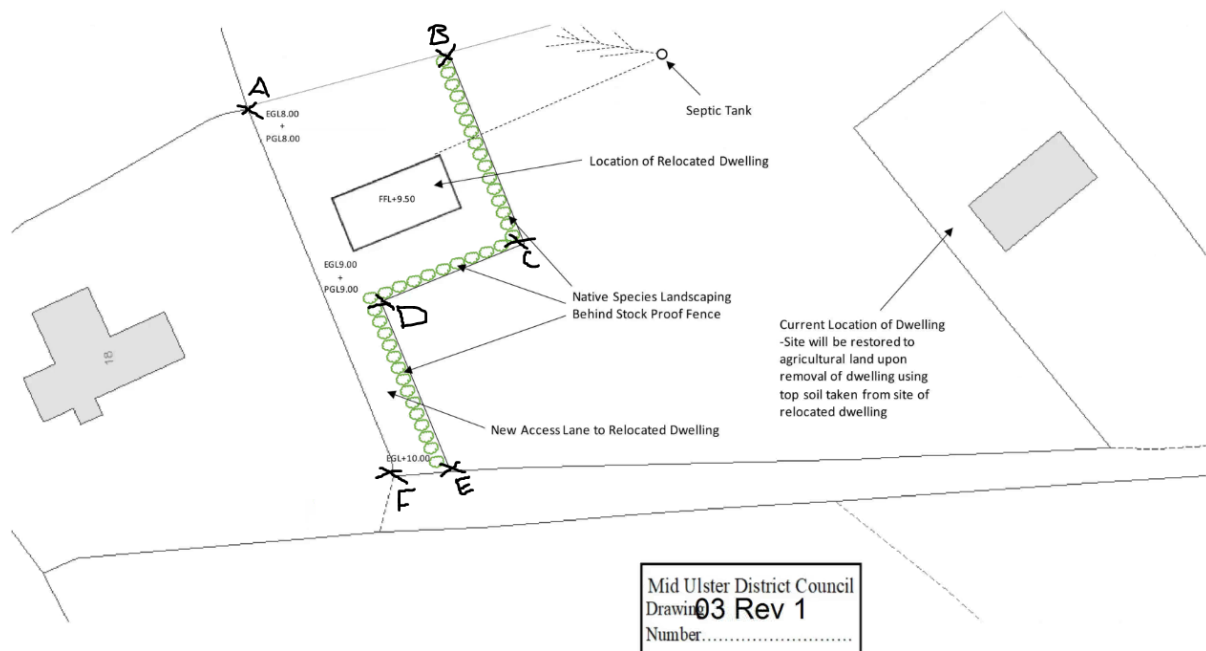
Reason in the interest of visual amenity

7. The curtilage of the proposed dwelling shall be as indicated between points A,B,C,D,E,F on drawing No 03 Rev 1 received on 5 Jan 2024.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

**Signature(s):**

**Date**



**Retention of Dwelling For Ciaran Owens**

**At Adjacent and 100 metres East of 18 Shantavny Road, Garvaghy**



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District Council

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## Further Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1380/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Retention of dwelling	<b>Location:</b> Adjacent & 100m East of 18 Shantavny Road Garvaghy.
<b>Applicant Name and Address:</b> Ciaran Owens Shantavny Road Garvaghy Ballygawley	<b>Agent name and Address:</b> T A Gourley 35 Moveagh Road Cookstown BT80 9HE
<b>Summary of Issues:</b> This application has been changed to the erection of a dwelling, it was previously considered for the retention of a dwelling though it was located close to a chambered grave and is now proposing to relocate the dwelling beside the existing dwelling at 18 Shantavny Road.	
<b>Summary of Consultee Responses:</b> DFI Roads – recommend conditions to be attached if the Council wish to approve Historic Monuments Division – no objections to the resiting, recommend conditions to be attached for surveillance of archaerology Loughs Agency – no objections in principle	
<b>Characteristics of the Site and Area:</b> This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site.  This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked	

by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

#### Planning History

There is no relevant planning history associated with this site.

#### Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy.

#### Deferred Consideration:

This application was before the Planning Committee in April 2021 and again in March 2023 with a recommendation to refuse. Prior to the March Committee Meeting the agent submitted a list of details that he was working on and would be submitting:

- justification for the dwelling under Policy CTY 6
- report from Archaeology & Heritage Consultancy Limited, recommending that the proposed
- justification for the dwelling under Policy CTY 10
- solicitors letters to address issues in relation to land ownership

The application was deferred to allow the submission of this further information, however despite reminders to the agent no additional information has been submitted.

There has been a lack of response to correspondence in relation to this application to address the issues that have been raised. In light of the length of time that I have been waiting for the information and with no alternative proposal to assess, I recommend the application is refused for the reasons stated below.

#### 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. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

**Signature(s):**

**Date**



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1380/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Retention of dwelling	<b>Location:</b> Adjacent & 100m East of 18 Shantavny Road Garvaghy.
<b>Applicant Name and Address:</b> Ciaran Owens Shantavny Road Garvaghy Ballygawley	<b>Agent name and Address:</b> T A Gourley 35 Moveagh Road Cookstown BT80 9HE
<b>Summary of Issues:</b> This application is for the retention of a dwelling that has been constructed without the benefit of planning permission. The dwelling is located beside an historic monument, a personal circumstances case has been made but does not set out why there is a site specific need and a farming case put forward has not been verified. The modular home is not an appropriate rural design and the site lacks any features to integrate the dwelling.	
<b>Summary of Consultee Responses:</b> DFI Roads – recommend conditions to be attached if the Council wish to approve Historic Monuments Division – contrary to BH1 of PPS6 as this has an adverse impact on a scheduled monument Loughs Agency – no objections in principle	
<b>Characteristics of the Site and Area:</b> This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site.  This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern	



elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

#### Planning History

There is no relevant planning history associated with this site.

#### Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy.

#### Deferred Consideration:

This application was before the Planning Committee in April 2021 with a recommendation to refuse. The application was deferred to allow the submission of further information to address the issues raised in the case officers report to committee.

Following the meeting additional information was provided for consideration by DFI Roads and medical information about the applicant's sister. DFI Roads are now content with revised access details and this can be conditioned if planning permission is granted. The medical information for the personal circumstances case does not provide any details and the last documentation was for 2015. of the current circumstance since 2015. Without any recent information I am not convinced or persuaded there is a current medical or personal circumstances case for a separate dwelling. Information has been provided that states the applicants sisters house is not fit for extension and has issues with damp. No response has been provided to the suggestion this is replaced with a new dwelling to accommodate everyone.

The land the applicant claims to own is not registered in his name and despite requests for additional information to address this, no new information has been presented. The agent has advised the applicants solicitor is getting the land registered his name, however there has been no further details about this since 19 May 2022 despite further request in October 2022.

The agent advised they have engaged the services of an Archaeologist to deal with the issues of the Scheduled Monument and they would be submitting details showing the house moved to a more suitable position. Again there has been no further information submitted to deal with this despite requests.

While the dwelling is located off a private laneway, there is no vegetation or land features to integrate it from views on the lane. The lane is not solely to access this property but also serves the applicant sisters house further to the west. In light of this the views from the lane are a material consideration and the dwelling does not integrate nor is its prefabricated design and appearance acceptable in the rural 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 an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

There has been a lack of response to correspondence in relation to this application to address the issues that have been raised. In light of the length of time that I have been waiting for the information and with no alternative proposal to assess, I recommend the application is refused for the reasons stated below.

.

**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. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

**Signature(s):**

**Date**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1380/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of dwelling	<b>Location:</b> Adjacent & 100m East of 18 Shantavny Road Garvaghy.
<b>Referral Route:</b>  This application fails CTY 1 and also CTY 10 and CTY 13 of PPS 21. It also fails to meet AMP 2 in PPS 3 and BH 1 of PPS 6	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Ciaran Owens Shantavny Road Garvaghy Ballygawley	<b>Agent Name and Address:</b> T A Gourley 35 Moveagh Road Cookstown BT80 9HE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Foyle Carlingford & Irish Lights Commission	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice

### Representations:

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

### Characteristics of the Site and Area

This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site.

This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

#### Planning History

There is no relevant planning history associated with this site.

#### Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy. This planning application was submitted in response to Court action which is currently being pursued regarding the unauthorised construction of the dwelling under Enforcement Case LA09/2016/0219/CA.

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

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

The agent provided a supporting statement in which they claim the dwelling met the criteria of both CTY 6 and CTY 10 of PPS 21.

CTY 6 in PPS21 sets out that permission will be granted for a dwelling in the countryside where there are compelling reasons related to the applicant's personal or domestic circumstances, provided the following criteria is met:

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

Medical information was submitted in the form of doctor's records, ambulance reports and hospital discharge letters all dating from 2001 -2015. However, this did not refer to the applicant, but to the applicant's sister who lives at No 18. The agent states the applicant "is involved in caring for his sister who lives together with another sister at No 18. The applicant's partner who resides with him also provides care for the sister when the applicant is at work with a local employer.

While the agent has provided medical records for the applicant's sister covering the years 2011- 2015 to demonstrate as to why this application should be considered under CTY 6 - Special Personal and Domestic Circumstances, I am not persuaded by this information. The agent has not identified the level of care which the applicant provides or any medical evidence documenting the care plan required by Sheila from a medical professional. I am not satisfied the information put forward by the applicant that genuine hardship would be caused if planning permission were refused.

The agent has claimed the existing dwelling at No 18 given its age and layout would not readily facilitate an extension. I am not satisfied by this statement nor convinced that this option has ever been fully investigated. Therefore I am of the opinion this proposal fails to satisfy the requirements of CTY 6, and thus it does not meet this policy.

Policy CTY 13 stipulates 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 shallow pitch of this dwelling and the design is not appropriate in this location. As mentioned above, this site is located in an upland area which is very exposed. There is an absence of any natural boundaries on this site which means it is unable to provide a suitable degree of enclosure for the dwelling to integrate into the surrounding landscape, thereby failing to meet the policy requirements of CTY 13.

The agent in the supporting statement states the applicant owns a farm of over 40 acres since 1979 and has maintained the land in good condition. A number of invoices for bailing were submitted for 2016 - 2018. A lack of information detailing the land within the applicant's ownership and where it is located, along with an absence of any Farm Business ID number, I have been unable to determine if this proposal complies with the criteria required, therefore it fails to meet CTY 10.



### Representations and Consultations

Historic Environmental Division of NIEA were consulted as this dwelling is located next to TYR 52: 22. They responded saying this monument of regional importance is the site of a scheduled prehistoric wedge tomb which is afforded statutory protection under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995 and thus BH 1 of PPS6 is applicable. The dwelling to be retained in this application is located approximately 36 metres from the monument and is in line with the functional alignment of the tomb. The site is located to the south-west of this monument and the eastern boundary runs along the edge of the scheduled area around the wedge tomb. HED (Historic Monuments) is concerned as this application is contrary to Policy BH 1 of PPS 6 ? Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

This application site falls within a Loughs Agency Consultation Zone. So the Foyle Carlingford & Irish Lights Commission were consulted and have no objections to this application.

DfI Roads were consulted and responded stating they could not provide comment due to the poor quality of the drawings submitted. Appropriate accurate drawings were requested from the agent, however this was not submitted which meant DfI could not comment on this proposal due to a lack of information.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

Having considered the policy set out in PPS 21, this proposal fails as it does not meet any of the criteria in CTY 1 and also CTY 10 and CTY 13. It also fails to meet AMP 2 in PPS 3 and BH 1 of PPS 6 also as detailed below.

### **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. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.

3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.

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

5. This proposal is contrary to Policy AMP 2 of PPS 3 Access, Movement and Parking, in that it has failed to demonstrate that the access will not prejudice road safety or significantly inconvenience the flow of traffic, due to an absence of sufficient information.

6. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th November 2020
<b>Date First Advertised</b>	1st December 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 18 Shantavny Road, Garvaghy. Co Tyrone	
<b>Date of Last Neighbour Notification</b>	10th December 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2020/1380/F Proposal: Retention of dwelling Address: Adjacent & 100m East of 18 Shantavny Road, Garvaghy., Decision: Decision Date:  Ref ID: K/2007/0821/F Proposal: Application under Article 28 of the Planning Order to remove Conditions 6 and 7 and modify Condition 11 of Planning Approval K/2005/0597/F Address: Slieve Divena Hill (In the townlands of Altamooskan) Decision: Decision Date: 16.10.2007	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

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

Drawing No. 02  
Type: Farm Boundary Map  
Status: Submitted

Drawing No. 03  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 04  
Type: Road Access Plan  
Status: Submitted

Drawing No. 05  
Type: Elevations and Floor Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1700/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Land off Pomeroy Road approx. 285m North East of 47 Kilmardle Road Dungannon
<b>Applicant Name and Address:</b> Mr Robert Quinn 47 Kilmakardle Road Dungannon	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Summary of Issues:</b>  This application is for the erection of a dwelling on a farm. The dwelling is not sited to cluster with a group of buildings on the farm and has given reasons why this is not possible. The proposed site has new boundary landscaping that will ensure a new dwelling will integrate.	
<b>Summary of Consultee Responses:</b> DFI Roads - access to be in accordance with RS1 DAERA – farm business currently active and established	
<b>Characteristics of the Site and Area:</b> The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. halfway between Donaghmore and Pomeroy. The site is a relatively square shaped plot cut from the roadside frontage and northern corner of a larger agricultural field situated adjacent and accessed off the Pomeroy Rd. A mix of post and wire fencing and light vegetation bound the northeast / roadside and northwest boundaries of the site. The remaining boundaries are undefined and open onto the host field. Whilst the site and host field comprises largely flat low-lying land approx. 1½ m below the level of the adjacent Pomeroy Rd an area around the existing access into the site has been filled in with hardcore and inert material to create level	

entry. There will be open views of the site from the Pomeroy Rd over 300m approx. on the northwest approach, over approx. 100m on the southeast approach and passing along the frontage of the site.

The area surrounding the site is predominantly flat low lying agricultural land interspersed with detached dwellings, ancillary building and farm groups. A dwelling and small no. outbuildings sit on a gravelled yard directly opposite the site to the other side of the Pomeroy Rd; and the applicant's farm buildings including dwelling, poultry units and ancillary buildings / sheds are well set back to the southwest of the site visible from the Pomeroy Rd.

#### **Description of Proposal**

This is an outline planning application for a dwelling and garage on a farm. The site is located on lands off Pomeroy Road approx. 285m North East of 47 Kilmardle Road Dungannon.

#### **Deferred Consideration:**

This application was before the Planning Committee in April 2022 and it was agreed to defer to allow a meeting with the Planning Manager to discuss the proposal further.

At a meeting with the Planning Manager the applicants advised they have chicken houses which have an access approved off the Pomeroy Road. The farmyard behind the chicken houses is accessed off a shared lane which is through another farmers lands and the sight lines onto Kilmakardle Road are substandard. They are unable to improve the access as they do not own the lands either side of it. Biosecurity issues with chicken houses mean they cannot access the farm yard through the proposed lane and any dwelling in the farm yard will be beside other chicken houses. The farm yard is a busy working environment and it would be a health and safety risk to access a site through it or site in close proximity to it. The applicant further advised that even if it were not for the exclusion zone around the chicken houses, they considered the lands to the

Following the meeting the applicants have carried out a landscaping scheme along the roadside and to the north west boundary of the field. They have planted heavy standard trees on the boundaries and these have taken and are in full leaf. (Figs 1 and 2)

Members are advised the only issues here relate to the siting of the dwelling away from a group of buildings on the farm and the integration prospects on the proposed site. Policy CTY10 allows the decision maker to approve development away from a group of buildings on the farm provided there are no other groups on the farm and the site is acceptable in all other environmental terms. It is important to note the Ministerial Statement from then Minister Attwood which highlighted health and safety concerns from development beside busy farmyards. The application for the most recent hen house (LA09/2016/1346/F) explored the potential for access off Kilmakardle Road and the applicants could not meet the minimum standards. EHO have advised that dwellings, even those on the farm, should be located away from hen houses. It is accepted there are bio-security issues that mean dwellings should not be located in close proximity to chicken houses. Taking account of the issue with the access off Kilmakardle Road, the existing chicken houses and the farm yard, I consider there are genuine health and safety reasons to site away from the existing buildings and so the proposal should be assessed against the policies CTY13 and CTY 14.

The site is located below the level of the road and the access has already been approved



which requires the removal of some of the roadside vegetation but not all of it. The roadside vegetation is composed of immature single trees that are well spaced out, they do not form a species rich thick hedgerow and I do not consider it is a priority habitat as referenced in Policy NH5 of PPS2. In my view the loss of the small part of this hedge will not result in loss of a priority habitat. The vegetation to the north west and the dwellings to the southeast of the site reduce close up critical views of the site to the immediate road frontage. From here a dwelling would not appear prominent in the landscape as it will have a backdrop of the chicken houses and the rising land to the rear. There will be longer distance views of the site from the north west (from Pomeroy) and initially, while longer distance, a dwelling here would have been more open to views. The recent landscaping has, in my view provided a screen to the site. Members will be aware that a proposal cannot be approved on the promise of landscaping to provide integration, however in this case a landscaping scheme has been implemented. The landscaping has taken and is in leaf so I am content this is now existing vegetation to define the site boundary. This will provide a screen to any development on the site when viewed from longer distance from the north west. I am of the opinion that a modest dwelling would be acceptable here, it would not be a prominent feature and would be satisfactorily integrated in to the landscape. The dwelling would use the approved access and I would take the opportunity to request additional landscaping along the rear of the sight lines and along the new site boundaries to augment the existing vegetation.

In my opinion the applicant has demonstrated there are genuine health and safety reasons why a dwelling cannot be sited beside existing buildings on the farm. I consider it is appropriate to consider the exception in CTY10. A dwelling on this site would not , in my view, result in an unduly prominent development and would not lead to ribbon development nor adversely impact on the rural character of the area. In light of the above it is my recommendation that planning permission is approved.



Fig 1 and 2 landscaping on the site and frontage vegetation

#### Conditions/Reasons for Refusal:

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

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

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

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

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

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

4. 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 145.0m in both directions and a forward sight distance of 145.0m 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.

5. The dwelling hereby approved shall have a ridge height not exceeding 7.0m above the finished floor level and the underbuilding shall not exceed 0.4m at any part.

Reason: To ensure the dwelling is not prominent and respects the character of the area.

6. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All new curtilage boundaries shall be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

7. 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.

**Signature(s)**

**Date:**



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

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

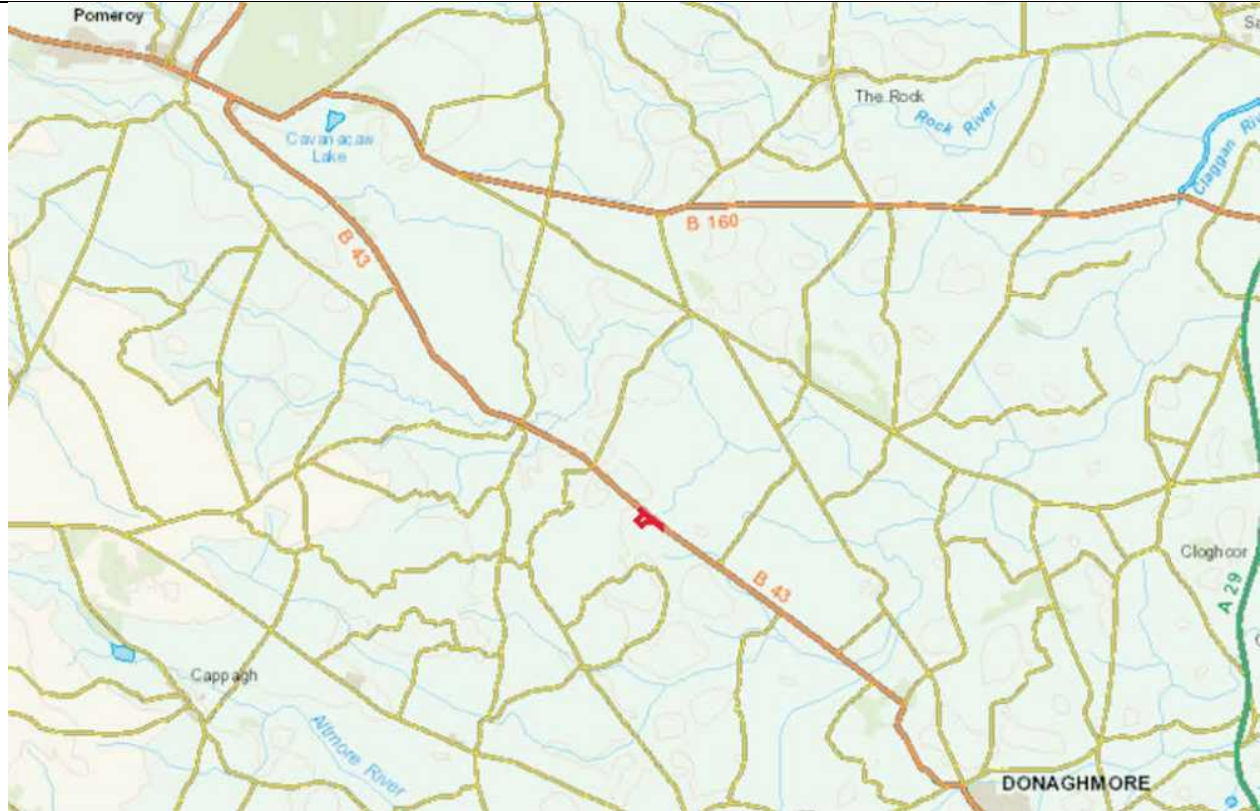
**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1700/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Land off Pomeroy Road approx. 285m North East of 47 Kilmardle Road Dungannon
<b>Referral Route:</b>	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mr Robert Quinn 47 Kilmakardle Road Dungannon	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

#### **Representations:**

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

#### **Description of Proposal**

This is an outline planning application for a dwelling and garage on a farm. The site is located on lands off Pomeroy Road approx. 285m North East of 47 Kilmardle Road Dungannon.

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

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. halfway between Donaghmore and Pomeroy.

The site is a relatively square shaped plot cut from the roadside frontage and northern corner of a larger agricultural field situated adjacent and accessed off the Pomeroy Rd. A mix of post and wire fencing and light vegetation bound the northeast / roadside and northwest boundaries of the site. The remaining boundaries are undefined and open onto the host field. Whilst the site and host field comprises largely flat low-lying land approx. 1½ m below the level of the adjacent Pomeroy Rd an area around the existing access into the site has been filled in with hardcore and inert material to create level entry. There will be open views of the site from the Pomeroy Rd over 300m approx. on the northwest approach, over approx. 100m on the southeast approach and passing along the frontage of the site.

The area surrounding the site is predominantly flat low lying agricultural land interspersed with detached dwellings, ancillary building and farm groups. A dwelling and small no. outbuildings sit on a gravelled yard directly opposite the site to the other side of the Pomeroy Rd; and the applicant's farm buildings including dwelling, poultry units and ancillary buildings / sheds are well set back to the southwest of the site visible from the Pomeroy Rd.

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

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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

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

**Representations**

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

**Planning History**

On Site

- M/1989/0038 - Dwelling and garage - Opposite 37 Mullaghmore Rd Mullaghmore Dungannon - Granted 10<sup>th</sup> April 1989
- M/1989/0038B - Dwelling and garage - Opposite 37 Mullaghmore Rd Mullaghmore Dungannon - Granted 31<sup>st</sup> May 1990

The time for implementing the above applications has expired.

Adjacent

- M/2005/0994/O - Proposed Dwelling - Adjacent to 170 Pomeroy Rd Donaghmore Dungannon - Granted 8<sup>th</sup> June 2006
- M/2007/1462/F - Site for dwelling (under article 28 of the Planning (NI) Order 1991) without compliance with conditions 13 %14 with regards to re-siting of vehicular access of previous approval reference M/2005/0994/O - Withdrawn 28<sup>th</sup> January 2009

The above applications located on lands along the Pomeroy Rd between the site and no. 170 Pomeroy Rd to its southeast were made by the farm owner on the current application.

- M/2013/0499/F Proposed additional 1no. free range poultry shed and feed bin - Land approx. 120m north east of 47 Kilmakardle Rd Dungannon - Granted 30<sup>th</sup> December 2013
- LA09/2016/1349/F - Proposed 1no. additional free range poultry shed with 1no. feed bin (New shed to contain 7000 free range egg laying hens taking the total site capacity 36840 free range egg laying hens) - Land approx. 150m North of 47 Kilmakardle Rd Dungannon - Granted 8<sup>th</sup> May 2017



The above applications made by the farm owner on the current application relate to 2no. poultry units set back from the Pomeroy Rd to the southwest of the site.

### **Consultees**

1. DfI Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted on this application and confirmed the farm business stipulated on the P1C Form accompanying the application is currently active and has been established for at least 6 years.

### **Consideration**

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 states "There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development". These include dwellings on farms in accordance with Policy CTY 10 of PPS 21, which the applicant has applied under.

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

1. the farm business is currently active and has been established for at least 6 years,

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DAERA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. Criterion (1) of CTY 10 has been met.

2. 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 or since PPS 21 was introduced on 25th November 2008,

I have checked the farm maps associated with the application and there is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.



3. the new building is visually linked or sited to cluster with an established group of buildings on the farm. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
- demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

A dwelling and garage on the proposed site would not visually link or cluster with the applicant's farm group including a dwelling, poultry units and ancillary buildings / sheds which are located well set back and removed from the Pomeroy Rd to the southwest of the site (see Fig 1 below). Furthermore, no health and safety reasons to justify siting away from the farm group or verifiable plans to expand the farm business at the existing building group have been submitted. Criterion (3) of CTY 10 has not been met.

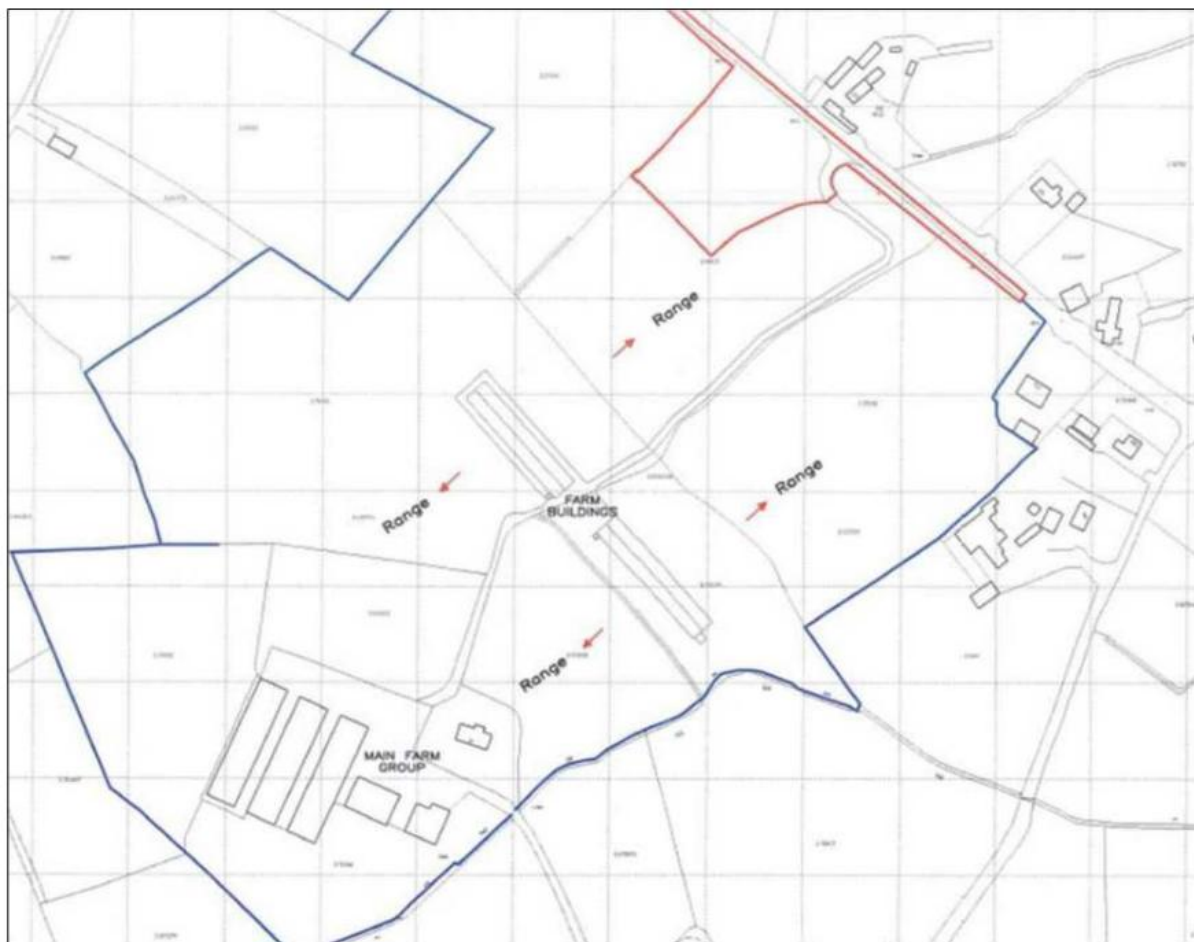


Fig 1: Site location plan showing site outlined red and applicant's farmlands including buildings outlined blue

Nor has the site has the capacity to integrate a dwelling and garage in accordance with policies CTY 13 and CTY 14 of PPS21 as also required by policy CTY 10. The site in my opinion lacks sufficient long established natural boundaries to provide a dwelling and garage on this site, when viewed from the public road, with a suitable degree of

enclosure to integrate it into the landscape without detriment to the rural character of the area.

As detailed above, whilst criteria 1 and 2 of Policy CTY10 has been met, criteria 3 of CTY10 has not been met as a dwelling and garage on the proposed site would not visually link or cluster with the applicant's farm group. Additionally, the site does not have the capacity to integrate a dwelling and garage in accordance with policies CTY 13 and CTY 14. Therefore this proposal is contrary to policies CTY10, 13 and 14.

#### **Additional considerations**

Had the principle this proposal been established I would have had no concerns regarding a new dwelling located on this site impacting the amenity of existing or potential neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing given the location of the site and separation distances that would be retained.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and identified no built heritage assets of interest or natural heritage interests of significance.

Flood Maps NI indicate no flooding on site.

**Recommendation:** Refuse

**Neighbour Notification Checked**

Yes

**Summary of Recommendation**

Refuse

#### **Refusal reasons**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that proposed new building will not be visually linked or sited to cluster with an established group of buildings on the farm.
2. 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 therefore is unable to provide a suitable degree of enclosure for the new building to integrate into the landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

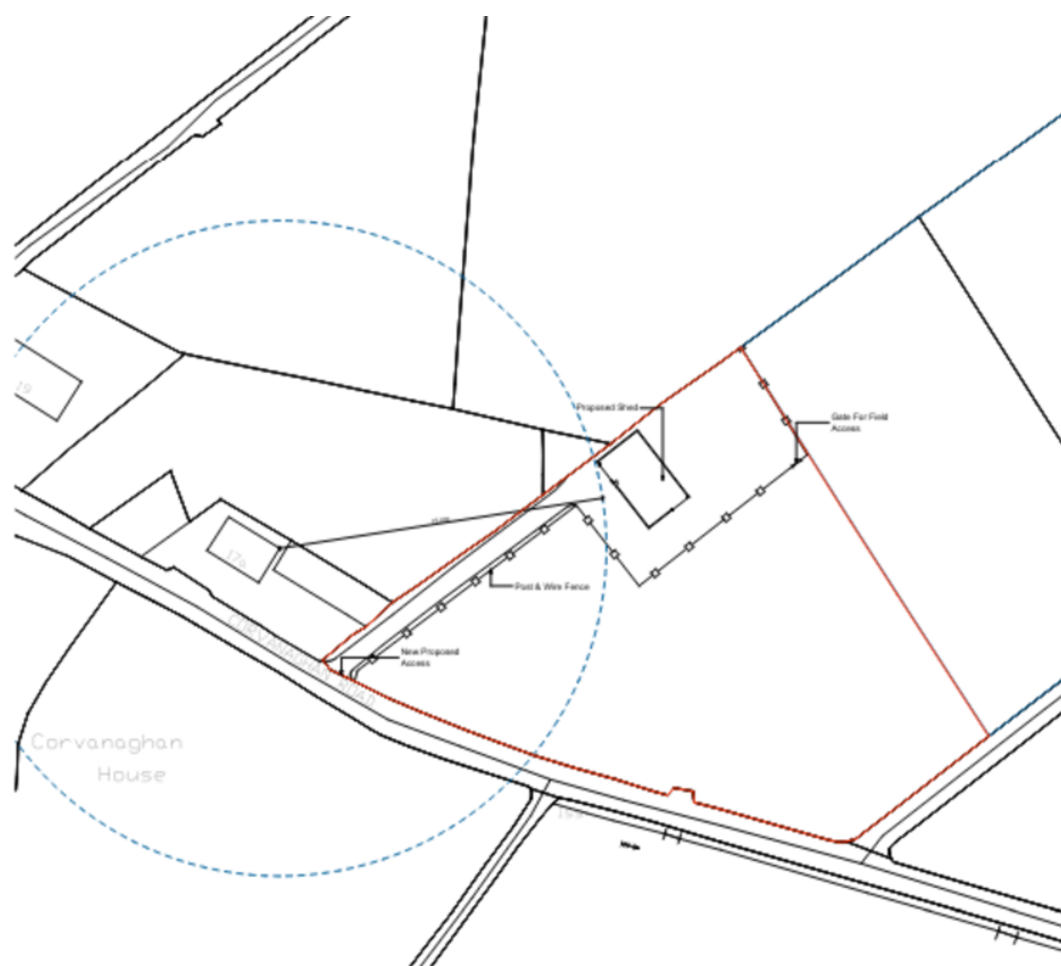


## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2023/0874/F <b>Recommendation:</b> Approve	<b>Target Date:</b> 1 December 2023
<b>Proposal:</b> Proposed farm shed	<b>Location:</b> Lands Approx 53M East of 17A Corvanaghan Road Cookstown
<b>Applicant Name and Address:</b> Mr Charles Quinn 35 Corvanaghan Road Cookstown BT80 9TW	<b>Agent Name and Address:</b> Mor Architects 11 Dunamore Road Cookstown BT80 9NR
<b>Summary of Issues:</b>  <p>This application was first before Members at February 2024 Planning Committee. It was recommended for refusal as it was considered that the proposal failed to comply with the SPPS and Policies CTY 1, CTY 12, CTY 13 and CTY 14 of PPS 21. It had not been adequately demonstrated that there is an active and established farm holding, that the building is necessary for the efficient use of the agricultural holding and in terms of character and scale it is not appropriate to its location and it will not visually integrate into the local landscape. The proposal is also not sited beside existing farm buildings. Concern was also raised that the building would be overly prominent in the local landscape. Members agreed to defer the application for an office meeting which was facilitated on the 16<sup>th</sup> February 2024. Following this office meeting in which the farm case was explored, a site visit carried out and consideration of a letter from a Solicitor setting out the intentions around the farm business, I am recommending the application be approved. Justification for this is provided further in this report.</p>	
<b>Summary of Consultee Responses:</b>  No new consultations were issued to inform this deferred consideration.	

### Description of Proposal

This is a full planning application for a proposed farm shed.



### Deferred Consideration:

In order to fully assess the principle of this proposal under Policies CTY 1 and CTY 12 of PPS21 it is important to set out the details of the farm business. Policy CTY 12 requires there to be a currently active and established agricultural holding (for at least 6 years). The applicant is Mr Charles Quinn of 35 Corvanaghan Road. The farm business is registered to Charles and Shane Quinn, Shane being Charles' son who resides at the same address. DAERA have verified that the Category 1 business has been registered since 2005. The only lands associated with this farm business are the field in which the site sits as well as the field behind this (3.74 hectares in total). Claims have been made of the land in each of the past 6 years. The only buildings associated with this farm business are a dwelling and shed at number 35 Corvanaghan Road. This shed was at one time agricultural but is now used for domestic purposes. Farming activity involves making and selling round bale silage. They currently have no animals due to a lack of housing but it is the intention of Shane to start a sheep enterprise and he wishes to build a shed on this site to enable this. It will house sheep and store feed. A Solicitors letters from Doris and MacMahon has been submitted which certifies that they have been instructed by Charles to transfer the 3.74 hectares to his son Shane.

On the basis of the information at hand, I am satisfied that there is an active and established agricultural holding. Having visited the site I would take the view that the existing shed beside the dwelling at number 35 Corvanaghan Road is not appropriate for the housing of sheep. It is clearly the only domestic shed associated with the dwelling, it sits at very close proximity to a busy road and does not have easy access to the fields which are intended to be used. It would be a sensible solution to erect a small shed in the field in question. The fact that a solicitor has verified that the transfer of lands is in process is also evidence that the intention for Shane to follow through with his farming plans is there. I am therefore satisfied that the agricultural building being applied for is necessary for the efficient use of the holding and adequate justification has been provided for siting away from number 35.

Having visited the site and its surrounds I can confirm that the immediate area is characterised by a mix of dwellings and agricultural buildings scattered throughout in a dispersed pattern. The topography of the land is undulating and rises from the Corvanaghan Road. Most dwellings and agricultural buildings are sited as the land rises. I have no concerns that an agricultural building is out of character in this area and its scale is not excessive nor inappropriate. It will have a back drop of rising land to assist its integration and reduce any prominence concerns. There have been no third party objections to this proposal. The nearest third party dwelling to the site is 17a Corvanaghan Road and it is more than 75m away from where the proposed shed is located. This will ensure that neighbouring amenity is protected.

I have also given consideration to the impact of this development priority habitat. The proposal is not for intensive agriculture and it will not result in the generation of ammonia unlike cattle houses/poultry houses. It will however require the removal of hedgerow along the front on the site to provide splays. DFI Roads have indicated approx. 90m of hedge and fence to be removed to the SE. If this hedgerow was in excess of 1m in height and 0.5m in width then the submission of a biodiversity checklist would be necessary, however this is a very low set hedgerow, less than 1m and its potential for being priority habitat is minimal. New planting will be a condition of approval and as such, I am satisfied there is no conflict with Policy NH5 of PPS 2.

I recommend that this application be approved subject to the conditions below.

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

#### **Approval Conditions**

##### **Condition 1**

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

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

##### **Condition 2**

The vehicular access, including visibility splays of 2.4m x 90m in both directions and a 90m forward sight line shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

**Condition 3**

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 before the development hereby permitted is completed and shall be retained and kept clear thereafter.

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

**Condition 4**

The development hereby approved shall be used only for the purposes of agricultural storage and the housing of sheep.

Reason: To ensure the protection of residential amenity and to prevent an unauthorised use

**Condition 5**

The existing natural screenings of this site shall be permanently retained, except where removal is required to provide splays.

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

**Condition 6**

During the first available planting season after the completion of the development hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site and along the post and wire fencing defining the new site curtilage.

Reason: To ensure the development integrates into the landscape and to encourage biodiversity

**Signature(s):**Karla McKinless

**Date:** 18 June 2024





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 February 2024	<b>Item Number:</b> 5.23
<b>Application ID:</b> LA09/2023/0874/F	<b>Target Date:</b> 1 December 2023
<b>Proposal:</b> Proposed farm shed	<b>Location:</b> Lands Approx 53M East of 17A Corvanaghan Road Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Charles Quinn 35 Corvanaghan Road Cookstown BT80 9TW	<b>Agent Name and Address:</b> Mor Architects 11 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary:</b> <p>The proposal is being presented to members with the recommendation to refuse the application as it is contrary to CTY 12 in that it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding. Insufficient evidence has been provided to demonstrate that there is a need for the building. Furthermore, the size and scale of the building is unsuitable for the site. It is not sited beside existing farm buildings and again, no evidence has been provided to demonstrate it is essential for the efficient functioning of the business. The proposal also fails to comply with CTY 13 &amp; CTY 14 due to the size and scale and the location of the proposed shed, it would result it becoming a prominent feature in the landscape.</p> <p>DfI Roads were consulted and requested amendments which to date have not been requested or provided by the agent. Therefore, in its current form the application also fails to comply with PPS 3. It is likely that these issues could be overcome with the amendments being made as requested. No third party objections were received.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation full.docx
Statutory Consultee	DAERA - Omagh	LA09-2023-0874-F.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DAERA - Omagh	LA09-2023-0874-F.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

The proposal is contrary to CTY 1, 12, 13 & 14 of PPS 21. The proposal is also contrary to PPS 3.



## Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is located within the southern part of a larger agricultural field which extends further north east. The land rises in a north direction gradually. The southern boundary of the site is defined by a low level hedgerow separating the site and the public road. The northern boundary is defined partly by the gable end of a third party dwelling and garage, with trees defining the remainder of the boundary at that side. The south eastern boundary is partially defined by trees and hedgerows. The corner of the site is open with a field access. The north-eastern boundary is currently undefined with the agricultural field extending further. The surrounding area is a mix of residential dwellings located immediately to the north west, with single dwellings located sporadically throughout the countryside.

## Description of Proposal

This is a full planning application for a proposed farm shed.

## Representations

No third-party representations have been received.

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

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. 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.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

*(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;*

- (b) in terms of character and scale it is appropriate to its location;*
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) it will not have an adverse impact on the natural or built heritage; and*
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

Firstly, with regards to determining if the agricultural holding is active and established as set out within Policy CTY 10, DAERA responded to confirm that the farm business is active and established.

With regards to criteria A, I am not satisfied enough justification and information has been provided to justify the need for the shed and how it is necessary for the efficient use of the holding. The agent submitted a statement of case in which the applicant stated they wish to start a sheep enterprise now, and they state no animals are currently kept on the holding as there is no housing available. However, within the statement of case they contradict this by stating there is an agricultural shed adjacent to the applicants dwelling that is being used mainly for domestic storage as there is no garage associated with the dwelling. The agricultural shed identified at the applicants home at 35 Corvanaghan Road measures approximately 170sqm with the proposed shed measuring approximately 230sqm. From this, I believe it is reasonable to assume that the existing shed at 35 Corvanaghan Road could be utilised for the storage of animal feed, veterinary medicine, straw and hay. The onus is on the applicant to provide information on why the proposed shed is necessary for the efficient use of the agricultural holding, which I do not believe is the case.

I do not believe the character and scale of the proposal is appropriate for the local landscape and it will not visually integrate into the local landscape. The agent has not provided a strong enough justification for the need for the proposed shed, especially one of this size. In my opinion, the proposed shed is larger than what is required to accommodate a small herd of sheep. In terms of the ridge height the proposed shed measures approximately 6.3m in height above finished floor level. The shed also has a roller shutter door which is common with agricultural buildings to store machinery such as tractors and other machinery. If the applicant owns any machinery which they have not confirmed, it will leave the question where these are currently stored. The applicant has not provided any clear need for the proposed shed and why it is required to be at the scale proposed. With regards to the site, although there are boundaries on the wider boundary of the site, I believe it is a very open site, with the land rising in a north-eastern direction, it would result in the building being prominent and failing to integrate into the local landscape. The proposed block plan only indicates proposed post and wire fence being used on the boundary of the site, which will not aid integration of the proposal.

I have no concerns that the proposal will not have an adverse impact on the natural or built heritage. Environmental Health were consulted on the proposal and advised that the original plans showed the proposed shed located within 75m of a third party dwelling and it may result in nuisance. The agent then amended the site block plan and moved the proposed shed further north east to ensure there was a separation distance of at least 75m between the proposed shed and third party dwellings. Furthermore, a

condition could be applied to any approval to ensure that the shed is used only for lambing purposes and general storage of farm machinery and feed.

Policy CTY 12 states further that;

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

- *There are no suitable existing buildings on the holding or enterprise that can be used;*
- *The design and materials to be used are sympathetic to the locality and adjacent buildings: and*
- *The proposal is sited beside existing farm or forestry buildings.*

I believe there is a suitable building located on the holding at the applicants home address at 35 Corvanaghan, which in the statement of case has been referred to as an agricultural shed. While the scale of the proposed shed is excessive I am content with the design and materials being proposed. The proposal is not sited beside existing farm buildings.

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

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

I am content that there no alternative sites available at the group of buildings at No.35 Corvanaghan Road, based on the information provided by the agent. However, I am not satisfied that it is essential for the efficient functioning of the business. No demonstrable health and safety reasons have been provided.

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 previously mentioned, I do not believe the proposal visually integrates into the local landscape. It will result in the building being a prominent feature in the landscape and lacks long established natural boundaries to provide a suitable degree of enclosure. While the scale of the proposal is not acceptable in the local area, I am satisfied that the design of the building in terms of its finishes is acceptable.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned, the proposal will result in the building being a prominent feature in the landscape which will erode the rural character. I have no concerns regarding suburban style build-up of development or add to or create a ribbon development.

### PPS 3: Access, Movement and Parking

DfI Roads were consulted on the proposed plans and requested a number of amendments be made to ensure that a safe access is being provided. These amendments were not sought as the principle of development has not been accepted at this location. As such, in its current form the proposal is contrary to Policy AMP 2 of PPS 3 as insufficient information has been provided to demonstrate that the proposal will create a safe access onto the public road. It should be noted for members that should the principle of development be accepted here in line with other prevailing policy, any concerns related to PPS 3 are likely able to be overcome.

### **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 the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

#### **Reason 2**

The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that; there is an active and established farm holding, the building is necessary for the efficient use of the agricultural holding and in terms of character and scale it is not appropriate to its location and it will not visually integrate into the local landscape and no additional planting has been proposed. The proposal is also not sited beside existing farm buildings.

#### **Reason 3**

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in terms of character and scale it is not appropriate to its location and it will be a prominent feature in 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 development would be unduly prominent in the landscape.

**Signature(s):** Ciaran Devlin

**Date:** 23 January 2024

<b>ANNEX</b>	
<b>Date Valid</b>	18 August 2023
<b>Date First Advertised</b>	29 August 2023
<b>Date Last Advertised</b>	29 August 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 17A Corvanaghan Road Cookstown Tyrone BT80 9TN	
<b>Date of Last Neighbour Notification</b>	24 August 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: I/1991/0269 Proposals: Dwelling and Garage Decision: PR Decision Date:  Ref: I/1981/032701 Proposals: ERECTION OF BUNGALOW Decision: PG Decision Date:  Ref: I/1981/0327 Proposals: BUNGALOW Decision: PG Decision Date:  Ref: I/2001/0802/O Proposals: Site for dwelling Decision: PG Decision Date: 14-JAN-02  Ref: LA09/2023/0874/F Proposals: Proposed farm shed	

Decision:  
Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.doc  
Roads Consultation full.docx  
DAERA - Omagh-LA09-2023-0874-F.docx  
Environmental Health Mid Ulster Council-Planning response.pdf  
DAERA - Omagh-LA09-2023-0874-F.docx

### **Drawing Numbers and Title**

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

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

Not Applicable



## Deferred Consideration Report

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





**Deferred Consideration:**

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

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

Consideration has also been given to Policy NH5 of PPS2 which deals with the potential loss of priority habitat resulting from the removal of hedgerow along the site frontage to provide visibility splays. As more than 30m of hedgerow of a height in excess of 1m and a width in excess of 0.5m is required the applicant was asked to submit a biodiversity checklist. This has been submitted and completed by a certified ecologist. It confirms that the hedgerow is mainly gorse. No notable species were observed during a site inspection and it is recommended that the hedge only be removed after the 1st September and before 1st March. Any proposed planting behind splays should be native species. This can be a condition of any favourable decision.

Members are advised to approve this application as it is considered that there is no conflict with Policy CTY 3 of PPS 21 or NH5 of PPS 2.

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

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

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

**Condition 2**

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

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

**Condition 3**

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

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

**Condition 4**

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

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

**Condition 5**

The existing natural screenings of this site, as identified on drawing 02, uploaded on Public Access on 1 September 2023, shall be permanently retained, except where removal is required to provide splays along the site frontage. During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the development integrates into the surroundings, to ensure the maintenance of screening to the site and in the interests of promoting biodiversity.

**Signature(s):**Karla McKinless

**Date:** 18 June 2024

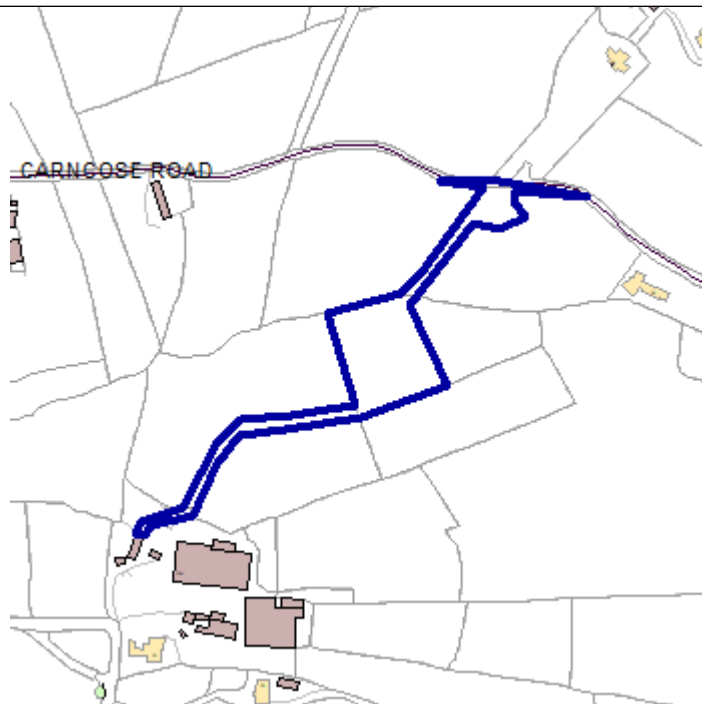


## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



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### Consultations:

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

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

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

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

### **Description of Proposal**

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

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

#### **Policy Consideration**

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

#### **Planning History**

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

#### **Representations**

To date no third party representations have been received.

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

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

#### **Other Constraints**

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

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

There are no issues pertaining to flooding at the site.

#### **Mid Ulster District Council Draft Plan Strategy 2030**

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

### SPPS – Strategic Planning Policy Statement for Northern Ireland

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

### PPS 3 – Access, Movement and Parking

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

### PPS 21 – Sustainable Development in the Countryside

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

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

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

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

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

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

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

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that the proposal meets the criteria under Policy CTY 14.

### Recommendation

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



permission be refused.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

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

**Signature(s):** Benjamin Porter

**Date:** 18 January 2024

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

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

Decision: PG

Decision Date: 15-APR-09

Ref: H/1988/0118

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0051

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/2006/0355/F

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

Decision:

Decision Date:

Ref: LA09/2023/0928/LDE

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

Decision:

Decision Date:

Ref: H/2000/0836/PA

Proposals: Telecommunications Apparatus

Decision: 53

Decision Date: 03-JAN-01

Ref: H/1989/0368

Proposals: RETIREMENT BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0357/F

Proposals: Proposed off-site replacement dwelling and detached garage

Decision:

Decision Date:

Ref: H/1975/0200

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

Decision: PG

Decision Date:

Ref: H/2000/0771/F

Proposals: 11kv Overhead Line

Decision: PG

Decision Date: 18-DEC-00

Ref: LA09/2023/0916/F

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

Decision:

Decision Date:

Ref: LA09/2020/0500/F

Proposals: Proposed off Site Replacement Dwelling

Decision: WDN

Decision Date: 16-JUN-21

Ref: LA09/2021/0934/O

Proposals: Dwelling & Garage

Decision: WDN

Decision Date: 06-SEP-23

Ref: H/2008/0628/F

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

Decision: PG

Decision Date: 18-FEB-09

Ref: H/2007/0861/F

Proposals: Replacement Dwelling

Decision:

Decision Date:

Ref: H/2015/0084/LDP

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

Decision: PG

Decision Date: 06-AUG-15

Ref: H/1996/0448

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1995/0441

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/1996/0028

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1983/0136

Proposals: REINFORCED CONCRETE RESERVOIR AND OUTSTATION

Decision: CROWN

Decision Date:

Ref: LA09/2016/0019/RM

Proposals: Proposed dwelling and garage for residential purposes

Decision: PG

Decision Date: 25-FEB-16

Ref: LA09/2015/0642/O

Proposals: One dwelling house and garage

Decision: PG

Decision Date: 09-NOV-15

Ref: H/2003/1280/O

Proposals: Site of single dwelling.

Decision: PG

Decision Date: 01-MAR-05

Ref: H/1986/0123

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: H/1977/0430

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1975/0244

Proposals: 11KV AND MV O/H LINES C7240

Decision: PG

Decision Date:

Ref: H/1974/0053

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

Decision: PG  
Decision Date:

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

### **Summary of Consultee Responses**

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

### **Drawing Numbers and Title**

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

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

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2023/1215/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 26 February 2024
<b>Proposal:</b> Site for two dwellings and detached garages	<b>Location:</b> Lands Located between No 21 and No 23 Halfgayne Road Maghera
<b>Applicant Name and Address:</b> Mr Francis Bradley 30 Sunnyside Park Maghera BT46 5BG	<b>Agent Name and Address:</b> 2Plan NI 47 Lough Fea Road Cookstown BT80 9QL
<b>Summary of Issues:</b>  This application was first before Members at April 2024 Planning Committee with a recommendation to refuse. It was considered that the proposal failed to comply with Policies CTY 1, CTY 8 and CTY 14 of PPS 21 in that the site did not represent a small gap along a substantially built up road frontage and if approved it would create a ribbon of development which would have a negative impact on the rural character of this area. Members agreed to defer the application for an office meeting which was facilitated on the 16 <sup>th</sup> May 2024. Following this meeting, a subsequent site visit and consideration of additional supporting information I am recommending this application be approved with my justification for this detailed further in this report.	
<b>Summary of Consultee Responses:</b>  No new or additional consultations were considered necessary to inform this deferred consideration.	

## Description of Proposal

This is an outline application with a proposal for a site for two dwellings and detached garages to be accessed under CTY8.

## Deferred Consideration:

In terms of the principle of a dwelling on this site, I am re-considering this application under 2 primary policies - CTY 8 and CTY 14 of PPS 21. In order to assess whether or not an infill opportunity exists under CTY 8, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. To the immediate South of the site is a detached dwelling, number 21. Although set back off the Road it has a definite frontage with the Halfgayne Road. To the North of the site is farm dwelling, number 23, which is sited gable onto road and an associated agricultural outbuilding. Based on the number of buildings I am content that there is a substantial and built up road frontage.

It was previously considered that a small plot of land to the South of the access to the farm dwelling at number 23 was not part of its curtilage and in turn this resulted in a gap that was excessive in size for the purpose of the policy test. The applicant has since submitted additional information to demonstrate that this plot of land is in fact part of the curtilage of number 23. This includes a letter from the occupant of number 23 confirming its use as domestic curtilage since 2010, a 2010 google earth image showing it prepped for re-seeding as lawn and confirmation that it is not accessed via a separate agricultural access. Having considered this information I would take the view that it is indeed part of the domestic curtilage of number 23.

This then leads to a determination as to whether or not the gap being considered is a small gap site sufficient to accommodate up to a maximum of 2 dwellings provided it respects the existing pattern of development in this immediate area. In assessing this I have looked at whether the gap is of a size that it provides a visual break which maintains the rural character in this area. Having visited the site on the ground I take the view that the buildings along this frontage are clearly read together when travelling along the Halfgayne Road, and the gap in question does not provide a visual break. Any rural openness has already been destroyed because of this existing frontage. The development further to the North contributes to this also, despite not being road frontage. The elevation of the land means they can be viewed to the rear of number 23. For these reasons I am of the opinion that the proposal is in keeping with Policies CTY 8 and CTY 14 of PPS21 and the development of this site with 2 dwellings will not create a ribbon of development.

Policy NH5 of PPS2 is also a consideration when assessing the impact of a development on priority habitat. The development of this site to provide 2 dwellings will require the removal of some hedgerow and semi mature trees to provide sight splays. This does not equate to 30m as a substantial part of the frontage is defined by wire and post fencing. As such, I have not requested the submission of a biodiversity checklist, nor is it my opinion that the proposal will have an conflict with Policy NH5. New planting behind sight splays will be recommended as a condition of approval which will compensate for the loss of hedgerow and existing site boundaries will be conditioned to be retained.

There was 1 objection to this proposal which was considered by the previous case officer. It was submitted on behalf of the occupant of number 21 Halfgayne Road.



The first point raised concern regarding the removal of the boundary wall and fence and the objector requested submission of a detailed site access plan. I am satisfied that this level of detail can be submitted with any future Reserved Matters application which the objector will be notified of. It is not deemed necessary under this outline application.

The second point raised concerns regarding the siting of the proposed dwellings stating this will affect the amenity of the existing dwelling located at No.21 Halygayne Road. The objection stated that if the proposed were to be sited closer to the roadside they would sit in front of No.21 and if they were to be sited rear, they would sit above No.21. I would recommend that a ridge height and siting condition be attached to reduce any potential impacts on neighbouring amenity.

I recommend that Members approve this application subject to the conditions referred to below.

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

#### **Approval Conditions**

##### **Condition 1**

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

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

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

##### **Condition 2**

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

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

##### **Condition 3**

A scale plan 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**

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

Reason: To ensure the dwellings integrate into the landform to ensure resident's privacy is not adversely affected

Condition 5

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

Reason: In the interest of visual amenity

Condition 6

The proposed dwellings shall be sited in the areas shaded green and orange on the drawing no. 01 uploaded on Public Access on 10 Nov 2023

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

Condition 7

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

Reason: To ensure that the development satisfactorily integrates.

Condition 8

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 9

The existing natural screenings of this site shall be permanently retained.

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

**Signature(s):**Karla McKinless

**Date:** 17 June 2024



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 April 2024	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2023/1215/O	<b>Target Date:</b> 26 February 2024
<b>Proposal:</b> Site for two dwellings and detached garages - CTY8.	<b>Location:</b> Lands Located between No 21 and No 23 Halfgayne Road Maghera
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Francis Bradley 30 Sunnyside Park Maghera BT46 5BG	<b>Agent Name and Address:</b> 2Plan NI 47 Lough Fea Road Cookstown BT80 9QL
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Magherafelt Area Plan 2015, PPS3, PPS 21 (CTY 1, 2, 8, 13 AND 14). Issues raised by the Planning Department include conflict with planning policy 21 specifically CTY 1, 8 and 14 therefore it is recommended for refusal.</p> <p>This proposal fails to meet Policy CTY 8 of PPS 21 as the gap under consideration is of a size that it could accommodate more than two dwellings. It consists of two plots of land, one of which is not within the red line of the site. Furthermore, the 3 buildings identified by the agent as being part of the roadside frontage are considered not to have substantial and continuously built up frontage along the Halfgayne road.</p> <p>Consultations were sent to DFI Roads, NI Water and HED which have raised no concerns.</p> <p>One third party objection has been received to date, points of concern raised around the siting of the proposed dwellings and how this could affect amenity of No.21, the objection also stated that the proposal will require the removal of a wall and fence owned by No.21 Halfgayne Road.</p>	

## 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	Outline resp.docx
Statutory Consultee	NI Water - Single Units West	LA09-2023-1215-O.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

1 objection was received on the 16/02/2024 and it raised the following concerns: The first point raised concern regarding the removal of the boundary wall and fence and the objector requested submission of a detailed site access plans however, this is not a material consideration for the process of this application and the following would be dealt with at Reserved Matters/Full application which could be conditioned for submission of a

detailed site access plan. The second point raised concerns regarding the siting of the proposed dwellings stating it will affect the amenity of the existing dwelling located at No.21 Halygayne Road. The objection stated that if the proposed were to be sited closer to the roadside they would sit in front of No.21 and if they were to be sited rear, they would sit above No.21.

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

The site is located within the open countryside as defined in the Magherafelt Area Plan 2015. The site is located approximately 3.5 miles north west of the development limits of Maghera, and also lies within an area of Dispersed Rural Communities (Carntogher). The site comprises of a much larger agricultural field, the red line covers a somewhat rectangular fragment of the land which sits on the roadside, the topography of which slopes slightly from the roadside and gradually rises. The northern and southern site boundaries consist of post and wire fencing. The west roadside boundary consists of post and wire fencing interspersed by numerous trees, whilst the east boundary is undefined with mature trees beyond the red line. I note that the immediate surrounding area is characterised by a mixture of single detached residential dwellings alongside outbuildings and a sprawling agricultural fields.

### **Description of Proposal**

This is an outline application with a proposal for a site for two dwellings and detached garages to be accessed under CTY8.

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

#### **Policy Consideration**

#### **Representations**

Three (3) neighbouring properties were notified, and press advertisement was carried out in line with the Council's statutory duty. When writing this report, to date no third party representations have been received.

#### **Relevant Planning History**

Reference: H/1999/0034

Proposal: Site of dwelling

Location: 75M South East Of 23 Halfgayne Road Maghera

Decision and Date: Permission Refused

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

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3: Access, Movement and Parking

- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 21: Sustainable Development in the Countryside

### **Magherafelt Area Plan 2015**

The Magherafelt Area Plan 2015 identifies the site as being in the countryside situated in an Carntogher area of Dispersed Rural Communities (DRC) therefore policy COU04/01 must be considered. Carntogher DRC is located to the north north-west of Maghera on the edge of the Sperrin Area of Outstanding Natural Beauty, I believe the proposed development will have no conflict with Plan Policy COU04.

### **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. 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 therefore existing policy applies, the primary consideration being PPS21 – Sustainable Development in the Countryside.

The SPPS gives provision for development in the countryside subject to a number policy provisions, including CTY 8 of PPS 21 which deals with Ribbon Development. There has been no change in policy direction in the SPPS in respect of Ribbon Development therefore Policy CTY 8 of PPS 21 remains my primary policy consideration in this assessment.

### **Mid Ulster District Council Draft Plan Strategy 2030**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

### **Planning Policy Statement 3 – Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new

access onto the Halfgayne Road. DFI Roads have no concerns subject to visibility splays of 2.4m x 70m with the hedge and fence to be set back as per the RS1 form, if approved this will be conditioned to be complied with at Reserved Matters stage.

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

The Northern Ireland Monuments and Buildings Record (NIMBR) makes available to the public information on sites of archaeological interest contained in the Northern Ireland Sites and Monuments Record (NISMR), as well as information on listed and other historic buildings and structures, industrial heritage features and historic parks, gardens and demesnes.

This site is located within approximately 200 metres from a (NISMR planning buffer zone), therefore HED Historic Monuments were consulted in which the response stated, 'Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.'

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

#### Policy CTY 1- 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. In this instance the application is for an infill dwelling and as a result the development must be considered under CTY 8 of PPS 21.

#### Policy CTY 2 – Development in Dispersed Rural Communities

As previously mentioned, the site lies within a DRC, however, it is necessary to deal with this application under policy CTY 8 as the proposal is for two infill dwellings.

#### CTY 8 - Ribbon Development

Policy CTY 8 of PPS 21 states that planning permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. I do not believe this application site can be considered as a small gap site sufficient only to accommodate up to a maximum of two houses. The gap under consideration takes in the application site and a separate smaller parcel of land to the North of the application site which the applicants wants considered as established curtilage to number 23.



From review of Mid Ulster District Ortho's the last published ortho photography shows this parcel of land being used as a field in 2018(Figure 1). In the absence of a certificate of lawfulness which would demonstrate the change of use of this piece of land as residential curtilage to number 23 I do not consider this as being residential curtilage. For this reason, I am of the opinion that the gap site could potentially hold more than two dwellings creating a gap which acts as a visual break between number 23 and number 21.

Figure 1: (Ortho from 2018)



With regard to the built up frontage; I hold the view that north of the site, dwelling house at No.23 and the detached outbuilding associated with no. 23 Halfgayne Road along with the dwelling house No.21 southeast of the site do not hold a have substantial and continuously built up frontage along the Halfgayne road. With consideration given to the agents case put forward, I deem that the application fails to meet tests of paragraph 5.33 of CTY8.

Overall, I hold the view that the proposed application does not comply and is contrary to Policy CTY 8.

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

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore no design details have been submitted however, given the landform and landscape, and the proposed concept plan provided by the agent, I believe that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping would be required to aid integration therefore a landscaping scheme would be required in any reserved matters application. From which, I am content that the application is able to comply under CTY 13.

#### CTY 14 - Rural Character

Policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned I am content that an appropriately designed dwelling will not appear prominent in the landscape however, since I have considered the application does not meet the exception under Policy CTY 8 I consider the proposal will be unacceptable under CTY 14 as it will, in my opinion, create a ribbon of development. It is therefore considered the proposal fails under Policy CTY 14.

#### Other Considerations

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

Northern Ireland Water were consulted on the application to which they have no objection to the proposed subject to standard conditions which can be viewed on Public Access.

It has been identified that there is a small degree of surface water flooding to the front of the site which has been confirmed through River Agency Strategic Flood Maps. I note that the agent has indicated the preferred siting for the two dwellings by means of a concept plan which lies outside the affected area, therefore for this reason it may be prudent to add a siting condition implement this if this application were to be approved.

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

**Reason 2**

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within a substantial and continuously built up frontage. If permitted this development would create a ribbon of development along the Halfgayne Road.

**Reason 3**

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the two dwellings would, if permitted, create a ribbon of development along this section of the Halfgayne Road.

**Signature(s):** Ciara Carson

**Date:** 19 March 2024

ANNEX	
Date Valid	13 November 2023
Date First Advertised	28 November 2023
Date Last Advertised	28 November 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 23 Halfgayne Road Maghera Londonderry BT46 5NZ The Owner / Occupier 22 Halfgayne Road Maghera Londonderry BT46 5NZ The Owner / Occupier 21 Halfgayne Road Maghera Londonderry BT46 5NZ	
Date of Last Neighbour Notification	21 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: H/2011/0158/F Proposals: Erection of agricultural shed Decision: Decision Date:  Ref: H/2011/0368/F Proposals: Erection of Domestic Garage Decision: PG Decision Date: 26-SEP-11  Ref: H/2012/0011/F Proposals: Proposal to increase the size and scale of a shed for domestic use (previous approved under Ref: H/2011/0368/F) and an increase to the curtilage of the original dwelling to accommodate the repositioning of the shed Decision: PG Decision Date: 25-APR-12  Ref: LA09/2023/1215/O Proposals: Site for two dwellings and detached garages - CTY8.	

Decision:

Decision Date:

Ref: H/1990/0200

Proposals: FARM BUNGALOW

Decision: PG

Decision Date:

Ref: H/1999/0034

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1989/0590

Proposals: SITE OF FARM BUNGALOW

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2023-1215-O.pdf

### **Drawing Numbers and Title**

Site Location Plan   Plan Ref: 01

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

Not ApplicableNot Applicable