



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/0690/F	Target Date:
Proposal: Proposed retrospective application for beauty salon and car sales area with associated office and valet facility	Location: Adjacent to 3 Killymuck Road, Upperlands, Maghera
Applicant Name and Address: Mr B McCloskey, 96 Drumagarner Road, Kilrea, BT51 5TE	Agent name and Address: DM Kearney Design, 2a Coleraine Road, Maghera, BT46 5BN
Summary of Issues: Principle of farm diversification proposal and access concerns.	
Summary of Consultee Responses: No objection.	
Characteristics of the Site and Area: The application is for a retrospective application for a beauty salon and car sales area with associated office and valet facility, the site is located to the rear of No 3 Killymuck Road and is within the rural countryside. No 3 Killymuck Road is a modest detached bungalow on the roadside. There is a large concrete yard to the rear of the dwelling, which has several detached buildings. The beauty salon is located within the western corner of the red line and directly behind a neighbouring dwelling at No 2 Glasshill Crescent. There is a building for a valeting business with car sales located in the Northeast corner of the site. There is a large building within the yard however, this is outside the red line of the application site and is subject to enforcement at present. To the rear of the site is a cattle handling pen and some agricultural land within the applicants ownership.	

The site itself is surrounded by mature vegetation and there are no critical views from any neighbouring public viewpoints.

Description of Proposal

Full application for 'proposed retrospective application for a beauty salon and car sales area with associated office and valet facility to the rear of 3 Killymuck Road, Upperlands, Maghera'.

Deferred Consideration:

This application was before the Planning Committee in April 2017 with a recommendation to refuse. Members agreed to defer the application for an office meeting that took place 13 April 2017. Following the office meeting, I carried out a site visit and the agent submitted further information for consideration of this planning application.

The applicant was listed as the farm owner and since the office meeting confirmation has been received that his two daughters are now listed as part owners of the farm business and confirmation of this was received 14 August 2017.

Policy CTY 11 of PPS 21 states that planning permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. There are 4 criteria to be applied:

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

DAERA have confirmed the business is active and established.

- b. In terms of character and scale it is appropriate to its location;

There is a much larger shed within the red line of the site constructed without planning permission. The Enforcement team investigated the shed and ascertained the building and its use are immune based on the evidence submitted by the applicant. At the time of my site visit Brian McCloskey showed me the inside of the larger shed, which is storing raw materials for the manufacture of furniture that takes place elsewhere. The building for the car sales office and valet facility is site to the east of the larger shed though it is considerably smaller in both footprint and height. The building for the beauty salon is to the west of the larger shed and it too is considerably smaller in both footprint and height. The beauty salon sits immediately behind the boundary with No 2 Glasshill Crescent and its residents have submitted a letter of objection I will detail later in this report. The beauty salon is not visible from any vantage points and is visible once you have arrived at the application site. The car sales office is visible from the Drumagarnier Road but its visual impact is not as significant as the larger storage shed.

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

There are no features of natural or built heritage adversely impacted.

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

There is a residential dwelling at No 2 Glasshill Crescent, which is immediately to the south of the building used for the purposes of a beauty salon. There is an objection from the residents of No 2 Glasshill Crescent. They have raised concerns with increased traffic movements and noise from the traffic including horns, forklifts and reversing alarms. They have also stated there is noise from the beauty salon particularly when the windows are open. There is a concern held from the light pollution from floodlights. In response, there is a very tall leylandi hedge between the buildings and the dwelling at No 2 Glasshill Crescent, which is at least 4.5m tall. Although the car parking spaces are not marked on the ground of the application site, the agent has shown 5 car parking spaces alongside the leylandi hedge behind No 2 Glasshill Crescent. 10 car spaces are marked on drawing no 01/1 for the car sales office and valet building. The website for "ucar" states that viewing is by appointment only.

There is a distance of 14m between the rear of the dwelling and the side elevation of the beauty salon. Although a beauty salon is not a typical use in the rural area I do not feel it is a use that itself will cause any significant harm on residential amenity by way of noise, smell or pollution. Given there is a very tall hedge in between the yard of the application site and the objector's dwelling this is in the control of the applicant and can be conditioned to be retained. The car sales building is c.60m away from the objector's dwelling, again with the tall hedge in between which will restrict any views from the objector's dwelling into the site.

Given the applicant and his daughters are listed on the Farm Business I consider the application can be treated as a farm diversification scheme. Although there is an existing larger shed within the red line of the application site, it is for storage for the applicant's kitchen manufacturing business. There are other areas of farmland belonging to the applicant within both MUDC area and Causeway Coast and Glens area. However, there does not appear to be any other sheds on these lands, only dwellings approved under the farm business number of members of the applicant's family. Where a new building is justified, Policy CTY 11 states it should be satisfactorily integrated with an existing group of buildings. As I have detailed there is an existing and much larger shed within the yard, together with a dwelling at No 3 Killymuck Road owner by the applicant. I do not consider the integration of these buildings to be a concern.

Following my consideration of the application against the criteria of Policy CTY 11 I recommend an approval of this application subject to the conditions listed below.

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no illuminated signage shall be erected at the site without express consent by Mid Ulster District Council.

Reasons: In the interest of visual amenity in the rural area.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no additional floodlighting shall be erected at the premises. The existing floodlighting shall be switched off before 8pm between Monday and Friday, 5pm on a Saturday and it shall not be in use on a Sunday.

Reason: In the interests of residential amenity.

4. No business activity shall take place from the site outside the hours of 8.00 am to 6.00 pm on Mondays to Fridays and 8.00 am to 2.00 pm on Saturdays or at any times on Sundays, bank holidays or public holidays.

Reason: To control the nature of the retailing use of the site at his countryside location in the interests of residential amenity.

5. The cars for sale shall be displayed in strict accordance with the layout shown on drawing 01/1 date stamped 6 December 2018 with no more than 10 cars displayed for sale at the site.

Reason: To control the nature of the retailing use of the site at his countryside location in the interests of residential amenity.

6. The hair and beauty salon unit shall be used only for that purpose, and for no other purpose in Class A1 of the Schedule to The Planning (Use Classes) Order (Northern Ireland) 2015, or in any provision equivalent to that Class in any statutory instrument revoking and replacing that Order without the written consent of the Council.

Reason: To control the nature of the retailing use of the site at this countryside location.

7. The hair and beauty salon together with the car sales use hereby permitted shall be operated solely in conjunction with the management of the agricultural holding of the applicant.

Reason: To control the nature of the use of the site at this countryside location.

8. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing no 01/1 bearing the date stamp 6 December 2018 within one month of the development hereby retrospectively permitted. The area within the visibility splays shall be cleared to provide a level

surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

9. The parking facilities detailed in drawing no 01/1 bearing the date stamp 6 December 2018 shall be open for use during all hours of business. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles during the approved business hours.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

10. The existing mature hedgerow along the southern boundary of the site as indicated on the approved plan 01/1, date stamped 6 December 2018 shall be retained at a minimum height of 4 metres and trees within the hedgerow at 4 metres, and shall be allowed to grow on or as agreed in writing with the Council

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0690/F	Target Date:
Proposal: Proposed retrospective application for beauty salon and car sales area with associated office and valet facility	Location: Adjacent to 3 Killymuck Road Upperlands Maghera
Referral Route: Refusal recommended & objection received.	
Recommendation:	REFUSE
Applicant Name and Address: Mr B McCloskey 96 Drumagarner Road Kilrea BT51 5TE	Agent Name and Address: DM Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

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 Refusal recommended – contrary to CTY 1 PPS21, CTY 11 & CTY14 of PPS21, PPS4	
Characteristics of the Site and Area <p>The application is for a retrospective application for a beauty salon and car sales area with associated office and valet facility, the site is located to the rear of No 3 Killymuck Road and is within the rural countryside.</p> <p>No 3 Killymuck Road is a modest detached bungalow on the roadside, there is a large concrete yard to the rear of the dwelling which has several detached buildings, one for the beauty salon located within the western corner of the red line and directly behind a neighbouring dwelling at No 2 Glasshill Crescent and one for valeting business with car sales located in the North east corner of the site. There is a large building within the yard however this is outside the red line of the application site and is subject to enforcement at present.</p> <p>To the rear of the site is a cattle handling pen and agricultural land within the applicant's ownership.</p> <p>The site itself is surrounded by mature vegetation and as such there are no critical views from any neighbouring public viewpoints.</p>	
Description of Proposal <p>Full application for 'proposed retrospective application for a beauty salon and car sales area with associated office and valet facility to the rear of 3 Killymuck Road, Upperlands, Maghera'.</p>	
Planning Assessment of Policy and Other Material Considerations <p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside Planning Policy Statement 4 - Planning and Economic development</p> <p>This proposal site is within the rural remainder as defined in the Magherafelt Area Plan 2015. The businesses are operating at present, this is a retrospective application, the car business is advertised as 'U Car' and the beauty salon as 'Bellarose', small advertisements are in place at the entrance to the sight.</p>	

Site History - There are two current enforcement cases within the red line of this application site - LA09/2016/0030/CA _ LA09/2015/0193/CA

Consultations: - NI Roads were asked to comment and responded on 05.09.2016 requesting additional info as the applicant has failed to demonstrate that a safe access can be provided onto the Killymuck Road. This has not been sought from the applicant/agent.

Environmental Health were asked to comment and responded on 09.06.2016 with no objections

NI Water were asked to comment and responded on 25.05.2016 with no objections

DARDni were asked to comment and responded on 25.05.2016 stating that the farm business has been established for over 5 years and is active.

In line with legislation this proposal was advertised in several local press publications during May 2016.

Neighbours: Owners/Occupiers of Nos 1, 2 _ 3 Glasshill Crescent, No 2 _ No 4 Killymuck Road and No 203 Drumagarner Road were all notified of the proposal on 24.05.2016. One objection has been received from the owner/occupier of No 2 Glasshill Crescent, the main points raised are:

- increased levels of traffic, in the form of cars and goods vehicles causing concerns for safety
- noise nuisance from both businesses and related traffic
- light pollution caused by tall floodlights
- commercial activity in a rural location

The car valeting building is approximately 4metres in height and with a floor space of approx. 73.81m2. The finish/design of this building is green metal like a prefabricated garage.

The beauty salon is approximately 4metres in height and with a floor space of approx. 56.64m2. The finish and design of this building is one of the appearance of a wooden cabin.

A vehicle sales business is considered as Sui Generis as stated within the Planning (Use Classes) Order (NI) 2015.

Under CTY 1 of PPS21 planning permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm, and 4 points of criteria need to be adhered to. The farm business should be currently active and established - following consultation with DARD they have confirmed that the farm business owner has an active and established farm business for over 6 years. In terms of character and scale the buildings are appropriate for their location and do not have any adverse impact on natural or built heritage. One neighbouring property has submitted an objection to this application stating that the business premises are causing problems arising from noise, smell and pollution, I would agree that these uses would produce these nuisances and are not suitable for this rural location.

In addition the applicant has not demonstrated why existing buildings within the farm holding could not be re-used or adapted rather than 2 completely new buildings a point which is at odds to this policy. This point should be addressed before it could be judged if the new buildings to be an exception, however CTY 11 does state that 'the countryside is not spoilt by the unfettered development of urban uses', beauty salons and vehicle sales and valeting are an urban use and not considered a rural use and as such do not comply with CTY 11 of PPS21.

Under CTY 13 of PPS21 planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This particular proposal is easier to assess as the buildings are already on site. The site has a mature vegetative boundary on the southern side and existing buildings and/or dwellings

on the northern and eastern boundaries as such there are no critical views of the site from any neighbouring or surrounding public vantage points, nor is the site a prominent feature in the surrounding landscape.

Under CTY 14 planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The buildings being used for the two businesses in this proposal are not in my opinion prominent in the landscape however I do consider them to erode the rural character of the area as the urban use is not suited to this rural location.

The two business are located within a large yard area not affiliated with the dwelling on site and so could not be defined as home working, they are both independent businesses and the business use is not secondary to the main use of the dwelling. The both uses would attract more than occasional visitors to the site.

Under PPS4 development on land outside a village or smaller rural settlement will be permitted where it is demonstrated that there is no suitable site within the settlement, in this case this has not been demonstrated. In addition the proposal should benefit the local economy or contribute to community regeneration, however this proposal does not do either. Finally to be acceptable the development should be clearly associated with the settlement, this proposal site is not associated with any neighbouring settlements at all and so does not comply with this policy. The objector has argued that the businesses do harm his amenities, although Environmental Health do not have any objections to the proposal.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – contrary to CTY 1, 11, 14 of PPS21 & PPS4

Reasons for Refusal:

1. To be used in addition to reasons for refusal for Policies CTY13, CTY14, CTY8 where there are no overriding reasons why the development is essential.

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 CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm and it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to (further erode) the rural character of the countryside.

4. The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, in that the development would, if permitted, be incompatible with the character of the surrounding area.

Signature(s)

Date:

ANNEX	
Date Valid	13th May 2016
Date First Advertised	25th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Glasshill Crescent Killygullib Glebe Kilrea The Owner/Occupier, 2 Glasshill Crescent Killygullib Glebe Kilrea The Owner/Occupier, 2 Killymuck Road, Upperlands K Kyle 2, Glasshill Crescent, Kilrea, Londonderry, Northern Ireland, BT51 5UR The Owner/Occupier, 203 Drumagarner Road Killygullib Glebe Kilrea The Owner/Occupier, 3 Glasshill Crescent, Killymuck Road The Owner/Occupier, 4 Killymuck Road, Upperlands	
Date of Last Neighbour Notification	24th May 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2002/0507/F Proposal: Dwelling and garage Address: Adjacent to No 3 Killymuck Road, Kilrea Decision: Decision Date: 16.09.2002 Ref ID: H/2001/0618/O Proposal: Site For Dwelling Address: Adjacent To No.3 Killymuck Road, Kilrea Decision: Decision Date: 23.09.2001 Ref ID: H/2002/0505/F Proposal: Dwelling and Garage	

Address: Killymuck Road, Kilrea, (Adjacent to No 3)
 Decision:
 Decision Date: 18.08.2002

Ref ID: H/2001/0617/O
 Proposal: Site For Dwelling
 Address: Adjacent To No. 3 Killymuck Road, Kilrea
 Decision:
 Decision Date: 23.09.2001

Ref ID: H/2013/0033/O
 Proposal: Proposed site of infill dwelling and garage for residential purposes
 Address: Approx 120m South West of 201 Drumagarner Road, Kilrea,
 Decision: WITHDR
 Decision Date: 11.09.2013

Ref ID: LA09/2016/0690/F
 Proposal: Proposed retrospective application for beauty salon and car sales area with associated office and valet facility
 Address: Adjacent to 3 Killymuck Road, Upperlands, Maghera,
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Drawing No. 01
 Type: Site & Detailed Drawings
 Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2016/1122/F	Target Date: <add date>
Proposal: Proposed new farm dwelling	Location: 40 m North East of 48 Waterfoot Road Magherafelt
Applicant Name and Address: Mr Henry J Walls 46 Waterfoot Road Magherafelt	Agent name and Address: CMI Planners UnitC5 80-82 Rainey Street Magherafelt BT45 5AJ
Summary of Issues: application can now be recommended for approval having being amended to a dwelling on a farm case.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: <p>The proposal site is located adjacent to No 48 Waterfoot Road and abuts Moyola River. The site has a redundant single storey building on site which has complete stone walls, a corrugated tin roof and 3 barn style doors on one elevation, while the rear elevation was inaccessible due to overgrown vegetation, there is evidence of windows in the building but no chimney openings or other residential style elements visible on the building. Within the remainder of the site it is a grassed agricultural field fenced off.</p> <p>Immediately SW of the proposal site is a dwelling and attached outbuilding and NW of the proposal site is a residential property and several out buildings.</p>	

Description of Proposal

Full application for a Farm Dwelling.

Deferred Consideration:

This application previously came before planning committee as a replacement dwelling with a recommendation to refuse permission given that the building to be replaced was not of replacement category.

Following a deferral the applicant was invited to amend the application to a dwelling on a farm, given that an earlier approval on the site, allowed at appeal granted permission for same. This has now expired.

On the 8th Nov 2018 the agent submitted a PIC form and maps allowing consultation with DAERA. Their response dated the 28 Nov 2018 indicates that the Business ID has existed for the required 6 year period and that claims have been made for the years 2015-2018. I am therefore content that the first requirement of Policy CTY10 is met.

In relation to siting, the site sits beside a group of buildings which appear to be related to the farm lands and are certainly owned by the applicant. This in my view satisfies the siting requirements of CTY10 in relation to visual linkage and grouping. The site offers an acceptable degree of integration also and meets all other planning and environmental criteria.

The historical concerns in relation to flood risk appear to have been clarified with Rivers Agency confirming the site is not at risk.

There are no objections.

Given the above circumstances I am of the opinion that permission be granted subject to the conditions below.

Conditions/Reasons for Refusal:**Conditions**

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

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

2. The vehicular access, including visibility splays of 2.0 x 60m to the West and 2.0 x 33m to the South East, and Forward sight distance of 33m to the rear shall be provided in accordance with drawing No.02/2 prior to the commencement of any other works or other development hereby permitted.

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

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

4. The access gradient(s) shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

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

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

Informatives

1. Notwithstanding the terms and conditions of the Mid Ulster District Council's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge or footway bounding the site. The consent is available on personal application to TransportNI Section Engineer whose address is Molesworth Plaza, Molesworth Street, Cookstown.

A monetary deposit will be required to cover works on the public road.

2. 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.

3. 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.

4. 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.
 5. 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.
 6. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.
 7. A consent to discharge sewage effluent being obtained from Water Management unit, the Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999. Any new or existing septic tank unit being a minimum of 15metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
Planning Service receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).
 8. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.
- If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.
- Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at www.niwater.com/servicesfordevelopers.asp
- All services within the development should be laid underground.
None of the dwellings hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

9. 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.

10. 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): M.Bowman

Date 22/1/2019



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1122/F	Target Date:
Proposal: Proposed replacement dwelling	Location: 40 m North East of 48 Waterfoot Road Magherafelt
Referral Route: Refusal – contrary to CTY 1 & 3 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Mr Henry J Walls 46 Waterfoot Road Magherafelt	Agent Name and Address: CMI Planners UnitC5 80-82 Rainey Street Magherafelt BT45 5AJ
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transportni	10/02/2017
Non statutory	Environmental Health	31/08/2016
Non statutory	NI Water	31/08/2016

Statutory	Rivers Agency	12/09/2016
Representations:		
Letters of Support	1	
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 recommended as proposal contrary to CTY 1 & 3 of PPS21		
Characteristics of the Site and Area		
<p>The proposal site is located adjacent to No 48 Waterfoot Road and abuts Moyola River. The site has a redundant single storey building on site which has complete stone walls, a corrugated tin roof and 3 barn style doors on one elevation, while the rear elevation was inaccessible due to overgrown vegetation, there are no windows or evidence of windows in the building and no chimney openings or other residential style elements visible on the building. Within the remainder of the site it is a grassed agricultural field fenced off. Immediately SW of the proposal site is a dwelling and attached outbuilding and NW of the proposal site is a residential property and several out buildings. When I accessed the site there was no evidence</p>		
Description of Proposal		
Full application for a replacement dwelling.		
Planning Assessment of Policy and Other Material Considerations		
<p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside.</p> <p>Site History - H/2009/0150/O - Approved at appeal for dwelling generally sited within the area of the existing building. This approval was granted 30.11.2011 thus this approval has expired.</p> <p>Neighbours notified: - Owners/occupiers of Nos 47, 48, 49-51 _ 50 Waterfoot Road were notified of this proposal on 01.09.2016. A letter of support from the owner/occupier of No 50 Waterfoot Road, Magherafelt dated 12.09.2016 was received.</p> <p>In line with legislation this proposal was advertised in the local press during August 2016.</p> <p>Consultees: - Environmental Health were asked to comment and responded on 28.09.16 with no objections to the proposal subject to advice.</p>		

NI Water were asked to comment and responded on 05.09.16 with no objections subject to advice.

TransportNI were asked to comment as the proposal includes the construction of a new access to a public road, they responded on 10.02.17 with no objections subject to conditions and advice.

Rivers Agency were consulted on this proposal as the proposal site was shown on the councils systems to be within a floodplain, however Rivers Agency were able to confirm that the proposal site was outside the designation floodplain but they did comment that due to its close proximity they felt conditions and advice should be given.

This proposal is for a replacement dwelling and as such the relevant policy is CTY 3 of PPS21. Within this policy it states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings design and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

In this particular case the existing dwelling is a single storey stone building with a corrugated tin roof. There are 3 barn style doors on the front elevation and the rear elevation is heavily overgrown. Part of the building has been demolished leaving some wall stead's behind. When inspecting the inside of the building there were no indications that the building had ever been used as a dwelling but rather only ever for storage. As such it is my opinion that this proposal fails to meet the requirements of CTY 3.

This policy also goes on to explain that favourable consideration will however be given to the replacement of a redundant non-residential building with a single building, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

It is my professional opinion that this is a redundant non-residential building however I am not of the opinion that its replacement would bring significant environmental benefits and as such the proposal still does not comply with CTY 3 requirements.

In addition proposals for a replacement dwelling should be sited within the established curtilage of the existing building unless the established curtilage is so restricted. In this particular case there is no identifiable curtilage existing. Immediately adjacent on the eastern side of the building is a small grassed paddock style area used for grazing sheep. The proposed dwelling is sited immediately adjacent to the existing building.

The proposed dwelling is of a modest and traditional scale and design and following responses from consultees it is clear that services can be achieved to the site

Under the previous approval the proposal site was described to be within a flood plain and DOE were criticised for not having consulted with Rivers Agency or requested a flood risk assessment. However in this instance Rivers Agency were consulted and confirmed that the proposal site is actually outside the flood zone and as such they have no objections to the proposal, thus a flood risk assessment is not required.

Proposals of development within the countryside also have to comply with CTY 13 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed dwelling would not be a prominent feature in the landscape due to the surrounding landscape and existing development. It is my professional opinion that this proposal meets the requirements of CTY 13.

Finally this proposal should be considered under CTY 14 of PPS21. This policy states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Although I do not consider

the proposal to be acceptable under the replacement criteria the proposal would respect the traditional pattern of settlement already in existence and as such adheres to this criteria.

In conclusion having considered all of the above it is my opinion that this proposal does not meet the criteria of CTY 3 of PPS21 in that the existing building does not meet the essential characteristics of a dwelling nor would its replacement provide significant environmental benefits and as such a refusal is recommended.

Following discussions with Dr Boomer he asked that I check historical valuation maps for evidence that the building identified was a dwelling. From this it was clear that a building has been in this vicinity however not exactly on the same footprint and it is not evident that the building was ever a dwelling but rather an agricultural building, as such my recommendation for refusal would still stand.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – Contrary to CTY 1 & 3 of PPS21

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building has been designed and used for agricultural purposes. In addition the redevelopment proposed would not bring significant environmental benefits.

Signature(s)

Date:

ANNEX	
Date Valid	12th August 2016
Date First Advertised	25th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 47 Waterfoot Road Ballymaguigan Magherafelt The Owner/Occupier, 48 Waterfoot Road Ballymaguigan Magherafelt The Owner/Occupier, 49-51 Waterfoot Road Ballymaguigan The Owner/Occupier, 50 Waterfoot Road Ballymaguigan Magherafelt Alice McGlone 50, Waterfoot Road, Magherafelt, Londonderry, Northern Ireland, BT45 6LQ	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1122/F Proposal: Proposed replacement dwelling Address: 40 m North East of 48 Waterfoot Road, Magherafelt, Decision: Decision Date: Ref ID: H/2009/0150/O Proposal: Proposed site of replacement dwelling and garage Address: 40m North East of no.48 Waterfoot Road, Magherafelt Decision: Decision Date: 17.02.2011 Ref ID: H/1991/0408 Proposal: ALTERATIONS AND ADDITIONS TO DWELLING Address: 50 WATERFOOT ROAD BALLYMAGUIGAN Decision: Decision Date:	

Ref ID: H/2012/0228/F

Proposal: Single Rear Storey Kitchen and Dining Area Extension

Address: 50 Waterfoot Road, Ballymaguigan,

Decision: PG

Decision Date: 20.08.2012

Summary of Consultee Responses

Environmental Health were asked to comment and responded on 28.09.16 with no objections to the proposal subject to advice.

NI Water were asked to comment and responded on 05.09.16 with no objections subject to advice.

TransportNI were asked to comment as the proposal includes the construction of a new access to a public road, they responded on 10.02.17 with no objections subject to conditions and advice.

Rivers Agency were consulted on this proposal as the proposal site was shown on the councils systems to be within a floodplain, however Rivers Agency were able to confirm that the proposal site was outside the designation floodplain but they did comment that due to its close proximity they felt conditions and advice should be given.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02/2

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Floor Plans

Status: Approved

Drawing No. 04

Type: Proposed Elevations

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2017/1055/O	Target Date: <add date>
Proposal: Proposed dwelling and garage	Location: Approx 30m South of 77 Gulladuff Hill Moyagall Gulladuff
Applicant Name and Address: Joe Hurley 83 Gulladuff Hill Gulladuff Magherafelt	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: No objections have been received in respect of this application.	
Summary of Consultee Responses: All consultees responded positively.	
Characteristics of the Site and Area: The proposal site is located on the roadside of Gulladuff Hill. The proposed access is already in place serving a pre existing greyhound racing track (Field of Dreams Schooling _ Rearing). Immediately adjacent to the proposal site on the NW boundary is a single detached dwelling (No 77) this property does not have frontage to the roadside but rather is set back, accessed via a laneway and with a small agricultural paddock in front of it. Further north is a detached agricultural building on the roadside, these buildings are clearly separated and not intervisible. The proposal site is bounded on the NW boundary by mature trees and vegetation, the NE boundary is defined by a post and wire fence and hedging while the eastern and southern boundaries are undefined. The land levels within the site rises very steeply from the southerly to northerly side. Immediately adjacent of the NE boundary is a detached dwelling.	

Description of Proposal

Outline application for dwelling and garage

Deferred Consideration:

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

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Following a discussion at that meeting it was agreed that the application would be deferred to facilitate an office meeting with the Planning Manager.

The office meeting was held on 10th May 2018 and was attended by
 Dr. Boomer – MUDC Planning
 M McCrystal– MUDC Planning
 C Cassidy – Agent

The issues relating to the recommendation were discussed and it was agreed that MMC would inspect the site to assess the visual impact of a dwelling located adjacent to the existing dwelling which sits on top of a hill. The proposed site located beside existing dwelling at the end of the laneway may be a better option in terms of having a lesser visual impact.

CC – advised that the proposed site utilises an existing farm laneway leading to and is visually linked to the existing dog track and associated building. He stated that it would be acceptable on the applicants part to have a condition imposed restricting a dwelling to the bottom part of the site

MMC to inspect the site and assess the visual impact compared to the alternative as outlined above.

The site was inspected on 15th August 2018. The visibility splays at the access are presently 2.4m x 15 to the left hand side and 2.4m x 20 to the right hand side when exiting the site. There are critical views of the proposed site from the front of no.77 which is 60m to the north of the proposed access. From this point there is no clustering or visual linkage with the existing buildings on the farm holding. The only views of the existing buildings on the farm holding are from mid way between the access to no.77 and the access to the proposed site for a distance of around 20m before these buildings are screened from view

again by boundary hedging. They are then visible again for around another 10m before being completely screened by the mature copse of trees to the south of the site. However, a dwelling sited on the lower part of the application site would also be reasonably well screened as it would only be visible on approach from the north for a short distance from around the entrance to no.77.

A dwelling sited beside the existing buildings on the ridge would either be visible sitting on the crest of the hill top and may appear as contributing to ribbon development or would otherwise require a dwelling to be set to the rear ie. in fields 8 or 11. This would result in a dwelling which could potentially be sited beside farm buildings or having a detrimental impact on the existing dwellings.

A dwelling on the proposed site would have the benefit of being located much lower in the landscape and benefiting from being screened by the mature vegetation and with a backcloth of rising ground would achieve a more desirable setting in terms of integration. Overall, it is my opinion that the proposed site, while not meeting the test of CTY 10 with regards to being sited to cluster or being visually linked with the existing buildings on a farm, Committee may wish to regard this as an exception to the policy due to greater environmental benefits

Conclusion

Given the above situation, it is my opinion that if Committee wish to consider the proposed site as an exception to policy then the proposed development could be approved subject to the following conditions:-

Conditions

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

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

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

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

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

3. The proposed dwelling shall be sited in the area shaded green on the approved plan 01/1 date stamped 8th November 2017.

Reason: To ensure that the development is not prominent and is integrated into the landscape in accordance with the requirements of 'Building on tradition – A Sustainable Design Guide for the Northern Ireland Countryside.'

4. The dwelling hereby permitted shall have a ridge height of not greater than 5.5 metres above finished floor level, designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

5. The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

6. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels and referenced to a fixed point on the public road has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

7. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

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

8. The existing natural screenings along the north western and south western boundaries of this site, shall be permanently retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

9. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

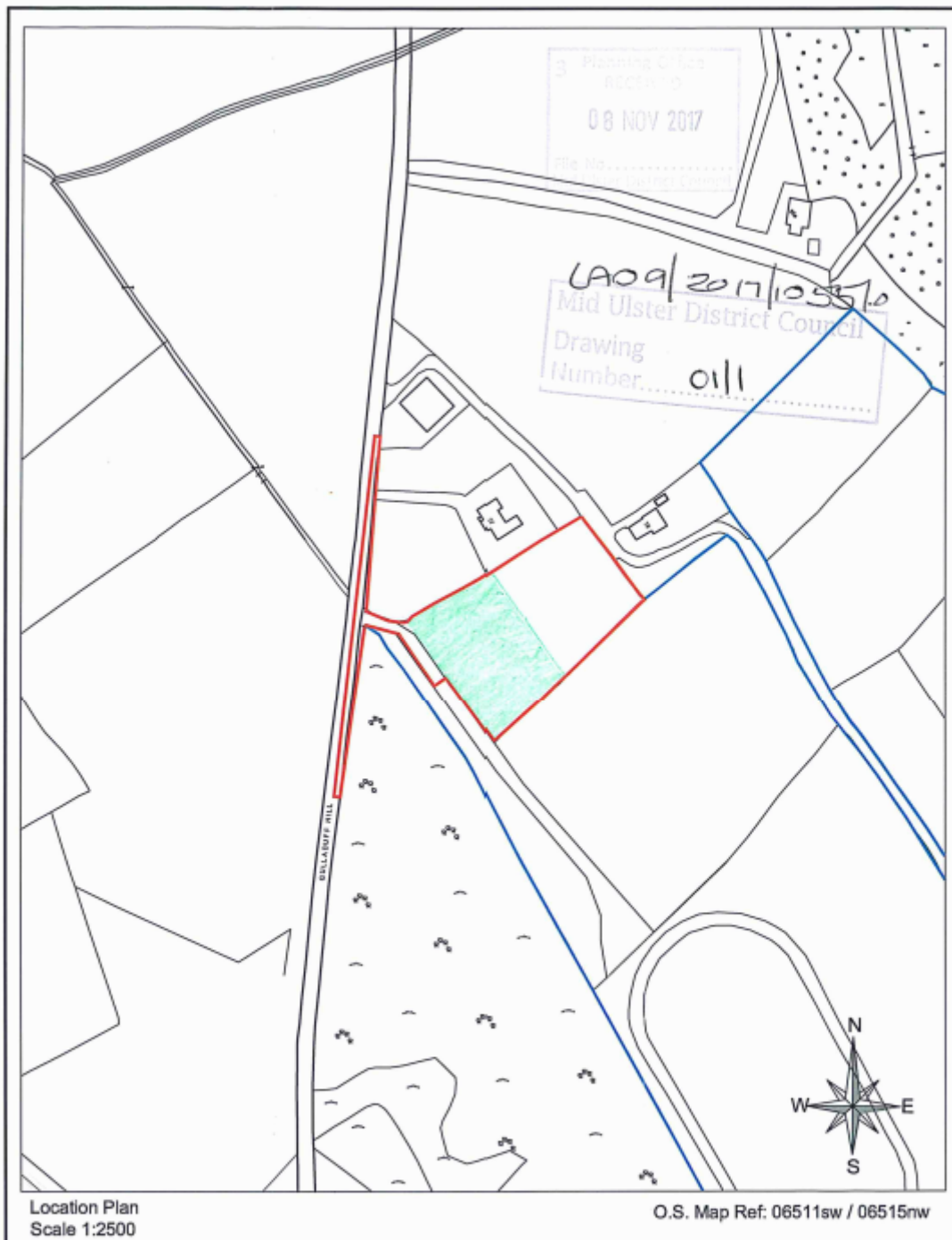
10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at

the same place, unless Mid Ulster District Council gives its written consent to any variation.

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

Signature(s):

Date



CMI 38 Airfield Road The Cragh Tassanbridge Antrim BT41 3SG Mr Christopher Cassidy chris@cmiplanners.com Mr Brendan McMillan brendan@cmiplanners.com Tel: 028 7965 1759	Client Joe Hurley		Scale/Sheet 1:2500 @ A4	Drawing no. L01
	Project Approx 30m South of 77 Gulladuff Hill, Moyagall, Gulladuff, Londonderry BT45 8PA		Date July 2017	Revision 1
	Drawing Title Location Map		Job No. 1409	Drawn By -



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices


50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1055/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Approx 30m South of 77 Gulladuff Hill Moyagall Gulladuff
Referral Route: Contrary to CTY 10 & 13 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Joe Hurley 83 Gulladuff Hill Gulladuff Magherafelt	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s): Lorraine Moon	

For committee decision

10/11/18

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Advice
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
 Contrary to CTY 10 & 13 of PPS21 in that the proposed site is not visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

Characteristics of the Site and Area

The proposal site is located on the roadside of Gulladuff Hill. The proposed access is already in place serving a pre existing greyhound racing track (Field of Dreams Schooling _ Rearing). Immediately adjacent to the proposal site on the NW boundary is a single detached dwelling (No 77) this property does not have frontage to the roadside but rather is set back, accessed via a laneway and with a small agricultural paddock in front of it. Further north is a detached agricultural building on the roadside, these buildings are clearly separated and not intervisible. The proposal site is bounded on the NW boundary by mature trees and vegetation, the NE boundary is defined by a post and wire fence and hedging while the eastern and southern boundaries are undefined. The land levels within the site rises very steeply from the southerly to northerly side. Immediately adjacent to the NE boundary is a detached dwelling.

Description of Proposal

Outline application for dwelling _ garage

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS
 Magherafelt Area Plan 2015
 Planning Policy Statement 1 - General Principles
 Planning Policy Statement 21 - Sustainable development in the countryside
 Planning Policy Statement 3 - Access, Movement and Parking

Consultees: - NI Water were asked to comment and responded on 11.08.2017 with no objections subject to advice.
 Environmental Health were asked to comment and responded on 16.08.2017 with no objections subject to advice.
 Transportni were asked to comment and responded on 21.08.2017 requesting amendments/additional information, this was requested and amendments submitted, Transportni were reconsulted and they responded on 03.01.2018 with no objections subject to conditions and advice.
 DAERA were asked to comment and responded on 12.10.2017 stating that the farm business identified in the submitted P1C form has been in existence for more than 6 years however they have not claimed Single Farm payments in the last 6 years.

Neighbours: - Owners/Occupiers of Nos 77 & 79 Gulladuff Hill, Gulladuff were notified of this proposal on 09.8.2017, no objections have been received to date.

In line with legislation this proposal was advertised in the local press during August 2017, no representations have been received to date.

In line with PPS21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these types of development is a dwelling on a farm in accordance with Policy CTY 10. All proposals for development in the countryside must be sited and design to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

According to CTY 10 planning permission will be granted for a dwelling house on a farm when certain criteria can all be met. In this case the submission of the P1C form and consultation with DAERA was able to ascertain that the farm has been established for over 6 years however they have not claimed single farm payments in the last 6 years.

Following a GIS database search of the submitted farm land under the applicant's ownership it was able to be ascertained that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application.

As presented the proposed site is not visually linked or sited to cluster with an established group of buildings on the farm. The agent was asked why a siting between fields no 5 & 6 was not chosen which would be sited with the farm dwelling etc. In an email response dated 12.10.2017 Mr Cassidy (agent) stated that the existing access which serves No. 83 and the land in question cannot be upgraded to Road Service standards thus the area was discounted. The area required at this access on both sides is not owned by the applicant and the owners are not willing to provide an easement.

Having considered all of the submitted evidence and arguments from the agent I do feel that this particular proposal could be sited within farm land under the applicants ownership that's located adjacent to existing farm buildings and using part of the existing laneway and creating a new laneway for the remainder part through land owned by the applicant, all of which would adhere to the policy principles. The evidence submitted I do not feel is strong enough to count this proposal as an exception from policy.

In addition to adherence to the above policy this proposal should adhere to CTY 13 of PPS21 - Dwellings on Farms

In order to adhere to this planning permission will only be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- a) it is a prominent feature in the landscape - the proposed site would not be prominent in nature should an approval be given and sited to the southern portion of the site as the levels rise quite considerably within the site from a southerly to northerly direction.
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape - the proposal site is bounded on the northern side by mature vegetation however the NE and southern boundaries are either undefined or only defined by a post and wire fence and sparse vegetation, thus it is my professional opinion that it fails on this criteria.
- c) it relies primarily on the use of new landscaping for integration - new integration would be required for this proposal site should an approval be granted.
- d) ancillary works do not integrate with their surroundings
- e) the design of the building is inappropriate for the site and its locality - as this is an outline application no design has been proposed at this stage.
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm - the proposal site is not visually linked or sited to cluster with the established group of buildings on the farm and thus fails to adhere to this criteria. Despite additional information being submitted no sound justification has been demonstrated as to why a dwelling cannot be sited adjacent to the existing buildings on the farm holding.

Finally the proposal needs to be considered against the requirements of CTY 14 of PPS21 - Rural Character

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. However a new building will be unacceptable where:

- it is unduly prominent in the landscape - a dwelling located at the proposal site would not be unduly prominent in the landscape.
- it results in a suburban style build-up of development when viewed with existing and approved buildings - should an approval be granted on the proposal site there would not be a suburban style build-up of development.
- it does not respect the traditional pattern of settlement exhibited in that area - the traditional pattern in this area is that of farm dwellings and buildings and single detached properties.
- it creates or adds to a ribbon of development - this criteria does not apply for this proposal.
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character - this would not be a concern for me on this particular proposal.

As such the proposal can adhere to the criteria of CTY 14.

Having considered all of the above information I do not consider this proposal to adhere to CTY 10 or CTY 13 of PPS21 and a recommendation of refusal is advised. Having considered the justification submitted with regards reasons why siting has not been adjacent or clustering with existing farm buildings I do not feel that these are enough to allow a deviation from policy and resitting should be considered.

Recommendation: Refusal - Contrary to CTY 10 & 13 as the proposed dwelling is not sited to visually link or sited to cluster with existing buildings on the farm.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended as proposal contrary to CTY 10 & 13 of PPS21

Reasons for Refusal:

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

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

Signature(s)

Date:

ANNEX	
Date Valid	4th August 2017
Date First Advertised	24th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 77 Gulladuff Hill Moyagall Gulladuff The Owner/Occupier, 79 Gulladuff Hill Moyagall Gulladuff	
Date of Last Neighbour Notification	9th August 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1055/O Proposal: Proposed dwelling and garage Address: Approx 30m South of 77 Gulladuff Hill, Moyagall, Gulladuff, Decision: Decision Date: Ref ID: H/2002/0696/F Proposal: Greyhound Schooling Track Address: Gulladuff Hill, Knockloughrim, 150 Metres West Of No.81 Decision: Decision Date: 18.09.2002 Ref ID: H/2005/0721/O Proposal: Site Of Dwelling & Garage Address: Approx. 320 NW of 81 Gulladuff Hill, Knockloughrim, Magherafelt Decision: Decision Date: 29.06.2007 Ref ID: H/2008/0615/O Proposal: Site of dwelling: detached chalet bungalow, approx 3000sqft. Address: Site adjacent to 81 Gulladuff Hill, Knockloughrim, Magherafelt. Decision: Decision Date: 22.09.2010	

Ref ID: H/1995/6115

Proposal: SITE OF HOUSING DEVELOPMENT GULLADUFF HILL KNOCKLOUGHRIM

Address: GULLADUFF HILL

Decision:

Decision Date:

Ref ID: H/1993/6124

Proposal: SITE OF 4 DWELLINGS GULLADUFF HILL GULLADUFF

Address: GULLADUFF HILL

Decision:

Decision Date:

Ref ID: H/1991/0285

Proposal: BUNGALOW AND GARAGE

Address: GULLADUFF HILL GULLADUFF

Decision:

Decision Date:

Ref ID: H/1990/0365

Proposal: SITE OF DWELLING AND GARAGE

Address: GULLADUFF HILL GULLADUFF

Decision:

Decision Date:

Ref ID: H/2009/0440/F

Proposal: Proposed single storey replacement dwelling 50m NW of 77 Gulladuff Hill, Gulladuff

Address: 50m North West of 77 Gulladuff Road, Gulladuff

Decision:

Decision Date: 23.12.2010

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0213/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage for residential purposes	Location: 60m South East of 101 Bancran Road Draperstown
Referral Route:	
Recommendation:	REFUSE
Applicant Name and Address: Mr Oliver Bradley 101 Bancran Road Draperstown BT45 7DA	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Characteristics of the Site and Area:

This is an outline application for a dwelling on a farm holding therefore details of the design and siting have not been submitted.

Characteristics of the site and area

The area is rural in character as defined in the Magherafelt Area Plan 2015, consisting of dwelling houses and farm buildings sited on road frontage sites in addition to some farm groupings being set back off the public road and accessed via existing farm laneways. The site is a small relatively flat throughout with access point onto public road situated approximately 60m South East of 101 Bancran Road, Draperstown.

The surrounding area's topography is generally steep with undulating landscapes with land rising steeply from the road towards the north and the site. The site is bounded by a mature thorn hedge along the southern boundary with a low thorn hedge along the western boundary also the western boundary separates an existing group of farm sheds and laneway. The northern and eastern boundaries are defined with new planting.

Description of Proposal

The applicant is seeking outline planning consent for a proposed dwelling and domestic garage for residential purposes located 60m South East of 101 Bancran Road, Draperstown. As this is an outline application the details of the design and siting have not been submitted.

Deferred Consideration:

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

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 as development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Following a discussion at that meeting it was agreed that the application would be deferred for an office meeting to allow further consideration to be given to the particular circumstances of the case.

The deferred office meeting took place on 19th July 2018, which was attended by M Bowman and M McCrystal MUDC, J Diamond (Agent) and O Bradley (Applicant). At that meeting the following was discussed:-

The agent felt that the application was an exception to planning policy as although there were previous planning approvals granted on the farm holding and these were transferred out of the applicant's ownership, the applicant did not benefit financially from any of these

as the sites were repossessed by the bank and were sold in connection with the applicant's bankruptcy proceedings. The applicant retains ownership of fields 14, 17 & 45 together with the yard and associated buildings located between fields 12 and 17 as shown on the farm map.

The applicant stated that he is currently renting the dwelling which he formerly owned at no.101.

It was agreed that the Planning Department would give further consideration to the applicant's case and to refer the application back to Committee for decision.

Reconsideration

As this application is for a dwelling on a farm holding, it falls to be assessed under PPS 21 - Policy CTY 10 Dwellings on farms and in doing so it must meet all of the stated criteria. Whilst it is acknowledged that the farm business has been established for more than 6 years and is active, the proposal fails to meet the second criteria of the policy in that a number of development opportunities have been sold off from the farm since 25th November 2008. In total, four sites have been sold off from the farm holding since 14th April 2010 with the latest sell-off being on 30th March 2015. Therefore, the applicant cannot avail of another planning approval under Policy CTY 10 until 30th March 2025. The applicant has stated that the sites referred to above were sold-off, by the bank, due to his personal circumstances and that he did not gain personally from the sales. Therefore the application should be treated as an exception to this policy.

It should be noted however, that even though the bank may have sold off the sites, as stated by the applicant, these would have been regarded as assets owned by the applicant and therefore the proceeds would have been used to clear the applicant's debt. In that case the applicant did benefit from the sale of the development opportunities and consequently, the application is contrary to the key tests in Policy CTY 10 as development opportunities have been sold off from the farm holding within 10 years of the date of this application.

The proposed site is therefore considered to be contrary to policy CTY 10 for the reasons stated below and should be refused:-

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 as development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0213/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage for residential purposes	Location: 60m South East of 101 Bancran Road Draperstown
Referral Route: Refusal contrary to PPS 21 CTY 10	
Recommendation:	
Applicant Name and Address: Mr Oliver Bradley 101 Bancran Road Draperstown BT45 7DA	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

For comment
dear

19/6/18

Case Officer Report

Site Location Plan



Consultations:

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

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

This is an outline application for a dwelling on a farm holding therefore details of the design and siting have not been submitted.

The area is rural in character as defined in the Magherafelt Area Plan 2015, consisting of dwelling houses and farm buildings sited on road frontage sites in addition to some farm groupings being set back off the public road and accessed via existing farm laneways. The site is a small relatively flat throughout with access point onto public road situated approximately 60m South East of 101 Bancran Road, Draperstown.

The surrounding area's topography is generally steep with undulating landscapes with land rising steeply from the road towards the north and the site. The site is bounded by a mature thorn hedge along the southern boundary with a low thorn hedge along the western boundary also the western boundary separates an existing group of farm sheds and laneway. The northern and eastern boundaries are defined with new planting.

Description of Proposal

The applicant is seeking outline planning consent for a proposed dwelling and domestic garage for residential purposes located 60m South East of 101 Bancran Road, Draperstown.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...

The application property is located outside the settlement Development Limits of Magherafelt Area Plan 2015.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

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 Magherafelt Area Plan 2015 (MAP 2015) 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.

Policy References:

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)

Magherafelt Area Plan 2015.

PPS 21 – Sustainable Development in the Countryside.

PPS 3 – Access, Movement and Parking.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is dwellings on farm under Policy CTY 10.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

Planning History

H/2005/0665/R M	Site for dwelling and garage	Permission granted 25/11/2005
H/2003/1193/O	Site for dwelling and garage	Permission granted 02/12/2004
H/2004/0252/O	Site for dwelling and garage	Appeal Dismissed
H/2002/0785/O	Site for dwelling and garage	Appeal upheld Permission granted 29/12/2003
LA09/2016/152 6/O	Proposed site for dwelling and domestic garage for residential purposes	Withdrawn 08/01/2018

Representations

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

Statutory consultees.

NI Water – No objections

Transport NI – No objections standard condition

DAERA no objections

Assessment

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

- (a) The farm business is currently active and has been established for at least 6 years.
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

In addition to the criteria above, applications of this nature must also demonstrate that they meet the policy requirements of policies CTY 13, CTY 14 and CTY 16 of PPS 21.

With respect to (a) the applicant has provided details surrounding the farm business ID. At the site visit I observed livestock and general farm machinery parked around the yard. The land holding, identified on the DAERA Farm maps provided with the application correlates with the farm business ID. DAERA also indicated the farm has claimed single farm payment and has been in existence for more than 6 years. I am content that the farm holding has been active and established for a period of at least 6 years.

With regard to (b) Land Registry searches indicate that several land sales with planning permission had occurred from February 2005, April 2010, January 2012 and March 2015 being the latest sell off.

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

In this case the applicant is prevented from applying for a farm dwelling under CTY 10 as the last sale recorded was March 2015. this in essence time bars the applicant from applying under the above policy until March 2025.

With respect to (c) the application site is visually linked to a group of farm buildings to the west.

CTY 13

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

It has been established (above) that a dwelling which is sited to the west of the existing farm buildings on this farm holding would be acceptable. This site is deemed to be acceptable in principle, however it should be noted that only a dwelling which is in keeping with the existing dwelling in terms of size, scale and form will achieve an acceptable degree of integration here. The location of the proposed dwelling beside the existing farm buildings will reduce the level of impact associated with the proposal and aid the proposal in terms of integration. A siting restriction limiting the location of the proposed dwelling to the immediate west of the farm buildings on the site is considered necessary to ensure that the proposal is successfully integrated.

CTY 14

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 environment is suitable for absorbing a dwelling. A ridge height condition not exceeding 6m above finish floor levels is representative, in terms of size and scale, of the existing farm dwelling and the other dwellings which surround the site in this rural area.

Other points of note

The application was initially advertised in the local press on w/c 26 February 2018 (publication date 01 March 2018). Two (2) neighbouring properties were notified on 23 February 2018, in accordance with the Development Management Practice Note 14 (April 2015)

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

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case as development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Signature(s)**Date:**

ANNEX	
Date Valid	16th February 2018
Date First Advertised	1st March 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 100 Bancran Road Draperstown Londonderry The Owner/Occupier, 107 Bancran Road Draperstown Londonderry	
Date of Last Neighbour Notification	23rd February 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0213/O Proposal: Proposed site for dwelling and domestic garage for residential purposes Address: 60m South East of 101 Bancran Road, Draperstown, Decision: Decision Date: Ref ID: H/1999/0514 Proposal: SITE OF DWELLING AND GARAGE Address: BANCAN ROAD, ADJACENT TO 73 GLENGOMNA ROAD DRAPERSTOWN Decision: Decision Date: 14.06.2000 Ref ID: H/2004/0252/O Proposal: Site of new dwelling and garage. Address: 80m South of no.101 Bancran Road, Draperstown, Magherafelt. Decision: Decision Date: Ref ID: H/2003/0658 Proposal: Dwelling and garage. Address: Adjacent to 73 Glengomna Road, Portglenone	

Decision: Decision Date: 03.07.2003
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 (REV-1) Type: Site Location Plan Status: Submitted Drawing No. Type: Status: Submitted Drawing No. 02 Type: Housing Concept Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

Neighbour Notification Report

	Reference Number	Neighbour Address	Date Neighbour Notified
1	LA09/2018/0213/	100 Bancran Road Draperstown Londonderry BT45 7DA	23/02/2018
2	LA09/2018/0213/	107 Bancran Road Draperstown Londonderry BT45 7DA	23/02/2018



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2018/0495/O	
Proposal: Proposed two storey dwelling and garage on a farm	Location: Site adjacent to 22 Carnaman Road Gulladuff
Applicant Name and Address: Liam Duggan 22 Carnaman Road Gulladuff Magherafelt	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: Dwelling did not meet criteria for infill under CTY8, so a farm case was submitted and re-assessed under CTY10, which meets the criteria as per PPS21.	
Characteristics of the Site and Area: The site is located approximately 1.5 mile north east of Gulladuff in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 20m north east of No 22 and consists of a cut out portion of a large linear agricultural field. Access to the site is via an existing laneway and the site has dual frontage on the laneway due to two 90 degree bends on the laneway. The north west boundary of the is defined by 2m high hawthorn hedge, the south east and south west boundaries are defined by a P/W fence and the north east boundary is undefined. The site rises in a north westerly direction in line with No 22 before sloping down towards the rear of the boundary of the site rear. The surrounding area is characterised by roadside dwellings and undulating landscape. The predominant land use is of an agricultural nature.	

Description of Proposal

The application seeks outline planning permission for a new dwelling

Deferred Consideration:

This application was deferred for an office meeting with Dr Boomer on 19 August 2018, for further consideration. Following a site visit it was agreed a historical laneway mentioned by the agent was no longer in place and therefore could not be considered as a potential road frontage of an infill assessment. The agent was then given the opportunity to submit a farm case, which was done, and so the application has been assessed as such.

Policy CTY 10 - Dwellings on Farms

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

The farm business is currently active and established for at least 6 years.

DAERA have confirmed that the applicant has a Business ID that's been in existence for the required 6 year period. They have also confirmed that this business has submitted claims in the last 6 years. I am satisfied that the farm business can be considered currently active and established for the purposes of CTY 10. The land is kept in good agricultural condition and appeared regularly maintained.

No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.

A history check has been carried out. There are no recent planning approvals on this holding that could be considered as development opportunities to be sold off.

The new building is visually linked or sited to cluster with an established group of buildings on the farm.

The site will be visually linked with the existing agricultural buildings and dwelling to the south.

Policy CTY 13 - Integration and Design

A dwelling should be sited on the lower part of the site to ensure integration and limited to an 8m ridge height, with planting to be provided on any undefined boundaries.

Policy CTY 14 - Rural Character

For the reasons noted above I am satisfied that a dwelling on this site would not be unduly prominent. It will not create or add to ribbon development or build up and will be in keeping with the dispersed settlement pattern in the immediate area. As such, there will be no negative impact on rural character.

Approval recommended with conditions.

Conditions

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

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

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

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

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

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

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

4. The proposed dwelling shall be sited in the area shaded green on the approved plan 01/01 date stamped 17 Dec 2018.

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

5. The proposed dwelling shall have a ridge height of less than 8 metres above finished floor level.

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

6. 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. A detailed landscaping plan of any undefined boundaries should be submitted for consideration of the Council.

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.

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

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

8. 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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0495/O	Target Date:
Proposal: Proposed 2 storey infill dwelling and garage	Location: Site adjacent to 22 Carnaman Road Gulladuff
Referral Route: Contrary to CTY 1, 8, 13 & 14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Liam Duggan 22 Carnaman Road Gulladuff Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

cafeon
25/7/18

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues - No Issues

Characteristics of the Site and Area

The site is located approximately 1.5 mile north east of Gulladuff in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 20m north east of No 22 and consists of a cut out portion of a large linear agricultural field. Access to the site is via an existing laneway and the site has dual frontage on the laneway due to two 90 degree bends on the laneway. The north west boundary of the is defined by 2m high hawthorn hedge, the south east and south west boundaries are defined by a P/W fence and the north east boundary is undefined. The site rises in a north westerly direction in line with No 22 before sloping down towards the rear of the boundary of the site.

The surrounding area is characterised by roadside dwellings, farm buildings and undulating landscape. The predominant land use is of an agricultural nature.

Description of Proposal

The application seeks outline planning permission for a two storey dwelling and garage (infill site).

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

No relevant history

Representations:

2 neighbour's notification letters were sent to Nos 20a, 22, 23 & 24 Carnaman Road, Knockcloghrim,

No letters of representation have been received.

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out the guiding principle in determining planning applications is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Infill/Ribbon Development, provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. CTY 1 states that there are a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:

-The gap site must be within an otherwise substantial and continuously built up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear;

- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

Paragraph 5.33 of PPS 21 advises that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. However, this only sets out the basis for establishing generally where a ribbon of development, either exists or may arise. It is not concerned with defining a substantial and continuously built up frontage.

The site forms part of an existing gap between 3 existing dwellings and some outbuildings which are all accessed off a private laneway on the Carnaman Road. There is one dwelling (No 22) and outbuildings to the south east and two dwellings to the north west (No 24 and a new dwelling under construction). The site has dual frontage on the laneway this is due to two 90 degree bends on the laneway. No 24 and the new dwelling are set back approximately 100m from the laneway and both are accessed via a separate spur off that laneway. The curtilages of No 24 and the new dwelling are set back and separated from the laneway by agricultural fields as a result neither of these dwellings cannot be considered form part of a substantial and continuously built up frontage. Whilst the curtilage of the dwelling at No 22 abuts the laneway, it's located on the opposite side of the laneway from the site and cannot be considered to form a substantial and continuously built up frontage.

Ribbon development can occur even where development does not have frontage to a road. Paragraph 5.33 of PPS 21 states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they are visually linked. The site would be clearly seen together with No 22, the outbuildings located south east of No 22, No 24 and the new dwelling under construction and would result in the creation of ribbon development when viewed from various vantage points on the Carnaman Road. The image below depicts how the site provides a visual breaks in the landscape between the two dwellings on either side.



I have determined that the site is not within a substantial and continuously built up frontage, therefore no infill opportunity exists and issues regarding plot size, frontage size and development pattern are not relevant.

Integration

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrate into the surrounding landscape. The application proposes a two

storey dwelling and despite the site's sloping topography the site would not be able to accommodate a two storey dwelling even if the dwelling is located in the lower south east portion of the site. As a result a two storey dwelling would be a prominent feature in the landscape, read as skyline development and would be heavily reliant on new planting to achieve integration. Due to the open and exposed nature of the site it would be unable to provide a suitable degree of enclosure and is contrary to criteria (a), (b) and (c) of Policy CTY 13.

Impact on Character and Appearance of the Area

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of development. I have already determined that the proposal would create a ribbon of development which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area. Due to the open and exposed nature of the site a two storey dwelling would be unduly prominent in the landscape and is contrary to criteria (a), (b) and (d) of Policy CTY 14.

Other Matter

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

Other Material Consideration.

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. Furthermore I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this can be further considered at RM stage if approval is forthcoming.

Neighbour Notification Checked	Yes
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Summary of Recommendation: Contrary to CTY 1, 8, 13 & 14 of PPS 21

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site and would, if permitted, result in the creation of ribbon development and fails to meet the provisions for an infill dwelling in accordance with CTY 8 of PPS 21.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed two dwelling would be a prominent feature in the landscape, lacks long established natural boundaries, is unable to provide a suitable degree of enclosure, relies primarily on the use of new landscaping for integration, fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would result in a suburban style build-up of development when viewed with existing and approved buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	11th April 2018
Date First Advertised	26th April 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20a Carnaman Road Knockcloghrim The Owner/Occupier, 22 Carnaman Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PN, The Owner/Occupier, 23 Carnaman Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PN, The Owner/Occupier, 24 Carnaman Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PN,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0495/O Proposal: Proposed 2 storey infill dwelling and garage Address: Site adjacent to 22 Carnaman Road, Gulladuff, Decision: Decision Date: Ref ID: H/1996/0304 Proposal: SITE OF REPLACEMENT DWELLING Address: 20 CARNAMAN ROAD KNOCKLOUGHRIM Decision: Decision Date: Ref ID: H/1997/0163 Proposal: REPLACEMENT DWELLING Address: ADJ TO 20 CARNAMAN ROAD KNOCKLOUGHRIM Decision: Decision Date: Ref ID: H/2005/1080/F Proposal: Single storey extension to rear of dwelling, attic conversion and garage Address: 20A Carnaman Road, Knockloughrim Decision: Decision Date: 27.02.2006 Ref ID: H/2002/0796/O Proposal: Site of Dwelling and Garage	

Address: North West of 22 Carnaman Road, Knockloughrim

Decision:

Decision Date: 16.10.2002

Ref ID: H/2005/0998/RM

Proposal: Dwelling and garage.

Address: North West of 22 Carnaman Road, Knockloughrim.

Decision:

Decision Date: 19.06.2006

Ref ID: H/2003/1214/O

Proposal: Site of dwelling and garage.

Address: 130m North West of 22 Carnaman Road, Knockloughrim.

Decision:

Decision Date: 16.11.2004

Ref ID: H/2011/0523/F

Proposal: Proposed relocation of approved garage and amendment to site curtilage on commenced site H/2005/0998/RM

Address: 24 Carnaman Road Knockloughrim,

Decision:

Decision Date: 14.12.2011

Ref ID: H/1978/0212

Proposal: SITE OF REPLACEMENT DWELLING

Address: DRUNARD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2007/1012/RM

Proposal: Proposed Dwelling & Garage

Address: 130m North West of 22 Carnaman Road, Knockloughrim

Decision:

Decision Date: 20.02.2008

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2018/1238/F	
Proposal: Retention of existing agricultural storage shed	Location: Approx 20m SW of 31A Culbane Road Portglenone
Applicant Name and Address: Mr Ger McPeake 21A Culbane Road Portglenone BT44 8NZ	Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Summary of Issues: Application deferred at Committee for further consideration relating to previous refusal reasons.	
Characteristics of the Site and Area: <p>The application site is a 0.1 hectare plot of land taking in 4 agricultural buildings adjacent to two dwellings at 31a and 31c Culbane Road, Portglenone. The site is just outside the settlement limits of Ballynease as defined in the Magherafelt Area Plan 2015. There is effectively 2 access points to the site coming directly off the Culbane Road. One provides access to the two agricultural sheds closest to the public road. The second access runs down the side of these sheds and is used to access two sheds and 3 dwellings – numbers 31a, 31b and 31c.</p> <p>This area is generally rural in character with a gently undulating topography. It has experienced a slight build-up of development in recent years, with detached dwellings scattering the locality. The immediate area is not subject to any designations or constraints.</p>	

Description of Proposal

This is a full application for the retention of an existing agricultural storage shed that does not benefit from planning approval. It measures 18.m in length, 8.2m in width and 4.5m in height (at its highest point). It is completely open at one side and is currently used for the storage of agricultural machinery.

Deferred Consideration:

This application was deferred for an office meeting, which was held on 13th December 2018. The refusal reasons were discussed with the applicant.

CTY12 states that development will only be permitted on an active and established agricultural holding subject to certain criteria.

At the office meeting the applicant advised he inherited the farm from his grandfather who died in Dec 2015, and so as he could not use that number, therefore applied for his own farm Bus ID number and got this in Jan 2016. DEARA had then been consulted with his Bus ID and confirmed that the business was established in Jan 2016 and SFP have been claimed. This is considered a continuation of the same farm business as the applicant stated he had always been involved in the farming activities when the farm business was in his grandfather's name.

(a) it must be necessary for the efficient use of the agricultural holding. In this case, the applicant advised he has historically had the machinery located in this area, within the building in place, and built the shed for the reason of keeping the machinery out of adverse weather conditions, which would in turn render them useless and impact on the work being able to be carried out on the farm. Therefore it is necessary for them to be covered to keep the expensive machinery in working condition.

(b) in terms of character and scale it should be appropriate to its location. The character of this piece of land has long since been for agricultural, as the machinery now housed by the shed has sat there without cover. There is a mix of dwelling and agricultural buildings in the near vicinity so in terms of character it is not out of keeping.

(c) it visually integrates into the local landscape, which is agricultural along with some residential.

(d) it is not in an area which has any built or natural heritage issues.

(e) in terms of resulting in detrimental impact on the amenity of residential dwellings outside the holding, including problems arising from noise, smell and pollution.

The shed is currently used for storage of machinery and will not generate any unacceptable odour. Env Health have been consulted and raised no objections in terms of noise or smells. No formal objections have been received.

In terms of scale, it was initially raised by the case officer that due to the close proximity of the 2 dwellings, the building would appear excessive and overbearing, however the machinery has been on site for some time, which is substantial in size and scale, the difference now being that they have been covered on 3 sides. A condition on any approval

limiting the use to machinery, will protect amenity of residents in the future to ensure no animals/livestock will be located in the shed.

CTY12 states where a new building is proposed applicants need to provide information to confirm;

- there are no suitable existing buildings on the holding that can be used; which has been provided.

- the design and materials are to be sympathetic to locale and adjacent buildings; the finish is typical of a building for this type of use. It will remain open at the front.

- the proposal is sited beside existing farm buildings. - This has been the established farmyard area and why the machinery has been sitting out in the yard, as it is the natural progression of the farmyard to house a shed on this site. Policy CTY12 goes on to state, that exceptionally consideration may be given to alternative site away from the existing farm, provided there are no other sites available at group of buildings on the holding. So it may have been if the applicant applied for permission elsewhere on the holding, he would have been directed back to this location to site with the existing farm buildings on the holding.

In terms of the DFI Roads issue, the area the storage shed now occupies was always part of the farmyard and was utilised for storage of materials and plant externally, the only difference now it is covered, still remaining open to the front. As this is the case, no additional traffic movements have been created, keeping the traffic the same. Access can be retained as existing, not requiring an upgrade.

Approval is recommended, conditioning the open front design and storage only for machinery.

Conditions

1. This decision is issued under section 55 of the Planning Act (NI) 2011.

Reason: This is a retrospective application

2. The shed hereby approved will be used only for the storage of agricultural machinery.

Reason: To protect the amenity of nearby residents.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 th Dec 2016	Item Number:
Application ID: LA09/2018/1238/F	Target Date: 4 th Jan 2019
Proposal: Retention of existing agricultural storage shed	Location: Approx 20m SW of 31A Culbane Road Portglenone
Referral Route: Refusal recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ger McPeake 21A Culbane Road Portglenone BT44 8NZ	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Existing Agricultural Building does not meet the policy tests contained within CTY 12 of PPS 21. It fails to comply with Policy AMP 2 of PPS 3 with regards to the provision of a safe access onto the public road. It also fails to comply with paragraph 2.3 of the SPPS in terms of the impact of the proposal on residential amenity. Refusal is recommend.	
Signature(s): <i>Canh 21/11/18</i>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	DAERA - Coleraine	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

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert for this proposal was placed in local newspapers and 4 adjoining properties were consulted by letter – 33b, 31a, 31b and 31c Culbane Road. To date, no objections have been received.

DAERA and EH have no objections to the proposal. DFI Roads have requested the submission of amended plans and additional information. I have not requested this information as the proposal is unacceptable in principle.

Characteristics of the Site and Area

The application site is a 0.1 hectare plot of land taking in 4 agricultural buildings adjacent to two dwellings at 31a and 31c Culbane Road, Portglenone. The site is just outside the settlement limits of Ballynease as defined in the Magherafelt Area Plan 2015. There is effectively 2 access points to the site coming directly off the Culbane Road. One provides access to the two agricultural sheds closest to the public road. The second access runs down the side of these sheds and is used to access two sheds and 3 dwellings – numbers 31a, 31b and 31c.

This area is generally rural in character with a gently undulating topography. It has experienced a slight build-up of development in recent years, with detached dwellings scattering the locality. The immediate area is not subject to any designations or constraints.

Description of Proposal

This is a full application for the retention of an existing agricultural storage shed that does not benefit from planning approval. It measures 18.m in length, 8.2m in width and 4.5m in height (at its highest point). It is completely open at one side and is currently used for the storage of agricultural machinery.

Planning Assessment of Policy and Other Material Considerations

Planning History

This building does not benefit from any sort of planning permission. It cannot be considered as Agricultural Permitted Development as it is located less than 75m from a third party dwelling. It is subject to on-going enforcement action - LA09/2018/0065/CA.

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

- Magherafelt Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 3 – Access, Movement and Parking
- PPS21 – Sustainable Development in the Countryside

Magherafelt Area Plan 2015

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations. As such, existing rural planning policy should be applied (ie) PPS 21

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). In paragraph 2.3 of the SPPS it states *“The basic question is not whether owners and occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured”*. The existing shed is located straight opposite (13.5m) a third party dwelling and 14.0m in front of another third party dwelling. Given these very minimal separation distances it is very evident that this development is having a

negative impact on their privacy. It's positioning and scale is overbearing and in my opinion is a prime example of poor neighbourliness.

The SPPS also gives provision for development in the countryside subject to a number policy provisions, including policy for Agricultural Buildings. It does not present any change in policy direction in this regard, therefore existing rural policy applies (ie) CTY 12 of PPS 21

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves utilising an existing laneway. DFI Roads have been consulted and have stated that the existing sight splays are substandard. They recommend splays of 2.4m x 60m. They have also requested submission of TAF so that they can fully consider the impact of the proposal on the public road network. The applicant has submitted information in which he makes a case that there is no intensification therefore upgrading is not necessary. DFI Roads have been consulted with this information but have yet to comment. It would be my opinion that in the absence of DFI Roads agreeing with the applicant in this regard then the proposal, as it stands, fails to comply with policy AMP 2 as it has not been demonstrated that it does not prejudice road safety or inconvenience traffic flow.

PPS21 – Sustainable Development in the Countryside

Policy CTY 12 will permit development on an active and established agricultural holding subject to certain criteria.

PPS 21 states that active and established equates to 6 years. DAERA have been consulted with the applicant's farm details and have advised that the farm business was only established in January 2016 and claims have only been made between 2016-2018. On the basis of this response from DAERA it is clear that the farm business has not been established for the required period as is set down in policy.

The applicant has not submitted any evidence to demonstrate that the existing building is necessary for the efficient use of the holding.

The building is sited in a location where there are a mix of dwellings and agricultural buildings so in terms of character, the existing building is not out of keeping. In terms of its scale I would have concerns. Due to its close proximity to two dwellings its scale appears excessive and overbearing. (See photos below). Whilst it may cluster with adjacent agricultural buildings this in itself does not make it acceptable. It is not located in an area where there are any built or natural heritage issues.





My main concern with this building is the detrimental impact it has on the amenity of residential dwellings outside the holding. The two dwellings that experience the greatest impact are numbers 31a and 31c. Whilst neither occupant has objected to the proposal, it is my duty to consider the impact of this building on these properties. It is evident from the above photograph that the siting of this building is unacceptable. The occupants will undoubtedly experience a loss of privacy due to its insensitive location. As they open their front doors or look out their front windows it dominates their view to an extent that is unacceptable. The shed is currently used for the storing of machinery which will not generate any unacceptable odours. Environmental Health have been consulted and have raised no concerns in respect of unacceptable noise or smells.

CTY 12 clearly states that where a new building is proposed that applicant is required to demonstrate that there are no suitable existing buildings on the holding that can be used. This has not been demonstrated.

The address of the farm business, as provided on the P1C form, is 33a Culbane Road. The applicant has not provided any justification as to why a site away from the main holding should be considered.

Neighbour Notification Checked

Yes

Summary of Recommendation:

On the basis of the above assessment it is my view that the proposal fails to comply with the SPPS in terms of impact on residential amenity, policy AMP 2 of PPS 3 in terms of demonstrating a safe access onto a public road and Policy CTY 12 of PPS 21.

Refusal Reasons

1. The proposal is contrary to Policy CTY 1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the existing agricultural holding is not currently established
- it is not necessary for the efficient use of the agricultural holding
- it is not appropriate to this location due to the scale of the development
- the development, if permitted, would result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of loss of privacy and over dominance.

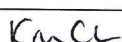
In cases where a new building is proposed the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used.

Additionally in cases where a new building is proposed at an alternative site away from existing farm buildings it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and

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

2. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3 in that it has not been demonstrated that the proposal will not prejudice road safety or significantly inconvenience the free flow of traffic.

3. This proposal is contrary to paragraph 2.3 of the SPPS in that it would unacceptably affect residential amenity and good neighbourliness by impacting on the privacy of adjacent occupants.

Signature(s) 

Date: 21-11-18

ANNEX	
Date Valid	21st September 2018
Date First Advertised	4th October 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 29 Culbane Road Portglenone Londonderry The Owner/Occupier, 29a Culbane Road Portglenone The Owner/Occupier, 31 Culbane Road Portglenone Londonderry The Owner/Occupier, 31a Culbane Road Portglenone The Owner/Occupier, 31b Culbane Road Portglenone The Owner/Occupier, 31c Culbane Road Portglenone The Owner/Occupier, 33 Culbane Road Portglenone Londonderry The Owner/Occupier, 33b Culbane Road Portglenone	
Date of Last Neighbour Notification	27th September 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1998/0536 Proposal: DWELLING AND GARAGE Address: ADJACENT TO 31A CULBANN ROAD PORTGLENONE Decision: Decision Date: Ref ID: H/1994/0360 Proposal: ALTS & ADDS TO DWELLING Address: 31A CULBANE ROAD PORTGLENONE Decision: Decision Date:	

Ref ID: H/1998/0192

Proposal: SITE OF DWELLING AND GARAGE

Address: ADJACENT TO 31A CULBANE ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2005/0860/F

Proposal: Dwelling & Detached Garage in substitution for previous approval
H/2004/0452/O

Address: Opposite 33 Culbane Road, Ballynease, Portglenone

Decision:

Decision Date: 07.02.2006

Ref ID: H/1999/0117

Proposal: SITE OF RETIREMENT DWELLING

Address: 60M NORTH EAST OF 31 CULBANE ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: LA09/2018/1238/F

Proposal: Retention of existing agricultural storage shed

Address: Approx 20m SW of 31A Culbane Road, Portglenone,

Decision:

Decision Date:

Ref ID: H/2000/0219/RO

Proposal: Dwelling And Garage

Address: 60 Metres North East Of 31 Culbane Road, Portglenone

Decision:

Decision Date: 17.05.2000

Summary of Consultee Responses

DAERA and EH have no objections to the proposal. DFI Roads have requested the submission of amended plans and additional information. I have not requested this information as the proposal is unacceptable in principle.

Drawing Numbers and Title
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 04 Type: Proposed Plans Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 03 Type: Proposed Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department: