



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2019/0784/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane	<b>Location:</b> Approx 130m South East of 9 Drumlamph Lane Castledawson
<b>Applicant Name and Address:</b> Mr Cathal Shivers 33 Drumlamph Road Castleawson BT45 8EJ	<b>Agent name and Address:</b> CMI Planners 38b Airfiled Road Toomebridge BT41 3SG
<b>Summary of Issues:</b>  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 of the proposal. To date there has been no objections.	
<b>Summary of Consultee Responses:</b>  No objections subject to conditions	
<b>Characteristics of the Site and Area:</b>  The application site is a 0.53 hectare plot of agricultural land located approximately 130m SE of a dwelling located at 9 Drumlamph Lane, Castledawson. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site is set back off Drumlamph lane, with access to the site coming via a laneway which connects the site to a dwelling at number 33 and farms buildings to the West of the site. The site is flat and has a semi mature Southern and Western Boundary. The Northern and Eastern boundaries are void of any mature vegetation.	

This area is rural in character with a dispersed settlement pattern. To the SE of the site is a large detached dwelling and garage which is shown to be in the applicant's control. To the West of the site are several dwellings and outbuildings. This area is recognised as being an area of archaeological importance (LDY 037:042, LDY 037:043, LDY 037:044).

### **Description of Proposal**

This is a full application for a proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks. It also involves the creation of a new access to be taken from Drumlamph Lane. The shed measures 6.6m in height x 42.2m in length x 18.7m in width and will be finished in a mix of green corrugated metal sheeting and cement plastered unpainted walls.

### **Deferred Consideration:**

This application was presented and deferred by the Planning Committee in February 2020 and January 2021. The only outstanding issue was that of the ammonium nitrate. The agent submitted an Air Quality Impact Assessment in June 2021 and we consulted with both NIEA and SES.

NIEA: Natural Environment Division have completed a full assessment of the proposal and are content subject to a number of conditions. SES were consulted and having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features of any European site subject also to a number of conditions.

The applicant had previously demonstrated a need for the agricultural building and there are no objections from neighbouring dwellings and an approval is recommended.

### **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 vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 06 June 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The maximum number of beef cattle >2 yr and calves <1yr within the application site, shall not exceed that of which is detailed within the AQIA (dated 22/06/2021) without prior written agreement from the council.

Reason: To protect designated sites and site selection features.

4. A suitable buffer of 10 metres shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any watercourses present along the boundary of the site.

Reason: To protect designated sites and site selection features.

5. All contaminated run-off (from the facility and concrete apron must be directed to a [underground] an appropriate collection tank, with no overflow or outlet to any waterway or soakaway.

Reason : To protect designated sites and site selection features.

6. All of the manure from the proposed facility must be utilised, as detailed within the AQIA (dated, 22/06/2021).

Reason: To protect designated sites and site selection features.

7. No retained tree or hedgerow, shown as retained on Drawing No.02 '*Block Plan*' (Date stamped 06/06/2019) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees and hedgerow vegetation.

8. All of the manure from the proposed facility must be utilized, as detailed within the AQIA (dated 22/06/2021), there shall be no deviation from this without prior written agreement from the Council.

Reason: To ensure the project is not likely to have a significant effect on any European site.

**Signature(s):**

**Date**







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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4/2/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0784/F	<b>Target Date:</b> 20/9/2020
<b>Proposal:</b> Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane	<b>Location:</b> Approx 130m South East of 9 Drumlamph Lane Castledawson
<b>Referral Route:</b> Refusal recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Cathal Shivers 33 Drumlamph Road Castleawson BT45 8EJ	<b>Agent Name and Address:</b> CMI Planners 38b Airfiled Road Toomebridge BT41 3SG
<b>Executive Summary:</b>  Despite requests on the 13th November 2019, 10th December 2019 and the 13th January 2020, the applicant has failed to submit adequate information so that the Council can make an informed recommendation in line with Policy CTY 12 of PPS 21.  Refusal is therefore recommended under Section 40 of the Planning Act (Northern Ireland) 2011 and under Policy CTY 12 of PPS 21.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Coleraine	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	No Objection

### Representations:

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

### Summary of Issues

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 of the proposal. To date there has been no objections.

### Characteristics of the Site and Area

The application site is a 0.53 hectare plot of agricultural land located approximately 130m SE of a dwelling located at 9 Drumlamph Lane, Castledawson. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site

is set back off Drumlamph lane, with access to the site coming via a laneway which connects the site to a dwelling at number 33 and farms buildings to the West of the site. The site is flat and has a semi mature Southern and Western Boundary. The Northern and Eastern boundaries are void of any mature vegetation.

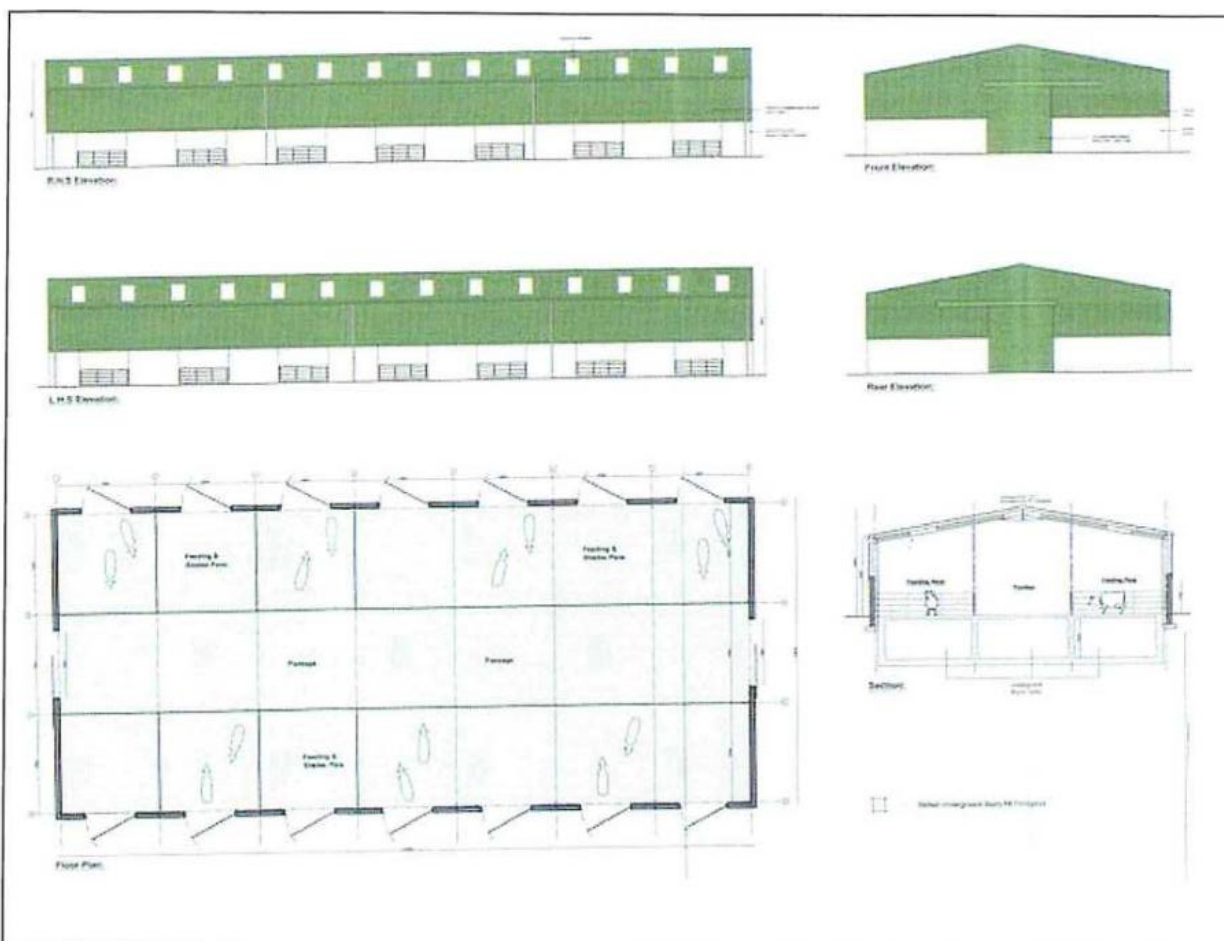
This area is rural in character with a dispersed settlement pattern. To the SE of the site is a large detached dwelling and garage which is shown to be in the applicants control. To the West of the site are several dwellings and outbuildings. This area is recognised as being an area of archaeological importance (LDY 037:042, LDY 037:043, LDY 037:044).

### Description of Proposal

This is a full application for a proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks. It also involves the creation of a new access to be taken from Drumlamph Lane. The shed measures 6.6m in height x 42.2m in length x 18.7m in width and will be finished in a mix of green corrugated metal sheeting and cement plastered unpainted walls.







### Planning Assessment of Policy and Other Material Considerations

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 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 21 – Sustainable Development in the Countryside

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

The SPPS gives provision for Agriculture and Forestry Development subject to a number of policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21

**Magherafelt Area Plan 2015**

This site is located outside any settlement defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations or constraints. As such, existing planning policy will be applied.

**Mid Ulster District Council 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. Policy GP1 - General Principles Planning Policy and Policy AFR1 –Agriculture and Forestry Development and Development Ancillary to Commercial Fishing are applicable to this application.

Policy AFR 1 has provision for agricultural buildings on an active and established agricultural holding. These must be located next to existing farm buildings on the holding and where they do not appear incongruous to the rural setting. They can be sited away from existing buildings in exceptional circumstance. This does not present any change in policy direction from current policy. This proposal would therefore be in conflict with Policy AFR 1 due to the lack of supporting information submitted. The proposal is in compliance with all parts of Policy GP1.

It is however acknowledged that no weight can be given to this document as it is only at early public consultation stage.

**PPS 2 – Natural Heritage**

This site is within 7.5km of Lough Neagh/Lough Beg RAMSAR, Ballynahone Bog, Curran Bog and Moneystaghan Bog. Given the fact that the proposed development includes an underground slurry tank, it has the potential to produce ammonia emissions which may impact on these designated sites. A consultation has yet to be carried out with NIEA until the principle of this development is deemed acceptable.

**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 Drumlamph Lane. DFI Roads have been consulted have no objections to the proposal subject to standard conditions being attached to any approval.

**PPS 6 – Planning, Archaeology and the Built Heritage**

This site is located in an area of archaeological importance. Consultation has been carried out with HED who have advised they have no objections to the proposal from an archaeological perspective.

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

Policy CTY 12 of PPS 21 states that planning permission will only be granted for development on an active and established agricultural holding subject to certain criteria. Paragraph 5.56 of the policy advises that for the purposes of CTY 12 the determining criteria for an active and established business will be that set out under policy CTY 10 (ie) is currently active and is established for a period of at least 6 years. DAERA have been consulted with the applicant's farm details. They have confirmed that the farm business ID provided has been in existence for more than 6 years and that claims have been made in the last 6 years. On the basis of this response from DAERA I would contend that the farm business is currently active and has been established for the required period of time.

CTY 12 goes on to list several other criteria that must be adhered to for this type of development. I am content that the proposal does comply with criteria (b) in that its character and scale is appropriate to the rural location (c) the development will visually integrate in the local landscape and (e) the proposal will not have a detrimental impact on residential amenity. This has been confirmed following consultation with EH. Furthermore I am satisfied that the design of the building and materials proposed are sympathetic to the locality and adjacent buildings.

The applicant has submitted a supporting statement to demonstrate compliance with policy CTY 12. It has however not been adequately demonstrated in this statement that a new shed is necessary and why existing sheds cannot be utilised. There is also clarification needed in relation to whether or not 5 Drumlamph Lane is part of this holding and whether farm buildings adjacent to number 7 Drumlamph Lane are in the applicants control. This information is necessary in order to carry out a full and proper assessment under CY 12. It has been requested on the 13th November 2019, 10th December 2019 and the 13th January 2020 but to date has not been forthcoming.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of an adequate statement showing compliance with Policy CTY 12 of PPS 21.

Refusal is therefore recommended

**Refusal Reasons**

1.As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council

to determine this proposal. This is in respect of an adequate statement showing compliance with all criteria contained within Policy CTY 12 of PPS 21.

2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been adequately demonstrated that the proposed development is:

- necessary for the efficient use of the active and established agricultural holding

Additionally in cases where a new building is proposed

- The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	7th June 2019
<b>Date First Advertised</b>	20th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 9 Drumlamph Lane Castledawson Londonderry	
<b>Date of Last Neighbour Notification</b>	18th June 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	n/a
<b>Planning History</b>  Ref ID: LA09/2019/0784/F Proposal: Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane Address: Approx 130m South East of 9 Drumlamph Lane Castledawson, Decision: Decision Date:	
Ref ID: H/2005/1173/RM Proposal: Single storey dwelling with attic conversion and single garage. Address: 200m East of 15 Drumlamph Lane, Knockloughrim Decision: Decision Date: 11.05.2006	
Ref ID: H/2004/1212/O Proposal: Site Of Dwelling & Garage Address: 200 Metres East Of 15 Drumlamph Lane Knockcloughrim Decision: Decision Date: 15.05.2005	
Ref ID: H/2007/0888/O Proposal: Site for dwelling and garage Address: 280m East of 10 Drumlamph Lane, Castledawson Decision:	



Decision Date: 16.09.2010
<b>Summary of Consultee Responses</b>  EH – No objections DFI Roads – No objections DAERA – No Objections HED – No objections
<b>Drawing Numbers and Title</b>
 Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted  Drawing No. 01 Type: Site Location Plan Status: Submitted  Drawing No. 03 Type: Proposed Plans Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2019/0784/F	<b>Target Date:</b> 20 <sup>th</sup> September 2019
<b>Proposal:</b> Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane	<b>Location:</b> Approx 130m South East of 9 Drumlamph Lane Castledawson
<b>Applicant Name and Address:</b> Mr Cathal Shivers 33 Drumlamph Road Castleawson BT45 8EJ	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt, BT41 3SG
<b>Summary of Issues:</b> <p>The main issue with this application was that insufficient information was submitted in order for the Council to fully consider the impacts of the proposal in line with relevant policy (ie) CTY 12 of PPS 21 – A supporting statement to demonstrate that the shed was necessary for the efficient use of the active and established agricultural holding and that there were no suitable buildings on the holding that could be utilised. A 14 day deferral was granted at February 2020 Planning Committee so that the applicant could submit all outstanding information.</p> <p>The supporting information was submitted on the 7<sup>th</sup> February 2020 which demonstrated that the shed was necessary and that there were no suitable buildings that could be utilised.</p> <p>The applicant was then advised that a bio-diversity check list was required for consultation with NIEA. This was due to the fact that the site is within 7.5km of Curran Bog ASSI/SAC, Ballynahone Bog ASSI/SAC/Ramsar, Moneystaghan Bog ASSI, Ballymacombs More ASSI, Culinfay ASSI, Lough Beg ASSI, Lough Neagh ASSI and Lough Neagh and Lough Beg SPA/Ramsar. A Preliminary Ecological Appraisal was submitted on the 12<sup>th</sup> May 2020 and forwarded to NIEA for their consideration.</p>	

NIEA also have requested the submission of Air Dispersion Modelling which the agent has refused to submit. Further clarification was sought from NIEA as to need for this Modelling and NIEA have re-iterated that it is necessary and they cannot comment further without it.

In the absence of this information the Council cannot make a confident and informed decision on the application and the impact it will have on the aforementioned designated sites.

#### **Summary of Consultee Responses:**

**Response dated 7<sup>th</sup> October 2020:** NIEA (Natural Heritage) have requested the submission of Air Dispersion Modelling specifically on the following activities;

*Maximum number proposed facility can accommodate for the relevant period,*

*Grazing period of livestock*

*Landspreading of the slurry (if within N. Ireland). Modelling must include emissions on all designated sites within 7.5 km of identified locations including third party land (land must be suitable for fertiliser application). All landspreading grid references must be submitted.*

*The maximum storage capacity of the slurry tank*

*Indirect/direct effects of the proposal on wider farm activities i.e. the increased capacity that will be supported if planning permission is granted e.g. new slurry store facilitating an increase in herd size.*

*This should determine the potential impacts on all designated sites within 7.5 km of the proposal.*

*Air Dispersion Modelling\* should also be completed on all priority habitat/SLNCs located within 2km of the facility, as identified above.*

*\*Air Dispersion Modelling can include Simple Calculation of Atmospheric Impact Limits (SCAIL) modelling, a free online tool; <http://www.scail.ceh.ac.uk/>. Input and output datasheets for all designated sites should be provided.*

*SCAIL is a conservative modelling tool. If the Process Contribution is  $\geq 1\%$ , detailed Air Dispersion Modelling should be considered. The provision of detailed Air Dispersion Modelling will not guarantee recommendation for approval of this application, therefore the applicant should fully consider the additional expense to further this application.*

**Response dated 8<sup>th</sup> December 2020:** NIEA (Natural Heritage) have stated that all plans and projects require assessment with the only exemption being a project that is necessary for the management of the site. This proposal does not fit that exemption therefore NED remain unable to undertake a full assessment of the proposal and any adverse impacts to all designated sites. NED would reiterate that their previous response remains valid.



**Characteristics of the Site and Area:**

The application site is a 0.53 hectare plot of agricultural land located approximately 130m SE of a dwelling located at 9 Drumlamph Lane, Castledawson. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site is set back off Drumlamph lane, with access to the site coming via a laneway which connects the site to a dwelling at number 33 and farms buildings to the West of the site. The site is flat and has a semi mature Southern and Western Boundary. The Northern and Eastern boundaries are void of any mature vegetation.

This area is rural in character with a dispersed settlement pattern. To the SE of the site is a large detached dwelling and garage which is shown to be in the applicants control. To the West of the site are several dwellings and outbuildings. This area is recognised as being an area of archaeological importance (LDY 037:042, LDY 037:043, LDY 037:044).

**Description of Proposal**

Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane

**Deferred Consideration:**

This application was first presented to Planning Committee in February 2020. Planning Committee were advised that despite requests on the 13<sup>th</sup> November 2019, 10<sup>th</sup> December 2019 and 13<sup>th</sup> January 2020, the applicant had failed to submit the following information so that the Council could make an informed recommendation:

- Supporting Statement showing compliance with Policy CTY 12 of PPS 21.

Refusal was recommended for the following reasons:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of an adequate statement showing compliance with Policy CTY 12 of PPS 21.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not be demonstrated that the proposed development is:
  - necessary for the efficient use of the active and established agricultural) holding

Additionally in cases where a new building is proposed - the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used

The Planning Committee agreed with the Planning Managers recommendation to defer this application for a period of 14 days from the date of Committee in order that all outstanding information to be submitted. The supporting statement was submitted on the 7<sup>th</sup> February 2020 and the addressed the initial concerns raised.

The applicant was then requested to submit a bio-diversity check list for consultation with NIEA. He was not requested to submit this at the outset as it was important to determine the acceptability of the proposal in principle. A bio-diversity checklist was requested due to the fact that the site is within 7.5km of Curran Bog ASSI/SAC, Ballynahone Bog ASSI/SAC/Ramsar, Moneystaghan Bog ASSI, Ballymacombs More ASSI, Culnfay ASSI, Lough Beg ASSI, Lough Neagh ASSI and Lough Neagh and Lough Beg SPA/Ramsar. A Preliminary Ecological Appraisal (PEA) was submitted on the 12<sup>th</sup> May 2020 and forwarded to NIEA for their consideration. NIEA responded on the 7<sup>th</sup> October 2020. They advised that they were satisfied with the findings of the PEA but they requested the submission of Air Dispersion Modelling due to the fact that the proposal has the potential to produce Nitrogen Emissions which can have a negative impact on designated sites.

The agent was emailed on the 19<sup>th</sup> October 2020 and was requested to submit this information. He replied with the following comments:

***I have seen these responses and have no intention of submitting anything further. These issues were pursued by SES until a recent judicial review found them unlawful. The new consultees seem to be following on from the SES, making it impossible for a farmer to build a shed. I will have no hesitation on taking a Judicial review if a permission is not granted based on illegality, procedural unfairness, failure to consult, irrationality, material considerations and lack of adequate reasons for why guidance was changed.***

***Regards,***

***Chris***

Following discussions with the Planning Manager I re-consulted NIEA and asked them for more detailed reasoning as to why they were requesting the submission of this modelling. On the 8<sup>th</sup> December 2020 NIEA (NED) responded advising that this proposal does not fit any exemptions therefore NED remain unable to undertake a full assessment of the proposal and any adverse impacts to all designated sites. NED reiterated that their previous response remains valid.

It is my opinion that in the absence of this modelling information NIEA will be unable to complete an assessment of the potential impacts of the proposal on designated site features and the Council will be unable to undertake a robust Habitats Regulations Assessment. For these reasons I have no option only to recommend the refusal of the application. The refusal reasons are listed below.

## **Refusal Reasons**

1. The proposal is contrary to paragraph 6.192 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) as the applicant has not demonstrated that

the development proposal will not result in an unacceptable adverse impact on, or damage to known designated sites of International and National Importance

2. The proposal is contrary to Policy NH1 (European and Ramsar Sites – International) of Planning Policy Statement 2, Natural Heritage in that it has not been demonstrated that the development would not have a significant effect on Curran Bog SAC, Ballynahone Bog SAC/Ramsar, Lough Neagh and Lough Beg SPA/Ramsar
3. The proposal is contrary to Policy NH3 (Sites of Nature Conservation Importance - National) of Planning Policy Statement 2, Natural Heritage in that it has not been demonstrated that the development would not have an adverse effect on the integrity of Curran Bog ASSI, Ballynahone Bog ASSI, Moneystaghan Bog ASSI, Ballymacombs More ASSI, Culnfay ASSI, Lough Beg ASSI and Lough Neagh ASSI.
4. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of information for NIEA to undertake a complete assessment of the potential impacts on the designated site features and in order for Mid Ulster Council to undertake a robust Habitats Regulations Assessment.
5. The proposal is contrary to Policy CTY1 and CTY 12 (d) of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal will not have an adverse impact on natural heritage.

**Signature(s):**

**Date**



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

### Deferred Consideration Report

Summary	
<b>Case Officer:</b> Tom McElhatton	
<b>Application ID:</b> LA09-2019-0909-O	<b>Target Date:</b> 15/10/19
<b>Proposal:</b> Proposed new dwelling and domestic garage/store in conjunction with policy CTY8	<b>Location:</b> Approx 50m West of 34 Drumard Road Magherafelt
<b>Applicant Name and Address:</b> Anne and Leo Mc Peake 34 Drumard Road Magherafelt	<b>Agent name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
<b>Summary of Issues:</b>  No representation from Neighbour notification of press advert.	
<b>Summary of Consultee Responses:</b>  Consultees content subject to conditions	
<b>Characteristics of the Site and Area:</b>  The application site is a 0.2 hectare triangular plot of land located approx. 50m West of a bungalow at number 34 Drumard Road, knockcloghrim, Magherafelt. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site takes in two separate small fields just at the junction of a lane and 34 Drumard Road. A thick mature hedgerow cuts through the middle of the site separating the two fields. The Northern boundary of the site is defined by thick native hedgerow. The Eastern boundary	

is defined by a low level domestic hedgerow. The Southern boundary is part defined by wooden fence and a mature native species hedgerow.

This area is rural in character with a dispersed settlement pattern. In the immediate locality to the East of the site are two bungalows, numbers 34 and 36 Drumard Road. Number 36 has a detached garage within its domestic curtilage. Further to the North West of the site and located down the adjacent laneway is a large detached dwelling. To the SW of the site and further along the Drumard Road are 3 detached dwellings and ancillary outbuildings. This area is recognised as being an area of archaeological potential (LDY 037:035)

### **Description of Proposal**

This is an outline application for a new dwelling and domestic garage/store in conjunction with policy CTY8

### **Deferred Consideration:**

This application was presented to the Planning Committee on 1<sup>st</sup> October 2019 with an opinion to refuse for the following reasons;

- The proposal is contrary to Policy CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Drumard Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

The application was deferred to allow for a meeting with the Planning manager. A virtual meeting was held with the agent on 10<sup>th</sup> October 2019. At the meeting, it was agreed that the agent would submit evidence in support of a farm case under CTY10 of Planning Policy Statement 21.

Subsequent to that meeting Planning contacted the agent on 31/3/20 and 7/9/20 requesting update/additional information. One reply indicated that the information would be forwarded. No information was received.

In order to progress the application a final reminder was issued on 25/1/22 giving the agent 14 calendar days to respond. To date no further information has been presented in support of the applicant's case.

In the absence of addition information to reconsider this proposal it is my opinion that the previous recommendation was correct, in policy terms and the opinion to refuse is represented.



**Refusal Reasons**

1. The proposal is contrary to Policy CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Drumard Road.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

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



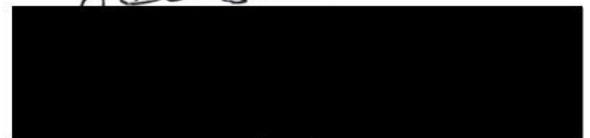
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**Mid Ulster**  
District Council

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Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 1/10/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0909/O	<b>Target Date:</b> 15/10/2019
<b>Proposal:</b> Proposed new dwelling and domestic garage/store in conjunction with policy CTY8	<b>Location:</b> Approx 50m West of 34 Drumard Road Magherafelt
<b>Referral Route:</b> Refusal recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Anne and Leo Mc Peake 34 Drumard Road Magherafelt	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh, Toomebridge, BT41 3SG
<b>Executive Summary:</b> This proposal fails to comply with Policy CTY 8 of PPS 21 in that it does not represent a gap site along a substantial and built up road frontage. If a dwelling were to be approved on this site it will create a ribbon of development along this section of the Drumard Road.	
<b>Signature(s):</b>	

For comm-tee  
decision



16/9/19

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Content

### Representations:

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

### Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. 1 neighbouring property has been notified of the proposal – number 34 Drumard Road. To date there have been no objections received.

### Characteristics of the Site and Area

The application site is a 0.2 hectare triangular plot of land located approx. 50m West of a bungalow at number 34 Drumard Road, Knockcloghrim, Magherafelt. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site takes in two separate small fields just at the junction of a lane and 34 Drumard Road. A thick mature hedgerow cuts through the middle of the site separating the two fields. The Northern boundary of the site is defined by thick native hedgerow. The Eastern boundary is defined by a low level domestic hedgerow. The Southern boundary



is part defined by wooden fence and a mature native species hedgerow.

This area is rural in character with a dispersed settlement pattern. In the immediate locality to the East of the site are two bungalows, numbers 34 and 36 Drumard Road. Number 36 has a detached garage within its domestic curtilage. Further to the North West of the site and located down the adjacent laneway is a large detached dwelling. To the SW of the site and further along the Drumard Road are 3 detached dwellings and ancillary outbuildings. This area is recognised as being an area of archaeological potential (LDY 037:035)

### **Description of Proposal**

This is an outline application for a new dwelling and domestic garage/store in conjunction with policy CTY8

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

#### **Planning History**

There was an outline application for a dwelling on this site submitted under H/2004/1571/O, however it was subsequently withdrawn.

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 6 – Planning, Archaeology and The Built Heritage
- PPS 21 – 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”. This site is located in an area of archaeological importance. Historic Environment Division (HED) have been consulted and have no concerns about a dwelling impacting negatively on archaeology. There are no Listed Buildings in the immediate locality. A dwelling by its nature will not give rise to any unacceptable noise, fumes or odours. A dwelling on this site will not result in any overlooking or loss of privacy.

The SPPS gives provision for dwellings in a gap site subject to a number policy provisions. It does not present any change in policy direction with regards to this type of



development in the Countryside. As such, existing rural policy will be applied (ie) CTY 8 of PPS 21.

### **Magherafelt Area Plan 2015**

This site is located outside any settlement defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designation. As such, existing rural planning policy will be applied (ie) PPS 21

### **Mid Ulster District Council 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. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application. In my opinion this proposal is in conflict with Policy CT2 in that the site does not represent a gap between 2 or 3 buildings. It is however acknowledged that no weight can be given to this document as it is only at early public consultation stage.

### **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 alteration of an existing access onto the Drumard Road. DFI Roads have been consulted and have no objections from a road safety or traffic flow perspective subject to 2.4m x 60m splays and a 60m forward sight distance. This can be dealt with by planning condition.

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

#### **Policy CTY 8 – Ribbon Development**

Policy CTY 8 of PPS21 states that permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Following a site inspection on the 26th July 2019 it is clear that this site is not located within a substantial and built up road frontage despite the site location plan indicating a small structure in the Western portion of the site. I have also viewed our most recent Council Ortho Maps which indicate that no such structure exists (as of April 2016). There are two dwellings and a domestic garage on similar sized plots, located to the East of the site, both of which front directly onto the Drumard Road, however the absence of a building on a similar sized plot to the West of the site results in this proposal being in conflict with Policy CTY 8. If a dwelling were to be approved on this site it would in effect create a ribbon of development along this section of the Drumard Road and should be resisted to ensure the rural character of this area is protected.

**Policy CTY 13 – Design and Integration and Policy CTY 14 – Rural Character**

A dwelling with a 5.5m ridge height would not appear overly prominent in this local landscape due to the level topography of the site. It would benefit from a backdrop of gently rising land and semi mature hedgerow. Existing boundary treatment would provide an acceptable degree of enclosure and integration. Design is a matter reserved. In terms of rural character, a dwelling in this location would create a ribbon of development along the Drumard Road and would therefore be in conflict with Policy CTY 14.

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

Refuse - This proposal fails to comply with Policy CTY 8 of PPS 21 in that it does not represent a gap site along a substantial and built up road frontage. If a dwelling were to be approved on this site it will create a ribbon of development along this section of the Drumard Road.

**Refusal Reasons**

1. The proposal is contrary to Policy CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Drumard Road.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)** *Kate McKinnis***Date:** *16/2/19*



ANNEX	
<b>Date Valid</b>	2nd July 2019
<b>Date First Advertised</b>	18th July 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 36 Drumard Road Knockcloghrim Magherafelt	
<b>Date of Last Neighbour Notification</b>	11th July 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	N/A
<b>Planning History</b>  Ref ID: LA09/2019/0909/O Proposal: Proposed new dwelling and domestic garage/store in conjunction with policy CTY8 Address: Approx 50m West of 34 Drumard Road, Magherafelt, Decision: Decision Date:  Ref ID: H/1994/0431 Proposal: CHANGE OF HOUSE TYPE Address: ADJ TO 30 DRUMARD ROAD GULLADUFF Decision: Decision Date:  Ref ID: H/1993/0475 Proposal: SITE OF DWELLING Address: ADJ TO 30 DRUMARD ROAD GULLADUFF Decision: Decision Date:  Ref ID: H/1994/0089 Proposal: HOUSE	

Address: ADJ TO 30 DRUMARD ROAD KNOCKLOUGHRIM  
 Decision:  
 Decision Date:

Ref ID: H/2004/1571/O  
 Proposal: Site of dwelling and garage  
 Address: Adjacent to, 34 Drumard Road, Drumard, Gulladuff  
 Decision:  
 Decision Date: 16.12.2005

Ref ID: H/1975/0197  
 Proposal: BUNGALOW  
 Address: DRUMARD, KNOCKLOUGHRIM  
 Decision:  
 Decision Date:

Ref ID: H/2014/0023/F  
 Proposal: Proposed single storey extension to side and rear of existing dwelling  
 Address: 28 Drumard Road, Gulladuff, Magherafelt,  
 Decision: PG  
 Decision Date: 13.03.2014

#### **Summary of Consultee Responses**

DFI Roads – No objections  
 Historic Environment Division – 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:





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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Tom McElhatton	
<b>Application ID:</b> LA09-2019-0955/F	<b>Target Date:</b> 23/10/19
<b>Proposal:</b> Retention of existing agricultural shed	<b>Location:</b> 90m South of 91 Ballynagarve Road Magherafelt
<b>Applicant Name and Address:</b> Mr Edmond Ferguson 1 Orr Road Magherafelt	<b>Agent name and Address:</b>
<b>Summary of Issues:</b>  Summary of Issues including Representations No representations have been received in respect of this proposed development.	
<b>Summary of Consultee Responses:</b>  Consultees did not raise any issues.	
<b>Characteristics of the Site and Area:</b>  The shed is located within a large field which has a road frontage onto both the Ballynagarve Road and the Aughrim Road. It is positioned against a 2m high hedge along the south-eastern boundary of the field and approximately 45m back from the Ballynagarve Road boundary. Given the distance the shed is set back from the Ballynagarve Road, it does not have a frontage to the public road. The roadside hedge along the Ballynagarve Road is defined by a 1.2m high hedge with ground levels in the field being lower than the road. The northern boundary is defined by a mature hedge while the western boundary is undefined. At the time of inspection, there was no evidence of any facility for holding fodder within the shed. Given that the shed is of a very limited size, with a permanent opening with no	

means of closure and animals have access to the entire area, it would not be reasonable to expect fodder to be kept within this structure.

The site is set within a rural area and within a large field along one of the main arterial routes in and out of Magherafelt. The area is characterised by roadside dwellings with dwellings and farm buildings located along laneways.

### **Description of Proposal**

#### **Description of proposal**

The proposal is describes as "retention of an agricultural shed". According to the plans submitted, the shed measures 9.6m x 5.7m (54.72m<sup>2</sup> footprint) with a roof height of 2.6m at the front and falling to 2.4m at the rear. The shed is a small rectangular structure consisting of 6no. timber posts fixed into the ground, with timber battens on the sides and clad with corrugated iron sheeting. On site, the shed measures 6.1m x 3.1m (18.91m<sup>2</sup> footprint) with a roof height of 2.4m at the front and falling to 2.2m at the rear. The shed has one 3.0m wide opening which extends halfway across the front. There is no floor in the shed. Therefore, the proposal is not for the retention of the existing shed but the erection of a larger shed to that which currently exists on site.

According to the P1C, the shed is located at an isolated field from the farm cluster and provides animal and fodder shelter.

### **Deferred Consideration:**

The application was presented to the Planning Committee on 2nd March 2021 with an opinion to refuse for the following reasons;

- The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been satisfactorily demonstrated that;
  - o it is necessary for the efficient use of the active and established agricultural holding;
  - o the development, if permitted, would visually integrate into the local landscape without the provision of additional landscaping;
  - o there are no suitable existing buildings on the holding or enterprise that can be used;
  - o the proposal is sited beside existing farm buildings;
  - o there are no alternative sites available at another group of buildings on the holding; and
  - o that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- o 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
- o the proposed building relies primarily on the use of new landscaping for integration.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was held with Mr C Cassidy(CMI) on 11th March 2021 at which the Mr Cassidy agreed to submit additional information confirming that he was acting as agent (original agent had advised that he was no longer agent on this application), submission of case in relation to the retention of the shed and an explanation why other buildings on farm cannot provide for applicants needs.

In order to progress the application a final reminder was issued on 25/1/22 giving the agent 14 calendar days to respond. To date no further information has been presented in support of the applicant's case.

In the absence of addition information to reconsider this proposal it is my opinion that the previous recommendation was correct in policy terms and the opinion to refuse is represented as before.

### **Refusal Reasons**

1. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been satisfactorily demonstrated that;

it is necessary for the efficient use of the active and established agricultural holding; the development, if permitted, would visually integrate into the local landscape without the provision of additional landscaping;

there are no suitable existing buildings on the holding or enterprise that can be used; the proposal is sited beside existing farm buildings;

there are no alternative sites available at another group of buildings on the holding; and

that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed site lacks long established natural boundaries 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.

<b>Signature(s):</b>
<b>Date</b>

Development Management Officer Report  
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0955/F	Target Date:
Proposal: Retention of existing agricultural shed	Location: 90m South of 91 Ballynagarve Road Magherafelt
Referral Route:  This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Edmond Ferguson 1 Orr Road Magherafelt	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

For committee  
decision



18/2/21

## Case Officer Report

## Site Location Plan



## Consultations:

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

## 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 including Representations

No representations have been received in respect of this proposed development.



### Characteristics of the site and area

The shed is located within a large field which has a road frontage onto both the Ballynagarve Road and the Aughrim Road. It is positioned against a 2m high hedge along the southern boundary of the field and approximately 45m back from the Ballynagarve Road boundary. Given the distance the shed is set back from the Ballynagarve Road, it does not have a frontage to the public road. The roadside hedge along the Ballynagarve Road (Eastern boundary) is defined by a 1.2m high hedge with ground levels in the field being lower than the road. The northern boundary is defined by a mature hedge while the western boundary is undefined.

At the time of inspection, there was no evidence of any facility for holding fodder within the shed. Given that the shed is of a very limited size, with a permanent opening with no means of closure and animals have unlimited access to the entire area, it would not be reasonable to expect fodder to be kept within this structure while animals are in the field.

The site is set within a rural area and within a large field along one of the main arterial routes in and out of Magherafelt. The area is characterised by roadside dwellings with dwellings and farm buildings located along laneways.

### Description of proposal

The proposal is describes as 'retention of an agricultural shed'. According to the original plans submitted, the shed measured 9.6m x 5.7m (54.72m<sup>2</sup> footprint) with a roof height of 2.6m at the front and falling to 2.4m at the rear. The shed is a small rectangular structure consisting of 6no. telegraph poles fixed into the ground, with timber rails on the sides and clad with corrugated iron sheeting. On site, the shed actually measures 6.1m x 3.1m (18.91m<sup>2</sup> footprint) with a roof height of 2.4m at the front and falling to 2.2m at the rear. The shed has one 3.0m wide opening which extends halfway across the front.

Amended plans were submitted to correct this inconsistency. There is no concrete/hardcored floor in the shed nor is there a hard standing around the outside of the shed.





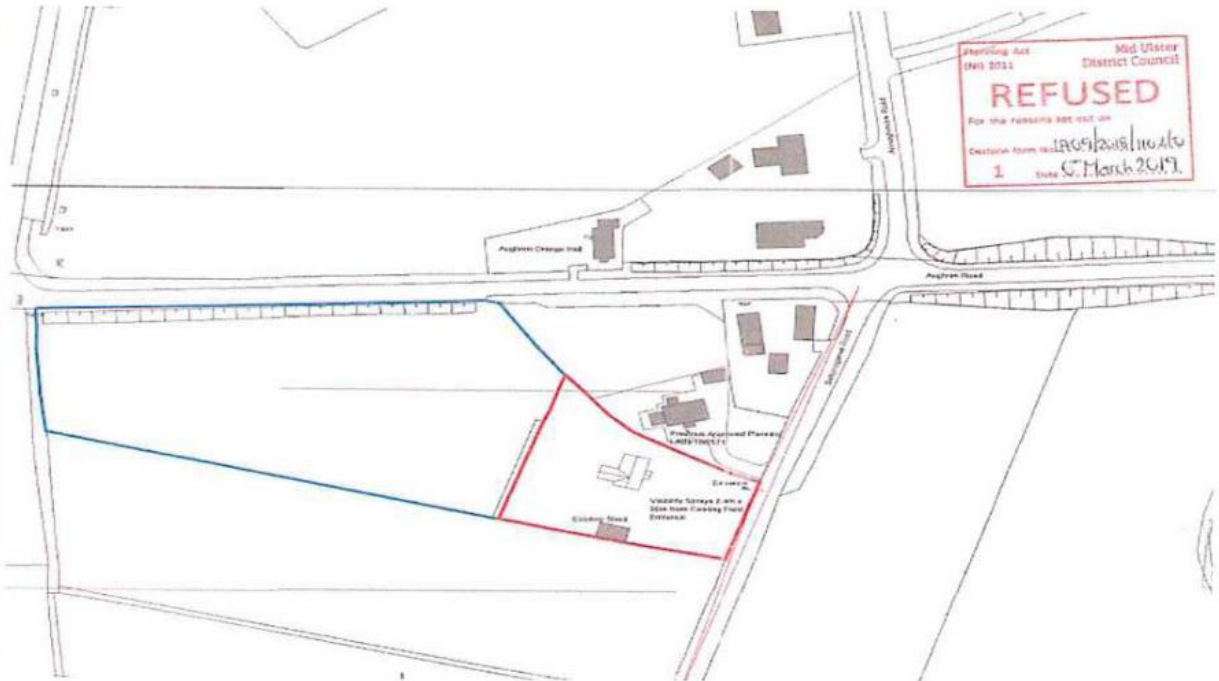
According to the P1C, the shed is located at an isolated field from the farm cluster and provides animal and fodder shelter.

### Planning Assessment of Policy and Other Material Considerations

#### Relevant planning history

There is one planning history on this site as follows:-

LA09/2018/1102/O – Proposed site for dwelling – Refused 06.03.2019.



#### Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years and that it has claimed payments in each of the last 6 years. Therefore the business is both active and established for the required time.

Subsequently it is necessary to assess the proposal against each of the policy tests as follows:-

- The proposed development is necessary for the businesses efficient use;  
The only justification for the proposed building is as stated on the P1C which advises that 'It is an isolated field from the farm cluster buildings. The shed provides animal and fodder shelter.'

The applicant farms a substantial area in excess of 70ha with the farm address being stated as 1 Orr Road Magherafelt. This would appear to be where the main farmyard is located. The applicant's farm holding extends to a number of separate parcels of land



around the area. Some of these parcels include only a small number of fields and in a number of instances, like the application site, only consists of a single field. Therefore this raises the question of how necessary it is for a single building, of the size proposed, for the efficient running of the farm holding, particularly when it will only serve a single field. In my opinion, the proposed building is not necessary for the efficient functioning of the farm holding as it is not necessary to provide animal shelter on each individual plot of land within a single farm business. If such an argument were accepted, then the same would apply to every parcel of land within the same farm business.

- it is appropriate in terms of character and scale;

The proposed shed may be considered appropriate in terms of character and scale as it is proposed to be used as animal and fodder shelter. However, I would question how this can be used for fodder shelter as there is no internal partition which would separate stock from the feedstuffs. Furthermore, given the applicant has already attempted to secure planning approval between the shed and the adjacent development to the north, for an infill site (Ref: LA09/2018/1102/O), the proposed shed if granted, could lead to further development pressure at this location. If approval were to be granted for this shed, the applicant could create a yard area or hardstanding between the shed and the road, thereby creating a frontage to the road. Such an arrangement would harm the rural character of the area by extending a ribbon of development along the Ballynagarve Road.

- it visually integrates;

The proposed building only has the benefit of one boundary, to the rear. When viewed on approach from the west, along the Aughrim Road, the building is clearly visible from the junction of the Killyneese Road, a distance in excess of 200m. From this viewpoint, the shed is set in isolation and it suffers from a lack of enclosure, albeit it does not exceed the height of the hedgerow to the rear.

Consequently the proposed site cannot provide a sense of enclosure for the building and it would not integrate into the surrounding landscape.



View from the Aughrim Road



- there will be no adverse impact on natural or built heritage;

The proposed development will have no adverse impact on natural or built heritage.

- there will be no detrimental impact on residential amenity;

As the proposed building is located on a site which would be around 80m from a neighbouring dwelling it will not have a detrimental impact on residential amenity.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings.

Whilst this is a new farm building located away from any existing farm buildings, the applicant has not demonstrated that there are no suitable existing buildings on the holding which can be used. Furthermore, they have failed to satisfactorily demonstrate why the building is necessary at this particular location and why it could not be sited at the nearby group of fields on the Killyneese Road which are only 60m north-west of the field containing the existing building.

The design and materials are traditional to farm buildings and are acceptable in that respect.

As stated above, this is the first building at this location and therefore it is not sited beside any existing farm building. An exception may be made to this policy test provided there are no other sites available at another group of farm buildings on the holding or where it is essential for the functioning of the business or there are health and safety reasons.

No persuasive argument has been made to suggest that there are no other suitable sites available, it is not accepted that this particular site is essential and not simply desirable and no health and safety reasons have been provided.

Consequently, the proposal is considered to be contrary to the key tests of this policy.

CTY 13 Integration and design of buildings in the countryside.

Whilst the proposed site has boundaries on three sides, the building is set away from two of these and against the third. Therefore it only has one natural boundary and consequently lacks the necessary long established natural boundaries to provide a suitable degree of enclosure to enable the building to integrate into the surrounding landscape. This is particularly the case when the proposed building is viewed from the critical viewpoints when travelling eastwards on the Aughrim Road. The proposed building would rely primarily on new landscaping to achieve a sense of enclosure and enable it to integrate satisfactorily into the landscape.

Given the above, the proposed building is considered to be contrary to the policy tests of CTY 13.

Other policy and material considerations

Although the proposed building is described as an agricultural shed which is required for animal and fodder shelter there is no specific reason why it is absolutely necessary at this location within the subject field. If the shed were to be approved in this location it could give rise to an expectation that a dwelling would be approved within the same field, as an infill site under Policy CTY 8. Indeed, this field has already been the subject of such an application, by the same applicant, under LA09/2018/1102/O which was



refused. An adjoining site to the north of the application site was approved under LA09/2018/0571/RM.



View from the Ballynagarve Road access gate

The applicant was requested to consider relocating the proposed shed, however, they refused to do so and requested that the proposed development be determined on the basis of what is currently proposed.

#### Recommendations

Whilst it is recommended that the permanent retention of this structure fails the policy tests to get planning permission, there is case law which equally suggests temporary buildings of this nature would not be successfully enforced against as the nature of farming means that farmers will undoubtedly erect shelters on a site for eg. Lambing season and in such circumstances they are not considered buildings. However, in this case is my opinion that planning approval be refused for the proposed development for the reasons listed below:-

Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Refuse for the reasons listed below:-

#### Refusal Reasons

1. The proposal is contrary to Policies CTY 1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been satisfactorily demonstrated that;  
it is necessary for the efficient use of the active and established agricultural holding;  
the development, if permitted, would visually integrate into the local landscape without the provision of additional landscaping;  
there are no suitable existing buildings on the holding or enterprise that can be used;  
the proposal is sited beside existing farm buildings;  
there are no alternative sites available at another group of buildings on the holding; and

that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:  
the proposed site lacks long established natural boundaries 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.

Signature(s)

Date:



ANNEX	
Date Valid	10th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 91 Ballynagarve Road Magherafelt Londonderry The Owner/Occupier, 91a ,Ballynagarve Road, Magherafelt, Londonderry, BT45 6LA	
Date of Last Neighbour Notification	24th July 2019
Date of EIA Determination	N/A
ES Requested	No
<b>Planning History</b>  Ref ID: LA09/2019/0955/F Proposal: Retention of existing agricultural shed Address: 90m South of 91 Ballynagarve Road, Magherafelt, Decision: Decision Date:  Ref ID: LA09/2018/1102/O Proposal: Proposed site for dwelling Address: Approximately 60m South of 91A Aughrim Road Magherafelt, Decision: PR Decision Date: 11.03.2019  Ref ID: LA09/2018/0571/RM Proposal: New dwelling and detached garage Address: Lands adjacent to 91A Aughrim Road, Magherafelt, Decision: PG Decision Date: 26.07.2018  Ref ID: LA09/2016/0002/O Proposal: Dwelling Address: 91A Aughrim Road, Magherafelt., Decision: PG Decision Date: 26.02.2016  Ref ID: H/1984/0178 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE	

Address: 91 AUGHRIM ROAD, MAGHERAFELT Decision: Decision Date:
Summary of Consultee Responses  Consultees did not raise any issues.
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted  Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Notification to Department (if relevant)  Date of Notification to Department: Response of Department:



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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Tom McElhatton	
<b>Application ID:</b> LA09-2019-1212/O	<b>Target Date:</b> 18/12/19
<b>Proposal:</b> Proposed farm dwelling and garage	<b>Location:</b> Approx 25m West South West of 71 Killymuck Road Cookstown
<b>Applicant Name and Address:</b> Mr P Mc Cusker 71 Killymuck Road Ballinderry Bridge Cookstown	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b>  To Committee - Refusal - Contrary to CTY 10 of PPS 21.	
<b>Summary of Consultee Responses:</b>  Consultee content subject to condition.	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 1.1km east of the development limits of Ballylifford from such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as approx. 25m West South West of 71 Killymuck Road, Cookstown, in which the red line covers the north eastern portion of a much larger agricultural field. I note that the intention is to create a new access directly off the Killymuck Road. Given the nature of the red line I note that the southern and western boundaries remain undefined in which the northern boundary is defined by a mix of mature hedging and trees with the eastern boundary being defined by a line of hedging and the applicants home. The	

surrounding land is defined by predominately agricultural land uses, interspersed with single dwellings.

#### Representations

Five neighbour notifications were sent out however no representations were received in connection with this application.

#### Description of Proposal

This is an outline application for a proposed farm dwelling and garage. The site is located approx. 25m West South West of 71 Killymuck Road, Cookstown.

#### Deferred Consideration:

This application was presented to the Planning Committee on 3<sup>rd</sup> December 2019 with an opinion to refuse for the following reasons;

- 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.
- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a farm business and that it is currently active and has been established for at least six years.
  - the proposed building relies primarily on the use of new landscaping for integration.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was held with the agent on 19<sup>th</sup> December 2019 at which the agent agreed to submit additional evidence in support of farm case under CTY10 of Planning Policy Statement 21.

Subsequent to that meeting Planning contacted the agent on 31/3/20, 16/4/20, 18/6/20 and 7/9/20 requesting update/additional information. No information was received.

In order to progress the application a final reminder was issued on 25/1/22 giving the agent 14 calendar days to respond. To date no further information has been presented in support of the applicant's case.

In the absence of addition information to reconsider this proposal it is my opinion that the previous recommendation was correct in policy terms and the opinion to refuse is represented as above.



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

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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1212/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling and garage	<b>Location:</b> Approx 25m West South West of 71 Killymuck Road Cookstown
<b>Referral Route:</b>  To Committee – Refusal – Contrary to CTY 10 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr P Mc Cusker 71 Killymuck Road Ballinderry Bridge Cookstown	<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>	

For committee decision



19/11/19

## 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**

To Committee – Refusal – Contrary to CTY 10 of PPS 21.

**Characteristics of the Site and Area**

The site is located approximately 1.1km east of the development limits of Ballylifford from such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as approx. 25m West South West of 71 Killymuck Road, Cookstown, in which the red line covers the north eastern portion of a much larger agricultural field. I note that the intention is to create a new access directly off the Killymuck Road. Given the nature of the red line I note that the southern and western boundaries remain undefined in which the northern boundary is defined by a mix of



mature hedging and trees with the eastern boundary being defined by a line of hedging and the applicants home. The surrounding land is defined by predominately agricultural land uses, interspersed with single dwellings.

#### Representations

Five neighbour notifications were sent out however no representations were received in connection with this application.

#### Description of Proposal

This is an outline application for a proposed farm dwelling and garage. The site is located approx. 25m West South West of 71 Killymuck Road, Cookstown.

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

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

(a) the farm business is currently active and has been established for at least 6 years;



(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

With respect to (a) I note that the application was sent in without a registered farm business ID, in which was requested from the agent. In which the agent confirmed on the phone that the applicant did not have a farm business number only an applicant number along with a farm survey number. In addition the agent provided a number of receipts to try and argue that there has been farming activity over the previous 6 years. Therefore in the absence of a registered Farm Business Number a consultation with DAERA was not possible, from which I am of the opinion that this cannot constitute as a farm case in the absence of farm business number. It appears that there has been some activity on the lands but this appears to be a landowner up keeping his lands rather than proving that there is a continuous and active farm business operating at this site. To confirm I am of the opinion that this cannot be constituted as a valid farm case under CTY 10.

With respect to (b) and despite the issue over the farm business number it appears that the applicant only owns the one field in which the site is located along with his own dwelling only, and that there does not appear to be any development opportunities approved within the field in the previous 10 years.

With respect to (c), I note that the proposed site is located directly adjacent the applicants home and there does not appear to be any farm buildings under the applicants ownership. With this in mind I would be content that the dwelling would cluster with this building. But given the absence of the farm business number I am of the opinion that application has failed under CTY 10 in that it has not been provided that there is an active and established farm business.

I note that no other policy considerations have been put forward by the agent but I note the following; the site is not located within a dispersed rural community. It is not located within an existing cluster that is associated with a focal or located at a cross-roads. There is no valid replacement opportunity on the site nor is there any conversion of an existing building. The application is not for social and affordable housing nor has there been any personal or domestic circumstances provided to justify the house. Finally, given that it set behind No. 71 without a common frontage to the Killymuck Road that it cannot constitute compliance under CTY 8. From this, the application fails under CTY 1.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted, however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. I am of the opinion that as much of the existing landscaping should be retained where possible and supplemented with additional landscaping to aid integration. Therefore a landscaping



plan will be necessary in any 'Reserved Matters' application. Due to the surrounding landform and surrounding development I feel it necessary to restrict any dwelling on the site to have a ridge height of no more than 6.0m above finish floor. From this I am content that the application is able to comply with CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. I note that that a dwelling located within the site will not lead to future development through infilling. From all of this it has been agreed that the application is able to comply with CTY 14 on balance.

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 flooding, ecological or residential amenity concerns.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded confirmed that DfI Roads do not offer an objection subject to the conditions as per attached RS1 Form being complied with at Reserved Matters Stage.

I have no ecological, flooding or residential amenity concerns.

As the application has failed under CTY 10 of PPS 21 I must therefore recommend refusal for the application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

To Committee – Refusal – Contrary to CTY 10 of PPS 21.

**Reasons for Refusal:**

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

2.The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as

an exceptional case in that it has not been demonstrated that there is a farm business and that it is currently active and has been established for at least six years.

**Signature(s)**

*Pete H*

**Date:**

18/11/19.

ANNEX	
<b>Date Valid</b>	11th September 2019
<b>Date First Advertised</b>	1st October 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 63 Killymuck Road Coagh Londonderry The Owner/Occupier, 65 Killymuck Road Coagh Londonderry The Owner/Occupier, 68 Killymuck Road Coagh Londonderry The Owner/Occupier, 70 Killymuck Road Coagh Londonderry The Owner/Occupier, 71 Killymuck Road Coagh Londonderry	
<b>Date of Last Neighbour Notification</b>	24th September 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1212/O Proposal: Proposed farm dwelling and garage Address: Approx 25m West South West of 71 Killymuck Road, Cookstown, Decision: Decision Date:  Ref ID: LA09/2018/1111/F Proposal: Proposed extension to dwelling Address: 71 Killymuck Road, Ballylifford, Decision: PG Decision Date: 15.11.2018  Ref ID: I/1985/0474 Proposal: ERECTION OF BUNGALOW Address: KILLYMUCK, COAGH, COOKSTOWN Decision: Decision Date:  Ref ID: I/1979/0151 Proposal: DWELLING	



Address: KILLYMUCK ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/047501

Proposal: ERECTION OF DWELLING HOUSE

Address: KILLYMUCK, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/0475

Proposal: BUNGALOW

Address: KILLYMUCK ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/4036

Proposal: Replacement Roof

Address: 71 KILLYMUCK ROAD COAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0269

Proposal: EXTENSION TO DWELLING

Address: 65 KILLYMUCK ROAD, COAGH

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

### Deferred Consideration Report

Summary	
<b>Case Officer:</b> Tom McElhatton	
<b>Application ID:</b> LA09-2019-1647-F	<b>Target Date:</b> 1/4/20
<b>Proposal:</b> Proposed portion of lands to be used for vehicle storage and sales in association with existing plant and machinery business	<b>Location:</b> 120m N.E. of 93 Iniscarn Road Desertmartin
<b>Applicant Name and Address:</b> CAM Plant and Sales 32 Brough Road Castledawson	<b>Agent name and Address:</b> CMI Planners 38 Airfield Road Toome BT41 3SG
<b>Summary of Issues:</b>  Insufficient information exists to establish any commercial / business use on the site	
<b>Summary of Consultee Responses:</b>  Content subject to conditions and informatives.	
<b>Characteristics of the Site and Area:</b>  The site is located immediately adjacent to 93b Iniscarn Road, Desertmartin, which is located within the countryside as identified in the Magherafelt Area Plan 2015. The site is accessed via a laneway on the Iniscarn Road. There is an unauthorised car sales business operating from the adjacent dwelling (No. 93 Iniscarn Road) for which there is ongoing enforcement action.	

**Description of Proposal**

Full application for 'proposed vehicle storage and sales'.

A CLUD has been granted on the site under LA09/2019/0428/LDE for 'Hardcore area used for plant, machinery and vehicle storage in ass with quarry permission H/1980/0196/F'.

**Deferred Consideration:**

This application was presented to the Planning Committee on 12<sup>th</sup> April 2021 with an opinion to refuse for the following reasons;

Insufficient evidence exists to establish any commercial / business use on the site and refusal is recommended and it does not meet relevant policy considerations.

- 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.
- The proposal is contrary to the Magherafelt Area Plan 2015 and SPPS in that the site lies outside any designated development limits and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was held with the agent on 22nd April 2021 at which additional information in support of the case was requested.

In order to progress the application a final reminder was issued on 25/1/22 giving the agent 14 calendar days to respond. To date no further information has been presented in support of the applicant's case.

In the absence of additional information to reconsider this proposal it is my opinion that the previous recommendation was correct, in policy terms and the opinion to refuse is represented as above.

**Reasons for Refusal:**

- 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.
- The proposal is contrary to the Magherafelt Area Plan 2015 and SPPS in that the site lies outside any designated development limits and no special need has been

demonstrated to justify relaxation of the strict planning controls exercised in the countryside.

**Signature(s):**

**Date**



**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1647/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed portion of lands to be used for vehicle storage and sales in association with existing plant and machinery business	<b>Location:</b> 120m N.E. of 93 Iniscarn Road Desertmartin
<b>Referral Route:</b>  Recommended as refusal	
<b>Recommendation:</b> REFUSAL	
<b>Applicant Name and Address:</b> CAM Plant and Sales 32 Brough Road Castledawson	<b>Agent Name and Address:</b> CMI Planners 38 Airfield Road Toome BT41 3SG
<b>Executive Summary:</b> Refusal is recommended for reasons detailed in report.	
<b>Signature(s):</b>	

## **Description of Proposal**

Full application for 'proposed vehicle storage and sales'.

A CLUD has been granted on the site under LA09/2019/0428/LDE for 'Hardcore area used for plant, machinery and vehicle storage in ass with quarry permission H/1980/0196/F'.

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

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 4 - Planning and Economic Development

Planning Policy Statement 21 - Sustainable Development in the Countryside

PPS4 - Planning and Economic Development PED 2 Economic Development in the Countryside.

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Local Development Plan (LDP) 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 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 as these policies are cancelled by the introduction of the SPPS. As the proposal relates to a vehicle sales business PPS 5 was therefore a relevant material consideration until the publication of the SPPS. However, with PPS 5 being cancelled the proposal falls to be considered under the SPPS and other retained policies. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

There has been no application for a Certificate of Lawfulness granted for any retail use. The appropriate vehicle for determining whether a land use is established is a Certificate of Lawfulness of Existing Use or Development (CLUD) under Section 169 of the Planning Act (NI) 2011.

LA09/2019/0428/LDE for 'Hardcore area used for plant, machinery and vehicle storage in association with quarry permission H/1980/0196/F' was granted on the site. Through investigations on this application it was not demonstrated that the plant and machinery and vehicle storage was anything more than what would be expected in conjunction with the previous quarry use. The use approved in this Certificate does not constitute a change of use and does not facilitate the storage of plant, machinery or vehicles for any commercial purpose, they are uses associated with the previous quarry permission of 1980. This approval therefore does not aid in demonstrating that car sales has been an established use in this countryside location for over 5 years.



As the proposal is not supported by the SPPS or PPS 4, it then falls to be considered under PPS 21. Policy CTY 1 of PPS 21 sets out a range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This policy goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. As the applicant has not provided sufficient supporting statement as to why the proposed development is essential in this rural location and could not be located within a settlement, it is contrary to Policy CTY 1 of PPS 21.

Consequently, taking all material considerations into account, I can only find that the proposal is contrary to planning policy and that no circumstances have been presented which would support the setting aside of the policies identified above. Therefore planning permission should be refused. It is evident that the last lawful use of the site was that of being a disused pit / quarry and that insufficient evidence exists to establish any commercial / business use on it.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Insufficient evidence exists to establish any commercial / business use on the site and refusal is recommended.

**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 the Magherafelt Area Plan 2015 and SPPS in that the site lies outside any designated development limits and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.

**Signature(s)**

**Date:**





Address: 80M North East of 93 Iniscarn Road Desertmartin,  
Decision: PG  
Decision Date: 19.09.2014

Ref ID: H/2013/0264/O  
Proposal: Proposed Dwelling on Farm  
Address: 80m North East of 93 Iniscarn Road, Desertmartin,  
Decision: PG  
Decision Date: 09.01.2014

Ref ID: H/2003/0430/O  
Proposal: Site of dwelling house and garage.  
Address: Site adjacent to junction of Iniscarn Road & Longfield Lane, Desertmartin.  
Decision:  
Decision Date: 06.12.2004

Ref ID: H/1997/0259  
Proposal: LANDFILL SITE FOR INERT WASTE  
Address: INISCARN ROAD/LONGFIELD LANE DESERTMARTIN  
Decision:  
Decision Date:

Ref ID: H/1980/0196  
Proposal: GRAVEL PIT AND PORTABLE WASHER  
Address: INISCARN ROAD, KENNAGHT, DESERTMARTIN  
Decision:  
Decision Date:

Ref ID: H/2007/0680/RM  
Proposal: Proposed Dwelling and garage.  
Address: 80m West of 31 Longfield Lane, Iniscarn Road, Desertmartin  
Decision:  
Decision Date: 22.11.2007

Ref ID: H/2005/0722/O  
Proposal: Site of Dwelling and Garage  
Address: 80m West of 31 Longfield Lane, Iniscarn Road, Desertmartin  
Decision:  
Decision Date: 22.02.2007

Ref ID: H/2004/0691/F  
Proposal: Proposed dwelling and garage.  
Address: 50m East of 92 Iniscarn Road, Desertmartin.

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

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

Drawing No.  
Type:  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2020/1476/O	<b>Target Date:</b>
<b>Proposal:</b> New dwelling and garage	<b>Location:</b> Between 21 and 23 Iniscarn Road, Moneymore
<b>Applicant Name and Address:</b> FJS Contracts Ltd 12a Gortahurk Road Magherafelt	<b>Agent name and Address:</b> CMI Planners 38 Airfield Road Toome BT41 3SG
<b>Summary of Issues:</b>  Two letters of objection were received to the planning application and these were considered by Members at the Planning Committee in June 2021. The issues raised were <ul style="list-style-type: none"><li>- Impact on privacy of neighbouring dwellings;</li><li>- P2 challenge;</li><li>- Adverse impact on Slieve Gallion as an area of High Scenic Value;</li><li>- The proposal is contrary to CTY8 and would result in a ribbon of development;</li><li>- Impact on local wildlife;</li><li>- Inadequate sight lines;</li><li>- Devaluation of neighbouring dwellings;</li></ul> In response to these concerns; <ul style="list-style-type: none"><li>- A dwelling could be designed to overcome privacy concerns;</li><li>- We have received confirmation from O'Kane Boyle solicitors the applicant owns the land and a land registry map was attached.</li><li>- A dwelling can be designed to integrate at this location;</li><li>- There are no natural heritage assets identified of significance;</li><li>- DfI Roads accept the visibility splays can be provided;</li><li>- The value of dwellings is not a material consideration.</li></ul>	



**Summary of Consultee Responses:**

No objections

**Characteristics of the Site and Area:**

The proposed site comprises part of a small grass field located between Nos 21 and 23, both detached dwellings with detached garages to the side and rear. The site topography elevates in a northerly direction where the plot size is similar to the other established sites with an accesses via a field gate on the public road. Site boundaries comprise mature trees and low level vegetation on the north and east; post and wire fencing and sporadic vegetation on the west and post and wire fencing with sporadic hedgerow on the south boundary (running parallel with the Iniscarn Road. The surrounding landform is one of undulating countryside with farms and individual dwellings scattered throughout the area.

**Description of Proposal**

This application is for a new dwelling and garage

**Deferred Consideration:**

This application was presented before the Planning Committee in June 2021 with a recommendation to refuse and Members agreed for the application to be deferred for an office meeting with the Service Director. The application was presented to Members as a refusal in April 2022 and it was agreed by Members the application would be deferred for a site visit with Members which took place on 29 April 2022.



At the site visit I explained the reasons for refusal to date on this application. The site visit allowed Members to have the opportunity to look at the site on the ground and to look at the character in the vicinity of the site.

In terms of Policy CTY 8, policy allows for an exception to be made for the development of a small gap site within an otherwise substantial and continuously built up frontage, which for the purposes of this policy is a line of 3 or more buildings along a road frontage without accompanying development to the rear. Having visited the site I do not consider that No 23 has a frontage to the road. The dwelling is set back from the road and does not have a garden to the road frontage. It is accessed along a private lane with a small grassed area between the site and the private laneway. The dwelling at No 23 was approved in 1995 and this grassed area was not included in the curtilage of the approved plans.

I do not consider this site merits to be considered as an infill site and is therefore contrary to Policies CTY 8 and CTY 14 and I recommend a refusal based on the reasons below.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along xx Road further eroding the rural character of this area.

**Signature(s):**

**Date**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2020/1476/O	<b>Target Date:</b>
<b>Proposal:</b> New dwelling and garage	<b>Location:</b> Between 21 and 23 Iniscarn Road, Moneymore
<b>Applicant Name and Address:</b> FJS Contracts Ltd 12a Gortahurk Road Magherafelt	<b>Agent name and Address:</b> CMI Planners 38 Airfield Road Toome BT41 3SG
<b>Summary of Issues:</b>  Two letters of objection were received to the planning application and these were considered by Members at the Planning Committee in June 2021. The issues raised were <ul style="list-style-type: none"><li>- Impact on privacy of neighbouring dwellings;</li><li>- P2 challenge;</li><li>- Adverse impact on Slieve Gallion as an area of High Scenic Value;</li><li>- The proposal is contrary to CTY8 and would result in a ribbon of development;</li><li>- Impact on local wildlife;</li><li>- Inadequate sight lines;</li><li>- Devaluation of neighbouring dwellings;</li></ul> In response to these concerns; <ul style="list-style-type: none"><li>- A dwelling could be designed to overcome privacy concerns;</li><li>- We have received confirmation from O'Kane Boyle solicitors the applicant owns the land and a land registry map was attached.</li><li>- A dwelling can be designed to integrate at this location;</li><li>- There are no natural heritage assets identified of significance;</li><li>- DfI Roads accept the visibility splays can be provided;</li><li>- The value of dwellings is not a material consideration.</li></ul>	



**Summary of Consultee Responses:**

No objections

**Characteristics of the Site and Area:**

The proposed site comprises part of a small grass field located between Nos 21 and 23, both detached dwellings with detached garages to the side and rear. The site topography elevates in a northerly direction where the plot size is similar to the other established sites with an accesses via a field gate on the public road. Site boundaries comprise mature trees and low level vegetation on the north and east; post and wire fencing and sporadic vegetation on the west and post and wire fencing with sporadic hedgerow on the south boundary (running parallel with the Iniscarn Road. The surrounding landform is one of undulating countryside with farms and individual dwellings scattered throughout the area.

**Description of Proposal**

This application is for a new dwelling and garage

**Deferred Consideration:**

This application was presented before the Planning Committee in June 2021 with a recommendation to refuse and Members agreed for the application to be deferred for an office meeting with the Service Director. Following the office meeting I have carried out an inspection of the site.



In terms of Policy CTY policy allows for an exception to be made for the development of a small gap site within an otherwise substantial and continuously built up frontage, which for the purposes of this policy is a line of 3 or more buildings along a road frontage without



accompanying development to the rear. Having visited the site I do not consider that No 23 has a frontage to the road. The dwelling is set back from the road and does not have a garden to the road frontage. It is accessed along a private lane with a small grassed area between the site and the private laneway. The dwelling at No 23 was approved in 1995 and this grassed area was not included in the curtilage of the approved plans.

I do not consider this site merits to be considered as an infill site and is therefore contrary to Policies CTY 8 and CTY 14 and I recommend a refusal based on the reasons below.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along xx Road further eroding the rural character of this area.

**Signature(s):**

**Date**



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1476/O	<b>Target Date:</b>
<b>Proposal:</b> New dwelling and garage	<b>Location:</b> Between 21 and 23 Iniscarn Road Moneymore
<b>Referral Route:</b>  2 letters of objections  Proposed development is contrary to Policy CTY8 of PPS 21	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> FJS Contracts Ltd 12a Gortahurk Road Magherafelt	<b>Agent Name and Address:</b> CMI Planners 38 Airfield Road Toome BT41 3SG
<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	NI Water - Single Units West - Planning Consultations	No Objection

### Representations:

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

### Summary of Issues

Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. No third-party representations have been received. All other material considerations have been addressed within the determination within the report.

### Characteristics of the Site and Area

The proposed site comprises part of a grass field sandwiched between Nos 21 and 23 both detached modern dwellings with garages to the side and rear. The site topography elevates in a northerly direction where the plot size is similar to the other established sites. The proposed access involves the construction of a new access on the public road. Site boundaries comprise mature trees and low level vegetation on the north and east; post and wire fencing and sporadic vegetation on the west and post and wire fencing with sporadic hedgerow on the south boundary



(running appurtenant with the Iniscarn Road. The surrounding landform is one of undulating countryside with farms and individual dwellings scattered throughout the area.

### Description of Proposal

The applicant is seeking outline planning permission for a dwelling and garage between 21 and 23 Iniscarn Road, Moneymore. No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves alterations to an existing lane that accesses.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

### Site History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2020/1476/O	Between 21 and 23 Iniscarn Road, Money	New dwelling and garage	VALID APPLICATION RECEIVED	
H/2002/0675/O	Adjacent to 23 Iniscarn Road, Money	Site of Dwelling	APPEAL DISMISSED	
H/1995/0527	INISCARN ROAD MONEYMORE	DWELLING AND GARAGE	PERMISSION GRANTED	
H/2003/0665/O	Iniscarn Road, Moneymore.	Site of dwelling and garage.	APPLICATION WITHDRAWN	21.02.2005
2003/A057	Adjacent to 23 Iniscarn Road, Money		APPEAL DISMISSED	30.09.2003

### Consultees

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

2. NI Water were consulted and responded with no objections subject to standard informatives.

### Design and Access Statement

The agent submitted a Design and Access Statement – the site is located within an Area of High Scenic Value

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing 2 letters of objection were received. This application was initially advertised in the local press on w/c 7th December 2020 (publication date 8th December 2020). Five (5) neighbouring properties were notified on 15th December

2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Magherafelt Area Plan 2015;
4. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14);
5. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards; and
6. Building on Tradition A sustainable design guide for rural NI.

#### Magherafelt Area Plan 2015

The site lies in the rural countryside and outside any designated settlement limits as depicted in the MAP 2015.

#### The Strategic Planning Policy Statement for Northern Ireland.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS, which advises that the policy provisions of Planning Policy Statement Sustainable Development in the Countryside.

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

The applicant seeks outline approval for the development of a small gab site in accordance with Policy CTY8 of PPS21.



Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 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. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site sits between Nos 23 to west and 21 to the east. It is noted that within the curtilage of No 21 are 2 outbuildings (garage and a smaller second shed) located to the side and rear. Whilst I acknowledge that there are three buildings within the curtilage of No 21. That said, the curtilage of No 23 is setback from the road and is accessed by a driveway with a small strip of grass area abutting the Iniscarn Road.

I am not persuaded that No 23 is read as a roadside frontage in accordance with the spirit of Policy CTY8. It is noted that the proposed site cuts across the southern boundary of the garden to No 23, which reinforces that the curtilage of No 23 does form part of a substantial and continuously built up frontage. I am not satisfied that No 23 does not 'book end' the dwelling to the west No 21 and therefore fails Policy CTY8.



Fig. 1 Aerial photograph.





Fig. 2 No shows No 23 set back in the distance from Iniscarn Road

### Objections

Two letters of objection were received dated 19th and 22 December 2020 representing Nos 21 and 23 Iniscarn Road, Moneymore.

### Summary of the objections are as follows:

1. The proposed development would severely affect privacy;
2. Concerns raised the applicant is not the landowner;
3. Concerns raised that further development would adversely impact Slieve Gallion as an area of "High Scenic Value";
4. Concerns raised that the proposed development is contrary to Policy CTY8 of PPS21 and would create Ribbon Development;
5. Concerns raised on the conservation if one more dwellings are built this would result in the removal of trees and hedges, the area is home to the mountain hares, red grouse;
6. Concerns raised that sight- lines on the plan indicate 60m, which is not enough under current regulation;
7. Concerns raised relate to privacy and potential devaluation of existing properties; and
8. Concerns that the proposed dwelling if permitted, would be directly in front of No 23.

In response to the above concerns it is noted valuation of properties are considered non-planning concerns. Those matters that are considered material would be accessed against the relevant policies for example, siting and landscaping on the character of the area are accessed under Policies CTY13 and CTY 14 of PPS21.

Concerns were raised relating to an infill approval between 21 and 23. However, a search of the planning history shows that a replacement under H/2009/0165/O was approved north of No 21.

In response to point 2 – a letter was received by email dated 1<sup>st</sup> April 2021 from O'Kane Boyle solicitors acting on behalf of the applicant that confirms that FJS Contracts Limited are the landowners of lands at Iniscarn Rd. Attached to the letter is a copy of Land Registry for folio LY68480 which is outlined in red.

In response to point 6 - DFI Roads have not objected subject to complying with RS1 visibility splays 2.4m X 60m.

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

NI Flood Maps have been checked and no flooding issues have been identified.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal as the site is not in my opinion located within an otherwise substantial and continuously build up frontage i.e. a line of 3 or more buildings running along Iniscarn Road, without accompanying development to the rear. This will result in the creation of ribbon development leading to further erosion of rural character

**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 Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Iniscarn Road further eroding the rural character of this area.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th November 2020
<b>Date First Advertised</b>	8th December 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 21 Iniscarn Road Moneymore Londonderry Samantha & Owen O'Kane 21, Iniscarn Road, Moneymore, Londonderry, Northern Ireland, BT45 7RH The Owner/Occupier, 23 Iniscarn Road Moneymore Londonderry Mark Kelly Email Address Mark Kelly	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2020/1476/O Proposal: New dwelling and garage Address: Between 21 and 23 Iniscarn Road, Moneymore, Decision: Decision Date:  Ref ID: H/2002/0675/O Proposal: Site of Dwelling Address: Adjacent to 23 Iniscarn Road, Moneymore Decision: Decision Date:  Ref ID: H/1995/0527 Proposal: DWELLING AND GARAGE Address: INISCARN ROAD MONEYMORE Decision: Decision Date:	



Ref ID: H/2003/0665/O

Proposal: Site of dwelling and garage.

Address: Iniscarn Road, Moneymore.

Decision:

Decision Date: 21.02.2005

### **Summary of Consultee Responses**

Content

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1663/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed infill site for dwelling and garage	<b>Location:</b> Adjacent to 215A Mountjoy Road Killycolpy Dungannon
<b>Applicant Name and Address:</b> Marie Quinn Elliott 23 Moor Park Coalisland	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Summary of Issues:</b>  This application is for an infill dwelling, it does not have a common frontage to the public road or any laneway. The site is behind a row of trees but will be visible in filtered views from the public road. While not infill development the proposal meets the spirit of the policy albeit it is set one field back from the road. An objection has been received which may be resolved with a suitable scaled and sited dwelling.	
<b>Summary of Consultee Responses:</b> DFI Roads - access requires laneway to be widened to 4.1m for first 10m	
<b>Characteristics of the Site and Area:</b>  The site is located adjacent to 215A Mountjoy Road and is defined as open countryside as per the Cookstown Area Plan 2010. The red line of the site incorporates an existing agricultural field and existing laneway. The site currently benefits from existing vegetation and hedging on its north, south and west boundaries, the east is open to a flat field. The immediate area surrounding the site includes a number of residential properties but beyond that, the lands are mostly rural in nature, scattered with single dwellings and their associated outbuildings.	

### **Description of Proposal**

Outline planning permission is sought for a proposed infill site for dwelling and garage.

### **Deferred Consideration:**

This application was before the Planning Committee on 4 May 2021 where it was deferred for a meeting with the Planning Manager. A virtual meeting was held on 13 May 2021 where it was pointed out this does not meet the strict exception for an infill dwelling in Policy CTY8 however it would be re-assessed.

Members are aware Policy CTY8 is to prevent ribbon development in the countryside and it allows up to 2 dwellings in specific circumstances as 'infill' development. From the aerial photograph below (Fig 1), it can be seen there is a line of development off the private lane to the north which consists of 4 dwellings and associated garages and outbuildings which appear in a linear fashion.



Fig 1 – aerial view of site and surrounding development

The proposed site is similar in size to the plots to the north, it is at the end of this line and the proposal will require the extension of the lane that serves the dwelling immediately to the north. This proposed sites location at the end of this lane could be considered as extending a ribbon of development along the lane. That said there is a dwelling and outbuilding on the south boundary, these access and have a frontage onto Back Road Lower, not the lane this site is on.



Members will be aware the reason for opposing ribbon development is that it is detrimental to the character, appearance and amenity of the countryside. This site does not meet the definition of an infill as it does not share a common frontage with the development to the south, however in terms of the rural character of the area a dwelling in this gap would, in my view, have a limited impact and is not a valuable visible break.



In light of the site specific character nature of the adjacent development here, I do not feel a dwelling would adversely impact on the rural character and filling this gap would not detract from the character of the area. I consider an exception could be made on these grounds.

There has been an objection to this proposal which is primarily in respect of the height of any dwelling to be allowed, it is seeking a ridge height of 4.5m to protect their amenity from overlooking windows. There is a good hedge between the properties and the dwelling immediately to the north was approved with a ridge height of 7.5m. Given the separation distances I do consider it necessary to limit the proposal to 6.5m as the buildings to the south are much lower, this will step the development down and not appear prominent. Any windows facing the objector's property can be assessed at the Reserved Matters stage.

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

For the reasons set out above, I recommend to the members that planning permission is granted for this proposed development with the condition set out below.

**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 Mid Ulster District Council, in writing, before any development is commenced.

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, where it meets Mountjoy Road, including visibility splays of 2.4m x 90m to the north, 2.4m x 80.0m to the south, forward sight line of 90.0m and the access widened to 4.1m for the first 10m, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area.

#### Informatives

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

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

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**Signature(s)**

**Date:**





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

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1663/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill site for dwelling and garage	<b>Location:</b> Adjacent to 215A Mountjoy Road Killycolpy Dungannon
<b>Referral Route:</b> Refusal and 1 objection received.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Marie Quinn Elliott 23 Moor Park Coalisland	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<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

### Representations:

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

### Summary of Issues

There was one objection received in relation to the proposal. The issues raised in this objection will be discussed in detail later in the report, however the main issues raised include:

- Ridge height of proposed dwelling
- Overlooking

### Characteristics of the Site and Area

The site is located adjacent to 215A Mountjoy Road and is defined to be in the open countryside as per the Cookstown Area Plan 2010. The red line of the site incorporates an existing agricultural field and existing laneway. The site currently benefits from existing vegetation and hedging and its boundaries and is flat throughout. The

immediate area surrounding the site includes a number of residential properties but beyond that, the lands are mostly rural in nature, scattered with single dwellings and their associated outbuildings.

### **Description of Proposal**

Outline planning permission is sought for a proposed infill site for dwelling and garage.

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

#### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 127 Back Lower Road, 214, 215, 215A, 220 and 224 Mountjoy Road. At the time of writing, one third party representation has been received and one letter was returned for 224 Mountjoy Road, noting there was "no such address".

#### Planning History

There is not considered to be any relevant planning history associated with the site, there was a recent outline and reserved matters approval for the adjacent site (directly north of this application site) which allowed a 7.5m Ridge height for the dwelling.

LA09/2018/0417/RM - Adjacent to 215 Mountjoy Road, Stewartstown - Proposed dwelling and garage – PERMISSION GRANTED

I/2015/0084/O - Adjacent to 215 Mountjoy Road, Stewartstown - Proposed Site for Two Storey Dwelling and Garage – PERMISSION GRANTED

There was a further historical application for a temporary mobile home, however there was no evidence of this structure whilst on site.

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

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The Cookstown Area Plan 2010 identifies the site as being in the rural countryside. There are no other zonings or designations within the Plan.

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



been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. 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. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site does not strictly meet the policy test in that although there is a continuous built up frontage along this road frontage to the north, the house to the south fronts onto Back Lower Road and therefore they do not share the same road frontage. At present, there is at least two dwellings north of the site, with a further two dwellings and associated outbuildings beyond this although they don't necessarily have a frontage with the laneway. To the south of the site is a further dwelling which fronts onto Back Lower Road and although does not have a frontage with Mountjoy Road, the Committee may wish to consider that the proposal would create the infilling of a lane and approve as an exception to policy. I consider that the gap between existing dwellings and buildings would be sufficient to accommodate no more than two dwellings, noting the existing plot sizes along this laneway and wider area.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. 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. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. I find no reason why a dwelling could not be designed and sited to integrate successfully into this site. The dwellings and buildings at either side of the site which this application proposes to infill include a single storey and a two storey.

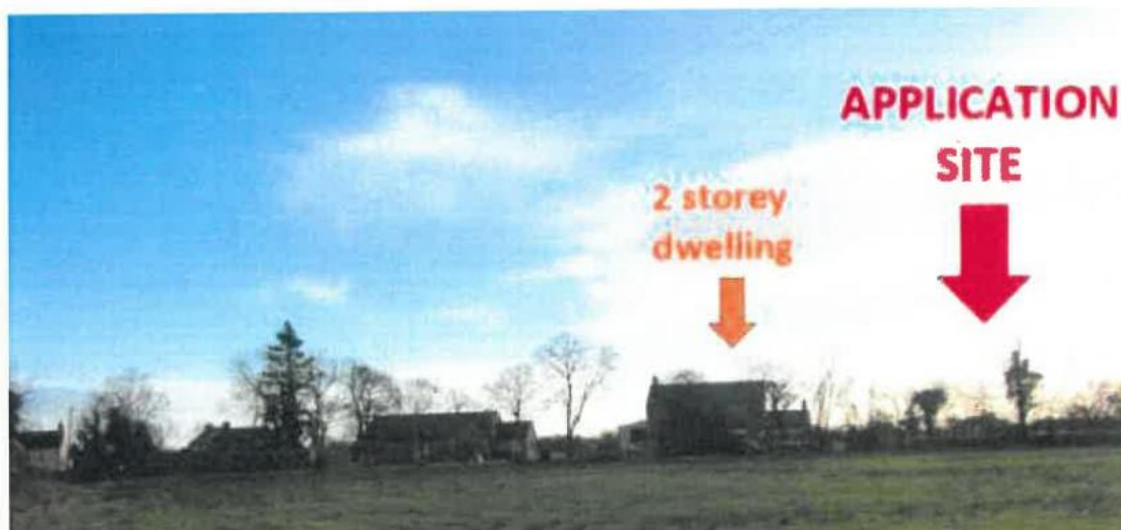
DfI Roads were consulted in relation to the proposal. They noted that additional land may be required in order to accommodate a 4.1m wide access for the first 10m, but otherwise are content with the proposal subject to condition. The proposal intends to use the existing access onto Mountjoy Road.

#### Representation

There was one objection received in relation to the proposal (127 Back Lower Road). The objection noted that any forthcoming approval at this site should not exceed 4.5m ridge height, noting privacy concerns in relation to their rear amenity space and given the history relating to their own property where they were restricted in ridge heights. The existing properties along this laneway were also referred to noting that there is a number of existing bungalows along this laneway but also referencing the existing two storey which is directly north of the application site (shown below in figure 1 and 2).



*Figure 1 – Two storey dwelling beside site*



*Figure 2 – Two storey dwelling beside site*

Following the site visit and group discussions, we feel a 4.5m ridge height would be unnecessary and very restrictive in terms of allowing a modest sized dwelling within this site especially given the dwelling directly north of the site is two storey. We feel that a suitably sized dwelling could also be designed at this site, whilst taking into account the objectors concerns and issues relating to overlooking could be lessened at the design stage for any forthcoming approval. Examples of this could include restrict first floor windows which would face onto the objectors property or ensuring that these windows are frosted glass i.e. serving bathrooms etc, however this could all be assessed following a reserved matters or full application being received if approval was forthcoming. Additional planting could also mitigate some of the concerns of overlooking by creating further landscaping along the boundary between the application site and objectors property.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal is recommended.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a continuous frontage along Mountjoy Road to allow for the infilling of the site.

**Signature(s)**

**Date:**



ANNEX	
<b>Date Valid</b>	22nd December 2020
<b>Date First Advertised</b>	12th January 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> John Henry 127 Back Lower Road, Dungannon, BT71 5ER The Owner/Occupier, 127 Back Lower Road, Killycolpy, Dungannon BT71 5ER The Owner/Occupier, 214 Mountjoy Road, Mountjoy, Tyrone, BT71 5ES The Owner/Occupier, 215 Mountjoy Road, Mountjoy, Tyrone, BT71 5ES The Owner/Occupier, 215 Mountjoy Road, Mountjoy, Tyrone, BT71 5ES The Owner/Occupier, 215A Mountjoy Road, Mountjoy, Tyrone, BT71 5ES The Owner/Occupier, 220 Mountjoy Road, Mountjoy, Tyrone, BT71 5ES The Owner/Occupier, 221 Mountjoy Road, Mountjoy, Tyrone, BT71 5ES The Owner/Occupier, 224 Mountjoy Road, Mountjoy, Tyrone, BT71 5ES	
<b>Date of Last Neighbour Notification</b>	15th January 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2020/1663/O Proposal: Proposed infill site for dwelling and garage Address: Adjacent to 215A Mountjoy Road, Killycolpy, Dungannon, Decision: Decision Date:   Ref ID: LA09/2018/0417/RM Proposal: Proposed dwelling and garage Address: Adjacent to 215 Mountjoy Road, Stewartstown, Decision: PG Decision Date: 12.06.2018	

Ref ID: LA09/2018/0933/F

Proposal: Temporary retention of mobile for construction of new dwelling approved under LA09/2018/0417/RM

Address: Adjacent to 215 Mountjoy Road, Stewartstown,

Decision: PG

Decision Date: 22.08.2018

Ref ID: I/1991/6031

Proposal: Dwelling Mountjoy Road Cookstown

Address: Mountjoy Road Cookstown

Decision:

Decision Date:

Ref ID: I/1998/0384

Proposal: Site for Dwelling

Address: 50M SW OF 219 MOUNTJOY ROAD ARDBOE

Decision:

Decision Date:

Ref ID: I/2006/0805/F

Proposal: Single storey extension at working kitchen, remove existing slates from main roof, treat roof timbers, felt and lath and replace bangor blue slates, porch-increase to two storey, new septic tank

Address: 219 Mountjoy Road, Dungannon

Decision:

Decision Date: 18.12.2006

Ref ID: I/1999/0203

Proposal: Proposed Extension to Dwelling

Address: 217 MOUNTJOY ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0109B

Proposal: Bungalow

Address: 50M EAST OF JUNCTION OF BACKLOWER ROAD AND MOUNTJOY ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0124

Proposal: Domestic Garage/Store

Address: 127 BACKLOWER ROAD STEWARTSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0109

Proposal: Dwelling

Address: 50 METRES EAST OF JUNCTION OF BACKLOWER RD AND MOUNTJOY ROAD COOKSTOWN

Decision:  
Decision Date:

Ref ID: I/1994/0496  
Proposal: Site for dwelling  
Address: ADJACENT TO 127 BACKLOWER ROAD STEWARTSTOWN  
Decision:  
Decision Date:

Ref ID: I/2004/0673/O  
Proposal: Proposed single storey dwelling & garage  
Address: Adjacent to 127 Backlower Road, Stewartstown  
Decision:  
Decision Date: 27.09.2004

Ref ID: I/2001/0841/O  
Proposal: Dwelling House (Renewal of Outline Permission)  
Address: 50m S W of 219 Mountjoy Road, Ardboe  
Decision:  
Decision Date: 13.02.2002

Ref ID: I/1991/6035  
Proposal: Site for Dwelling Backlower Road Cookstown  
Address: Backlower Road Cookstown  
Decision:  
Decision Date:

Ref ID: I/1993/0085  
Proposal: Dwelling  
Address: OPPOSITE 214 MOUNTJOY ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: I/2003/0332/RM  
Proposal: Proposed bungalow  
Address: 50m S.W of 219 Mountjoy Road, Ardboe  
Decision:  
Decision Date: 15.08.2003

Ref ID: I/1991/0276  
Proposal: Bungalow  
Address: 100M WEST OF 219 MOUNTJOY ROAD STEWARTSTOWN  
Decision:  
Decision Date:

Ref ID: I/1991/0396  
Proposal: Dwelling and Garage  
Address: OPPOSITE 224 MOUNTJOY ROAD STEWARTSTOWN  
Decision:  
Decision Date:



Ref ID: I/2015/0084/O

Proposal: Proposed Site for Two Storey Dwelling and Garage

Address: Adjacent to 215 Mountjoy Road, Stewartstown,

Decision: PG

Decision Date: 22.06.2015

#### **Summary of Consultee Responses**

Roads – content subject to condition.

#### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0991/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Erection of new dwelling & detached garage	<b>Location:</b> Approx. 50m NE of 23 Castletown Road Aughnacloy
<b>Applicant Name and Address:</b> Michael Jones 16 Tirelughan Road Aughnacloy BT69 6DB	<b>Agent name and Address:</b> David Keys Architecture 15 Derganagh Road Dungannon BT702JY
<b>Summary of Issues:</b> The dwelling is not sited to cluster with or visually link with a group of buildings on the farm, health and safety grounds have been put forward due to the close proximity of a clay pigeon range to site away from the farm group and the site meets the majority of the criteria for a dwelling in a cluster.	
<b>Summary of Consultee Responses:</b> DAERA – farm is currently active and has been established for 6 years DFI Roads – a safe access requires sight lines of 2.4m x 75.0m and forward sight distance of 75m EHO – reports submitted with application for clay pigeon range indicate noise issues	
<b>Characteristics of the Site and Area:</b> The red line of the site includes a roadside portion of a larger agricultural field. The site is generally flat and the field falls gradually to the north and more pronounced to the east. There is an existing hedge with mature trees along the road frontage, set back behind a narrow verge. Northern and eastern boundaries are currently undefined opening into the remainder of the agricultural field. South boundary has good vegetation and small garden area associated with the dwelling across the road. The lands adjoining the site and a small plot including No.28 outlined in blue, which indicates ownership. The surrounding area includes a number of roadside residential properties and a site to the rear of these which may have commenced for a dwelling. Generally the lands are rural in nature scattered with single dwellings and their associated outbuildings.	

**Description of Proposal**

Outline planning permission is sought for a dwelling and detached garage.

**Deferred Consideration:**

This application was before the planning committee in March 2022 where it was deferred for a meeting with Dr Boomer to discuss the issues of concern raised in the report. A virtual meeting was held on 10 March 2022 where issues relating to health and safety concerns at the main farm group and the site characteristics of the proposed site were discussed.

Following the deferral meeting I met with Environmental Health Colleagues in respect of the existing Clay Pigeon range close to the applicants main farm group. This clay pigeon layout has a lawful development certificate for operating for up to 28 days in any calendar year. There is currently an application under consideration for the expansion of the range, which is not yet determined (LA09/2021/1413/F) EHO have advised there is a noise report submitted with that application that includes noise levels which are above the recommended limit at sensitive receptors. These noise levels are actual levels collected when the site was operating for a major event and indicate that at 700m from the range the noise levels are 69dB. The applicants group of buildings is located approx. 660m to the north of the mid range of the existing facility. EHO have advised noise levels are above 60dB, which is acceptable level. On the basis of this information I consider there is a health and safety concern with siting beside the main group of buildings on the farm group and as such I consider the exception in CTY10 is engaged.

Members will be aware the exception in CTY10 allows a dwelling to be located away from a group of buildings on a farm provided it meets with requirements of CTY13 (a-f) , CTY14 and CTY16.

CTY13 sets out that planning permission will be granted for a building that can be visually integrated into its surroundings and is of an appropriate design. As this is for outline planning permission the design can be reserved for a later stage, if the principle is acceptable. The proposed site has a mature hedge along the roadside which can be retained for the most part, there are mature trees to the south as well as a bungalow and rising ground which provide a backdrop to any development on approach from the NE. On approach from the SW, a dwelling would not be visible until nearly passing it. Given the existing vegetation, land form and buildings around the site I consider an appropriately designed dwelling could be satisfactorily integrated. Additional landscaping to the NE and SE boundaries would assist over time but I do not consider a dwelling here would have to rely on this vegetation to satisfactorily integrate. I consider an appropriately design dwelling would meet this policy and I would recommend to ensure it is not prominent that it is limited to a 5.5m – 6.0m ridge height to fit in with the adjacent development.

CTY14 allows development where it does not cause detrimental change to or further erode the rural character of an area. It sets out 5 criteria that are unacceptable for new buildings. In my opinion a small road frontage dwelling here would be similar in scale, character and development pattern to the development around it. Members are advised that it is clear this proposal would result in the extension of a ribbon of development along this side of Castletown Road, however, it does not prevent any access to the lands to the rear and it could be viewed as a rounding off for this node of development. A dwelling on

this site would, in my opinion be seen as part of this group, especially when standing in front of the site, where the group represents a small tight unit. A dwelling here has development on 2 sides and mature trees along the road frontage which I consider can be retained and add to the overall sense of enclosure here.



The proposed development does not individually meet with any one particular policy, however on the basis:

- the farmer is precluded from other sites on his land due to the established clay pigeon facility,
- the enclosed nature of the proposed site within a small group of buildings
- the existing development pattern to the north west and south east which this respects and



- the mature vegetation that will contain the development and not result in the erosion of the rural character

it is my recommendation that this dwelling is approved for a farmer, as an exception to policy for the above stated site specific reasons and that another site will not be granted in the farm for another 10 years.

In respect of policy CTY16, the details of the arrangements for the disposal of the waste water through non mains means can be dealt with at Reserved Matters stage as the applicant has considerable land here to allow a septic tank or treatment plant to be provided to NIEA satisfaction.

**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 Mid Ulster District Council, in writing, before any development is commenced.

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 75.0m in both directions and a 75.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate

British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

5. The dwelling hereby permitted shall have a ridge height not exceeding 6.0 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area and is not prominent in the landscape.

#### Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

**Signature(s):**

**Date**



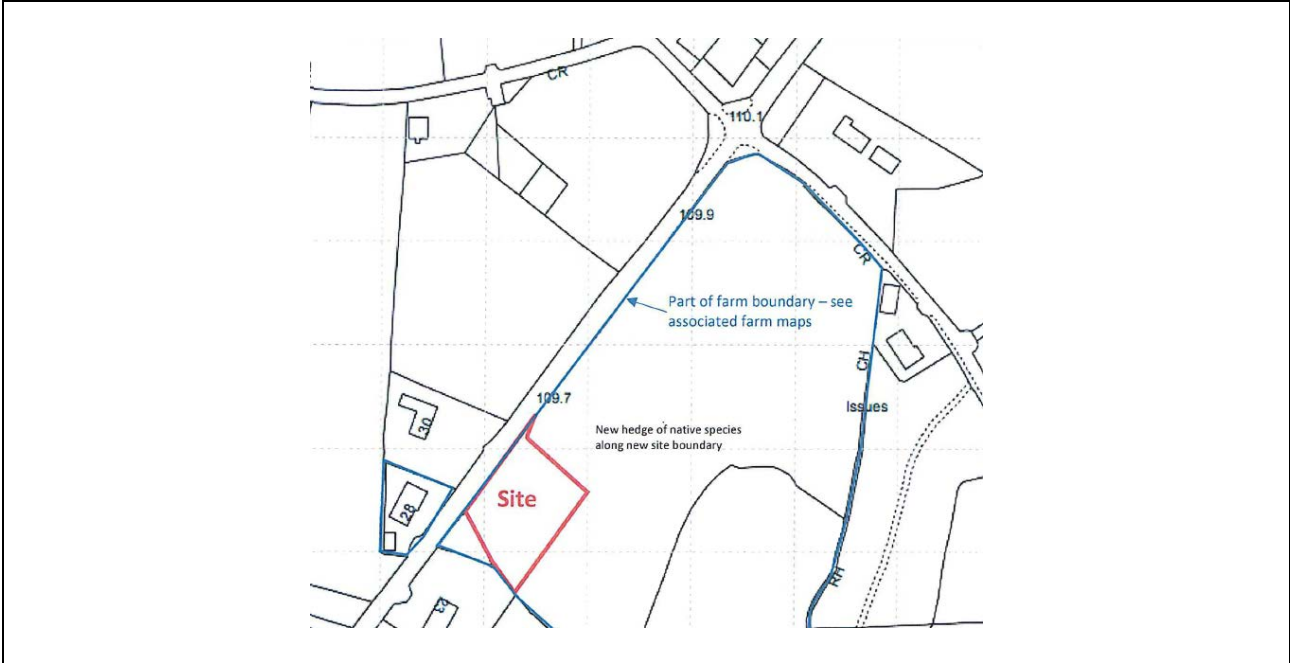
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0991/O	<b>Target Date:</b>
<b>Proposal:</b> Erection of new dwelling & detached garage	<b>Location:</b> Approx. 50m NE of 23 Castletown Road Aughnacloy
<b>Referral Route:</b> Contrary to CTY 2A and CTY 10 within PPS 21.	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Michael Jones 16 Tirelughan Road Aughnacloy BT69 6DB	<b>Agent Name and Address:</b> David Keys Architecture 15 Derganagh Road Dungannon BT702JY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

<b>Case Officer Report</b>
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## Site Location Plan



<b>Consultations:</b>
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Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Substantive Response Received

<b>Representations:</b>
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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	
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No issues. No representations received.

## Characteristics of the Site and Area

The site is located at lands locate approx. 50m NE of 23 Castletown Road, Aughnacloy. The red line of the site includes a roadside portion of a larger agricultural field. The site is generally flat throughout and has existing hedging along the roadside and boundaries. The northern and eastern boundaries are currently undefined opening into the remainder of the agricultural field. The lands adjoining the site and a small plot including No.28 outlined in blue, which indicates ownership. The surrounding area includes a number of roadside residential properties but beyond that lands are rural in nature scattered with single dwellings and their associated outbuildings.



## **Description of Proposal**

Outline planning permission is sought for a dwelling and detached garage.

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

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 23, 28 and 30 Castletown Road. At the time of writing, no third party representations were received.

### Planning History

LA09/2021/0652/PAD - Castletown Road, Aughnacloy - PAD for site at Castletown Road – PAD DECLINED

### Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

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

This proposal is for a new dwelling and detached garage. The agent has submitted a supporting statement where they set out how they feel the proposal meets with the policy criterion held within CTY 2a and CTY 10 of PPS 21. Both policies were considered at our group discussions.

DAERA have responded noting that the farm business is active and established and thus criterion (a) of CTY 10 is met. With respect to criterion (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. With respect to (c), the new dwelling would not be visually linked with the existing farm buildings on the site and therefore is contrary to the policy requirements.

The agent has referred to the grandparents dwelling and shed which is located across the road and has also provided a supporting statement, which sets out why the other lands within their control that could be visually linked with existing farm buildings in line with CTY 10, would not be suitable for the proposed dwelling. Health and safety reasons relating to a shooting range have been cited as one of the main reasons why they do not

wish to site beside the main farm dwelling and main group. The supporting information includes appendices that highlights the potential dangers and noise problems that they have already experienced from the nearby shooting range, alongside the lack of mature trees and hedging and distance from services, hence the reasoning behind this proposed siting. It is my view that there are other alternative siting options within the applicants ownership which would mean they would be able to site to visually link or cluster with an established group of farm buildings on the farm and thus the proposal fails on criterion (c) of CTY 10.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. Although there is a number of existing roadside dwellings and associated outbuildings, we are not content that the cluster appears as a visual entity in the local landscape. The third criterion notes that the cluster should be associated with a focal point such as a social/community building/facility or is located at a crossroads. Figure 1, as shown below, identifies the distance the between the proposed site and the crossroads to the NE of the site. There is approx. 173m distance between the application site and the crossroads and therefore we feel it cannot be read as one entity and therefore is contrary to this criterion. The identified site is bounded on two sides by development, to the NW and SW and it is my consideration that the proposed development could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. There is sufficient separation distance and vegetation along the south western boundary to avoid any issues such as privacy or overlooking concerns.



***Figure 1 – The application site in relation to the crossroads to the NE of the site.***

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it 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 proposal is for an outline application

thus no design has been stipulated at this time however given the character of the area and noting that the dwellings in the surrounding area are generally bungalows, I feel a proposed dwelling with a restricted ridge height of 5.5m would be most appropriate at this site if planning approval was to be granted. This would avoid the proposed dwelling appearing overly dominant and also will be in keeping with the surrounding development. The existing hedging should also be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application, again if approval were to be granted.

Having considered all of the above and noting that the proposal site is not within an identifiable cluster of development and thus contrary to policy, we feel the application should be refused.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal is recommended.

**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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point and (is not located at a cross-roads. The dwelling would if permitted alter the existing character of the cluster visually intrude into the open countryside.
3. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	30th June 2021
<b>Date First Advertised</b>	13th July 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23 Castletown Road Aughnacloy Tyrone The Owner/Occupier, 28 Castletown Road Aughnacloy Tyrone The Owner/Occupier, 30 Castletown Road Aughnacloy Tyrone	
<b>Date of Last Neighbour Notification</b>	15th July 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0652/PAD Proposal: PAD for site at Castletown Road. Address: Castletown Road, Aughnacloy., Decision: Decision Date:  Ref ID: LA09/2021/0991/O Proposal: Erection of new dwelling & detached garage Address: Approx. 50m NE of 23 Castletown Road, Aughnacloy, Decision: Decision Date:  Ref ID: M/1995/0131 Proposal: Dwelling Address: 20M SOUTH OF 28 CASTLETOWN ROAD, AUGHNACLOY Decision: Decision Date:	



<p><b>Summary of Consultee Responses</b></p> <p>DAERA: Confirmed the active and establishment of the farm business  Dfl Roads: Content, subject to conditions.</p>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 01  Type: Site Location Plan  Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department:  Response of Department:</p>



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1382/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Erection of 2 storey dwelling & domestic garage on a farm	<b>Location:</b> Land approx. 130m SW of 19 Glendavagh Road Aughnacloy
<b>Applicant Name and Address:</b> Dale Watters 19 Glendavagh Road Aughnacloy	<b>Agent name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Summary of Issues:</b> The visual linkage between the proposed dwelling and the existing buildings on the farm	
<b>Summary of Consultee Responses:</b> DAERA – currently active and established for 6 years DFI Roads – access to be 2.4m x 45.0m and 45.0m forward sight distance	
<b>Characteristics of the Site and Area:</b> The site is located at lands approx. 130m SW of 19 Glendavagh Road, Aughnacloy. The red line of the site comprises of an irregular shaped portion of a larger agricultural field which is set back from the roadside. The site has existing low level hedging along most of its northern and western boundary, with the southern boundary currently undefined and the roadside boundary post and wire fencing. There is an existing farm complex shown to the south of the site and a number of agricultural fields surrounding the site outlined in blue, indicating ownership. The area surrounding the site is rural in nature, which scattered single dwellings and their associated outbuildings.	

**Description of Proposal**

Outline planning permission is sought for the erection of 2 storey dwelling & domestic garage on a farm.

**Deferred Consideration:**

This application was deferred in May 2022 as further information was submitted for consideration.

Members will be aware the proposal was assessed against CTY10 of PPS21 for a dwelling on a farm. Criteria C of that policy requires the new dwelling to cluster or visually link with existing buildings on the farm. In this case due to the topography of the land, the visual linkage was not considered to be achievable. The additional information submitted related to a specific view along Glendavagh Road where it was indicated the proposed dwelling would be seen with the existing buildings on the farm, therefore meeting the policy requirement. (Fig 1 and 2 below)



Aerial Photography of Site and Farm Group

Fig 1 – submitted for consideration to show view point



Google Street View Photograph indicating Location of Proposed Dwelling in Relation to Existing Farm Group

Fig 2 – view from Fig1

I visited the site and due to the existing hedges along the side of Glendavagh Road, I was unable to achieve the view that was presented in the information above. The hedges are well kept and no overly high, but are located above the road and therefore provide an effective screen for traffic along the road. Whilst I could not agree that it provides a visual linkage, the existing buildings and the proposed site are well screened from any public views. From the laneway, on approach to the site, the agricultural buildings are located in a natural hollow in the land with the site sitting on higher ground, separated in view by a low drumlin. From the laneway in front of the site, a dwelling located in the SE corner (higher part) of the proposed site, would be seen in the same view as the existing agricultural buildings. This would meet the policy, in my view, however it may not be the best site for a dwelling. A dwelling located in the north part of this site would be lower in the landscape and has the existing vegetation and backdrop of rising ground to assist integration. In my opinion a dwelling in the north part of the site would not meet all the policy, however, given the specific land features here, the well screened nature of the site and limited views from any areas of public view, I consider an exception could be made in this case.

I recommend this application is approved.

#### 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 Mid Ulster District Council, in writing, before any development is commenced.

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

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

Reason: To ensure the dwelling integrates into the landform.

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

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

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

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

#### Informatives

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

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

**Signature(s):**

**Date**

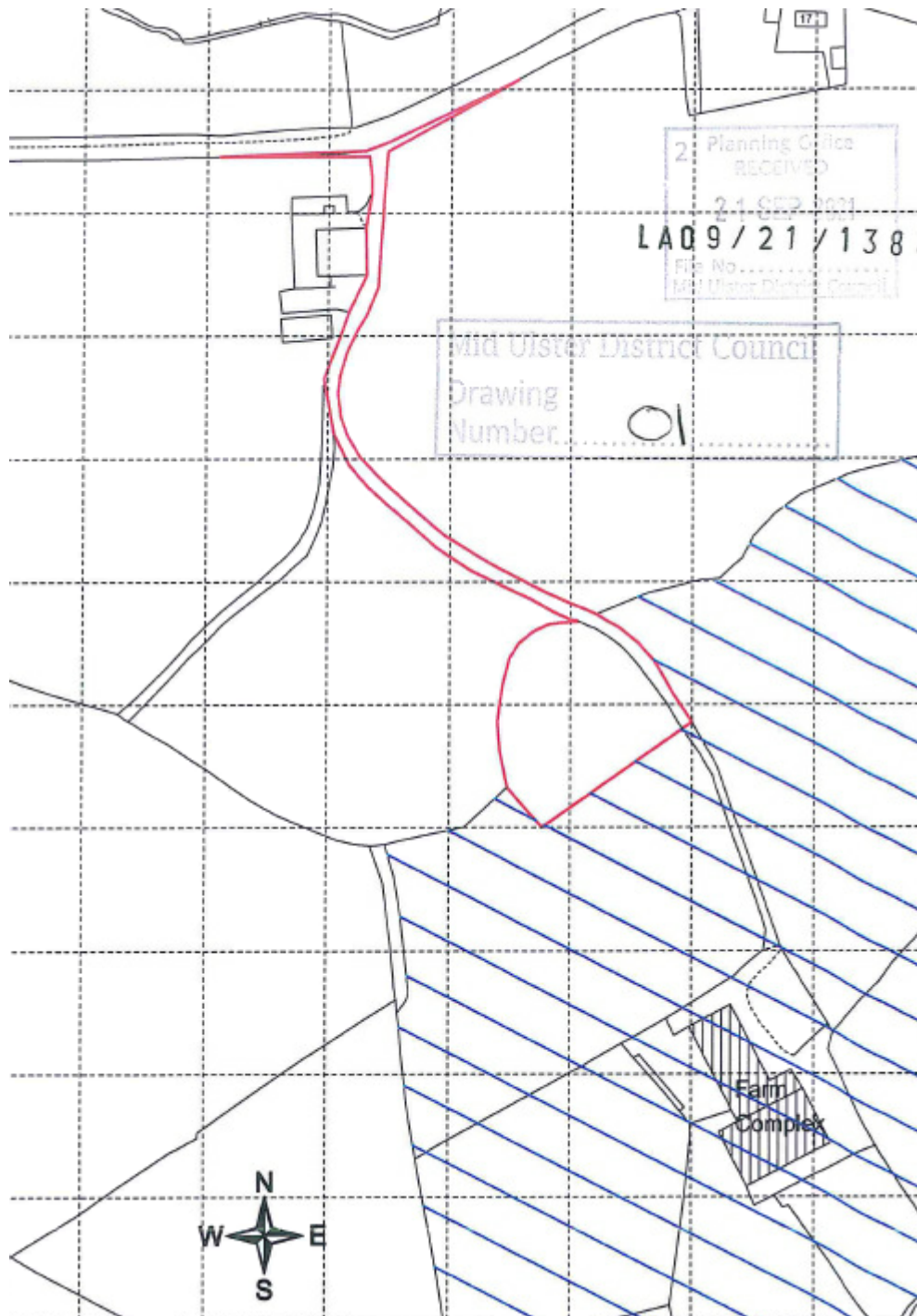


**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1382/O	<b>Target Date:</b>
<b>Proposal:</b> Erection of 2 storey dwelling & domestic garage on a farm	<b>Location:</b> Land approx. 130m SW of 19 Glendavagh Road Aughnacloy
<b>Referral Route:</b> Refusal - contrary to CTY 10 and CTY 13 of PPS 21.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Dale Watters 19 Glendavagh Road Aughnacloy	<b>Agent Name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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



<b>Representations:</b>	
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
<b>Summary of Issues</b>  <p>There were no representations received in relation to the proposal. However, there are concerns that the proposal is contrary to the policy criteria of CTY 10 and CTY 13 held within PPS 21.</p>	
<b>Characteristics of the Site and Area</b>  <p>The site is located at lands approx. 130m SW of 19 Glendavagh Road, Aughnacloy. The red line of the site comprises of an irregular shaped portion of a larger agricultural field which is set back from the roadside. The site has existing low level hedging along most of its northern and western boundary, with the southern boundary currently undefined and the roadside boundary post and wire fencing. There is an existing farm complex shown to the south of the site and a number of agricultural fields surrounding the site outlined in blue, indicating ownership. The area surrounding the site is rural in nature, which scattered single dwellings and their associated outbuildings.</p>	
<b>Description of Proposal</b>  <p>Outline planning permission is sought for the erection of 2 storey dwelling &amp; domestic garage on a farm.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <p><u>Planning History</u>          LA09/2016/1620/O – Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy - Proposed farm dwelling and garage – PERMISSION GRANTED</p> <p>LA09/2017/1759/RM - Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy - Proposed farm dwelling and garage – PERMISSION GRANTED</p> <p>LA09/2019/0555/NMC - Land approx. 175m SW of 17 Glendavagh Road, Aughnacloy - Repositioning of dwelling and garage – NON MATERIAL CHANGE GRANTED</p> <p>It should be noted that all of the above applications relate to an entirely separate farm business.</p> <p><u>Representations</u>          Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.</p>	

### Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, southeast of Aughnacloy. There are no other zonings or designations within the Plan.

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

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

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years. DAERA have also confirmed the applicant has been claiming on the land over the last 6 years. From this information and from the site visit conducted, I am content the farm holding has been active and established for at least 6

years and that the land has been maintained in good agricultural and environmental condition.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNIFORM system and no historical applications have been found. I note the history for the recent approval, north of the application site, however this is a different farm business and is not related to the business ID or mapping which was submitted in relation to in this application.

With respect to (c), the new dwelling is not considered to be visually linked with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The proposed site is approx. 100m at the closest point to the red line of the site and the farm complex. The topography of the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage. The agent has provided supporting information, justifying their proposed siting. The agent refers to paragraph 5.41 of CTY 8 in PPS 21 states that a dwelling can be approved: *'where the existing group of buildings is well screened, or where a site adjacent to the group is well landscaped, permission can be granted for a dwelling even though the degree of visual linkage between the two is either limited, or virtually non-existent due to the amount of screening vegetation.'*

We do not feel that this extract from the justification and amplification within CTY 10 relates to this specific site, as the exceptions is only if there is significant vegetation between the two. In this case, it is our view that it is more so the topography of the lands that is creating the separation. Therefore, we feel that this argument is not strong enough to support a case for the proposed siting under this application especially noting that there are a number of other alternative sites within the applicant's ownership, which would meet the policy criteria and would visually link with existing farm buildings on the farm. There are no verifiable plans that the farm business is to be expanded also. It has also been noted that if approval were to be forthcoming as a result of this application, an infill opportunity may be created directly south of the red line.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. There is some degree of hedging along the northern and western boundary but it is low lying and therefore wouldn't provide a suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to utilise the existing access from Glendavagh Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal is recommended.

**Conditions/Reasons for Refusal:**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

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



ANNEX	
<b>Date Valid</b>	21st September 2021
<b>Date First Advertised</b>	5th October 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/1382/O Proposal: Erection of 2 storey dwelling & domestic garage on a farm Address: Land approx. 130m SW of 19 Glendavagh Road, Aughnacloy, Decision: Decision Date:  Ref ID: LA09/2019/0555/NMC Proposal: Repositioning of dwelling and garage Address: Land approx. 175m SW of 17 Glendavagh Road, Aughnacloy, Decision: CG Decision Date:  Ref ID: LA09/2017/1759/RM Proposal: Proposed farm dwelling and garage Address: Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy, Decision: PG Decision Date: 17.05.2018  Ref ID: LA09/2016/1620/O Proposal: Proposed farm dwelling and garage Address: Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy,	

Decision: PG  
Decision Date: 09.03.2017

Ref ID: M/2006/1927/F  
Proposal: Overhead Line on Wood Poles (05/15734)  
Address: Behind No.19 Glengavagh Road, Aughnacloy  
Decision:  
Decision Date: 20.11.2006

Ref ID: M/1989/0339  
Proposal: Farm Dwelling  
Address: 80M SOUTH WEST OF 17 GLENDVAGH ROAD GLENDVAGH  
AUGHNACLOY  
Decision:  
Decision Date:

Ref ID: M/1989/0639  
Proposal: 11KV Rural spur  
Address: CURLAGH DUNGANNON  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Date of Notification to Department:  
Response of Department: