



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2018/1153/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> General purpose farm/storage shed and animal welfare unit associated with and existing established Farm business. (See Attached PIC Form).	<b>Location:</b> 55m North East of No.3 Killycolpy Road Carnan Stewartstown.
<b>Applicant Name and Address:</b> Mr Francis Gallagher 3 Killycolpy Road Carnan Stewartstown BT71 5NS	<b>Agent name and Address:</b> CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b> Whether or not the proposed building is necessary for the efficient operations of the holding and that there are no other suitable buildings on the holding.	
<b>Summary of Consultee Responses:</b> <ul style="list-style-type: none"><li>• <b>Environmental Health Department</b> – No objections.</li><li>• <b>Transport NI</b> – No objections subject to standard conditions and informatives to be attached to any decision notice to create a safe access onto Killycolpy Road which meets the standards set out in PPS3 and DCAN15.</li><li>• <b>DAERA</b> – DEARA responded that the farm Business Id identified on Form P1C had been in existence for more than 6 years. However the business had not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.</li><li>• <b>NIEA</b> – content that impacts on the water environment are acceptable and that it meets the protocol on nitrogen emissions</li><li>• <b>SES</b> - The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with</li></ul>	

the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. The Council should ensure that any livestock within the building are housed temporarily for welfare purposes only (as proposed).

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

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

The site which lies outside any settlement defined under the Cookstown Area Plan 2010 is located in the rural countryside approximately 3.5 miles east of the village of Stewartstown within the Loughshore LCA, approx. 1m west of Lough Neagh.

The site sits approx. half way along and to the north side of a dead end road off the main Killycolpy Road in an area characterised by its proximity to the Lough and its relatively flat landscape interspersed within single dwelling and farm groups.

The site is located 55m north east of and to the rear of an existing single storey dwelling with detached garage, no. 3 Killycolpy Rd, Stewartstown identified on the P1 Form accompanying this application as the applicants property.

The site comprises the eastern half of a field accessed via an existing concrete laneway off the Killycolpy Rd that runs along the west side of no. 3 Killycolpy Rd. No. 3 Killycolpy Rd is accessed via a separate entrance and drive approx. 30m further south east along the Killycolpy Road. The boundaries of the field the site is cut from are defined by established trees and hedging approx. 2 ½ m high whilst the boundaries along the access laneway and roadside are defined by a maintained low hedgerow and timber fencing.

The site is located on relatively flat ground with limited views from the public road.

The site abuts the curtilage of no. 3 Killycolpy Rd located to its south west. To the immediate west of the site identified on the submitted site location plan as being within land outlined in blue as being within the applicants control is a large shed measuring approx. 9.2m x 14.3m with a 5.6m ridge height located on an area of hardstanding. This shed is accessed off the existing lane proposed to serve the site. The shed which is located just before breaking into the site has a concrete block base and walls finished in grey dash and green metal cladding. Its roof is pitched and finished in metal cladding. It has two large roller shutter doors located on the front of the building which faces south east unto the concrete yard to its front and towards No. 3 Killycolpy Rd.

### **Description of Proposal**

The proposal is for the erection of a general purpose farm/storage shed and animal welfare unit associated with an existing established farm business. The proposed building is 15m wide and 18.6m long with a pitched roof that has a ridge height of 6.6m. The building will have walls with smooth rendered blockwork to the bottom ½ and green cladding to the upper ½ and the roof. It is proposed to have 2 roller doors and a pedestrian door providing access into it.

**Deferred Consideration:**

This application was deferred at Planning Committee on 6<sup>th</sup> August 2019 to allow the Planning Manager to meet with the applicant to explore further the farming case. A meeting was held on 15<sup>th</sup> August 2019 and at that meeting the agent undertook to provide additional information about the land the applicant owns and takes.

An agreement was provided that shows the applicant takes 9.14 acres of land adjacent to his holding here. An additional 8.66ha of land are taken from the applicants brother on lands at Bellagherty Road Magherafelt. I visited the site and noted there are no buildings on the land that is taken adjacent to the land owned by the applicant. On the land owned by the applicant there is a domestic store, which was approved for modification to a domestic store under I/2012/0355/F and it appears this is as approved. There are the footings in place for a dwelling immediately north of the application site which was approved and appears to be as approved. I noted 4 large tractors, a large slurry tanker and a cattle trailer on the site as well as a skip lorry.

Members are advised there are 5 criteria in CTY12 that must be considered for agricultural development on an active and established farm. Mr Gallagher has 17 cattle on his herd book and a number of large farm vehicles which are currently stored in the open air at the site. The proposed building is for machinery storage and animal welfare purposes. DEARA have confirmed the farm is active and has been established for a period of over 6 years. There are currently no agricultural buildings on the applicants holding, as such I consider for the security of the vehicles and for animal husbandry purposes, this building is essential of the purposes of agriculture on the holding. The building is typical of modern agricultural buildings in terms of its size and appearance and it is sited behind existing buildings and with good mature hedges which screen it and assist integrating it into the landscape, especially when viewed from the north as indicated by the arrow in pic 1.



Pic 1 – view from north

The site is an agricultural field which does not have any significant natural or built features of note, however it is close to Lough Neagh which is a RAMSAR and as such NIEA and SES were consulted. Both consultees considered the ad-hoc housing of animals as the important element of the scheme for them, due to ammonia emissions and are content that the building can be used for housing sick animals for a short period of time. I consider this can be controlled by an appropriately worded condition and as such the proposal is unlikely to have any significant detriment to any natural or built heritage features. The nearest property to the proposed building, not associated with the farm, is approx. 80m from it. Given that it is essentially for storage of machinery and agricultural equipment and will be used for short periods for housing animals, it is unlikely the proposal will have any significant impacts on neighbouring properties.

As this is for a new agricultural building there are 3 additional criteria that must be considered. Within the holding there is the applicants dwelling, a detached domestic garage and a building which was approved for domestic purposes to the front of the site. Having visited the site I do not consider any of these buildings large enough to accommodate the large machinery that I observed on site. As mentioned before the building is typical of the appearance of a modern agricultural building and the green cladding and render roof and walls are replicated in the existing domestic building to the front of the site. Finally the proposed building must be sited beside existing **farm buildings** (my emphasis). In this case this is the first agricultural building on the holding. Members should be aware of the exception within Policy CTY12, which adds to the confusion with this policy. The exception says 'consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding....'. This building is sited beside a group of buildings on the holding, not another group, it is unclear whether the current policy is supportive of siting beside an existing group of buildings, where these are not agricultural or forestry buildings. Members are aware of this anomaly in the existing planning policy which it is hoped will be addressed in the Draft Plan Policy.

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22<sup>nd</sup> February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at **10am on the 25th March** and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at **5pm on 24<sup>th</sup> September 2020**. In light of this the draft plan cannot currently be given any determining weight. Members are therefore advised that Policy AFR1 in the Draft Plan Strategy may not be used to approve development at this time.

As the current policy is not specifically clear and, as discussed above, the application meets all other criteria for a new agricultural building in the countryside, I consider this proposed agricultural building, clustered with these other buildings on the holding may be considered as an exception to Policy CTY12 and this agricultural building sited in this location will have a limited impact on the character of the area.

Members should be aware Cookstown Skip Services inc Gallagher Waste Disposal is a business with an address at 3 Killycolpy Road and is a waste carrier, licensed with NIEA. There was a skip lorry and a skip trailer with a skip on each at the site on the day of my visit. This application has been made for a building for agricultural purposes and has been



assessed as such. Policy CTY12 has a requirement that any buildings approved for agriculture must have a condition attached to them limiting them to agricultural purposes only. Such a condition will in my view act as a deterrent to prevent any unacceptable uses on the site.

Taking into account all of the above I recommend planning permission is granted as an exception to CTY12 with the conditions attached as suggested.

**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. The building hereby approved shall be used for agricultural purposes only.

REASON: To prohibit a change to an unacceptable use within the countryside

3. The building hereby approved shall only be used for housing animals from the applicants herd and only animals that are undergoing treatment or for medical observation purposes. There shall be no permanent housing of animals within the building.

REASON: To prevent pollution.

4. The existing hedgerows and vegetation along the boundaries of the site, as identified in yellow on drawing no 01 bearing the stamp dated 10 OCT 2018 shall be retained unless otherwise agreed in writing with the Council.

Reason: To ensure the maintenance of screening to the site.

5. The proposed landscaping, as shown on drawing no 2B bearing the stamp dated 19 APR 2020 shall be provided in accordance with the approved details within 6 months of the date of the commencement of the development. The trees and hedges shall be native species and any tree or shrub dying within 5 years of planting shall be replaced in a similar position with a similar size and species.

Reason: In the interests of visual amenity.

**Signature(s):**

**Date**





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**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1153/F	<b>Target Date:</b>
<b>Proposal:</b> General purpose farm/storage shed and animal welfare unit associated with an existing established Farm business.	<b>Location:</b> 55m North East of No.3 Killycolpy Road Carnan Stewartstown.
<b>Referral Route:</b> Recommendation to refuse	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Francis Gallagher 3 Killycolpy Road Carnan Stewartstown BT71 5NS	<b>Agent Name and Address:</b> CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	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

### Description of Proposal

General purpose farm/storage shed and animal welfare unit associated with an existing established farm business to be located on lands 55m North East of No.3 Killycolpy Road Caman Stewartstown.

### Characteristics of the Site and Area

The site which lies outside any settlement defined under the Cookstown Area Plan 2010 is located in the rural countryside approximately 3.5 miles east of the village of Stewartstown within the Loughshore LCA, approx. 1m west of Lough Neagh. The site sits approx. half way along and to the north side of a dead end road off the main Killycolpy Road in an area characterised by its proximity to the Lough and its relatively flat landscape interspersed within single dwelling and farm groups.

The site is located 55m north east of and to the rear of an existing single storey dwelling with detached garage, no. 3 Killycolpy Rd, Stewartstown identified on the P1 Form accompanying this application as the applicants property.

The site comprises the eastern half of a field accessed via an existing concrete laneway off the Killycolpy Rd that runs along the west side of no. 3 Killycolpy Rd. No. 3 Killycolpy Rd is accessed via a separate entrance and drive approx. 30m further south east along the Killycolpy Road. The boundaries of the field the site is cut from are defined by established trees and hedging approx. 2 ½ m high whilst the boundaries along the access laneway and roadside are defined by a maintained low hedgerow and timber fencing.

The site is located on relatively flat ground with limited views from the public road.

The site abuts the curtilage of no. 3 Killycolpy Rd located to its south west. To the immediate west of the site identified on the submitted site location plan as being within land outlined in blue as being within the applicants control is a large shed measuring approx. 9.2m x 14.3m with a 5.6m ridge height located on an area of hardstanding. This shed is accessed off the existing lane proposed to serve the site. The shed which is located just before breaking into the site has a concrete block base and walls finished in grey dash and green metal cladding. Its roof is pitched and finished in metal cladding. It has two large roller shutter doors located on the front of the building which faces south east unto the concrete yard to its front and towards No. 3 Killycolpy Rd.

I observed during my site visit a number of lorries parked in and around the site.

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Cookstown Area Plan 2010
- Planning Policy Statement (PPS) 2: Natural Heritage
- Planning Policy Statement (PPS) 3 Access, Movement and Parking
  - PPS 3 (Clarification): Access, Movement and Parking
  - Development Control Advice Note (DCAN) 15 Vehicular Access Standards
- Planning Policy Statement 15 (Revised): Planning and Flood Risk
- PPS 21 Sustainable Development in the Countryside



**Mid Ulster 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.

**Relevant site history includes:**

- **LA09/2018/1169/RM** - Proposed new dwelling and domestic garage - 40m North of 3 Killycolpy Road, Carnan, Stewartstown - approval granted 12th November 2018
- **I/2013/0141/O** - Proposed dwelling and garage on a farm - 40m north of 3 Killycolpy Road, Stewartstown – permission refused 10<sup>th</sup> November 2014 as contrary to Policy CTY1 of PPS 21, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. And that it did not merit being considered as an exceptional case as it had not been demonstrated that: the farm business is currently active (and has been established for at least six years) and the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm. This decision was Appealed under 2014/A0269, appeal upheld, proposal granted 14<sup>th</sup> September 2015

The above applications relates to a single storey dwelling and garage approved in the other/western half of the same field as the current site the general purpose farm/storage shed and animal welfare unit is proposed to be located within.

- **I/2014/0139/F** - Retention of existing shed and laneway as built for domestic use - 3 Killycolpy Road, Stewartstown - approval granted 5<sup>th</sup> October 2015
- **I/2012/0355/F** - Modification of existing structure to form a domestic store including reduction in height to less than 4.0 metres and removal of roller shutter door; close off existing laneway and restore to agricultural field – adjacent 3 Killycolpy Road, Stewartstown - the reduction in scale of the shed and the removal of access was deemed acceptable and approval granted 15<sup>th</sup> April 2013, however these works were never carried out.
- **I/2010/0262/F** - retention of agricultural store and storage area - to be located on lands 20m north of 3 Killycolpy Road, Stewartstown - refused 22nd December 2010 under CTY 1, 12 and 13. Appealed under 2011/A0074, appeal dismissed, refusal reasons upheld.
- **I/2010/0019/CA** – enforcement case for an unauthorised shed and storage area. An enforcement notice was served on 29th September 2010 requiring the applicant to remove the shed. The applicant appealed the notice under 2010/E074. The notice was upheld, and the deemed application was refused.

The above applications relates the existing shed located immediately to the west of the site which alongside the laneway serving it after an extensive history of enforcement cases, planning applications and planning appeals was approved for domestic use.

Under I/2010/0019/CA and the subsequent Enforcement Appeal it was found the shed was unauthorised and could not be deemed permitted for agricultural purposes. Under I/2010/0262/F and Planning Appeal 2011/A0074 the proposal for the retention of an agricultural store and yard was refused and appeal dismissed by the PAC as it was

contrary to CTY1, CTY12 and CTY13 of PPS21. With the agricultural use of the shed refused, another application was submitted to retain the shed for domestic use (I/2012/0355/F). This application was finally approved on the provision that the existing shed would be reduced in height to 4m, a roller shutter door removed and the additional access to be closed up to allow entry from the dwellings established access point. These modifications to the shed to make it more acceptable under EXT1 of PPS7 addendum were not implemented. And I/2014/0139/F was received for the retention of the existing shed and laneway as built for domestic use which was granted 5th October 2015

### **Representations**

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

### **Consultations**

- **Environmental Health Department** – No objections.
- **Transport NI** – No objections subject to standard conditions and informatives to be attached to any decision notice to create a safe access onto Kilycolpy Road which meets the standards set out in PPS3 and DCAN15.
- **DAERA** – DEARA responded that the farm Business Id identified on Form P1C had been in existence for more than 6 years. However the business had not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

### **Assessment**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During this transitional period authorities will apply existing policy contained within retained policy documents together with the SPPS. Any conflict between the SPPS and any retained policy must be resolved in favour of the provisions of the SPPS.

As this site is located outside any settlement designated in the Cookstown Area Plan, as such the policy context is provided by Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21). The SPPS retains PPS21.

Policy CTY1 of PPS 21 states "There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development". One such instances is Non-Residential Development in accordance with Policy CTY 12 Agricultural and Forestry Development. The SPPS does not supersede the provisions of CTY 12.

Policy CTY 12 Agricultural and Forestry Development states 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;
- b) in terms of character and scale it is appropriate to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and

- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

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

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

I do not consider this proposal meets the requirements of Policy CTY 12. Whilst I recognise the shed is to be located on a farm holding as established under appeal 2014/A0269. That due to the enclosed nature of the site it should integrate into onto this site and into the landscape without detriment to any natural or built heritage interests. That it should not result in any significant detrimental impact on neighbouring amenity existing or proposed. That said the holding comprises only one field (the site) measuring approx. 0.35 hectares and the applicant has submitted farm details to show only 17 animals as such I do not believe it has not been demonstrated that the shed is necessary for the efficient use of the holding. I didn't observe any kind of agricultural activity at the time of my site visit showing the active status of the farm holding.

It has not been demonstrated that there are no suitable existing buildings on the holding that can be used, a requirement for new buildings. This is relevant given the existing shed located to the immediate west of the site located within the applicant's ownership.

With regard to the above it is noted that on the 18<sup>th</sup> December 2018 the agent was contacted and given the opportunity on a without prejudice basis to submit further information to address the issues raised above i.e. the extent of the farm holding and satisfactory justification on the need for the farm building in line with Policy CTY 12. That it is necessary for the efficient use of the agricultural holding or forestry enterprise.

The additional farm documentation subsequently submitted by the agent on the 12th February 2019 did not address the issues raised and a herd list submitted actually showed the number of animals on the farm holding had reduced from 17 on the 28/08/2018 to 12 on the 31/01/2019.

Further to the above the agent was contacted to provide additional information to address the issues again on the 26/03/2019 by phone and then by email on the 11/04/2019 and given one last opportunity to submit the additional information to the Planning Department within 3 weeks. This information was not received.

Subsequently a final email request for the information / drawings was sent on the 20<sup>th</sup> May 2019. The email outlined that if the information / drawings were not received within 3 weeks Planning would make a recommendation based on the information currently on file. And that recommendation, which would be to refuse, will go to the next available Planning Committee.

#### **Additional consideration**

Whilst the proposed shed is not located within the Floodplain the south eastern boundary just edges into it.

**Refusal is recommended**

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

**Refuse**

**Reasons for Refusal:**

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the agricultural holding nor has sufficient information been received to confirm that there are no suitable existing buildings on the holding that can be used or the extent of the farm holding.

**Signature(s)**

**Date:**

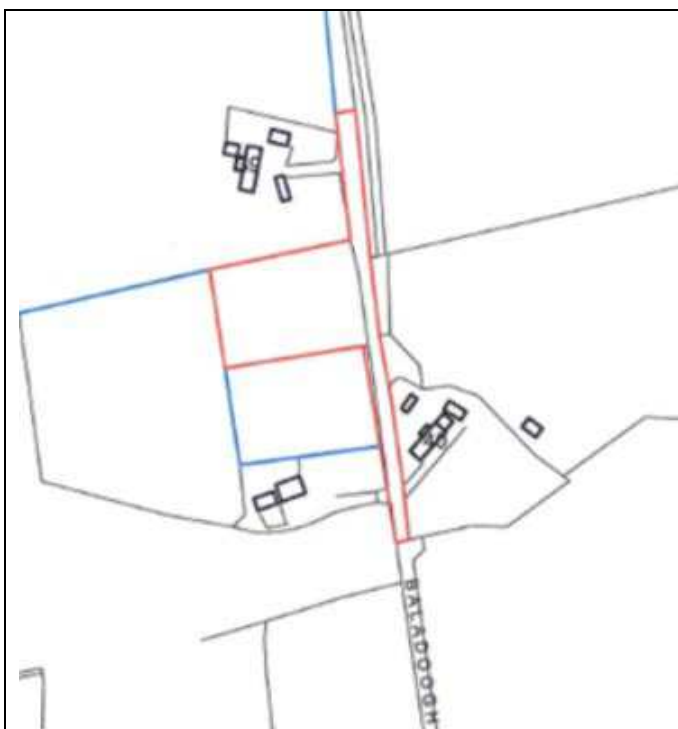






## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/1376/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a dwelling and garage	<b>Location:</b> 50m South of 39 Baladoogh Lane, Cookstown
<b>Applicant Name and Address:</b> Patrick McAleer	<b>Agent name and Address:</b> APS Architects Ltd 4 Mid ulster Business Park Cookstown
<b>Summary of Issues:</b> Following a deferred site visit the proposal is still recommended as a refusal under CTY1 and CTY8.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located in a roadside field. The eastern boundary is defined by a high embankment and hedging with roadside verge. The northern boundary is undefined. The site sits higher than the road and rises in NW corner. The southern boundary is defined by semi-mature beech trees. The western boundary is to the rear is open.  To the north, is no.39, a derelict bungalow with two out buildings. To the south of the site is a field containing two agricultural buildings, which is overgrown with vegetation.	



### Description of Proposal

The applicant seeks outline planning approval for a dwelling and garage within a gap site.

### Deferred Consideration:

This application was presented to Committee as a refusal under CTY1 and CTY8, in that the proposal did not constitute a gap site within a substantial and continuously built up frontage sufficient to only accommodate a maximum of two dwellings along this part of Baladoogh Lane.

It was subsequently deferred for an office meeting with the Area planning manager, which was held on 13<sup>th</sup> Feb 2020.

Following this the application was presented to August Committee as a refusal for the same reasons as previously. It was then deferred for a site visit with committee members.

This site visit was held on 27<sup>th</sup> August 2020 with a number of committee members attending along with council staff. All present walked to the site and immediate surrounding area, including the buildings being relied on as part of the infill build-up.

An approval was granted under to the north of the site under I/2000/0573/O, which has never been developed. This was also highlighted to those attending the site visit.

Despite being approved under an earlier rural policy context, the fact that this approval was granted shows there is capacity for a dwelling on this site. Together with the proposed site and the remaining part of the field, the gap would be able to accommodate 3 dwellings in similar size plots. No development has taken place on the approved site, so there is no

dwelling which can be taken into account to form part of the build-up as the site must be assessed with what is currently on the ground.

It had been mentioned at the site visit there may be issues with getting access to the approved site and that's why it may not have been built. This however would not make any difference to the fact that no development has taken place on the site and that approval granted shows there was there potential for a dwelling on that particular site.

CTY8 will permit an exception to ribbon development, only where there is a small gap sufficient to accommodate up to a maximum of two houses in an otherwise substantially and continuously built up frontage.

In terms of a built up frontage, to the north of the site, No.39, a derelict bungalow does has frontage to the front, and there is an out building positioned in front of the dwelling, but it does not have a road frontage. The derelict farm buildings relied on to the south of the site are currently difficult to view from the road due to overgrown vegetation, however even if the site was cleared they do still not front on to the road, and could therefore not be counted as part of built up frontage. There are not three buildings, but rather just one, which share a common frontage to be counted as part of the criteria in order to permit an infill. The criteria of CTY18 therefore cannot be met.

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25<sup>th</sup> March for 8 weeks. The re-consultation period will close on 5pm on 24<sup>th</sup> September 2020. In light of this the draft plan cannot currently be given any determining weight.

Following the site visit my opinion remains unchanged and a refusal is therefore recommended as previously for the following reasons;

#### **Refusal Reasons-**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage sufficient to only accommodate a maximum of two houses along this part of Baladoogh Lane.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style of build-up of development, further eroding the rural character of the area.

**Signature(s):**

**Date**





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/1376/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a dwelling and garage	<b>Location:</b> 50m South of 39 Baladoogh Lane, Cookstown
<b>Applicant Name and Address:</b> Patrick McAleer	<b>Agent name and Address:</b> APS Architects Ltd 4 Mid ulster Business Park Cookstown
<b>Summary of Issues:</b> Following a deferral the proposal is still recommended as a refusal under CTY1 and CTY8.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located in a roadside field. The eastern boundary is defined by a high embankment and hedging with roadside verge. The northern boundary is undefined. The site sits higher than the road and rises in NW corner. The southern boundary is defined by semi-mature beech trees. The western boundary is to the rear is open.  To the north, is no.39, a derelict bungalow with two out buildings. To the south of the site is a field containing two agricultural buildings, which is overgrown with vegetation.	
<b>Description of Proposal</b>  The applicant seeks outline planning approval for a dwelling and garage within a gap site.	



**Deferred Consideration:**

This application was presented to Committee as a refusal under CTY1 and CTY8, in that the proposal did not constitute a gap site within a substantial and continuously built up frontage sufficient to only accommodate a maximum of two dwellings along this part of Baladoogh Lane.

It was subsequently deferred for an office meeting with the Area planning manager, which was held on 13<sup>th</sup> Feb 2020.

Following this a site visit was carried out to re-consider the proposal.

An approval was granted under to the north of the site under I/2000/0573/O, which has never been developed. However it shows there is capacity for a dwelling on this site. This, together with the proposed site and the remaining part of the field would be able to accommodate 3 dwellings in similar size plots. CTY8 will permit an exception to ribbon development, only where there is a small gap sufficient to accommodate up to a maximum of two houses in an otherwise substantially and continuously built up frontage.

In terms of a built up frontage, to the north of the site, No.39, a derelict bungalow does has frontage to the front, and there is an out building positioned in front of the dwelling, but it does not have a road frontage. The derelict farm buildings relied on to the south of the site are currently difficult to view from the road due to overgrown vegetation, however even if the site was cleared they do still not front on to the road, and could therefore not be counted as part of built up frontage. There are not three buildings, but rather just one, which share a common frontage to be counted as part of the criteria in order to permit an infill. The criteria of CTY18 therefore cannot be met.

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

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

A refusal is therefore recommended as previously.

**Refusal Reason-**

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

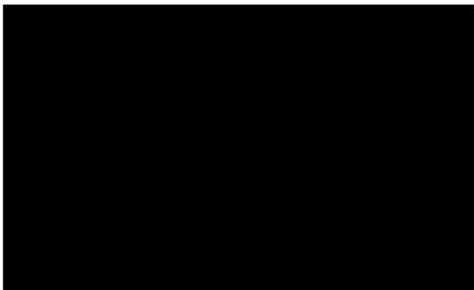
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not have a substantial and continuously built up frontage and would, if permitted, result in the addition of ribbon development along the Baladoogh Lane.

**Signature(s):**

**Date**

## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1376/O	Target Date:
Proposal: Proposed site for dwelling and garage within a gap site.	Location: 50m South of 39 Baladoogh Lane Cookstown.
Referral Route:  This application is being referred to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Patrick McAleer 16 Coagh Street Cookstown BT80 8NG	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s):	



## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	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 representations have been received in respect of this application.

## Characteristics of the site and area



The site is comprised of the northern half of a small field with a road frontage of 85m, along the eastern boundary, which is defined by a 1m high embankment with a sporadic hedge and no roadside verge. The northern boundary is defined by a sporadic hedge with a few semi-mature trees, which is similar to the western boundary. The southern boundary is undefined. The site sits slightly above road level and rises gently towards the north-western corner.

The southern boundary of the field is defined by semi-mature beech trees. To the north of the site is a derelict bungalow, No. 39, set back off the Baladoogh Lane with a pair of small outbuildings set in front of the bungalow. These buildings are separated from the site by a small field which has a road frontage of 28m and which wraps around the front of the outbuildings. One of these outbuildings has had the roof removed. The derelict bungalow and outbuildings have a 27m frontage, however, the outbuildings do not have a frontage to the road. The derelict bungalow and associated outbuildings are set back between 22-32m from the Baladoogh Lane. There is a low wall along the northern half of the frontage of the derelict bungalow and this separates the building from a small copse of conifer trees which extend to the road. To the south of the field containing the site is a small overgrown area fronting onto the Baladoogh Lane. This area has a 17m road frontage and separates the field from an agricultural access which leads into a small area containing two small agricultural type outbuildings. These two buildings are set back 34m from the Baladoogh Lane and do not have a frontage onto the public road by virtue of the rough overgrown area to the front.



Derelict bungalow at No.39 showing the adjacent field wrapping around the associated sheds with the site located to the rear of the hedgerow.

#### Description of proposal

The proposal is an outline application for a site for dwelling and garage within a gap site.

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

##### Relevant planning history

There is no previous planning history on this site, however, the field to the north of the site, which also wraps around outbuildings adjacent to the derelict bungalow at No.39, was the subject of a planning application by the same applicant under I/2000/0573/O and was granted approval on 20th October 2000. That approval has now expired without the site being developed.

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP – Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.



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

Cookstown Area Plan 2010 - the site lies outside any defined settlement limits and is open countryside as identified in the Cookstown Area Plan 2010.

PPS 21 – sustainable development in the countryside

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

The site is bounded to the north by a portion of an agricultural field, on which the applicant was granted planning approval under I/2000/0573/O, but which was never developed. This is a clear indication that it is possible to develop that site for a dwelling. The field in which the site is contained, has an 85m road frontage, which is clearly adequate to accommodate at least two dwellings with similar frontage widths as the plot which contains the derelict dwelling at No.39. Irrespective of the fact that the farm buildings to the south of the field containing the proposed site do not have a frontage to the public road, by virtue of the area of undeveloped land which extends to the road, there are not three buildings in a line which share a common frontage.



The aerial photo shows the clear potential to accommodate three sites between No.39 and the farm buildings.

Notwithstanding the lack of a building to the south of the proposed site which is required to have a frontage to the public road, the outbuildings to the north of the site are positioned in front of the derelict bungalow and do not have a frontage to the road due to the adjoining field wrapping around the front of these buildings. Therefore those outbuildings do not have a road frontage and



cannot be considered to form part of a substantial and continuously built up frontage. In this case, essentially there is only one building along this part of the Baladoogh Lane which has a frontage to the public road ie. No.39. The proposed development is therefore considered to be contrary to Policy CTY 8.

In my opinion, this site is similar to the site subject of planning appeal 2016/A0093 in which the Commissioner accepted that a dwelling set back and physically separated from the road by a field, does not have a frontage to the road and therefore cannot be considered to form part of a substantial and continuously built up frontage.

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

#### CTY 13 – Integration

The proposed site will require the removal of the entire field frontage along the Baladoogh Lane, in order to provide the necessary visibility splays. At present this is a 1m high embankment with a sporadic hedgerow and no roadside verge. Therefore the provision of the required visibility splays will open up the site to such an extent that from the front of No.40, any dwelling will be clearly visible. However, any such dwelling would be set against the semi-mature hedgerow to the north and west and due to the short transient views, it will achieve an acceptable degree of integration without appearing prominent.

#### CTY 14 – Rural Character

Although the site is not considered to be a gap site and as the site frontage will have to be removed to provide the necessary access arrangements, any dwelling on this site will only be visible on reaching No.40. when travelling northwards. When travelling southwards any such dwelling would only be clearly visible after passing No.39. A dwelling on the proposed site would not appear prominent nor would it result in a suburban form of development when read with other existing buildings to such an extent as to result in a change of character of the rural area. Furthermore a dwelling on this site would not create nor add to a ribbon of development.

#### Consultations

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

#### Recommendation

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reasons below:-

#### Refusal Reasons

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

2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage sufficient to only accommodate a maximum of two houses along this part of Baladoogh Lane.

Signature(s)

Date:



ANNEX	
Date Valid	18th October 2019
Date First Advertised	29th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 39 Baladoogh Lane Cookstown Tyrone The Owner/Occupier, 40 Baladoogh Lane Cookstown Tyrone	
Date of Last Neighbour Notification	31st October 2019
Date of EIA Determination	N/A
ES Requested	No
Planning History  Ref ID: LA09/2019/1376/O Proposal: Proposed site for dwelling and garage within a gap site. Address: 50m South of 39 Baladoogh Lane, Cookstown., Decision: Decision Date:  Ref ID: I/1998/0479 Proposal: Proposed Replacement Dwelling Address: 40 BALADOOGH LANE COOKSTOWN Decision: Decision Date:  Ref ID: I/2000/0433/O Proposal: Site for dwelling Address: Opposite 40 Baladoogh Lane Killeenan Cookstown Decision: Decision Date: 02.08.2000  Ref ID: I/2003/0951/O Proposal: Erection of 2 Storey Dwelling Address: Approximately 70 M North of 40 Baladoogh Lane, Killeenan, Cookstown Decision: Decision Date: 12.02.2004  Ref ID: I/1979/0154 Proposal: LV O/H LINE	



<p>Address: KILLEENAN, COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/2000/0573/O Proposal: Site for two storey dwelling Address: Adjacent to 39 Baladoogh Lane, Killeenan, Cookstown Decision: Decision Date: 24.10.2000</p>
<p>Summary of Consultee Responses</p> <p>DfI Roads and NI Water have advised that they have no issues of concern with the proposed site.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b>  LA09/2019/1394/0	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and detached garage	<b>Location:</b> 40m East of 12 Newline Road Cookstown
<b>Applicant Name and Address:</b>  Laura Rafferty 12 Newline Road Cookstown	<b>Agent name and Address:</b>  C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown
<b>Summary of Issues:</b>  The proposal was based on a case on need for a dwelling under CTY6, following the submission of additional information and a deferred office meeting a re-assessment was made with a recommendation of approval with conditions.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The application site is a 0.35 hectare plot located 40m east of 12 Newline Road, Kileenan, Cookstown. It is outside the development limits and located within the rural countryside. The site is overgrown with rough gorse shrubbery and it sits at the same level as Newline Road. The surrounding area is rural in character with a dispersed settlement pattern, with single dwellings and agricultural buildings.	

**Description of Proposal**

Proposed dwelling and detached garage

**Deferred Consideration:**

The application was previously presented as a refusal to Committee in August 2020 for the following reason;

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

It was subsequently deferred an office meeting with the Area Planning Manager which was held on 10<sup>th</sup> Sept 2020.

The applicant (Laura Rafferty) currently lives in 12 Newline Road with her parents, and the site is in the field adjacent to this property.

From examining the medical evidence it can be seen the applicant's father has significant mobility issues and needs considerable help carrying out daily routine tasks. Currently the applicant and her mother are the main carers for her father, and more recently Laura has had to take on more responsibility as her mother has anxiety and medical issues herself exacerbated by the potential that Laura, who is getting married next year may have to move, leaving her to cope on her own. Laura works flexible hours to carry out this care for her father, but as she is getting married soon, wants privacy and independence for herself while continuing to care for her father.

In terms of exploring the annex/extension to No.12, there is limited space surrounding the existing dwelling to accommodate this. Doctors' advice was also submitted to state there should be minimal disruption to the applicant's father and his surroundings, in order to reduce the impact on his worsening health. A mobile home would not be a permanent solution in this case.

If living at the site adjacent her father's dwelling, Laura can continue her role as carer along with her mother, who will be supported with Laura being so close. Her mother will be assisted by Laura in tasks she would not be able to on her own, but can continue in her caring role whilst Laura is working. I do feel sufficient evidence has been submitted to show a new dwelling here is a necessary response to the specific circumstances of this case and genuine hardship would be caused if it was refused.

In terms of policy CTY13, I do not feel a 6m ridge dwelling would appear prominent and could be integrated in the landscape with a siting condition. This would ensure a new dwelling would read with the existing house and along with new planting would provide a good level of integration. Views of the site are limited due to a strong backdrop of undulating landform in the distance. There would be no detrimental impact on rural character and the policy of CTY14 has been met.

Approval with conditions is recommended.

**Conditions;**

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

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

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

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. A detailed Landscape Scheme shall be provided for approval at Reserved Matters stage to indicate existing landscaping to be retained and to show proposed landscaping. All agreed proposed landscaping shall be carried out within the first planting season after commencement of development of the reserved matters permission and permanently retained thereafter. Should any shrub, tree or hedge die or become seriously damaged or defective another tree, shrub or hedge as that previously planted shall be planted in its place.

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

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



6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

7. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

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

8. The proposed dwelling shall be sited in the area shaded green on the approved plan 01 date stamped 23 October 2019

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

9. The dwelling hereby approved shall be occupied only by Laura Rafferty and her dependents for 5 years from the date of this permission.

Reason: To restrict the occupants of the approved dwelling.

**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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1394/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and detached garage	<b>Location:</b> 40m East of 12 Newline Road Cookstown
<b>Referral Route:</b> Refusal Recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Laura Rafferty 12 Newline Road Cookstown	<b>Agent Name and Address:</b> C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown, BT80 9LU
<b>Executive Summary:</b> The applicant has put forward a personal and domestic circumstance case that has been fully considered. It does not provide adequate evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would result from the refusal of this application. It has not been satisfactorily demonstrated that there are no alternative solutions available to the applicant. Refusal is recommended.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

### Representations:

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

### Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified. To date there have been no objections to this proposal from any third party or consultee.

### Characteristics of the Site and Area

The application site is a 0.35 hectare plot of land located 40m East of number 12 Newline Road, Killeenan, Cookstown. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The site is completely overgrown with rough shrub. It sits at a similar level to the Newline Road. This area is rural in character with a dispersed settlement pattern, the predominant form of development being single dwellings and agricultural buildings. It is an upland area with an undulating topography. The area is not subject to any Area Plan zonings or designations.



**Description of Proposal**

This is an outline application for a dwelling and garage to be considered under Policy CTY 6 of PPS 21 (Personal and Domestic Circumstances)

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

There are no planning histories on or adjacent to this site to be considered in this assessment

The following policies will be considered in this assessment:

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 - Access, Movement and Parking
- PPS21 - Sustainable Development in the Countryside

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

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The protection of residential amenity falls under this policy consideration. This is an outline application in which a house type is not being assessed, however given the separation distance between the site and the closest neighbour, I have no initial concerns in terms of the impact of a dwelling on neighbouring residential amenity.

The SPPS also gives provision for development in the countryside subject to a number policy provisions, including a dwelling where there are personal and domestic circumstances. It does not introduce any change in policy direction in this regard therefore existing rural planning policy applies (ie) CTY 6 of PPS 21.

**Cookstown Area Plan 2010**

This site is outside the development limits of any settlement defined in the Cookstown Area Plan 2010 and is subject to no area plan designations, therefore existing rural planning policy applies.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25<sup>th</sup> March for 8 weeks. The re-consultation period will now close at 5pm on 24<sup>th</sup> September 2020. In light of this the draft plan cannot currently be given any determining weight.



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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the construction of a new access onto the Newline Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to the provision of 2.4m x 60m splays and a 60m forward sight distance. This can be dealt with by planning condition.

### **PPS21 - Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 details a range of different types of development that are acceptable in the Countryside. One such development is dwellings based on special personal or domestic circumstances in accordance with CTY 6.

#### **Policy CTY 6 Personal and Domestic Circumstances**

Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

In this case the applicant is applying for a dwelling, which will be sited in the field beside her parents house. It is argued that this will enable her to care for her father and assist her mother in caring for her father but also allowing her a degree of independence as she is planning to get married soon. Supporting documentation by way of a planning statement and medical information have been provided which details the current medical conditions experienced by the applicants father and mother. Whilst there is no dispute over the validity of these medical conditions, I am not satisfied that a new dwelling at this location is a necessary response in this particular case.

The planning statement submitted with the application in paragraph 15 states that it is not an option for the applicant to live in Cookstown or another nearby settlement due to the level of care required by her father during the day and night when her mother is unwell. Building an annex onto the parents dwelling has been considered but has been deemed impractical as the applicant is getting married soon and wants a degree of privacy and independence. Consideration has been given to the applicants parents moving into an annex and the applicant continuing to reside the existing dwelling, however the applicant has stated that this is not a solution as her father has been



advised not to change his surroundings. A mobile home is not considered a practical or permanent solution.

On the basis of the supporting information submitted with this application it is my opinion that it has not been adequately demonstrated that a new dwelling is a necessary response to the particular circumstances of this case and that genuine hardship would be caused if planning permission were refused. I am also of the opinion that there are alternative solutions such as the building of an annex for the applicant to move into.

### **Policy CTY 13 - Design and Integration**

Policy CTY 13 deals with design and integration and it sets down several criteria which must be adhered to.

This is a roadside site, which is currently overgrown with thick low-level gorse shrub. The site dips slightly where the Newline Road bends. A dwelling with a 5.5m ridge height sited in the SW portion of the site will not appear overly prominent. When viewed travelling North along the Newline Road, the site benefits from a backdrop of undulating landform further in the distance. When travelling in the opposite direction any views of the site are restricted due to the adjacent dwelling. Whilst the site boundaries are not defined by mature vegetation a dwelling on this site will read with the existing dwelling at number 12 which will provide a degree of integration. New planting will be required but will not be relied upon as the main means of integration. Design will be a matter reserved.



### **CTY 14 - Rural Character**

As referred to above, a single storey dwelling with a 5.5m ridge height will not appear prominent in this local landscape if appropriately sited. A dwelling in this location will not create or add to a ribbon of development. Whilst number 12 Newline Road encompasses a dwelling and a domestic garage, the garage can be deemed accompanying development to the rear, so the purpose of considering it in determining a ribbon is discounted. A dwelling on this site, fronting directly onto the public road replicates the existing settlement in this area. On the whole, I have no concerns about the impact of

this development on rural character.	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>  Refuse	
<b>Refusal Reason</b>  The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.	
<b>Signature(s)</b>  <b>Date:</b>	

ANNEX	
Date Valid	23rd October 2019
Date First Advertised	5th November 2019
Date Last Advertised	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 12 New Line Road, Cookstown, Tyrone, BT80 9JQ The Owner/Occupier, 18 New Line Road Cookstown Tyrone	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	n/a
<b>Planning History</b>  Ref ID: LA09/2019/1394/O Proposal: Proposed dwelling and detached garage Address: 40m East of 12 Newline Road, Cookstown, Decision: Decision Date:  Ref ID: I/1982/0222 Proposal: DWELLING Address: KILLEENAN, COOKSTOWN Decision: Decision Date:  Ref ID: I/2004/0696/F Proposal: 11KV Address: 300M NW of 8 New Line Road, Cookstown Decision: Decision Date: 18.09.2004  Ref ID: I/1994/0134 Proposal: Domestic Garage Address: 15 NEWLINE ROAD KILLEENAN COOKSTOWN	



Decision:  
Decision Date:

**Summary of Consultee Responses**

DFI Roads - No objections

**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:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/1540/O	<b>Target Date</b>
<b>Proposal:</b> Proposed infill dwelling and garage	<b>Location:</b> Between 29 and 31 Macknagh Lane Maghera
<b>Applicant Name and Address:</b> Mr Padraig Mc Guigan 27 Glenview Garvagh	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b>  A deferred site visit was carried out and re-assessment carried following this.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The application site is located approximately 1.16km west of the development limits of Upperlands from such it is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as between 29 and 31 Macknagh Lane, Maghera in which the red line covers a portion of a much larger agricultural field. I note that the whole agricultural field has an undulating landform and it is bounded by a mix of mature hedging/trees and post and wire fencing on all boundaries. I note that within the immediate vicinity there is a number of residential dwellings but the wider setting is characterised by agricultural land uses. .	

## **Description of Proposal**

This is an outline application for a proposed infill dwelling and detached garage. Located between 29 and 31 Macknagh Lane, Maghera.

## **Deferred Consideration:**

This application was presented as a refusal under CTY1, CTY8, CTY13 and CTY14, to Planning Committee in March 2020 and was subsequently deferred for an office meeting with the Area Planning Manager on 12 March 2020. It was then again in August 2020 presented to committee as a refusal for the same reasons as previously, where it was deferred for a site visit with members of the planning committee.

This site visit took place on 27<sup>th</sup> August 2020 with a number of planning committee members and planning council staff. Everyone there walked the site and the surrounding area and had an opportunity to view the properties being relied on as part of the build-up.

With regard to CTY8, the three roadside dwellings front on to Macknagh Lane. The agent had been relying on a small agricultural structure previously, which had been shown not to have been in place in excess of 5 years and had no planning approval, and this situation had not changed. However the agent is now solely relying on access point and small lawn area to No.29, to the east of the site and the existing roadside dwellings, No's 3, 5 and 31.





No's 3, 5 and 31 to the east are roadside frontage dwellings, however on the other side of the site, No.29 does not share a common frontage with the site or other roadside dwellings to the west. The dwelling cannot even be seen from this part of Macknagh Lane, with only the tip of the chimney in view. It is only the access, a small portion of grass area and a gravel laneway that can be viewed. It does not share any common frontage and does not form part of a built up frontage in line with CTY8. The agent has argued there is a formal garden in place and that there is wiring for electric gates in place with the gates going on soon. However, I would not agree this small-grassed area is a formal garden and the proposal must be assessed as it currently is on site. Even accepting there is a formal garden area, this would not be providing any means by which development on the application site would be 'bookended'.



There is no significant visual presence of No.29 and there is no gap with the result, a dwelling in this location would result in the addition of a ribbon of development along Macknagh Lane.

In terms of CTY13, this site is an open and exposed roadside field and it lacks any long established boundaries on two sides, with only low hedging on the other two boundaries. The site is unable to provide sufficient integration and would be relying heavily on new landscaping for integration. It is therefore contrary to CTY13.

CTY14 states permission will only be granted where it does not cause detrimental change to further erode the character of the area. Although an appropriately designed dwelling would not appear prominent, it would result in the extension of a ribbon of development, and therefore change the character of the rural countryside and fail under policy CTY14.

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25<sup>th</sup> March for 8 weeks. The re-consultation period will close on 5pm on 24<sup>th</sup> September 2020. In light of this the draft plan cannot currently be given any determining weight.

My opinion remains unchanged following the site visit and refusal is recommended for the following reasons;

### **Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Macknagh Lane.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

**Signature(s):**

**Date**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/1540/O	<b>Target Date</b>
<b>Proposal:</b> Proposed infill dwelling and garage	<b>Location:</b> Between 29 and 31 Macknagh Lane Maghera
<b>Applicant Name and Address:</b> Mr Padraig Mc Guigan 27 Glenview Garvagh	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b>  Following re-assessment at deferred stage the proposal remains contrary to CTY 1, 8, 13 and 14.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The application site is located approximately 1.16km west of the development limits of Upperlands from such it is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as between 29 and 31 Macknagh Lane, Maghera in which the red line covers a portion of a much larger agricultural field. I note that the whole agricultural field has an undulating landform and it is bounded by a mix of mature hedging/trees and post and wire fencing on all boundaries. I note that within the immediate vicinity there is a number of residential dwellings but the wider setting is characterised by agricultural land uses.  Representations Three neighbour notifications were sent out however no representations were received.	

## **Description of Proposal**

This is an outline application for a proposed infill dwelling and detached garage. Located between 29 and 31 Macknagh Lane, Maghera.

## **Deferred Consideration:**

This application was presented as a refusal under CTY1, CTY8, CTY13 and CTY14, to Planning Committee in March 2020 and was subsequently deferred for an office meeting with the Area Planning Manager on 12 March 2020. It was agreed a site visit would be carried out to establish if there is a continuous and built up frontage that can be read with the site, and then to carry out a full re-assessment.

A site visit was carried out on 13 March 2020. With regard to CTY8 and if there is a continuous and built up frontage, the three roadside dwellings front on to Macknagh Lane, but the agent is relying on a small agricultural structure and the laneway to No.29, to the east of the site. As previously outlined in detail in the original case officer's report, the small agricultural building is not proved to have been in place in excess of 5 years and has no planning approval. Its presence is so limited and as it is a temporary building and sits in isolation in the field, due to its location does not have a frontage to the road.

No.29 does not share a common frontage with the site or other roadside dwellings to the west. The dwelling cannot even be seen from this part of Macknagh Lane, it is only the access and a small portion of grass area. It does not share any common frontage and does not form part of a built up frontage in line with CTY8. There is no gap and as a result a dwelling in this location would result in the addition of a ribbon of development along Macknagh Lane.

In terms of CTY13, this site is an open and exposed roadside field and it lacks any long established boundaries on two sides, with only low hedging on the other two boundaries. The site is unable to provide sufficient integration and would be relying heavily on new landscaping for integration. It is therefore contrary to CTY13.

CTY14 states permission will only be granted where it does not cause detrimental change to further erode the character of the area. Although an appropriately designed dwelling would not appear prominent, it would result in the addition of a ribbon of development, and therefore change the character of the rural countryside and fail under policy CTY14.

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

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

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

Refusal is recommended for the following reasons;

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Macknagh Lane.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

**Signature(s):**

**Date**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1540/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill dwelling and garage	<b>Location:</b> Between 29 and 31 Macknagh Lane Maghera
<b>Referral Route:</b>  To Committee – Refusal - Contrary to CTY 1, 8, 13 and 14.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr Padraig Mc Guigan 27 Glenview Garvagh	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

#### 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

Refusal - To Committee - Contrary to CTY 1, 8, 13, and 14.

#### Characteristics of the Site and Area

The application site is located approximately 1.16km west of the development limits of Upperlands from such it is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as between 29 and 31 Macknagh Lane, Maghera in which the red line covers a portion of a much larger agricultural field. I note that the whole agricultural field has an undulating landform and it is bounded by a mix of mature hedging/trees and post and wire fencing on all boundaries. I note that within the immediate vicinity there is a number of residential dwellings but the wider setting is characterised by agricultural land uses.

#### Representations

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



**Description of Proposal**

This is an outline application for a proposed infill dwelling and detached garage. Located between 29 and 31 Macknagh Lane, Maghera.

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster'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'.

CTY 8 states that 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 two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

With regard to the continuous and built up frontage, I note that to the west of the site sits three detached dwellings that all share a common frontage along the Macknagh Lane. To the east the agent is relying on a small agricultural shelter and has noted the laneway leading to No. 29 as both sharing a common frontage. Firstly, I note that the laneway is just that only a laneway and in my opinion No. 29 does not share a common frontage along the Macknagh Lane. With regards to the small agricultural shelter that the agent has identified to be part of the built up frontage, on initial inspection I am of the opinion that the shelter appears to be temporary in nature. I note that the agent made reference to Planning Appeal 2015/A0215 which he feels relevant in this instance. However upon a historical search it has become clear that the small agricultural shelter has moved and



even taken away at times over the previous few years reinforcing the argument that this is a temporary structure.



As you can see in 2013 the small agricultural shelter is in place.



However when compared in 2018 the shelter has been removed completely and from this it has not shown to be in place for an excess of five years and from which I cannot constitute it to be a building that shares a common frontage.



Even in 2018 the shelter has been reinstated but not in the same location as previously. Given the temporary nature of the shelter and the fact the shelter hasn't even been in-situ for more than five years that it cannot be counted as a building along this common frontage. From this, I am of the opinion that there is no gap as a result and that a dwelling in this location would only result in the addition of a ribbon of development along the Macknagh Lane. From this I am of the opinion that the application has failed under CTY 8.

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. This is an open roadside field. The proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape. The application does not comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent. As noted that a dwelling in this location would result in the addition of a ribbon of development along the Macknagh Lane and from which I am of the opinion that this would lead to a detrimental change to the rural character of the countryside. From this I am of the opinion that this would fail under CTY 14.

#### Other policy and material considerations

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

DFI Roads were consulted and in their response confirmed that they were content subject conditions and informatives.

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.

I have no ecological, flooding or residential amenity concerns.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Refusal



**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Macknagh Lane.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

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



ANNEX	
<b>Date Valid</b>	25th November 2019
<b>Date First Advertised</b>	10th December 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 31 Macknagh Lane Maghera Londonderry	
<b>Date of Last Neighbour Notification</b>	3rd December 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1540/O Proposal: Proposed infill dwelling and garage Address: Between 29 and 31 Macknagh Lane, Maghera, Decision: Decision Date:  Ref ID: H/2009/0222/F Proposal: Proposed farm dwelling & garage Address: Approx 70m South of 94 Moneysharvin Road, Maghera Decision: Decision Date: 17.09.2009  Ref ID: H/2006/0988/F Proposal: Proposed new lane way for appeal reference 2006/A0341 (planning reference H/2004/1024/O) Address: Land approx 150m east of No. 5 Macknagh Lane, Maghera Decision: Decision Date: 07.05.2008  Ref ID: H/2006/0238/O Proposal: Site for Rural Designed Dwelling. Address: Approx. 65m N.E. of No.3 Macknagh Lane, Maghera. Decision: Decision Date: 28.01.2008	

Ref ID: H/2002/0528/F

Proposal: Dwelling and Garage

Address: Adjacent to No 5 Macnagh Lane, Maghera

Decision:

Decision Date: 24.07.2002

Ref ID: H/2001/0223/O

Proposal: Site of bungalow and garage

Address: Adjacent to 5 Macnagh Lane, Maghera

Decision:

Decision Date: 18.12.2001

Ref ID: H/2010/0047/F

Proposal: Proposed new access laneway onto Mackagh Lane, Maghera to access previously approved dwelling H/2009/0222/F

Address: Approx 70m south of no.94 Moneysharvin Road, Maghera

Decision:

Decision Date: 25.03.2010

Ref ID: H/1986/0233

Proposal: BUNGALOW

Address: MACKNAGH LANE, MONEYSHARVIN, MAGHERA

Decision:

Decision Date:

Ref ID: H/1983/0085

Proposal: SITE OF BUNGALOW

Address: MACKNAGH LANE, OFF MONEYSHARVIN ROAD, MAGHERA

Decision:

Decision Date:

Ref ID: H/1979/0521

Proposal: SITE OF BUNGALOW

Address: MONEYSHARVIN, MAGHERA

Decision:

Decision Date:

### Summary of Consultee Responses

### Drawing Numbers and Title

Drawing No. 02  
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:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b>  Emma McCullagh	
<b>Application ID:</b> LA09/2019/1553/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of a two storey seminar/ training room, office and store associated with the expansion of an established emergency medical supplies (EMS) business	<b>Location:</b> 12 Ballynahone Road Maghera
<b>Applicant Name and Address:</b> Emergency Medical Services (N.I) Ltd. 12 Ballynahone Road Maghera	<b>Agent name and Address:</b> Clyde Shanks 2nd Floor 7 Exchange Place Belfast
<b>Summary of Issues:</b>  The application was deferred for an office meeting following a recommendation to refusal, the meeting was held with the Planning Manager with various site-specific issues and potential conditions discussed.	
<b>Summary of Consultee Responses:</b>  DFI were re-consulted on amended plans regarding carparking and had not formally replied at the time of writing the report, however Council would have no issue with the new car park layout.	
<b>Characteristics of the Site and Area:</b>  The site is located at 12 Ballynahone Road and is approx. 1.5miles south of the village of Maghera. It is outside the settlement limits and located in the rural countryside. The site is approx. 90m back from Ballynahone Road and is accessed via an existing domestic driveway.	

On site is a 2 storey dwelling with a single storey annex to one side, which was approved for an integral garage and car port. The carport is now being used for domestic and business storage purposes and the garage door has been replaced with a window with the garage now being used as a seminar/training room in association with the applicants business EMS. There is an informal car parking area used for parking cars and ambulances associated with the business.

The immediate area is rural in character with a dispersed settlement pattern. The predominant form of development being single detached dwellings and agricultural buildings.

### **Description of Proposal**

Retention of a two storey seminar/ training room, office and store associated with the expansion of an established emergency medical supplies (EMS) business

LA09/2019/1451/LDE was approved on 30<sup>th</sup> April 2020 for 'Conversion of an attached domestic garage to home office, store and seminar/training room for the purposes of homeworking'. The description was amended by the Council from what the applicant submitted -(Established seminar/training room associated with emergency medical supplies (EMS) business (former domestic garage). The date to appeal this has since passed on 30<sup>th</sup> August 2020 and no appeal was submitted.

There is a current live enforcement case on the site under LA09/2019/0108/CA. This application has been submitted in an attempt to regularise this.

### **Deferred Consideration:**

The application was previously presented as a refusal to Planning Committee in August 2019 for the following reasons;

1. The proposed development fails to comply with Policy CTY 1 of PPS 21 in that it has not been demonstrated that there are exceptional circumstances as to why this development should be sited outside the development limits of a settlement.
2. The proposed development fails to comply with Policy PED 2 of PPS 4 in that it does not comply with any of the policies listed for economic development uses in the countryside.
3. The proposed development fails to comply with Policy PED 3 of PPS 4 in that it has not been demonstrated that the economic development use is established.

It was subsequently deferred for an office meeting with the Planning Manager which was held on 13<sup>th</sup> August 2020. At this meeting

The proposal was originally assessed under PPS4 and failed on the points mentioned above.

The CLUD application LA09/19/1451/LDE was submitted to demonstrate the business has been operating in excess of 5 years, therefore making it immune from any enforcement action. As detailed above, the Council amended the description so approval was granted for 'Conversion of an attached domestic garage to home office, store and seminar/training



room for the purposes of homeworking'. This did not however grant the applicant all they required to carry out their operations in terms of the use, so this application was still kept under consideration.

The CLUD indicated there had been a level of operations taking place from the garage which would have constituted homeworking in accordance with criteria in Annex A of PPS4.

Careful consideration has been given to the circumstances surrounding Covid 19 and the particular type of work being carried out at this establishment.

The applicant has provided evidence how Covid has affected their business directly.

Due to the implications of COVID-19, all training courses/seminars provided and event medical cover were brought to a stop on 16<sup>th</sup> March 2020. As restrictions remain in place for events, this aspect of the business remains greatly impacted on. Training courses for limited numbers (8 per course) have been able to recommence on site with training rooms modified to allow for social distancing measures.

In response to the pandemic, the applicant has and will continue to provide essential services by way of supplying PPE, hygienic equipment and Covid-19 specific training courses/risk assessments for businesses. EMS has also provided consultancy research for Queens University in relation to Covid-19 testing kits.

In summary, the applicant has sought to adapt their business in order to stay viable during this difficult time. The provision of office space and training rooms is critical to ensuring the business can continue to provide essential services.

The applicant submitted an amended site layout to demonstrate the site could absorb provision for visitor parking for 8 spaces, DFI Roads have been consulted on 7<sup>th</sup> September 2020 this on and have yet to reply formally, however Council would have no issue with the new car park layout.

Neighbours were re-consulted, the statutory expiry date for reply was 22<sup>nd</sup> September and to date no further objections have been received.

There had been a number of objections initially to the proposal which have been fully addressed in the original case officers report.

A number of conditions will be added to any permission, this will include a temporary time limit of 3 years. This will be a way to monitor progress and also give neighbours a peace of mind that if after these 3 years there have been significant issues the Council may not grant any further permissions.

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22<sup>nd</sup> February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25<sup>th</sup> March for 8 weeks. The re-consultation period will close on 5pm on 24<sup>th</sup> September 2020. In light of this the draft plan cannot currently be given any determining weight.

However the draft plan does propose a policy ECON2 – economic development in the countryside which may allow for this type of development in the future, but as previously stated the draft plan at this time cannot currently be given any determining weight.

On balance approval is recommended with the conditions to follow.

**Conditions**

- 1 The permission hereby granted shall be for a period of 3 years from the date of this permission.

Reason: Time limit

2. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwelling houses hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of this dwelling requires detailed consideration to safeguard the amenities of the surrounding area.

3. The proposal should be used only for training and office work in connection with health training and for no other use.

Reason: In order to prohibit an unacceptable use.

4. The approved use should remain ancillary to No.12 Ballynahoe Road, rather than become a separate use.

Reason: To ensure the use remains ancillary to the main dwelling.

5. No more than 8 people should be permitted to attend the premises at any one time.

Reason: In order to restrict numbers.

**Signature :**

**Date**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1553/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of a two storey seminar/ training room, office and store associated with the expansion of an established emergency medical supplies (EMS) business	<b>Location:</b> 12 Ballynahone Road Maghera
<b>Referral Route: Refusal recommended and 2 objections received</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Emergency Medical Services (N.I) Ltd 12 Ballynahone Road Maghera	<b>Agent Name and Address:</b> Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b> This proposal fails to comply with Policy CTY 1 of PPS 21 as it is not considered to be any of the types of non residential development deemed acceptable outside a settlement. It also fails to comply with Policy PED 3 of PPS 4 in that the business in question is not considered established and therefore the test for expansion can not be met.	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice

### Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

In line with Statutory Neighbour Notification Procedures, there were no relevant neighbours to be notified of this application. It has been advertised in local press. To date, 2 letters of objection and 1 letter of support have been received in respect of the proposal.

The issues raised by the objectors are summarised and considered below.

#### 1. Occupant of number 21 Ballinahone Road, Maghera (Received 5/2/20)

- The business in question should be operated from commercial units and not in the Countryside
- Applicant obtained approval for a double garage and store but is now using this domestic building for his business without the proper planning approval. He is also advertising on social media the unauthorised use of this building as his new premises.
- This is a new business not the retention of a business. The business always operated from Rainey Street, Magherafelt.
- The business has never operated from 12 Ballynahone Road and is only doing so from 1/8/19



- Applicant is showing that more customer parking space is available than there actually is. Customer parking is being taken up by staff and ambulances.
- Applicant has erected a new tin structure within the last 6 months which may require planning permission. There is also a lorry container and green house at the back of his dwelling.
- There is subsiding ground at the entrance to the site which is road safety concern. The existing lane way cannot take the extra traffic generated by the business.
- Impact of the business on the rural character of this area, in particular Ballynahone Bog

## 2. Occupant of number 10 Ballynahone Road, Maghera (Received 11/2/20)

- Applicant obtained approval for a double garage and store but is now using this domestic building for his business without the proper planning approval. He is advertising this on his business page.
- This is a commercial business and should be operating from commercial premises within a Town
- This business has never operated from 12 Ballynahone Road
- Impact on rural character
- Unsafe entrance

The location of this commercial business will be considered further in this report under the relevant policy tests. There is a current live enforcement case being considered by MUDC (LA09/2019/0108/CA) for an unauthorised building with associated unauthorised office, constructed within the domestic curtilage of 12 Ballynahone Road. This full application was submitted by the applicant in attempt to regularise this unauthorised building and office. Whether or not this is an established business will be considered further in this report. It is acknowledged that the applicant has also submitted an application for a Certificate of Lawfulness for an existing use or development in respect of the business operating from the dwelling at 12 Ballynahone Road (LA09/2019/1451/LDE). Parking provision will be considered further in this report. The additional structures referred to do not benefit from planning approval, nor do they form part of this application. They are currently being considered by MUDC enforcement team as to whether it is expedient to open an additional enforcement case. DFI Roads have been consulted with this application and have been made aware of both objections as they raise road safety concerns. DFI Roads have requested additional information before they can comment any further. The impact of this proposal on rural character and the adjacent bog will be considered further in this report.

1 no. letter in support of the application has been received from Keith Buchanan MLA.

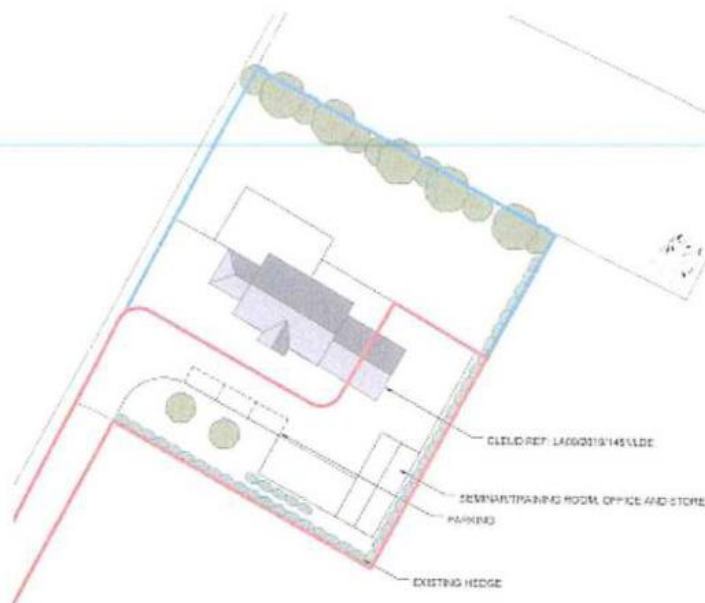
### Characteristics of the Site and Area

The application site is located at 12 Ballynahone Road and is approximately 1 and 2 miles South of the village of Maghera. It is in a rural area outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site sits approximately 90m back from the Ballynahone Road and is accessed via an existing domestic driveway. On the site at present is a large two storey detached dwelling. At one side of the dwelling is a single storey annex which was constructed and approved as an integral garage and car



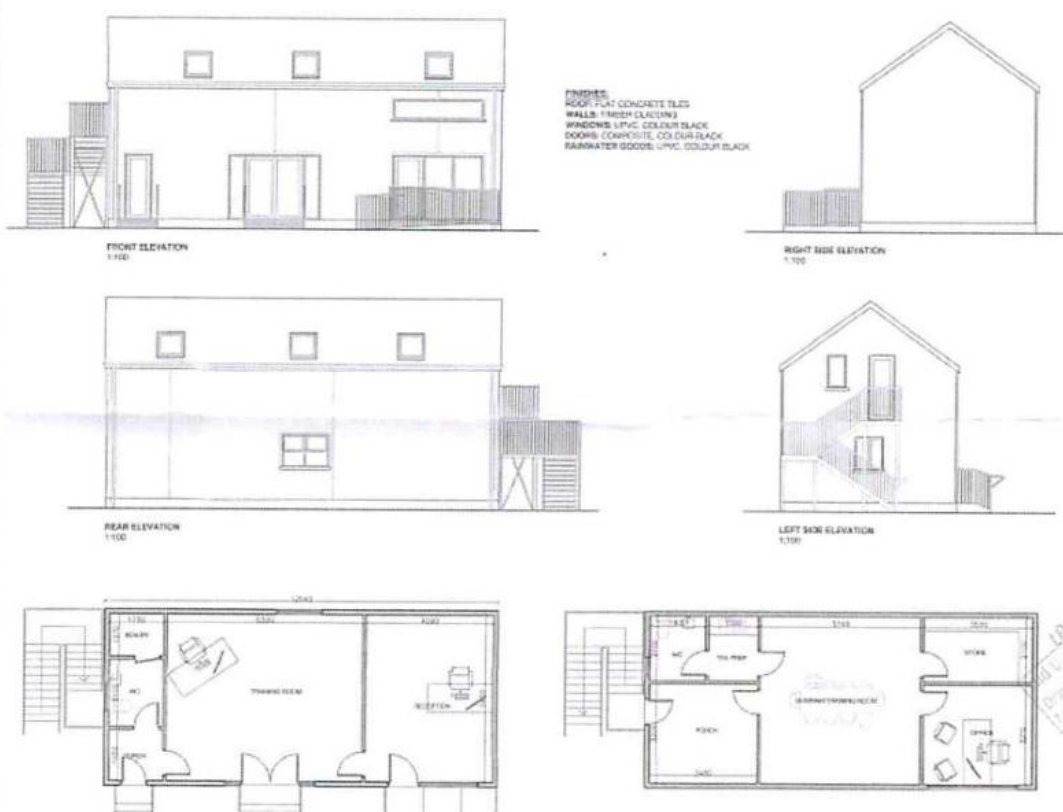
port. The car port is now being used for domestic and business storage purposes and the garage door has been replaced with a window with the garage now being used as a seminar/training room in association with the applicants business EMS (Emergency Medical Supplies). To the front of the dwelling in the SE portion of the site is a substantial newly constructed two storey detached building which is currently used as an office, store and seminar facility in association with the applicants business. It was approved as a domestic garage. The building has two sets of double doors and a single door on the ground floor of the front elevation. On the North facing gable is an external metal staircase which is used to access a seminar room and offices on the first floor. The building is finished in a natural wood cladding. In front of this building is an informal parking area used for parking cars and ambulances in association with the business. To the rear of the dwelling is a small prefabricated steel frame shed. It is currently used for domestic and business storage purposes and also is used as an area to repair medical equipment. Along the SE boundary of the site there is also a large metal container and an area used for storing a boat and another ambulance used in association with the business.

This area is rural in character with a dispersed settlement pattern, the predominant form of development being single detached dwellings and agricultural buildings. There are poultry houses located approximately 150m to the NW of the site and 2 detached dwellings located approximately 130-150m to the SE of the site. Approximately 170m to the South of the site and at the opposite side of the Ballynahone Road, down a lane, is a cluster of dwellings and farm buildings. Ballynahone Bog, which is a RAMSAR Site, a SAC, NNR and ASSI is located just to the East of the site



## Description of Proposal

This is a full application for the retention of a two storey seminar/training room, office and store associated with the expansion of an established Emergency Medical Supplies (EMS) Business



## Planning Assessment of Policy and Other Material Considerations

### Planning History

LA09/2019/1451/LDE Established Seminar/training room associated with emergency medical supplies (EMS) business (former domestic garage). 12 Ballynahone Road, Maghera,

H/2014/0291/F 2 storey garage adjacent to existing dwelling, ground floor garage, first floor storage, 12 Ballynahone Road, Maghera, PG 10.10.2014

LA09/2016/0726/NMC Change external cladding on new garage and store from Western Red Cedar cladding to 125 x 19 m Red Deal Shiplap cladding  
 12 Ballynahone Road Maghera,

H/2005/0008/F Two Storey Dwelling and Garage. 180m North of No. 17 Ballinahone Road, Maghera. 22.07.2005



H/2001/0594/O Site of dwelling 200 metres North of 17 Ballynahone Road, Magherafelt. 13.04.2002

H/2009/0644/F Proposed new garage 12 Ballinahone Road, Maghera 09.12.2009

H/2007/0374/F Two storey garage to rear of existing dwelling. 12 Ballynahone Road, Knockloughrim 23.09.2008

### **Enforcement History**

LA09/2019/0108/CA Unauthorised building with associated unauthorised office, constructed within the domestic curtilage of 12 Ballynahone Road, Maghera.

The following policies will be considered in this assessment

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 - Access, Movement and Parking
- PPS 4 - Planning and Economic Development
- PPS 21 - Sustainable Development in the Countryside
- Parking Standards (Guidance)

### **Strategic Planning Policy Statement (SPPS)**

The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

More specific to Economic Development, paragraph 4.19 of the SPPS states that Planning Authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities

Paragraph 4.20 advises that when assessing the positive and negative economic implications of planning applications Planning Authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development.

The SPPS gives specific provision for Economic Development, Industry and Commerce. It states that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction



of new buildings, where they can be integrated in a satisfactory manner. The SPPS does however state that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified in the following circumstances: A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations. This does not present any change in policy direction with regards to Economic Development and as such, existing planning policy will be applied in this assessment, primarily PPS 4, Planning and Economic Development.

### **Magherafelt Area Plan 2015**

This site is outside the limits of any settlement defined in the Magherafelt Area Plan 2015 and is not subject to any Key Site Requirements. It is adjacent to Ballynahone Bog which is a RAMSAR Site, a SAC, NNR and ASSI. Given the nature of this development and the fact that it will not result in any significant emissions or run-offs consultation was not deemed necessary with NIEA (Natural Environment Division)

### **Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy**

The relevant Draft Plan Strategy Policies in this assessment are GP1 - General Principles Policy and ECON 2 - Economic Development in the Countryside. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March 2020 for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this, the Draft Plan cannot currently be given any determining weight in this assessment.

### **Planning Policy Statement 3 - Access, Movement and Parking.**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access onto the Ballynahone Road. The P1 form submitted with the application indicates that there will be no intensification. DFI Roads have been consulted with the application and objection letters and have advised that there is a contradiction between the P1 and what the objectors are stating in terms of traffic generation. They have advised Council that no TAF was submitted and that Council may want to confirm that accuracy of the information submitted on the P1 form before re-consulting them again. I have not requested any clarity from the agent on this matter as the principle of this development has not been yet been accepted.

In respect of Parking Provision, Parking Standards would indicate that for this type of development 1 space is required for every 20m<sup>2</sup> of floor area. The total floor area of this building is 144m<sup>2</sup> which equates to a requirement of 7.2 parking spaces. The site layout is showing 5 car parking spaces and an area for parking 2 ambulances. This would indicate a shortfall of 2 car parking spaces however given the nature of the business it is likely that some customers would carpool and I would accept a shortfall of 2 in this instance. It is also noted that there is space within the curtilage of the dwelling that could be used for informal parking if the need arrived.



## PPS 4 - Planning and Economic Development

Policy PED 2 of PPS 4 is the general policy for Economic Development in the Countryside. It advises that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use - Policy PED 3
- The Redevelopment of an Established Economic Development Use - Policy PED 4
- Major Industrial Development - Policy PED 5
- Small Rural Projects - Policy PED 6

This is an application for the retention of a building associated with the expansion of an established business and as such PED 3 will be the relevant policy test.

Policy PED 3 of PPS 4 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have. In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

The main test under this policy is that the business in question must be established so that an expansion to that business can be considered. As referred to earlier in this report, the applicant has submitted a CLUD application (LA09/2019/1451/LDE) in an attempt to demonstrate that the business has been operating from 12 Ballynahone Road in excess of 5 years, therefore making it immune from any enforcement action. The CLUD application has been considered by MUDC and whilst it has not been refused, it has been decided that it has not been demonstrated beyond reasonable doubt that EMS has been operating from 12 Ballynahone at the scale demonstrated. It has however been accepted that some level of business activity has been taking place from the domestic garage and that this is at a level that would constitute home working in accordance with Annex A of PPS 4. On this basis, this proposal is clearly at conflict with PED 3 in that the business in question (EMS) is not established at this site.

PED 3 also sets out tests in respect of scale and nature and the impact of such on rural character. The existing building subject of this application is sited in the SE portion of the site. It sits to the front of the building line of the existing dwelling. It measures 12.6m (length) x 5.7m (width) x 6.7m (Height). It is simple and rural in form and design and is finished in a natural wood cladding. Like the dwelling, it is set back off the public road and benefits from a back drop of mature vegetation (Ballynahone Bog). Notwithstanding the fact that there are normally ambulances parked to the front of the building, it would be generally domestic in appearance. I therefore have no concerns about the nature and scale of the building impacting negatively on the rural character of this area. The building is sited within the existing domestic curtilage of 12 Ballynahone Road and has not resulted in an extension of this curtilage.



PED 3 states that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. This application is described as the "retention of a two storey seminar/training room, office and store". Having discussed this application with our Enforcement Team they have advised that there is no evidence that the building to be retained was ever used for the purposes of a domestic garage as approved under H/2009/0644/F. I was also advised on the day of my site inspection that the building was "purpose built" to facilitate the applicants business. On the basis of this evidence, I am satisfied that this proposed expansion is not being accommodated through the reuse of an existing building.

PED 3 does permit new buildings provided they are in proportion to the existing building(s) and integrate as part of the overall development. Any new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have. The building subject of this application reads as being within the planning unit at 12 Ballynahone Road. It is subordinate in scale to the dwelling and has a simple rural design that does not look out of place in this locality. It is finished in a natural wood cladding which is not reflective of the finish on the dwelling, however I have no concerns in this regard as I am of the opinion that the wood cladding finish compliments the dwelling and blends in well in this rural location adjacent to a protected bog.

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

Policy CTY 1 of PPS 21 is the general policy for all development in the Countryside. It states that there are a range of types of development which in principle are considered to be acceptable in the countryside. It groups these as either Housing or Non Residential Development. This proposal falls under the latter category.

Under CTY 1, planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

It is my opinion that this proposal cannot be considered under any of the above mentioned cases. I have already demonstrated why it doesn't comply with PPS 4. No case has been put forward to demonstrate that it is a necessary community facility to serve the local rural population.

Policy CTY 13 of PPS21 deals with design and integration and is a relevant policy test in this assessment. Given the set back position of this site and the low lying nature of the land, the existing building does not appear overly prominent in the local landscape. The



site benefits from backdrop of dense mature vegetation (Ballynahone Bog) which helps integrate the building and provide a degree of enclosure. New landscaping is not relied upon for the purposes of integration. The design of the building is acceptable, as I have referred to earlier in this report. It is simple and rural in form and the finish compliments its rural location next to a bog. Policy CTY 14 deals with rural character. I am satisfied that this building is not prominent, it does not create a suburban build up of development in the area, it does not create or add to ribbon development and it respects the settlement pattern in the area which is clusters of buildings set back off the road. Overall I am confident in stating that building does not have a detrimental impact on the rural character of this area.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**


This proposal fails to comply with Policy CTY 1 of PPS 21 as it is not considered to be any of the types of non residential development deemed acceptable outside a settlement. It also fails to comply with Policy PED 3 of PPS 4 in that the business in question is not considered established and therefore the test for expansion can not be met.

**Reasons for Refusal:**

1. The existing development fails to comply with Policy CTY 1 of PPS 21 in that it has not been demonstrated that there are exceptional circumstances as to why this development should be sited outside the development limits of a settlement.
2. The existing development fails to comply with Policy PED 2 of PPS 4 in that it does not comply with any of the policies listed for economic development uses in the countryside.
3. The existing development fails to comply with Policy PED 3 of PPS 4 in that it has not been demonstrated that the economic development use is established.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th November 2019
<b>Date First Advertised</b>	10th December 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Samuel McLean 10, BALLYNAHONE ROAD, MAGHERA, LONDONDERRY, Northern Ireland, BT46 5DL Laverne McLean 21, Ballynahone Road, Maghera, Londonderry, Northern Ireland, BT46 5DL	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	n/a
<b>Planning History</b>  Ref ID: LA09/2019/1451/LDE Proposal: Established seminar/training room associated with emergency medical supplies (EMS) business (former domestic garage) Address: 12 Ballynahone Road, Maghera, Decision: Decision Date:    Ref ID: LA09/2019/1553/F Proposal: Retention of a two storey seminar/ training room, office and store associated with the expansion of an established emergency medical supplies (EMS) business Address: 12 Ballynahone Road, Maghera, Decision: Decision Date:  Ref ID: H/2014/0291/F Proposal: 2 storey garage adjacent to existing dwelling, ground floor garage, first floor storage Address: 12 Ballynahone Road, Maghera, Decision: PG Decision Date: 10.10.2014  Ref ID: LA09/2016/0726/NMC	

Proposal: Change external cladding on new garage and store from Western Red Cedar cladding to 125 x 19 m Red Deal Shiplap cladding

Address: 12 Ballynahone Road Maghera,

Decision:

Decision Date:

Ref ID: H/2005/0008/F

Proposal: Two Storey Dwelling and Garage.

Address: 180m North of No. 17 Ballinahone Road, Maghera.

Decision:

Decision Date: 22.07.2005

Ref ID: H/2001/0594/O

Proposal: Site of dwelling

Address: 200 metres North of 17 Ballynahone Road, Magherafelt

Decision:

Decision Date: 13.04.2002

Ref ID: H/2009/0644/F

Proposal: Proposed new garage

Address: 12 Ballinahone Road, Maghera

Decision:

Decision Date: 09.12.2009

Ref ID: H/2007/0374/F

Proposal: Two storey garage to rear of existing dwelling.

Address: 12 Ballynahone Road, Knockloughrim

Decision:

Decision Date: 23.09.2008

### Summary of Consultee Responses

DFI Roads - Request for additional information

EH - No objections

### 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. 04  
Type: Proposed Plans  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department: