



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2017/1349/F	Target Date: 24 November 2017
Proposal: Animal isolation and farm machinery storage shed (amended plans)	Location: Approx 120M South East Of 37 Rocktown Lane Knockloughrim
Applicant Name and Address: Mr Stephen Scullion 53 Castle Oak Castledawson	Agent name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Summary of Issues:	
Summary of Consultee Responses: DAERA - Coleraine-Substantive: YResponseType: FR DAERA - Coleraine-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NI Water - Single Units West-Substantive: TBCResponseType: FR DAERA - Coleraine-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DAERA - Coleraine-Substantive: YResponseType: FR	

Number of Petitions of Objection and signatures	
Summary of Issues	
Characteristics of the Site and Area The site is located approximately half a mile east of Knockcloghrim in open countryside in accordance with the Magherafelt Area Plan 2015. The site address is described as 100m south east of No 37 Rocktown Lane and the site consist of an area of hardstanding surrounded by mature trees. The site is accessed via an existing laneway onto Rocktown Lane.	
Description of Proposal The application proposes to erect a portal frame building to provide housing and agricultural related storage. The site is within a cleared area of woodland located approximately half a mile north east of the existing farm complex located at No 322 Hillhead Road, Knockcloghrim. The building now measures 18.6m x 10m with a ridge height of 6.1m. The lower half of the building is cavity walls construction and the upper half of the building is finished using insulated metal cladding. The roof finish is also insulated metal cladding.	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> Deferred Consideration:- This application was initially presented before the Planning Committee in May 2018 and again in 2019 with a recommendation to refuse based on the following reasons: 1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings is essential for the efficient functioning of the business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building. 2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.	

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

At that site meeting issues were discussed in relation to the principle of siting an isolation shed away from the main group of farm buildings. The justification for this was that the applicants herd being infected by TB. However this does not necessitate an isolation building to be located on a site remote from the main farm grouping. In fact, to site such a building away from the main farm grouping, such as proposed, would have the consequence of moving infected animals to a small narrow plot with two other farm businesses on either side, with the potential to infect animals on those lands.

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

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

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

In previously reconsidering the proposed development, no persuasive evidence has been provided to justify why an isolation shed should be permitted at this location as the applicant has alternatives at the existing main farm grouping which can be

accommodated through the provision of a shed which meets the current DAERA guidance for Isolation Facilities. This guidance confirms that farm isolation buildings only need to be free-standing buildings (i.e. solid walls, no shared airspace, water supply or drainage with other animal accommodation) from any buildings used for other livestock. There is no requirement to locate the isolation building/facility on an alternative site away from existing farm buildings.

On the 8th Sept 2021 the applicant for this shed was changed to a Mr Stephen Scullion with an address listed on a revised p1 form as being No 53 Castle Oak. In addition a revised P1C form listed an alternative CAT1 farm business ID which the applicant has joined in June 2021. Following a request for further clarification as to who was already a member of this farm business it was declared to the Council that a Mr Daniel Scullion was the other party. A revised PIC form was requested with all owners of this farm business appearing to have now signed it. It has been indicated to me that there are currently no farm shed or other buildings on the lands associated with the farm business ID now offered.

The case made has moved away from the isolation /TB need made previously to setting out the following:

1. Stephen has recently acquired 30 acres at Rocktown Lane and these lands are located close to this site (a land registry map is included)
2. The new shed is claimed as being necessary to provide secure storage for Stephen's machinery which is currently stored externally at No 322 Hillhead Road (Stephen's father's farm). Machinery requiring storage is listed as being a tractor / a grass topper / a plough / general purpose trailer / mobile cattle crush / a link box / a roller and a slurry tanker.
3. This shed will also provide dry storage for his animal fodder.
4. Stephen has acquired a herd number in order for him to start buying cattle.

Policy CTY12 remains to determine Policy test for this proposal. Essentially its key tests are that the farm is active and established and that the new shed is necessary for the efficient functioning of the farm. DAERA have confirmed that the farm business now being used to support the application was established in 1993 therefore establishing it more than 6yrs ago. In terms of location, any new shed should be located beside existing farm buildings. The P1C form states that this is to be the first shed on the farm holding. This would appear to be verified via an initial overview of the 4 fields shown related to the business on a 2020 scheme map. For this reason it is appropriate for members to consider this as being the first agricultural building on the farm and therefore unable to be sited with any other buildings on the farm. There have not been any visual integration issues with the proposed shed during any part of the assessment so far and I do not see that the proposal offends any other aspects of PPS21 Policy in this regard.

PPS3 - I can see from the assessment so far that access improvements and the need for these have been debated. The achievability of splays recommended by DFI Roads of 2.4 x 90m in both directions have been based on an estimated road speed of 44mph. It seems that the NW splay is not achievable without setting back the boundary hedge and

lowering the bank verge here. In do note that the DFI response of 10/11/21 acknowledges that this application is for an agricultural shed and that the P1 form declares no vehicular intensification. DFI go on to state that if this is accepted then there is no 'sustainable requirement' to upgrade the existing sub-standard access. When one considers that an agricultural access could be placed here or indeed anywhere along the site frontage as permitted development to allow access for farm vehicles to enter these lands on any amount of occasions I do feel this questions the need for access improvements stated by DFI Roads. I would suggest to members that a suitable compromise is to condition splays of 2.4m by 60m to the NW which DFI Roads have stated can be achieved and to ask for 2.4 x 90m to the SE which can also be achieved albeit to a reduced vertical plane of 1.05m which DFI will accept.

On balance members i feel can now consider this proposal against Policy CTY12 of PPS21 as being the first shed on this farm holding. This is on the understanding that there is no other group of buildings to site the proposed shed beside. In relation to why the shed is necessary for the efficient functioning of the farm business, the justification for this is as presented above.

Subject to condition limiting the use of the shed to that as described i am content that this, along with the modest scale of the proposal, is unlikely to give rise to any negative impacts on the natural environment. At the time of the site visit i nited that the site and access are largely already cleared of vegetation and apper to have been for some time. The remainder of whats known as Lemnaroy plantation can remain treed and therefore be largely unaffected by the proposal. For this reason along with the specific proposed use of the shed for, on occasion, animal isolation purposes (therefore no ammonia concerns) along with agricultural storage i feel that the proposal does not offend the Habitats Regulations NI 2015. In relation to access, i have considered above the need for access improvements and balanced this against the proposed use of the shed as well as agricultural PD. I conclude that 2.4m x 60m should still be sought via condition as a reasonable compromise.

1. 5 years commencement condition.
2. The use if the building hereby permitted shall be limited to the purposes of animal isolation and farm feed and farm machinery storage only.
3. All planting proposed on submitted plans to be carried out during the first available planting season following the date of the permission.
4. Visibility splays of 2.4 x 90m to the SE and 2.4 x 60m to the NW side of the access onto the public road shall be provided prior to the commencement of any other development hereby approved.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Recommendation to approve following alternative farm business ID, change of applicant and further supporting information.

Approval Conditions

Case Officer: Melvin Bowman

Date: 19 August 2022

ANNEX	
Date Valid	29 September 2017
Date First Advertised	19 October 2017
Date Last Advertised	18 October 2017
Details of Neighbour Notification (all addresses) The Owner / Occupier 37 Rocktown Lane Knockcloghrim Magherafelt Londonderry BT45 8QF	
Date of Last Neighbour Notification	19 February 2020
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Coleraine-Substantive: YResponseType: FR DAERA - Coleraine-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NI Water - Single Units West-Substantive: TBCResponseType: FR DAERA - Coleraine-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DAERA - Coleraine-Substantive: YResponseType: FR	

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot ApplicableNot ApplicableNot ApplicableNot
ApplicableNot ApplicableNot ApplicableNot Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

For committee decision



18/4/18

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues: No issues raised.

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

No relevant history

Representations:

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

No letters of representation have been received.

Policy Considerations

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

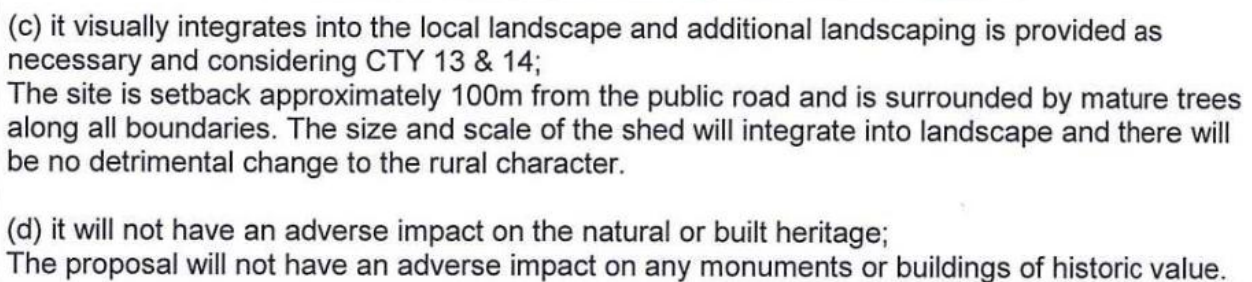
Magherafelt Area Plan 2015: The site is located within open countryside. There are no other designations on the site, however part of the site falls within an area of a monument constraint. HED Historic Monuments have been consulted and are content that the proposal satisfies the SPPS and PPS 6.

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

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

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

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



(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution; The closest third party dwelling is located at No 37 Rocktown Lane which is approximately 100m northwest of the site. Environmental Health Department have been consulted with regards to noise and smell and have raised no concerns, therefore I am satisfied the proposal will not have a significant detrimental impact on third party residential amenity.

Justification for an Alternative Site.

The proposal will not be sited beside an existing group of farm buildings, instead will be located within a plantation located approximately 0.5 mile north east of the principle farm holding located at No 322 Hillhead Road, Knockcloghrim. CTY 12 allows for an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

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

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

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

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

Consideration

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

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

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

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

Other Material Consideration.

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

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

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

Refusal Reasons:

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

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

Signature(s)

Date:

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

Ref ID: H/2007/0204/RM

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

Address: Site opposite No. 37 Rocktown Lane, Knockloughrim

Decision:

Decision Date: 16.06.2008

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03 Revision 1

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

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

Deferred Consideration:

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

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

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

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

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

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

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

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

Conclusion

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

Refusal Reasons

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

Signature(s):

Date

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/1349/F	Target Date:
Proposal: Animal isolation and farm machinery storage shed	Location: Approx 120m South East of 37 Rocktown Lane Knockloughrim
Applicant Name and Address: Robert Edward Scullion 322 Hillhead Road Knockloughrim	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Summary of Issues: Following an initial deferral a site meeting was held on the site in May 2019. The application was recommended for refusal but withdrawn from the Committee schedule in Jan 2019 to consider additional information. This not been forthcoming following numerous attempts asking for this information and a final deadline was given for 18 th July 2019. The issues remain as previously and refusal is recommended.	
Characteristics of the Site and Area: The site is located approximately half a mile east of Knockcloghrim in open countryside in accordance with the Magherafelt Area Plan 2015. The site address is described as 100m south east of No 37 Rocktown Lane and the site consist of an area of hardstanding surrounded by mature trees. The site is accessed via an existing laneway onto Rocktown Lane.	
Description of Proposal The application proposes to erect a portal frame building to provide winter housing and isolation facilities when there is an outbreak of TB. The site is within a cleared area of woodland located approximately half a mile north east of the existing farm complex located at No 322 Hillhead Road, Knockcloghrim. The building measures 18.6m x 15m with a ridge height of 6.6m. The lower half of the building is cavity walls construction and the upper half of the building is finished using insulated metal cladding. The roof finish is also insulated metal cladding. A 4m x 4m roller shutter door is proposed on the western elevation and pedestrian door with glass panel is proposed on southern elevation. 2 No. 0.8m x 0.8m ventilation louvres are proposed on each gable.	

Deferred Consideration:

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

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

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

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

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

The proposed development also raises questions regarding the appropriateness of siting a livestock building within a plantation, which is also an ideal habitat for badgers which are a source of TB. The supporting statement states that cattle will have access to outside grazing throughout the plantation, which may heighten the risk of cattle being exposed to badgers, thus increasing the risk of a TB outbreak. Furthermore, the applicant has failed to

demonstrate that an alternative site away from the existing buildings is essential for the business and why an isolation shed cannot be located at the existing main farm grouping.

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

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

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

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

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

Conclusion

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

Refusal Reasons

1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the alternative site away from the existing buildings, should be treated as exceptional, nor why it is essential for the efficient functioning of the business and has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the design and materials to be used are appropriate for livestock building.

Signature(s):

Date

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/1349/F	Target Date:
Proposal: Animal isolation and farm machinery storage shed	Location: Approx. 120m south east of 37 Rocktown Lane, Knockloughrim
Applicant Name and Address: Mr Robert Edward Scullion	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge
Summary of Issues: Deferral was granted for second time to allow consideration of additional information relating to purchases of land. This was re-considered and refusal is being recommended for the reasons stated.	
Summary of Consultee Responses: DFI Roads require additional information to meet standards of DCAN15.	
Characteristics of the Site and Area: The site is located approx. half a mile east of Knockloghrim, in open countryside. The site address is described as 100m SE of 37 Rocktown lane and the site consists of an area of hardstanding surrounding by mature trees. The main farm is located at 322 Hillhead Road, this is 0.5m NE of this principle group of farm buildings located within an existing plantation. For information the applicant has a current application in for a farm dwelling and garage ref LA09/2019/1327/O which is still under consideration.	

Description of Proposal

Animal isolation and farm machinery storage shed.

The building now measures 18.6m x 10m with a ridge height of 6.1m. the lower half of the building is cavity wall construction and the upper is finished using insulated metal cladding. The roof finish is also insulated cladding. There is a roller shutter door and pedestrian access door.

Deferred Consideration:

This application was previously deferred for a site meeting which was held in May 2019. Then it was deferred again in December 2019 to consider further information relating to the sale of land, which had been submitted by the agent.

At the site meeting in May the principle of siting an isolation shed away from the main group of farm buildings was discussed. The justification being that the applicants herd were being protected from ~~may~~ infection of TB. The applicant had indicated his herd had suffered from TB in the past.

However DAERA have confirmed an isolation shed does not need to be sited remotely from the main farm group. It can be sited closer and following DAERA guidelines, by ensuring the infected animals are not in physical contact with the rest of the herd. In fact, siting the shed away from the main grouping would have the consequence of moving infected animals to a small narrow plot with 2 other from businesses on either side and risking infection to them.

In relation to this adjacent land, it had been indicated by the applicant's agent these lands to the east were to agreed for sale and due for completion on 5th Dec 2019. The solicitor confirmed a sale of land but included no maps of adjacent land. At the time of the committee meeting (5th Dec) land registry still held the land in question in the name of the current owners and not the applicant. Since this date, the applicant has forwarded in solicitor details showing actual sale of lands, but these lands do not relate to the land adjacent to the current site and so do make any difference to support this argument.

Even if this adjacent land was purchased, the siting of the shed within an existing plantation, as shown, would be an ideal habitat for badgers which are a source of TB, so by siting here it may heighten risk of cattle being exposed to badgers, thus increasing the risk of cattle being exposed to badgers, thus increasing the risk of a TB outbreak.

The shed has been reduced from 6.6m to 6.1m in height and was 18.6m x 15m (186sqm) and is now 18.6m x10m (186sqm). Materials and finishes remain the same. However this does overcome in issues relating to CTY12, which still remain, even with a smaller shed.

Agent also submitted other approvals for isolation sheds in an attempt to support their case. However these are not directly comparable. In LA09/2016/1266/f the site was located adjacent to existing buildings on the farm. With LA09/2018/1349/f there is a cattle crush in the same field and there are no other farm building. This issue with this case had related to lack of farm activity and at deferred stage sufficient information was provided to overcome this issue.

Also DFI roads were consulted on amended plans and they stated the proposed 2.4 x 50m sightlines are not achievable from proposed access location due to the close proximity of a road crest approx. 30m to the NE.

DFI would need amended drawings in order to meet the requirements of DCAN 15. This was not requested of the agent as the principle of development is a reason for refusal and still remains and this information would not have overcome it. Therefore it can be added as an additional reason for refusal.

Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020.

In light of this the draft plan cannot currently be given any determining weight.

Refusal Reasons

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

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0455/F	Target Date: <add date>
Proposal: Change of house type on sites 24 to 66 to include updated layout as per DFI Roads requirements	Location: 40M North East Of Currans Brae And 120M North West Of 92 Gorestown Road Moy
Applicant Name and Address: MDK Construction 44C Eglis Road Annaghmore Craigavon BT62 1NL	Agent Name and Address:
Summary of Issues: Impacts of the proposed development on the adjoining residents compared against the approved scheme.	
Summary of Consultee Responses: DFI Rivers - development not inside 1 in 100 year flood area	
Characteristics of the Site and Area: The site is located at Gorestown Road & Currans Brae, Moy. The site is defined as white land in the Dungannon Area Plan, and is currently being cleared for development, with new housing units being erected on the wider construction site. Planning permission was granted on the wider site M/2008/0821/F- 63 dwellings in total - 23 detached, 22 semi-detached, and 18 apartments, on 18/02/2011. The site rises in a steep gradient towards the north east from the Gorestown Road. From approach into the site from Currans Brae the site slopes downwards towards the south east. Clover Hill housing development is located to the east and north of the site (from	

Gorsetown Road approach). Even No.s 16-36 Cloverhill Back onto the site and are all detached bungalows. Large detached houses fronting onto Gorsetown also back onto the site, with only the tops of the roofs visible from the site due to level difference.

Some new detached and semi-detached dwellings are well under construction at the entrance to the site from Gorsetown Road, these dwellings are not the subject of this application.

The boundaries to the NE and SE are shared with properties backing onto the site from Cloverhill and are a mix of fencing and hedging. One property in Clover Hill has no privacy boundary to protect existing rear amenity. The SW boundary of the site is defined by a mix of patchy vegetation and post and wire fencing.

The area is defined predominantly by a mix of dwelling types, mainly 2 storey detached and semi-detached along the Gorsetown Road, single storey detached in Cloverhill and a mix of house types in Hunters Chase, including apartment blocks.

Description of Proposal

The proposal is for Change of house type on sites 24 to 66 (22 units total) to include updated layout as per DFI Roads requirements.

Deferred Consideration:

This application was before the Planning Committee in June 2022 where it was deferred to facilitate a members site visit. Following the committee meeting the applicants submitted amended plans reducing the height of the dwellings on sites 38 & 40 by 1.5m. This reduction was achieved by reducing the overall height of the house. Members were advised of this at the site visit on 23 June and were shown the details of the proposed plans and the approved development as well as the existing houses that back onto the site in Cloverhill.

Neighbours and those who had made comment on the application were notified about these amended plans. Following this consultation additional 5 additional comments were received:

- C Rafferty (x2)10/07/2022
looking into the back of 20 Clover Hill (overlooking garden and sunroom), loss of privacy, loss of privacy and loss of light, all houses in this phase should be ;lowered by 1.5m or story and ½
- P Comac (x2)12/07/2022
Revisions still impacting on light and privacy of 28 Cloverhill, out of character, overdevelopment. To close
- S Millar on behalf of C McCauley
too high, too close, loss of privacy, overlooking , loss of light 32 Cloverhill

Members will be aware from the previous report and discussion at the committee meeting there is an extant permission for this area which includes 2 storey dwellings and a 2 storey apartment block with apartments wholly on the first floor which has high level habitable rooms looking north towards 24, 26 and 28 Clover Hill. The revised plans reduce the level of the proposed ridge height on sites 38 and 40, by approx. 1.5m.

The closest proposed development to No 32 Clover Hill is approx. 24m and no 32 has a detached garage at the rear corner. The proposed development is moving further away from 32 than the approved development, as such I consider the proposal will have no greater impacts on their amenity.

The rear boundary of no 28 Cloverhill is open to the application site and the proposed development is moving closer to No 28 than previously approved. The Department accepted a 14m side to rear separation distance previously with the ridge height approx. 0.5m above the properties in Cloverhill. It is proposed to have the revised house type at 13m side to rear separation distance and 0.5m higher than the ridge of 28 Cloverhill. While this is closer, I do not consider it will have any greater impact on overlooking as the windows will be obscure glazing as they are bathrooms. It is closer and on the south side of no 28 so has the potential to impact on sunlight. There will be overshadowing of 28 Cloverhill, however it will only be for the middle part of the day due to the sun's path. This must be considered against the approved development which would cause shadowing in the early part of the day for 24, 26 and 28 due to the large apartment block and the detached houses would have caused some shadowing in the later part of the day to 28. Overall I do not consider the proposal will have a significantly greater impact on 28 Cloverhill. This is also relevant for the properties at 24 and 26 Cloverhill, the proposal will result in the new houses moving closer to 24 with a side to rear separation of 13m. This must be measured against the 5 story apartment development which was across the entire width of the plots.

There have been no further changes to the proposal for the development to the rear of 16, 18, 20 and 22 Cloverhill. Creating Places guidance suggests 20m back to back separation should be sought and that gardens should be a minimum of 10m in depth. Members will be aware it is inevitable there will be some degree of overlooking and overshadowing in urban areas and these distances are to try and ameliorate these issues. The applicants moved these houses away from the boundary with these properties earlier on in the application process to provide better rear to rear separation distances. This has generally achieved the requirement with an exception of with 17m being the closest to the rear walls of the existing properties. It is noted that no 20 has a sunroom in the rear garden, which is 15m from the rear of the proposed houses. In this case the ground floor windows will be screened by a proposed 1.8m high screen fence and the upper windows will be bedrooms which do not necessarily cause the same degree of concerns. In comparison with the approved development members are advised a communal car parking area can be constructed 10m from the rear wall of 20 Cloverhill, which would, in my opinion have a significantly greater impact on their amenity than the rear garden of this dwelling. It is accepted there will be a greater degree of overshadowing in the evening time which is unlikely to significantly change if the ridge height of the houses was lowered.

Taking account of the concerns raised and comparing against the approved development, I consider on balance the proposal will have less impacts overall for all the residents of the existing dwellings in Cloverhill than the originally approved scheme and as such I recommend it is approved.

Conditions:

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

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

2. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawings No. 03 rev3 date stamp received 20 JUN 2022, unless otherwise agreed by Council.

Reason: To assist in the provision of a quality residential environment and to safeguard existing and proposed residential amenity.

3. The dwellings hereby approved shall be built in accordance with existing and proposed floor levels indicated on drawings No. 03 rev3 date received 20 JUN 2022, and, No. 08 rev1 date received 01 NOV 2021, and shall be permanently retained at that level thereafter, unless otherwise agreed in writing with Council.

Reason: To safeguard existing and proposed residential amenity.

4. No units shall be occupied on site No.s 24-40 (even numbers) shown on drawing No. 03 rev3 date stamp received 20 JUN 2022 until a landscape management and maintenance plan has been submitted to and approved by the Council for all areas of communal open space, including the area marked as 'terraced planting to be maintained by management company' on drawing No. 03 rev3 date stamp received 20 JUN 2022. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

5. No units shall be occupied on site No.s 24-40 (even numbers) shown on drawing No. 03 rev3 date stamp received 20 JUN 2022 until Mid Ulster Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with a suitable Landscape Management Company. The Landscape Management Company shall be responsible for the management and maintenance of all areas of communal open space, for the lifetime of the agreed landscape management plan. Should the agreed Landscape Management Company be changed or for any reason or cease to exist, then a new Landscape Management Company shall be agreed in writing with Mid Ulster Council within 3 months from that date for the agreed period of the plan.

Reason: To ensure that open space is provided, maintained and managed in accordance with PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

6. Prior to the occupation of any dwelling hereby approved being occupied, the amenity space 'B' shown on drawing No. 03 rev3 date stamp received 20 JUN 2022 shall be put in place and permanently retained thereafter. This area of open space shall be managed and maintained in accordance with details agreed under conditions 4 and 5 above, unless otherwise agreed in writing by Council.

Reason: To ensure that the public open space provision is completed prior to the occupation of certain phases of the development for the benefit of the occupiers and to aid the integration of the development into the local landscape as quickly as possible and

to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

Private Street Conditions

7. PS1. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 02 rev5 date stamp received 18 MAR 2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

8. PS2. No dwelling hereby approved shall be occupied until that part of the service road which provides access to it, as shown on drawing No. 02 rev5 date stamp received 18 MAR 2022, has been constructed to base course. The final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0455/F	Target Date:
Proposal: Change of house type on sites 24 to 66 to include updated layout as per DFI Roads requirements	Location: 40m North East of Currans Brae and 120m North West of 92 Gorestown Road Moy
Referral Route: Recommendation to approve, with 3rd party objections.	
Recommendation:	Approve
Applicant Name and Address: MDK Construction 44C Eglish Road Annaghmore Craigavon BT62 1NL	Agent Name and Address:
Executive Summary: Through amends in the overall layout and design, the proposal will now result in a quality residential environment (subject to planning conditions) and is in accordance with PPS7. Objectors concerns have been taken into consideration.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Representations:

Letters of Support	0
Letters of Objection	12
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of 3rd party objections have been received on this application and raise the following issues;

- detrimental impact to private residential amenity through overlooking, over dominance, overshadowing and loss of light;
- detrimental impacts of overloading on Moy Waste Water Treatment Plant;
- unacceptable levels resulting in detrimental impacts on private amenity;

Description of Proposal

The proposal is for Change of house type on sites 24 to 66 (22 units total) to include updated layout as per DFI Roads requirements.

Characteristics of Site

The site is located at Gorestown Road & Currans Brae, Moy. The site is defined as white land in the Dungannon Area Plan, and is currently being cleared for development, with new housing units being erected on the wider construction site. Planning permission was granted on the wider site M/2008/0821/F- 63 dwellings in total - 23 detached, 22 semi-detached, and 18 apartments, on 18/02/2011.

The site rises in a steep gradient towards the north east from the Gorestown Road. From approach into the site from Currans Brae the site slopes downwards towards the south east. Clover Hill housing development is located to the east and north of the site (from Gorestown Road approach). Even No.s 16-36 Cloverhill Back onto the site and are all detached bungalows. Large detached houses fronting onto Gorsetown also back onto the site, with only the tops of the roofs visible from the site due to level difference.

Some new detached and semi-detached dwellings are well under construction at the entrance to the site from Gorsetown Road, these dwellings are not the subject of this application.

The boundaries to the NE and SE are shared with properties backing onto the site from Cloverhill and are a mix of fencing and hedging. One property in Clover Hill has no privacy boundary to protect existing rear amenity. The SW boundary of the site is defined by a mix of patchy vegetation and post and wire fencing.

The area is defined predominantly by a mix of dwelling types, mainly 2 storey detached and semi-detached along the Gorestown Road, single storey detached in Cloverhill and a mix of house types in Hunters Chase, including apartment blocks.

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.

Area Plan

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

The Dungannon & South Tyrone Area Plan does not zone this site for any particular purpose, it is part of a large swath of land that is white land within the settlement limits of Moy. Policy SETT1 allows for favourably consideration of development provided it meets a number of criteria.

Relevant Planning Policy

SPPS	Strategic Planning Policy Statement
PPS7	Quality Residential Environments
PPS8	Open Space, Sport and Outdoor Recreation
PPS6	Planning, Archaeology and the Built Heritage
PPS3	Access, Movement and Parking
PPS2	Natural Heritage
PPS15	Planning and Flood Risk (revised)

Planning History

M/2008/0821/F- Erection of 63 dwellings, accessed off 40m North East of 28 Currans Brae and off 120m North West of 92 Gorestown Road, comprising of 23 detached and 22 semi-detached and 18 apartments, granted 18/02/2011.

LA09/2018/0864/DC- Discharge of conditions 2 and 3 of application M/2008/0821/F (Sewage). These conditions were discharged by the MUDC Planning Department on 05/07/2018, therefore discharge consent to mains sewage was agreed with NIW for 63 units.

There have been other revised applications in other parts of the wider development site, but none are relevant to this particular planning application.

Representations

A number of 3rd party objections have been received on this application and raise the following issues;

- detrimental impact to private residential amenity through overlooking, over dominance, overshadowing and loss of light;
- detrimental impacts of overloading on Moy Waste Water Treatment Plant;
- unacceptable levels resulting in detrimental impacts on private amenity;

Recommendation

The site has previous permission for housing on it under M/2008/0821/F and the Strategic Planning Policy Statement provides no change in direction or clarification in relation to policies relevant to this application. The principle of housing on this site is acceptable.

Under M/2008/0821/F, 28 units (including dwellings and apartments) were granted on this corresponding application site. Under subject planning application, it is proposed to reconfigure the dwellings on the site which will result in 22 units (a reduction in 6 units), amend house types and to reconfigure the proposed access road at this part of the development.

In the reconfiguration, 3 sets of semi-detached dwellings will now back onto No.s 18, 20 and 22 Clover Hill. These dwellings in Clover Hill have shallow rear gardens measuring between 3m to 8m from the rear building line of dwellings to the rear boundary which is shared with this proposed housing development. This initially caused concern, as it was proposed to site 2 storey dwellings backing onto these properties and there was no illustration of where properties on Clover Hill were sited in relation to these properties. Plus there was no indication of levels or cross-sections provided by the developer so that an assessment could be made on overlooking, overshadowing and over dominance. The

gable end of dwellings on sites No 40 and 42 were also 3m and 2m from the rear boundaries of No.s 28 and 24 Clover Hill respectively.

Given the lack of information and level of concern being raised by neighbouring objectors, I requested additional information from the agent. The developer was asked by Council to provide greater separation distances between existing dwellings in Clover Hill and proposed properties within the new development. Level and cross section details were provided, along with privacy boundary treatments. This has provided greater clarity in the relationship between existing and proposed development. I am now satisfied that the revisions are acceptable and provide acceptable separation between existing and proposed properties and shared boundaries. The improved separation distances will not result in unacceptable impacts of overlooking, overshadowing, over dominance or loss of light.

The dwelling on site No. 40 has a similar relationship in terms of FFL and distance to the shared boundary with Clover Hill, to what was previously found acceptable under M/2008/0821/F, albeit this was to the rear of No. 30 Clover Hill and not No. 28 as is now the case. This relationship is now replicated to the rear of No. 24 Clover Hill and the proposed dwelling on site No. 42. Given that this type of relationship was found acceptable under M/2008/0821/F by the Department and Planning Policy remains the same, I am of the view that this is acceptable and that there will be no detrimental impacts of overlooking, overshadowing, over dominance or loss of light. The objectors concerns in this regard are not determining in this instance.

Sufficient rear amenity space has been provided for each proposed dwelling. No landscaping has been impacted. The proposal will not have a detrimental impact on built or natural heritage, and there are no identified archaeological constraints to this site. There is ample foot path provision and the road network can cater for a range of road users. Ample parking has been provided incutillage. There is a net reduction in units from what was previously granted, resulting in a less density which I find acceptable.

The area of open space provision is not being impacted, and does not form part of this application site. However, condition 7 of M/2008/0821/F is currently in breach as dwellings in the lower part of the wider site are occupied and the area of open space indicated as area 'B' under M/2008/0821/F has not been provided in accordance with that condition. This area is currently being used as a temporary construction compound. I e-mailed the developer's Agent for clarification on this matter. The agent responded to state that the developer is content to proceed on the basis of a new condition that no houses within the current application be occupied until the open space area is put in place. On discussion with the Service Director for Planning, it was agreed that a new condition to this effect is an acceptable way forward.

Overall the site has a broadly similar layout to what was previously found acceptable by the Department. DfI Roads have also signed off on the new Private Street Layout at the fifth time of asking. In my view the proposal meets the criteria of PPS 7 will result in a quality residential environment, subject to conditions.

Other considerations

An objector raised concern over impacts of the development on the sewage system of Moy. As previous permission was granted for 28 units on this part of the site, and this

proposal now proposes to reduce the units to 22, then there will be a net decrease in potential loading capacity which NIW would have accounted for given the onsite permission. With this in mind, I have no concern over impacts on the sewage network in this instance. Plus, LA09/2018/0864/DC- Discharge of conditions 2 and 3 of application M/2008/0821/F (Sewage). These conditions were discharged by the MUDC Planning Department on 05/07/2018, therefore consent to mains sewage connection was agreed with NIW for 63 units. As the site is now for 6 units less, this will be a net decrease in loading to Moy WWTW.

Concern was also raised over surface water drainage and loading capacity of sewage infrastructure. In modern developments, storm water is diverted away from sewage infrastructure therefore there is no concern in this regard.

There are no identified issues of land contamination.

The site is not located within a sensitive area and there have been no identified pathways to environmental or human receptors that will cause likely significant impacts. Plus, given what can be developed on site under M/2008/0821/F, I find the impacts to be similar and are not significant.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions;

Conditions

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

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

2. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawings No. 03 rev2 date stamp received 18 MAR 2022, unless otherwise agreed by Council.

Reason: To assist in the provision of a quality residential environment and to safeguard existing and proposed residential amenity.

3. The dwellings hereby approved shall be built in accordance with levels indicated on drawings No. 03 rev2 date received 18 MAR 2022, and, No. 08 rev1 date received 01 NOV 2021, and shall be permanently retained at that level thereafter, unless otherwise agreed in writing with Council.

Reason: To safeguard existing and proposed residential amenity.

4. No units shall be occupied on site No.s 24-40 (even numbers) shown on drawing No. 03 rev2 date stamp received 18 MAR 2022 until a landscape management and maintenance plan has been submitted to and approved by the Council for all areas of

communal open space, including the area marked as 'terraced planting to be maintained by management company' on drawing No. 03 rev2 date stamp received 18 MAR 2022. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

5. No units shall be occupied on site No.s 24-40 (even numbers) shown on drawing No. 03 rev2 date stamp received 18 MAR 2022 until Mid Ulster Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with a suitable Landscape Management Company. The Landscape Management Company shall be responsible for the management and maintenance of all areas of communal open space, for the lifetime of the agreed landscape management plan. Should the agreed Landscape Management Company be changed or for any reason or cease to exist, then a new Landscape Management Company shall be agreed in writing with Mid Ulster Council within 3 months from that date for the agreed period of the plan.

Reason: To ensure that open space is provided, maintained and managed in accordance with PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

6. Prior to the occupation of any dwelling hereby approved being occupied, the amenity space 'B' shown on drawing No. 03 rev2 date stamp received 18 MAR 2022 shall be put in place and permanently retained thereafter. This area of open space shall be managed and maintained in accordance with details agreed under conditions 4 and 5 above, unless otherwise agreed in writing by Council.

Reason: To ensure that the public open space provision is completed prior to the occupation of certain phases of the development for the benefit of the occupiers and to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

Private Street Conditions

PS1. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 02 rev5 date stamp received 18 MAR 2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

PS2. No dwelling hereby approved shall be occupied until that part of the service road which provides access to it, as shown on drawing No. 02 rev5 date stamp received 18 MAR 2022, has been constructed to base course. The final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	19th March 2021
Date First Advertised	6th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Hunters Chase Moy Tyrone Shauna Grimley 18 Clover Hill Moy Tyrone The Owner/Occupier, 2 Hunters Chase, Moy, Tyrone, BT71 7FD The Owner/Occupier, 20 Clover Hill Moy Tyrone Charlie Rafferty 20, Clover Hill, Moy, Tyrone, Northern Ireland, BT71 7TP The Owner/Occupier, 21 Clover Hill Moy Tyrone The Owner/Occupier, 22 Clover Hill Moy Tyrone The Owner/Occupier, 23 Clover Hill Moy Tyrone The Owner/Occupier, 24 Clover Hill Moy Tyrone The Owner/Occupier, 26 Clover Hill Moy Tyrone Patrick Comac 28 Clover Hill Moy Tyrone Patrick Comac 28, Clover Hill, Moy, Tyrone, Northern Ireland, BT71 7TP The Owner/Occupier, 3 Hunters Chase, Moy, Tyrone, BT71 7FD Frances Magee 30 Clover Hill Moy Tyrone Catherine McCauley 32 Clover Hill Moy Tyrone Catherine McCauley 32, Clover Hill, Moy, Tyrone, Northern Ireland, BT71 7TP The Owner/Occupier, 34 Clover Hill Moy Tyrone The Owner/Occupier, 36 Clover Hill Moy Tyrone The Owner/Occupier, 90 Gorestown Road Dungannon Tyrone The Owner/Occupier, 92 Gorestown Road Dungannon Tyrone	

The Owner/Occupier, 94 Gorestown Road Dungannon Tyrone Frances Magee Email Address Charlie Rafferty Email Address Charlie Rafferty Email Address	
Date of Last Neighbour Notification	23rd November 2021
Date of EIA Determination	06/04/2022
ES Requested	No
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	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0734/RM	Target Date: <add date>
Proposal: Proposed 2 dwellings and garages	Location: Lands Between 61 And 65 Kilnacart Road Dungannon
Applicant Name and Address: Mr Thomas Cassidy 102 Killyliss Road Eglish Dungannon	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Summary of Issues: Objections have been received in relation to the septic tanks and how they will be dealt with and surface water run off from the sites as affecting property on the lower side of the sites.	
Summary of Consultee Responses: EHO – unaware of any issues with septic tanks or run off	
Characteristics of the Site and Area: The application site is located on Kilnacart Road, Dungannon, Co. Tyrone. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The application site is located on land between 61 and 65 Kilnacart Road, Dungannon, Co. Tyrone. This site is currently in use as agricultural pasture which fronts onto the Kilnacart Road. The site is bound on its eastern side by an approx. 1.5m high wall which makes up its boundary with the laneway which separates the site from the dwelling at No.65. On the western side of the site the boundary is made up of a hedgerow, which includes some	

mature vegetation in places. Again, the western boundary is located next to a laneway which separates the site from the dwelling at No. 61. The northern boundary of the site includes a mature hedgerow where the site bounds the Kilnacart Road and the southern boundary is much less defined and includes a small 1m high hedgerow.

No. 61 Kilnacart Road to the west is a bungalow type dwelling and is located to the immediate south of No. 59 which is also a bungalow. Both dwellings front directly onto Kilnacart Road and both include detached garages to the side. No. 65, to the east of the site, also fronts onto Kilnacart Road albeit at an angle.

In terms of elevation the site is higher on its western side and the overall topography of the site gradually decreases in elevation towards the east. The wider area surrounding the site exhibits an undulating character.

Description of Proposal

The proposal seeks reserved matters permission for a double infill. It is proposed to erect 2 dwellings with detached domestic garages.

Deferred Consideration:

This application was before the Planning Committee in September 2021 where it was deferred to allow the applicant to provide information in relation to the septic tanks and arrangements for the disposal of the waste water from the site.

Members will be aware there have been objections received in relation to the disposal of the waste water from these sites. Policy CTY16 in PPS21 deals with Development Relying on Non-Mains Sewerage and indicates that planning permission will be refused where proposed on – site sewage treatment is unsatisfactory or where ‘Consent to Discharge’ under the Water Order is unlikely to be forthcoming.

The applicant has submitted 2 separate consent to discharges for these 2 dwelling showing the location of Viltru CE certified Sewage Treatment Plants with minimum of 40 metres sub surface irrigation and discharge into a watercourse:

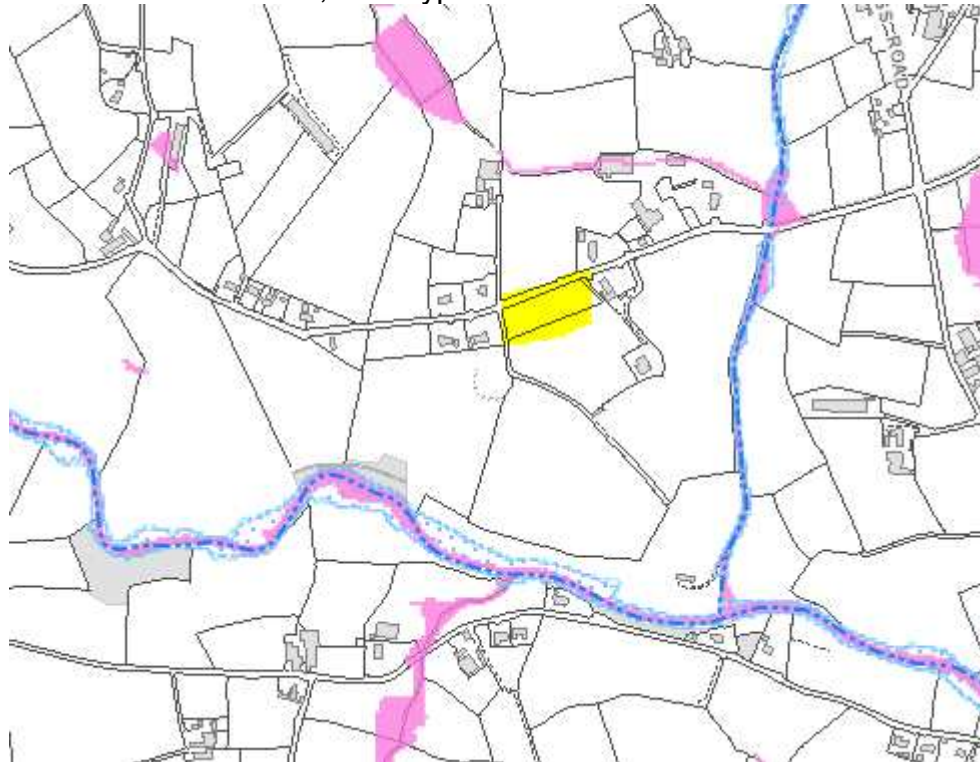
1008/22/1 consented 20 May 2022 for the dwelling to the west and

1445/22/1 consented 25 July 2022 for the dwelling to the east part of the site.

In light of these consents being issued by DAERA under the Water (NI) Order 1999, the applicants have demonstrated there is a suitable non-mains sewerage solution for these 2 dwellings. It is the responsibility of the applicant/owner/operator to ensure the conditions of these Consents to Discharge are met and it is a matter for DAERA to monitor the compliance.

An additional objection was received on 23 August 2022 accompanied by photographs showing run off from the site during a period of heavy rainfall on 22 August 2022 and advising works have commenced without permission. PPS15 has a requirement to request a drainage assessment where the development includes 10 or more dwellings or is in an area subject to flooding due to being in a flood plain or from surface water ponding. This application site does not meet any of these thresholds and as such a drainage assessment has not been requested. Members are advised the photographs accompanying the objection show run off from the development site which appears to be contaminated by silt from the site works. It shows this water is being collected in the gully

at the side of the road, as is typical on rural roads.



Extract from Rivers Flood Maps: site in yellow, flood plains in blue and surface water flooding in pink.

Whilst it is not ideal that developers commence works before permission is granted, it is not illegal to do so, members will be aware that it is only an offence where an enforcement notice is in effect and the terms of that notice have not been complied with. In this case the applicant has already secured planning permission in principle for the development of the site.

In light of these issued consents and taking account of the most recent objection it is my recommendation this application is approved.

Conditions:

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

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

2. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 70.0m in both directions, shall be provided in accordance with the details as shown on drawing no 02/1 bearing the stamp dated 8 JUN 2021. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02/1 bearing the stamp dated -8-JUN-2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0734/RM	Target Date:
Proposal: Proposed 2 dwellings and garages	Location: Lands between 61 and 65 Kilnacart Road Dungannon
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Mr Thomas Cassidy 102 Killyliss Road Eglish Dungannon	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

One third party objection has been received from the neighbouring dwelling at no.65 Kilnacart Road.

The objector raised a number of concerns namely; absence of soakaways, storm water and sewerage from the site plans.

The agent was made aware of the concerns raised in the objection and has dealt with the issues via an amended block plan indicating a number of measures to deal with the surface run off, drainage and sewerage etc. The block plan identifies gulleys piped to soakaways, sub surface

irrigation drains, and a pair of treatment plants including adequate areas of soakaways to deal with the raw sewerage from each dwelling.

Characteristics of the Site and Area

The application site is located on Kilnacart Road, Dungannon, Co. Tyrone. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The application site is located on land between 61 and 65 Kilnacart Road, Dungannon, Co. Tyrone.

This site is currently in use as agricultural pasture which fronts onto the Kilnacart Road. The site is bound on its eastern side by an approx. 1.5m high wall which makes up its boundary with the laneway which separates the site from the dwelling at No.65. On the western side of the site the boundary is made up of a hedgerow, which includes some mature vegetation in places. Again, the western boundary is located next to a laneway which separates the site from the dwelling at No. 61. The northern boundary of the site includes a mature hedgerow where the site bounds the Kilnacart Road and the southern boundary is much less defined and includes a small 1m high hedgerow.



No. 61 Kilnacart Road to the west is a bungalow type dwelling and is located to the immediate south of No. 59 which is also a bungalow. Both dwellings front directly onto Kilnacart Road and both include detached garages to the side. No. 65, to the east of the site, also fronts onto Kilnacart Road albeit at an angle.

In terms of elevation the site is higher on its western side and the overall topography of the site gradually decreases in elevation towards the east. The wider area surrounding the site exhibits an undulating character.

Description of Proposal

The proposal seeks reserved matters permission for a double infill.

Planning Assessment of Policy and Other Material Considerations

Planning History

M/2013/0002/F - Proposed infill development of 2 no. dwellings, Site 80m SW of 65 Kilnacart Road Dungannon - Permission Refused 11.06.2013.

LA09/2018/0317/O Proposed infill development of 2 no. dwellings, Lands between 61 and 65 Kilnacart Road Dungannon - Permission Granted 05.07.2018.

Consultees

DFI Roads were consulted and responded with no objections subject to conditions.

Representations

Neighbour Notification and Press advertisement has been carried out in line with the Council's statutory duty.

One third party objection has been received from the neighbouring dwelling at no.65 Kilnacart Road.

Consideration of the objections.

The objector raised a number of concerns namely; absence of soakaways, storm water and sewerage from the site plans.

The agent was made aware of the concerns raised in the objection and has dealt with the issues via an amended block plan indicating a number of measures to deal with the surface run off, drainage and sewerage etc. The block plan identifies gulleys piped to soakaways, sub surface irrigation drains, and a pair of treatment plants including adequate areas of soakaways to deal with the raw sewerage from each dwelling.

Planning Policy Consideration

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

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

SPPS - Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been

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

Planning Policy Statement 21 - Sustainable Development in the Countryside

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. As this is an application for a pair of dwellings on an infill site CTY8 - Ribbon Development is the relevant policy, which will apply.

The principal of an infill site has already been approved through planning reference LA09/2018/0317/O. This proposal satisfies all the conditions attached to the previous Outline approval.

Overall I am content the proposed site is an infill site and meets the criteria in CTY 8 in PPS 21.

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.

The application site sits along the Kilnacart road, Dungannon. As the site is located along the roadside it can be viewed in either directions along the public road. There are however, dwellings directly next to the site to the east and to the west, giving the site a sense of enclosure. There is also a native species hawthorn hedgerow along the roadside boundary of this field and a fence and laneway at the boundary with No. 61 and hedgerows along all the remaining boundaries, as shown in the site photographs. On balance, I consider the proposal will not be a prominent feature in the landscape.



The proposal consists of the whole field which is fully enclosed on all side as well as this landscaping is proposed to aid integration. I am content new planting will not be primarily relied on for the purposes of integration.

The design of the proposed dwellings were identical, however upon request the agent has changed the design of the windows on the front elevation to separate. They are of a simple nature, the finishes include dash and a natural stone sunroom and front porch. The single storey bodies is sited sensitively on the site and I do not feel it will be intrusive to the area. I am content the dwelling will integrate satisfactorily.

Site 1



Site 2



I am content the proposal will blend with the existing vegetation along the boundaries. There are no other buildings at this site but as there are other dwellings along this stretch of the Kilnacart, I am content the proposal will blend with the other development in the surrounding area.

I am content that the proposal is capable of complying with CTY 13.

CTY 14 - Rural Character

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As mentioned, the site benefits from existing vegetation on all boundaries and further landscaping is needed. The proposed dwelling is sited in a gap site in an otherwise substantially built up frontage I am content that this dwelling will not be a prominent feature in the landscape.

It has been already accepted this proposed development is within an area that has a substantial amount of development and it constitutes an infill opportunity site. As it is within the gap, it will not result in the creation of or extension to ribbon development. I do not consider this dwelling here will detract from the character of this area which already has a significant amount of development.

The creation of two new access at this site will not damage the rural character as there is proposed hedging to mitigate the impact of a new entrance onto a public road.

Planning Policy Statement 3 - Access, Movement and Parking

DFI Roads were consulted as there is a new access from the Kilnacart Road and responded with no objections subject to conditions.

Recommendation Approval

Neighbour Notification Checked**Y****Conditions**

1.The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii.The expiration of a period of 2 years from the date hereof.

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

2. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4mx 70.0m in both directions, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

3.The gradients of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user

4.All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.02/1 dated 8th June 2021 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwelling.

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

Informatives

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures consent before any work is commenced which involves making or

altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	12th May 2021
Date First Advertised	25th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 60 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 60a Kilnacart Road Dungannon The Owner/Occupier, 60b Kilnacart Road Dungannon The Owner/Occupier, 61 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 62 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 62a Kilnacart Road Dungannon The Owner/Occupier, 63 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 65 Kilnacart Road Dungannon Tyrone Noel McCann 65 Kilnacart Road, Dungannon, BT70 1PD	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0734/RM Proposal: Proposed 2 dwellings and garages Address: Lands between 61 and 65 Kilnacart Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2018/0317/O Proposal: Proposed 2 dwellings in accordance with PPS21 policy CTY8 Address: Lands between 61 and 65 Kilnacart Road, Dungannon, Decision: PG Decision Date: 05.07.2018	

Ref ID: M/2004/1365/O

Proposal: Proposed dwelling house

Address: Between 66 & 60 Kilnacart Road, Dungannon

Decision:

Decision Date: 22.12.2004

Ref ID: M/2003/1516/O

Proposal: Proposed dwelling

Address: Adjacent to 61 Kilnacart Road Kilnacart Dungannon

Decision:

Decision Date: 13.02.2004

Ref ID: M/2001/0180/O

Proposal: Site for dwelling.

Address: Land approx. 100m west of 65 Kilnacart Road, Dungannon.

Decision:

Decision Date: 06.07.2001

Ref ID: M/2013/0002/F

Proposal: Proposed infill development of 2 no. dwellings

Address: Site 80m SW of 65 Kilnacart Road, Dungannon,

Decision: PR

Decision Date: 11.06.2013

Ref ID: M/2004/0611/Q

Proposal: proposed dwelling house

Address: Kilnacart Road, Dungannon

Decision:

Decision Date:

Ref ID: M/1994/0630

Proposal: Site for Dwelling

Address: APPROX 40M WEST OF 65 KILNACART ROAD KILNACART DUNGANNON

Decision:

Decision Date:

Ref ID: M/1990/0247

Proposal: Dwelling

Address: ADJACENT TO NO 66 KILNACART ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0626

Proposal: Site for dwelling

Address: ADJACENT TO 65 KILNACART ROAD EGLISH DUNGANNON

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 04
Type: Garage Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 02/1
Type: Site Layout or Block Plan
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1038/F	Target Date: <add date>
Proposal: Change of use from domestic garage & store to living accommodation	Location: To the rear of 155 Moore Street Aughnacloy
Applicant Name and Address: Bernie Corley 153 Moore Street Aughnacloy BT69 6AX	Agent name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Summary of Issues: The proposed development does not provide any private amenity space for occupants, the location no windows would unduly impact on the amenity of adjoining residents due to overlooking.	
Summary of Consultee Responses: DFI Roads – no details of intensification of access and needs 2 parking spaces as well as parking and turning area NI Water – no capacity in the local waste water treatment works	
Characteristics of the Site and Area: The application site is located at lands to the rear of number 155 Moore Street, Aughnacloy. The site lies within the settlement limits of Aughnacloy and within the area of townscape character, ATC as depicted by the DSTAP 2010. The surrounding area is largely characterised by residential development of all density as well as some commercial development. The red line of the site includes a two storey block structure with a hipped roof, and white upvc windows and doors to the front elevation. The site lies to the rear of an existing mid terraced property which extends two storeys in height. The blue line indicates that the building is not directly	

behind the applicants own dwelling which further north at number 153 Moore street. The building is accessible directly from the public footpath and via an archway to the East.

It must be noted there is a door on the front elevation first floor which has no access. There was also two windows on the first floor side elevation and a garage door on the rear elevation.

To the rear of the site and outside of the red line there was a large gravel yard which slopes away to the South, there were also a number of other outbuildings surrounding this yard.

Description of Proposal

The proposal seeks full planning permission for a change of use from domestic garage & store to living accommodation with external alterations to include blocking up the existing upstairs doorway and the provision of a new upstairs window with obscure glazing.

Deferred Consideration:

This application was before the planning committee in January 2022 with a recommendation to refuse and was deferred for a meeting with the Service Director. A meeting was held on 20 January where the agent provided detail about the history of this development, who the proposed dwelling was for and indicate that it is for extended living accommodation to the property at 153 Moore Street and is not for a separate unit of accommodation. It was agreed a further inspection would be carried out and the proposal reconsidered.

The applicant submitted amended plans, without being requested, on 31 May 2022, these have been amended to include:

- downstairs to be used to garage 2 cars (2nd bedroom removed and lift inserted)
- existing door facing towards the rear of the terrace on Moore Street at first floor level has been removed
- proposed window in the bedroom upstairs, facing the rear of the terrace on Moore Street, is annotated as having obscure glazing

Members should note this building was granted planning permission for 'Retention of domestic garage and domestic store above' under application ref M/2009/0935/F, on 10 April 2010, it was approved with 2 conditions:

- The entire external walls of the building shall have a finish of grey dash as specified on the approved Drawing 01 dated 16th October 2009 applied within 6 months of the date of this decision.

Reason: In the interests of visual amenity.

- The building hereby retained, shall be used only for domestic purposes and no other use.

Reason: In the interests of neighbouring residential amenity.

The building has not been rendered as required by the condition.

The Design and Access Statement for this proposal indicates that it should be used for residential accommodation to allow it to be completed and put to a better use as it is in a

poor state. This suggests the proposal was for a separate unit of accommodation. Prior to and following the office meeting, the applicant has indicated this is for an elderly relative to reside in with a degree of independence from 153 Moore Street. No further information was provided to explain who this is or why this is the most suitable option for them. On the basis of this information it is clear the application is for ancillary accommodation associated with 153 Moore Street and the policy considerations are in EXT1 of PPS 7 Addendum.

The amended plans provide some improvement to the overall appearance and impacts from the previous scheme, however I consider it could, if approved, operate as an independent unit of accommodation. The building is physically separate from 153 Moore Street and sits behind the neighbouring property, 155 Moore Street. The proposed bedroom window, while it is indicated as being obscure glazing, faces towards the rear of 155 Moore Street and is 4 metres from their kitchen window. I consider this is too close and this could result in a negative effect on the amenity of the residents in 155 Moore Street having this window so close to a habitable room.

During my visit to the site it was apparent the yard area at the rear of this terrace, and accessed via the arch under 153 Moore Street, is and has been used by a number of different commercial and domestic properties. While there are some historic uses there, these are relatively remote from the property at 155 Moore Street and as such are unlikely to cause significant issues for the residents of that property, except when entering and leaving the yard.

Whilst this building has already been approved for domestic purposes, as a garage and store, this proposed use would, in my opinion intensify the use of the building and would be in conflict with the residents in 155 Moore Street. As such I recommend the application is refused.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is Contrary to Addendum to Planning Policy Statement (PPS) 7 - Residential extensions and alterations in that the building is a self-contained unit of accommodation and could easily stand alone and therefore not ancillary to the existing dwelling.
2. The proposal is contrary to Addendum to Planning Policy Statement (PPS) 7 - Residential extensions and alterations in that the development would, if permitted, harm the living conditions of the residents in No.153 Moore Street by reason of loss of amenity and reduced privacy.
3. The proposal is contrary to PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2 in that the development would, if permitted, be detrimental to the Area of Townscape Character and detract from the character of the surrounding area by reason of its adverse effect on the amenity of neighbouring development and relationship to adjoining buildings.

Signature(s):

Date



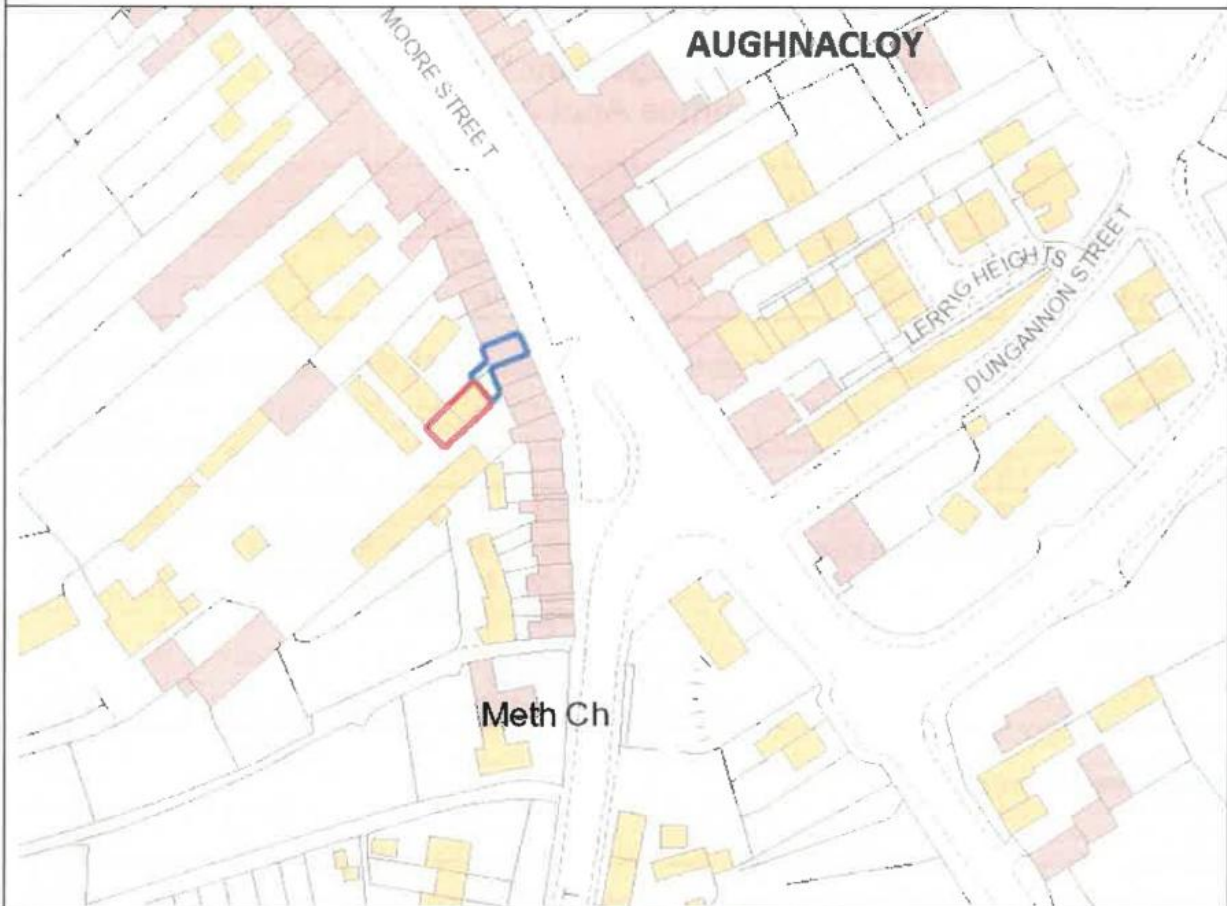
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1038/F	Target Date:
Proposal: Change of use from domestic garage & store to living accommodation	Location: To the rear of 155 Moore Street Aughnacloy
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Bernie Corley 153 Moore Street Aughnacloy BT69 6AX	Agent Name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The application site is located at lands to the rear of number 155 Moore Street, Aughnacloy. The site lies within the settlement limits of Aughnacloy and within the area of townscape character, ATC as depicted by the DSTAP 2010. The surrounding area is largely characterised by residential development of all density as well as some commercial development.

The red line of the site includes a two storey block structure with a hipped roof, and white upvc windows and doors to the front elevation. The site lies to the rear of an existing mid terraced property which extends two storeys in height. The blue line indicates that the building is not directly behind the applicants own dwelling which further north at number 153 Moore street. The building is accessible directly from the public footpath and via an archway to the East.



It was not clear from site visit if the building was in use, however, it was in a poor state of condition. At the time of site visit, the building was structurally intact, however, the buildings construction did not look finished, the walls had no plaster and there were missing sills and door heads. It must also be noted there was a door on the front elevation first floor which had no access. There was also two windows on the first floor side elevation and a garage door on the rear elevation.

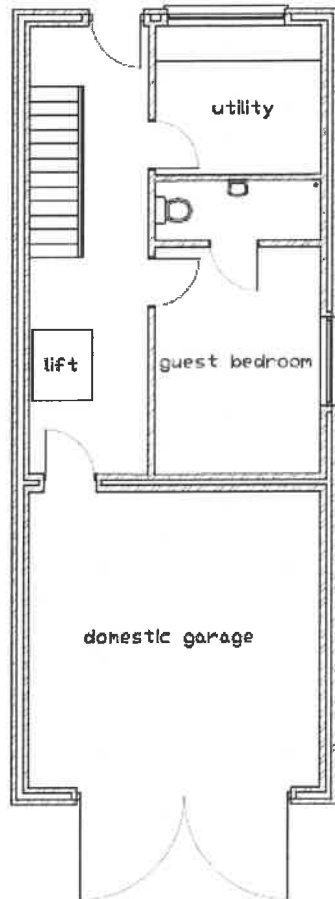


To the rear of the site and outside of the red line there was a large gravel yard which slopes away to the South, there were also a number of other outbuildings surrounding this yard.

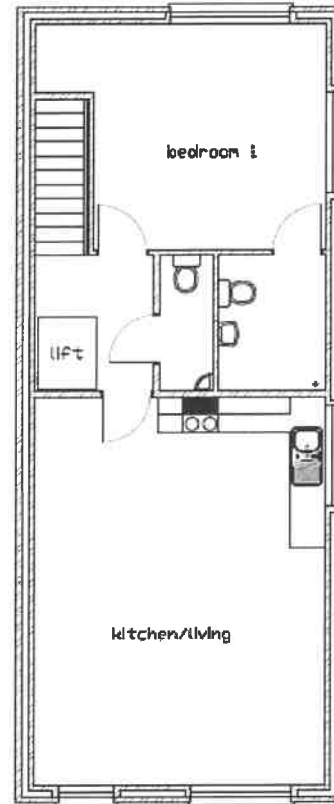


Description of Proposal

The proposal seeks full planning permission for a change of use from domestic garage & store to living accommodation



PROPOSED GROUND
FLOOR LAYOUT
Scale: 1/100



PROPOSED FIRST
FLOOR LAYOUT
Scale: 1/100

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan
- Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
- PPS3: Access, Movement and Parking
- PPS 6 (Addendum): Areas of Townscape Character
- Addendum to PPS7: Residential Extensions and Alterations

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

The Dungannon and South Tyrone Area Plan identifies the site within the settlement limits of Aughnacloy which gives favourable consideration to development subject to plan policies. The site is also designated within an Area of Townscape Character, thus PPS 6 (Addendum) which is retained by the SPPS, is the main policy consideration for the proposal.

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

History

M/2009/0935/F - To the rear of 155 Moore Street, Aughnacloy - Retention of domestic garage and domestic store ? GRANTED 23.04.2010

Background

The applicant has submitted supporting information suggesting that they feel this is ancillary accommodation rather than a standalone dwelling. They suggest that the granting of planning approval for the building as a garage and store in 2010 confirms that it belongs to number 155 albeit positioned to the rear of number 153. The applicant has also submitted further information including a new floor plan showing a lift within the proposed living accommodation and a statement suggesting health problems is justification for the ancillary living accommodation, however, there has been no evidence supporting this claim.

Subsequent to the previous development management discussion regarding this application the agent was asked to provide numerous details including; an overall concept plan, identify circulation space including bin collection area, identify private rear amenity space, clearly layout parking and access details, detail how applicant will deal with waste from the site, and finally detail the proposed finishes. At the time of writing none of the above information has been received as the agent has argued that the building is ancillary living accommodation and none of the above is required.

PPS 3 - Access, Movement and Parking.

Policy Amp 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. And Policy Amp 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a protected route. In this instance DFI Roads were consulted for comment and they responded requesting a controlled turning area and 2 parking spaces which have not been received, the site has no space designated for turning and parking and no area to show any parking, however, it must be noted that there is a large amount of on street parking in Aughnacloy.

PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2 New Development in an Area of Townscape Character states ?The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the

area are protected and integrated in a suitable manner into the design and layout of the development?.

The proposal seeks to change the use of the garage and store to the rear of number 155 Moore Street to living accommodation. The agent claims that although the building is detached from the applicants home approx. 5 metres to the south, and to the rear of a neighbouring dwelling it is ancillary accommodation. With regards to policy ACT 2 it is my opinion that the proposal will not enhance the overall character of the area, as the building is essentially a self-contained unit that could clearly stand alone without any private amenity or parking. In addition the building has been left with an unsightly Block finish and no proposed finishes have been shown on the drawings after being requested.

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) Deals with scale, massing, design and external materials. I note that the proposed finishes have not been detailed on the drawings, these details have been requested but as yet they have not been received. The overall scale and massing, do not change and are therefore deemed as acceptable. I am content on balance that the proposed alterations will not have a significantly greater adverse impact on the character of the surrounding area.

(b) In terms of any impact on neighbouring amenity, as the proposal requires changing the use from an existing garage to living accommodation, coupled with the minimal separation distances of approx. 3 metres between the building and the nearest non connected dwelling I have serious concerns that the proposed works are likely to cause an adverse impact on neighbouring amenity.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. This proposal will not cause loss of trees or landscape features as again it is altering the existing garage.

(d) I note that the red line of the site does not include a private amenity space, nor area for parking or manoeuvring of vehicles, in addition DFI Roads have asked for this information and it has not been forthcoming. As such I consider this contrary to policy.

It is my opinion that this proposal fails to comply with Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations. (parts B and D)

Paragraphs 2.8 to 2.11 of the explanatory text of the Addendum to PPS 7 relate to ancillary accommodation. Paragraph 2.9 states that "to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable".

-In this case the building is clearly detached from the host dwelling, and its function is not supplementary to its use, as the building has its own kitchen, living room, utility, garage and two bedrooms.

Paragraph 2.10 deals with situations where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding. It explains that planning permission will normally depend on the development providing a modest scale of accommodation in order to ensure the use of the building as part of the main dwelling. It goes on to say that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right.

-Again in this case it is clear that the proposal is a self-contained unit of accommodation and could easily stand alone.

Paragraph 2.11 indicates that in all cases, the planning authority will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property; where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.

-Finally, the proposal with its own kitchen, living, bedrooms and garage rather than any shared facilities would clearly be self-sufficient and a separate unit of accommodation. Ancillary accommodation should be designed in a way to demonstrate its dependency with the existing property. In this case it is clear the unit could practically and viably operate on its own and is therefore not acceptable.

Consultation

Transport NI - have requested a controlled turning area and 2 parking spaces which have not been received.

NIW - have stated that the WWTW in Aughnacloy are at capacity and no alternative solution has been suggested to deal with this increased load.

Conclusion

In conclusion, it is my opinion that refusal should be recommended as the proposal is not ancillary accommodation and therefore approval would result in the creation of a new dwelling unit on the site. In addition, the site does not satisfy PPS 3 in that there are no parking or areas for manoeuvring of vehicles shown, the site has no means of WWTW, the proposal if approved would result in an unacceptable loss of amenity for the residents in number 155 Moore Street.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is Contrary to Addendum to Planning Policy Statement (PPS) 7 ? Residential extensions and alterations in that the building is a self-contained unit of accommodation and could easily stand alone and therefore not ancillary to the existing dwelling.

2. The proposal is contrary to Addendum to Planning Policy Statement (PPS) 7 ? Residential extensions and alterations in that the development would, if permitted, harm the living conditions of the residents in No.153 Moore Street by reason of loss of amenity and reduced privacy caused by overlooking.

3. The proposal is contrary to PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2 in that the development would, if permitted, be detrimental to the Area of Townscape Character and detract from the character of the surrounding area by reason of its adverse effect on the amenity of neighboring development and relationship to adjoining buildings.

Signature(s)

Date:

ANNEX	
Date Valid	9th July 2021
Date First Advertised	20th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 151 Moore Street Aughnacloy Tyrone The Owner/Occupier, 153 Moore Street,Aughnacloy,Tyrone,BT69 6AR The Owner/Occupier, 155 Moore Street Aughnacloy Tyrone The Owner/Occupier, 157 Moore Street Aughnacloy Tyrone The Owner/Occupier, 159 Moore Street Aughnacloy Tyrone The Owner/Occupier, 161 Moore Street Aughnacloy Tyrone The Owner/Occupier, 163 Moore Street Aughnacloy Tyrone The Owner/Occupier, 3 Moore Street,Derrycush Corn Market,Aughnacloy,Tyrone,BT69 6AX	
Date of Last Neighbour Notification	30th July 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1991/6092 Proposal: Extension to sewer Corn Market Aughnacloy Address: Corn Market Aughnacloy Decision: Decision Date: Ref ID: M/2009/0935/F Proposal: Retention of domestic garage and domestic store above Address: To the rear of 155 Moore Street, Aughnacloy Decision: Decision Date: 23.04.2010 Ref ID: LA04/2020/1672/F	

Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -,

Decision:

Decision Date:

Ref ID: LA09/2021/1038/F

Proposal: Change of use from domestic garage & store to living accommodation

Address: To the rear of 155 Moore Street, Aughnacloy,

Decision:

Decision Date:

Ref ID: LA09/2016/1354/F

Proposal: 2 storey extension to rear of site with full remodelling of internal spaces to reinstate the property as 2 separate adjacent dwelling houses

Address: 149/151 Moore Street, Aughnacloy,

Decision: PG

Decision Date: 14.03.2017

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1182/F	Target Date: <add date>
Proposal: Retention of farm and factory shop and associated works.	Location: Approx 70m N.E. of 70 Drumgrannon Road Dungannon
Applicant Name and Address: George Troughton 76 Drumgrannon Road Broughadowey Dungannon	Agent name and Address: 2 Plan NI 47 Lough Fea Road Cookstown BT80 9QL
Summary of Issues: The acceptability of and the level of retail activity on this site in the countryside The intensification of use of a substandard access onto a protected route Objection received in relation to the dangerous access	
Summary of Consultee Responses: DFI Roads – refusal recommended, substandard access onto a protected route DFI Rivers – Drainage Assessment required if the proposal exceeds 1000sqm NI Water – recommend to approve EHO – no comment to make DAERA – farm business is currently active and established for over 6 years	
Characteristics of the Site and Area: This application is on Grange Farm and is located 70m NE of No 70 Drumgrannon Road, approx. 1 kilometre north west of the village of The Moy. Access is from an existing private lane off the A29 Protected Route. It is in the rural area outside of any defined settlement limits. The application site is set back over 300metres from the public road on lands that are rising to the west, with existing agricultural sheds and chicken houses behind them to the west.	

Description of Proposal

This application is for the retention of a building for retail purposes and associated works. The building has dark metal walls and roof with an overhang to the front, it measures 9.2m wide, 16m long and 4m in height. The associated works, as on the site and on the submitted drawings appear to be a car parking area, turning area and new lane off the existing to provide access to the development and other buildings at the rear.

Deferred Consideration:

This application was before the Planning Committee on 7 December 2021 where, following discussions and presentations on behalf of the objectors and the applicant, it was deferred for meetings with the Planning Manager, the applicant, the objectors and a member's site visit.

At the deferral meeting with the objector, it was identified that is no issue with the appearance or location of the building, the issue of concern relates to the use and access that is being used. The objectors reiterated concerns in relation to the unsafe access, how they frequently have to wait on the main road for the access to their property to clear and they have been involved in accidents while waiting on the road. They advised they had counted 189 vehicles using the access on 11 December, the day after the planning committee. Additionally they advised a new neighbour has been involved in 37 incidents since moving in.

At the deferral meeting with the applicants it was accepted there is no issues with the appearance or location of the building, concerns relate to the use of the building and the access that is being used. The applicants accept this site is accessed off a protected route and while it may meet the consequential amendment to AMP3 in PPS21 because the access is off an existing lane, the access must be improved in accordance with AMP2 of PPS3. All accept this access is not up to the required standard, it is located on bad corners which limits sight lines, the access is not wide enough to allow 2 vehicles to pass and results in vehicles having to queue on the public road. The concept of the farm shop, what produce can be sold and the activity that is associated with it was further discussed as well as the historic uses on the site. Additional information about a farm shop decision in Lisburn and Castlereagh Area was submitted for consideration.

Members attended a site visit on 14 January 2022 to see the access, the buildings and the wider facility here. Officers from DFI Roads were also in attendance and highlighted the issues with the existing access and what that is required to meet the necessary standard:

- Widen the access to allow 2 way traffic and widen the bell mouth at the junction to allow for larger vehicles entering the lane
- Improve the sight lines to 4.5m x 124m to the northwest and provide a 124m forward sight line from this direction, this requires additional lands, including the garden and parking areas of properties on the opposite side of the road
- Improve the sight lines to 4.5m x 147m to the southeast and 147m forward sight line, this would require additional 3rd party lands to provide this.

Following the meetings additional information was provided for consideration, this included:

Email on 17 January 2022

- Auto tracking details showing vehicles using the access
- Cash sales information entitled JAN 2017 to DEC 2019 beginning 16/04/2018 and ending 30/12/2019 approx 1362 transactions totalling £152,498.56

- Details of EHO visits to the site 22 May 2008 (potato peeling area, warehouse), 18/11/09 wholesale business 11 DEC 2009 (water sample), 29 January 2020 (water sample)
- Invoice samples from old shop in yard (x4) 07/08/2019
- Food Business Establishment Approve – granted 14/03/11, dated 27/7/11 for coldstore activities. Beef, pork, lamb, duck, chicken, turkey and fish bought in from suppliers and supplied onto customers
- Invoices for cattle killing from Lakeview Farm Meats (x3) 25/06/2020, 30/07/2020, 08/10/2020
- Transport Assessment Form 105.1sqm floor space farm shop, 8 car parking spaces, recognises speed limit on road unsuitable for forward sight lines, traffic generated by proposal is cars, existing traffic primarily HGV
- P1C form for farm business
- Covering letter from agent advising the applicant will accept conditions restricting the hours of use of the shop and types of goods sold, accept the proposal is in a new building and has set out health and safety reasons, parking and servicing issues, protection of food prep areas, bio security and compliance with other statutory agencies as reason why cannot operate shop from existing buildings therefore have relocated to new building
- Letter from MRA setting out there are road safety issues with the bends here, a collision history is not associated with the access, small increase in traffic using the site questioning the previous expansion of the farm being permitted, questioning the road speeds being used to calculate the sight lines, accepting the applicant cannot improve the access to the required standard but that DFI Roads can reduce the speed limit, offering to provide additional signage along the road to identify the dangers

Email on 19 January 2022 sets out the proposal is for relocation of the farm shop that has been in place for a number of decades, setting out precedent cases for farm shops and identifying the types of goods that could be sold from them as from local area (parish and Lisburn & Castlereagh Council). Attachments provided include :

- Sage printout from 31/03/2016 – 30/04/2018 showing 2579 transactions in that period (105 weeks, this equates to approx. 5 transactions per day if Sundays are not included)
- 7 random cash sales, (06/04/2016, 15/09/2016, 02/12/2016, 31/03/2017, 27/06/2017, 20/10/2017, 26/02/2018)
- Written ledgers - May 97 (76 transactions), Oct 2000 (76 transactions) Feb 04 (61 transactions)
- Images of where sales were carried out in existing building

This additional information has been advertised, neighbours notified, DFI Roads and DAERA have commented on the information.

Members will be aware this proposal is to retain a new building for retailing in the countryside, it is based on the proposal being for a farm shop and the applicant has advised there has been a retail element ongoing here for some time. The Strategic Planning Policy Statement for Northern Ireland sets out that retail in the countryside should be resisted and that farm shops may be a general exception to that policy (para 6.279). It further indicates these should be within existing buildings and not have any adverse impact on the vitality and viability of an existing centre. The SPSP and CTY11 of

PPS21 allow farm diversification proposal which may, in exceptional circumstances involve new buildings, but usually it should be within existing buildings on the holding. The applicant has advised this is a farm diversification proposal and has provided a farm business ID that DAERA have confirmed is currently active and has been established in excess of 6 years. They have provided information they wish to be considered to show there is an established use here. Members are advised the most appropriate way to do this is by the submission of a Certificate of Lawful Use or Development, however in this case it is unlikely to succeed as the area that was used for sales is no longer used for sales, the applicants have advised the use has been transferred to the new building. None of the information that has been provided would indicate there was anything other than infrequent sales and it was mainly wholesale from the site. The names on the ledgers would suggest local businesses came to the site to buy directly from here, there is nothing to suggest this was frequently used by the general public. On the basis of the information that has been provided I do not consider there has been an established retail use carried on from the site. The information that has been presented shows there was incidental sales from the premises, ancillary to the main farm business on the site. This may not have necessarily required planning permission. That said, while there may not have been an established retail use, there is an allowance for a farm shop under farm diversification policies. It is clear the shop is run in conjunction with the farm and other established uses on the site. From the site visit it was apparent there is produce sold here which is from the farm business however it is also acting as a mini market and general convenience goods retailing, which sits outside what could reasonably be classed as farm produce. The applicants have been afforded the opportunity to reduce the range of goods within the shop, to the range that was previously offered from the farm and this has not been done. It is possible that planning permission could be granted with restrictive conditions to permit the shop to operate as a farm shop, however, given the current and on-going scale of retailing this is unlikely to cease or reduce the use. The SPPS and Farm Diversification policies do suggest a new building may be permitted, the applicant has put forward their reasons for this, which would tend to be in accordance with the exceptions set out in CTY11. The building is sited to cluster with the other building so the farm and it is accepted there is no issue with its appearance, however this proposal for the retention of this shop is exceeding what would be reasonably taken to be a farm shop and as such there is no policy support for it and it should be refused.

Further to the current activities being unacceptable, this proposal is resulting in the intensification of the use of a substandard access onto a protected route and DFI Roads have advised the access requires the following improvements:

- access to be widened to accommodate 2 way traffic
- 4.5m x 124m sightline to northwest
- 124m forward sightline from the northwest
- tangential sightline to northwest
- 4.5m x 147m sightline to southeast
- 147m forward sightline from northeast

To provide these improvements will require 3rd party lands on both sides of the road. Members are aware that Policy AMP2 of PPS3 requires access improvements where the access use is being intensified. Intensification of the use of an access is set out in DCAN 15 as a more than 5% increase in the use of the access. This lane provides access to 3 dwellings as well as Grange Farm and other farm buildings and lands. In the consideration of the application for the expansion of Grange Farm for the provision of 3 additional poultry units (LA09/2015/0176/F), an Environmental Statement was submitted which indicated the

expansion of the farm would generate an additional 2.1 movements per day. The existing use from Grange Farm is indicated at 2.1 movements per day and the 3 dwellings would equate to approx. 10 movements per dwelling per day and so the total use of the access, before the shop as constructed was approx. 35 vehicle movements per day. The objector has indicated they counted 189 vehicles using the access in one day. There is no other information to refute this and taking account of the historic information provided in the previous application this equates to over 500% increase in the use of the access. It is clear this proposal has resulted in the intensification of the use of a substandard access. The applicants have indicated they are unable to improve the access to the required standard. DFI Roads have advised they are still opposed to the proposal as the access is dangerous.

I consider there is the potential to accept a farm shop here, however this shop is excessive to what is reasonable for a farm shop and the access requires improvement. As such I recommend this application is refused due to scale of the operations and the road safety concerns around the use of this substandard access onto this protected route.

Reasons for Refusal:

1. The Shop is acting as mini supermarket rather than for goods primarily produced on this farm shop and is therefore in conflict with the Strategic Planning Policy Statement for Northern Ireland: Town Centres and Retailing and PPS21; Sustainable Development in the Countryside Policy CTY1 in that insufficient justification for the development has been provided and CTY11 in that it has not been demonstrated this is run in conjunction with the farm business.
2. The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 – Access, Movement and Parking, in that the proposal has resulted in the intensification of the use of a substandard access to the public road which cannot be brought up to the necessary visibility standards and as a result increases the danger to users of the access and the users of the adjacent protected route.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1182/F	Target Date:
Proposal: Retention of farm and factory shop and associated works	Location: Approx 70m N.E. of 70 Drumgrannon Road Dungannon
Referral Route: There are a number of objections to this proposal which is contrary to Policy CTY 1 and CTY 11 in PPS 21, along with AMP 2 in PPS 3.	
Recommendation: Refusal	
Applicant Name and Address: George Troughton 76 Drumgrannon Road Broughadowey Dungannon	Agent Name and Address: 2 Plan NI 47 Lough Fea Road Cookstown BT80 9QL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Refuse
Statutory	Rivers Agency	Advice
Statutory	NI Water - Strategic Applications	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Contrary to PPS 21 and PPS 3.

Characteristics of the Site and Area

This application site known as Grange Farm is located approximately 70 metres N.E. of No 70 Drumgrannon Road and is 1 kilometre to the North East of the Moy village. It gains access off the A29 Protected Route, which is the longest North – South route in the North of Ireland, starting in Portrush and culminating at the Border just outside of Silverbridge. The site is located in the rural countryside and is undefined in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is rural, characterised by farm holdings located off laneways with some individual dwellings and business located along the roadside also.

The site is set back over 300 metres and to the west of the main road, on land which is elevated at a higher level than the road. It is accessed via a private laneway which serves a number of dwellings. This is tarmaced and as it nears the farm grouping, a new section veers off to the north which appears to have been constructed recently. This new laneway leads to a tarmaced parking area to the south where the building subject of this application is located in the south western corner of the site.

There is also designated parking spaces which are set out at an angle to the laneway which defines the northern boundary of the site by a post and wire fence. The western boundary of the site is defined by a retaining wall, beyond which sits an agricultural building at a higher level. This building sits parallel to and just outside of the application site with a large colourful mural adorning a large expanse of its outer wall.



The shop building sits with the southern gable siding onto the original laneway which continues in a westerly direction. It sits at a level above the laneway with steps allowing pedestrian access from this end. It has an overhanging roof which provides a sheltered area to the front of the shop which also creates external floorspace for the displaying of a variety of larger bulky items such as firewood, big bags of potatoes, flowers.

The building has a ridge height of 3.6 metres from the 0.35 metre raised platform it sits on and a footprint of 105 sq. metres

Entrance to the shop is located on the eastern elevation via double glazed doors, where two small windows are positioned either side of. A side door is on the northern elevation which faces the car park, however this does not appear to be for access to the public.

The roof and walls of the shop are a grey coated steel cladding. Internally the retail floorspace occupies the entire footprint of the building. The finishes of plywood walls and exposed metal frames create an industrial interior design appearance.

Planning History

LA09/2021/0021/CA - Alleged unauthorised building, farm factory shop and advertisement – ongoing.

A warning Letter was issued in May 2021 seeking the cessation of the unauthorised retail use, demolition/removal of the building and removal of associated advertisements.

LA09/2015/0176/F - Proposed 3 no additional broiler poultry sheds with 6 no feed bins, a biomass boiler shed with fuel bin and a storage shed (to contain in total 111,000 broilers - increasing total site capacity to 258,500 broilers) – Approval 08.02.2016

M/2006/1151/F - 1no Steel Framed Poultry Shed - Approval 13.06.2006

M/2004/1950/F - 2 No steel framed poultry sheds - Approval 07.05.2005

M/2004/0410/F - 2 no steel framed poultry sheds - Approval 19.07.2004

Description of Proposal

Retention of farm and factory shop and associated works on land approximately 70 metres North East of No 70 Drumgrannon Road, Dungannon.

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 and the period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The proposed net floorspace of the building to be retained as part of this application is significantly below the 1,000 sq. metres threshold for submitting a Retail Impact Assessment, as the SPPS requires. The SPPS advises that the policy provision of PPS 21: Sustainable Development in the Countryside are retained. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and includes Farm Diversification. 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'.

As this application site is located in the rural countryside, outside of any designated settlement development limit identified in the DSTAP, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and the circumstances wherein planning permission will be granted.

Policy CTY 11 states that permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. It sets out a list of criteria whereby the development proposed demonstrates;

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

A Supporting Statement, farm maps along with floorplan and elevations of the building were submitted as part of this development proposal. No other information to verify that the farm business is currently active and established has been presented. Although the planning history surrounding the site would suggest the farm is currently active and established, this has not been demonstrated by the provision of a P1C form to consult DAERA as part of this submission.

- b) The character and scale are appropriate to its location

The building this application seeks to retain is sited to the front of a large grouping of agricultural buildings. It measures 6.6 metres wide, 15.9 metres long and is finished in materials which are not uncommon in the countryside. However, the large flamboyant colourful mural on the outer wall of the agricultural building adjacent to the site is out of keeping with this rural area, and its advertisement of Grange Farm is also unauthorised.



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

I have no concerns regarding any implications this building may have on any heritage features, either built or natural.

- d) It will not result in a detrimental impact on the amenity of nearby residential dwellings, including potential problems arising from noise, smell and pollution.

Although the building to be retained does not itself generate any nuisances, its existing retail use does have a detrimental impact on neighbouring amenity. From the site visit is evident this shop is open to the public from the hours of 8 – 5 Monday to Friday and 8 – 4.40 on Saturday. The hours of operation combined with the nature of its retail use has resulted in an escalation in traffic on this laneway, thus impacting on the neighbour's amenity, as is discussed in more detail below.

The policy goes on to say that proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

In exceptional circumstances, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they,

- Are essential for the maintenance of the existing farm enterprise
- Are clearly unsuitable for adaptation and reuse
- Cannot be adapted to meeting the requirements of other statutory agencies

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

Paragraph 5.48 of PPS 21 clearly states that where a new building is proposed, or in this instance seeks retrospective planning permission, the applicant will be required to provide sufficient information to satisfactorily demonstrate why existing buildings cannot be used.



2004



2007



2019

In the Supporting Statement the agent has indicated on a map where,

“the sale of farm and factory goods at Grange Farm was historically carried out from a shed in the middle of the farmyard.”

It is evident from the orthophotography that there has been much development on the land surrounding this application site. However it is has not been demonstrated how any of the existing building were “unsuitable” for the retail use in this application

The agent has stated the building to be retained was constructed in order to

- Minimise access from members of the public to the farm for health and safety reasons (potential contamination of food preparation areas),
- Improve traffic management between customers to the shop and HGV deliveries to and from the site.

It is worth noting there is no evidence of any authorised retail element associated with this identified building. Therefore, any retail use is unauthorised and therefore cannot claim to be lawfully established or be justifiable in a need to expand.

The agent claims,

"The proposal for a farm and factory is clearly run in conjunction with the existing business, the applicant and his family are actively involved in both the shop and the farm business, with the shop, the farm and the factory all intertwined."

I have a number of issues with this statement in that there is reference to a "factory" numerous times throughout the agent's statement and the term is also included within the proposal description also. There has been no information provided as to where this factory is located, what it makes, ownership etc. As there is no planning history for such a development within this application site or the associated farm in the applicant's ownership, question arise as to whether it is operating as without the benefit of planning permission.

The Oxford Dictionary defines a Farm Shop as,

*"a shop that sells food and other items **from** a farm directly to the public."*
and a Factory Shop as,

*"a shop in which goods, especially surplus stock, are sold directly by the **manufacturers** at a discount".*

I am not convinced the said building is a "farm shop". While conducting the site visit I was able to gain access to the shop and it was evident there are a range of products on sale, the majority of which are not derived from the associated farm. The range of products included flowers, potatoes, coffee to go, jars of condiments, jam, bakery products, crisps, drinks and a large freezer and chill cabinet section.

From the information obtained during the site visit and that available on the internet advertising the services and products Grange Farm provides, I am not of the opinion the use of the building on this application site would constitute either a farm shop nor a factory shop. My own assessment would suggest this unit has the functioning properties of a wholesale food supplier, providing a retail outlet open to the public and a delivery service to businesses.

The agent goes on to say,

"There is a verifiable functional linkage between a large portion of the stock sold in the shop and that reared, produced and processed on site."

As already stated, this information has not been provided as part of this retrospective application, which has been submitted on the back of an enforcement case open on the unauthorised development on site. It is also contrary to what was viewed during the site visit.

According to the social media account of Grange Farm describes itself as a "Specialist Food Shop" and food wholesaler advertising the sale of Christmas Hampers, Cheese

Boards, Fruit Baskets, beef, Indian prawns, duck and pork. It also operates a daily delivery service of all products and

"Specialises in the supply of eggs, peeled potatoes and chips, meat products and fresh fruit and vegetables to Chinese and Irish takeaways, restaurants and delis."

This confirms my scepticism about the proposal description of this shop as a "farm and factory shop". It seems this is a retail outlet for some small homemade produce along with the usual items available in the average convenience store and products sourced in from other manufacturers.

Thereby I feel the correct policy to determine this application is the SPPS where in Town Centre and Retailing Paragraph 6.279

It may also be worth noting that although the Draft Plan currently does not have any weight, Policy RE 6 – Retail and Related Uses in the Countryside does say that in the countryside, new retail proposals for a farm shop..... will normally be restricted to a net floor area of 100 sq. metres.

Consultations and Representations

NI Water have no objection subject to standard conditions.

The Environmental Health Department of Mid Ulster District Council were consulted and have no concerns.

DfI Rivers have no objections

DfI Roads were consulted and recommended refusal having taken into consideration representations from local councillors and neighbours as well as Accident History from their database. The database shows 1 fatal accident in March 2019, 4 other injury accidents 2018-10, as well as a recent accident they are aware of which has not been uploaded to their database.

The A29 Drumgrannon Road is a Protected Route and Para 5.28 of PPS 3 – Access, Movement and Parking states that in all cases, where access to a Protected Route is acceptable in principle, it will also be required to be safe in accordance with AMP 2. Policy AMP 2 states that permission will only be granted for a development proposal involving direct access, or intensification of the use of an access, onto a public road where;

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic, and
- b) the proposal does not conflict with Policy AMP 3 – Access to Protected Routes.

DfI Roads have concerns as this access is substandard and does not meet the required standards as set out in DCAN 15 and there are a number of issues which need to be overcome in order to bring the access up to standard and improve the safety of this access;

- The access must accommodate two way traffic and as delivery vehicles are expected to utilise this access, Auto Tracking will be required to determine the width and the radii requirements of the access.
- A Transport Assessment Form must be completed.
- A Forward sightline of 147 metres from the south east and 124 metres from the northwest is required.
- 4.5 metres by 124 metres sightline to the northwest is required, with the tangential sight line requiring partial removal of a third party hedge.
- 4.5 metres by 147 metres sightline to the southeast is required.

In order to provide these requirements, third party land is needed and be included within the red line of the site.

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.

There were three neighbouring properties notified about this application and it was advertised in the local media.

There are 2 separate objections received from 2 Councillors with both highlighting road safety as a huge concern, particularly because of the intensification of the access.

There are also a number of objections from the neighbouring property at No 82 Drumgrannon Road which note;

- The applicant only has a Right of Way through their property and has encroached it in an attempt to make improvements to the access lane.
- The shop sell products which are not produced on the farm.
- It has resulted in an intensification of the access due to the various amount of traffic movements to and from the shop; delivery of supplies to the shop, employee and customer traffic, wholesale delivery service to businesses, along with the daily everyday traffic generated on a working farm.
- The access is very dangerous as there is no right turning lane and the increased traffic to the shop, particularly when travelling from Dungannon direction have to wait in the road to turn into the farm and as this is just around the corner of a bend, the risk of accident on this dangerous stretch of road is exacerbated.
- Frequently they are hemmed in or cannot gain entry to their property due to their entrance being utilised as a layby, where vehicles wait for oncoming traffic from the shop.
- Lorries and vans make frequent trips to and from the shop outside of normal working hours, resulting in noise and light nuisance causing sleep disturbance.

Neighbour Notification Checked

Yes

Summary of Recommendation:

As there are a number of objections to this proposal and it is deemed contrary to policy, it cannot be determined under the Council's present Scheme of Delegation and must go to the Planning Committee for a decision.

This proposal to retain what is described as a “farm and factory shop” is misleading as it does not correctly describe the type of retailing on the site. It appears the building on site is a retail outlet with a floorspace in excess of 100 sq. metres which sells a wide variety of produce sourced from wholesalers while also providing a delivery service of the goods it sells to local businesses. This type of general convenience retailing goes against the SPPS as retailing is directed towards town centres. If this proposal were to be assessed under the correct use, it would be deemed contrary to SPPS which reiterates inappropriate retail facilities in the countryside must be resisted and this proposal is not considered to be an exceptional case.

I am of the opinion this application fails to comply with the criterial in CTY 1 and CTY 11 of PPS 21 as identified above. It also further jeopardises the safety of road users on what is already a notoriously well documented dangerous road. It fails to meet the criteria required by AMP 2 in PPS 3 and I would agree with DfI Roads this application should be refused.

Reasons for Refusal:

1. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) as retailing is directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted and this proposal is not an exception to policy.
2. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons as to why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm and the farm business is currently active and established. The development, will result in a detrimental impact on the amenity of nearby residential dwellings by reason of traffic generation, and it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.
4. The proposal is contrary to Planning Policy Statement 3 access, Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access) onto the A29 Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	16th August 2021
Date First Advertised	31st August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 69 Drumgrannon Road Dungannon Tyrone The Owner/Occupier, 71 Drumgrannon Road Dungannon Tyrone The Owner/Occupier, 82 Drumgrannon Road Dungannon Tyrone Dominic Molloy - Email Marian Duffy - Email Barry Monteith - Email	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1182/F Proposal: Retention of farm and factory shop and associated works Address: Approx 70m N.E. of 70 Drumgrannon Road, Dungannon, Decision: Decision Date: Ref ID: M/1995/0776 Proposal: Dwelling Address: ADJACENT TO 82 DUNGANNON ROAD MOY Decision: Decision Date: Ref ID: M/2009/0264/F Proposal: Replacement dwelling and garage Address: Land approx 460m West of 70 Drumgrannon Road, Dungannon Decision: Decision Date: 12.06.2009 Ref ID: M/2004/0410/F Proposal: 2 no steel framed poultry sheds Address: land 175m NW of 70 Drumgrannon Road, Dungannon Decision:	

Decision Date: 19.07.2004

Ref ID: M/2006/1151/F

Proposal: 1no Steel Framed Poultry Shed

Address: Land approx 175m NW of 70 Drumgrannon Road Dungannon

Decision:

Decision Date: 13.06.2006

Ref ID: M/2004/1950/F

Proposal: 2 No steel framed poultry sheds

Address: Land 175m North West of 70 Drumgrannon Road, Dungannon

Decision:

Decision Date: 07.05.2005

Ref ID: M/2005/0373/O

Proposal: Erection of new two storey dwelling and detached garage

Address: Site adjacent to 82 Moy Road and Drumgrannon Road, Moy, Dungannon

Decision:

Decision Date: 23.08.2005

Ref ID: M/2001/0753/F

Proposal: Change of House type from previously approved application Ref:M/95/0776.

Address: Adjacent to 82 Dungannon Road Moy Co Tyrone

Decision:

Decision Date: 15.11.2001

Ref ID: M/1975/0312

Proposal: ERECTION OF BUNGALOW

Address: CULLKEERAN, MOY ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/6100

Proposal: Replacement Dwelling Dungannon Road Moy

Address: Dungannon Road Moy

Decision:

Decision Date:

Ref ID: M/1995/6076

Proposal: Dwelling 82 Drumgrannon Road Moy

Address: 82 Drumgrannon Road Moy

Decision:

Decision Date:

Ref ID: LA09/2015/0176/F

Proposal: Proposed 3 no additional broiler poultry sheds with 6 no feed bins, a biomass boiler shed with fuel bin and a storage shed (to contain in total 111,000 broilers - increasing total site capacity to 258,500 broilers)

Address: Land approx. 230m North of 70 Drumgrannon Road, Dungannon,

Decision: PG

Decision Date: 08.02.2016

Summary of Consultee Responses
DRD Roads
Environmental Health
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Road Access Plan Status: Submitted
Notification to Department (if relevant)
Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1272/F	Target Date: <add date>
Proposal: Proposed single storey 3 bedroom private dwelling with single detached garage adjacent to main house and surrounding landscaping	Location: South of 101a Cavankeeran Road, Pomeroy
Applicant Name and Address: Mrs Arlene Phelan 18 Garden Mews Cookstown	Agent Name and Address: Nest Architects Unit 5 Bebox 172 Tates Avenue Belfast BT12 6ND
Summary of Issues: No objections received	
Summary of Consultee Responses: No objections or issues of concern	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010 with the nearest settlement being Pomeroy. The site comprises a large agricultural field with roadside frontage onto Cavanakeeran Road which is a minor road which comes to a dead end beyond the application site. The topography of the site is relatively flat with the site at a slightly lower level than the ground level of the existing adjacent public road. The roadside, northern and southern boundary are defined	

by post and wire fencing and a degree of hedging and trees. The eastern boundary is currently undefined given this is a cut out portion of a large field. There are three detached dwellings and a farm holding immediately north of the application site. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings.

Description of Proposal

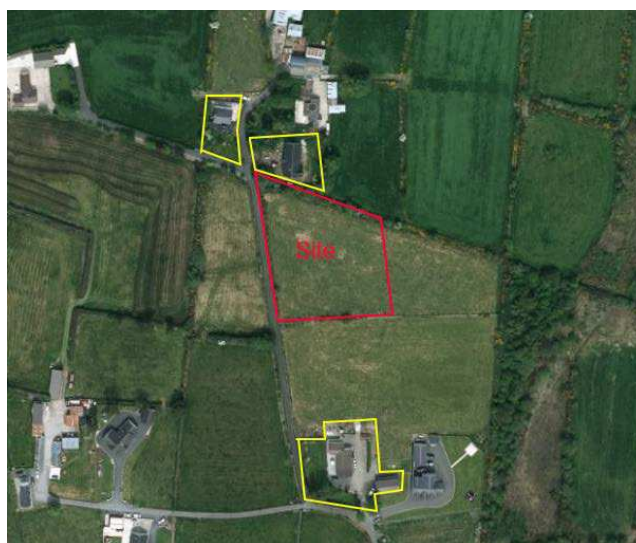
This application seeks full planning permission for a single storey dwelling and garage on lands south of 101a Cavankeeran Road, Pomeroy.

Deferred Consideration:

This application was presented as a refusal at the Planning Committee in January 2022 for an office meeting. Following a further report presented to the Planning Committee the application was deferred for a site visit with Members which was held on 29 April 2022.

At the site visit I showed Members the site and we walked along the site frontage and assessed the application site in terms of the size of the gap and a discussion took place on the plot sizes of other approved dwellings in the immediate vicinity of the site. The agent has submitted a concept plan which details her measurements of plot sizes. I dispute the measurement to the frontage to the immediate north and feel it has been over measured to reflect positively for the applicant. I also dispute the frontage drawn to the applicant's parent's house to the south which is a corner plot and has been also drawn to reflect positively for the applicant.

Policy CTY 8 does allow for the development of a small gap site sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuous built up frontage and provided this respects the existing development pattern along the frontage. Having visited the site, there is a line of three or more buildings along the road frontage without accompanying development to the rear. What is important to respect, as cited in Policy CTY 8 is that a new dwelling respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.



Map to show site and neighbouring plot sizes along road frontage

The frontage of the application site is c.90m long. The agent stated at the office meeting the rear of the site measures just 60m and this should be considered. To respect the existing pattern could ultimately accommodate more than the maximum two dwellings as referred to in Policy CTY 8 in the overall gap site. Given the plot size of this particular site I consider it provides an important visual break at this location. The agent posed the question what harm an approval at this location would bring, given that it is an extremely minor road with minimal public interest. However, this is not a policy consideration for which an exception can be considered for a dwelling on this application site.

An amended design has been voluntarily submitted by the applicant and has been considered acceptable and this has addressed one of the previous refusal reasons.

A new dwelling is also contrary to Policy CTY 14 as a new dwelling on this site will have a detrimental impact on the rural character due to the resulting extension of a ribbon of development on a site which currently provides an important visual break at this location.

I am of the opinion that planning permission should be refused for this application for the reasons cited below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 - Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary Policy CTY 8 - Ribbon Development of PPS 21 - Sustainable Development in the Countryside as the proposal does not constitute 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 would add to a ribbon of development.
3. The proposal is contrary to CTY 10 - Dwelling on a Farm in PPS 21 - Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to Policy CTY 14 of PPS 21 - Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

Signature(s)

Date:

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1272/F	Target Date:
Proposal: Proposed single storey 3 bedroom private dwelling with single detached garage adjacent to main house and surrounding landscaping	Location: South of 101a Cavankeeran Road Pomeroy
Applicant Name and Address: Mrs Arlene Phelan 18 Garden Mews Cookstown	Agent name and Address: Nest Architects Unit 5 Bebox 172 Tates Avenue Belfast BT12 6ND
Summary of Issues: No objections received	
Summary of Consultee Responses: No objections or issues of concern	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010 with the nearest settlement being Pomeroy. The site comprises a large agricultural field with roadside frontage onto Cavanakeeran Road which is a minor road which comes to a dead end beyond the application site. The topography of the site is relatively flat with the site at a slightly lower level than the ground level of the existing adjacent public road. The roadside, northern and southern boundary are defined by post and wire fencing and a degree of hedging and trees. The eastern boundary is currently undefined given this is a cut out portion of a large field. There are three detached dwellings and a farm holding immediately north of the application site. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings.	

Description of Proposal

This application seeks full planning permission for a single storey dwelling and garage on lands south of 101a Cavankeeran Road, Pomeroy.

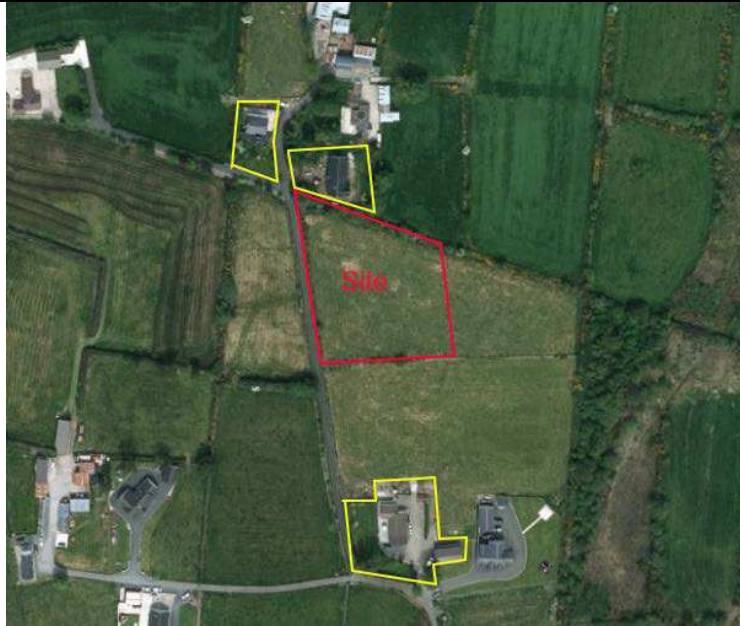
Deferred Consideration:

This application was presented as a refusal at the Planning Committee in January 2022. The Members agreed to defer the application for an office meeting with the Service Director, following which I carried out a site visit.

At the deferred office meeting the agent gave a background to the submission of this planning application on this field. Whilst there may be other options on paper these have been promised to other members of the applicant's family. The agent contends the site is located off an extremely minor road and no harm will result in approving a dwelling at this location given there is an extremely limited public interest. The agent also contends the length should be measured to the rear of the site, rather than the site frontage, as this is more keeping in character with other dwelling curtilages in the immediate area. Cllr McNamee was supportive of the applicants at the office meeting and considers the gap is a small gap site. Cllr McNamee also stated the applicants wish to raise their children on family land with family living in the immediate area. The agent stated the applicant is self-employed with flexible working hours and will be able to care for parents currently in their 70's and brothers are unable to do so as they are employed on a full time basis.

It is accepted a dwelling cannot be considered on the basis of Policy CTY 10 as a dwelling was approved on the farm in 2015 and there is evidence to demonstrate it was sold off the farm holding.

Turning to Policy CTY 8, this allows for the development of a small gap site sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuous built up frontage and provided this respects the existing development pattern along the frontage. Having visited the site, there is a line of three or more buildings along the road frontage without accompanying development to the rear. What is important to respect, as cited in Policy CTY 8 is that a new dwelling respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.



Map to show site and neighbouring plot sizes along road frontage

The frontage of the application site is c.90m long. The agent stated at the office meeting the rear of the site measures just 60m and this should be considered. It is not just a matter of a rudimentary measurement of site frontage or the rear of a site, Policy directs to size, scale, siting and plot size and the plot size of the site, at this location, does not respect the existing development pattern along this particular road frontage. Indeed, to respect the existing pattern could ultimately accommodate more than the maximum two dwellings as referred to in Policy CTY 8 in the overall gap site. Given the plot size of this particular site I do consider it provides an important visual break at this location. The agent posed the question what harm an approval at this location would bring, given that it is an extremely minor road with minimal public interest. However, this is not a policy consideration for which an exception can be considered for a dwelling on this application site.

With regards to Policy CTY 13 I agree with the case officer's consideration of the proposed design of the dwelling houses for this full planning application and given I do not consider the principle of the development to be acceptable it would be unfair to put the applicant to the expense of amending the proposed design of the new dwelling. The dwelling is proposed to be of modern design with complex and varying roof pitches and with the existing contours of the site and the road this would be immediately apparent when viewing the dwelling.

A new dwelling is also contrary to Policy CTY 14 as a new dwelling on this site will have a detrimental impact on the rural character due to the resulting extension of a ribbon of development on a site which currently provides an important visual break at this location.

I am of the opinion that planning permission should be refused for this application for the reasons cited below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 - Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary Policy CTY 8 - Ribbon Development of PPS 21 - Sustainable Development in the Countryside as the proposal does not constitute 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 would add to a ribbon of development.
3. The proposal is contrary to CTY 10 - Dwelling on a Farm in PPS 21 - Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to Policy CTY 13 of PPS 21 - Sustainable Development in it is considered that the design of the proposed dwelling is inappropriate for the site and its locality and the proposal will fail to visually integrate into the surrounding landscape.
5. The proposal is contrary to Policy CTY 14 of PPS 21 - Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

Signature(s):

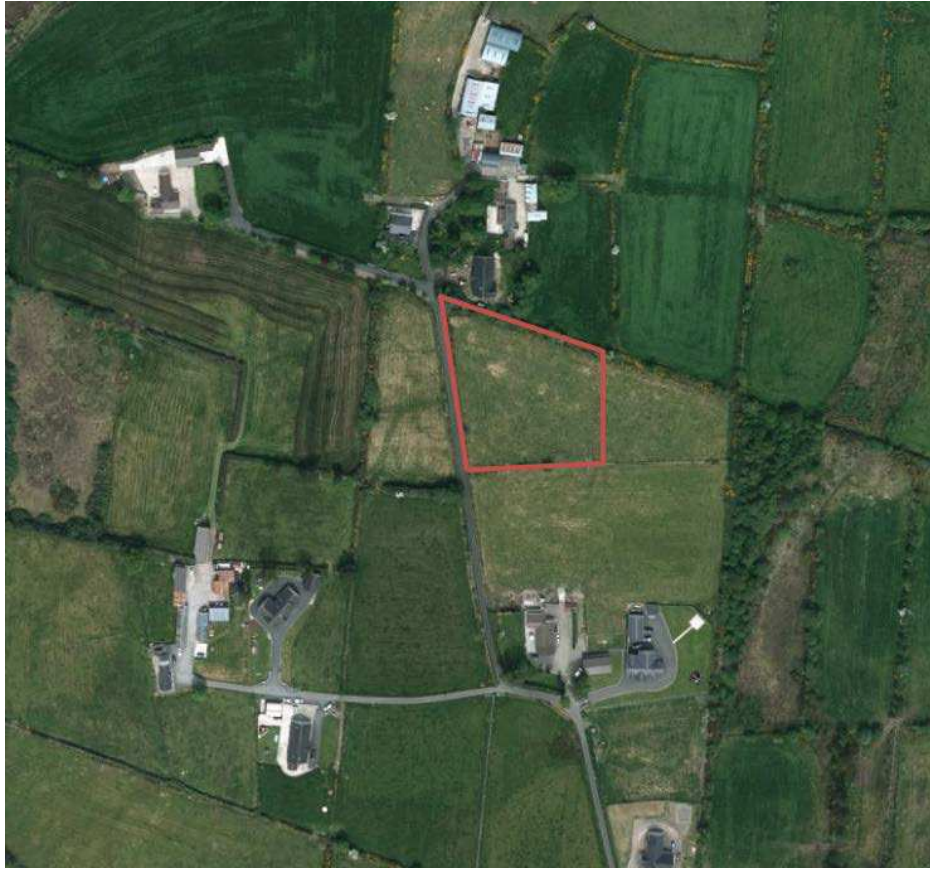
Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1272/F	Target Date:
Proposal: Proposed single storey 3 bedroom private dwelling with single detached garage adjacent to main house and surrounding landscaping	Location: South of 101a Cavankeeran Road Pomeroy
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mrs Arlene Phelan 18 Garden Mews Cookstown	Agent Name and Address: Nest Architects Unit 5 Bebox 172 Tates Avenue Belfast
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The settlement development limits of Pomeroy are located 0.8km SE of the site as the crow flies. The site comprises a large agricultural field with roadside frontage onto Cavanakeeran Road which is a minor road which comes to a dead end beyond the application site. The topography of the site is relatively flat with the site at a slightly lower level than the ground level of the existing adjacent public road. The roadside, northern and southern boundary are defined by post and wire fencing and a degree of hedging and trees. The eastern boundary is currently undefined given this is a cut out portion of a large field. There are three detached dwellings and a farm holding

immediately north of the application site. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings.

Description of Proposal

This application seeks full planning permission for a single storey dwelling and garage on lands south of 101a Cavankeeran Road, Pomeroy.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

I/2005/0982/O - Proposed dwelling, domestic garage and new access to a public road - Lands 135m NE of 89 Cavanakeeran Road, Pomeroy – Application Withdrawn 13/12/05

I/2005/0604/O - Site for Dwelling – Lands approx. 25m south of 101 Cavanakeeran Road Pomeroy – Permission Granted 16/06/05

I/2008/0382/RM - Site for Dwelling - Lands approx. 25m south of 101 Cavanakeeran Road Pomeroy - Permission Granted – 26/05/09

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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

CTY 10 – Dwelling on a Farm

The application was accompanied by a P1C form and farm maps therefore initially the proposal was considered against Policy CTY10 – Dwellings on Farms. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

DAERA have confirmed that the farm business ID has been in existence for more than 6 years, however the farm business has not claimed payments through the Basic Payment Scheme in each of the last 6 years. With respect to criterion (b) following a review of the farm maps provided and a planning history check it was identified that planning approval had been granted on the farm business land for a dwelling. Planning approval I/2013/0273/O was granted on 07/11/13 for Brain Kane under Policy CTY 8. The approval is located on land within Field 5 on the DAERA farm map which accompanied this planning application. A Land Registry check was carried out which demonstrated this site was sold and the ownership was transferred on 07/07/15. This information was relayed to the agent on 21/10/21 giving them the opportunity to provide clarification on this matter, however the agent has since accepted that there has been a sell off and therefore the proposal does not meet Policy CTY10 criteria.

CTY 8 – Ribbon Development

The agent has since contended that the application site qualifies as a small gap site as permitted under CTY 8 of PPS 21. Policy CTY 8 states planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and

continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

No.101b and No.101 with associated outbuildings are located immediately north of the application site, however the dwelling house No.101 and associated farm buildings do not have a frontage on to the public road therefore cannot be considered as one of the three or more buildings. No.101a is located NW of the application site and the detached dwelling of No.89 is located along the road frontage to the south. It should be noted that an agricultural field with road frontage of 74m separates the application site and the dwelling of No.89. In terms of the existing development pattern plot site, No.101a has a frontage of approx. 27m, No.101b has a frontage of approx. 23m and No.89 has a frontage of approx. 35m which is an average frontage of 28m in the immediate landscape. The application site has a road frontage of approx. 93m. It is therefore considered that the application site does not respect the existing development pattern in terms of plot size. Policy CTY 8 states the site should be a small gap site sufficient only to accommodate up to a maximum of two houses. In my opinion, the application site could accommodate at least 3 dwellings and the field immediately south could also accommodate at least 2 dwellings therefore this does not represent a small gap site and fails to meet Policy CTY8. Paragraph 5.34 of PPS 21 states “many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character”. It is my opinion that the application site represented a visual break. The agent has accepted that the gap on paper appears large however argued the site wouldn't accommodate more than two dwellings. I do not except this and the below photos demonstrate the gap appears large not only on the drawings but on the ground also. The agent has relied on previous approval for an infill dwelling (I/2013/0273/O) along this stretch of road, however all applications are to be considered on their individual merits and in the case of the previous approval the average frontage was 35m and the infilling of 2 dwellings resulted in a frontage of approx. 47m each which is significantly smaller than the 93m frontage this application proposes. Whilst the agent has argued this is a minor road with a minimal degree of public interest, this does warrant approval or substantiate the setting aside of policy and this is not accepted.



Travelling south – view of application site



Travelling north – approaching site

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed single storey dwelling was discussed at internal group and concerns were raised with the design particularly the roof with several different roof heights and pitches. Whilst concerns with the design were relayed to the agent, no formal request for an amended design were requested at this stage given the principle of a dwelling on the site is considered unacceptable. The proposed design is modern with complex and varying roof pitches and a large number of windows. It is considered the proposed dwelling would appear incongruous when read with the surrounding existing built form which are traditional in design. It is considered the proposal will fail to integrate into the surrounding landscape and is contrary to CTY13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The application site is a large green field. The addition of a dwelling on this site, in my view, will have a detrimental impact on the rural character as it will be extending the existing ribbon of development along a site which I consider to represent a significant visual break in the landscape. Paragraph 5.8 of PPS 21 states ribbon development is detrimental to rural character and contributes to a sense of build-up. It is therefore considered contrary to CTY 14.

PPS 3: Access, Movement and Parking

The application site seeks to create a new access on to Cavankeeran Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary Policy CTY 8 – Ribbon Development of PPS 21 – Sustainable Development in the Countryside as the proposal does not constitute 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 would add to a ribbon of development.
3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to Policy CTY 13 of PPS 21 – Sustainable Development in it is considered that the design of the proposed dwelling is inappropriate for the site and its locality and the proposal will fail to visually integrate into the surrounding landscape.
5. The proposal is contrary to Policy CTY 14 of PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1729/F	Target Date: <add date>
Proposal: Dwelling & Garage (Farm Dwelling)	Location: Approximately 40m South of 44A Sherrigrim Road Stewartstown
Applicant Name and Address: Mr A Kelso 44a Sherrigrim Road Stewartstown	Agent Name and Address: Henry Murray 37c Claggan Road Cookstown BT80 9XJ
Summary of Issues: This application was for infill and was not accepted, changed to a dwelling on a farm and meets with the policy.	
Summary of Consultee Responses: DFI Roads - access to be provided as per drawing before development commences DAERA – farm business established for over 6 years, currently active	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 1 mile west of Stewartstown. The site is a rectangular shaped plot comprising the northern half of a larger roadside field. The host field's frontage is located within a line of existing roadside development consisting of 3 bungalow dwellings with ancillary outbuildings / garages extending along the east side of the Sherrigrim Rd. The section of Sherrigrim Rd the host field sits adjacent and east of is minor secondary road off the main Sherrigrim Rd (Stewartstown - A29), located north of the site. The bungalows in the line, all accessed off the secondary Sherrigrim Rd, include: no. 44a Sherrigrim Rd, the applicant's home, bound to the rear by	

a no. of sheds it would appear in association with a garden machinery business; no. 46 Sherrigrim Rd; and no. 48 Sherrigrim Rd. The host field's frontage is located within the line of development between no. 44a Sherrigrim Rd, located immediately to its north and nos. 46 and 48 Sherrigrim Rd located in that order to its south. No. 44a Sherrigrim Rd is orientated gable end onto the secondary Sherrigrim Rd, backing onto the site and fronting north onto the main Sherrigrim Rd. Nos. 46 and 48 Sherrigrim Rd front onto the secondary Sherrigrim Rd. A mature hedge defines the east (rear) and west (roadside frontage) boundaries of the site. A mix of d-rail and post and wire fencing bounds the northern / party boundary of the site with no. 44a Sherrigrim Rd. The landform in the immediate area rises quite steeply upwards in a north to south direction from the main Sherrigrim Rd, up through the host field, and beyond to the south. As such, the host field occupies quite a prominent hillside location.

Critical views of the site from the secondary section of the Sherrigrim Rd it is to be accessed directly off will be limited to just before and passing along the roadside frontage of the host field. This is due to the host field's location within a line of development, which alongside existing vegetation on site and within the wider vicinity and the topography of the area screen it. There will be open views of the site travelling west to east, and vice versa, along the main Sherrigrim Rd owing to its hillside location.

The immediate area surrounding the site is rural in nature. It is characterised primarily by undulating agricultural land interspersed with single detached dwellings, ancillary buildings and farm holdings.

Description of Proposal

This is a full application for a proposed dwelling and garage on a farm located approx. 40m South of 44A Sherrigrim Road Stewartstown.

Deferred Consideration:

This application was before the Planning Committee in April 2022 where it was deferred for a meeting with the Service Director, a meeting was held on 14 April 2022 and it was indicated the applicant was a farmer. It was agreed the farming information would be submitted and considered.

The farming information was submitted and DAERA were consulted, they have advised the farm business ID was allocated on 19/11/1991 and that claims have been submitted in 2022. I am content that the farm is established for over 6 years and is currently active.

A check of the farm maps has been carried out and there are no planning permissions for a dwelling granted on the farm in the last 10 years and no development opportunities have been sold off from the farm.

The P1C form initially provided stated the address for the applicant as 52 Sherrigrim Road, however this has been rectified as 44a Sherrigrim Road. DEARA have confirmed the address the business ID is registered to is 52 Sherrigrim Road and that Adrian is a member of that business but also has his customer number registered to No 44a. No44a is the dwelling and group of buildings immediately to the north of the application site. The proposed dwelling and garage are sited adjacent to this existing group of buildings, which,

as Adrian is a registered member of the farm business, I consider to be on the farm. As such I consider this meets with the policy requirement of CTY10.

I recommend this application is approved.

Conditions:

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

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

2. Prior to commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions and forward sight distance of 45.0m, shall be provided in accordance with the details as shown on drawing No 02 bearing the stamp dated 02 DEC 2021. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

3. All hard and soft landscape works as detailed on drawing no 02 bearing the stamp dated 02-DEC-2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual amenity.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

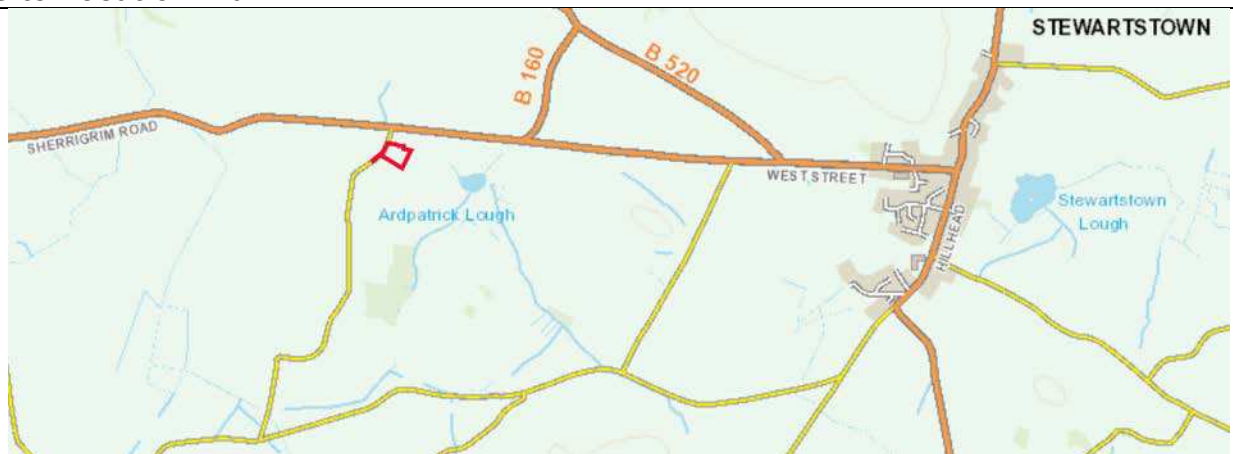
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1729/F	Target Date:
Proposal: Dwelling & Garage (Infill site)	Location: Approximately 40m South of 44A Sherrigrim Road Stewartstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr A Kelso 44a Sherrigrim Road Stewartstown	Agent Name and Address: Henry Murray 37c Claggan Road Cookstown BT80 9XJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal This is a full application for a proposed dwelling and garage on an infill site located approx. 40m South of 44A Sherrigrim Road Stewartstown.		
Characteristics of the Site and Area The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 1 mile west of Stewartstown. The site is a rectangular shaped plot comprising the northern half of a larger roadside field. The host field's frontage is located within a line of existing roadside development consisting of 3 bungalow dwellings with ancillary outbuildings / garages extending along the east side of the Sherrygrim Rd. The section of Sherrygrim Rd the host field sits adjacent and east of is minor secondary road off the main Sherrygrim Rd (Stewartstown - A29), located north of the site. The bungalows in the line, all accessed off the secondary Sherrygrim Rd, include: no. 44a Sherrygrim Rd, the applicant's home, bound to the rear by a no. of sheds it would appear in association with a garden machinery business; no. 46 Sherrygrim Rd; and no. 48 Sherrygrim Rd. The host field's frontage is located within the line of development between no. 44a Sherrygrim Rd, located immediately to its north and nos. 46 and 48 Sherrygrim Rd located in that order to its south. No. 44a Sherrygrim Rd is orientated gable end onto the secondary Sherrygrim Rd, backing onto the site and fronting north onto the main Sherrygrim Rd. Nos. 46 and 48 Sherrygrim Rd front onto the secondary Sherrygrim Rd. A mature hedge defines the east (rear) and west (roadside frontage) boundaries of the site. A mix of d-rail and post and wire fencing bounds the northern / party boundary of the site with no. 44a Sherrygrim Rd. The landform in the immediate area rises quite steeply upwards in a north to south direction from the main Sherrygrim Rd, up through the host field, and beyond to the south. As such, the host field occupies quite a prominent hillside location. Critical views of the site from the secondary section of the Sherrygrim Rd it is to be accessed directly off will be limited to just before and passing along the roadside frontage of the host field. This is due to the host field's location within a line of development, which alongside existing vegetation on site and within the wider vicinity and the topography of the area screen it. There will be open views of the site travelling west to east, and vice versa, along the main Sherrygrim Rd owing to its hillside location. The immediate area surrounding the site is rural in nature. It is characterised primarily by undulating agricultural land interspersed with single detached dwellings, ancillary buildings and farm holdings.		
Planning Assessment of Policy and Other Material Considerations Regional Development Strategy 2030		

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Relevant Planning History

None applicable

Consultees

1. DFI Roads were consulted in relation to access arrangements, movement and parking and have no objection to this subject to standard conditions and informatives. Accordingly, I am content the access arrangements, can be conditioned, to comply with the requirements of PPS 3 Access, Movement and Parking.

Consideration

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

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

Planning Policy Statement 21 (PPS21: Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 - Development in the Countryside. One of these instances, which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy

the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I do not consider this application in principle acceptable under CTY8. It is my opinion that the current site does not constitute a small gap site within an otherwise substantial and continuously built up frontage. See 'Characteristics of the Site and Area'. Whilst it sits within a line of 3 bungalows with ancillary buildings running along the Sherrygrim Rd, accompanying development exists to the rear of the applicant's home; it could accommodate 3 dwellings if the existing development pattern was respected; and from critical views it and the wider host field including boundary vegetation creates a substantial visual break in the line. See Figs 1, 2 and 3 below.

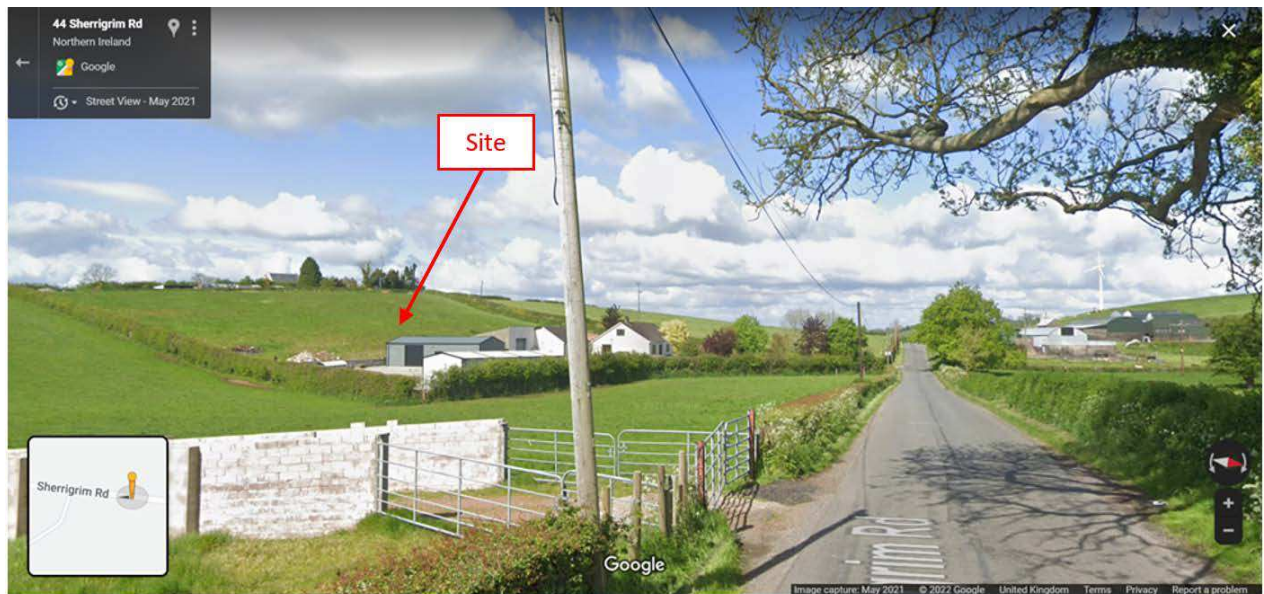


Fig 1: View of site on east approach to its access off the main Sherrygrim Rd



Fig 2: View of site on west approach to its access off the main Sherrygrim Rd

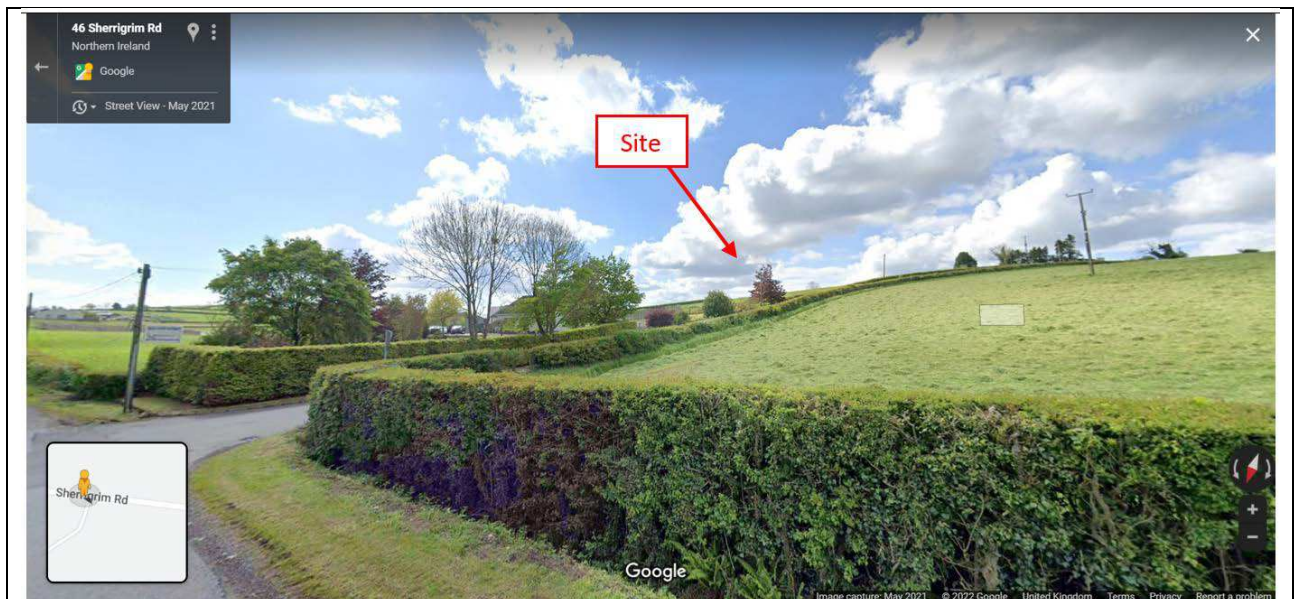


Fig 3: View of site on west approach immediately before its access off the main Sherrygrim Rd

I consider the proposal contrary to Policy CTY8 of PPS 21 in that it would result in the creation of ribbon development along the Sherrygrim Road. I also consider the proposal contrary to Policies CTY 13 and CTY 14 of PPS 21. The site in my opinion occupies a relatively prominent hillside location and lacks sufficient long established natural boundaries to provide the dwelling and garage proposed, 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.

Additional considerations

Had the principle this proposal been established, I am content the proposed dwelling should not have had a significantly adverse impact on neighbouring residents amenity, namely no. 44a Sherrygrim Rd, the applicant's property in terms of overlooking or overshadowing due largely to the orientation off the dwelling and separation distances which would be retained between the existing and proposed properties.

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

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for refusal

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not constitute a small gap site and if permitted, the proposal would result in the creation of ribbon development along this stretch of the Sherrygrim Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks sufficient long established natural boundaries therefore is unable to provide a suitable degree of enclosure for the new building to integrate into the landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would if permitted be unduly prominent in the landscape and result in the creation of ribbon development along this stretch of the Sherrygrim Road, therefore resulting in a detrimental change to the rural character of the countryside.

Signature(s)**Date:**