



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/0740/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed site for dwelling and garage. Based on Policy CTY10	<b>Location:</b> Between No.23 & No 29A Cloghog Road Coalisland
<b>Applicant Name and Address:</b> Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
<b>Summary of Issues:</b> This application was originally for 2 dwellings as infill and has been amended to a dwelling on a farm. The applicant has not demonstrated why the proposal cannot be sited beside existing buildings on the farm.	
<b>Summary of Consultee Responses:</b> DFI Roads – recommend conditions to be attached if the Council wish to approve DEARA – active farm, field not claimed	
<b>Characteristics of the Site and Area:</b> The site lies within the open countryside outside all other areas of constraint as depicted by the DSTAP 2010. It is located a short distance to the North of the settlement of Clonoe, along the Cloghog Road, between numbers 23 and 29a.  The red line of the site encompasses two fields, directly south of number 23 Cloghog road and directly north of 29a Cloghog road. The proposed dwelling is to be located in the north part of the site which is well enclosed by mature trees and strong roadside hedge.  The site lies within a row of three dwellings and garages with frontages onto the Cloghog Road. The dwelling to the direct north includes a large two storey dwelling and significant garden. The dwelling to the rear is also a large two storey dwelling with a significant garden to the front. The site lies on the outside of a bend in the road and therefore visual linkage of the two existing dwellings is not strong.	

**Description of Proposal**

The proposal seeks full planning permission for a single storey dwelling and detached garage on a farm.

**Deferred Consideration:**

This application was before the Planning Committee in November 2020, at that time it was proposed as 2 dwellings and garages as infill development. A virtual meeting was held with the Planning Manager where the issues in relation to infill were discussed.

Following the meeting the application was amended to a dwelling and garage on a farm and details were submitted to support this. DEARA were consulted and advised the business is a Category 1 farm, it has been established for over 6 years and that it made claims in 2018 and 2019. The application fields are not on the farm map and have not been claimed by any other farm business. Members will be aware there are 3 criteria that must be met in considering CTY10 of PS21:

- 1- Is the farm currently active and has it been established for 6 years

It is clear the fields have been maintained during my site visit in February 2021 and google street view photos from July 2021 show the fields mown and horses in them. I am content the farm is currently active and has been established for 6 years, meeting this part of the policy.

- 2- Have there been any dwellings or development opportunities, outwith settlement limits, sold off within 10 years of the date of the application

A search of the applicants name and address has identified the following planning applications:  
LA09/2015/1065/F – agricultural store at Cloghog Moss Road was withdrawn  
LA09/2017/1549/O – site for dwelling at Ferry Road was withdrawn  
LA09/2020/0729/F – 5 dwellings under consideration inside the settlement of Annaghmore  
LA09/2020/0739/F – 2 dwellings granted planning permission inside the settlement limits for Coalisland

As these either did not received planning permission or are inside the settlement limits, in my view there have not been any dwellings or opportunities sold off and as such I consider this part of the policy is met.

- 3- Is the development visually linked or sited to cluster with an established group of buildings on the farm.

As the members can see above, there have been a number of applications submitted on behalf of the applicant for other developments. These other lands are not shown on the applicants farm maps submitted with this application, as outlined in yellow in fig 1 below. DEARA have advised from their records they do not have any other farm business registered for Mr Conor Tennyson at 39 Cloghog Road, (this is the property identified by the red dot on fig 1 below). The previous applications show there is land at 39 Cloghog Road, this is identified by the red outline in fig 1 below and has been taken from the farm map submitted with application LA09/2015/1065/F.



Figure 1- application site in red fill, application farm lands outlined in yellow, applicants dwelling as set out in application form identified with red dot and other lands as shown on the farm in application LA09/2015/1065/F outlined in red.

Members are advised the P1C from submitted with application LA09/2015/1065/F advised there are 2 Conor Tennyson's, father and son. It is stated that Mr Tennyson senior was never registered with DEARA and that his son was allocated a business id on 6 November 2014. This application has been accompanied by a business id and DEAR have advised they do not have any records of 2 Conor Tennyson's with this address. Despite requesting additional information to clarify the situation no additional information has been submitted. In consideration of the above information about the farm and the lands associated with it, I have not been presented with information to persuade me that a dwelling cannot be located beside the existing buildings at 39 Cloghog Road. I do not consider this criteria has been met.

Even though the proposal is now for one dwelling and garage, I consider it must also be assessed against CTY8 and CTY13. The existing vegetation to the front and sides of the site are mature and the majority of the frontage hedge can be retained to ensure the development is kept screened. In this case I consider the proposed dwelling would be well integrated. I do not consider that it would result in the creation of ribbon development as the dwelling to the north is well set back and well away from the proposed site. As previously considered and reported to Committee, this site is, in my opinion a significant and defensible gap that should be protected. The plot sizes of the development adjacent to the site vary in size and whilst there is a very large plot immediately to the north, this is not in my view indicative of the pattern here and the garden of it serves to provide separation for the development and means the gap could accommodate more than 2 dwellings. On the road immediately in front of the site, I was not aware of the other development to the north and as such I do not consider this is a gap site within a substantially built up frontage.

I recommend this application is refused as it has failed to demonstrate that a dwelling cannot be sited beside an established group of buildings in the farm and it is not an exception within CTY8 for in fill opportunity.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY10 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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is not located within a substantially built up frontage and does not constitute an infill opportunity within a gap as it would accommodate more than 2 dwellings.

**Signature(s):**

**Date**



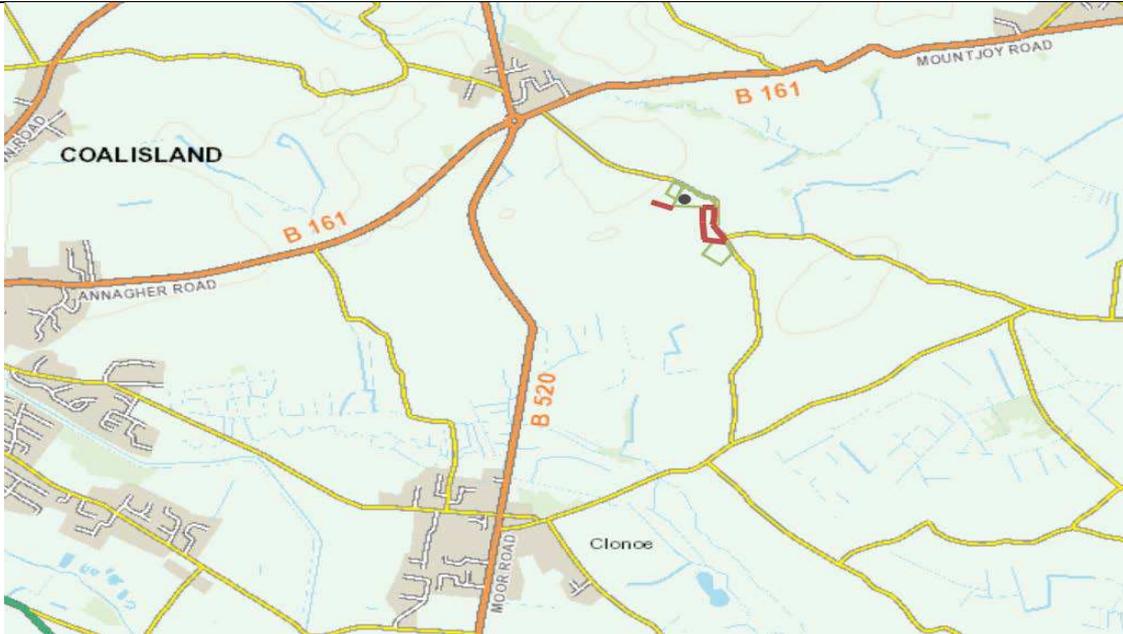
Comhairle Ceantair  
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 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0740/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed sites for 2No infill dwellings and garages	<b>Location:</b> Between No.23 & No 29A Cloghog Road Coalisland
<b>Referral Route:</b> Contrary to Policy	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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

None

### Characteristics of the Site and Area

The site lies within the open countryside outside all other areas of constraint as depicted by the DSTAP 2010. It is located a short distance to the North of the settlement of Clonoe, along the Cloghog Road, between numbers 23 and 29a.

The red line of the site encompasses two fields, directly south of number 23 Cloghog road and directly north of 29a Cloghog road.

The land rises very slightly from the roadside east to the rear west with a low cropped hedgerow bounding the site along the Cloghog road to the east. The site is also bounded on both ends north and south by a row of mature trees and hedgerow.



The site lies within a row of three dwellings and garages with frontages onto the Cloghog Road. The dwelling to the direct north includes a large two storey dwelling and significant garden. The dwelling to the rear is also a large two storey dwelling with a significant garden to the front. The site lies on the outside of a bend in the road and therefore visual linkage of the two existing dwellings is not strong.



### Description of Proposal

The proposal seeks full planning permission for two single storey dwellings and detached garages.

### Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Dungannon Area Plan 2010

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

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

- CTY8 - Ribbon Development

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

The Dungannon Area Plan 2010 (CAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of

Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

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.

**Key Policy Consideration:**

Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

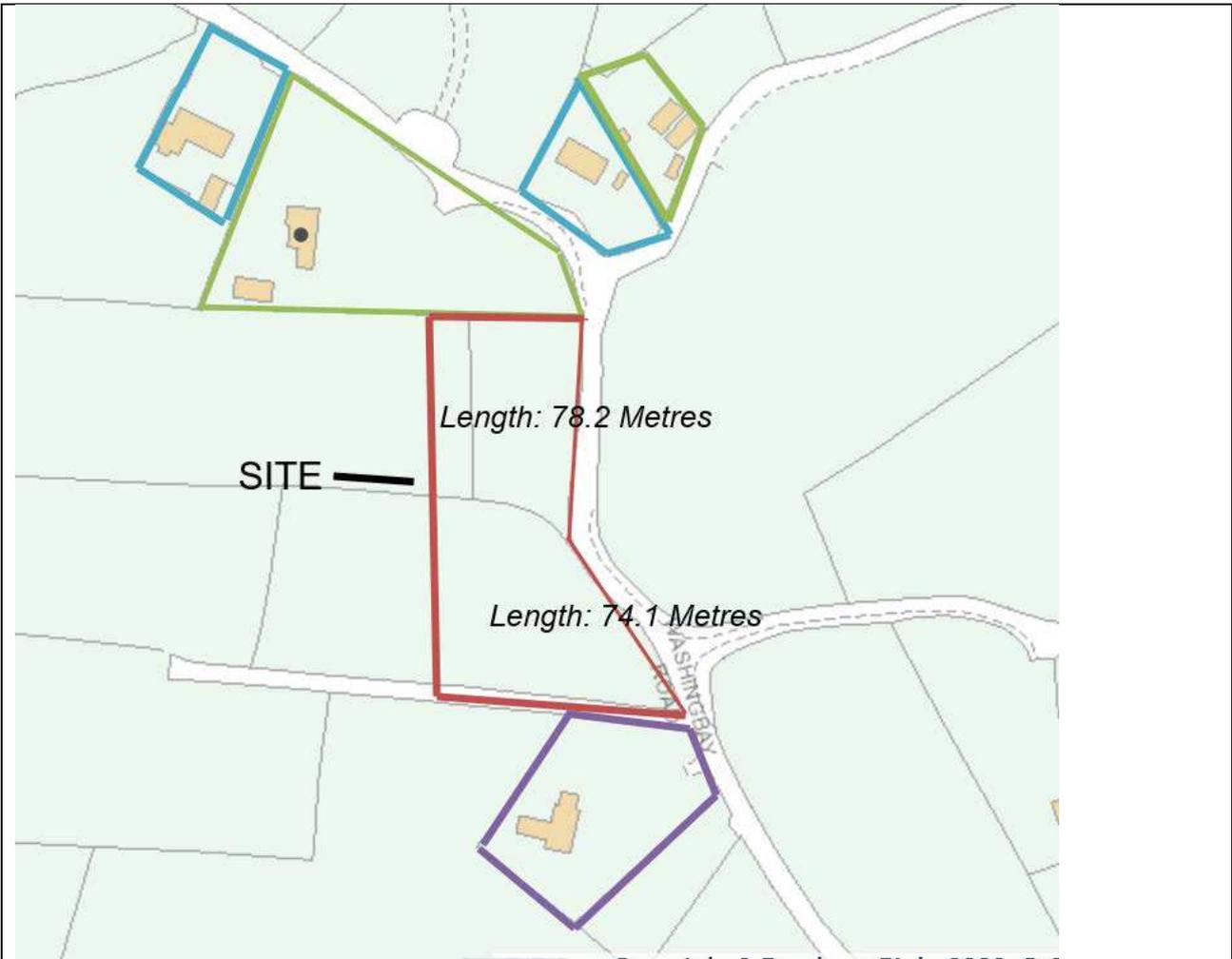
In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site falls between two dwellings and garages to the North West, and a further dwelling to the south east.

There is a gap of approx. 150 metres along the site frontage, which is excessive, the existing plot sizes along this Road would generally range between 25 and 40 metres, with the exception of the corner site to the north which has an exceptionally large frontage.

It is clear that a gap of over 150 metres site frontage is be out of character for the area.  
It is my opinion that this site is therefore sufficient to accommodate a lot more than 2 dwellings.

Policy CTY8 is not met.



Development in the countryside is also required to integrate under the provisions of policy CTY13. The proposed site is relatively low lying and has a low level of vegetation cover. The proposal seeks permission for two dwellings with a ridge of 5.5 metres. Upon site inspection it was evident that there were buildings of a similar height and larger within the surroundings.



The addition of two more dwelling, located on this particular plot, in my view will have a detrimental impact on the rural character as it will be extending the existing ribbon of development along a site which I consider to represent a significant visual break in the landscape. In my view CTY 14 of PPS21 is not met.

Other Policy and Material Considerations

Transport NI have no objections to this proposal subject conditions.

Recommendation refuse.

**Neighbour Notification Checked**                      **Yes**

**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 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 add to a ribbon of development, therefore resulting in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	25th June 2020
<b>Date First Advertised</b>	7th July 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 21 Cloghog Road Coalisland Tyrone The Owner/Occupier, 23 Cloghog Road Coalisland Tyrone The Owner/Occupier, 24 Cloghog Road Coalisland Tyrone The Owner/Occupier, 29a Cloghog Road Coalisland	
<b>Date of Last Neighbour Notification</b>	24th July 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2020/0740/F Proposal: Proposed sites for 2No infill dwellings and garages Address: Between No.23 & No 29A Cloghog Road, Coalisland, Decision: Decision Date:  Ref ID: M/2002/0597/RM Proposal: Erection of dwelling and detached domestic garage. Address: Land 80m west of 24 Cloghog Road, Coalisland. Decision: Decision Date: 20.09.2002  Ref ID: M/2003/0207/F Proposal: Extension to dwelling Address: 80m west of 24 cloghog Road, Coalisland Decision: Decision Date: 07.05.2003  Ref ID: M/2001/0028/O Proposal: Site for dwelling. Address: Land 80m west of 24 Cloghog Road, Coalisland. Decision:	

Decision Date: 16.11.2001

Ref ID: M/1996/0330

Proposal: Site for dwelling

Address: ADJACENT TO NO. 21 CLOGHOG ROAD, MAGHERAMULKENNY,  
COALISLAND

Decision:

Decision Date:

Ref ID: M/1991/6078

Proposal: 2 No Sites Washingbay Road Coalisland

Address: Washingbay Road Coalisland

Decision:

Decision Date:

**Drawing Numbers and Title**

Drawing No. 03

Type: Site Appraisal or Analysis

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 07

Type: Housing Concept Plan

Status: Submitted

Drawing No. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/0870/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Infill dwelling and garage	<b>Location:</b> Approx 20m East of 14 Killyneill Road Dungannon
<b>Applicant Name and Address:</b> Mr Kevin Rafferty 46 Termon Road Carrickmore	<b>Agent Name and Address:</b> C Mc Ilvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Summary of Issues:</b>  The application site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and within the Phase 2 Housing Zoning DH32. As the site is within Phase 2 housing land planning permission is only granted for a single rural dwelling that does not prejudice the development of the zoning and rural policy applies i.e. PPS 21. The proposal is for an infill dwelling and I consider the buildings at No. 16 do not have a frontage to the road so the proposal does not meet CTY 8. The proposal does not meet any other policies within PPS 21. The application would also prejudice the development of phase 2 housing zoning DH32.	
<b>Summary of Consultee Responses:</b>  DFI Rivers – not inside flood plain, some surface flooding on part of the site DFI Roads – to develop the zoned land will require road widening and additional infrastructure NI Water – no foul sewer available, use septic tank	

**Characteristics of the Site and Area:**

The site is within and on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. To the west of the site is urban in character and characterised as predominantly residential in character. The area is built-up with cul-dec-sacs of mainly semi-detached dwellings and further west towards the site there are more developments of detached dwellings. The remaining area to the north, south and west is more rural in character with agricultural fields and single rural dwellings.

The immediate area is along Killyneill Road and just off the junction with the Killyman Road between Dungannon Town Centre and the settlement of Killyman. Along the same side of the road as the application site are 3 other dwellings with a roadside frontage at No. 8, No. 12 and No. 14. To the east of the site is a dwelling at No. 16 which is set back from the road and accessed via a lane off Killyneill Road. Across the road from the site are 2 dwellings on large plots.

The application site is a portion of a larger agricultural field to the north of No. 12, 14 and 16. The topography of the site slopes downwards slightly from east to west. The site has been divided up into several horse paddocks by open-sided fencing and there is a small shed in the north west corner of the site. Along the roadside boundary there is a post and wire fence with an agricultural gate as a means of access to the field and beyond. The field is set back from the road by a grass verge. Along the west boundary and northern boundary with No. 16 is a timber frame fence about 1m in height. Along the boundary with No. 14 there is a 2m high wooden fence and a row of established trees runs through a portion of the site about 14m east of No.14.

**Description of Proposal**

This is an outline application for an infill dwelling and garage at approximately 20m east of No. 14 Killyneill Road, Dungannon.

**Deferred Consideration:**

This application was before the Planning Committee in April 2021 where it was deferred to meet with the Planning Manager. A meeting was held virtually on 22 April 2021 and it was indicated that due to the lands being zoned for Phase 2 housing lands they are protected and sickle houses will only be allowed if there is a farming case or it is seen as infill opportunity in a substantially built upon frontage, even then the proposal must not prejudice the overall development of the lands. The dwelling to the rear, no 16, is in the applicants ownership, however it does not have a frontage to the road to allow it to be considered as bookend for the purposes of considering this site as an infill opportunity site. The agent was asked to consider the farming case and to demonstrate that access to the phase 2 housing land could be achieved with this development in place.

DFI Roads have advised a single dwelling requires sight lines of 2.4m x 70.0m and that these are achievable. The applicant provided various layouts showing how a road could be provided to the housing lands and that a dwelling in the west part of the site would not prejudice the provision of the access to the housing lands. DFI Roads were asked to comment and advised that access to the housing lands would require road widening and cyclepath/footpath provision, sight lines of 4.5mx 120.0m and would require significant 3<sup>rd</sup>

party lands to achieve this. They did not say that the approval of a dwelling on this site would prejudice the overall access to the Phase 2 lands. Members are asked to note that the applicant bought 2.6ha of land in 2016. This is part of the overall 16.1ha of Phase land lands contained in CH32 and includes No 16m, set back to the rear of the site. DFI Roads have not provided any indication that the proposed development of this site would prejudice the development of CH32, they have set out what would likely be required to provide an access and this would necessitate 3<sup>rd</sup> party lands along Killyneil Road. The applicant has provided an indicative layout showing a 6m wide access road into the lands and 2m wide footpaths, as well as generous parking and turning areas to allow additional parking within the site, this is deemed as acceptable in Para 7.2 of DCAN 15. I do not consider it the applicant would wish to prejudice his investment in 2.6ha of land by carrying out development that would block it from being developed and there are other alternatives open to him, ie demolition of no 16. In light of this I do not consider the development of one house on this site would prejudice the future development of the land zoned in CH32.

The applicant has advised that he bought this land in 2016, the land and house are let out and the occupier keeps horses. There is no evidence that the applicant is a farmer or has a farm business. It is clear this is not an infill opportunity as the dwelling at no 16 does not have a frontage to the road, only a laneway and the paddock to the front has not been established as the curtilage of the property. The proposed dwelling cannot be considered to meet any of the policies in PPS21 for a dwelling in the countryside and as such HOUS1 would appear not to be met. That said, a dwelling in the west part of the site, beside number 14, could be a natural rounding off of development here. Members will be aware of the concept of rounding off and that there is no specific policy for this set out in PPS21. In my opinion, development of the land further to the east would clearly impact on the access to the lands for CH32 and this would prevent any further development in that direction and as such a dwelling in the west part of this site would round off the development here and as such I would recommend members make an exception to HOUS1 in this case.

Taking account of the extant Plan, the potential for this site to be developed without impacting on the overall phase 2 housing zoning being realised and that it would round off development here for the reasons indicated, I recommend planning permission is granted as an exception to policy in this case.

Conditions:

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

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

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

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

3. The dwelling shall be sited within the area outlined in red on drawing no 02Rev2 bearing the stamp dated 25 MAR JAN 2021.

Reason: To protect the future development of Housing Zoning CH32.

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

Reason: To allow the proposed development to be consider in relation to the surrounding residential properties.

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

Reason: In the interest of visual amenity and biodiversity.

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

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

#### Informatives

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

**Signature(s)**

**Date:**



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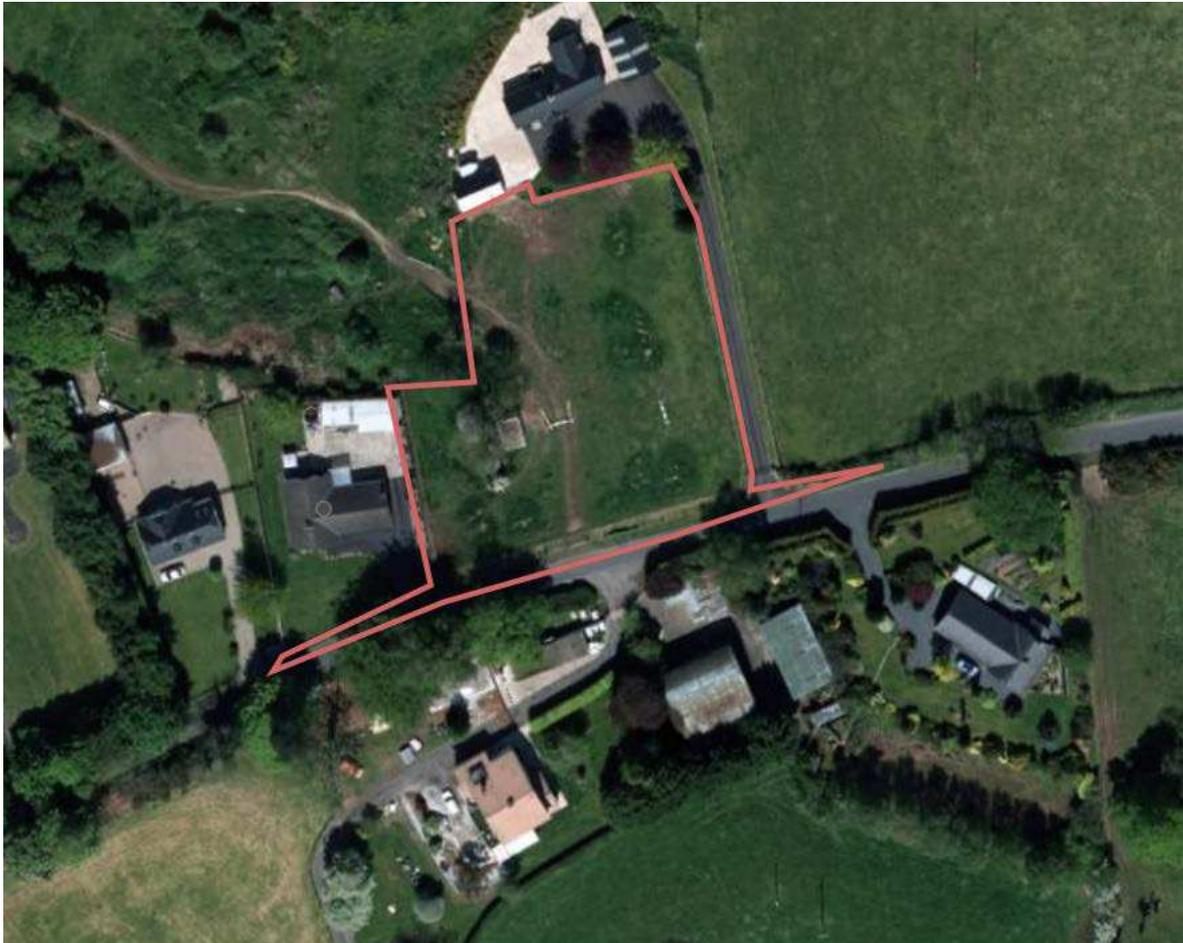
Mid-Ulster  
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50 Ballyronan Road  
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BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 12/04/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0870/O	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and garage	<b>Location:</b> Approx 20m East of 14 Killyneill Road Dungannon
<b>Referral Route:</b> 1. The proposal is contrary to Plan Policy HOUS 1 Housing Zonings in the Dungannon and South Tyrone Area Plan 2010 in that the application would prejudice the comprehensive development of phase 2 housing zoning DH 32.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Kevin Rafferty 46 Termon Road Carrickmore	<b>Agent Name and Address:</b> C Mc Ilvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b> The application site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and within the Phase 2 Housing Zoning DH32. As the site is within Phase 2 housing land planning permission is only granted for a single rural dwelling that does not prejudice the development of the zoning and rural policy applies i.e. PPS 21. The proposal is for an infill dwelling and I consider the buildings at No. 16 do not have a frontage to the road so the proposal does not meet CTY 8. The proposal does not meet any other policies within PPS 21. The application would also prejudice the development of phase 2 housing zoning DH32.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	Content
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

**Characteristics of the Site and Area**

The site is within and on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. To the west of the site is urban in character and characterised as predominantly residential in character. The area is built-up with cul-dec-sacs of mainly semi-detached dwellings and further west towards the site there are more developments of detached dwellings. The remaining area to the north, south and west is more rural in character with agricultural fields and single rural dwellings.

The immediate area is along Killyneill Road and just off the junction with the Killyman Road between Dungannon Town Centre and the settlement of Killyman. Along the same side of the road as the application site are 3 other dwellings with a roadside frontage at No. 8, No. 12 and No. 14. To the east of the site is a dwelling at No. 16 which is set back from the road and accessed via a lane off Killyneill Road. Across the road from the site are 2 dwellings on large plots.

The application site is a portion of a larger agricultural field to the north of No. 12, 14 and 16. The topography of the site slopes downwards slightly from east to west. The site has been divided up into several horse paddocks by open-sided fencing and there is a small shed in the north west corner of the site. Along the roadside boundary there is a post and wire fence with an agricultural gate as a means of access to the field and beyond. The field is set back from the road by a grass verge. Along the west boundary and northern boundary with No. 16 is a timber frame fence about 1m in height. Along the boundary with No. 14 there is a 2m high wooden fence and a row of established trees runs through a portion of the site about 14m east of No.14.

**Description of Proposal**

This is an outline application for an infill dwelling and garage at approximately 20m east of No. 14 Killyneill Road, Dungannon.

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

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

**Representations**

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

**Planning History**

No recent 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. All valid representations received have been subject to a

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

### **Settlement Limit in Dungannon and South Tyrone Area Plan 2010**

The application site lies within and on the boundary of Dungannon settlement limit but the application will not alter the boundary of the limit of development within Dungannon as shown in figure 2 below. The site is within Phase 2 housing designation DH 32 Land East of the Cairn.

Policy HOUS1 zones 257 hectares of land for housing. 148 hectares are zoned as phase 2 lands which has not yet been released for housing development. Any applications on this land must be considered against the rural planning policy and must not prejudice the comprehensive development of the land for housing.

The proposal is within designation DH 32 where there are seven key site requirements, the applicant needs to demonstrate that the proposed dwelling will not compromise any future development within this zoning and meet these key site requirements. This is an outline application so the landscaping of this proposal will be considered at the Reserved Matters Stage. A supporting statement was submitted by the agent, which states the land at DH 32 has not been identified for release under the Housing Review. A siting condition will place the proposed dwelling in the western portion of the site. The key site requirements are that a vehicle access should be from the Killyneill Road and link to another access from the Bush Road further north. As shown in figure 2 below DH32 is covers numerous fields and the key site requirement is that any vehicle access should also link to the Phase 1 housing zoning DH 07. I consider as this is a large housing zoning and if it was ever developed there would be a large increase in the volume of traffic coming and going from this section of the Killyneill Road. I consider if the proposed dwelling was sited in the location proposed as shown in figures 1 and 3 below it would compromise achieving the access and visibility splays of a housing development on this zoning.

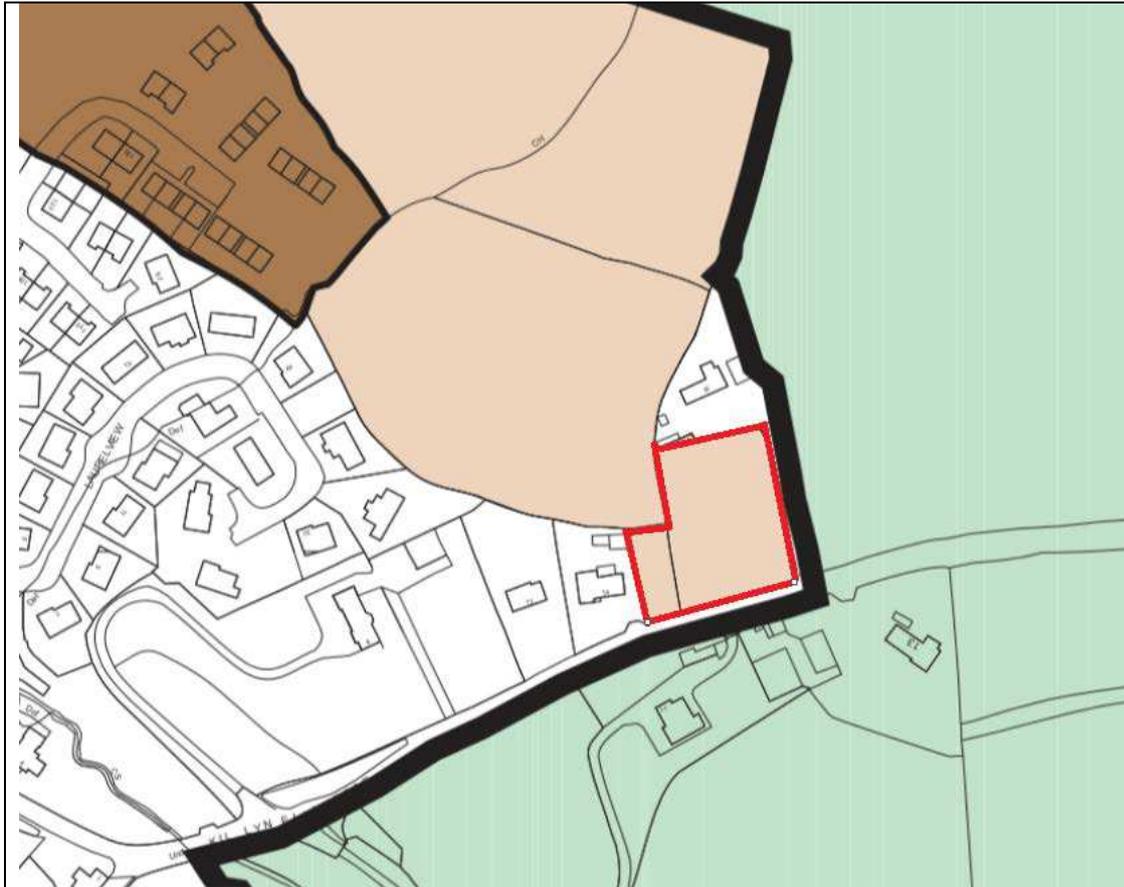


Figure 1 – The application site outlined in red within Phase 2 Housing Zoning DH 32 in the Dungannon and South Tyrone Area Plan 2010

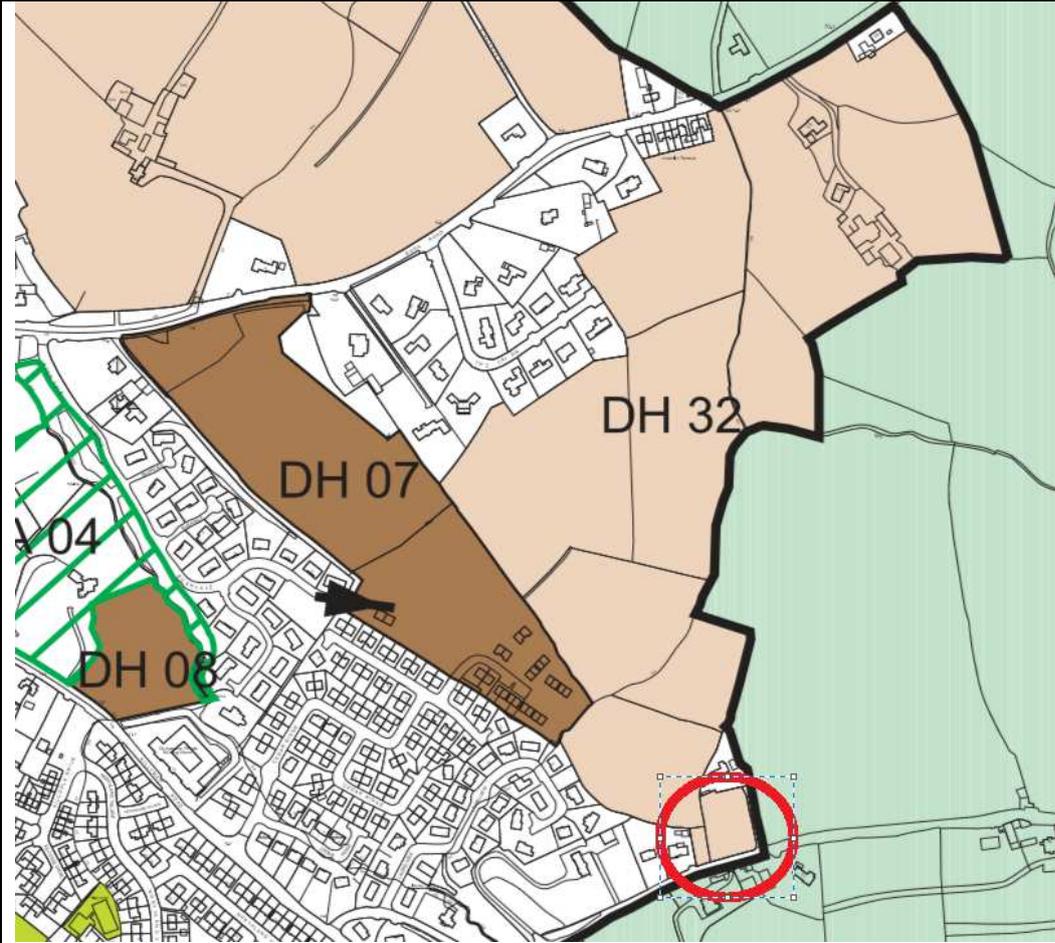


Figure 2 - The application site in the context of the whole zoning DH32 and the linked zoning of DH07.

Figure 3 – Photograph showing the access to DH 32 Phase housing zoning in the north east corner

Existing access to the  
Phase 2 housing land  
behind the application site



As part of the assessment DFI Roads were consulted and responded on 24<sup>th</sup> February 2021. As stated in the key site requirements vehicular access should be from Killyneill Road. DFI roads consider that access arrangements to DH 32 will require road widening along a substantial section of Killyneill Road including the application site frontage to a width of 6m, and pedestrian and cycleway provision will also be required. In addition the development of DH 32 housing land would require a right turning lane and visibility splays of 4.5m x 120m. In terms of the impact on this on this application site DFI Roads state that an future road widening scheme will have a negative impact on visibility splays at properties along this section of road prejudicing road safety. In the Roads consultation response it is stated that the visibility splays for the access arrangements at DH 32 will be within the confines of the red line of this application site. In email dated 24.03.2021 the agent included a concept plan for information purposes only to address Roads comments in the latest consultation response. The agent considers 4.5 by 120m splays to serve the zoned development land and these splays can be achieved without intrusion into the red outline of the application site. The concept plan shows room within the site itself for 4 cars to park meaning visitors would not have to park along the road or up on the kerb as concerned. The agent considers the issue of 3<sup>rd</sup> party land is out of their control as it relates to existing 3<sup>rd</sup> party entrances which will fall within the 'y distance' which they believe will be 80m.

On balance, I consider the application site would have an unacceptable impact on the development of DH 32 housing zoning.

**SPPS – Strategic Planning Policy Statement for Northern Ireland:** sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

### **Planning Policy Statement 21**

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.

The proposal does not meet the criteria in CTY 2a as the site is not located at a crossroads or a focal point.

There is no dwelling on the application site that could be replaced so the proposal does not meet CTY 3.

At No. 12 there is a one-half storey dwelling with a driveway and garden area and I am content this dwelling has a frontage to the road. Immediately east at No. 14 there is a single storey which also has a driveway and garden area serving as a road frontage. Abutting the east boundary of No. 14 is the application site which is a portion of an agricultural field which is currently being used as horse paddocks. Abutting the east boundary of the site is the access lane to No. 16 as shown in figure 5 below. No. 16 is set back from the Killyneill Road by 56m and the only frontage No. 16 has to the road is the access, gates and a stone wall on either side. In CTY 8 it states there should be a substantial and continuous built up frontage. The land in front of No. 16 is not part of the garden of No. 16 as it is part of the agricultural field and is currently horse paddocks as shown in figure 4. I consider No. 16 does not have a common frontage with the other buildings along this road such as No. 12 and No. 14. It is set back from the road by 56m and is sitting on a single site with no other buildings abutting its boundary. Therefore, I do not consider the site is a gap site between 3 or more buildings and would add to a ribbon of development.

No. 12 has a plot frontage of 20m and No. 14 has a plot frontage of 26m and the application site has a frontage of 50m. No. 16 only has an access lane which has a frontage to the road and this is 8m in width. There are no other dwellings east of No. 16, only agricultural fields. The applicant has proposed to site the dwelling beside the eastern boundary of No. 14 as shown in a drawing in figure 6 below. If the dwelling was placed in this location any frontage would be approximately 20m. I am content this plot frontage is acceptable and reflects the plot size along this stretch of road. In addition, the application site is capable of accommodating only 2 dwellings as set out in the policy in CTY 8.

Figure 4 – Photograph of the front of No. 16 Killyneill Road



Figure 5 – Photograph of the entrance to No. 16 Killyneill Road



Figure 6 – Drawing submitted by the applicant to demonstrate where they would prefer the proposed dwelling sited.

In terms of CTY 10 the only farm buildings at the site are a small shed and in discussions with the agent it has been stated there is no farming operations at the site. The agent has confirmed the applicant does not have a DAERA farm business ID nor would have a 6 year farming history at the site.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

CTY 13 and CTY 14 deal with rural character and integration and design of buildings in the countryside and both policies would be relevant should the principle of development be acceptable on this site.

I am content the dwelling will not be a prominent feature in the landscape. The proposed dwelling and garage is within the settlement limit of Dungannon in an area which is already built up with dwellings with a roadside frontage. There are critical views in both directions but the dwelling will read with other dwellings in long distance views so I have no concerns and the site has a flat topography.

There is mainly timber fencing as boundary treatment at the site but there is a row of mature trees along the eastern boundary of the preferred siting which could be retained. I am content new planting will not be primarily relied on for the purposes of integration.

There is an agricultural access at the site so a new vehicular access will be created.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a single storey dwelling would integrate well at this site as the main house type along this road is single storey.

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

**CTY 14 – Rural Character**

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. On balance, I am content the proposal will not be a prominent feature in the landscape. I am content a one-storey dwelling could be accommodated at this site and would respect the traditional pattern of development in the area. This area is already built-up with a number of dwellings and is on the edge of the settlement limit of Dungannon so I have no concerns it will lead to a suburban style build-up of development. I am satisfied a new access will not damage rural character. As No. 16 does not have a substantial frontage to Killyneill Road I consider the dwelling will add to a ribbon of development and this would damage rural character.

**Consultees**

NI Water were consulted and have no objections.

Rivers Agency were consulted as part of the site has surface water flooding but responded with no concerns.

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

As discussed earlier in the assessment DFI Roads have concerned that the application site will impact on visibility splays for an access to housing zoning DH 32.

I have no ecological, built heritage, flooding or residential amenity concerns.

**Neighbour Notification Checked** Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as it is contrary to Plan Policy HOUS 1 Phase 2 Housing Zonings in the Dungannon and South Tyrone Area Plan 2010.

**Reasons for Refusal:**

1. The proposal is contrary to Plan Policy HOUS 1 Housing Zonings in the Dungannon and South Tyrone Area Plan 2010 in that the application would prejudice the comprehensive development of phase 2 housing zoning DH 32.

**Signature(s)**

**Date:**



## Deferred Consideration Report

<b>Summary</b>	
<b>Case Officer:</b> Tom McElhatton	
<b>Application ID:</b> LA09/2021/0054/O	<b>Target Date:</b> 29/4/21
<b>Proposal:</b> Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm)	<b>Location:</b> Approx 60m SW of No 125a Ballinderry Bridge Road Cookstown
<b>Applicant Name and Address:</b> Mr Kieran Mitchell 125 Ballinderry Bridge Road Cookstown BT80 0AY	<b>Agent name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b>  Refusal - To Committee - Contrary to CTY 10, 14 and 15 of PPS 21.	
<b>Characteristics of the Site and Area:</b>  The site is located partly within the development limits of Ballylifford and partially in open countryside as per defined in the Cookstown Area Plan 2010. The red line covers a number of agricultural building which I note are located within the development limits of Ballylifford and a portion of a much larger agricultural field which is the open countryside within the Lough Shore Countryside Policy Area. I note that the site falls from the north towards the south of the site, in which the field bounded by mature hedging and post and wire fencing. The surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes to the south with north of the site being characterised by the development limits of Ballylifford.  Representations Six neighbour notifications were sent out however there were no representations were received in connection with this application.	

### **Description of Proposal**

This is an outline application for a proposed site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm), the site is located Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown.

### **Deferred Consideration:**

This application was presented to the Planning committee on 6<sup>th</sup> July 2021 with an opinion to refuse for the following 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the character of the area.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballylifford and the surrounding countryside.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was subsequently held with the agent on 22<sup>nd</sup> July 2021 at which the agent was advised that certain internal matters in relation to policy would have to be considered and then further assessment of the application would take place.

This application is for a dwelling and garage adjacent to an existing farm group. The farm group being inside the limit of development for a designated settlement and the dwelling outside, on the opposite side of the settlement limit. Consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) has advised that the farm business is active and established thus meeting policy requirement.

The previous assessment of the application advised that the proposal did not respect the traditional pattern of development exhibited in that area (CTY 14) and that the proposal if permitted would mar the distinction of the defined settlement limit (CTY 15).

On examination of the pattern of development, within the settlement, it is noted that apart from more recent development the pattern of development for the settlement is that of roadside detached properties, with the settlement development limit forming a similar pattern. As the proposal can be conditioned to a roadside form, it is my opinion that the traditional pattern can be replicated thus complying with policy CTY 14.

In relation to Policy CTY 15 it is evident that the proposed site is outside and adjacent to the limit of development. However, it is noted that the entire applicants land holding, at this location is outside the limit of development, with the farm buildings within it. Therefore, development opportunities at this location are limited by the settlement designation. As one approaches the site from the south the farm buildings and adjacent dwelling to the north define the skyline. It is my opinion that any suitable conditions development on the proposed site would read against the existing farm group. As one approaches the site from the north the proposal again would read with the farm group, only at site frontage, as the farm buildings would shield the proposal prior to that. In addition it is noted that the farm buildings themselves define the limit and that the proposed site and remainder of field are currently accessed from the farmyard.

The issue here is whether or not the proposal would mar the settlement limit, on balance it is my opinion that with the adherence to suitable conditions there would be no distinguishable negative impact. I therefore recommend that outline approval is granted subject to the following conditions.

#### **Conditions:**

- 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.

- 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.

- The proposed dwelling shall be sited in the area shaded green on the approved plan Drawing 01 (rev 1) received 14/1/21.

Reason: To ensure that the development is integrated into the landscape.

- The proposed dwelling shall exhibit the traditional elements of rural design particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable Design guide for the Northern Ireland countryside, Building on Tradition.

Reason: To ensure the dwelling is in keeping with the character of the rural area.

- The proposed dwelling shall have a ridge height of less than 5.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

- 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.
- No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.  
Reason: To ensure the dwelling integrates into the landform
- During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. 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.
- 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 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.

**Informatives:**

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

**Signature(s):**

**Date**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0054/O	<b>Target Date:</b>
<b>Proposal:</b> Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm)	<b>Location:</b> Approx 60m SW of No 125a Ballinderry Bridge Road Cookstown
<b>Referral Route:</b>  Refusal - To Committee - Contrary to CTY 1, 14 and 15 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr Kieran Mitchell 125 Ballinderry Bridge Road Cookstown BT80 0AY	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Refusal - To Committee - Contrary to CTY 1, 14 and 15 of PPS 21.

### Characteristics of the Site and Area

The site is located partly within the development limits of Ballylifford and partially in open countryside as per defined in the Cookstown Area Plan 2010. The red line covers a number of agricultural buildings which I note are located within the development limits of Ballylifford and a portion of a much larger agricultural field which is the open countryside within the Lough Shore Countryside Policy Area. I note that the site falls from the north towards the south of the site, in which the field is bounded by mature hedging and post and wire fencing. The surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes to the south with north of the site being characterised by the development limits of Ballylifford.

**Representations**

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

**Description of Proposal**

This is an outline application for a proposed site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm), the site is located Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown.

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

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Dwellings on Farms

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1996. 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 active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were done I am content that the farm business has not attained any approvals for farm cases in the previous ten years. In that time I am content that no other development opportunities have been sold off either during this time.

With respect to (c), I note that the registered farm address sits some distance away from the site, however within the red line sits a number of farm buildings. As noted above the farm buildings located within the red line are also located within the development limits of Ballylifford (as seen below)



As such, I note at this time that within CTY 10 it does not distinguish that buildings on the farm within the development limits cannot be used in connection with this policy. As such and after further consideration I am content that these buildings are still able to constitute as an existing group on buildings on the farm. From such a dwelling in this location would be able to visually link and cluster with this existing group of buildings. The policy goes on to state that where practicable that an existing access should be used however given the roadside location I am content that a new access is the most practical solution. As such on balance I am content that this application has been able to comply with CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no

exact design have been provided, however, given that the site sits along the roadside that a low ridge would be required in line with the surrounding development to ensure it is not visually prominent. I note that as much of the existing landscaping should be retained where possible, with a new boundaries planted out, therefore a landscaping scheme should be submitted as part of any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 6m from finish floor level. From which, I am content that the application is able to 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 stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. Given the location of the development limits I am of the opinion that a dwelling within the site is likely to mar the distinction between the countryside and development limits which does not respect the pattern of development in the area. In addition, a dwelling in the northern part of the site has the capacity to lead to additional dwellings through infilling, but I cannot speak for future development. As such, I am of the opinion that this application has the potential to cause detrimental change to the character of the area, failing under CTY 14.

Policy CTY 15 - The Setting of Settlements states that Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As noted above, given the farm buildings are located within the development limits of Ballylifford with the rest of the site in the countryside I am of the opinion that any dwelling would mar the distinction between the countryside and the development limits of Ballylifford, failing under CTY 15 as a result. It is felt that the lands in which the site is located acts as an important visual break between the countryside and the development limit and it would be unacceptable to lose such.

As noted previously, the applicants registered farm address of the business is located at some distance from the site, where at this location the applicant owns lands and buildings that would easily comply with CTY 10, as shown in red below.



I note that any dwelling in the red line of the above would be able to comply with CTY 10 but also would not create conflict CTY 15. I raised this issue with the agent as to would there be a possibility of applying for a site at this group rather than the proposed site. In their response confirmed that whilst the buildings are located within the development limits but these were used as the main buildings of the farm and wanted to locate a dwelling closer to these buildings for more operational reasons. Whilst I acknowledged this rationale, I note that this does not outweigh the concerns with the marring the distinction of the countryside and development limits and impact on the character of the area. As such I have shown an alternative that would comply fully with this policy where the applicant will not be prejudiced, as such I must recommend that the application has failed under CTY 14 and 15.

**Cookstown Area Plan 2010**

I note that the Area Plan states that the site is located within the Lough Shore Countryside Policy Area, which states that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area. In addition, it is considered that the continued build-up of development closer to Lough Neagh would not only be damaging to the character and appearance of this area, but would also have significant adverse effects on the important nature conservation interests of the Lough and its shoreline.

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.

**Other policy and material considerations**

PPS 3 - Access, Movement and Parking;  
DFI Roads were consulted and responded to state that they have no objections subject to conditions and informatives.

Given the failure in policy, I must recommend refusal for this application.

**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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the character of the area.

3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballylifford and the surrounding countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	14th January 2021
<b>Date First Advertised</b>	26th January 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 125 Ballinderry Bridge Road Coagh Londonderry The Owner/Occupier, 125a Ballinderry Bridge Road Coagh The Owner/Occupier, 125b Ballinderry Bridge Road, Coagh, Londonderry, BT80 0AY The Owner/Occupier, 126 Ballinderry Bridge Road Coagh Londonderry The Owner/Occupier, 126a Ballinderry Bridge Road Coagh The Owner/Occupier, 128 Ballinderry Bridge Road Coagh Londonderry	
<b>Date of Last Neighbour Notification</b>	25th January 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0054/O Proposal: Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm) Address: Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown, Decision: Decision Date:  Ref ID: I/1990/0021 Proposal: Retirement Dwelling Address: 125 BALLINDERRY BRIDGE ROAD COAGH Decision: Decision Date:  Ref ID: I/2003/0978/Q Proposal: Proposed housing development Address: 126a Ballinderry Bridge Road Coagh Cookstown Decision: Decision Date:	

Ref ID: I/2004/0150/O  
Proposal: Proposed housing development  
Address: 50.0m east of 126A Ballinderry Bridge Road, Coagh, Cookstown, County Tyrone  
Decision:  
Decision Date: 13.10.2004

Ref ID: I/2014/0398/F  
Proposal: Proposed dwelling and garage  
Address: 25m SW of 127 Ballinderry Bridge Road, Cookstown, BT80 8AY,  
Decision: PG  
Decision Date: 11.05.2015

**Summary of Consultee Responses**

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0506/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access	<b>Location:</b> 45m S.E. of 83 Derryloughan Road Coalisland
<b>Applicant Name and Address:</b> Christopher Mc Cann 83 Derryloughan Road Coalisland Dungannon	<b>Agent name and Address:</b> Ward Design 10 Main Street Castledawson BT45 8AB
<b>Summary of Issues:</b>  Whether or not the farm is currently active and established.	
<b>Summary of Consultee Responses:</b>  DFI Roads – provided access standards DEARA – no business id for the applicant	
<b>Characteristics of the Site and Area:</b>  The site lies in the open countryside just a short distance to the north east of the settlement limits of Tamnamore and to the south west of Lough Neagh and outside all other areas of constraint as depicted by the DSTAP 2010.  The site is directly east of number 83 Derryloughan Road, Coalisland. The red line of the site includes a dwelling at number 83, a tarred laneway off the Derryloughan road, a concrete yard to the rear and a small byre type building to the east boundary. The red line also includes the field to	

the east which is bounded on all sides by a native species hedgerow, with some trees along the roadside boundary. The existing dwelling is a small bungalow set back approx. 40 metres from the roadside.

### **Description of Proposal**

The proposal seeks full planning permission for a single storey dwelling on a farm with conversion and reuse of existing byre.

### **Deferred Consideration:**

This application was before the Planning Committee in December 2021 where it was deferred for a meeting with the Planning Manager. A meeting was held on 16 December and the applicant put forward additional information for consideration in respect of the farming background and current status. An amended plan was also provided to use the existing access and lane for the new dwelling.

Members will be aware that Policy CTY10 allows planning permission to be granted for a dwelling where 3 criteria have been met. In this case the applicant has already met 2 of the criteria, criteria b and c, but had not demonstrated that the farm is currently active and has been established for at least 6 years. It is well established that an application does not have to provide a business id number issued by DEARA, provided they can demonstrate there is a business on-going and that it is related to agricultural or the land is being kept in good agricultural and environmental condition. The applicant owns 1.75ha here of which 1.25ha is in grass. The applicant has advised they have owned the land since 1795 and have provided a number of receipts and invoices for Ian and Christopher McCann to show the activity they have undertaken on the land:

14/2/15 receipt for hedge cutting (McLernon Contracts)  
3/3/15 receipt for hedge cutting (McLernon Contracts)  
19,6,15 receipt for round baling (McLernon Contracts)  
26,1,16 receipt for hedge cutting (McLernon Contracts)  
18- 3- 16 receipt for cleaning drains and shoring (Martin McCaffrey & Sons)  
6,2,17 receipt for hedge cutting (McLernon Contracts)  
28-8-2017 receipt for ploughing and reseeding (Martin McCaffrey & Sons)  
20/06/2018 receipt of baling hay (C Morgan)  
30/06/2019 receipt of baling hay (C Morgan)  
16/06/20 receipt of baling hay (C Morgan)  
19 – Feb 2021 receipt for hedge plants and trees (Gardening Products)  
24/07/21 receipt of baling hay (C Morgan)  
24/8/21 receipt for tools and sprays (Fane Valley Stores Ltd)  
3-9-21 receipt for fencing products (Mervyn Potts)

It is clear the ground is kept in good order and that grass is baled from the land, while there are no invoices for the sale of the bales, there were none apparent on the holding when I visited the site. In light of the above I am content that the land is kept in good environmental and agricultural condition, the applicant is investing in the lands and as such, in my opinion, meets the requirements for an active farm as set out in CTY10. From the invoices submitted it is clear this has been ongoing for a period of over 6 years which illustrates the farm has been established for over 6 years. I am satisfied that this is an active and established farm business and meets the requirements for criteria a in CTY10.

The initial application included a new access lane which would have removed all the roadside vegetation. It is now proposed to use the existing access, which will serve 2 dwellings and, as per para and improve the sight lines to 2.4m by 45.0m. DFI Roads observations on 21 May 2021 indicate the 85<sup>th</sup> percentile road speeds at the access are 31MPH. The access will serve 2 dwellings which, in line with para 5.3 of DCAN15 will result in approx. 20 vehicle movements per day using the access. Table A allows the x distance for an access serving up to 60 vpd to have an x distance of 2.4m or reduced to 2.0m where the road speeds are less than 37MPH. Table B allows the minimum y distance for roads speeds of 31MPH as 33m and the maximum 60m. In view of the above I consider the 2.4m x 45.0m sight lines that have been proposed are acceptable and will allow existing vegetation to be retained to assist screening the proposed development.

I recommend this application is approved with the conditions set out below.

**Conditions:**

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.s contrary to Policies CTY1 and CTY10

2. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45.0m in both directions shall be provided in accordance with the details as set pout on drawing No 3A bearing the stamp dated 2 FEB 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

3. All hard and soft landscape works as detailed on drawing no 3A bearing the stamp dated 2 FEB 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: In the interests of visual amenity and biodiversity.

**Signature(s):**

**Date**



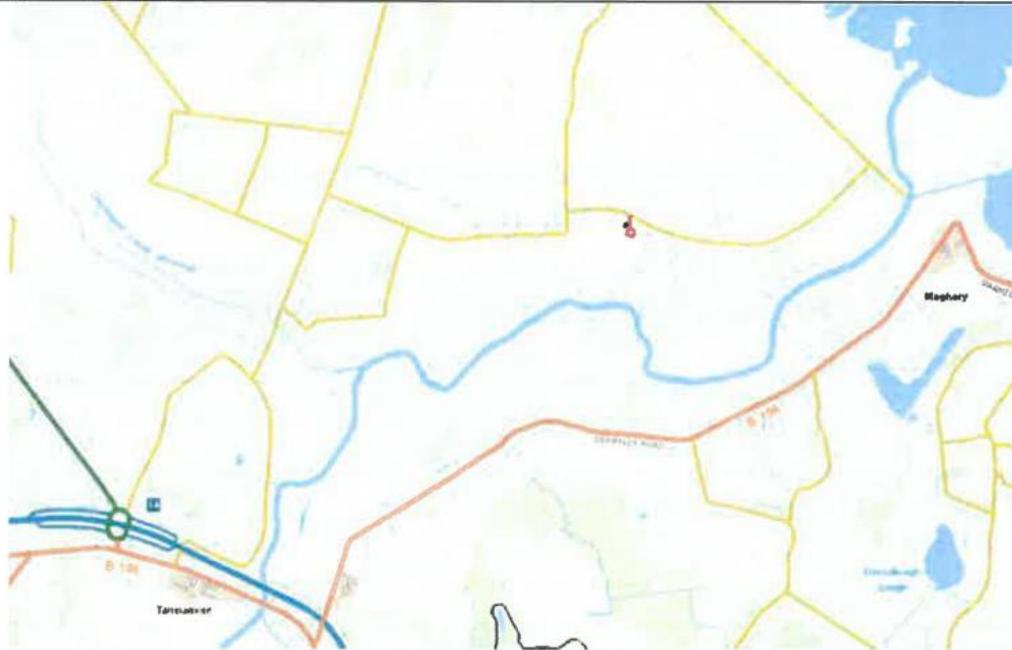
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0506/F	<b>Target Date:</b>
<b>Proposal:</b> Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access	<b>Location:</b> 45m S.E. of 83 Derryloughan Road Coalisland
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Christopher Mc Cann 83 Derryloughan Road Coalisland Dungannon	<b>Agent Name and Address:</b> Ward Design 10 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Substantive Response Received

### Representations:

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

### Summary of Issues

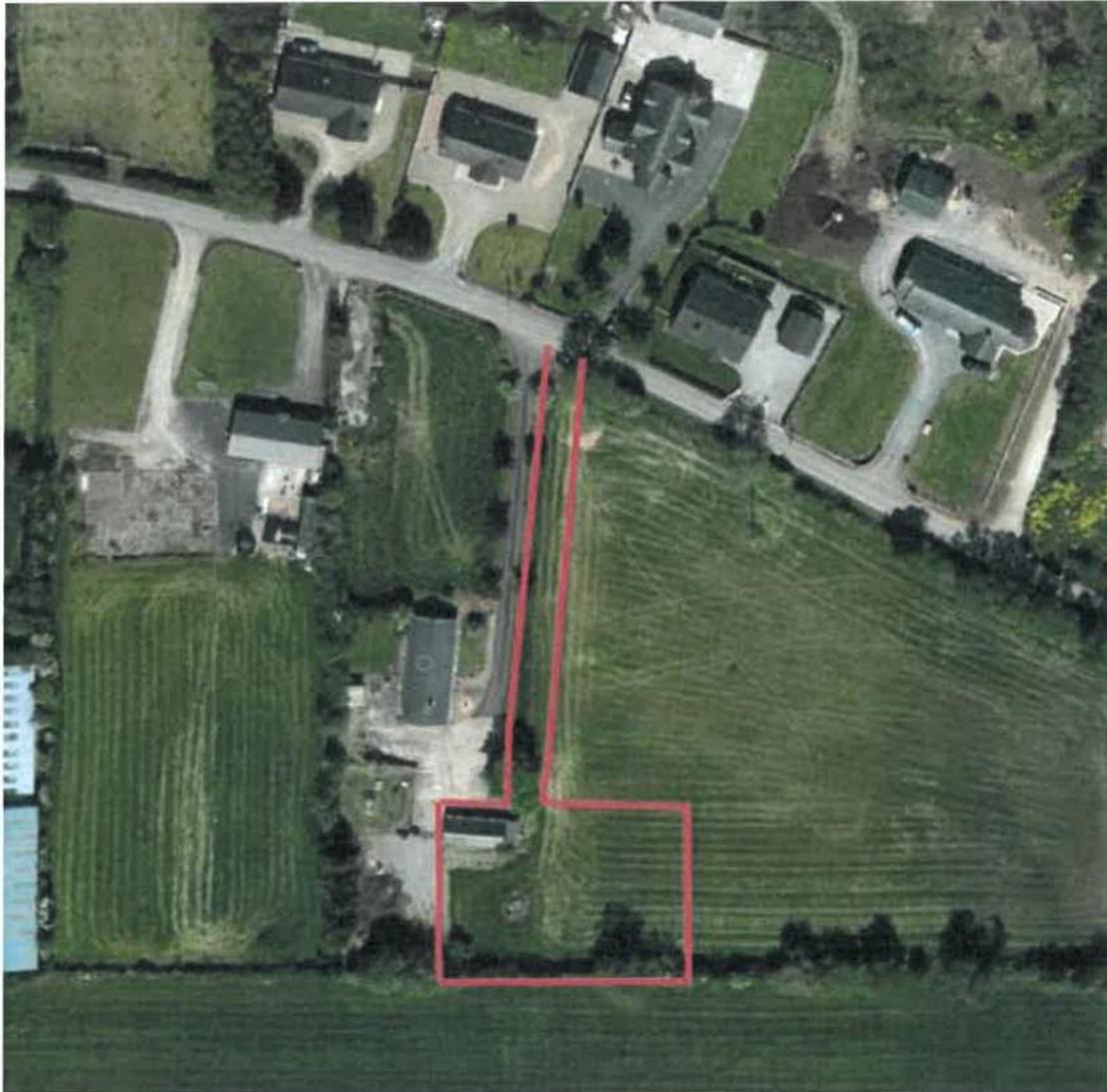
None

### Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the north east of the settlement limits of Tamnamore and to the south west of Lough Neagh and outside all other areas of constraint as depicted by the DSTAP 2010.

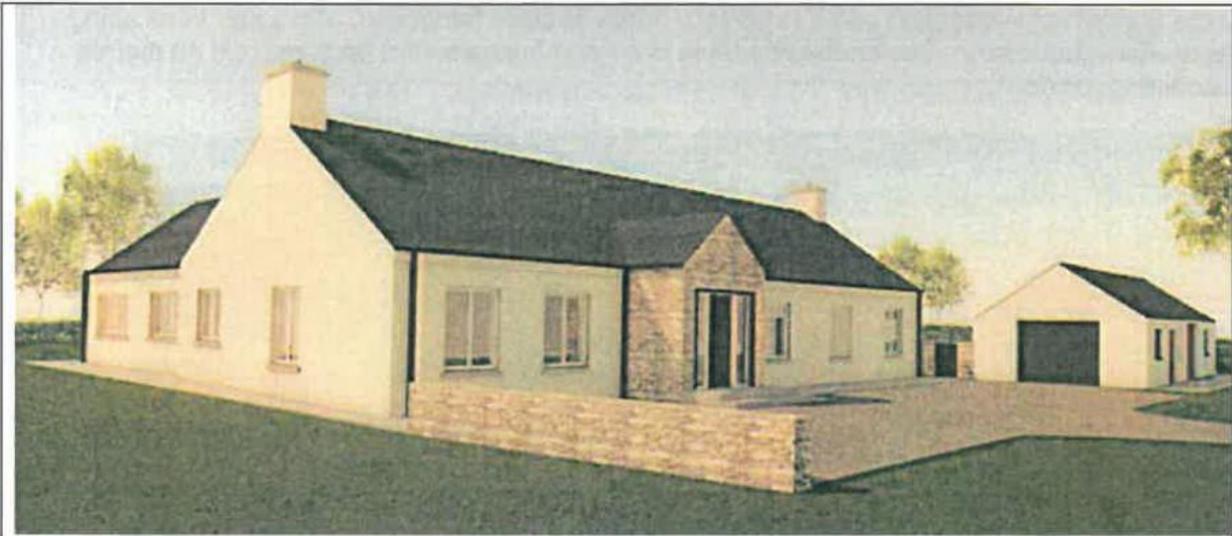
The site is directly east of number 83 Derryloghan Road, Coalisland. The red line of the site includes a dwelling at number 83, a tarred laneway off the Derryloghan road, a concrete yard to the rear and a small byre type building to the east boundary. The red line also includes the field

to the east which is bounded on all sides by a native species hedgerow, with some trees along the roadside boundary. The existing dwelling is a small bungalow set back approx. 40 metres from the roadside.



### **Description of Proposal**

The proposal seeks full planning permission for a single storey dwelling on a farm with conversion and reuse of existing byre.



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

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

Dungannon and South Tyrone Area Plan 2010  
Strategic Planning Policy Statement (SPPS)  
Mid Ulster Local Development Plan 2030 - Draft Plan Strategy  
PPS 21: Sustainable Development in the Countryside  
CTY 1- Development in the Countryside  
CTY 10 ? Farm Dwellings  
CTY 13 - Integration and Design of Buildings in the Countryside; and  
CTY14 - Rural Character  
PPS 3 - Access, Movement and Parking;

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

#### **Planning History**

There is not considered to be any relevant planning associated with the site. The applicant originally applied for the conversion of existing byre to a dwelling, however, when the policy context was requested the applicant has amended the proposal to include a farming need.

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a

dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

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

With respect to (a) it is considered that this policy criteria has not been met, the applicant has not provided an Agricultural Business Identification number and is not in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has no Business ID and does not claim single farm payments. To support the application there is three receipts dating back 1 year, this does not prove the farm business has been active and established for 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c) it is noted that the application site is located directly adjacent to the main holding and will be visually linked as it only separated by a low cropped hedge.

It is considered that the proposal is not in compliance with the criteria of Policy CTY 10.



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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity, however the proposal seeks to create a new driveway along the existing entrance and would involve the removal of mature trees at the entrance which currently provide significant screening

to the site. The site does benefit from this roadside vegetation cover, and their clearance to allow new splays would cause the dwelling to struggle to fit in unobtrusively.

In terms of policy CTY14 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. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale however the new access may raise concerns.

**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.

Recommendation Refusal

**Neighbour Notification Checked**                      **Yes**

**Refusal Reasons**

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	29th March 2021
<b>Date First Advertised</b>	13th April 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier, 80 Derryloughan Road Coalisland Tyrone</p> <p>The Owner/Occupier, 80a Derryloughan Road Coalisland</p> <p>The Owner/Occupier, 81 Derryloughan Road Coalisland Tyrone</p> <p>The Owner/Occupier, 82 Derryloughan Road Coalisland Tyrone</p> <p>The Owner/Occupier, 82a Derryloughan Road Coalisland</p> <p>The Owner/Occupier, 83 Derryloughan Road Coalisland Tyrone</p> <p>The Owner/Occupier, 90 Derryloughan Road Coalisland Tyrone</p>	
<b>Date of Last Neighbour Notification</b>	22nd April 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>	
<p>Ref ID: LA09/2021/0844/F            Proposal: Detached garage.            Address: 83 Derryloughan Road, Coalisland, Dungannon BT71 4QS.,            Decision:            Decision Date:</p>	
<p>Ref ID: LA09/2021/0506/F            Proposal: Single storey dwelling with conversion and reuse of existing byre and upgrade of existing access            Address: 45m S.E. of 83 Derryloughan Road, Coalisland,            Decision:            Decision Date:</p>	
Ref ID: M/1990/0465	

Proposal: Extension to dwelling  
Address: 83 DERRYLOUGHAN ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1990/0094  
Proposal: Extension to Dwelling  
Address: 83 DERRYLAUGHAN ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1997/0087  
Proposal: Extension to dwelling  
Address: 83 DERRYLOUGHAN ROAD COALISLAND  
Decision:  
Decision Date:

**Drawing Numbers and Title**

Drawing No. 02  
Type: Proposed Floor Plans  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Tom McElhatton	
<b>Application ID:</b> LA09/2021/0681/O	<b>Target Date:</b> 17/8/21
<b>Proposal:</b> Proposed dwelling and domestic garage Based on policy CTY8 (Infill)	<b>Location:</b> Approx 25m North East of 49 Moyagoney Road Portglenone
<b>Applicant Name and Address:</b> Mr Alan Donegan 49 Moyagoney Road Portglenone	<b>Agent name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b> The proposal is contrary to PPS21 in that it does not comply with Policies CTY8 and CTY 14	
<b>Characteristics of the Site and Area:</b>  The site is located within the open countryside, outside any defined settlement limits as per Magherafelt Area Plan. The red line of the application site consists of part of a larger agricultural field, which has a relatively flat topography. The northern and southern boundaries are defined by low level hedgerows, with the eastern boundary which runs along the public road defined by a wooden fence. An undesignated watercourse flows along the northern and eastern boundaries. The dwelling no 49 abuts the application site to the south, with an agricultural field to the north. The surrounding area is a mix of residential properties and agricultural land uses with three dwellings located to the south with the dwelling no 47 located approximately 100m north of the application site.	

**Description of Proposal**

This is an outline application for a proposed dwelling and domestic garage based on CTY 8 (infill).

**Deferred Consideration:**

This application was presented to the Planning committee on 6<sup>th</sup> July 2021 with and opinion to refuse for the following reasons;

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development along the Moyagoney Road.
- The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was held with the agent on 22 July 2021 at which the agent was advised to submit another application for a second dwelling within the gap site. This would allow Planning to assess the new application and subsequently revisit this application, in the light of circumstances then present.

A second application was submitted, LA09/2021/1160/O assessed and an approval granted on 10<sup>th</sup> November 2021. The area of the second application encompassed the remainder of the gap between nos 47 and 49 Moyagoney Road.

Policy CTY 8: Ribbon Development of Planning Policy Statement 21 allows for an exception to 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 situation in relation to the development pattern within the area has now altered in that to the south exists three road frontage dwellings and to the north an outline approval for a single dwelling and an existing road frontage dwelling, thus providing a suitably sized gap site. It is my opinion that the approval of application LA09/2021/1160/O allows this application to comply with Policy CTY 8 of Planning Policy Statement 21 and I would therefore recommend that is application be granted approval with conditions.

**Conditions:**

- 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.

- 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.

- The proposed dwelling shall exhibit the traditional elements of rural design particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable Design guide for the Northern Ireland countryside, Building on Tradition.

Reason: To ensure the dwelling is in keeping with the character of the rural area.

- The proposed dwelling shall have a ridge height of less than 6.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

- 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.

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

Reason: To ensure the dwelling integrates into the landform

- During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. 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.

- The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

- If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- 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 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.

#### **Informatives:**

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

- **Department for Infrastructure – Rivers comments:**

DfI Rivers have assessed your consultation and our comments, under each policy heading of PPS 15 are as follows:

#### **PPS15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains**

The Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain. Hence, DfI Rivers would have no specific reason to object to the proposed development from a fluvial flood risk perspective.

### **PPS15 Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure**

An undesignated watercourse flows along the northern and eastern boundaries of the site. Under 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a 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. Clear access and egress should be provided at all times.

By way of a this informative, prospective purchasers whose property backs onto this watercourse are made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

### **PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains**

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.

### **PPS15 Policy FLD 4 Artificial Modification of Watercourses**

Not applicable to this site

### **PPS15 Policy FLD 5 Development in Proximity to Reservoirs**

Not applicable to this site

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is

an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

**Signature(s):**

**Date**



**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0681/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage Based on policy CTY8 (Infill)	<b>Location:</b> Approx 25m North East of 49 Moyagoney Road Portglenone
<b>Referral Route:</b>  Refusal- Contrary to CTY 8 of PPS 21	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Alan Donegan 49 Moyagoney Road Portglenone	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21.

### 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. The red line of the application site consists of part of a larger agricultural field, which has a relatively flat topography. The northern and southern boundaries are defined by low level hedgerows, with the eastern boundary which runs along the public road defined by a wooden fence. An undesignated watercourse flows along the northern and eastern boundaries. The dwelling No.49 abuts the application site to the south, with an agricultural field to the north. The surrounding area is a mix of residential properties and agricultural land uses with three

dwelling located to the south with the dwelling No.47 located approximately 100m North of the application site.

### **Description of Proposal**

This is an outline planning application for a proposed dwelling and domestic garage based on policy CTY 8 (Infill).

### **Representations**

No third party representations have been received in relation to this planning application.

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

Magherafelt Area Plan 2015  
Strategic Planning Policy Statement (SPPS)  
PPS 3- Movement, Access and Parking  
PPS 15 (Revised)- Planning and Flood Risk  
PPS 21- Development in the Countryside

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

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'.

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 and provided it respects the existing development patten along the frontage in terms of size, scale, sitting 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 first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. I am content that No.51 and 49b to the south of the site have a built up frontage and this is very clear, as they are located close to the roadside. Although No. 49 is set back from the road I am also content that this dwelling shares a road frontage with the two dwellings south of it. From this I am content there is a substantial and continuously built up frontage present to the south, with the dwelling at No.47 located 100m north of the site also sharing a road frontage. However, given the gap between No.49 and No.47 being approximately 125m I do not believe this represents an infill opportunity within a substantial and continuously built up frontage as the gap between the two is much too large and represents an important visual break in the countryside.

Furthermore, given the size of the gap, although the application site is sufficient in size to allow for one dwelling, when read in the wider context with the adjacent field to the north, there is the potential for an additional two dwellings to be sited here, creating a ribbon of development along the Moyagoney Road.

Policy CTY 8 also requires that the existing pattern of development is respected in terms of size, scale, siting and plot size. I am content that the proposed application is in general conformity with the existing pattern of development on the Moyagoney Road. The red line of the application, is similar, yet slightly smaller than the adjoining property at No.49. In terms of the size of the plot, as previously stated I am content it is sufficient. It has a road frontage of approximately 35m along the Moyagoney Road, which is similar to the frontages of No.49b and No.51 to the south. It is noted that No.49 has a smaller frontage as it is sited further west from the road. A siting condition could be attached to any approval to ensure the siting on the proposed application site respects the existing pattern of development.

From this, I do not believe the application can be considered an exception to Policy CTY 8 as the gap to be filled is too large and would result in ribbon development along the Moyagoney Road.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. The site benefits from some established planting of the site which would allow a dwelling to blend with the existing landscape, with some additional planting required to aid integration.

Policy 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 the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. However, as previously mentioned a dwelling in this location would result in ribbon development. Therefore, failing to meet the policy criteria set out in Policy CTY 14.

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

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

#### PPS 15 (Revised)- Planning and flood risk

DfI Rivers were consulted as the site is located adjacent to an undesignated watercourse. DfI Rivers confirmed a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by the way of a planning condition.

#### **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.

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

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

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development along the Moyagoney Road.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	4th May 2021
<b>Date First Advertised</b>	18th May 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 49 Moyagoney Road Portglenone Londonderry The Owner/Occupier, 49b Moyagoney Road Portglenone The Owner/Occupier, 51 Moyagoney Road Portglenone Londonderry The Owner/Occupier, 52 Moyagoney Road Portglenone Londonderry	
<b>Date of Last Neighbour Notification</b>	19th May 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: H/2001/0377/O Proposal: Site of Dwelling and Garage Address: 100m North West of 51 Moyagoney Road, Portglenone Decision: Decision Date: 18.10.2001  Ref ID: LA09/2021/0681/O Proposal: Proposed dwelling and domestic garage Based on policy CTY8 (Infill) Address: Approx 25m North East of 49 Moyagoney Road, Portglenone, Decision: Decision Date:  Ref ID: H/2005/0875/O Proposal: Site of Dwelling and Garage Address: Adjacent to 51 Moyagoney Road, Portglenone Decision: Decision Date: 07.04.2006  Ref ID: H/2002/0690/O Proposal: Site of dwelling & garage Address: 150 metres North West of 51 Moyagoney Road, Portglenone Decision: Decision Date: 10.06.2003  Ref ID: H/2002/0691/O Proposal: Site of dwelling & garage	

Address: 200 metres north west of 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 14.02.2003

Ref ID: H/2001/1003/F

Proposal: Alteration to Entrance

Address: 100m NW of 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 18.01.2002

Ref ID: H/2001/0669/F

Proposal: Dwelling and Garage

Address: 100 Metres North West of No. 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 15.11.2001

Ref ID: H/2001/0825/F

Proposal: Garage

Address: 100 Metres North West Of 51 Moyagoney Road, Portglenone.

Decision:

Decision Date: 07.11.2001

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

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

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1036/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> New entrance in substitution to previously approved entrance approved under LA09/2020/0631/F	<b>Location:</b> Approx 60m SW of 137 Lurgylea Road Galbally Dungannon
<b>Applicant Name and Address:</b> Mr Damian Corr 137 Lurgylea Road Galbally Dungannon BT70 2NZ	<b>Agent name and Address:</b> Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
<b>Summary of Issues:</b> The applicants have planted new hedging and are proposing to provide additional landscaping to ensure the new access integrates into the landscape.	
<b>Summary of Consultee Responses:</b> DFI Roads – no issues raised with the safety of the access and conditions recommended.	
<b>Characteristics of the Site and Area:</b> The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010. The area surrounding the site is rural in nature defined by single dwellings and farm groups. The site, which comprises a dwelling approved under LA09/2020/0631/F in the latter stages of construction, is located adjacent and southwest of No. 137 Lurgylea Road the applicant's dwelling and approx. 80m northwest of a crossroads located along Lurgylea Road with the village of Cappagh approx. 1 mile to the southeast. The site, which is a relatively rectangular shape, is located in the northeast corner of an existing agricultural field set back approx. 70m from the public Lurgylea Road to the east and south of the site. The dwelling on site was approved to be accessed via a new access lane from the Lurgylea Road to the east along the south side of the lane serving No. 137 Lurgylea Road. The current application seeks the dwelling instead be accessed via a new	

access lane from the Lurgylea Road to the south. The site is elevated from no. 137 and slopes gently uphill to the south towards the cross-roads. Part of the northern boundary is defined by mature hedgerow and some trees, beyond which is the access lane to No. 137, which is within the same ownership as the applicant and is blue land. A post and wire fence marks the western boundary, post and wire fence interspersed with mixed vegetation / trees marks the north / party boundary with No. 137 and the remaining boundaries are open to the larger field.

**Description of Proposal**

This is a full application for an amended access to previously approved application LA09/2020/0631/F.

LA09/2020/0631/F granted permission for a new dwelling and detached domestic garage on lands approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY on the Granted 3rd February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.

**Deferred Consideration:**

This application was before the Committee in January 2022 and was deferred for a meeting with the Planning Manager. A meeting was held on 13 January 2022 and the applicant provided information about landscaping that has been carried out on the site to assist the integration of the new access and offered to provide additional landscaping to integrate the development on the site.

An amended plan was received which provides details of the revised access and landscaping proposals which, in my opinion will provide screening to the access laneway and the dwelling that is currently under construction. It is noted the curtilage of the dwelling has now changed and the access as approved for the development has not been provided. The provision of the approved access was a pre-commencement condition for the dwelling and this could mean the dwelling has not lawfully commenced. Given that the permission was granted on 3 February 2021, it is still within the time period for commencement and I consider it appropriate and necessary to condition this new access is provided within 3 months. As the access has changed the curtilage I propose a condition is added to restrict the curtilage of the dwelling to that as provided with this application.

I recommend this application is approved with the conditions suggested below.

**Conditions:**

1. Within 3 months of the date of this decision the vehicular access including visibility splays of 2.4m x 150.0m in both directions shall be provided in accordance with the details as set out on drawing no 02/1 bearing the stamp dated 15 FEB 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

2. All hard and soft landscape works as detailed on drawing no 02/1 bearing the stamp dated 15 FEB 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying 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 and biodiversity.

3. The curtilage of the dwelling which this access serves shall not extend outside the area identified by the red line on drawing No 01 bearing the stamp dated 08 JUL 2021.

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

**Signature(s):**

**Date**



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

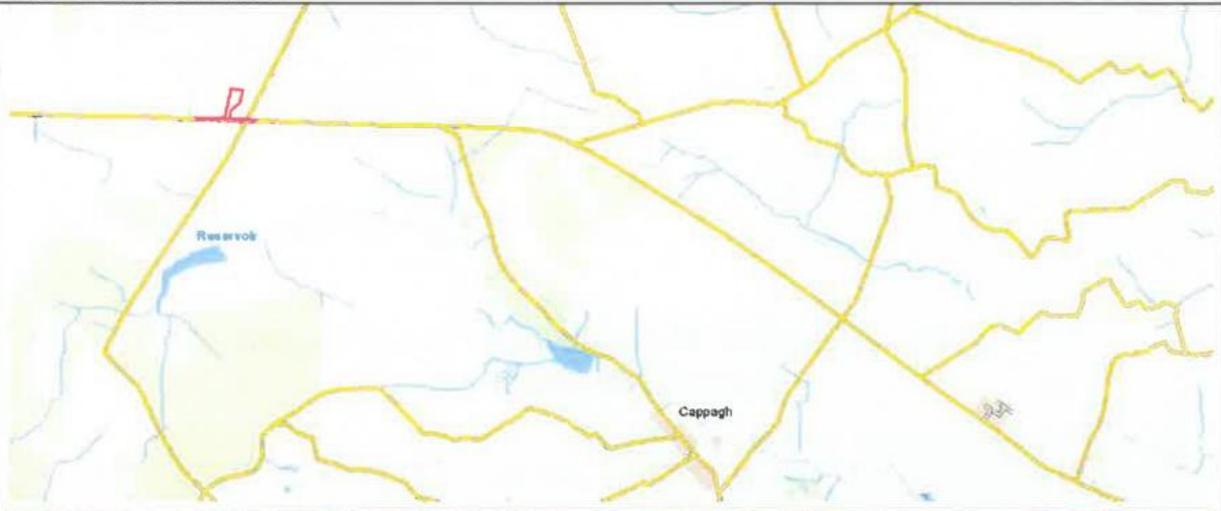
Mid-Ulster  
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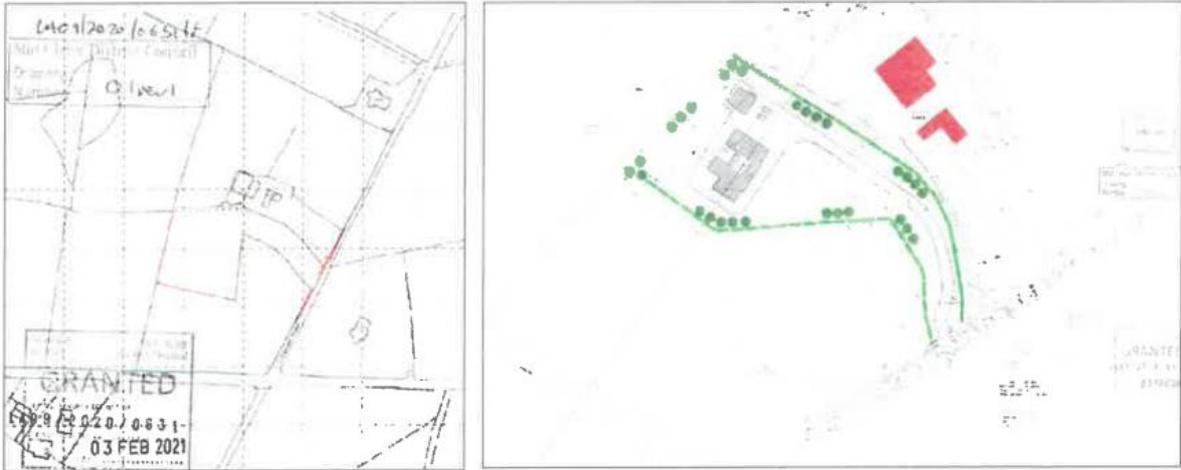
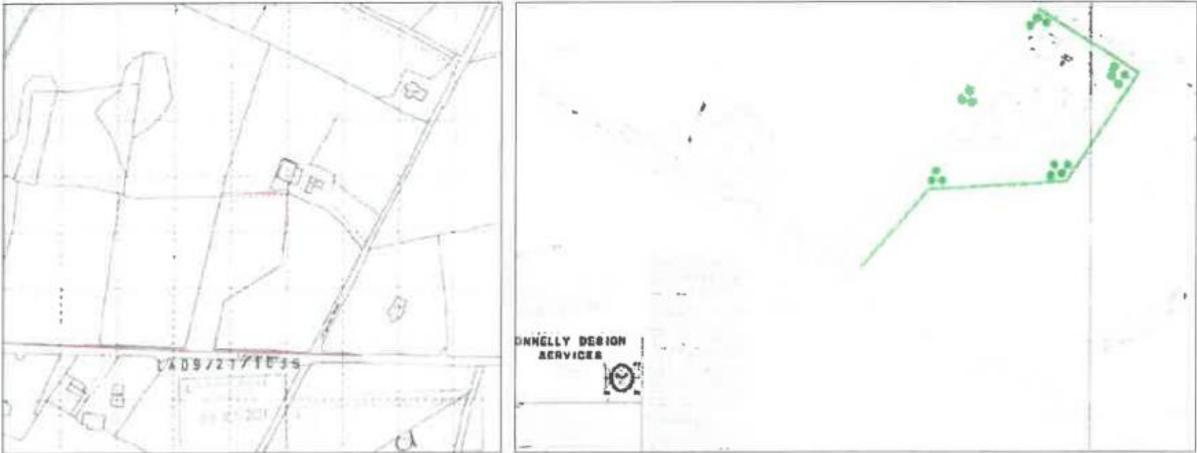
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1036/F	<b>Target Date:</b>
<b>Proposal:</b> New entrance in substitution to previously approved entrance approved under LA09/2020/0631/F	<b>Location:</b> Approx 60m SW of 137 Lurgylea Road Galbally Dungannon
<b>Referral Route:</b>	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mr Damian Corr 137 Lurgylea Road Galbally Dungannon BT70 2NZ	<b>Agent Name and Address:</b> Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

# Case Officer Report

## Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Standing Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Description of Proposal</b>		
<p>This is a full application for an amended access to previously approved application LA09/2020/0631/F.</p> <p>LA09/2020/0631/F granted permission for a new dwelling and detached domestic garage on lands approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY on the Granted 3<sup>rd</sup> February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.</p>		
		
<p><b>Figs 1 &amp; 2: Site plan and layout granted under previous application LA09/2020/0631/F</b></p>		
		
<p><b>Figs 3 &amp; 4: Site plan and layout sought under current application</b></p>		

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

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010. The area surrounding the site is rural in nature defined by single dwellings and farm groups.

The site, which comprises a dwelling approved under LA09/2020/0631/F in the latter stages of construction, is located adjacent and southwest of No. 137 Lurgylea Road the applicant's dwelling and approx. 80m northwest of a crossroads located along Lurgylea Road with the village of Cappagh approx. 1 mile to the southeast. The site, which is a relatively rectangular shape, is located in the northeast corner of an existing agricultural field set back approx. 70m from the public Lurgylea Road to the east and south of the site. The dwelling on site was approved to be accessed via a new access lane from the Lurgylea Road to the east along the south side of the lane serving No. 137 Lurgylea Road. The current application seeks the dwelling instead be accessed via a new access lane from the Lurgylea Road to the south. The site is elevated from no. 137 and slopes gently uphill to the south towards the cross-roads. Part of the northern boundary is defined by mature hedgerow and some trees, beyond which is the access lane to No. 137, which is within the same ownership as the applicant and is blue land. A post and wire fence marks the western boundary, post and wire fence interspersed with mixed vegetation / trees marks the north / party boundary with No. 137 and the remaining boundaries are open to the larger field.

### **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.

#### **Key Policy Context**

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

#### **Representations**

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

#### **Planning History**

On Site

- LA09/2020/0631/F - Proposed dwelling & detached domestic garage – Approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY - Granted 3<sup>rd</sup> February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.

#### Adjacent Site

- M/2009/0069/F - Proposed dwelling and garage - Opposite 138 Lurgylea Rd Galbally, Dungannon - Granted 10<sup>th</sup> March 2009
- LA09/2021/0395/F - Proposed dwelling and detached domestic garage in substation of M/2009/0069/F - 133 Lurgylea Road Galbally Dungannon - Granted 9<sup>th</sup> June 2021

The above applications relate to lands west of the current site adjacent the Lurgylea Rd (see Fig 5, below).



Fig 5: Site layout granted under application LA09/2021/0395/F, as can be seen the boundary the current site proposes to follow lined in red above is further east of the recently approved dwellings curtilage.

**Dungannon and South Tyrone Area Plan 2010** - The site is located within the rural countryside outside any settlement designated by the Plan.

**Strategic Planning Policy Statement for Northern Ireland (SPPS)** - The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

**Planning Policy Statement 3 Access, Movement and Parking (PPS3)** - Policy AMP 2 (Access to Public Roads) of PPS3 is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access onto a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

**Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21)** - sets out planning policies for development in the countryside.

Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Policy CTY 14 deals with rural character with particular reference to criterion (e) which states the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

I am not content the new access lane will integrate with its surroundings and as a result it will damage the rural character of the area. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

The access lane under this application will run through open landscape along a double row of post and wire fencing approx. 1.2m high (see Fig 6, below). Whilst the proposed block plan submitted indicates an existing hedge along this boundary, what exists is not long established and in my opinion is insufficient to integrate the proposed access arrangements thus damaging the rural character of this very open area of countryside. Owing to the lack of vegetation on site this proposal will rely heavily on new planting, which would take years to establish. Accordingly, I am not content the revised access arrangements would integrate into the landscape without damage to rural character in accordance with Policies CTY13 and CTY14.



Fig 6: Google map shows open landscape access will cross & fencing referred to above

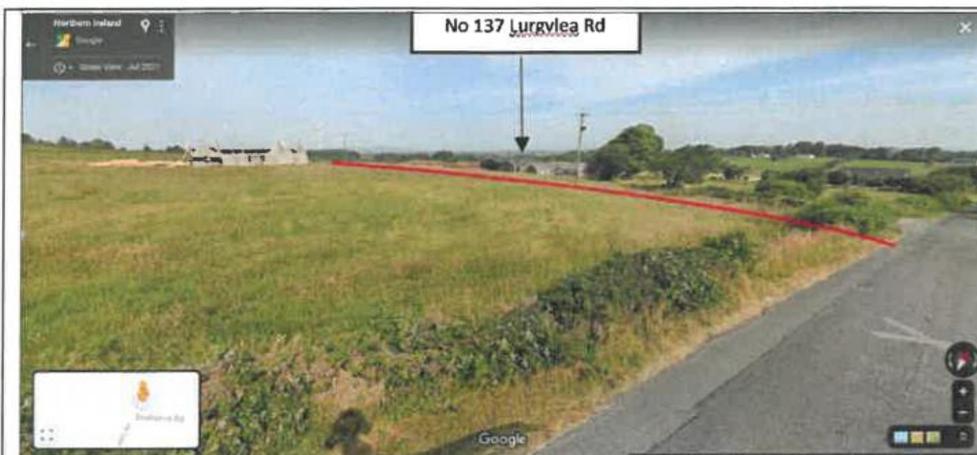


Fig 7: Google map shows approx. line of fencing and vegetation the access lane approved under previous application will follow, along the side of No. 137 Lurgylea Rd, the applicant's current address.

I note concerns with the currently proposed access lane were raised under the previous application on site LA09/2020/0631/F. At the outset of LA09/2020/0631/F the applicant/agent proposed the current access lane however as Planning considered it would not integrate the applicant/agent was given the opportunity to amend the access, alongside other design issues raised, to aid integration. Subsequently, the access lane was amended to run along the north boundary of the site adjacent and parallel to No. 137's access lane (Fig 7) whereby it benefited from post and wire fencing interspersed with mixed vegetation / trees to assist its integration into the landscape. Accordingly, Planning was content the revised access arrangements, alongside other design issues addressed, would now integrate into the landscape in accordance with Policies CTY13 and CTY14 thus the overall scheme was granted.

I do not believe there have been any significant changes on site since the previous application whereby the access lane currently proposed was considered not to be in accordance with Policies CTY13 and CTY 14 therefore I would recommend this proposal be refused. In making this recommendation, I have taken into account supporting information submitted by the agent justifying the proposed access arrangements. However, as detailed above I do not consider this proposal integrates; and there are no sufficient reason why the previously approved access arrangements cannot be provided, legal issues raised are with DFI and NIE, DFI will have to grant road opening permit.

#### **Additional Considerations**

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

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

#### **Recommendation**

Refuse lack of integration resulting in a detrimental change to the rural character of the countryside

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	<b>Refuse</b>
<b>Reasons for Refusal:</b>	
<ol style="list-style-type: none"><li>1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.</li><li>2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of the access arrangements would result in a detrimental change to the rural character of the countryside.</li></ol>	
<b>Signature(s)</b>	
<b>Date:</b>	



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1276/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling (including waste water treatment plant)	<b>Location:</b> 35m N.W. of 270 Killyman Road Dungannon
<b>Applicant Name and Address:</b> Mr Paul Cranston 120 Bush Road Dungannon	<b>Agent name and Address:</b> JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
<b>Summary of Issues:</b> The proposed site is small and elevated above the road, it does not respect the character of the surrounding area in terms of its plot size and the proposed dwelling. A dwelling here would likely have an adverse impact on the amenity of the adjacent dwellings and due to its narrow width would require significant retaining structures to allow access	
<b>Summary of Consultee Responses:</b> DFI Roads – access can be achieved to required standard EHO – no response received	
<b>Characteristics of the Site and Area:</b>  The site lies within the Northern edge of the settlement limits of Killyman and outside all other areas of constraint as depicted by the DSTAP 2010. The M1 motorway runs directly past the North of the site. The area is predominantly residential in nature with detached dwellings on both sides, semi-detached dwellings to the rear and across the road frontage there is an agricultural field which is also within the settlement.  The red line of the site is located approx. 35 north west of number 270 Killyman road and includes a long narrow plot sandwiched between two dwellings, the site is approx. 8.5 metres wide. The site is higher than the road level with a steep bank on the entrance to the site. It is bounded along all sides and to the rear by low cropped native species hedgerow and the frontage has been opened and is undefined.	

There are trees on either side of the entrance with a hedge along the frontage to the west and a walled frontage along the road to the east. The dwelling has bungalows on either side.

### Description of Proposal

The proposal seeks outline planning permission for a site for a dwelling and a septic tank.

### Deferred Consideration:

This application was before the Planning Committee in December 2021 where it was deferred for a meeting with the Planning Manager. At the meeting on 16 December 2021, additional information was presented to show how the site could be developed with a small bespoke single storey dwelling and offering similarities with a site in Aughnacloy. Due to issues with capacity in the sewage works it was proposed to deal with the sewage from the site through a septic tank.

The amended plans were subject to further consultation with DFI Roads, EHO and neighbours. DFI Roads have set out the standards that an access will be expected to meet. EHO have not formally responded but have advised that a septic tank should be at least 7 metres from a property and any discharge will be subject to NIEA Consent. An additional letter of objection was received from the neighbour raising concerns about the impact of the development on them.

Members will be aware that new residential development in settlements is assessed against PPS7 – Quality Residential Developments and the Addendum to PPS 7, Protecting the Character of Established Areas. The indicative plans that have been submitted show a new dwelling which is single storey with a 6 metre built frontage on an 8 metre wide site.

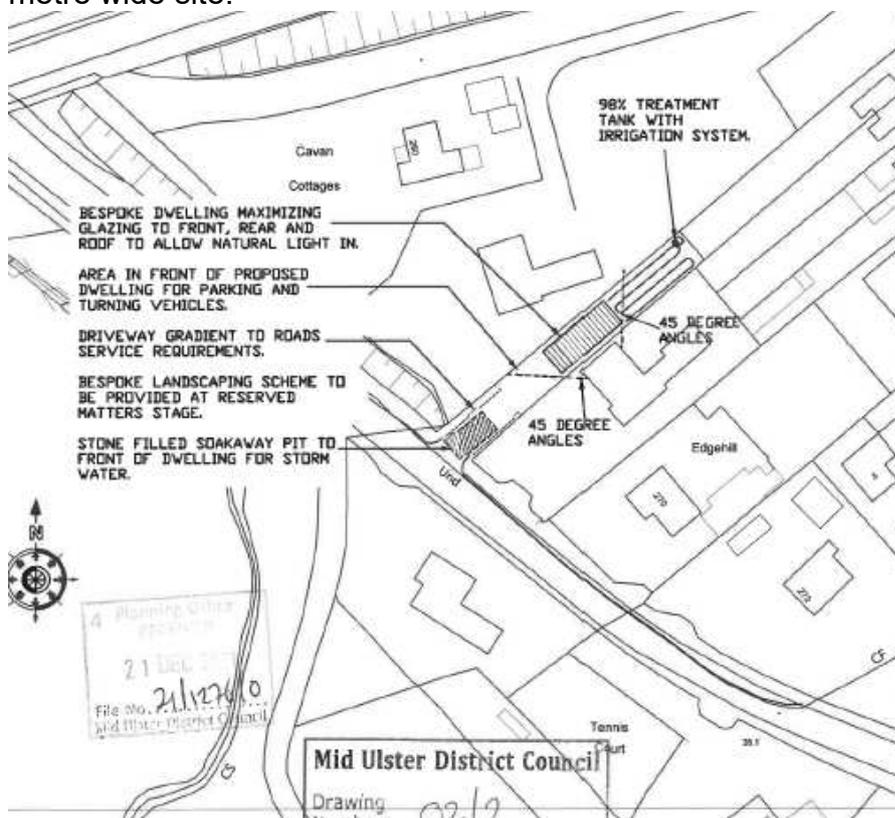


Fig 1. Indicative layout of the proposed site.

The proposed dwelling has the appearance of being shoehorned onto the site, it has a bespoke design with a flat roof behind a low pitched roof front, one small opaque window in each side elevation and roof lights to achieve natural light inside of the house. These design features themselves indicate that the site is too restrictive to accommodate a dwelling of a similar size and appearance to the large dwellings either side of it which are on large plots (Fig 2).



Fig 2 plot sizes adjacent to the site.

The proposed site is approx. 615sqm in total area and the adjacent properties range from approx. 1275sqm to 2,240sqm in size. The site plan (Fig 1) indicates that a dwelling here would have little room either side of it between the walls and the neighbours properties and boundaries. It does not take account of the significant difference in the levels between the road and the site (Photo 1), the narrow width of the site or the adjacent development.



Photo 1 - Site viewed from Killyman Road in front

Access could be achieved to the site, however it would, in my opinion require significant retaining structures and excavations to achieve this. I also do not consider it would be possible, or it would be very difficult to turn a car in the site to ensure it enters and exits the site in a forward gear, as is the usual requirement to prevent vehicles reversing out onto the public road. This would also result in the entire frontage of the site given over to

hard standing for parking and turning areas, which is also not in character with the immediate area.

Members will also be aware that each site is decided on its own merits and the comparable case that has been cited is for a new dwelling in Sydney Lane, Aughnacloy. LA09/2020/1374/O. That site is level with the road, at its frontage, and has a shallow rise away from the road and is in no way comparable with this application site. (See Fig 3 and Photo 2)



Fig 3 and Photo 2 – Site at Sydney Lane Aughnacloy

Taking account of all the issues raised above and in the previous report, my view is that this development is out of character, would not be able to provide an acceptable parking provision, would result in overdevelopment and should be refused for the reasons stated below

### Refusal Reasons

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7; Quality Residential Environment in that the development, would, if permitted, be unacceptable as it will result in overdevelopment, loss of amenity on neighbouring properties by reason of its closeness, would require significant retaining structures that are out of character with the area and it would not be capable of providing adequate parking and turning facilities within the site.
2. The proposal is contrary to Policy LC1 of the Department's Planning Policy Statement 7 Addendum - Protecting the Character of Established Areas; Quality Residential Environment in that the development, would, if permitted, represent an overdevelopment of the site and would be out of keeping with the established character of the area.

**Signature(s):**

**Date**



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1276/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling	<b>Location:</b> 35m N.W. of 270 Killyman Road Dungannon
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Paul Cranston 120 Bush Road Dungannon	<b>Agent Name and Address:</b> JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None

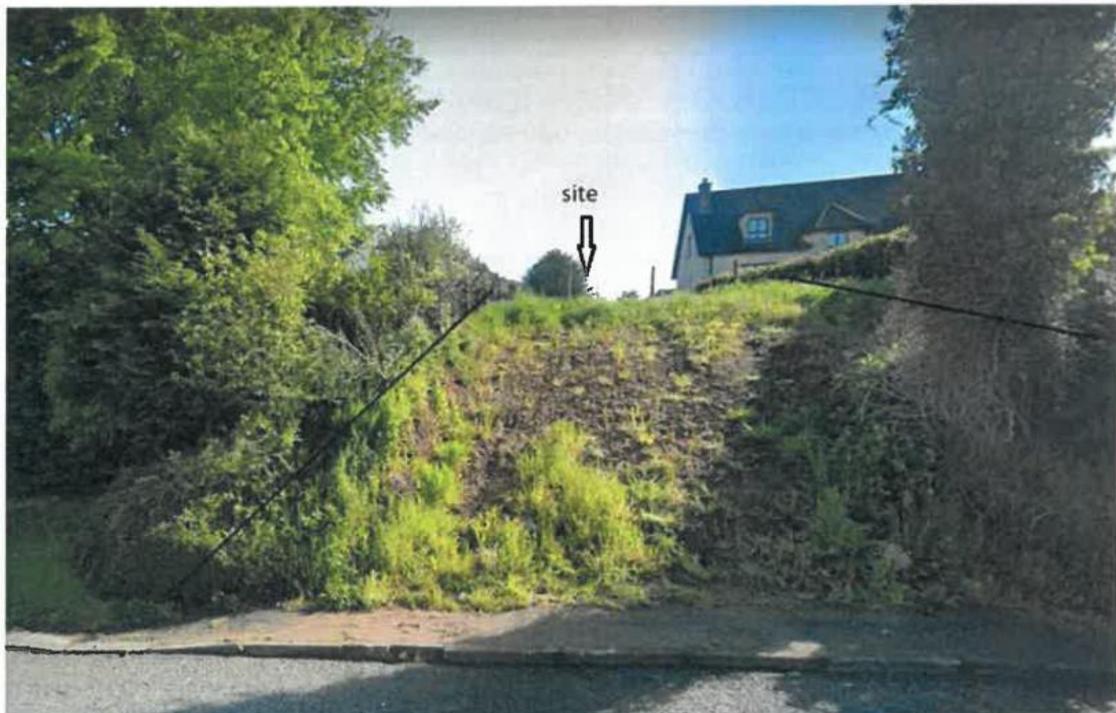
### Characteristics of the Site and Area

The site lies within the Northern edge of the settlement limits of Killyman and outside all other areas of constraint as depicted by the DSTAP 2010. The M1 motorway runs directly past the North of the site. The area is predominantly residential in nature with detached dwellings on both sides, semi-detached dwellings to the rear and across the road frontage there is an agricultural field which is also within the settlement.

The red line of the site is located approx. 35 north west of number 270 Killyman road and includes a long narrow plot sandwiched between two dwellings, the site is approx. 8.5 metres wide. The site is much higher than the road level with a steep bank on the entrance to the site. It is bounded along all sides and to the rear by low cropped native species hedgerow and the frontage has been opened and is undefined.



There are trees on either side of the entrance with a hedge along the frontage to the west and a walled frontage along the road to the east. The dwelling has bungalows on either side.



## Description of Proposal

The proposal seeks outline planning permission for a site for a dwelling.



## Planning Assessment of Policy and Other Material Considerations

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

Dungannon and South Tyrone Area Plan 2010  
Mid Ulster Local Development Plan 2030 - Draft Strategy  
Strategic Planning Policy Statement (SPPS)  
PPS 7: Quality Residential Environment  
PPS 3: Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

### Representations

No third party representations were received.

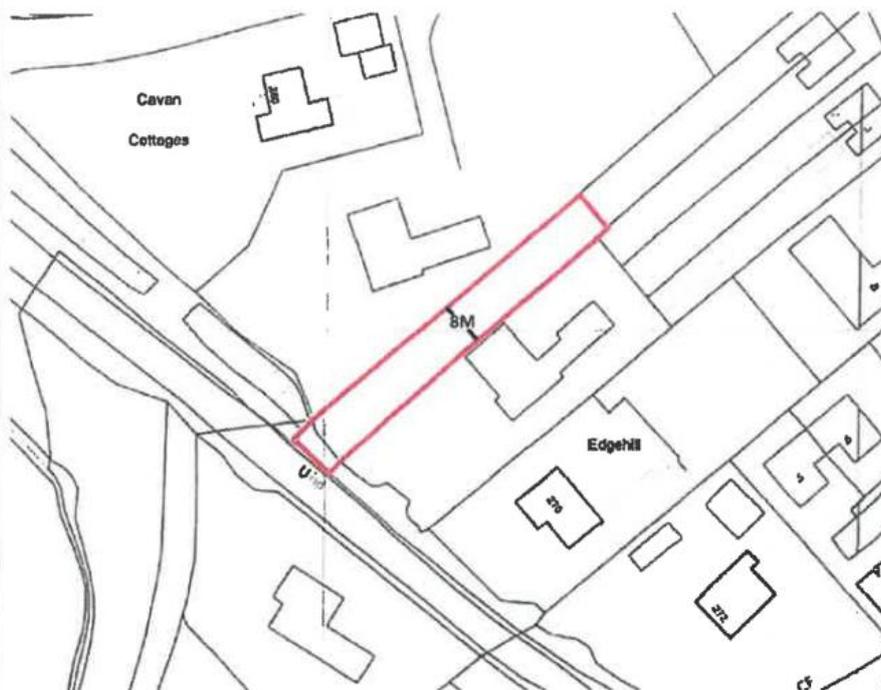
Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single storey detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet.

a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings structures and landscaped and hard surface areas:-

I note that the site is located within a mixed-use area inclusive of residential in close proximity, I note that the site appears as an urban infill given the level of build-up. However, it is my opinion that the site is too restrictive on terms of width to allow a dwelling to fit in acceptably. The site is approx. 8.5 metres wide and any dwelling on this site would result in loss of amenity for the dwellings on either side.

b) features of the archaeological and built heritage, and landscape features are identical and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development:-

I am content that no features of archaeological or built heritage, and landscape features will be impacted from this proposal.



c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area:-

Given the size of development I am content that the proposal does not require to provide public open space and given the size of site that there should be adequate private amenity space.

d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development: -

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures:-

I am content the site will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.

f) adequate and appropriate provision is made for parking:-

I am content that site is big enough to be able to provide sufficient parking for a dwelling.

g) the design of the development draws upon the best local traditions of form, materials and detailing:-

I note that this is only an outline application therefore no design details have been provided.

h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance:-

I note that no indicative site plan has been submitted, however, it is my opinion that due to the size and shape of the site any dwelling would give rise to loss of private amenity enjoyed by the neighbour, gable to gable distance of the existing dwellings is approx. 15 metres, also loss of light would be a concern due the site width of 8.5 metres, and finally overshadowing would also be a concern, due to its position to the NW, number 262 would experience overshadowing in early morning to afternoon sun. I note that additional landscaping will be solely required to reduce any concerns in regards to neighbouring amenity.

i) the development is designed to deter crime and promote personal safety:-

It is my opinion that the proposed development will not increase the potential for crime.

#### PPS 3: Access, Movement and Parking

DFI Roads were consulted in relation to the application and responded to confirm that they were content subject to conditions and informatives.

#### 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 does not yet carry determining weight.

As the application has failed to comply with all the criteria under Policy QD1 of PPS 7 I must recommend refusal for this application.

-Overdevelopment

-Loss of amenity

#### Neighbour Notification Checked

Yes

#### Refusal Reasons

1.The proposal is contrary to the Department's Planning Policy Statement 7; Quality Residential Environment in that the development, would, if permitted, result in an unacceptable loss of amenity on neighbouring properties by reason of overlooking, overshadowing and loss of light.

2.The proposal is contrary to the Department's Planning Policy Statement 7; Quality Residential Environment in that the development, would, if permitted, represent an overdevelopment of the site.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st September 2021
<b>Date First Advertised</b>	14th September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier, 1 Cavan Cottages Dungannon Tyrone</p> <p>The Owner/Occupier, 2 Cavan Cottages Dungannon Tyrone</p> <p>The Owner/Occupier, 260 Killyman Road Dungannon Tyrone</p> <p>The Owner/Occupier, 261 Killyman Road Dungannon Tyrone</p> <p>The Owner/Occupier, 268 Killyman Road Dungannon Tyrone Doreen Lewis 268 Killyman Road, Cavan, Killyman, Dungannon, BT71 6RT</p> <p>The Owner/Occupier, 269 Killyman Road Dungannon Tyrone</p> <p>The Owner/Occupier, 270 Killyman Road Dungannon Tyrone</p> <p>The Owner/Occupier, 3 Cavan Cottages Dungannon Tyrone</p> <p>The Owner/Occupier, 4 Cavan Cottages Dungannon Tyrone</p> <p>The Owner/Occupier, Holly Ridge 262 Killyman Road Dungannon</p>	
<b>Date of Last Neighbour Notification</b>	21st September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: LA09/2021/1276/O</p> <p>Proposal: Proposed dwelling on a farm</p> <p>Address: 35m N.W. of 270 Killyman Road, Dungannon,</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: M/1976/0298</p>	

Proposal: EXTESNSIONS TO COTTAGES.

Address: LAGHEY COTTAGES, KILLYMAN, CAVAN COTTAGES, KILLYMAN, BALLYNAKILLY

Decision:

Decision Date:

Ref ID: M/2003/0242/F

Proposal: Chalet type dwelling with attatched rear garage

Address: Site adjacent to no. 270 Killyman Road, Dungannon

Decision:

Decision Date: 30.05.2003

Ref ID: M/2000/1232/O

Proposal: Site for one and a half storey dwelling and detached domestic garage.

Address: Land adjacent to 270 Killyman Road, Dungannon.

Decision:

Decision Date: 21.03.2001

Ref ID: M/1995/0752

Proposal: Temporary mobile home for decanting purposes

Address: 3 CAVAN COTTAGES KILLYMAN

Decision:

Decision Date:

#### **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: