



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/0896/O Recommendation: Approve	Target Date: 21 September 2020
Proposal: Proposed Infill dwelling and garage	Location: 20M West Of 6 Five Mile Straight Draperstown
Applicant Name and Address: Joe McWilliams 5 Slievegallion Drive Draperstown BT45 7JR	Agent name and Address: Cmi Planners 38B Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: No objections have been received.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The proposed site is identified as lands approximately 20m west of No 6 Moneyneaney to the north east of Moneyneaney. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Ground levels elevate in a northerly direction. Boundaries comprise mature vegetation with intermittent semi-mature trees on the north and east boundaries; post and wire fencing and sporadic vegetation on the west and post and wire fence to the south (running appavelled with the Five Mile Straight Rd). The surrounding landform is best described as uplands representing undulating countryside and mainly consist of farms and scattered detached dwellings located throughout the surrounding area.	
Description of Proposal The applicant is seeking outline planning approval for a dwelling and garage based on an infill site located 20m west of No 6 Five Mile Straight Draperstown.	

Deferred Consideration:

This application was presented before the Planning Committee in June 2021 with a recommendation to refuse where it was agreed by Members to defer the application for an office meeting with the Service Director.

The applicant has submitted a planning application based on an infill under Policy CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having carried out a site visit it is clear there is a bungalow and garage to the immediate west of the application site and a derelict shop building to the east of the site. Although there are three buildings the garage is set somewhat to the rear of the bungalow. However, it can be viewed from the road, and it could be said it has a frontage to the road. There is a further dwelling to the west, but this does not have a frontage to the road and cannot be considered as part of a build-up of development along this part of the Five Mile Straight.

In my opinion the application is a gap site within a line of three or more buildings along the Five Mile Straight and I recommend an approval subject to the conditions below.

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

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

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

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

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

Condition 5

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

Reason: In the interest of visual amenity.

Condition 6

During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the undefined boundaries of the site in accordance with a scheme submitted to and approved by the Department

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

Condition 7

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

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

Signature(s):Karen Doyle

Date: 20 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0896/O	Target Date:
Proposal: Proposed Infill dwelling and garage	Location: 20m West of 6 Five Mile Straight Draperstown
Referral Route: Refusal recommended - Contrary to Policies CTY1 & CTYO of PPS21.	
Recommendation:	
Applicant Name and Address: Joe McWilliams 5 Slievegallion Drive Draperstown BT45 7JR	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary: .	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

- 1.Does the proposed development represent an infill opportunity within an existing ribbon of development in accordance with Policy CTY8 of PPS21; and
- 2.Does the proposed development meet the criteria for a dwelling within an existing cluster of development in accordance with Policy CTY2a - No objections received and all other material considerations have been addressed within the determination below

Characteristics of the Site and Area

The proposed site is identified as lands approximately 20m west of No 6 Moneyneaney and is approximately 1 mile north east of the Village of Moneyneaney. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Ground levels elevate in a northerly direction. Boundaries comprise mature vegetation with intermittent semi-mature trees on the north and east boundaries; post and wire fencing and sporadic vegetation on the west and post and wire fence to the south (running apparelled with the Five Mile Straight Rd). The surrounding landform is best described as undulating countryside with farmsteads and detached dwellings

Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage based on an infill site located 20m west of No 6 Five Mile Straight Draperstown. 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

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 no objections or representations were received. This application was initially advertised in the local press on w/c 10th August 2020 (publication date 11th August 2020) Four (4) neighbouring properties were notified on 14th August 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.

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
LA09/2018/0782/D	79m North West of 6 Five Mile Straight	Dwelling and garage	PERMISSION GRANTED	12.12.2018
LA09/2019/1242/F	80 Meters North West of 6 Fivemile Str	Relocation of dwelling & change of house type from apt	PERMISSION GRANTED	16.01.2020
LA09/2019/0661/F	80m North West of 6 Fivemilestraight, [Dwelling and garage	PERMISSION GRANTED	01.08.2019
LA09/2020/0896/O	20m West of 6 Five Mile Straight, Drap	Proposed Infill dwelling and garage	VALID APPLICATION RECEIVED	
H/1997/0478	6 FIVEMILE STRAIGHT DRAPERSTC	AFTER SCHOOL CLUB	PERMISSION GRANTED	

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.

Planning Assessment of Policy and Other Material Considerations

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

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 provisions provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010
3. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14)
4. PPS 3 Access, Movement and Parking.
5. 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 CP 2015. The CAP has no material policies for dealing with dwellings in the countryside.

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 gap site in accordance with Policy CTY8 of PPS21.

Assessment

According to Planning Policy Statement 21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The main issues in this assessment are:-

1. Does the proposed development represent an infill opportunity within an existing ribbon of development in accordance with Policy CTY8 of PPS21; and
2. Does the proposed development meet the criteria for a dwelling within an existing cluster of development in accordance with Policy CTY2a.

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 is located west of No 6 a small single storey building that was formerly as a shop. Located to the rear of the site is a large grass field and beyond a two storey dwelling with surrounding farm buildings. Abounding the west boundary of the site is a grass field that has recently granted planning permission for a farm dwelling under CTY10.

At the time of my site visit i noted a new dwelling under construction (roof level) located approx. 35m west and is set back from the Public Road and accessed is by a private lane. I am of the view that, while the building No 6 has a frontage onto the public road, it is my considered view that the new dwelling under construction located 35m west does have a frontage and is not is not within a substantial and continuously built up frontage. The application fails the Policy CTY8 of PPS21.

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

1. the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings - The proposal site does lie outside of a farm complex, when viewing the development located immediately adjacent to the proposal site from the submitted map it does appear there is a cluster of buildings however when actually viewing the situation on the ground there does not appear to be cluster as there is no visual linkage between existing buildings due to existing vegetation, separation distances, landform and siting;
- 2.the cluster appears as a visual entity in the local landscape - as previously mentioned when viewing the existing development on site there is no visual linkage between No 6 and a new dwelling under construction with the application site when travelling along Five Mile Straight Road at this point;
- 3.The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross –roads. It is established that in certain incidences buildings such as shops can be considered a local focal point even if their use is redundant. Therefore, I accept that the former shop can be considered a local focal point and can be considered material in the assessment of this application. Whilst there is a cross roads to the east of the site the separation distance between and the cross roads reduces the visual linkages thus failing to meet this criteria;
- 4.The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster - the proposal site provides a suitable degree of .enclosure with mature vegetation to all existing sides however it is noted that only one bounded is adjacent to No Five Mile Straight thus failing to meet this criteria;
- 5.Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside as previously stated I do not recognised as an existing cluster;
- 6.Development would not adversely impact on residential amenity - the proposal would not adversely impact on residential amenity as the proposal site is large enough to facilitate a suitable degree of separation and the existing planting could provide integration.

As I must make my assessment on the basis of the current situation on the ground, I cannot attach weight to the outline planning approval for a farm dwelling adjacent to the west boundary of the application site. Thus having considered all of the above it is my judgement that the proposal as presented does not comply with the requirements of CTY2a of Planning Policy Statement 21.

Considering the requirements of CTY14 of PPS21 Rural character

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.

Given 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.

Having considered all of the information presented it is my professional opinion that the proposal does not adhere to the requirements of CTY 1, CTY 2a and CTY8 of PPS21 and as such a refusal should be issued.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

:

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement,
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads,
3. 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 5 Mile Straight Road to allow for the infilling of the site.

Signature(s)
Date:

ANNEX	
Date Valid	27th July 2020
Date First Advertised	11th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Dunmurry Road Draperstown Londonderry The Owner/Occupier, 4 Five Mile Straight Draperstown Londonderry The Owner/Occupier, 4a Dunmurry Road Draperstown The Owner/Occupier, 6 Five Mile Straight Draperstown Londonderry	
Date of Last Neighbour Notification	14th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0782/O Proposal: Dwelling and garage Address: 79m North West of 6 Five Mile Straight Draperstown, Decision: PG Decision Date: 12.12.2018 Ref ID: LA09/2019/1242/F Proposal: Relocation of dwelling & change of house type from approval LA09/2019/0661/F. Increase site curtilage Address: 80 Meters North West of 6 Five mile Straight, Draperstown, Decision: PG Decision Date: 16.01.2020 Ref ID: LA09/2019/0661/F Proposal: Dwelling and garage Address: 80m North West of 6 Five mile straight, Draperstown, Decision: PG Decision Date: 01.08.2019 Ref ID: LA09/2020/0896/O	

Proposal: Proposed Infill dwelling and garage
Address: 20m West of 6 Five Mile Straight, Draperstown,
Decision:
Decision Date:

Ref ID: H/1997/0478
Proposal: AFTER SCHOOL CLUB
Address: 6 FIVEMILE STRAIGHT DRAPERSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads / NI Water Standard condition and Informatives

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

Further Deferred Consideration Report

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

There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

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

Deferred Consideration:

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

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

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

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

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

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

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

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

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

Deferred Consideration:

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

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

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

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

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

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

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

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s):

Date



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

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

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

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations and Consultations

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

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

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

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Reasons for Refusal:

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

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

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

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

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

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

Signature(s)

Date:

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

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

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

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1423/F	Target Date: 8 January 2021
Proposal: Proposed 1no. two bedroom apartments and 2no. one bedroom apartments	Location: 28M Ne Of 30 Augher Road Clogher BT76 0AD
Applicant Name and Address: RMS Civils 10 Beaghbeg Road Cookstown BT80 9PE	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Summary of Issues: This application is on a restricted site which has been used for open space purposes with flowerbeds and grass areas. There has been no justification for the loss of the open space and the proposal represents overdevelopment of a restricted site out of character with the development in the area.	
Summary of Consultee Responses: DFI Roads – concerns about access onto a Protected Route, parking and servicing of the site and the adjacent development has been resolved, recommend conditions Environmental Health Department – consulted due to the need for on site waste water treatment and odour zone from NI Water WWTW, no objections raised provided on site treatment is maintained through an agreement NI Water – no capacity to accept any waste water into the system, site is within odour consultation zone	
Characteristics of the Site and Area: This application site is a rectangular portion of land which sits parallel and adjacent to the Augher Road in Clogher. It sits in the northern part and within the development limits of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP).	

The area surrounding this site is typically residential, with the housing development at Ferndale to the west of the site comprising 34 properties, a mixture of semi-detached two storeys at the entrance and one and a half storey dwellings for the remainder. The residential dwellings to the north east of the site fronting onto the main road comprises a row of 5 terraced townhouses known as Crossowen Way. Beyond this to the north is an equipped playground at Mc Crea Park and Clogher Day Care Centre abuts this to the north. To the south of the site is a row of detached dormer bungalows which each have garden areas to the front.

The site measures approximately 0.04 hectares and is currently an area of open space. It rises slightly from the footpath to the rear of the site in a north westerly direction. The north eastern boundary of the site is defined on the ground by low kerbing that runs alongside the public footpath leading to the residential development of Ferndale to the north west. This footpath also continues along the south eastern boundary which is undefined on the ground and is parallel to the public road allowing pedestrian access to the centre of the village to the south. The south western boundary of the site is also low kerbing which contains the area of open space and abuts the tarmaced shared entrance to the BT Exchange and the dwelling at No 30 Augher Road. The north western boundary at the rear of the site comprises some trees and vegetation, abutting the BT exchange which is a single storey building with in a secure gated compound.

There are 2 street lights along the site's boundary, 2 water meter posts, a telegraph pole. a tree as well as a concrete lid allowing access to underground services within the site area.

Description of Proposal

This application seeks full planning permission for 1no. two-bedroom apartments and 2no. one-bedroom apartments on land 28 metres North East of No 30 Augher Road Clogher.

Deferred Consideration:

This application was before the Planning Committee in May 2023 where it was deferred for a meeting with the Service Director of Planning. A meeting was held on 23 June 2023 where the issues relating to the proposed development were set out and primarily the concern relates to the loss of open space and the density of the proposed development. At the meeting Councillor Gael Gildernew offered support for the need for this type of development in Clogher.

Following the meeting the agent was advised there is an exception for the loss of open space that was agreed in a protocol with the then Department for the Environment and NIHE where NIHE have identified an unmet need for social housing. No further information has been presented in relation to this exception.

Members are advised Annex A of PPs 8 sets out the definition of open space, this site is, in my opinion, an area of amenity green space as it has been used for flower beds and is currently maintained as a grass area which has a visual amenity value in this locality. There has been no justification or support form NIHE provided for the loss of this area of open space and as such I do not consider the principle of the development has been met and this proposal is contrary to Policy OS1 in PPS8.

The proposed development is cramped on this restricted site, the applicant did offer to provide some maintained open space within the site. No plans were provided to show

these areas and due to the restrictive size and the amount of development proposed, it is not feasible to provide any meaningful space. The concerns raised in the previous report in relation to Quality Residential Development, the design of the proposal, its density and relationship with the local area is, in my opinion, well founded and as such I recommend this application is refused.

Reasons for Refusal:

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space in Clogher.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7 Quality Residential Environments in that the development does not respect the surrounding context and landscape features are not protected.

Reason 3

The proposal is contrary to Policy LC1 in the Addendum to PPS7 - Safeguarding Established Residential Areas in that the proposed density is significantly higher and the pattern of development is not in character or of an environmental quality than that found in the established residential area.

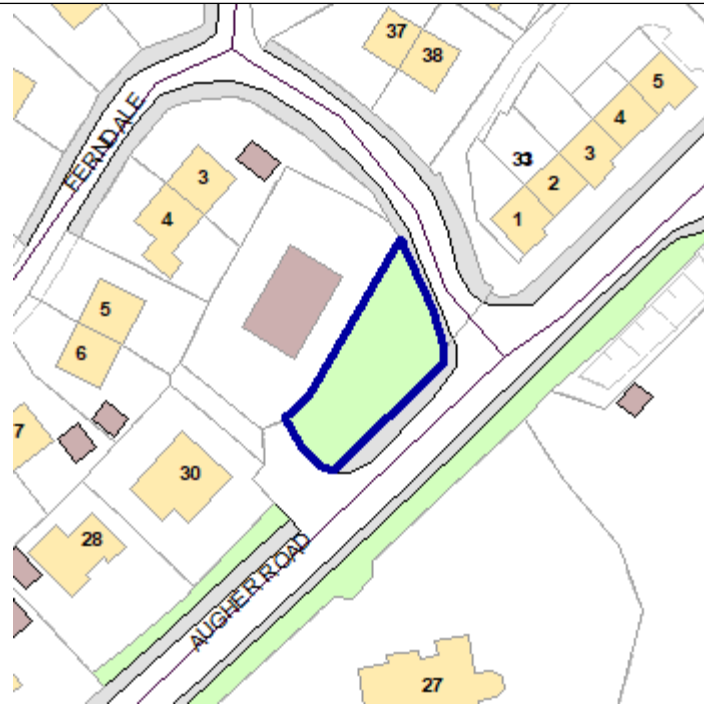
Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.7
Application ID: LA09/2020/1423/F	Target Date: 8 January 2021
Proposal: Proposed 1no. two bedroom apartments and 2no. one bedroom apartments	Location: 28M Ne Of 30 Augher Road Clogher BT76 0AD
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: RMS Civils 10 Beaghbeg Road Cookstown BT80 9PE	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	NI Water - Multiple Units West	Substantive:

		YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	23-11-2022.docx
Statutory Consultee	NI Water - Multiple Units West	LA09-2020-1423-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning Response3 LA09-20-1423.pdf Planning Response LA09-22-1646.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	NI Water - Multiple Units West	
Statutory Consultee	DFI Roads - Enniskillen Office	09-03-2023 Conditions.docx

Representations:

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

Summary of Issues

This apartment scheme fails to meet the policy requirements of OS 1 in PPS 8, QD 1 in PPS 7 and LC1 in the Addendum to PPS7.

Characteristics of the Site and Area

This application site is a rectangular portion of land which sits parallel and adjacent to the Augher Road in Clogher. It sits in the northern part and within the development limits of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP).

The area surrounding this site is typically residential, with the housing development at Ferndale to the west of the site comprising 34 properties, a mixture of semi-detached two storeys at the entrance and one and a half storey dwellings for the remainder. The residential dwellings to the north east of the site fronting onto the main road comprises a row of 5 terraced townhouses known as Crossowen Way. Beyond this to the north is an equipped playground at Mc Crea Park and Clogher Day Care Centre abuts this to the north. To the south of the site is a row of detached dormer bungalows which each have garden areas to the front.

The site measures approximately 0.04 hectares and is currently an area of open space. It rises slightly from the footpath to the rear of the site in a north westerly direction. The north eastern boundary of the site is defined on the ground by low kerbing that runs alongside the public footpath leading to the residential development of Ferndale to the north west. This footpath also continues along the south eastern boundary which is undefined on the ground and is parallel to the public road allowing pedestrian access to

the centre of the village to the south. The south western boundary of the site is also low kerbing which contains the area of open space and abuts the tarmaced shared entrance to the BT Exchange and the dwelling at No 30 Augher Road. The north western boundary at the rear of the site comprises some trees and vegetation, abutting the BT exchange which is a single storey building with in a secure gated compound. There are 2 street lights along the site's boundary, 2 water meter posts, a telegraph pole, a tree as well as a concrete lid allowing access to underground services within the site area.

Planning History

M/2000/0727/PA - Installation of 1 No. new 0.3m dish antenna onto existing 15m high telecommunications steel column. - Clogher Tenements, Augher Road, Clogher - Granted

M/1984/0599 - Private Housing Development - Clogher Tenements, Clogher - Granted

M/1978/0607-Q Type Telephone Exchange - Clogher Tenements, Augher Road, Clogher - Granted

Description of Proposal

This application seeks full planning permission for 1no. two-bedroom apartments and 2no. one-bedroom apartments on land 28 metres North East of No 30 Augher Road Clogher.

Consultations and Representations

NI Water were consulted on the initial proposal of 6 apartments and said there was no available capacity at the Clogher Wastewater Treatment Works (WwTW) and if the applicant wishes to proceed, they should contact NIW to discuss options such as a permanent wastewater facility at their own expense, which may or may not be adopted by NIW in the future. They state there is an existing sewer and watermain crossing the site and say no construction is to be made, trees planted or other obstruction made within 3 metres (or 1.5 times the depth whichever is greater) of sewers, or 4 metres (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8 metres of watermains of 350mm diameter or greater. A diversion may be necessary in order to prevent disturbance/ damage to existing sewers/watermains and in the interest of public safety, therefore consultation with NIW is required at an early design stage.

NI Water said a high-level assessment of the public surface water sewer has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and on existing properties. Therefore, NI Water is recommending connections to the public surface water drainage system are curtailed. NI Water have also said the site is located within a development consultation zone in proximity to a Waste Water Treatment Works (WWTW) or Regional Pumping Station and there is a possibility of nuisance from odour and /or noise Policy WM5 relates to Development in the Vicinity of Waste Management Facilities and states permission will only be granted

where it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility and it would not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment. As this application site is located wholly or partially within 400m odour consultation zone boundary of Clogher WWTW which is located to the north west of this site, NIW have requested a Development Encroachment Assessment is undertaken required in order to ensure any potential residents are not impacted by any NI Water facility. However, as there are already numerous residential properties that have been long established on this intervening area which lies within the consultation zone, I do not feel it is necessary as part of this development proposal. This site is located at the edge of the consultation zone and if there are any odour or noise issues regarding the existing works, these would be reported to the Council's Environmental Health section who would investigate any nuisance. NI Water has reiterated their concerns as above when the scheme was reduced to 4 apartments.

The Council's Environmental Health section were consulted on the initial scheme and requested information on the method of sewage disposal as there was no capacity at the WWTW. Information on the type of manufacturing plant, its capacity and location were requested. Following the reduction of the scheme and the inclusion of a private treatment plant, the Environmental Health section has no objections to this proposal subject to a number of conditions regarding the plant's location and the agreeing of a Maintenance Agreement prior to the occupation of any of the apartments approved.

DfI Roads were consulted and a number of amendments were requested regarding the initial development proposed of 6 apartments. They were concerned due to overdevelopment and the scheme was not in compliance with Creating Places;

- There should be no parking or accesses as close to adjacent junction (Ferndale)
- Parking spaces are too short
- Double in-curtilage parking and turning is required when so close to Ferndale
- No accesses can come off the radii into Ferndale
- There can be no reversing onto a major distributor road
- Sightlines out of Ferndale will be jeopardised

Amended drawings were submitted and DfI Roads still had concerns as the proposal was accessing onto the A4 Protected Route which is contrary to AMP 3 - Access to Protected Routes under Other Protected Routes -within Settlement Limits in PPS 3. There was also a shortfall of 3 spaces less than the 8 required in Creating Places.

Revised drawings were submitted and there were still a number of issues regarding the proposal which had then been reduced to 4 apartments which needed to be overcome;

- Existing sight lines of 4.5m x 112m from the access to Ferndale towards Clogher must be shown and clear of any obstacles.
- 2.4m x 81m sight lines at access onto the Augher Road at the "BT" access.
- Access to development shall be via the "BT" access with the site's access point being as close to the telephone exchange entrance gates as possible with sight lines of 2.0m x 33m, in order to allow vehicles to clear the Augher Road before turning into the site.
- Development to have double in curtilage parking and turning.
- Auto Track service vehicle entering, turning and exiting the site in forward gear must be provided as the apartments are not to be serviced from either the access into Ferndale or the Augher Road.

- A footway link from the site access to the existing footway on the Augher Road must be included.

Following the submission of amended drawings, DfI Roads still had a number of concerns regarding service vehicle movements, showing location of existing street furniture, telephone poles, street lights etc, the existing BT access and sight lines as well as the provision of 11 parking spaces. The 5th revision of drawings still had issues DfI roads needed amended regarding how all the sight lines were depicted on the drawings and the insertion of DfI Roads notes onto the drawing. In March 2023 DfI Roads commented they are now satisfied with this proposal subject to conditions regarding the provision of visibility splays in perpetuity.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. As the site lies within the settlement limit of Clogher as defined in the above plan, SETT 1 is the relevant policy. I am content that if this proposal complies with the provisions of PPS 7, it will also comply with SETT 1.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments is a material consideration for this type of development where all proposals for residential development will be expected to conform to a list of criteria. Clogher is a linear shaped village where settlement has developed along the Dungannon to Enniskillen A4 Primary Route. As can be seen from the Planning History above, this

site was previously included as part of the initial Ferndale residential development applications. As there has never been any development on this parcel of land, it appears to have been incorporated as an area of public open space associated with and at the entrance to Ferndale development. However due to the length of time that has passed since these were granted planning permission, I was not able to access the files to see what this particular site was to be utilised as.

The premise of residential development is generally acceptable on this site due to its location within the development limits of Clogher, subject to it meeting certain criteria of the relevant policy. The area surrounding this site is a mixture of residential and public utilities with the BT Exchange adjacent to the north. This site currently serves as a visual feature at the entrance to the residential development of Ferndale. I do not feel this application respects the surrounding context of the site as it is on an area of existing open space. Orthophotography can confirm that as far back as 2004 this site was a grassed area of open space and at times in the north eastern corner where the access to Ferndale is located was planted with flowers which would have been planted and maintained by the Council. This proposal although not impacted by any archaeological or built heritage features, it would result in the area of open space and the vegetated boundary which currently screens the BT Exchange being permanently lost. Development on this site would be wide open to the footpath and road as it would lack any degree of enclosure.

The small-scale nature of this proposal does not require the developer to provide public open space and there is some amenity space provided for bin storage for each apartment underneath the external steps to the first-floor apartment close to the north eastern boundary of the site. This proposal does not provide any landscaped areas nor does it introduce any planting to soften the visual impact of the development and assist in its integration with the surrounding area. The proposed development due to its small size does not need to provide local neighbourhood facilities as part of this planning application. The location of this site within the settlement limits of Clogher mean it benefits from existing footpaths which would meet the needs of people whose mobility is impaired while also being close to conveniently access public transport.

DfI Roads were consulted and regarding the initial proposal they were concerned it was overdevelopment of the site as there was not adequate space for parking or manoeuvring facilities. As discussed in detail above the access to the proposed development was changed and altered a number of times. As the density of the development was reduced, the amount of parking spaces required was lessened also. However, there were still issues regarding service vehicle movements, the location of existing street furniture features (telephone poles, street lights) and the existing BT access. Following more amendments to the proposal, DfI Roads were now satisfied there is adequate and appropriate provision for parking. The concept of new apartment development is not an established feature in Clogher, where most apartments are located above ground floor shops along the Main Street of the village. Although the scheme has reduced from 6 units to 3 units, the introduction of apartment development on this application site could be seen as a cramming project, particularly as the site is currently visually an open green area. The hardstanding parking area for the proposed apartments is out of character in this area also, as the adjacent Crossowen Way has parking provided to the rear of the properties. The finishes proposed for this

development are suitable in this area, the type of residential development not so much and could be considered out of keeping with the surrounding area.

There are no residential properties which may be adversely impacted by this proposal in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The BT Exchange to the north of the site is not manned constantly and workers to and from this building are on an ad hoc basis when needed. I wouldn't have any concerns regarding crime or personal safety in relation to this development due to its location on the side of a busy road adjacent to public footpaths which benefit from public lighting.

Policy LC1 in the Addendum to PPS7 - Safeguarding Established Residential Areas aims to Protect Local Character, Environmental Quality and Residential Amenity. The density of the apartment development proposed in this application is 75 units per hectare. When compared to the nearby densities of 24 per hectare at Ferndale and 31 per hectare at Crossowen Way, it is clear to see the proposed development is of a notably higher density and not in keeping with the existing average density type in this part of Clogher. The introduction of a 1 and 2 bed apartment development combined with its construction on an area of open space in my opinion is not in keeping with the overall character and environmental quality of the existing area. Annex A sets out the space requirements for this type of development and these proposed apartments do meet these standards.

Planning Policy Statement 8 deals with the provision of Open Space, Sport and Outdoor Recreation in planning applications. Policy OS 1 - Protection of Open Space states that development which would result in the loss of existing open space will not be permitted and the presumption against the loss of existing space applies irrespective of its physical condition and appearance. Annex A in PPS 8 defines open space as all open space of public value which acts as a visual amenity.

With regards to this application site, the applicant having completed Certificate A in the P1 form claims ownership of the site. Irrespective of ownership, this site can still be seen to provide benefits to the public and it does not extinguish the status of this site as an amenity green space which is afforded protection under PPS 8. As has been stated above, this site was included as part of the original planning application for Ferndale residential development and has never been built on, it has always been an informal open space area which at times was partially planted with flowers at certain times of the year. It acts as a welcoming green space at the entrance to Ferndale and is also a welcome visual break in the streetscape with the trees and vegetation to the rear of the site acting as a buffer screening the BT Exchange building from public view. It is my opinion this visual amenity makes a positive contribution to the attractiveness and character of this part of Clogher village. Although this land is not zoned in DSTAP, nonetheless it constitutes open space of public value for the purposes of PPS 8 and consequently, this residential development e proposal would involve the loss of existing open space.

Policy OS1 does go on to state that an exception to the presumption against the loss of open space will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh its loss. This has not been demonstrated by the developer and this proposal does not compensate for the loss of this feature. I consider it would negatively impact the area by depleting the environmental quality and is thereby contrary to OS 1 in PPS 8.

An Environmental Impact Screening Determination was not necessary for this application as it falls below the threshold of Category 10 - Infrastructure Projects part (B) Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. This proposed development although being an urban development project does not have an area which exceeds 0.5 ha.

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

This application was advertised in the local press and 4 letters were sent to residents neighbouring this site. There were no objections received about this proposal.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. There were 13 neighbouring properties which were notified and there were no objections received.

Summary of Recommendation:

Refuse is recommended

The design of this proposed apartment scheme would not be considered a high-quality scheme due to overdevelopment of the site and the high density of the scheme which is not consistent with that found in this part of Clogher village. The significant loss of informal open space would be particularly detrimental to the character of the surrounding area due to the highly conspicuous location of the site along the main road. Therefore, I recommend this proposal is refused in that it fails to comply with the policy provisions of PPS 8 and PPS 7.

Refusal Reasons

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space in Clogher.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7 Quality Residential Environments in that the development does not respect the surrounding context and landscape features are not protected.

Reason 3

The proposal is contrary to Policy LC1 in the Addendum to PPS7 - Safeguarding Established Residential Areas in that the proposed density is significantly higher and the pattern of development is not in character or of an environmental quality than that found in the established residential area.

Case Officer: Cathy Hughes

Date: 25 May 2023

ANNEX	
Date Valid	13 November 2020
Date First Advertised	14 October 2021
Date Last Advertised	1 December 2020
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 30 Augher Road Clogher Tyrone BT76 0AD The Owner / Occupier 3 Ferndale, Clogher, Tyrone, BT76 0AS The Owner / Occupier 4 Ferndale, Clogher, Tyrone, BT76 0AS The Owner / Occupier 27 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 1 Crossowen Way Clogher Tyrone BT76 0AX The Owner / Occupier 5 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 28 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 4 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 26 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 3 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 25 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 2 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 24 Augher Road, Clogher, Tyrone, BT76 0AD</p>	
Date of Last Neighbour Notification	7 September 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: M/1974/0352
Proposals: ERECTION OF 33 DWELLING HOUSES
Decision: PG
Decision Date:

Ref: M/2000/0727/PA
Proposals: Installation of 1 No. new 0.3m dish antenna onto existing 15m high telecommunications steel column.
Decision: 53
Decision Date: 24-JUL-00

Ref: M/1974/035201
Proposals: ERECTION OF 33 DWELLING HOUSES
Decision: PG
Decision Date:

Ref: LA09/2020/1423/F
Proposals: Proposed 1no. two bedroom apartments and 2no. one bedroom apartments
Decision:
Decision Date:

Ref: M/1978/060701
Proposals: `Q' TYPE TELEPHONE EXCHANGE
Decision: PG
Decision Date:

Ref: M/1978/0607
Proposals: Q/TTYPE TELEPHONE EXCHANGE
Decision: PG
Decision Date:

Ref: M/1984/599A
Proposals: PRIVATE HOUSING DEVELOPMENT - PHASE 1
Decision: PG
Decision Date:

Ref: M/1984/0599A
Proposals: PRIVATE HOUSING DEVELOPMENT - PHASE 1
Decision: PG
Decision Date:

Ref: M/1984/0599
Proposals: PRIVATE HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
DFI Roads - Enniskillen Office-23-11-2022.docx
NI Water - Multiple Units West-LA09-2020-1423-F.pdf
Environmental Health Mid Ulster Council-Planning Response3 LA09-20-1423.pdf
Planning Response LA09-22-1646.pdf
DFI Roads - Enniskillen Office-
NI Water - Multiple Units West-
DFI Roads - Enniskillen Office-09-03-2023 Conditions.docx

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not ApplicableNot Applicable



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0719/F Recommendation: Refusal	Target Date: 5 July 2021
Proposal: Proposed farm dwelling and garage	Location: Approx 25M East Of 25 Creagh Hill Road Toomebridge
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: To Committee - Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Summary of Consultee Responses: 	
Characteristics of the Site and Area The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.	
Description of Proposal This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.	

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse in February 2022. Members agreed to defer the application for a meeting with the Service Director following which I carried out an inspection of the site. The application was presented before the Members at the Planning Committee in February 2023 with a recommendation to refuse whereupon Members agreed to defer the application for a site visit which has taken place. The application was presented before the Members in April 2023 with a further recommendation to refuse, where it was agreed to defer the application to explain the test in relation to expanding a farm and the need to put an agricultural case and to allow time to consider alternative sites.

The application was recommended for refusal, in summary, due the proposed building not being site to visually link or cluster with a group of buildings on the farm, the proposed building will add to a ribbon of development and a new building will not be able to visually integrate into the local landscape.

At the previous committee the Service Director asked why the applicant will not consider a new dwelling outside the farm yard of the working farm but where it will both visually link and cluster with the group of buildings on the farm.

The agent has submitted an email to justify siting a new dwelling away from the main farm grouping, and this is primarily because it will not be occupied by a member of the farm business and will be sold to a third party. The argument put forward is that Environmental Health have considered proposals for dwellings close to working farms and have raised concerns regarding the inadequate separation distance between the new dwelling and the farm business. In those cases, Environmental Health have recommended a separation distance of 75 metres to protect future amenity. The agent has submitted a drawing showing a 75m radius around the farm and contends this is the best site outside of the 75 metres as it benefits from natural screening, is adjacent to existing dwelling and will round off existing development. The proposed dwelling will not be a prominent feature on the landscape and will provide a suitable degree of enclosure.

It is my opinion the agent is misdirected in the case he puts forward. Environmental Health may on a case by case basis, seek to protect the amenity of those third parties who are applying for planning permission where the dwelling is not on the farm and the applicant is not relying on CTY 10 to gain planning permission. However, in this case before the Council, the applicant is seeking planning permission on his farm, is relying on his Business ID for the basis of an active and established farm but does not want to site a new dwelling on his farm so that it can be sold to a third party.

Policy CTY 10 does allow exceptions for siting a dwelling away from the farm grouping, however there must be demonstrable health and safety reasons or verifiable plans to expand the farm business. In this case, the argument is being put forward that a new dwelling will cause a negative impact on the residential amenity of the proposed occupant because that person will not be involved in the running of the farm as the site will be sold off, having sold a previous site off the farm in October 2012. In my opinion this is not a demonstrable health and safety reason. The applicant is also not able to demonstrate there are verifiable plans to the expand the farm business.

I still do not consider the application satisfies criteria (c) of CTY 10. The site is too far removed

to either be visually linked or sited to cluster with the group of buildings on the farm and therefore fails to meet criteria (c) and it will not read as being part of the group of buildings on the farm.

Should a dwelling on this site be considered under CTY 10 it must also meet the requirements of CTY 13 (a-g) and CTY 14 of PPS 21.

Referring to CTY 13 it is still my opinion the site is an open site, which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. Although this is a flat site and sits below the level of the road, it is an open and exposed site that cannot provide any level of integration into the local landscape. The proposed dwelling will rely primarily on the use of new landscaping for integration which is contrary to CTY 13.

Policy CTY 14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I still consider a new dwelling at this location will add to a ribbon of development which will further erode the rural character of this area. This is contrary to Policy CTY 14.

As such the proposed dwelling must also be considered in the context of Policy CTY 8 which states that planning permission will be refused for a building which adds to a ribbon of development. This application site is not a gap site for the purposes of CTY 8. There is currently a line of 3 road frontage dwellings to the immediate west of the application site and this application will extend that line of ribbon development and is therefore contrary to Policy CTY 8.

I have considered the relevant policies, the additional information submitted by the agent in October 2023 and it is my opinion that planning permission should be refused for this application based on the reasons cited below under CTY 8, 10, 13 and 14 of PPS 21.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and as it has not been demonstrated to be an exceptional case for a dwelling on the farm to be sited so as not to be visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established

group of buildings on the farm.

Reason 4

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

Reason 5

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Creagh Hill Road.

Signature(s):Karen Doyle

Date: 20 December 2023



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0719/F	Target Date: 5 July 2021
Proposal: Proposed farm dwelling and garage	Location: Approx 25M East Of 25 Creagh Hill Road Toomebridge
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: To Committee - Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Summary of Consultee Responses: 	
Characteristics of the Site and Area The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.	
Description of Proposal This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.	

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse in February 2022. Members agreed to defer the application for a meeting with the Service Director following which I carried out an inspection of the site. The application was presented before the Members at the Planning Committee in February 2023 with a recommendation to refuse whereupon Members agreed to defer the application for a site visit which has taken place.

The application was recommended for refusal, in summary, due the proposed building not being site to visually link or cluster with a group of buildings on the farm, the proposed building will add to a ribbon of development and a new building will not be able to visually integrate into the local landscape.

Planning permission was granted for a farm dwelling and was transferred off the farm holding in October 2012, and since the date of submission of this application the 10 year period has now expired and an application for a farm dwelling can be considered. The application meets criteria (a) and (b) of CTY 10.

Having carried out a site visit I do not consider the application satisfies criteria (c) of CTY 10. From the site visit it is apparent the site is too far removed to either be visually linked or sited to cluster with the group of buildings on the farm and therefore fails to meet criteria (c) and it will not read as being part of the group of buildings on the farm.

Should a dwelling on this site be considered under CTY 10 it must also meet the requirements of CTY 13 (a-g) and CTY 14 of PPS 21.

Referring to CTY 13 it is my opinion the site is an open site, which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. Although this is a flat site and sits below the level of the road, it is an open and exposed site that cannot provide any level of integration into the local landscape. The proposed dwelling will rely primarily on the use of new landscaping for integration which is contrary to CTY 13.

Policy CTY 14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. From my site visit a new dwelling at this location will add to a ribbon of development which will further erode the rural character of this area. This is contrary to Policy CTY 14.

As such the proposed dwelling must also be considered in the context of Policy CTY 8 which states that planning permission will be refused for a building which adds to a ribbon of development. This application site is not a gap site for the purposes of CTY 8. There is currently a line of 3 road frontage dwellings to the immediate west of the application site and this application will extend that line of ribbon development and is therefore contrary to Policy CTY 8.

I have considered the relevant policies and it is my opinion that planning permission should be refused for this application based on the reasons cited below under CTY 8, 10, 13 and 14 of PPS 21.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to 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.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 4

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

Reason 5

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Creagh Hill Road.

Signature(s):Karen Doyle

Date: 14 March 2023



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0719/F	Target Date: 5 July 2021
Proposal: Proposed farm dwelling and garage	Location: Approx 25M East Of 25 Creagh Hill Road Toomebridge
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: To Committee - Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Summary of Consultee Responses: 	
Characteristics of the Site and Area The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.	
Description of Proposal This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.	

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse in February 2022. Members agreed to defer the application for a meeting with the Service Director following which I carried out an inspection of the site.

From an inspection of the site I do consider there to be a focal point with which this site is associated. The premises of SDC and Annahorish Primary School are to the south of the application site but are too far removed to be considered as a focal point for association with the application site. I do not consider any merit in pursuing a dwelling in a cluster at this location.

Planning permission was granted for a farm dwelling and was transferred off the farm holding in October 2012, and since the date of submission of this application the 10 year period has now expired and an application for a farm dwelling can be considered. The application meets criteria (a) and (b) of CTY 10.

Having carried out a site visit I do not consider the application satisfies criteria (c) of CTY 10. From the site visit it is apparent the site is too far removed to either be visually linked or sited to cluster with the group of buildings on the farm and therefore fails to meet criteria (c).

Should a dwelling on this site be considered under CTY 10 it must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16 of PPS 21.

Referring to CTY 13 it is my opinion the site is an open site, which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. The proposed dwelling will rely primarily on the use of new landscaping for integration which is contrary to CTY 13.

Policy CTY 14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. From my site visit it is clear that a new dwelling at this location will add to a ribbon of development which will further erode the rural character of this area.

As such the proposed dwelling must also be considered in the context of Policy CTY 8 which states that planning permission will be refused for a building which adds to a ribbon of development. This application site is not a gap site for the purposes of CTY 8. There is currently a line of 3 road frontage dwellings to the immediate west of the application site and this application will extend that line of ribbon development and is therefore contrary to Policy CTY 8.

Having considered all the relevant policies, it is my opinion that planning permission should be refused for this application based on the reasons cited below.

Conditions/Reasons for Refusal:**Refusal Reasons****Reason 1**

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable

Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 4

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

Reason 5

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Creagh Hill Road.

Signature(s):Karen Doyle

Date: 23 January 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0719/F	Target Date:
Proposal: Proposed farm dwelling and garage	Location: Approx 25m East of 25 Creagh Hill Road Toomebridge
Referral Route: To Committee – Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

To Committee - Refusal

Characteristics of the Site and Area

The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

Representations

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

Relevant Planning History

H/2009/0093/O - Site of dwelling on a farm (and garage) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 09.04.2009

H/2009/0424/F - Dwelling on a farm with attached garage (1 storey) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 15.10.2009

Description of Proposal

This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.

Planning Assessment of Policy and Other Material Considerations

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

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 - General Principles

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside

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

CTY 1 - Development in the Countryside

CTY 10 - Dwellings on the Farm

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1992. Went on to confirm that the farm business has made claims in each of the previous six years. From such I am content that the farm business is currently active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were completed I note that two approvals were attained under the farm business number - H/2009/0093/O and H/2009/0424/F. However after further checks these two permissions were permitted in 2009 beyond the ten years. Upon a land registry check however it was clear that this site H/2009/0424/F has been transferred in October 2012 as such it is within the last ten years. As there has been a transfer off the farm in the previous ten years as such it fails under this part of the policy.

With respect to (c), I note that the registered farm address of the business sits approximately 315m south of the site, with the farm buildings sitting approximately 230m south of the site. I note that there are four farm sheds identified I am content that these can constitute as an existing group of buildings on the farm. With this in mind I hold the opinion that the proposed site is too far to be able to visually link or cluster with this existing group. I hold the opinion that the applicant owns lands between the site and the existing group which would be able to successfully visually link and cluster with this group and any dwelling should be located within these lands. The policy states that where practicable to use an existing laneway for access, I note that the intention is use an existing laneway onto the public road. From such I hold the opinion that the application has failed this part of the policy.

As such the application does not comply under CTY 10. I note that other case has been put forward at this point. In that there is no replacement or conversion opportunity, nor does the site lie within a cluster associated with a focal point. I would argue that the site in this position would extend a ribbon of development along the Creagh Hill Road, as such the application would also fail under CTY 8. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

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 there are a variety of housetypes in the close vicinity of the site as such given this I am content that the proposed dwelling is unlikely to appear as a prominent feature in the landscape. In addition, given the landform and surrounding

landscaping (existing and proposed) I am content that the dwelling and ancillary works would be able to successfully integrate into the landscape. In terms of design, I note that the design is quite simple and has become quite a common housetype seen in the countryside and from such I am content that this is acceptable within this location. However as mentioned previously I hold the opinion that the proposed dwelling in this location is unable to cluster nor visually link with the existing group of buildings on the farm, from such I hold the opinion that application fails under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape. Upon review of the site further I hold the opinion that if permitted the dwelling would further extend a ribbon of development along the Creagh Hill Road as such would damage rural character. From such the application has failed under CTY 14.

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

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, confirmed that they had no objections to the application subject to the relevant conditions and informatives being added, as a result I am content that the access is acceptable under PPS 3.

A consultation was sent to Rivers Agency, who in their response confirmed that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood plain. However confirmed that an undesignated culverted watercourse affects the site, the exact positioning is unknown and should be verified on site. Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. In addition by way of a planning informative, prospective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

Rivers Agency went on to confirm that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development

and any impacts beyond the site. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. Finally confirmed that FLD 4 and 5 do not apply.

I have no ecological or residential amenity concerns.

I recommend refusal given the failure under CTY 1 of PPS 21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

- 1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Creagh Hill Road.
- 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 other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application. Nor does the proposed new building visually linked or sited to cluster with an established group of buildings on the farm.
- 4.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.
- 5.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	10th May 2021
Date First Advertised	25th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Creagh Hill, Toomebridge, Toome, Londonderry, BT41 3SR The Owner/Occupier, 24 Creagh Hill Toomebridge Toome The Owner/Occupier, 25 Creagh Hill Toomebridge Toome The Owner/Occupier, 26 Creagh Hill Toomebridge Toome The Owner/Occupier, 90 Deerpark Road Toomebridge Toome	
Date of Last Neighbour Notification	25th May 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0719/F Proposal: Proposed farm dwelling and garage Address: Approx 25m East of 25 Creagh Hill Road, Toomebridge, Decision: Decision Date: Ref ID: H/2004/0889/O Proposal: Site of Dwelling and Garage. Address: 80m North of 25 Creagh Hill Road, Toomebridge. Decision: Decision Date: 24.10.2005 Ref ID: H/1983/0235 Proposal: HOUSE AND DETACHED STORE Address: CREAGH HILL, TOOMEBRIDGE Decision: Decision Date:	

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

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

Drawing No. 05
Type: Proposed Plans
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1106/O	Target Date: 11/11/21
Proposal: Erection of single storey dwelling & garage	Location: Approx 60m NW of 45 Lisnastrane Road Coalisland
Applicant Name and Address: Niall O'Neill 34 Innismore Park Coalisland BT71 4RH	Agent Name and Address: Oonagh Given 10 Carnan Park Strathroy Omagh BT79 7XA
Summary of Issues: This application is for a dwelling in the countryside, the applicant owns the land, lets it out in conacre and also ensures the land ins maintained. The applicant does not have any buildings to group or visually link with, however there are medical reasons for residing in the countryside. This application is being recommend as an exception to policy for a farmer as there are no buildings on the farm. .	
Summary of Consultee Responses: DFI Roads - access to be improved where the lane meets Lisnastrane Road, conditions recommended DAERA – no business id, land farmed by another farmer	
Characteristics of the Site and Area: The application site is located at lands approx. 60m NW of Lisnastrane Road, Coalisland. The site is located within the Countryside, just outside the settlement of Coalisland. The red line of the site includes a portion of a larger agricultural field and is	

accessed via an existing laneway which currently serves a number of other dwellings. The lands surrounding the site are outlined in blue indicating ownership. The site itself is quite flat throughout and the boundaries of the red line are currently undefined to the south and west with a small wood to the north and post and wire fencing to the lane.



Fig 1 – proposed site against the small wood to the rear of the photo and to the left hand side of the lane.

The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings. As noted, the settlement of Coalisland is approx. 1km from the site and there is a mix of uses found here.

Description of Proposal

Outline planning permission is sought for the erection of single storey dwelling and garage.

Deferred Consideration:

This application was initially put forward on the basis of personal circumstances, however these were not considered to be so compelling as to warrant granting planning permission for a dwelling in the countryside under Policy CTY6 and the application was presented to the Planning Committee as a refusal in January 2022. At that meeting the application was deferred for a meeting the Service Director for Planning. Further information has been presented in relation to the applicants farming interests.

Members will be aware that farming cases are assessed against CTY10 of PPS21 and there are a number of criteria that must be met. The applicant currently lives in a house in Coalisland and owns this 2 ha field. He does not have any buildings on his farm. The land is currently let out in conacre with the applicant deriving a modest income once he has paid for hedge cutting and reseeding of the ground. Receipts submitted illustrate this has been on-going since 2014 and as such I am content this is beyond the 6 years needed to establish a farm case. At a recent site inspection it was noted the mandi us well maintained in grass and the hedges and fences are well maintained. In my opinion I consider the applicant has passed the test for an active and established farmer. This is the

only land owned and there are no other sites or sell offs from here. Members will be aware there is a requirement on any farming case to have buildings on the farm and to site a new dwelling beside them or on an appropriate site if there are health and safety grounds or plans to expand the farm group. It is noted in this case the applicant does not have any buildings on the farm with which to cluster or visually link. Usually this would result in an application being recommended for refusal. In my opinion the proposed site would be an acceptable site if there were buildings on the farm that could not be sited beside. The site is down a lane where there is limited development pressure and there is a mature treed boundary to the north to integrate a dwelling with. Members will be aware the applicant was involved in an industrial accident which was the basis of the original submission. While the submitted case did not demonstrate a site specific need for a dwelling here under policy CTY6, given the farming interests set out, I consider it is reasonable to make an exception to Policy CTY10 and forgo the need for a group of buildings on the farm.

It is my recommendation that an exception to CTY10 is exercised here due to the applicants special circumstances and that planning permission is granted for a dwelling.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access where the lane meets Lisnastrane Road, including visibility splays of 2.0m x 33.0m in both directions, a 33.0m forward sight line and any other details set out in the DFI Roads response received on 24 November 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges

within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1106/O	Target Date: 11/11/21
Proposal: Erection of single storey dwelling & garage	Location: Approx 60m NW of 45 Lisnastrane Road Coalisland
Referral Route: Refusal – contrary to CTY 6, CTY 13 and CTY 14.	
Recommendation:	Refusal
Applicant Name and Address: Niall O'Neill 34 Innismore Park Coalisland BT71 4RH	Agent Name and Address: Oonagh Given 10 Carnan Park Strathroy Omagh BT79 7XA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Proposal is considered to be contrary to CTY 6, CTY 13 and CTY 14 of PPS 21. There were no representations received in relation to the proposal.

Characteristics of the Site and Area

The application site is located at lands approx. 60m NW of Lisnastrane Road, Coalisland. The site is located within the Countryside, just outside the settlement of Coalisland. The red line of the site includes a portion of a larger agricultural field and is accessed via an existing laneway which currently serves a number of other dwellings. The lands surrounding the site are outlined in blue indicating ownership. The site itself is quite flat throughout and the boundaries of the red line are currently undefined except for the boundary which adjoins with the laneway which has post and wire fencing with scattered landscaping. The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings. As noted, the settlement of Coalisland is approx. 1km from the site and there is a mix of uses found here.

Description of Proposal

Outline planning permission is sought for the erection of single storey dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 43, 45, 47 and 49 Lisnastrane Road. At the time of writing, no third party representations have been received.

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 Parking⁷⁶
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, located North of Coalisland. 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 CTY1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

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

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of supporting statement from the agent (Oonagh Given), a hospital letter and a care report from a Nursing Care Consultants. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. However, we are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

In terms of criteria (b) of CTY 6, where are no alternative solutions to meet the particular circumstances of the case. An extension or annex attached to the existing dwelling which is located within an urban setting would not negate the reasons set out for the need for a rural location, as set out in the medical evidence provided. There are no other buildings within the curtilage of the applicants dwelling, nor would this be suitable given the need for a rural location and the applicants' needs are not short term and therefore a temporary mobile home would not be a suitable option either. The concern we have with the proposal is that we do not feel the site chosen is in line with the **site specific** (my emphasis) element needed in order to comply with CTY 6. The agent has been asked to detail why they feel the proposed site is site specific and they responded that the applicant:

“needs to live in a quite rural setting as a result of his brain injury – as confirmed by his doctor and as indicated in the evidence supplied. It makes no consequence to the rationale behind CTY 6 whether Mr O’Neill seeks to build a house on the subject site as opposed to some other site in the countryside as the outcome would still be the same – a house in the countryside. It makes sense that he would build on the only piece of land that he owns in the rural area. The site is only about a kilometre from Coalisland and so this very close proximity to an urban centre is much more sustainable than if he were to choose a more remote site. A cousin lives on the opposite side of the lane from the site, while this is not a determining factor, it is a positive factor for Mr O’Neill and his family”.

Although, we remain empathetic to the applicant's personal circumstances, we feel that the agent has confirmed within her argument that there isn't determining site specific reasons for the proposed site, noting that the outcome would be the same for any potential site located in the countryside. The lands in question would be moving further away from immediate family (i.e. parents) and the only benefits of this would be living in solitude and quietness of the rural area, which the medical team has supported. The care report noted that the current accommodation would not be suitable long term for the applicant. However, this still doesn't overcome the issue that there isn't a site specific reason which is set out within the policy. Had the applicant been moving closer to his parents for support, this may have been seen as special circumstances. I recommend that the Committee discuss in close session the applicants needs and perhaps discuss alternative options.

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. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow and public views would be limited, given its set back location along an existing laneway. The site has limited landscaping along its boundaries and we feel the red line of the site is essentially just a cut out of an open field. There is existing trees to the north of the site, which we feel should the principle of the site have been agreed, that moving the red line towards this would have allowed the dwelling to blend with them and therefore been more in line with criterion (f) of CTY 13. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

Dfl Roads were consulted in relation to the proposal and have raised no concerns, subject to condition. They have noted that the applicant would require 3rd party lands to achieve the sight splays required if approval were to be forthcoming.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
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/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. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	29th July 2021
Date First Advertised	10th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 45 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 47 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 49 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE	
Date of Last Neighbour Notification	12th August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0186/RM Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnastrane Road, Lisnastrane , Coalisland, Decision: PG Decision Date: 17.07.2018 Ref ID: LA09/2017/0564/O Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnastrane Road, Lisnastrane, Coalisland, Decision: PG Decision Date: 05.10.2017 Ref ID: LA09/2021/1106/O Proposal: Erection of single storey dwelling & garage Address: Approx 60m NW of 45 Lisnastrane Road, Coalisland, Decision: Decision Date: Ref ID: M/1980/0547	

Proposal: REFUSE TIP
Address: LISNASTRANE, COALISLAND
Decision:
Decision Date:

Ref ID: M/1978/0788
Proposal: FARM DWELLING
Address: LISNASTRANE, COALISLAND
Decision:
Decision Date:

Ref ID: M/2003/1042/O
Proposal: Proposed retirement dwelling - living accommodation
Address: Adjacent to Crossan House 43 Lisnastraine Road Coalisland
Decision:
Decision Date: 21.09.2004

Ref ID: M/2004/1501/RM
Proposal: Proposed retirement dwelling - living accommodation
Address: 43 Lisnastraine Road, Crossan House, Lisnastraine, Coalisland
Decision:
Decision Date: 14.12.2004

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0112/O	Target Date: 24 March 2022
Proposal: Dwelling & garage	Location: 60M South Of 29 Lisnagowan Road, Feroy, Dungannon
Applicant Name and Address: Mr Derek Montgomery 29 Lisnagowan Road Feroy Dungannon BT70 3LH	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Summary of Issues: This application is for a dwelling in the countryside and has been assessed against the policies for a replacement dwelling and a dwelling on a farm. Following further integration of the farming case, the farm business is now established, is currently active has not had any planning permission granted before under the policy, had any opportunities sold off and is sited beside existing buildings on the farm.	
Summary of Consultee Responses: DFI Roads - recommend approval with sight lines of 2.4m x 45.0m DAERA – category 1 farm, business allocated 14/11/2016	
Characteristics of the Site and Area: The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to	

the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a dwelling and garage.

Deferred Consideration:

This application was at the Planning Committee in November 2023 where it was deferred to allow further assessment of the farming case that had been submitted.

Members will be aware that farming cases are assessed against CTY10 of PPS21 and there are a number of criteria that must be met. This application was submitted on 24 January 2022 and a DAERA consultation advised the business ID was allocated in November 2016 and as such was not established for the 6 years required by the policy, at that time. Since then the business ID has become established, through the passage of time and as such I am content the application is on an active and established farm. A check of the farm maps has not identified any other dwellings or building sites approved under this policy or sold off from the holding. The site is located adjacent to an existing group of buildings on the farm, and there are also buildings on the opposite side of the road to the north, which are on this farm. The existing buildings and rising ground to the north, provide a backdrop to any development on the site and as such in my opinion a suitably designed dwelling would integrate on this site. In my opinion the design of the dwelling can be reserved and assessed at a later stage as this sloping site could be developed in a number of ways that could be suitable.

As the proposal meets with the policy for a dwelling on a farm, this application is recommended for approval.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions, a 45.0m forward sight line and any other details set out in the DFI Roads response received on 14 March 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 November 2023	Item Number: 5.1
Application ID: LA09/2022/0112/O	Target Date: 24 March 2022
Proposal: Dwelling & garage	Location: 60M South Of 29 Lisnagowan Road Feroy Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Derek Montgomery 29 Lisnagowan Road Feroy Dungannon BT70 3LH	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Omagh	Substantive: TBCResponseType: FR

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

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

Planning History

There is not considered to be any relevant planning history associated with this site. The proposal originally was submitted as dwelling on a farm and there were applications associated with the farm business including a sell of which would have been relevant, however the agent/applicant has since advised that they wish the proposal to be assessed under the CTY 3 Replacement policy given it failed the criterion within CTY 10.

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
- The Local Development Plan 2030 – Draft Plan Strategy

The site is located outside any defined Settlement Limit in the rural countryside and the site has no other zonings or designations related to the site.

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

The 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 does not offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. As discussed before, the applicant was originally submitted as a dwelling on a farm application under CTY 10, however the agent was made aware of a sell off related to the farm business and as such has asked that the proposal is assessed under Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

The structure in question is a single storey building with all of its external walls intact. I don't consider that the building in question exhibits characteristics which would help determine that the application is a dwelling, including chimneys, window and door openings. From my findings on site, noting the internal and external features of the building (shown below in photos 1 – 3), I am not convinced that the building in question represents a genuine replacement opportunity. The agent has been afforded a number of opportunities to provide evidence in support of their application, 5th October 2020 to provide further evidence.



Photo 1 – internal picture from building



Photo 2 – External image of the building



Photo 3 – External image of the building

The agent has indicated the preferred siting which is just SE of the building to be replaced. 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 as noted before, it is considered the proposal is contrary to the policy criterion held within CTY 3 in that it does not exhibit the essential characteristics of a dwelling. The proposal also lacks any degree of existing landscaping and if approval were to be forthcoming, a landscaping scheme would be required at RM stage.

The proposal intends to create a new access onto Lisnagowan Road. DfI Roads were consulted and have raised no concerns subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s): Sarah Duggan

Date: 25 October 2023

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0201/O	Target Date: 13 April 2022
Proposal: Proposed single storey dwelling	Location: Adjacent To 64 Reaskmore Road Reaskmore Dungannon
Applicant Name and Address: Kieran MC Gartland 66 Reaskmore Road Reaskmore Dungannon	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Summary of Issues: This application is for a dwelling in the countryside and has been assessed against the policies for a dwelling on a farm. The applicant does not have a farm business id issued by DAERA but has shown details of the farming that is carried out. The farmers nephew lives in the house next door to the proposed site and has advised he works on the farm so is involved in farming on the holding.	
Summary of Consultee Responses: DFI Roads - recommend approval with sight lines of 2.4m x 45.0m HSENI – high pressure gas pipeline close by, applicant to discuss with Mutual Energy in relation to services	
Characteristics of the Site and Area: The red line of the site is a roadside site, located just north of 64 Reaskmore Road. Lands to the North, East and South are hatched blue, indicating ownership, including No.66 Reaskmore Road and the associated outbuildings. The lands are generally flat across the site and the roadside boundary is bounded by existing low level hedging and the boundary to the south is made up with post and wire fencing. The remainder of the boundaries are currently undefined. The surrounding area is rural in nature, although	

there is increasing development along the roadside with single dwellings and associated outbuildings.

The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed single storey dwelling.

Deferred Consideration:

This application was at the Planning Committee in February 2023 where it was deferred for a meeting with the Servicer Director for Planning to allow further discussion of the farming case.

Members will be aware that dwellings on farms are assessed against CTY10 of PPS21 and there are a number of criteria that must be met. Kieran owns approx. 3.5 ha of agricultural lands here, some buildings and his farm house. Additional information has been submitted from the applicant and his nephew, Plunkett, who lives in the house adjoining the application site. Information has been provided that shows the applicant has owned the land for a considerable number of years, the land has been let out to Forest View Farms for over 7 years for grazing and silage cutting and the ground is maintained with the assistance of the applicants nephew. Receipts have been provided that I am content relate to maintenance of the land for agricultural activity. It is noted some recent receipts are in the name of the applicants nephew with an explanation of the relationship between the applicant and his nephew. Members will be aware that DAERA allocate farm business IDs and these can include other individuals on the farm, not just the farm owner. Taking into account the information provided about the relationship, I am of the opinion that Plunkett is also involved in the farm here with the applicant, Kieran. From the information presented I am content this is an active and established farm when assessed against the criteria for farming activities in CTY10.

Planning permission was granted for a dwelling on the applicants land which was transferred to Plunkett in September 2013, over 10 years ago. There are no other sites, dwellings or building opportunities sold off the farm.

From the information provided and assessed above, it is my opinion that Plunkett is involved in the farming activity here with Kieran. It is reasonable to conclude that Plunkett's house is now also part of the buildings on the farm for the assessment of whether or not the site is visually linked or sited to cluster. A dwelling here will have a clear link to the existing buildings on the farm, including Plunkett's house and this meets the final criteria for a dwelling in a farm. Given the overall appearance of the group of building here area low elevation, I consider it is appropriate to condition the ridge height of any dwelling is kept low to reflect the immediate character. I recommend a 5.0m ridge height is imposed.

As I have concluded the proposal meets with the policy for a dwelling on a farm, this application is recommended for approval.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions, a 45.0m forward sight line and any other details set out in the DFI Roads response received on 14 March 2023, shall be provided in accordance with a 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. The dwelling hereby approved shall have a ridge height not exceeding 5.0m above the finished floor level.

Reason: In the interests of visual amenity

5. The depth of underbuilding of the dwelling hereby approved shall not exceed 0.3m .

Reason: In the interests of visual amenity

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

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

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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5
Application ID: LA09/2022/0201/O	Target Date: 13 April 2022
Proposal: Proposed single storey dwelling	Location: Adjacent To 64 Reaskmore Road Reaskmore Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Kieran MC Gartland 66 Reaskmore Road Reaskmore Dungannon	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Health & Safety Executive For NI	Substantive: TBC

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The red line of the site is a roadside site, located just north of 64 Reaskmore Road. Lands to the North, East and South are hatched blue, indicating ownership, including

No.66 Reaskmore Road and the associated outbuildings. The lands are generally flat across the site and the roadside boundary is bounded by existing low level hedging and the boundary to the south is made up with post and wire fencing. The remainder of the boundaries are currently undefined. The surrounding area is rural in nature, although there is increasing development along the roadside with single dwellings and associated outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed single storey dwelling.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application including: 64 Reaskmore Road. At the time of writing, no third party representations have been received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside with 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 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, including the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with CTY 8 and for a dwelling on a farm with CTY 10. The agent has not indicated which policy they wanted the proposal assessed against, however it was considered that CTY 8 and CTY 10 were the only two which would be likely at this site and as such, both policies were considered at our group discussions.

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.

The concern with this proposal is that it would add to a ribbon of development. There is a line of three dwellings to the south of the site, however to the north there is a small gap and beyond that there is a single dwelling which is set back quite a substantial distance from the roadside, and it is not considered that this dwelling presents a frontage to the road. Therefore, taking into consideration what is on the ground at present, I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal does not meet this policy requirement. I am content that the gap outlined in red would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this road if the remainder of the infill policy were to be met.

In relation to CTY 10, the agent was asked if there was a possible farming case we could explore. He provided supporting information noting that the applicant owns 10 acres of adjoining land. He adds that the applicant cuts and trims all boundary hedges, cleans out and clears all drains and cuts the grass at least twice a year for silage etc. Letters from three neighbours were provided as supporting information which state that the applicant helps out with the above-mentioned works. The applicant does not have any invoices or receipts to further validate the above claims, which is generally what we would require and ask for to confirm that the business is active and established if they do not have a Business ID number.

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. There are concerns that the proposal would be contrary to some of the policy criterion held within these policies in that it would add to a ribbon of development and in the case that the proposal is assessed against CTY 10, it would not be sited to

visually link with existing farm buildings. If approval were to be granted, I would note that single storey as noted in the description would be suitable for this site, given it is the predominant house type along this section of Reaskmore Road.

Health and Safety Executive were consulted on the proposal also, given it is within the vicinity of a major hazard pipeline. They have noted that they have liaised with Mutual Energy who own and operate the pipeline in the area and they have advised that the proposed development does not encroach onto their pipeline thus they would not advise against. However, they do add that the Council should consult with Mutual Energy directly. They added that the proposal is outside of the easement area of their pipeline and causes no change to population density. Therefore, they would have no objections. They note that they would wish to engage with the developer prior to construction to get a more complete picture, and to ensure that installation of utilities to the property pose no risk to the pipeline.

The applicant has noted that they intend to create a new access onto Reaskmore Road. DfI Roads were consulted and raised no concerns with the proposal subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Reaskmore Road.

Reason 2

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

Reason 3

The proposal is contrary to Policies CTY10 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside as not enough evidence has been provided to demonstrate that the farm business is active and established and the proposed development is not sited to visually link with existing buildings on the farm.

Case Officer: Sarah Duggan

Date: 19 January 2023

ANNEX	
Date Valid	16 February 2022
Date First Advertised	3 March 2022
Date Last Advertised	1 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 64 Reaskmore Road Dungannon Tyrone BT70 1QF	
Date of Last Neighbour Notification	4 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Health & Safety Executive For NI-Substantive: TBC	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0670/F Recommendation: Approve	Target Date: 7 September 2022
Proposal: Proposed dwelling and garage on a farm	Location: 151M N Of 36 Keady Road Swatragh BT46 5SA
Applicant Name and Address: Declan McNicholl 23 Glen Gardens, Maghera, BT46 5GN	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh, Coleraine, BT51 5AB
Summary of Issues: <p>This application was presented as a refusal to Members at March 2023 Planning Committee. It was considered that the proposal was contrary to Policies CTY 1, CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling was not visually linked or sited to cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer. The application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new consultations were issued to inform this deferred consideration</p>	
Description of Proposal <p>This is a full planning application for a proposed dwelling and garage on a farm. Since the application was last before Members the applicant has re-sited the dwelling further to the NW of the site, moving it further down an existing slope.</p>	

lands farmed by the McNicholl family in excess of 100 years. He has also provided receipts covering the years 2017 - 2023 which demonstrate that he keeps his land in good agricultural condition. Furthermore, he has provided 2 x conacre agreements which show he leases out his land to Mr Boyd and has done since 2014. It is my opinion that the applicant has now demonstrated that he has an active and established farm business for the purposes of CTY 10.

There have been no third party objections to this application and I have no concerns with the proposal in terms of design and integration. New landscaping has been proposed and will be a condition of approval.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access including visibility splays 2.4 x 70 metres and a 70 metre forward sight distance, shall be provided in accordance with Drawing No. 01 uploaded on Public Access on 6th October 2022, and Drawing No. 02 Rev 3, uploaded on Public Access on 15th September 2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

All landscaping shall be provided in accordance with Drawing No. 02 Rev 3, uploaded on Public Access on 15th September 2023, prior to the occupation of the dwelling hereby approved

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

Condition 4

The existing hedgerow and vegetation along the Northern, Southern and Western boundaries of the site, as indicated on drawing 02 Rev 3, upoaded on Public Access on the 15th September 2023, shall be permanently retained, except where its removal is required for the provision of sight splays.

Reason: To ensure the integration of the dwelling on this site.

Signature(s):Karla McKinless

Date: 19 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.13
Application ID: LA09/2022/0670/F	Target Date: 7 September 2022
Proposal: Proposed dwelling and garage on a farm	Location: 151M N Of 36 Keady Road Swatragh BT46 5SA
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Declan McNicholl 23 Glen Gardens, Maghera, BT46 5GN	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh, Coleraine, BT51 5AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-0670-F.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

Representations:

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

Summary of Issues

The proposal is contrary to Policy CTY 1, CTY 10 & CTY 13 of Planning Policy Statement 21. The proposed site does not visually link with or cluster with an established group of buildings on the farm.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The red line of the application site includes the roadside portion of a larger agricultural field which extends further south east. The site rises in a south eastern direction from the road and then levels out. The site is bound on three sides with existing trees and hedges with the south eastern boundary currently undefined. There is an existing, single agricultural shed located adjacent to the site accessed via an existing farm gate and rough laneway that runs along the northern boundary. The surrounding area is mainly agricultural land with single dwellings located throughout.

Representations

No third party representations have been received.

Description of Proposal

This is a full planning application for a proposed dwelling and garage on a farm.

Site History

LA09/2020/1260/F- Erection of proposed agricultural buildings. 193M North Of 36 Keady Road, Swatragh. Permission Granted 23rd March 2021.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

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

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

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

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

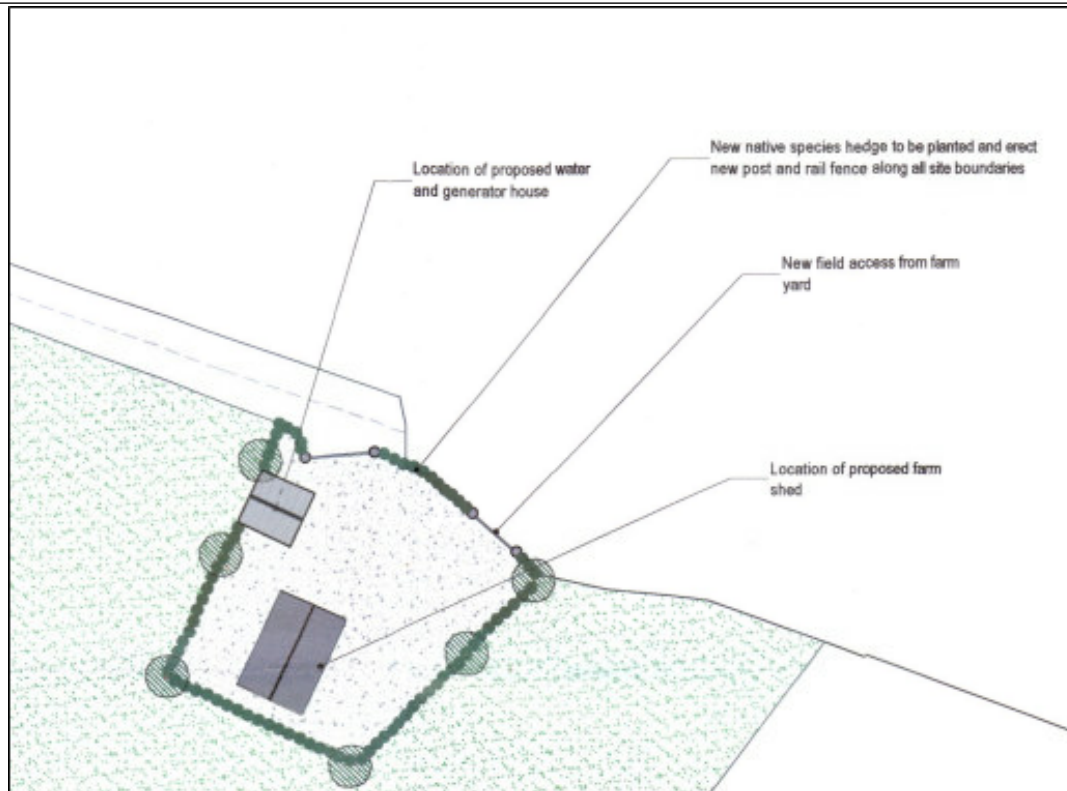
(a) the farm business is currently active and has been established for at least 6 years;
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008;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

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

The applicant is using a third party farmers business ID and the P1c form has been signed by both the applicant and owner of the farm business. DAERA were consulted and confirmed the farm business has been active and established for more than 6 years, therefore I am content that criteria A has been met.

Following a search on the planning system I am content that 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.

With regards criteria C which states that the new building is visually linked or sited to cluster with an established group of buildings on the farm. On the initial site inspection there was no farm building erected on or adjacent to the site as identified by the agent however, the agent then advised the shed was in place as per the approval of LA09/2020/1260/F. Below is a snippet from the approved drawing which shows two buildings were approved. However, at the latest site visit only one building was in place, the approved water and generator house had not been erected.



From this, there is only one farm building and not an established group of buildings on the farm at this location where a dwelling would visually link or cluster with and as such, the proposal fails to fully comply with this policy criteria C. I am content however that the access is taken off the existing laneway approved under application LA09/2020/1260/F.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the proposed dwelling is of high quality design and although the site is elevated above the road level the ridge height of 7m from finished floor level and the retention of existing roadside boundaries would ensure it is not a prominent feature in the landscape. I am content that ancillary works integrate into the landscape and the dwelling will blend with the landform and slopes. However, criteria (g) of CTY 13 requires it to visually link with or be sited to cluster with an established group of buildings on the farm and for this reason it fails to comply with CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content a dwelling at this location would not result in a detrimental change to or erode the rural character of the area or be a prominent feature in the landscape.

PPS 3 - Access, Movement and Parking;

The proposal is to create a new access. DfI Roads advised that they have no objection to the proposed development subject to conditions.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 and CTY 13 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.

Signature(s): Ciaran Devlin

Date: 21 February 2023

ANNEX	
Date Valid	25 May 2022
Date First Advertised	
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2020/1260/F Type: F Status: PG</p> <p>Ref: LA09/2017/0306/RM Type: RM Status: PG</p> <p>Ref: LA09/2016/1169/O Type: O Status: PG</p> <p>Ref: LA09/2022/0670/F Type: F Status: PCO</p>	
Summary of Consultee Responses	
<p>DAERA - Coleraine-Consultee Response - LA09-2022-0670-F.DOCX DFI Roads - Enniskillen Office-Full & RM Resp.docx</p>	

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1413/O Recommendation: Approve	Target Date: 5 January 2023
Proposal: Site for a Dwelling and Garage on a Farm	Location: 90M North Of 2A Brackaghreilly Road, Maghera.
Applicant Name and Address: Mr Tomas Convery 2 Brackareilly Road Maghera BT46 5LE	Agent Name and Address: Mr Aidan O' Hagan 5 Drumderg Road Draperstown, BT45 7EU
Summary of Issues: <p>This application was presented as a refusal to Members at February 2023 Planning Committee. It was considered that the proposal was contrary to Policies CTY 1, CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it had not been demonstrated that the farm business was active and established. It was also considered that the proposed dwelling was not visually linked or sited to cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer. The application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new consultations were issued to inform this deferred consideration.</p>	
Description of Proposal <p>This is an outline application for a proposed site for a dwelling and garage on a farm.</p>	

Deferred Consideration:

The proposal was considered contrary to Policies CTY1, CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years nor is the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm.

In order to fully consider this complex farm case I am going set out all the evidence submitted by the applicant.

The applicant is Tomas Convery who resides with his father, Thomas Convery at number 2 Brackaghreilly Road, Maghera. At number 2, there is a dwelling and domestic garage. There are no agricultural buildings. Thomas Convery has provided his farm business ID in order for his son to obtain a farm dwelling. DAERA have confirmed that this business number associated with 2 Brackaghreilly Road, was only allocated on the 15th Sept 2020. Claims of the land have only been made since 2022. These facts alone do not make a case for an active and established farm business for the required 6 years under Policy CTY 10 of PPS 21.

Since the application was deferred for an office meeting at Feb 2023 Planning Committee, the applicant has presented additional information to make a case that the farm business is active and established for the required time. This includes conacre agreements signed by Kevin Convery, who has taken Thomas Converys land from 2015 to 2020. Signed documents by agricultural contractors who confirm that Thomas Convery has paid them to cut hedges, plough, re-seed, fertilise, drain and fence for him since 2015. A solicitor has also provided a letter setting out the history of the Convery farm in this particular area (Folio 675). This land has been in the Convery family back as far as 1895. A portion of Folio 675 was transferred to Thomas Convery on the 19th August 2019. Based on this additional information it is not unreasonable to accept that the Convery Farm Business has been established in excess of 6 years, despite Thomas only registering for a Farm Business ID in Sept 2020. The conacre agreement and evidence of the land being kept in good agricultural condition are evidence that the farm is currently active. I am therefore satisfied that the first test of policy CTY 10 is now met.

The second area of contention is the siting of the proposed dwelling and the fact that it fails to visually link or site to cluster with an established group of buildings on the farm. The applicant has confirmed that there is only a dwelling and garage at the registered farm address. There is a container and sheep pen at the application site but these are not considered an established group of buildings on the farm. The applicant has advised that they do not control any of the lands adjacent to number 2 Brackaghreilly Road. I have carried out a land registration check and it confirms that the lands to the N, NW and W are indeed in third party ownership however it is notes that Folio 675, which takes in a small triangular portion of land directly opposite number 2 Brackaghreilly Road is in the Convery Family Ownership. Having carried out a site visit it is my opinion that the parcel of land referred to would be too restrictive to accommodate a dwelling. It also lacks any integration qualities. This however does not meet the exceptions test stated in CTY 10 for siting away from buildings on the farm.

The application site is approximately 300m to the East of the applicants dwelling. I can confirm that the site benefits from mature boundaries and would easily integrate a dwelling. I would therefore recommend that Members consider the proposed site as an exception to Policy CTY

10. Whilst it will not cluster or visually link to the only 2 buildings on the holding, there are no acceptable sites adjacent which can be utilised in terms of ownership or size.

There have been no third party objections to the proposal

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 Form available to view on Public Access.

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

Condition 4

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition 5

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and

size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

Condition 6

No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

Condition 7

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

Reason: In the interest of visual amenity.

Condition 8

No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the plans approved under Reserved Matters.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

Signature(s):Karla McKinless

Date: 19 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.23
Application ID: LA09/2022/1413/O	Target Date: 5 January 2023
Proposal: SITE OF DWELLING AND GARAGE ON A FARM.	Location: 90M North Of 2A Brackaghreilly Road, Maghera.
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr TOMAS CONVERY 2 BRACKAGHREILLY ROAD MAGHERA BT46 5LE	Agent Name and Address: Mr AIDAN O' HAGAN 5 DRUMDERG ROAD DRAPERSTOWN, BT45 7EU
Executive Summary: To Committee - Refusal - Contrary to CTY 1, 10 and CTY 13 of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	P1 Form not up loaded to the Portal.
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-1413-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1, 10 and CTY 13 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 3.6km west of the development limits of Maghera, as such the site is located within the open countryside outside any designations as per the Magherafelt Area Plan 2015. The site is identified as 90M North Of 2A Brackaghreilly Road, Maghera in which the red line covers a portion of a much larger agricultural field. I note that the field is bounded by mature trees on all boundaries, in which the site is accessed via an existing shared laneway off the public road. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

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

Description of Proposal

This is an outline application for a proposed site for a dwelling and garage on a farm, the site is located 90M North Of 2A Brackaghreilly Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 – General Principles

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

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

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on the Farm

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a

dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

(a) the farm business is currently active and has been established for at least 6 years;
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the farm business was only allocated in 2020 and that claims only have been made in 2022. I note that with the application that a number of signed letters were submitted, a series of them state a number of works completed inclusive of fencing, adding slurry, re-seeding and hedge cutting. In addition, one states that he claimed the lands from the applicant between 2015-2020. Whilst I acknowledge the additional information, it has been discussed with my Senior Planner that the application has still failed to demonstrate as an active and established business as per required by policy.

With respect to (b), I note that no farm maps were submitted with this application, however the agent submitted a map to confirm the lands in connection with the farm business. From review of this map, I can confirm that there does not appear to be any approvals under this policy nor has any other development opportunities sold off in the last ten years.

With respect to (c), I first note that the registered address of the farm business sits approximately 300m south west of the site with the agent confirming that the applicant does not own lands immediately around the only buildings on the farm i.e. the farm house. He chose this site given the existing landscaping around the site. I note that the applicant owns the adjacent field to the site that sits between the site and the farm house. Whilst I acknowledge the rationale for the siting I hold the view that the dwelling should be sited in the field adjacent to the site as this would be closest location to the buildings on the farm as any dwelling would still be able to integrate with the chance of minimal visual linkage. From this I hold the view that this application fails under CTY 10 of PPS 21.

Upon review of the remainder of the policies of CTY 1 I hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

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

appear as visually prominent in the landscape. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6.5m. As noted the site is not located to cluster or visually link with an established group of buildings on the farm. Given such I hold the view that the application does not fully comply under 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 such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. I note that dwelling is unlikely to result in adverse impact on the rural character of the area. I am content that this is able to comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1,10 and 13 of PPS 13 as such a refusal is recommended.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years nor is the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

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.

Signature(s): Peter Henry

Date: 19 January 2023

ANNEX	
Date Valid	22 September 2022
Date First Advertised	4 October 2022
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 2 Brackaghreilly Road Maghera Londonderry BT46 5LE The Owner / Occupier 2A Brackaghreilly Road Maghera Londonderry BT46 5LE	
Date of Last Neighbour Notification	31 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-P1 Form not up loaded to the Portal. DAERA - Coleraine-Consultee Response - LA09-2022-1413-O.DOCX DFI Roads - Enniskillen Office-Outline resp.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01/TC/14/22 Site Layout or Block Plan Plan Ref: 02/TC/14/22	
Notification to Department (if relevant) Not Applicable	

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1743/O Recommendation: Approve	Target Date: 3 April 2023
Proposal: Proposed dwelling and garage	Location: Approx 30M West of 5 Carrydarragh Road Moneymore
Applicant Name and Address: Mr Randall Crooks 8 McKinney park Cookstown BT80 9RD	Agent Name and Address: No Agent
Summary of Issues: <p>This application was presented as a refusal to Members at June 2023 Planning Committee. It was considered that the proposal is contrary to Policies CTY 1, CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial and built up road frontage and the erection of a dwelling on this site would create a ribbon of development and therefore harm the rural character of the area. The proposal was also considered contrary to Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within in SLNCI and it has not been adequately demonstrated that the development will not adversely affect the nature conservation interests of the area by way of submission of a biodiversity checklist. Members agreed to defer the application for an office meeting with Dr Boomer. Following this office meeting, a follow up site inspection and submission of additional information the application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>Consultation has been issued to NIEA (NED) to help inform this re-consideration.</p>	

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approximately 30m west of No. 5 Carrydarragh Road, Moneymore.

Deferred Consideration:

This outline application was applied for under Policy CTY 8 of PPS 21. The applicant made a case that the site represented a "gap site" within a substantial and built up road frontage. The initial case officer assessment determined that there was not a substantial and built up road frontage. Following my site inspection I am of the opinion the site does not have a typical road frontage with the Carrydarragh Road. Nor does the adjacent dwelling at number 5. This is somewhat dictated by the presence of the Ballymully River which effectively prevents the site from fronting directly onto the road. There is also reliance on the adjacent 3rd party outbuildings which I can confirm do front directly onto the Carrydarragh Road. Whilst this is not the perfect example of a built up road frontage, it is my opinion that only for the River, the site would meet the policy test.

In addition to considering this application under CTY 8 of PPS 21, I have also looked at it in terms of a dwelling in an existing cluster under CTY 2A of PPS21. I would accept that there is a cluster of development at this immediate location which takes in 3 dwellings and ancillary outbuildings. It has its own visual entity in the local landscape. It is located at a T Junction, not a cross road. The Ballymully River which flows along the Southern site boundary could be considered as a focal point in this locality. The site is well enclosed and has development on 2 sides - the dwelling to the West and the yard and outbuildings to the West. A dwelling in this location could be considered as a consolidation of this small cluster and it will not affect any adjacent residential amenity. The closest third party dwelling is located over the River at the opposite side of the road. The ancillary outbuildings and yard are not residential in nature and will not be negatively impacted upon if a dwelling were to be sited in this location.

The applicant has also submitted a personal and domestic circumstances case for siting a dwelling in this location. I do not contest that the occupant of number 5 Carrydarragh has medically verified conditions however the site specific and genuine hardship tests under Policy CTY 6 have not been satisfactorily met.

In terms of the principle of a dwelling at this location it is my opinion that the site is fully compliant with Policy CTY2A - Dwelling in an existing cluster.

The initial assessment also raised concern about the impact of a dwelling on the adjacent River which is a designated SLNCI. The applicant has since submitted a Preliminary Ecological Appraisal which I have consulted NIEA (Natural Environment Division) with. They are satisfied that the proposal will have no impact on designated sites and other natural heritage interests subject to no works occurring within a protection zone. This can be dealt with by planning condition. Informal consultation with Shared Environment Service has concluded that any hydrological link from the site to Lough Neagh and Lough Beg SPA/RAMSAR is of such a distance that there will be no conceivable effects.

Due to the proximity of the site to the adjacent River there is evidence that part of the site lies within the 1 in 100 year flood plain. I would recommend a siting condition be attached so that the dwelling is sited outside this area. This will ensure compliance with PPS 15 - Planning and Flood Risk.

Since this application was first before Planning Committee an objection has been received from the occupant of numbers 6 Carrydarragh Road (the owner of the adjacent yard and dwelling). He has raised concern about the impact on his privacy, impact on heritage and the River, an unsafe access, inadequate sewers and loss of vegetation. There will be adequate separation distance between the site and the residential property so that privacy will not be negatively impacted upon. Consultation with NIEA and the imposition of a condition will ensure that there are no negative impacts on the River and Natural Heritage. DFI Roads have been consulted and have no objections in terms of Road Safety. Existing vegetation will be condition to be retained. The P1 form indicates that the proposal will be served by a septic tank and there will be no mains connection in this rural location. The onus will be on the applicant to ensure he has the appropriate consents in relation to this. It is my opinion that the issues raised by the objector have been fully considered and do not merit the refusal of the application.

It is recommended that Members approve this application subject to the conditions listed below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 Form available to view on Public Access.

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

the convenience of road users.

Condition 4

The development hereby permitted shall not be occupied until any retaining wall or culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that any structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Condition 5

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition 6

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

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

Condition 7

No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

Condition 8

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

Reason: In the interest of visual amenity.

Condition 9

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

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

Condition10

No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the plans approved under Reserved Matters.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

Condition11

Plans at Reserved Matters stage shall show no works occurring within the protection zone as detailed on the Concept Plan 02 rev 1 uploaded on Public Access on 13th November 2023.

Reason: To protect natural heritage interests

Condition12

The dwelling hereby approved shall be sited in the location as detailed on the Concept Plan 02 rev 1 uploaded on Public Access on 13th November 2023.

Reason: To avoid development in the Flood Plain

Signature(s):Karla McKinless

Date: 20 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.36
Application ID: LA09/2022/1743/O	Target Date: 3 April 2023
Proposal: Proposed dwelling and garage	Location: Approx 30M West of 5 Carrydarragh Road Moneymore
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Randall Crooks 8 McKinney park Cookstown BT80 9RD	Agent Name and Address: No Agent
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 8 - Ribbon Development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRS1 Form a (1).doc
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Rivers Agency	161902 - Final response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located at lands approximately 30m west of No. 5 Carrydarragh Road and falls within the open countryside. The front (south-western) boundary of the site runs parallel to Ballymully River and is defined by scattered trees and vegetation which extend along the northern and western boundary. The eastern boundary is currently undefined,

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

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approximately 30m west of No. 5 Carrydarragh Road, Moneymore.

Representations

One neighbour notification letter was issued in relation to this application however, no objections have been received to date.

Consultations

- DfI Roads were consulted and have no objection to the proposal subject to the inclusion of conditions.
- Historic Environment Division (Historic Monuments) were consulted due to the proximity to a megalithic tomb approximately 90m north-east of the application site. They are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- Rivers Agency were consulted and responded highlighting that the site lies partially within the 1 in 100 year fluvial flood plain. They have advised that development is only suitable to that part of the site which is found to be outside the determined flood plain.
- SES were consulted informally and have advised that no formal consultation was required based on the location, type and nature of the proposal.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the open countryside, approximately 0.7km west of the settlement limits of Moneymore as defined in the Magherafelt Area Plan 2015. The site falls within a site of local nature conservation importance (designation COU03/44). Policy CON 3 Sites of Local Nature Conservation Importance has been considered and it is concluded that the proposal would have limited impact on the designation.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

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

The application is seeking an infill site between No. 5 Carrydarragh Road to the east and the shed buildings to the west of the application site. In my opinion, the development mentioned does not constitute the definition of a substantially built-up frontage. No. 5 Carrydarragh Road is set back from the roadside and therefore does not have road frontage, and the additional development to the west is separated from the application site by a river. The proposal therefore fails to meet infill policy.



CTY 13 – Integration and Design of Buildings in the Countryside

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

A new building will be unacceptable where;

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

It is considered that a dwelling could be accommodated on the proposed site provided it is of a size and scale comparable to the dwellings in the vicinity. Furthermore, as the site is screened along the front (south-western) boundary, I am content that the site has the capacity to absorb a dwelling of suitable size and scale.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

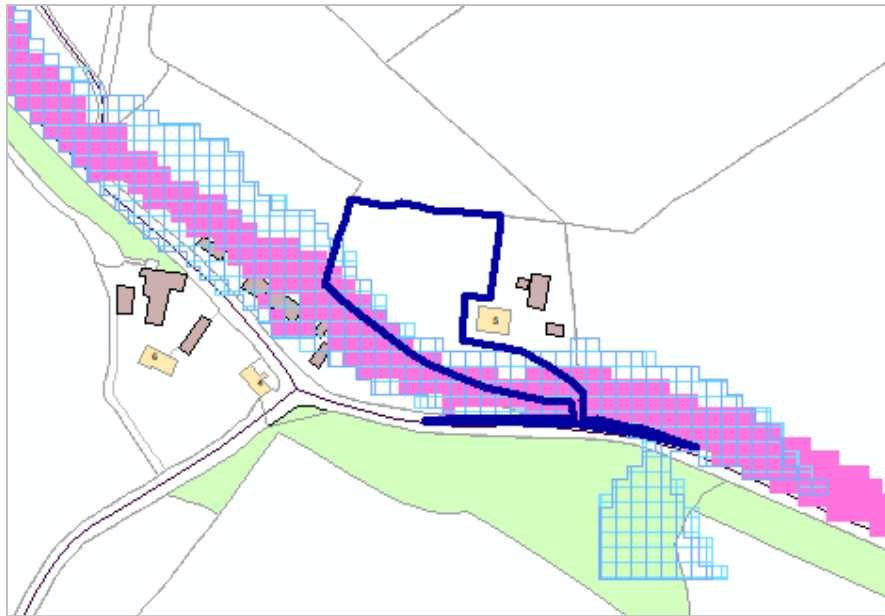
- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*

*(d) It creates or adds to a ribbon of development (see Policy CTY 8); or
(e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

It is considered that the site, if approved, would add to a ribbon of development and result in a suburban style build-up when viewed with the existing dwellings.

Planning Policy Statement 15 – Planning and Flood Risk

DfI Rivers have provided comment on this application stating that the site lies partially within the 1 in 100 fluvial flood plain. I note that a dwelling could be accommodated within the northern portion of this site.



Planning Policy Statement 2 – Natural Heritage

Policy NH 4 – Sites of Nature Conservation Importance – Local has been considered and the proposal is not considered likely to have a significant adverse impact on the area.

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

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

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was

launched on 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 of May 2021, the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination. In light of this, the Draft Plan Strategy does not yet carry determining weight.

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21 - Development in the Countryside in that the proposed site does not represent a substantial and built-up frontage and would, if permitted, result in ribbon development along the Carrydarragh Road.

Reason 3

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

Reason 4

The proposal is contrary to Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within in SLNCI and it has not been adequately demonstrated that the development will not adversely affect the nature conservation interests of the area by way of submission of a biodiversity checklist.

Signature(s): Zoe Douglas

Date: 23 May 2023

ANNEX	
Date Valid	19 December 2022
Date First Advertised	10 January 2023
Date Last Advertised	10 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 5 Carrydarragh Road Moneymore Magherafelt BT45 7YX	
Date of Last Neighbour Notification	5 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2002/0612/O Proposals: Site of Dwelling & Garage Decision: PG Decision Date: 29-MAY-03</p> <p>Ref: LA09/2022/1743/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: I/1999/4003 Proposals: Agricultural Store Decision: PDNOAP Decision Date:</p> <p>Ref: H/2003/0941/RM Proposals: Dwelling and garage. Decision: PG Decision Date: 26-NOV-03</p>	

Summary of Consultee Responses

Historic Environment Division (HED)-
Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DC Checklist.docRS1 Form a (1).doc
Historic Environment Division (HED)-
Rivers Agency-161902 - Final response.pdf
DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1777/O	Target Date: 7 April 2023
Proposal: 2 storey dwelling with detached garage on a farm under policy CTY10	Location: Adjacent to and South of No.14 Tullylinton Road Dungannon BT70 2AS
Applicant Name and Address: Mr R Hopper 9 Elm Lane Bush Dungannon BT71 6FT	Agent Name and Address: Mr Barry Maguire 39 Carland Road Dungannon BT71 4AA
Summary of Issues: This application is for a dwelling in the countryside and has been assessed against the policies for a dwelling on a farm. The applicant does not have a farm business id issued by DAERA but has shown details of the farming that is carried out. The farmers nephew lives in the house next door to the proposed site and has advised he works on the farm so is involved in farming on the holding.	
Summary of Consultee Responses: DFI Roads - recommend approval with sight lines of 2.4m x 60.0m DAERA – Category 1 farm business allocated 25/07/2005, has bot submitted claims and land claimed by another farm business in 2022.	
Characteristics of the Site and Area: The site is located within the rural area approximately 1.3km north-west of Ballygawley along the Tullylinton Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.19ha parcel of land, located to the south of an existing farm grouping consisting of a derelict dwelling and associated farm sheds. The site is roughly square shaped, with the southern boundary of the site undefined as it is cut out of the larger agricultural field. The western boundary is	

defined by mature hedging, as is the eastern (roadside) boundary with mature trees also along this boundary. The northern boundary of the site is defined by an existing agricultural building. The site rises from south to north and from east to west. There is little recent development pressure in the area, with existing development taking the form of mostly single storey dwellings with associated outhouses..

Description of Proposal

Proposed 2 storey dwelling with detached garage on a farm under policy CTY10

Deferred Consideration:

This application was at the Planning Committee in June 2023 where it was deferred to allow the submission of additional information to demonstrate the farm is currently active.

From the previous report members will be aware DAERA have advised the applicant has a category 1 farm business which was allocated in July 2005, there are no sites or other building opportunities sold off the land and the site is beside a group of buildings on the farm. The only issue of contention relates to the farm being currently active. Members will be aware that agricultural activity has a wide definition in CTY10, it can include maintaining the land in good agricultural and environmental condition. In this case the applicant does not live close to the site or lands and has leased these out to a neighbouring farmer. The applicant has advised the terms of the agreement with the farmer who leases the land includes the cutting of hedges and maintaining fences and this has been on-going for a considerable period of time. At a recent inspection I noted there are prints consistent with animals having been on the land, there is a new gate post into the field opposite the agricultural buildings and the hedges are faced. I consider this demonstrates the land is being used for agricultural activities and is maintained in good agricultural condition. The applicant has provided water bills for the property at 14 Tullylinton Road. I am aware that domestic properties do not currently have water bills and the property there is not occupied. I consider it reasonable to conclude these bill relates to the provision of water in the drinkers that I noted in the fields opposite the buildings. This demonstrates the applicant has some investment, albeit limited, in the land to ensure farming activities are on-going on the lands. In light of this information I am of the opinion that agricultural activity is on-going on the holding and as such the farm is currently active.

This proposal is for a 2 storey dwelling which will group with existing buildings on the farm. I consider it necessary to ensure the existing vegetation to the road side is maintained to ensure a 2 storey dwelling here is not a prominent feature in the landscape. In my opinion the existing mature trees will provide that screening and a sense of enclosure to successfully integrate a 2 story dwelling here and a condition to ensure these are retained is necessary.

As I have concluded the proposal meets with the policy for a dwelling on a farm, this application is recommended for approval.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60.0m in both directions, a 60.0m forward sight line and any other details set out in the DFI Roads response received on 8 February 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and long term maintenance. The scheme shall also provide details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. For the avoidance of doubt, the new access shall be designed to ensure the minimum amount of removal of mature vegetation along the roadside. 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.38
Application ID: LA09/2022/1777/O	Target Date: 7 April 2023
Proposal: 2 storey dwelling with detached garage on a farm under policy CTY10	Location: Adjacent to and South of No.14 Tullylinton Road Dungannon BT70 2AS
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr R Hopper 9 Elm Lane Bush Dungannon BT71 6FT	Agent Name and Address: Mr Barry Maguire 39 Carland Road Dungannon BT71 4AA
Executive Summary: I recommend refusal to Committee as the proposal is contrary to CTY 1 and CTY 10 of PPS 21 as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1777-O.docx

Representations:

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

Summary of Issues

I recommend refusal to Committee as the proposal is contrary to CTY 1 and CTY 10 of PPS 21 as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.

Characteristics of the Site and Area

The site is located within the rural area approximately 1.3km north-west of Ballygawley along the Tullylinton Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.19ha parcel of land, located to the south of an existing farm grouping consisting of a derelict dwelling and associated farm sheds. The site is roughly square shaped, with the southern boundary of the site undefined as it is cut out of the larger agricultural field. The western boundary is defined by mature hedging, as is the eastern (roadside) boundary with mature trees also along this boundary. The northern boundary of the site is defined by an existing agricultural building. The site rises from south to north and from east to west. There is little recent development pressure in the area, with existing development taking the form of mostly single storey dwellings with associated outhouses.

Description of Proposal

Proposed 2 storey dwelling with detached garage on a farm under policy CTY10

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant history

There are no relevant histories to consider.

Representations

One (1) neighbouring property was identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. The neighbour notification letter that was sent out to No. 14 Tullylinton road has been returned as the dwelling is derelict at present, as noted at the time of site inspection. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies.

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 a new access onto Tullylinton Road. DFI Roads have been consulted and have no objections subject to a plan at 1:500 scale to be submitted as part of the reserved matters application, showing sightlines of 2.4m x 60m and a forward sight distance of 60m in both directions as per the RS1 form.

Planning Policy Statement 21 - Sustainable Development in the Countryside

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

CTY 10 of PPS21 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
DAERA have been consulted and have advised that the Farm Business ID provided has been in existence for the required 6 year period. They have also informed us that the proposed site is located on land that is not under the control of the farm business identified on the application form, the land was claimed by another farm business in 2022.

The agent was requested on 7th March 2023 to provide evidence for us to determine that the farm business is currently actively farming. Utility bills have been provided that show payment to NI Water twice yearly for the supply of fresh water to the fields throughout the farm. These bills date back to 13th March 2018 (for the billing period 1st October 2017 – 31st March 2018) which falls short of the required 6 years. In addition, they are addressed to a different name and address than that of the applicant. As the evidence provided does not show active farming by the applicant over the requisite timeframe I am not satisfied that the farm business is currently active and established for at least 6 years and criterion (a) of the policy has not been met.

(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

I have carried out a planning history search of the applicants holding and I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off within the past ten years.

(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.

The proposed site is located adjacent to and to the south of an existing established farm grouping, and therefore clusters with it. A new building on this site will visually link with the existing farm grouping when travelling along the public road.

CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character

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. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. When travelling north along the public roads views are limited until upon the site given the curvature of the road and the existing roadside boundary. A two storey dwelling here as proposed will read with the existing farm buildings. When travelling south there are no critical views again until upon the site due to the existing farm grouping. Even if some of the roadside vegetation is removed to facilitate sightlines there will not be any critical views. A new dwelling here will not be a prominent feature in this landscape and will be in keeping with the existing character of the area. I am satisfied the proposal meets policy CTY 13. Existing and proposed levels will have to be

provided with any approval, along with a comprehensive landscaping plan, including details of what vegetation will have to be removed, what is to be retained and what additional planting to mitigate against any removal is proposed.

CTY 14 of PPS21 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. A proposed dwelling on this site will not be unduly prominent in the landscape as it will be screened from any long term views. A dwelling here will not contribute to a localised sense of build-up and respects the tradition pattern of settlement. I have no concerns with the creation of ribboning and am content that the proposed dwelling in this location will not erode the rural character of this area. I consider the proposal complies with CTY 14.

Other Considerations

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal.

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) I have no flooding concerns.

I spoke with the agent on 19th April 2023 about the possibility of a replacement dwelling at this site given the existing derelict dwelling within the farm holding however it was not considered a viable option by his client as he does not wish to have to demolish as it would be too costly. I hold the view that the application has failed to demonstrate that there is an active and established business for the required period as such it fails under CTY 10 and I must recommend refusal.

As the proposal fails to meet CTY 10 of PPS 21 it also fails to meet CTY 1 of PPS 21 and I therefore recommend refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there is an active and established farm business for the past 6 years.

Signature(s): Deirdre Laverty

Date: 30 May 2023

ANNEX	
Date Valid	23 December 2022
Date First Advertised	12 January 2023
Date Last Advertised	12 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier RNN - 14 Tullylinton Road Dungannon BT70 2AS	
Date of Last Neighbour Notification	20 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1777/O Proposals: 2 storey dwelling with detached garage on a farm under policy CTY10 Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Outline resp.docx DAERA - Omagh-LA09-2022-1777-O.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Location Plan Plan Ref: 02 Site Location Plan Plan Ref: 03	
Notification to Department (if relevant) Not Applicable	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0405/O Recommendation: Refuse	Target Date: 19 July 2023
Proposal: Proposed farm dwelling & domestic garage	Location: Lands 170M South of 82 Bancran Road Drapersown
Applicant Name and Address: Aidan Coyle 66 Bancran road Draperstown BT45 7DA	Agent Name and Address: Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
Summary of Issues: <p>This application was presented as a refusal to Members at September 2023 Planning Committee. It was considered that the proposal was contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling was not visually linked or sited to cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer. The application is again being recommended for refusal with the justification for this recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new or additional consultations were issued to inform this deferred recommendation.</p>	
Description of Proposal <p>This is an outline application for a proposed farm dwelling and domestic garage.</p>	

Deferred Consideration:

The main area of contention with this application was the fact that the proposed dwelling was not sited beside/clustered with an established group of buildings on the farm which is a requirement of Policy CTY 10 of PPS21.

The address of the farm business is accepted as being 66 Bancran Road. This is some 350m to the NE of the application site. 66 Bancran Road is located up a short laneway which comes directly off the Bancran Road. It takes in a dwelling and 2 agricultural buildings and for the purpose of this assessment is regarded as the principle farm group. The application site, also accessed via a slightly longer laneway coming off the Bancran Road contains 1 agricultural building and a hard standing area/yard.

Policy CTY 10 of PPS 21 states that a new dwelling should be visually linked or sited to cluster with an established group of buildings on the farm. It goes on to set out exceptions which would allow an alternative site elsewhere on the farm. To be considered an exception it must be demonstrated that there are no other sites available at another group of buildings and where there are health and safety reasons or verifiable plans to expand the farm at the existing building group.

From carrying out a site inspection I can confirm that a dwelling on this site would cluster with only 1 agricultural building. This is at conflict with the policy requirement. It is also material to this consideration that this agricultural building does not benefit from planning permission. There may be a case that it has been erected in excess of 6 years. Our historical orthos show it on site from 2017, however it does not benefit from a Certificate of Lawfulness. Furthermore, the applicant has not demonstrated why a dwelling could not be sited to cluster or visually link with the farm buildings at 66 Bancran Road. Having visited this address and reviewed the farm maps supplied there is potential for a site in field 015 1/H. There are no current planning applications being considered by the Planning Department to expand the farm into this field and no health and safety reasons have been put forward for not siting beside the existing farm group.

To accept clustering a dwelling with a single agricultural building which does not have planning approval would leave the Council subject to challenge and for this reason it is my opinion that the proposal is contrary to Policy CTY 10 of PPS 21.

The proposed site, although elevated from the Glengomna road, does benefit from a good backdrop of rising land and vegetation. With some landscaping and a 5.5m ridge height condition, I would have no concerns about integration or rural character. However, it remains that the proposal is not acceptable in principle as a farm dwelling. There have been no objections to this proposal from any third party.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site does not visually link or cluster with an established group of farm buildings.

Signature(s):Karla McKinless

Date: 20 December 2023

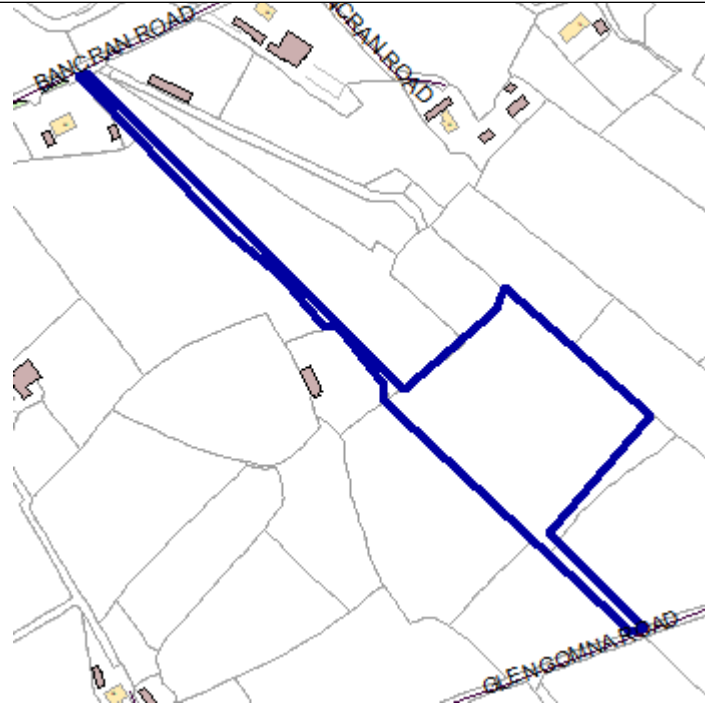


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.13
Application ID: LA09/2023/0405/O	Target Date: 19 July 2023
Proposal: Proposed farm dwelling & domestic garage	Location: Lands 170M South of 82 Bancran Road Drapersown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Aidan Coyle 66 Bancran road Draperstown BT45 7DA	Agent Name and Address: Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
Executive Summary: <p>This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. In this instance, there is only one farm building next to the site for the dwelling, but the policy stipulates that more than one established farm building is required for visual linkage / clustering.</p> <p>The application meets the requirements of policies CTY 13 , CTY 14 and CTY 16 of PPS 21.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0405-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Historic Environment Division (HED)	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately 2

miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 1.69 hectare area agricultural field sited between the Bancran and Glengomna Rd. The site for the dwelling is next to a small farm yard with a cattle shed, all of which is within the ownership of the applicant. Principle access to the site is via a 300m laneway off the Bancran Rd, though there is a second field-gate access off the Glengomana Rd. The site rises gradually from both roads and much of the red-lined site boundary for the dwelling is located on the hill brow. Principle views of the site are along the Glengomna road, though there is a degree of screening afforded to the site in the form of hedging, both along the roadside and 90 metres back from the Glengomna road, which also marks the south eastern boundary of the site. Hedging and scatterings of trees are present along the remaining boundaries. There are no immediate neighbours adjacent to the site for the dwelling. The site is located in the Sperrins AONB and the wider surrounding environment consists mostly of agricultural fields with scatterings of dwellings and farm buildings.

Description of Proposal

This is an outline application for a proposed farm dwelling and domestic garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

The site of the proposed development is located in the rural countryside approximately 2 miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site falls within the Sperrin AONB.

Relevant Histories

None

Other Constraints

There are no issues pertaining to flooding at the site.

The site falls within the Sperrins AONB. Policy NH 6 of PPS 2 applies, which is addressed in the main body of this assessment below.

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and

provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Representations

No third party representation have been received to date.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21: Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling on the farm and therefore 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.

A consultation was issued to DAERA who confirmed the farm business ID has been active and established for more than 6 years and single farm payment has been claimed in each of the last 6 years.

Following a search on the planning portal it does not appear that any development opportunities have been gotten or sold off from the farm holding within 10 years of the date of the application.

In terms of visual linkage / clustering, there is only one farm building with which a new dwelling at this site could cluster with if sited in the north western corner of the field. However, the policy asks that the new building is visually linked or sited to cluster with established group of buildings on the farm. Because there is only one farm building identified at this site, the proposed fails to meet this aspect of the policy. There is no demonstrable evidence provided from a competent authority such as the Health and Safety Executive or Environmental Health and also no evidence relating to the future expansion of the farm business (i.e. valid planning permissions, building control approvals etc) that would support a dwelling at this site as an exception. The existing laneway access to the site is via the Bancran Rd, though the applicant has indicated a second access off the Glengomna Rd. Given the existing access runs through a farm yard, it is not considered a practicable means of access for a new dwelling and therefore the new access is deemed acceptable in this instance. Given the proposed fails to visually link / cluster with an established group of farm buildings, the proposed fails to comply with Policy CTY 10.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This is an outline application and therefore such details are only received at the reserved matters stage if approval is granted at outline. It is taken that a dwelling would not be unduly prominent in this landscape if sited appropriately in the existing field. It is recommended that any dwelling at this site be single storey. There is a degree of existing landscaping that would mean that the dwelling would not rely primarily on the use of new landscaping measures for its integration. The proposed satisfies Policy CTY 13 at this outline stage.

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 provided, a dwelling at this site would not be unduly prominent if the above design and siting recommendations are provided. I am content that the site and its environs are an ideal size to encompass a new dwelling in this location. The proposed satisfies Policy CTY 14 at this outline stage.

There is ample space within this site to provide package treatment plant provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view, the proposal does not offend policy CTY 16 of PPS21.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 of PPS 2 provides guidance on proposals sited within Areas of Outstanding Natural Beauty. The policy provides that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. I am content that an appropriately sited and appropriately designed dwelling (as referenced above) could integrate sympathetically with the surrounding locality. The design of any future dwelling at the site should exhibit local architectural styles, local materials, design and colours. The proposal complies with Policy NH 6 of PPS 2 at this outline stage.

Planning Policy Statement 3 – Access, Movement and Parking

The applicant has indicated in the P1 form that the proposed access arrangements involve alteration of an existing access to a public road. DfI Roads were consulted who assessed the proposed access onto the Glengomna Road. It is advised that third party land may be required to achieve the visibility splays within the applicant's controlled lands. DfI Roads offered no objections to the proposed subject to the standard RS1 condition. The proposed complies with PPS 3 at this outline stage.

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

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Recommendation

Having considered all of the above, it is recommended that this application be refused on the basis that it does not meet the criteria for CTY 10 of PPS 21.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

settlement.

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm dwelling does not visually link or cluster with an established group of farm buildings.

Signature(s): Benjamin Porter

Date: 3 August 2023

ANNEX	
Date Valid	5 April 2023
Date First Advertised	18 April 2023
Date Last Advertised	18 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 86 Bancran Road Draperstown Londonderry BT45 7DA	
Date of Last Neighbour Notification	28 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1736/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: H/1981/0338 Proposals: BUNGALOW WITH GARAGE Decision: PG Decision Date:</p> <p>Ref: H/2006/0012/F Proposals: Extension to dwelling providing sun lounge and garage Decision: PG Decision Date: 03-JUL-06</p> <p>Ref: H/1986/0006 Proposals: HOUSE AND GARAGE Decision: PG Decision Date:</p> <p>Ref: H/1991/0158 Proposals: SITE OF DWELLING</p>	

Decision: WITHDR

Decision Date:

Ref: H/2004/0538/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 24-NOV-05

Ref: LA09/2021/1045/F

Proposals: Proposed sheep house / machinery store and domestic garage

Decision:

Decision Date:

Ref: H/2014/0124/F

Proposals: Proposed alterations and extension to dwelling to provide additional living and sleeping accommodation

Decision: PG

Decision Date: 03-JUN-14

Ref: H/1983/0342

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0405/O

Proposals: Proposed farm dwelling & domestic garage

Decision:

Decision Date:

Ref: H/1980/0435

Proposals: HV O/H LINE (BM 4297)

Decision: PG

Decision Date:

Ref: H/2004/0579/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 14-MAR-06

Ref: H/2009/0400/F

Proposals: Proposed granny flat extension & alterations

Decision: PG

Decision Date: 17-AUG-09

Ref: H/1986/0348

Proposals: DOUBLE GARAGE

Decision: PG
Decision Date:

Ref: H/1979/0191
Proposals: SITE OF REPLACEMENT BUNGALOW
Decision: PG
Decision Date:

Ref: H/1975/0111
Proposals: EXTENSION TO HOUSE
Decision: PG
Decision Date:

Ref: H/1979/0390
Proposals: SITE OF 2 BUNGALOWS
Decision: PG
Decision Date:

Ref: H/1979/0224
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW
Decision: PG
Decision Date:

Ref: H/2003/0613/O
Proposals: Site of dwelling.
Decision: PG
Decision Date: 16-JAN-04

Ref: H/1976/0072
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1978/0130
Proposals: ALTERATIONS AND ADDITIONS TO DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2023-0405-O.DOCX
DFI Roads - Enniskillen Office-Outline resp.docx
Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2023/0592/F	Target Date: 7 September 2023
Proposal: Off-site replacement dwelling and garage	Location: Adjacent and South of No 5 Legane Road Aughnacloy
Applicant Name and Address: Mr & Mrs Chris Potter 21A Legane Rd Aughnacloy BT69 6ES	Agent Name and Address: Mr Marcus Kerr 111 GILLYGOOLEY ROAD OMAGH BT78 4SU
Summary of Issues: This application is for an off site replacement dwelling, the existing dwelling is a modest bungalow clustered in a group on the side of a hill, the proposal is a large 2 storey dwelling set in the middle of a large field with considerable site works to accommodate the proposed dwelling and garage. The proposed dwelling and garage will have a significantly greater visual impact than the existing and is contrary to CTY3, CTY13 and CTY14.	
Summary of Consultee Responses: DFI Roads - no objections from road safety perspective, recommend conditions to be attached to any planning permission	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, dwellings on single plots APPLICATION NUMBER – LA09/2023/0592/F ACKN and groups of farm buildings. There is minimal development pressure in the immediate area from the construction of single dwellings. To the north and within the site is a single	

storey dwelling at No.5 Legane Road. Beside the dwelling is a group of outbuildings. The application site is a cut-out of a larger agricultural field. Along the roadside boundary is a grass verge and low hedge and along the east boundary is hedging.

Description of Proposal

This is a full application for off-site replacement dwelling and garage at adjacent and South of No 5 Legane Road, Aughnacloy.

Deferred Consideration:

This application was before the Planning Committee in September 2023 where members agreed to defer to allow the applicant to be given an opportunity to amend the scheme. The agent was written to following the meeting and there has been no further engagement from them to discuss revisions.

Members will be aware from the previous report of the concerns in relation to the proposed development and the comments from an objector. Policies CTY3, CTY13 and CTY14 advocate for development that fits in with the character of the area and integrates into the landscape without having a greater visual impact than the existing dwelling to be replaced. In this case it is quite clear the proposal will have a significantly greater impact than the existing dwelling and as such I recommend this application is recommended is refused.

Reasons for Refusal:

Reason 1

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

Reason 2

Contrary to CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the dwelling would not allow it to integrate into the landscape and the proposed dwelling and garage would have a greater visual impact than the existing dwelling, the design of the dwelling is not appropriate to the rural setting and it will not respect the existing field pattern and will result in the loss of hedgerows.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape, unable to provide a suitable degree of enclosure and would rely on new landscaping for integration, and the ancillary works do not integrate with their surroundings.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape, does not respect the traditional pattern of settlement in the area and the impact of ancillary works would damage rural character.

Signature(s)

Date:

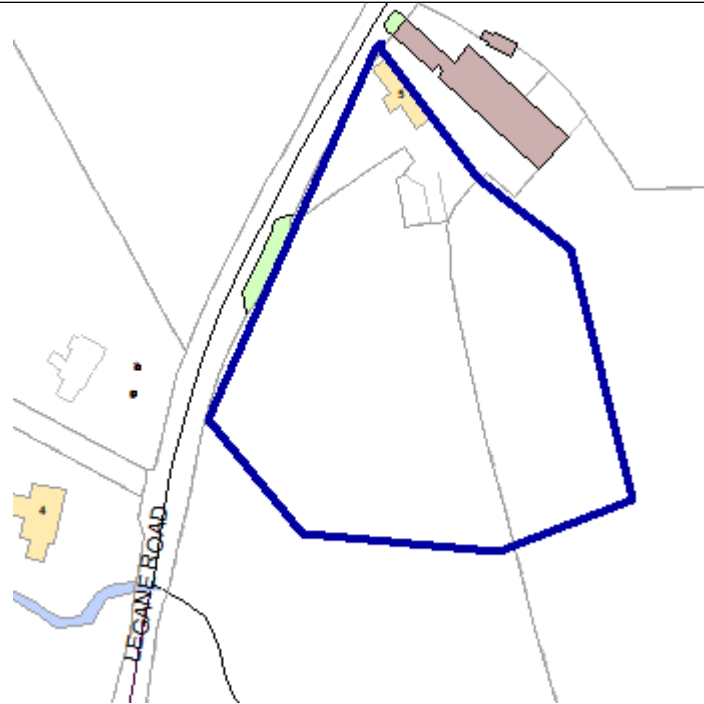


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.17
Application ID: LA09/2023/0592/F	Target Date: 7 September 2023
Proposal: Off-site replacement dwelling and garage	Location: Adjacent and South of No 5 Legane Road Aughnacloy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr & Mrs Chris Potter 21A Legane Rd Aughnacloy BT69 6ES	Agent Name and Address: Mr Marcus Kerr 111 GILLYGOOLEY ROAD OMAGH BT78 4SU
Executive Summary: <p>One third party objection has been received and raises issues about the scale and massing of the dwelling, integration, impact on the landscape, replacement dwelling criteria and loss of hedgerows.</p> <p>The following are issues with the proposal:</p> <p>CTY 3 - Greater visual impact of the proposed dwelling in relation to the existing dwelling. The scale and massing of the proposed dwelling is too large for the site and will rely on new landscaping for integration.</p> <p>CTY 13 - The proposal will be a prominent feature in the landscape, design is inappropriate for the site, and the access is unacceptable as it is a sweeping driveway with large garden area.</p> <p>CTY 14 - The proposal will be a prominent feature in the landscape, does not respect the pattern of settlement in the area and the access would damage rural character.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, dwellings on single plots

and groups of farm buildings. There is minimal development pressure in the immediate area from the construction of single dwellings. To the north and within the site is a single storey dwelling at No.5 Legane Road. Beside the dwelling is a group of outbuildings. The application site is a cut-out of a larger agricultural field. Along the roadside boundary is a grass verge and low hedge and along the east boundary is hedging.

Description of Proposal

This is a full application for off-site replacement dwelling and garage at adjacent and South of No 5 Legane Road, Aughnacloy.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received.

An objection letter was submitted on the 19th June 2023 from Mr and Mrs E Bradley who lives at No. 4 Legane Road which is 89m to the southwest corner of the application site. The following issues were raised in the objection letter.

Design of the proposed dwelling

The objector states that the dwelling is not in character with other dwellings along this road where the majority are small/medium size houses. It is stated the proposed dwelling is about 10 to 20 times larger than the existing dwelling and will have a negative impact on the area. Also, the proposed dwelling is replacing a three-bedroom cottage. In rebuttal, issues about the design of the dwelling will be considered in the assessment of CTY 3.

Loss of Hedgerows

The objector states that the proposal will result in the loss of hedgerows and wildlife and negatively impact on views within the countryside. In rebuttal, the applicant has

proposed to plant new hedging along any boundaries where they are removed.

Views in the Countryside

The objector states that the proposed dwelling will cut into the hill and negatively impact on one of the most scenic areas of the locality. I consider that private views from a dwelling within the countryside are not a material planning consideration but the overall impact on the landscape and prominence will be considered in the assessment.

Dwelling to be Replaced

The objector has raised concerns to the reasoning as to why the proposed dwelling is not sited on the footprint of the existing dwelling and there are existing outbuildings which could adequately be used for storage. The objector considers that if the existing dwelling is to be retained as storage this should be a separate application and the area will now have two buildings as opposed to one. This issue will be considered in the assessment of CTY 3.

Construction of the new dwelling

The objector states that the construction of the new dwelling will have a negative impact on this quiet country road. It is stated that with a dwelling of this size there will be an increase in the number of vehicles coming and going from the dwelling which will increase noise levels in the area. The noise from the construction of the dwelling and future number of vehicles at the site would not be a material planning consideration.

Proposed dwellings as part of a group with existing buildings at No.5 Legane Road

The objector has stated that they do not consider the proposed dwelling will be viewed as part of a group when viewed with existing farm buildings. Also, they consider it is not possible that the new dwelling will not have a greater impact than the existing building. This issue will be considered in the assessment of CTY 3.

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in

the Plan.

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a replacement dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

The building to be replaced is single storey and has a long rectangular form. The external finishes are white pebbledash walls, slate roof tiles and upvc windows and doors. The building has two chimneys that project from the ridgeline. I am content the walls of the building are substantially intact, and it has the appearance of a dwelling. I consider the building is a dwelling to be replaced.

I consider the dwelling to be replaced could be defined as a vernacular building as it meets the characteristics in Annex 2 of PPS 21. It has a long rectangular form with most of the windows on the front and back elevation of the building. The agent has stated in a supporting statement that they wish the dwelling to be retained as a storage shed for the farm. I am content the building can be conditioned to be retained and not for use as a dwelling. In the objection letter submitted the objector has queried why the existing dwelling needs to be retained for storage as there are several farm buildings within the farming grouping which could be used for storage. The policy in CTY 3 does state that the retention of the existing structure will be accepted for retention is it can be successfully incorporated into the scheme for example as a store. The adjacent group of farm buildings are within the applicant’s ownership and the existing dwelling sits within a group of these buildings. I am content the existing dwelling can be converted to a store.

The proposed dwelling will not be sited on the footprint of the dwelling to be replaced which is located on a farm and beside existing outbuildings. The proposed dwelling will be sited in the northeast corner of the adjacent field to the south. The agent stated there are slurry tanks at the farmyard beside the existing dwelling and on health and safety

grounds it is not viable to replace the dwelling on the existing footprint. Also, the existing dwelling is modest, and the existing curtilage is restricted to accommodate a family sized dwelling. The objector has raised issues as to why the proposed dwelling cannot be sited on the footprint of the existing dwelling. I accept the reasoning why the dwelling cannot be located within the existing curtilage as existing dwelling is sited beside farm buildings and could not reasonably accommodate a family sized dwelling with amenity space.

The proposed dwelling will be sited in the adjacent field where the topography rises steeply from the front of the site to the rear boundary. As shown in figure 1 below the applicant has provided a section through the site to demonstrate the proposed dwelling will cut into the slope and sit at approximately the same ground level as the adjacent dwelling and farm buildings.

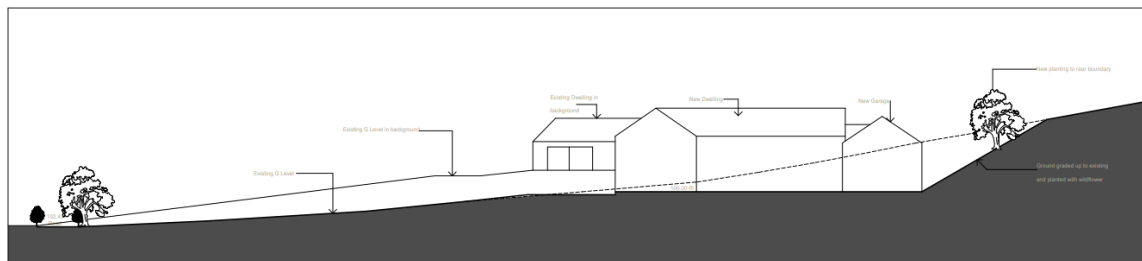


Figure 1 – Image of the section through the site.

The dwelling to be replaced is a modest single storey dwelling that clusters with a group of other buildings. The proposed dwelling as shown in figure 2 is a large two storey building with the main section to the front and a section in the middle which leads to the large garage and games room to the rear. CTY 3 states the overall size of the dwelling should integrate into the landscape and not have a greater visual impact than the existing building.



Figure 2 – Front Elevation of Proposed dwelling.

As shown in figure 2 the proposed dwelling is a large two storey dwelling with different sections to the side and rear. I consider the scale and massing of the dwelling is excessive and does not reflect a simple rural form for a dwelling in the countryside.

There is a two-storey dwelling across the road at Np.4 Legane Road but this is on flat land and is hidden in critical views with established vegetation around the site as shown in figure 3. I consider the scale and massing of the dwelling is also inappropriate for the site itself and will not integrate into the landscape. As shown in figures 4 and 5 the application site has a lack of enclosure and there is limited existing vegetation to screen the large dwelling in critical views. I consider the main prominent view is at the end of Legane Road as the large dwelling will be face on in direct views. There are long distance views of the dwelling as Rehaghy Road is a long straight road but as the agent has shown the dwelling will be cut into the slope so will be approximately the same ridge line as the existing buildings.



Figure 3 – Image of neighbouring dwelling showing other two storey dwellings in the area.



Figure 4 – Image of the application site and existing dwelling and farm buildings.



Figure 5 – Image from the junction of the Legane Road and Rehaghy Road.



Figure 6 – Long distance view along Rehaghy Road of the site.

After assessing the site, I consider the design of the proposed dwelling is not appropriate to the rural setting and is too large in scale and massing. As shown in figure 7 below to achieve the design the applicant will have to cut excessively into the slope and will involve significant cut and infill.

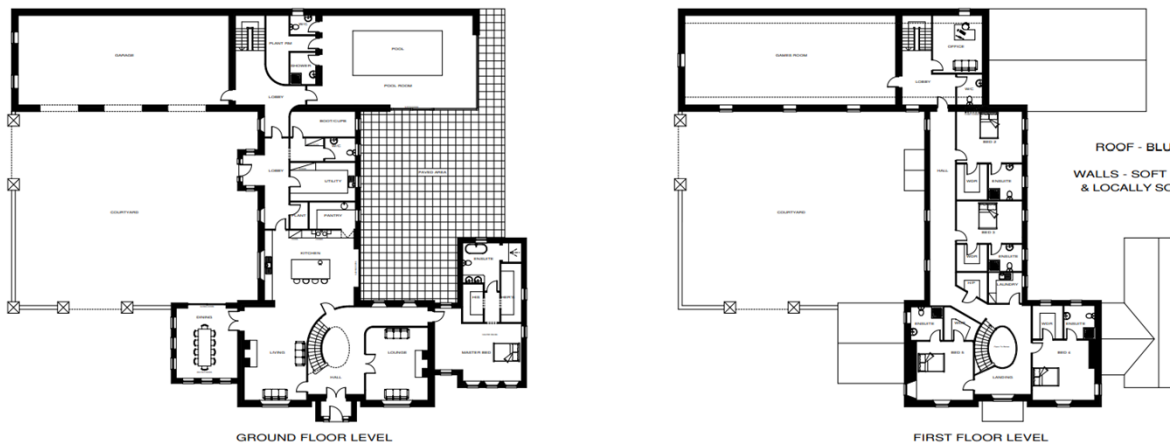


Figure 7 – Image of the proposed floor plans.

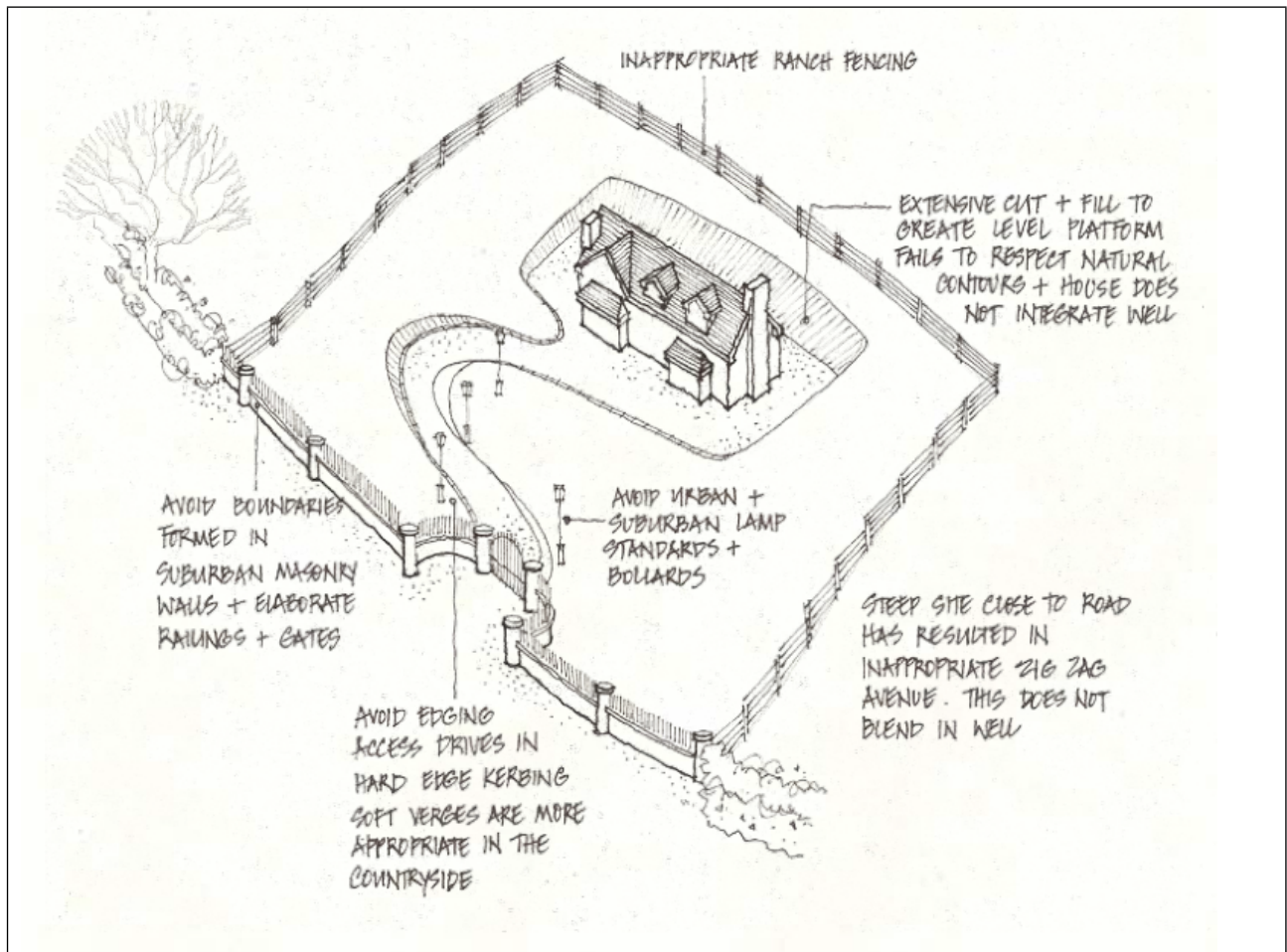


Figure 9 – Image from ‘Building on Tradition’ guidance.

Overall, I consider the proposed dwelling does not meet the criteria in CTY 3 for a replacement dwelling.

CTY 13 – Integration and Design of Buildings in the Countryside

As stated earlier in the assessment I consider the proposed dwelling will be a prominent feature in the landscape as the scale and massing of the dwelling is too large for the site. The proposal will involve extensive cutting into the hill and there is a lack of existing natural boundaries. I am of the opinion the dwelling will rely on new landscaping to integrate and I believe the access will not integrate into the landscape either. I consider the design of the dwelling is inappropriate for the site and it is replacing a modest single storey dwelling.

CTY 14 – Rural Character

I consider the proposed dwelling and access in this location will be detrimental to rural character as it will be prominent in the landscape. The proposal does not respect the traditional pattern of settlement in the area of dwellings with a simple rural form.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard.

DFI Roads had no concerns with the proposal subject to visibility splays of 2.4m x 70m in both directions and 70m forward sight distance. This would involve the removal of hedging along the roadside boundary in both directions and this was one of the only natural boundaries at the site.

Other Considerations

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not comply with all the criteria in CTY3, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

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

Reason 2

Contrary to CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the dwelling would not allow it to integrate into the landscape and the proposed dwelling and garage would have a greater visual impact than the existing dwelling, the design of the dwelling is not appropriate to the rural setting and it will not respect the existing field pattern and will result in the loss of hedgerows.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape, unable to provide a suitable degree of enclosure and would rely on new landscaping for integration, and the ancillary works do not integrate with their surroundings.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape, does not respect the traditional pattern of settlement in the area and the impact of ancillary works would damage rural character.

Signature(s): Gillian Beattie

Date: 7 August 2023

ANNEX	
Date Valid	25 May 2023
Date First Advertised	5 June 2023
Date Last Advertised	5 June 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 6 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 4 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 5 Legane Road Aughnacloy Tyrone BT69 6HD</p>	
Date of Last Neighbour Notification	1 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0592/F Proposals: Off-site replacement dwelling and garage Decision: Decision Date:</p> <p>Ref: M/2009/0731/F Proposals: Proposed two storey dwelling with central single storey flat roofed porch, rear and side projections and a double garage Decision: Decision Date:</p>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Consultation - response.docx	

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable