



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/0850/F	Target Date: 10 September 2020
Proposal: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance	Location: 140M Ne Of 21 Sandholes Road Cookstown
Applicant Name and Address: Wesley Hamilton 47 Shivey Road Sandholes Cookstown BT80 9HB	Agent name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
Summary of Issues: No representations have been received in relation to this application.	
Summary of Consultee Responses: All consultees responded positively.	
Characteristics of the Site and Area The site, which is in the rural area, extends to 0.75ha and is located to the southern side of a large road frontage field at the junction of Sandholes Road and Kilcronagh Road immediately outside the settlement development limit of Cookstown. The settlement development limit extends along the Kilcronagh Road, which is approximately 200m to the north of the site, before extending southwards along the eastern side of Sandholes Road but excluding a small brownfield site. The field has a mature tree lined frontage along the Sandholes Road set to the rear of a wide grass verge, with a 2m high hedge defining the southern boundary, along which there is also an open watercourse. An existing farm lane also extends along the southern	

boundary and leads to farmlands beyond the site. The site falls gently away from the Sandholes Road before rising towards a crest mid-way along the field and then flattening out towards the Kilcronagh Business Park.

There are limited critical views of the site from between the junction of the Kilcronagh Road until reaching the access point, due to the mature trees along the Sandholes Road. There are also open views of the site when travelling in either direction along the Kilcronagh Road for approximately 100m from the junction with Sandholes Road.

Description of Proposal

The proposal is for the erection of an off-farm agri-food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance.

The proposed access is taken directly off the Sandholes Road and sweeps around to run alongside the existing farm lane along the southern boundary. The proposed building is sited in the centre of a large concrete yard with a weighbridge at the entrance and adequate circulation and parking for 5 cars and 3 lorries.

The proposed shed, which measures 35.3m x 12.6m with a height of 8.7m to the eaves and a ridge height of 10.3m, is set around 180m from the Sandholes Road. The external finishes are Goose wing grey profiled cladding over wet dash render with one large roller shutter door in each of the southern, eastern and western elevations together with a single pedestrian door in both the southern and eastern elevations.

The raw materials are delivered into the building at the eastern end via a piped intake before being processed through several stages and eventually being dispatched at the western end. The building also includes an office and canteen area at the western end of the building.

Deferred Consideration:

The application is being considered in the following policy context:

- Strategic Planning Policy Statement
- Cookstown Area Plan 2010
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Planning Policy Statement 15 - Planning and Flood Risk.

This application was previously presented before Members with a recommendation to refuse in April 2022 where it was deferred by Members for a meeting with the Service Director. An office meeting took place with the Head of Local Planning in April 2022 and a subsequent office meeting with the Service Director in October 2022.

The application was recommended as a refusal based on the following reasons:

1. The proposal is contrary to Policy CTY 11 of Planning Policy Statement 21 - Sustainable Development in the Countryside in that the farm business has already diversified and if approved this development would result in the creation of another business in the open countryside which is not satisfactorily integrated with an existing group of buildings.

2. The proposal is contrary to the Cookstown Area Plan 2010 and Policy CTY 15 of Planning

Policy Statement 21 - Sustainable Development in the Countryside in that the development would, if permitted, have an adverse impact on the landscape by reason of its location in the open countryside outside the development limits of designated settlements or dispersed rural communities and hence would be detrimental to the setting of Cookstown in that it would mar the distinction between the settlement and the open countryside.

Having received additional information from the applicant and his representatives, and having considered the exact detail of the proposal I will address the policy context in terms of Policy CTY 11 of PPS 21.

Policy CTY 11 - Farm Diversification requires demonstration that a farm diversification proposal will be run in conjunction with the agricultural operations on the farm and lists four criteria which will apply:

(a) The farm or forestry business is currently active and established;

The applicant submitted a P1 form and DEARA were then consulted. DAERA have confirmed the Business ID submitted by the applicant has been established for more than 6 years with the ID allocated in 1998. The applicant has a Category 1 business and has claimed payments in each of the last 6 years. The application site is on land for which payments are currently being claimed by the farm business. I am satisfied the applicant has satisfied this criteria.

(b) In terms of character and scale it is appropriate to its location;

The length of the building is 35.3m, the width is 12.5m and the height is 10.3m. The building is of an appropriate size and scale when considering its location. The finishes will reinforce the agricultural appearance of the building being finished in a mix of wet dash render and goose wing grey cladding, with a roller shutter door at each end elevation and a roller shutter door on one side elevation. The proposed building is set within a low-lying area of the application site which will lessen any visual impact and I consider it meets this criteria;

(c) It will not have an adverse impact on the natural or built heritage;

A biodiversity checklist has been completed on behalf of the applicant and NIEA were consulted following its completion. Natural Environment Division have responded stating they have considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns. Shared Environmental Services have also been consulted. They have confirmed the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and RAMSAR sites has been assessed in accordance with the requirements of Reg 43(1) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features on any European site. There are no issues of built heritage at, or in the vicinity of, this site. I am therefore satisfied this criteria has been met.

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

The proposed development is c.100m from the nearest dwelling. We have consulted Environmental Health on the planning application. Following some concerns raised by EHO the agent submitted further detail on the intended process and they consider they have sufficient information to make a recommendation. An odour impact assessment has also been submitted and considered by EHO and conclude they have no objections to the proposal and have

suggested several conditions.

Policy CTY 11 does not state there will be a limited to the number of farm diversification proposals that are allowed to be run in conjunction with the agricultural operations. The applicant does currently operate a building and civil engineering business.

Policy CTY 11 allows for an exception to policy where a new building is required for the proposed use. The agent has submitted additional information which has demonstrated all the buildings on the applicant's farm holding are currently being used for the applicant's farm business. Policy CTY 11 seeks, where a new building is justified, for it to be satisfactorily integrated with an existing group of buildings. However, in this case the applicant is seeking a new building sited away from the farm grouping. The applicant has provided additional detail by way of explaining the purpose of the application and it's proposed siting away from the farm. The proposed business involves obtaining infertile hatching eggs from local chicken farmers and Moy Park and transportation to the proposed processing plant for boiling into a protein powder to be used as animal feed and additives for the beef, dairy, pig and sheep industries. The applicant states this is the first of its kind in NI and will greatly benefit the NI region by creating opportunities and employment in our local rural community that is heavily reliant on the agricultural sector. Moy Park have confirmed they own two of the largest hatcheries in NI and has a ready and constant supply of infertile hatching eggs. Moy Park have confirmed that if this plant is built it will provide their business with potential to supply a waste egg product locally and assist a local business provide a much needed, sought-after facility to the benefit of NI's agricultural sector. At present farmers in NI can only source this product from elsewhere in Europe.

In support of the need for the proposed location away from the applicant's farm, the Veterinary Service Animal By-Products branch of DARD has responded to a consultation. In their response they stated that hatchery waste falls under the definition of Animal By Products. Since the finished product will be used for animal feed, only Category 3 material (blank eggs) can be received and processed in this facility and steps must be taken to ensure compliance with this requirement. Raw material must be received in the fresh state. Material which has spoiled is classified as Category 2 material and not acceptable for animal feed use. The full requirements for approval of premises are set out in the relevant legislation, that is, EU ABP legislation: Regulation 1069/2009 and the Implementing Regulation 142/2011. Some of the key points are:

- The site must be securely fenced off from surrounding farmland and gated to prevent access from livestock;
- For the location to be considered a separate premises it must, as a minimum, have a defined secure boundary and dedicated entrance from the public road such that it does not form part of a livestock entrance.
- Incoming raw material must be received into a covered space and must be processed without undue delay.
- The drained area must provide sufficient space for the cleansing and disinfection of containers or vehicles used to transport raw material to the site. The operator should confirm acceptance of the drainage by the service provider or, if to land, by the NIEA;
- There must be adequate separation of clean and dirty area and procedures in place to prevent recontamination.

The response goes on to refer to personal hygiene requirements for staff. The requirements under feed legislation must also be met. The response concludes that the project should not have any detrimental effect on animal or public health resulting from the improper handling of animal by-products.

CTY11 also states that where a new building is justified it should be satisfactorily integrated with an existing group of buildings. The policy does not state that it must.

Policy CTY 13 addresses the integration and design of buildings in the countryside. It lists a number of criteria against which to assess a new building in the countryside. I consider a new building, at this location, will not be prominent, will benefit from a strong backdrop to the rear of the site, the design is appropriate for the site and its locality, it will blend with the landform of the backdrop to the site. There are some open boundaries to the application site but I do not consider these sufficient to merit a refusal of the planning application when considering the site and its context in the immediate area.

Policy CTY 14 allows for a new building provided it does not have a detrimental change or further erode the rural character. Although the proposed development will be visible from the public road, it is considered to be acceptable, as it is set away from other buildings and will not be read in conjunction with those and thereby avoiding a build-up of development.

Policy CTY 15 advises that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The proposed site is located outside the settlement limits of Cookstown, as defined in the Cookstown Area Plan. As identified in the consideration of CTY 14 there is no issue with regards to build up of development due to the separation with other development. When driving along this stretch of the Sandholes Road it is hard to determine where the settlement limit of Cookstown begins and ends due to the other commercial uses that are in close proximity to this site. Although the application may mar the distinction of the settlement of Cookstown, the applicant has demonstrated why a building can be exceptionally sited on these lands within his farm holding.

In terms of Planning Policy Statement 15 the site does not lie in a fluvial flood plain and a Schedule 6 consent will be required for discharge to the undesignated watercourse. There is no culvert proposed as part of the application.

Following the submission of amended drawings DfI Roads are content with the application subject to several conditions. EHO have no concerns with regards to the proposal.

Having considered the planning policies and other material considerations I recommend an approval of this application subject to the conditions listed below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

Condition 2

The premises shall only operate between the following hours:

Monday-Friday 07:00-19:00

Saturday 07:00-13:00

Reason: To protect nearby residential amenity from odour and noise

Condition 3

All raw products entering the site as annotated on drawing no 01, date stamped 16 July 2020 shall be transported within sealed bulk tankers.

Reason: To protect nearby residential amenity from odour.

Condition 4

No raw product shall be stored in any external areas as annotated on drawing no 02/2, date stamped 10 February 2022.

Reason: To protect nearby residential amenity from odour.

Condition 5

No processed powdered material shall be stored in any external areas as annotated on drawing no 02/2, date stamped 10 February 2022.

Reason: To protect nearby residential amenity from odour.

Condition 6

Fast roller shutter doors must remain closed at all times except for ingress and egress.

Reason: To protect nearby residential amenity from odour.

Condition 7

Odour from either the drying unit or pasteurization unit shall not exceed 1000ouE/m³ when measured during the process in accordance with IS EN 13723 and analysed by a UKAS accredited test method.

Reason: To protect nearby residential amenity from odour.

Condition 8

Within 4 weeks of a written request by the Council following a reasonable odour complaint from the occupant of a residential dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitable qualified and competent person, to assess the level of odour from the development and/or check compliance with the odour limit listed in condition 7. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the odour monitoring and authorized officers may attend the development at any time during this monitoring. The results of all odour modelling shall be provided in writing to Mid Ulster District Council within 4 weeks from the date of the assessment having been undertaken.

Reason: To protect nearby residential amenity from odour.

Condition 9

Where odour is found to exceed the limits outlined in condition 7, Mid Ulster District Council shall be provided with a suitable report detailing any necessary remedial measures. These remedial measure shall be carried out to the satisfaction of Mid Ulster District Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from odour.

Condition10

The vehicular access including visibility splays of 4.5 x 120 metres shall be provided in accordance with drawing no 02/2 bearing the date stamp of 10 February 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition11

When a contractor is appointed, a detailed Construction Method Statement, for works, in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

Condition12

If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM)

guidance.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Condition13

After completing the remediation works under Condition 12 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Mid Ulster District Council. This report should be completed by competent persons in accordance with the Model Procedures for the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Signature(s):Karen Doyle

Date: 17 November 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0850/F	Target Date:
Proposal: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance	Location: 140m NE of 21 Sandholes Road Cookstown
Referral Route: The application is being presented to Committee as it is being recommended for refusal	
Recommendation:	REFUSE
Applicant Name and Address: Wesley Hamilton 47 Shivey Road Sandholes Cookstown BT80 9HB	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	Rivers Agency	Standing Advice
Non Statutory	DAERA - Veterinary Service (Animal By-Products)	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	No Response
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	Shared Environmental Services	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues including representations		
No representations have been received in relation to this application.		

Characteristics of the Site and Area

The site, which is in the rural area, extends to 0.75ha and is located to the southern side of a large road frontage field at the junction of Sandholes Road and Kilcronagh Road immediately outside the settlement development limit of Cookstown. The settlement development limit extends along the Kilcronagh Road, which is approximately 200m to the north of the site, before extending southwards along the eastern side of Sandholes Road but excluding a small brownfield site. The field has a mature tree lined frontage along the Sandholes Road set to the rear of a wide grass verge, with a 2m high hedge defining the southern boundary, along which there is also an open watercourse. An existing farm lane also extends along the southern boundary and leads to farmlands beyond the site. The site falls gently away from the Sandholes Road before rising towards a crest mid-way along the field and then flattening out towards the Kilcronagh Business Park.

There are limited critical views of the site from between the junction of the Kilcronagh Road until reaching the access point, due to the mature trees along the Sandholes Road. There are also open views of the site when travelling in either direction along the Kilcronagh Road for approximately 100m from the junction with Sandholes Road.

Description of Proposal

The proposal is for the erection of an off-farm agri-food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance.

The proposed access is taken directly off the Sandholes Road and sweeps around to run alongside the existing farm lane along the southern boundary. The proposed building is sited in the centre of a large concrete yard with a weighbridge at the entrance and adequate circulation and parking for 5 cars and 3 lorries.

The proposed shed, which measures 35.3m x 12.6m with a height of 8.7m to the eaves and a ridge height of 10.3m, is set around 180m from the Sandholes Road. The external finishes are Goose wing grey profiled cladding over wet dash render with one large roller shutter door in each of the southern, eastern and western elevations together with a single pedestrian door in both the southern and eastern elevations.

The raw materials are delivered into the building at the eastern end via a piped intake before being processed through several stages and eventually being dispatched at the western end. The building also includes an office and canteen area at the western end of the building.

Planning Assessment of Policy and Other Material Considerations

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

- Strategic Planning Policy Statement (SPPS)
- Cookstown Area Plan 2010
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside

Planning History

The only planning history on this site is LA09/2017/0996/PAD - Proposed new farmers market to include new market hall building with sales ring, offices, associated facilities and parking car/ lorries within site - current application.

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

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

Cookstown Area Plan 2010

The site is set within the rural area and in a field immediately adjacent to but outside the settlement development limit of Cookstown. The area to the north of the application field is zoned with the Area Plan as I1 Industry/Mixed Business Use with a similar area to the East I2 and I3. Therefore the proposed development would introduce an industrial use into the rural area and could be viewed as an extension of the industrial area into the surrounding countryside. This is contrary to the Cookstown Area Plan 2010.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.



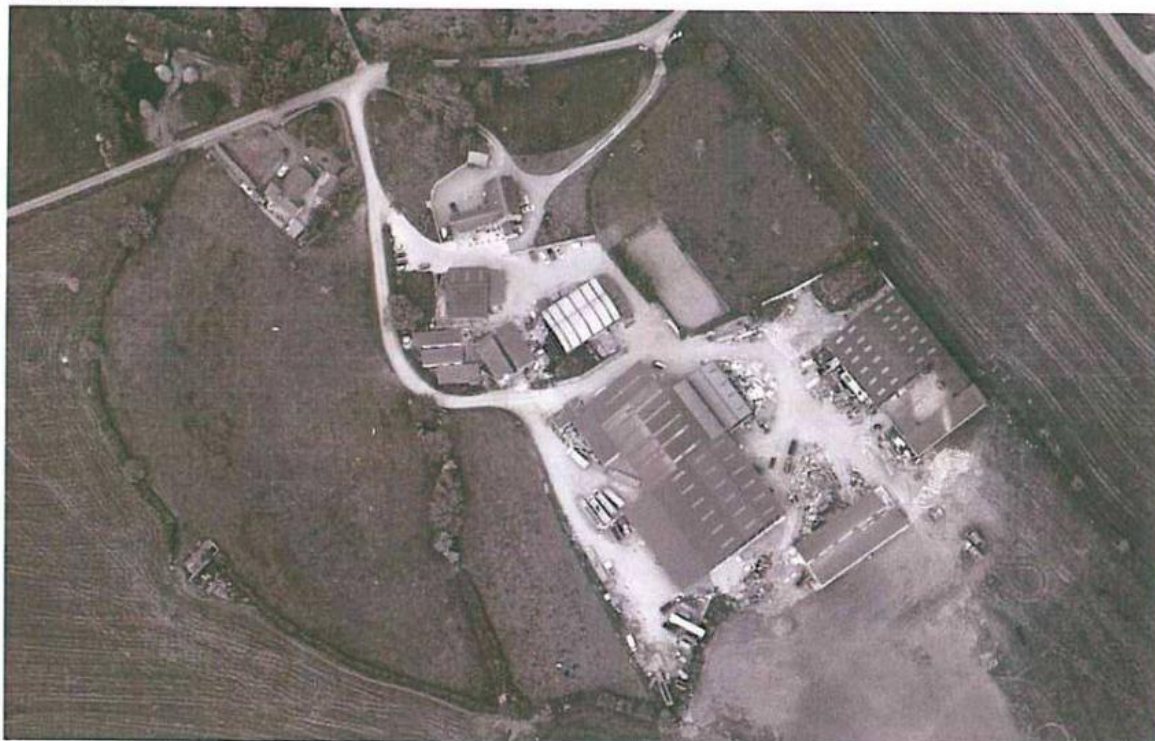
Site set between the settlement development limit and Lafarge Cement Factory

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition: A sustainable Design Guide for NI Countryside' must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4 and therefore the overarching criteria for considering industrial development in the countryside would normally be PPS 4 Policy PED 2 - Economic Development in the Countryside. Policy PED 2 states that 'Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 - Sustainable Development in the Countryside'. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances. Therefore the relevant policy for assessing this proposed development is PPS 21 Policy CTY 11 Farm Diversification.

PPS 21 CTY 11 - Farm Diversification has a presumption in favour of farm or forestry diversification projects where it has been demonstrated that the proposal will be run in conjunction with the agricultural operations on the farm. In considering the supporting information provided in conjunction with this proposed development, it states that 'this project if permitted would offer the applicant a clear opportunity to diversify and expand the farm business into another sector of agriculture and animal feeds from a local source. The proposal would bolster the current farm business as it would expand it into the agri-food sector and offer additional revenue and employment to the local area. The farm business number was allocated to the business in 1992.

Whilst this indicates that the proposed development will be run in conjunction with the farm business as it is being proposed on the applicants farmland and is being proposed to help boost the farm business in a time of uncertainty in terms of subsidies and feed stock availability, it should be noted that the applicant also runs another business from the main farm yard namely Hamilton Contracts. Hamilton Contracts are a building and civil engineering company specialising in the manufacturing of roofing/cladding, purlin profiles and flashings. The following aerial photograph clearly shows a number of articulated lorry trailers parked at the existing farmyard. Therefore it is not accepted that access to the site is difficult or inaccessible as it clearly provides access for these vehicles.



The purpose of policy CTY 11 is to provide for farm diversification projects which will support the existing farm business and which will be run in conjunction with that farm business. The purpose of the Policy is not to provide for an endless stream of new businesses starting up in the countryside. As the applicant has already diversified by way of Hamilton Contracts, this raises the question, should further diversification projects be permitted under this policy.

The following criteria also needs to be addressed:-

- The farm business is currently active and is established;
DAERA have advised that the farm business is both active and has been established for more than 6 years;
- It is appropriate in terms of character and scale;
Although the proposed site is not adjacent to existing farm buildings, it has an agricultural design, typical of agricultural buildings, it is set within a low lying area of the subject field, so as to lessen the visual impact. In this sense it would be appropriate in terms of character and scale.
- It will not have an adverse impact on the natural or built heritage;
A biodiversity checklist has been completed by an ecologist and this deemed that the proposal will not negatively affect the local eco system. Neither NIEA nor SES raised any issues with the proposed development in this regard.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

- It will not have a detrimental impact on nearby residential properties by way of noise, smell and pollution.

As the proposed development is around 100m from the nearest dwelling and is reasonably well screened from those by a copse of mature trees and a mature hedgerow, it is accepted that there will not be any detrimental impact on residential amenity. Environmental Health have no raised any issues of concern in this respect.

- Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.
A new building and site is being requested due to the specialist nature of the plant and its processes. The facilities stakeholders have stipulated that the process and product maintains strict segregation and procedures will be required to ensure no contamination occurs.
The current farm operations and infrastructure is not suitable due to the current livestock being held at these buildings and they are all being utilised fully at present.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

No suitable buildings currently exist on the current farm and the building need to be a particular size and shape in order to accommodate the proposed bespoke plant. This proposed unit is a specifically designed unit and its location away from the exiting farm ensures that no cross contamination of the applicants other livestock occurs from the processing of the poultry hatchery by product. This is a strict requirement to ensure the product produced is clean and uniform. The design and materials are sympathetic to

the locality. The building is of a simple design and buildings of this style are characteristic of the rural area.

Due to the nature of the produce to be manufactured at the facility the stake holders had stipulated that an independent and isolated facility is obtained to reduce the risk of bio hazards at the site. No risks to the supply chain can be introduced into the process of this product, hence the need to be located away from the current farmyard.



In my opinion, as the applicant clearly owns additional lands surrounding the farmyard, which have a road frontage, a separate self-contained yard could easily be created with its own access, which would provide a separate and secure location for the proposed building whilst achieving the required levels of bio-security. Therefore I do not accept the argument that there is a need for a site located away from the main farmyard. As the applicant already operates a building and civil engineering company from the existing premises at 47 Shivey Road which involves deliveries to and from the premises by lorry, the road network is clearly capable of taking the type of vehicles involved. This is obvious from the fact that there are several lorry trailers parked around the existing yard.



PPS 21 - Policy CTY 13 Integration and Design of Buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Such a building will be unacceptable where it is a prominent feature in the landscape or it relies primarily on the use of new landscaping for integration. As detailed above, the proposal would not be prominent as it is sited in the lowest lying area of the field and well back from the public road while being set against a copse of mature trees. However, it is necessary to provide additional landscaping at the north-eastern corner of the building and as this would take a considerable time to mature to such an extent that it would provide an acceptable degree of screening to the proposed building, the proposed development would fail to achieve an acceptable degree of integration as it lacks long established boundaries to provide a sense of enclosure. In my opinion, the proposed development fails the key test of integration and is therefore unacceptable in terms of its integration potential.

PPS 21 - Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. Although the proposed development will be visible from the public road, it is considered to be acceptable, as it is set away from other buildings and will not be read in conjunction with those and thereby causing an issue of build-up.

PPS 21 - CTY 15 The setting of Settlements advises that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The proposed site is set within a large open agricultural field in the rural area and immediately adjacent to the settlement development limit of Cookstown. The field is bounded to the north by a large commercial office building (CDE Global) set within the industrial zoning I1 with other built development on similar zonings I2 and I3 on opposite side of the Sandholes Road. To the immediate south of the site is a small triangular shaped site, containing a dwelling (No.21), outbuildings and associated yard which appears to be used as a builders compound. The undeveloped frontage along the

Sandholes Road includes the field containing the proposed site. This is considered to be an important visual break between the built development within the settlement and the rural area and extends to 140m. The proposed site would be located within this visual break and would be considered as marring the distinction between the settlement and the rural area.

Recommendation

In taking the above into consideration, it is my opinion that the proposed development involves the provision of an industrial building in the rural area, on a site which mars the distinction between the settlement and the rural area.

It is my opinion that the proposed development be refused for the reason stated below:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reason stated below:-

Reasons for Refusal:

1. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business has already diversified and if approved this development would result in the creation of another business in the open countryside which is not satisfactorily integrated with an existing group of buildings.
2. The proposal is contrary to the Cookstown Area Plan 2010 and PPS 21 Policy CTY 15 The Setting of Settlements in that the development would, if permitted, have an adverse impact on the landscape by reason of its location in the open countryside outside the development limits of designated settlements or dispersed rural communities and hence would be detrimental to the setting of Cookstown in that it would mar the distinction between the settlement and the open countryside.

Signature(s)

Date:

ANNEX	
Date Valid	16th July 2020
Date First Advertised	28th July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Sandholes Road Cookstown Tyrone The Owner/Occupier, 20 Sandholes Road, Cookstown, BT80 9AR The Owner/Occupier, 21 Sandholes Road Cookstown Tyrone The Owner/Occupier, CDE Global, Kilcronagh, Sandholes Road, Cookstown BT80 9HJ	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0996/PAD Proposal: Proposed new farmers market to include new market hall building with sales ring, offices, associated facilities and parking car/ lorries within site Address: Lands at junction of Kilcronagh Road, Sandholes Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2020/0850/F Proposal: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance Address: 140m NE of 21 Sandholes Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2017/0240/F Proposal: Erection of workshop and offices for the repair and paint spraying of vehicles, car wash facility, staff/visitor car parking, short term storage of vehicles awaiting collection, 2m high security fence and entrance gates and associated site works (Relocation of existing business from Chapel Street, Cookstown) Address: 16 Sandholes Road, Cookstown, Decision: PG	

Decision Date: 11.06.2018

Ref ID: LA09/2018/0227/F

Proposal: New underground gas transmission pipeline (intermediate pressure) approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Address: Land along Annagh Road from the junction with Dungannon Road to the junction with Sandholes Road and Sandholes Road from the junction with Annagh Road to its junctions with the Strifehill Road Cookstown,

Decision: WITHDR

Decision Date: 03.07.2018

Ref ID: I/2004/1190/F

Proposal: New access (service road) and earthworks and land levelling to facilitate the development of industrial land (amended plans)

Address: Agricultural land bounded by Sandholes Road, Kilcronagh Road, and Fairy Burn river.

Decision:

Decision Date: 29.06.2005

Ref ID: I/2000/0093

Proposal: Site for entrance road to industrial estate.

Address: Adjacent to 18 Sandholes Road, Cookstown

Decision:

Decision Date: 28.02.2000

Ref ID: I/2004/1242/F

Proposal: Modifications to existing road layout to provide right turn access

Address: Adjacent to and 100m South of Copelands Factory, Sandholes, Cookstown

Decision:

Decision Date: 15.12.2004

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02/2

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Further Particulars
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: Karen Doyle	
Application ID: LA09/2020/1630/O	Target Date: 11 February 2021
Proposal: Proposed Farm Dwelling and Garage	Location: 200M North East Of 51 Gulladuff Road Magherafelt
Applicant Name and Address: Mr Eoin Patrick Bennett 1 Clarkes Drive Gulladuff BT45 8RL	Agent name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: Summary of Issues including representations No objections have been received in respect of this application.	
Summary of Consultee Responses: DAERA advised that the site is located on land associated with another farm business DfI Roads recommended that the applicaiton be refused as it creates a new vehicular access onto a Protected Route. DfI Rivers advised that the site is not within but lies adjacent to 1 in 100 year fluvial flood plain which bounds the site to the east.	
Characteristics of the Site and Area The site is located approx. 200m NE of 51 Gulladuff Road, Magherafelt within the countryside as identified within the Magherafelt Area Plan 2015. The red line of the site includes an agricultural field set back from the Gulladuff Road to the rear of a second field which is outlined in blue, indicating ownership. The boundaries of the site are defined by existing hedging with a semi-mature thorn hedgerow along the southern boundary. There is a private laneway running	

parallel to the proposed laneway and provides direct from the Gulladuff Road to dwellings at No's. 48, 52 and 54. This laneway is bounded by a semi-mature thorn hedgerow. The site sits approximately 1m below the level of the Gulladuff Road which is bounded by a low cut thorn hedgerow set to the rear of a 1m wide grass verge. The lands are generally quite flat throughout although they fall away gently from the road and views of the site will be somewhat limited from public viewpoints given it is setback slightly from the roadside. The surrounding area is predominantly rural with scattered dwellings and their associated outbuildings.

The Gulladuff Road, A42, is designated as a Protected Route.

There are no other buildings either on the site although there is a small single shed measuring approximately 8.3m x 5.7m on a roadside site immediately adjacent to the wester side of the existing laneway and which is set back around 3m from the road edge.

Gulladuff settlement limit is located approx. 310m east of the site.

Description of Proposal

This is an outline application for farm dwelling and garage. The proposed development is being sought under PPS21 'CTY10 dwellings on farms.

Deferred Consideration:

The application was presented before the Members with a recommendation to refuse in December 2021 whereby Members agreed to defer the application for an office meeting with the Service Director and this took place on 16 December 2021.

The application was taken as a refusal based on the following reasons:

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 21 - Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and 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.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

The applicant currently resides in a dwelling within the development limits of Gulladuff. The applicant's wife was gifted the land as a wedding gift and the applicant has a Category 1 Business number which was allocated in 2005. The applicant does not have any farm buildings. The lands are being farmed by James McPeake who claims single farm payments for the application site as part of his farm business. Following the deferred office meeting the agent submitted receipts for monies spent on the land by the applicant in each of the last six years.

Although the applicant has demonstrated the farm business is currently active and has been established for at least 6 years and no development opportunities or dwellings have been sold

off within the last 10 years there is not an established group of buildings on the farm with which to visually link or cluster a new dwelling. The application therefore fails to meet criterion (c) of Policy CTY 10 of PPS 21.

With regards to the new access the applicant was advised through the agent to seek an agreement from the neighbouring dwellings to allow the applicant to use the existing access off the protected route. In a written response the agent has stated it is not possible to use the existing site entrance as a small house located at the roadside obscures the sight lines. The agent states this building is outside the applicant's control and the others who have an interest on the lane's control. Policy AMP 3 of PPS 3 is clear that where access cannot be obtained from an adjacent minor road, the applicant is required to make use of an existing vehicular access onto the Protected Route. DfI Roads have reiterated their position in that the proposal is contrary to Policy AMP 3 as a new access is being proposed onto the protected route.

I therefore recommend a refusal of this application based on the following reasons for refusal.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated 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.

Reason 3

The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, result in the creation of a new vehicular access unto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s):Karen Doyle

Date: 21 September 2021



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1630/O	Target Date:
Proposal: Proposed Farm Dwelling and Garage	Location: 200m North East of 51 Gulladuff Road Magherafelt
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Eoin Patrick Bennett 1 Clarkes Drive Gulladuff BT45 8RL	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Rivers Agency	Advice

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues including representations	
No objections have been received in respect of this application.	
<p>Characteristics of the Site and Area</p> <p>The site is located approx. 200m NE of 51 Gulladuff Road, Magherafelt within the countryside as identified within the Magherafelt Area Plan 2015. The red line of the site includes an agricultural field set back from the Gulladuff Road to the rear of a second field which is outlined in blue, indicating ownership. The boundaries of the site are defined by existing hedging with a semi-mature thorn hedgerow along the southern boundary. There is a private laneway running parallel to the proposed laneway and provides direct from the Gulladuff Road to dwellings at No's. 48, 52 and 54. This laneway is bounded by a semi-mature thorn hedgerow. The site sits approximately 1m below the level of the Gulladuff Road which is bounded by a low cut thorn hedgerow set to the rear of a 1m wide grass verge. The lands are generally quite flat throughout although they fall away gently from the road and views of the site will be somewhat limited from public viewpoints given it is setback slightly from the roadside. The surrounding area is predominantly rural with scattered dwellings and their associated outbuildings. The Gulladuff Road, A42, is designated as a Protected Route.</p> <p>There are no other buildings either on the site although there is a small single shed measuring approximately 8.3m x 5.7m on a roadside site immediately adjacent to the western side of the existing laneway and which is set back around 3m from the road edge.</p> <p>Gulladuff settlement limit is located approx. 310m east of the site.</p>	
Description of Proposal	
This is an outline application for farm dwelling and garage. The proposed development is being sought under PPS21 – CTY10 dwellings on farms.	
Planning Assessment of Policy and Other Material Considerations	
<p>Planning History</p> <p>H/2004/0843/O – Site of dwelling house and garage for Thomas Moore – Withdrawn 31.10.2005</p> <p>LA09/2019/0252/O – Farm dwelling and garage for Mr James McPeake – Withdrawn 07.12.2020</p> <p>Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p> <p>The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council</p>	

submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in an undesignated rural area and is linked to a farm business.

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

CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- DAERA's consultation response confirmed that the business has been in existence for more than 6 years however, the farm business has not claimed either single farm payments nor other Agri Environment payments in any of the last six years. DAERA have also advised that the proposed site is located on land which is currently being claimed by another farm business.

In an attempt to show how the applicant's farm business is currently active, the following statement has been provided:-

The previous application on the site, LA09/2019/0252/O was in the name of James McPeake (aka Seamus) ;

James has a Category 1 business number allocated in 2010 and claims single farm payment on the application lands.

James' daughter Attracta was gifted these lands as a wedding present . She is married to the current applicant Eoin Bennett.

Eoin has his own Category 1 farm business number allocated in 2005 and has worked and maintained these application lands for the last 8 years;

Eoin and Attracta have no farm buildings and currently live in a housing development within Gulladuff village.

Notwithstanding the above, the submitted information raises the question, how does the applicant farm the lands subject of the application, or how is his holding active. No evidence has been provided, other than the above statement, to prove that the applicant is involved in any way with these lands, let alone farming them for the past 8 years. The previous application LA09/2019/0252/O clearly stated that the lands were owned by James McPeake who farmed them with his brother Brian.

- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- Policy CTY 10 also requires any such new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be obtained from an existing lane.

There are no buildings located the proposed site or within the two fields identified on the applicant's holding, therefore the site is not visually linked nor is it sited to cluster with buildings on the farm. The policy does however, allow for consideration to 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). However, as these are the only field which appear on the applicants holding, they do not have the potential to locate a dwelling elsewhere.

Policy CTY 10 also states that 'In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.'

CTY 13 – Integration and Design of Buildings in the Countryside provides for buildings to be approved in the countryside where they can be visually integrated into the surrounding landscape and are of an appropriate design. However, as there are no buildings on the applicant's holding as identified by the farm maps, any dwelling cannot therefore be sited with such farm buildings.

With regards to the proposed site, a dwelling with a ridge height of 5.5m above finished floor levels and an under-build of not more than 0.45m above existing ground level would achieve an acceptable degree of integration, provided the existing north-western and southern boundaries are retained at their current heights as a minimum. This would be required as the existing roadside hedgerow on the eastern side of the proposed access would have to be removed to provide the required visibility splay. In providing such a splay would open up views towards the site from the public road thereby making it essential that the existing boundaries are retained. There is also a public interest from the adjacent laneway which serves three dwellings. However, from this laneway, a dwelling conditioned as detailed above would achieve an acceptable degree of integration provided the existing boundaries are retained.

CTY 14 – Rural Character

This is an application for a site for a dwelling on a farm holding that is sited away from any existing farm buildings. A dwelling on the proposed site would not be contrary to the requirements of this policy as it could achieve an acceptable degree of enclosure and would be viewed in isolation from any existing buildings. A dwelling on this site would respect the traditional pattern of development in the area as existing dwellings are mainly set well back of the public road with little visual impact.

The proposal is therefore acceptable under this policy.

PPS 3 – Access, Movement and Parking

Policy AMP 3 Access to Protected Routes (Consequential Revision) allows for such developments to access onto a protected route in certain circumstances. This includes a dwelling on a farm which meets the requirements of Policy CTY 10. However, in such instances, approval will only be granted in cases where the access cannot reasonably be obtained from an adjacent minor road.

The proposal is to develop a dwelling on a site which accesses directly onto the A42 Protected Route. The applicant only has the two fields identified at this location and therefore does not have the potential to site the dwelling at another location. However, the policy provision clearly states that planning permission will only be granted for a development proposal involving access onto a protected route in the case of a site for a farm dwelling where it would meet the criteria set out in Policy CTY 10 and access cannot be reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

However, as in this case, even if it were accepted that the farm business is active and established and that it would meet the policy tests for a dwelling on the farm, access to the proposed site is not being taken from an existing access onto the Protected Route and consequently it fails the policy tests in that regard.

DfI Roads recommend the application be refused as it is contrary to this policy in that it would result in the creation of a new vehicular access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

CTY 16 – Development relying on non-mains sewerage advises that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. As this is a rural site and P1 application form states that foul sewage will be disposed of via a septic tank, it is not envisaged that there will be an issue with pollution.

PPS 15 – Planning and Flood Risk

DfI Rivers advised that the site is not within but lies adjacent to the 1 in 100 year fluvial flood plain which bounds the site to the east and therefore they recommend that any dwelling be allowed an additional freeboard of 600mm. A 5m maintenance strip is also requested along an undesignated watercourse flowing along the eastern boundary of the site. This maintenance strip should be protected by way of a condition and kept free of any impediments.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10 of PPS 21 and Policy AMP 3 of PPS 3 for the reasons as stated below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the farm business is currently active;
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.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	17th December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	21.09.2021
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/1630/O Proposal: Proposed Farm Dwelling and Garage Address: 200m North East of 51 Gulladuff Road, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: H/2003/1277/F Proposal: Housing development - semi-detached and detached. Address: Adjacent to Clarkes Court and Oakland Crescent, Gulladuff. Decision: Decision Date: 14.12.2005</p> <p>Ref ID: H/1981/0099 Proposal: SITE OF HOUSING DEVELOPMENT Address: GULLADUFF, MAGHERAFELT Decision: Decision Date:</p> <p>Ref ID: H/1986/0145 Proposal: HOUSING DEVELOPMENT 17 NO DWELLINGS Address: GULLADUFF HILL ROAD, GULLADUFF, MAGHERAFELT Decision: Decision Date:</p> <p>Ref ID: H/1974/0253 Proposal: LAYOUT OF HOUSING DEVELOPMENT</p>	

<p>Address: GULLADUFF, MAGHERAFELT Decision: Decision Date:</p> <p>Ref ID: H/1981/0240 Proposal: MV O/H LINE (BM 4786) Address: GULLADUFF, MAGHERAFELT Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>DAERA advised that the site is located on land associated with another farm business</p> <p>DfI Roads recommended that the applicaiton be refused as it creates a new vehicular access onto a Protected Route.</p> <p>DfI Rivers advised that the site is not within but lies adjacent to 1 in 100 year fluvial flood plain which bounds the site to the east.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0507/O	Target Date: <add date>
Proposal: Site for dwelling and garage (Dwelling on a Farm)	Location: Approx 50m North East of 73 Reenaderry Road Derrytresk Coalisland
Applicant Name and Address: Mr Thomas Hagan 215a Clonmore Road Dungannon	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Is there an established and currently active farm business for the purposes of CTY10..	
Summary of Consultee Responses: DEARA – no farm business DFI Roads – safe access can be achieved	
Characteristics of the Site and Area: The site lies within the open countryside just a short distance to the North of the settlement of Tamnamore and the M1 Motorway and outside all other areas of constraint as depicted by the DSTAP 2010. The red line of the site includes a concrete yard, an outbuilding with aluminium clad walls and roof and is situated just to the north east of number 73 Reenaderry Road. Derrytresk. The site has its own existing access, with the frontage enclosed by a 1.5 metre high closed board timber fence. The remaining part of the roadside boundary is defined by a thick row of mature hedging. The rear north facing boundary is also defined by mature hedging and the south facing boundary between the site and number 73 is defined by a timber fence. At the time of site visit the site had a number of vehicles parked up and it was clearly not being used for domestic purposes. The dwelling to the south has been included in the blue line owned by the applicant which also includes a further large shed. The dwelling is a small bungalow finished in a white dash.	

Description of Proposal

The proposal seeks outline planning permission for a dwelling on a farm,

Deferred Consideration:

This application was before the committee in December 2021 where it was recommended for refusal as the information presented was not considered to demonstrate that the farm was currently active and established for 6 years. The application was deferred for a meeting with the Service Director on 16 December 2021 where the agent advised some of the information presented identified the farming activities for the applicant, however he advised he would provide additional information for consideration in respect of the farming activities carried out.

Additional receipts and invoices were submitted as well as information of a customer ID for DAERA. (APPENDIX 1) Members will be aware the customer ID is not a business ID and as such the DAERA response is correct in that there is no business id for this farmer. This of itself is not fatal to the application, provided the applicant can provide details to demonstrate farming activities or a farm business has been carried out for the required period. For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. Aerial photographs of the land show the condition of the land in 2013, 2016 and 2019, from these photos it is clear the land has been kept in good agricultural condition. The invoices show there has been investment by Mr T Hagan in the land and there has been some income received these date back to 2014, well over 6 years ago. This outgoing and incoming of revenue is the common understanding of a business and as it is agricultural related, I conclude the agricultural business has been ongoing for over the required 6 year period and is established. At a recent site visit I noted there were cattle in the field and as such I am content the land is currently being used for agricultural purposes. From the above I have determined there is a farm business that has been established for over 6 years and its currently active which meets criteria a of CTY10.

A check against the applicants name and address identified a site at Clonmore M/2006/0512/RM, however this is inside the settlement limits for Clonmore it as such, even if recently sold off the holding, is not counted as a transfer for the purposes of CTY10. I am content there are no development opportunities outwith settlement limits that have been transferred off the holding and there have not been any approvals under CTY10 in the last 10 years. This meets with criteria b of CTY10.

The proposed site is located immediately beside a group of existing buildings on the farm and as such I consider it meets criteria c of CTY10.

As the proposal meets with the criteria in Policy CTY10 I recommend this application is approved. I further consider it is appropriate to condition the retention of the vegetation around the site and that it is limited in height to ensure any new dwelling is not prominent and respects the character of the area.

APPENDIX 1

Summary of information submitted following the office meeting (* indicates information that was previously submitted and has been resubmitted):

Outgoings

- Invoice from Eoin Campbell dated 7 Feb 2014 for hedge cutting, no name or address for work done*
- Invoice from Brian Donnelly (?) Brocagh dated 18 April 2014 for drains cleaned at Reenaderry Road, not specific to this farm*
- Invoice from JMI Acheson (?) dated 13/09/2014 for lime spreading for T Hagan, not specific to this farm*
- Invoice from Sinclair Hardware dated 16 March 2015 for cattle gate, no name or address*
- Invoice from Sinclair Hardware dated 20 March 2015 for hanging post, closing post and hangers, no name or address*
- Invoice from Kieran Campbell, Coalisland dated 8 July 2015 for grass cutting and baling, no name or address*
- Invoice from Sean McAliskey dated 19 Feb 2016 for hedge cutting for T Hagan – Reenaderry Road*
- Invoice from Kieran Campbell, Coalisland dated 16 July 2016 for grass cutting and baling, no name or address*
- Invoice from S Hayes, Grove Hill Farm, dated 28 July 2016 for slurry spreading, T Hagan no address*
- Invoice from Brian Donnelly (?) Brocagh dated March 2017 for repairs to fencing at Reenaderry Road, not specific to this farm*
- Invoice from Kieran Campbell, Coalisland dated 23 July 2017 for grass cutting and baling, to T Hagan no address*
- Invoice from S Hayes, Grove Hill Farm, dated 22 July 2017 for slurry spreading, to T Hagan, no address*
- Invoice from Mervyn Potts, Dungannon dated 17 March 2018 for fence posts, no name or address*
- Invoice from Barry Devlin dated June 2018 for building cattle crush, to Tam Hagan, no address*
- Invoice from Kieran Campbell, Coalisland dated 26 July 2018 for grass cutting and baling, no name or address*
- Invoice from Stephen Hayes, Grove Hill Farm, dated 25 June 2019 for slurry spreading, to T Hagan, no address*
- Invoice from Kieran Campbell, Coalisland dated 14 July 2019 for grass cutting and baling, no name or address*
- Invoice from SA Trolleys Dungannon dated 11 September 2019 for barb wire, no name or address*

Income

Invoice for Mr S Hayes, Grove Tree Farm Coalisland dated 04.04.2017 for round bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr Martin McAliskey, 27 Ballybeg Road Coalisland dated 07.08.2020 for round

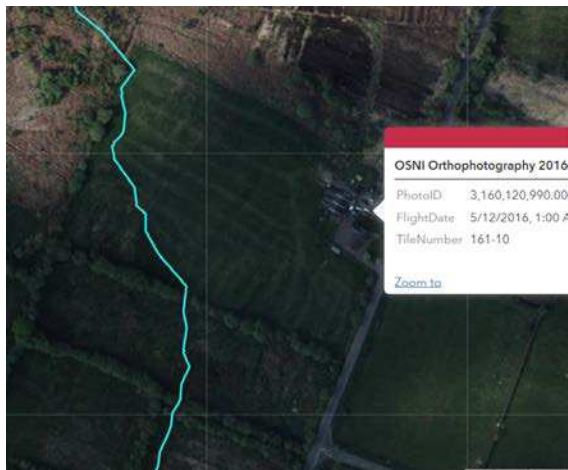
bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr S Hayes, Grove Tree Farm Coalisland dated 16.08.2020 for round bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr Martin McAliskey, 27 Ballybeg Road Coalisland dated 01.07.2021 for round bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr S Hayes, Grove Tree Farm Coalisland dated 11.07.2021 for round bales from Thomas Hagan, 73 Reenaderry Road

Aerial photography showing the land condition





Cattle in field 31 October 2022

Conditions:

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

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

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

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

3. The proposed dwelling shall have a ridge height not exceeding 5.5m in height above finished floor level and the underbuild shall not exceed 0.25m above the existing ground levels.

Reason: In the interests of visual amenity and to ensure the dwelling will not adversely affect the countryside.

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

Reason: To ensure that the dwelling integrates into the surrounding countryside.

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

Reason: In the interest of visual amenity and to assist with integration.

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 Local Planning Authority, 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 Local Planning Authority gives its written consent to any variation.

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

7. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the RS1 form dated 11/05/2021 and available to view on the planning portal, including sight lines of 2.4m by 100.0m in both directions and a forward sight distance of 100.0m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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



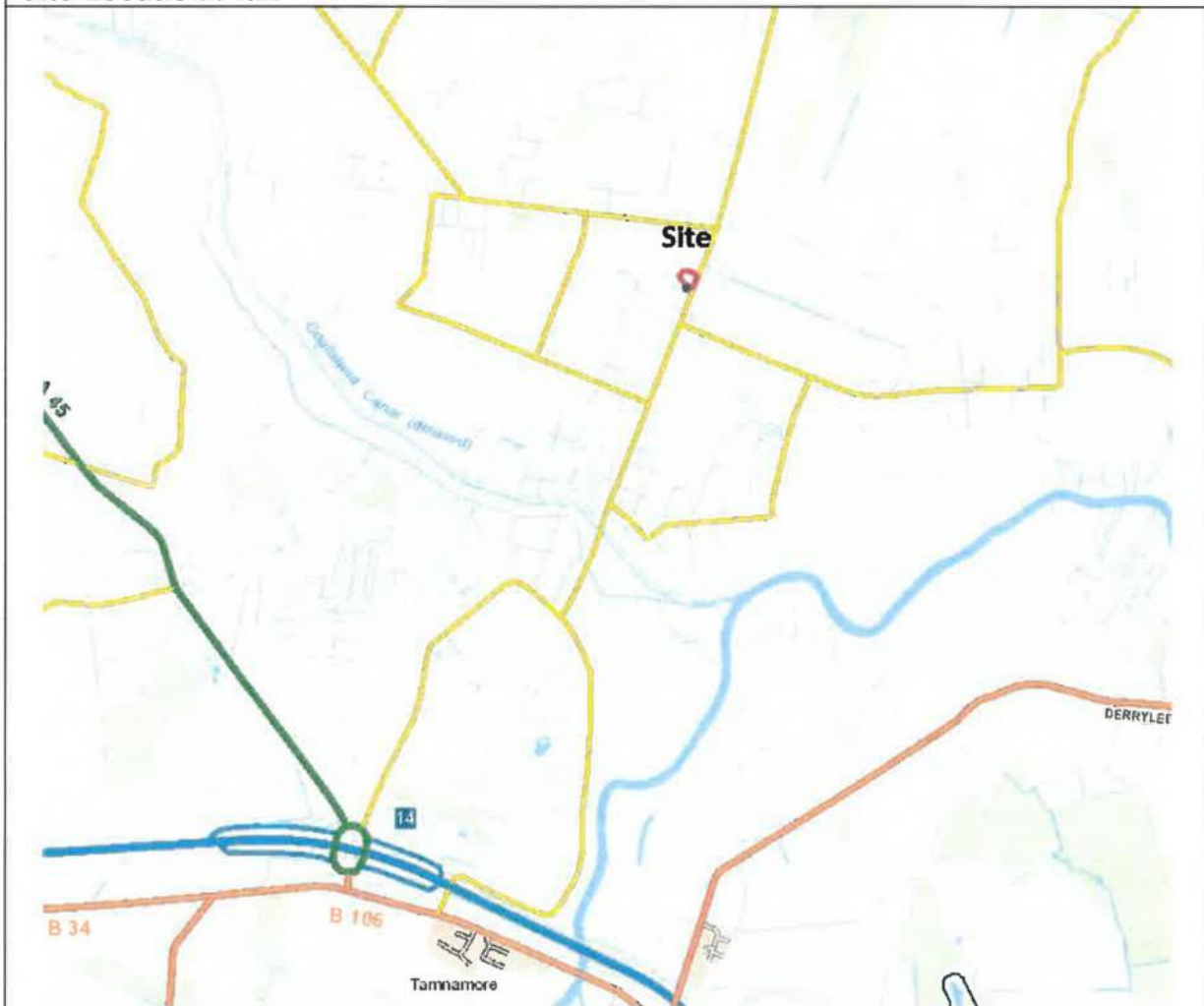
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0507/O	Target Date:
Proposal: Site for dwelling and garage (Dwelling on a Farm)	Location: Approx 50m North East of 73 Reenaderry Road Derrytresk Coalisland
Referral Route: Contrary to policy	
Recommendation:	REFUSAL
Applicant Name and Address: Mr Thomas Hagan 215a Clonmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies within the open countryside just a short distance to the North of the settlement of Tamnamore and the M1 Motorway and outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site includes a concrete yard, an outbuilding with aluminum clad walls and roof and is situated just to the north east of number 73 Reenaderry Road, Derrytresk. The site has its own existing access, with the frontage enclosed by a 1.5 metre high closed board timber fence. The remaining part of the roadside boundary is defined by a thick row of mature hedgeing. The rear north facing boundary is also defined by mature hedgeing and the south facing boundary between the site and number 73 is defined by a timber fence. At the time of site visit the site had a number of vehicles parked up and it was clearly not being used for domestic purposes.



The dwelling to the south has been included in the blue line owned by the applicant which also includes a further large shed. The dwelling is a small bungalow finished in a white dash.

Description of Proposal

The proposal seeks outline planning permission for a dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

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

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Farm Dwellings

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

Planning History

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

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

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

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

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

With respect to (a) it is considered that this policy criteria has not been met, the applicant has not provided an Agricultural Business Identification number and is not in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has no Business ID and does not claim single farm payments. To support the application the applicant has submitted numerous invoices dating 2014 - 2019, of all the documents submitted none make reference to the applicants name and address, it is my opinion that this info as submitted is not sufficient and does not prove the farm business has been active and established for 6 years.

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

With respect to (c) it is noted that the application site is located directly adjacent to the applicants existing dwelling and out building and will be visually linked as it only separated by a low fence.

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



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. The site does benefit from roadside vegetation cover, and would allow a dwelling to struggle to fit in unobtrusively.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale.

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

Recommendation Refusal

It must also be noted that the existing shed on the site does not benefit from any planning permission and does not benefit from immunity as from the ortho below we can see it was not built in 2016. This has been passed to enforcement team for examining.



Neighbour Notification Checked

Yes

Refusal Reasons

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

Signature(s)

Date:

ANNEX	
Date Valid	30th March 2021
Date First Advertised	13th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 73 Reenaderry Road Coalisland Tyrone The Owner/Occupier, 74 Reenaderry Road Coalisland Tyrone The Owner/Occupier, 74 Reenaderry Road, Coalisland, Tyrone, BT71 4QN The Owner/Occupier, 76 Reenaderry Road Coalisland Tyrone	
Date of Last Neighbour Notification	22nd April 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0507/O Proposal: Site for dwelling and garage (Dwelling on a Farm) Address: Approx 50m North East of 73 Reenaderry Road, Derrytresk, Coalisland, Decision: Decision Date: Ref ID: M/1978/0824 Proposal: EXTENSION TO DWELLING Address: 73 REENADERRY ROAD, COALISLAND Decision: Decision Date: Ref ID: M/1986/0176 Proposal: 11 KV RURAL SPUR Address: DERRYTREEK, DUNGANNON Decision: Decision Date: Ref ID: M/2014/0122/O Proposal: Replacement dwelling Address: 73, Reenaderry Road, Kingisland, Coalisland,	

Decision: PG
Decision Date: 15.05.2014

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: Karen Doyle	
Application ID: LA09/2021/0885/O	Target Date: 5 August 2021
Proposal: Proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm).	Location: 30M West Of 102 Craigadick Road Maghera BT45 5DH.
Applicant Name and Address: Mrs Sharon Crooks 103 Craigadick Road Maghera BT46 5DH	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: Floodplain, not sited to visually link or cluster with a group of buildings on the farm, business has not been established for 6 years	
Summary of Consultee Responses:	
Characteristics of the Site and Area The application site is located approximately 1.2km north east of Tobermore and is in the rural area as per the Magherafelt Area Plan 2015. The red line is contained within a portion of a larger agricultural field which is situated along the roadside on Craigadick Road. The site is relatively flat with a line of mature hedging along the roadside. The land uses in the surrounding area contain mostly agricultural fields with a scattering of dwellings and farm buildings	

Description of Proposal

This is an outline application for farm dwelling and garage.

Deferred Consideration:

This application was presented before the Planning Committee in June 2022 with a recommendation to refuse based on the application being contrary to Policies CTY1, 10 and 13 of PPS 21. The application was deferred by Members for an office meeting with the Service Director.

The vast majority of the applicant's farm land is situated in a fluvial floodplain with this site being outside the floodplain. Policy FLD 1 states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Having considered those exceptions listed in Policy FLD 1 an application for a farm dwelling is not considered to be such an exception and if the principle of a farm dwelling is accepted under PPS 21 I deem this to be a suitable site outside of the fluvial floodplain.

At the office meeting, following which additional evidence was submitted, the agent stated the applicant owns twenty fields, with the application site on the periphery of the farm holding. The applicant's father owned the farm and following his death the applicant was not aware the Business ID was closed by DAERA. The applicant now has her own Category 3 and has held this since 2021. A considerable number of the fields in the farm business are being claimed for by another farm business. DAERA have confirmed that Business ID has claimed the application site for single farm payment from 2015-2022. So although the applicant's farm business has not been established for 6 years it is currently active and the applicant did receive an income from the farm lands since at least 2015. I have not found any evidence of any dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

The applicant does have a group of buildings on the farm less than half a mile away to the south west from the application site. However, this group of buildings is located in a floodplain. In my opinion this demonstrates there are health and safety reasons as to why an alternative site can be considered at this location.

Having received confirmation for the gap in farm business since 2009 I am content to recommend an approval of this application.

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

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be

begun by whichever is the later of the following dates:-

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

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

Reason: To ensure the dwelling integrates into the landform.

Condition 5

During the first available planting season after the occupation of the dwelling, a hawthorn/natural species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

REASON: To ensure the amenity afforded by existing hedges is maintained.

Condition 6

The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

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

Condition 7

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

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

Signature(s):Karen Doyle

Date: 7 November 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0885/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm).	Location: 30m West of 102 Craigadick Road Maghera BT45 5DH.
Referral Route: To Committee - Refusal - Contrary to CTY 1, 10 and 13 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mrs Sharon Crooks 103 Craigadick Road Maghera BT46 5DH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

The application site is located approximately 1.2km north east of Tobermore, as such the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The red line covers a portion of a much larger agricultural field which I note lies along the roadside along the Craigadick Road. I note that the is relatively flat in nature with a line of mature hedging along the roadside. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

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

Description of Proposal

This is an outline application for a proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm), the site is located at 30m West of 102 Craigadick Road Maghera

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Magherafelt Area Plan 2015
PPS 1 - General Principles
PPS 3 - Access, Movement and Parking
PPS 21 - Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
CTY 1 - Development in the Countryside
CTY 10 - Dwellings on the Farm

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response confirmed that farm business identified in the P1C was closed in 2009 due to a death and that the lands were in association with another farm business. I note that this was referred to the agent, who responded to state that the applicant was unaware that the business had been closed but had continued to run the farm since the death of her father and have now applied for a new farm business number. Whilst I acknowledge the new business number being attained in October 2021 there has been insufficient evidence to demonstrate that there has been continued activity since 2009 to demonstrate a continuation of the previous farm business.

Given this I hold the view that the applicant has failed to demonstrate that there is an active and established farm business as per required by policy.

With respect to (b), upon review of the farm business I note that after reasonable checks were done I am content that no other approval for a farm dwelling have been attained in the last ten years nor has there been any development opportunities sold off in this time.

With respect to (c), I note that the registered address of the farm business sits approximately 265m south west of the proposed site, where I note that there are a number of farm sheds and a dwelling at this location. In addition, the applicants own dwelling sits 180m from the farm holding, where the applicant owns a number of lands around the farm holding and the applicants own dwelling. However the agent has confirmed that all these lands inclusive of the sheds/dwellings lies within a flood plain and the proposed site is the nearest parcel of land that lies outside the flood plain. I acknowledge this however there is a concern that given the level of development that already lies within the flood plain that a flood risk assessment could have been done to demonstrate whether or not lands closer to the farm would be able to be developed. However given the issue over the farm business it was not felt prudent to go down the avenue of requesting a flood risk assessment to rule out other lands. Despite this I hold the view that no demonstrable health and safety reasons or verifiable plans to expand have been submitted to justify a site away from the farm at present. As such I hold the view that the application fails under CTY 10 as a result.

I note that no other policy case has been put forward, upon a review of the policies under CTY 1 I hold that the view that the application would not meet any of these.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view that a single storey dwelling with suitable landscaping, would not appear prominent in the landscape and be capable of successfully integrating into the landscape. Finally the application fails under CTY 13 as it is not visually linked or clustered with an established group of buildings on the farm.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Again an appropriately designed single dwelling would not result in a detrimental change nor erode the rural character of the area.

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

PPS 3 - Access, Movement and Parking;

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

I have no ecological or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years and the proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)**Date:**

ANNEX	
Date Valid	10th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 102 Craigadick Road Maghera Londonderry The Owner/Occupier, 98 Craigadick Road Maghera Londonderry	
Date of Last Neighbour Notification	9th July 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0885/O Proposal: Proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm). Address: 30m West of 102 Craigadick Road, Maghera BT45 5DH., Decision: Decision Date: Ref ID: H/1975/0252 Proposal: 11KV O/H LINE C.7308 Address: BALLYNAHONE BEG, MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2021/1425/F	Target Date: 24 November 2021
Proposal: Proposed dwelling and domestic garage	Location: Approx 140M South West Of 93A Ballynagarve Road Magherafelt
Applicant Name and Address: Mr Darren MC Ivor 7 O'Neills Park Ballymaguigan Magherafelt	Agent name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: <p>This application was presented to Members at September Planning Committee with a recommendation to refuse as it was considered that a dwelling on this site would not visually link or site to cluster with a group of buildings on the farm, it would be overly prominent in the local landscape, it would rely on the use of new landscaping for integration, would create a ribbon of development and would have a negative impact on rural character. It was agreed to defer the application for an office meeting so that the scheme could be given further consideration.</p>	
Summary of Consultee Responses: 	
Characteristics of the Site and Area <p>The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The red line includes an existing approved site LA09/2020/0512/O which is located adjacent to and south of No.93 and the red line then also extends to the 'proposed site' which is located to the South West of the previously approved site and is a roadside site and is a corner section of a larger agricultural field. The land here rises in a north eastern direction to approximately 3m above the road level. There is an existing separate laneway which runs adjacent to the site to the south and leads to a third party farm which abuts the site to the north east with an existing yard/storage area and then further to existing</p>	

buildings. There is also an historical planning approval for a dwelling within this storage area adjacent to the north east, approved under planning references H/2003/0831/O and H/2007/0174/RM

There are critical views of the site on approach from the north along Ballynagarve Road, especially from the junction from Loves Road from where a dwelling on the site would appear close to the hilltop. These critical views of the site continues up to the proposed access point with the Ballynagarve Road. On approach from the south the critical views are more limited. The boundaries of the site are defined by existing hedgerows on all sides bar the north western boundary which is currently undefined and extends into the larger agricultural field.

Description of Proposal

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

Deferred Consideration:

This application was first presented as a refusal to Planning Committee in September 2022 at which Members agreed to a deferral for an office meeting. At the office meeting the agent, Mr Chris Cassidy presented photomontages of what the proposed dwelling would look like on this roadside site. Mr Cassidy argued that this site was a much better site than where the dwelling was originally approved (LA09/2020/0512/O) as it was at a lower level.

Having carried out a site inspection I would be of the opinion that a dwelling on this site would have some degree of visual linkage with the applicant's farm buildings, which are located approx. 55m to the North of the site. The site approved under LA09/2020/0512/O would have much stronger visual linkage, however there is still a degree of visual linkage with this revised location which would satisfy policy CTY 10 of PPS 21.

The creation of a ribbon of development along the farm laneway was cited as a reason for refusal. I would contend that as the dwelling applied for has a different frontage, then this is actually not the case.

The proposed dwelling has a ridge height of 6.4m and a frontage of 19.3m. It is my opinion that it will not be overly prominent on this roadside site. The site could not take a two storey dwelling but the proposed design is modest and will have a back drop of third party farm buildings and mature trees further to the North which will help reduce prominence and aid integration. I also acknowledge that there are both 3 phase lines and larger pylons in close proximity which are more dominant than any dwelling.

There is limited boundary vegetation defining this site. The roadside boundary is practically void of hedgerow and the remaining boundaries are defined by low level hedgerow with a few intermittent semi matures trees. I don't disagree that new planting will be required to aid the integration of this dwelling on this site, however, given its modest size and taking into consideration other development in the immediate area such as the Pylons, third party farm buildings and other roadside dwellings, I am off the opinion that with a condition to provide landscaping, the rural character of this area will not be harmed if this application were to be approved.

On re-consideration and subject to landscaping conditions I recommend this application for Approval.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access, including visibility splays of 2.4m x 90m and a 90m forward sight line shall be provided in accordance with drawing No. 02 date stamped 29th Sept 2021, prior to the commencement of any works or other development hereby permitted and permanently retained. 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 levels of the adjoining carriageway and such splays shall be permanently retained and kept clear thereafter.

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

Condition 3

During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the NW, NE and SE boundaries of the site

Reason: To ensure the development integrates into the countryside

Condition 4

During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site

Reason: To ensure the amenity afforded by existing hedges is maintained -

Condition 5

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

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

Signature(s):Karla McKinless

Date: 18 November 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.14
Application ID: LA09/2021/1425/F	Target Date: 24 November 2021
Proposal: Proposed dwelling and domestic garage	Location: Approx 140M South West Of 93A Ballynagarve Road Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Darren MC Ivor 7 O'Neills Park Ballymaguigan Magherafelt	Agent Name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Characteristics of the Site and Area <p>The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The red line includes an existing approved site LA09/2020/0512/O which is located adjacent to and south of No.93 and the red line then also extends to the 'proposed site' which is located to the South West of the previously approved site and is a roadside site and is a corner section of a larger agricultural field. The land here rises in a north eastern direction to approximately 3m above the road level. There is an existing separate laneway which runs adjacent to the site to the south and leads to a third party farm which abuts the site to the north east with an existing yard/storage area and then further to existing buildings. There is also an historical planning approval for a dwelling within this storage area adjacent to the north east, approved under planning references H/2003/0831/O and H/2007/0174/RM</p> <p>There are critical views of the site on approach from the north along Ballynagarve Road, especially from the junction from Loves Road from where a dwelling on the site would appear close to the hilltop. These critical views of the site continues up to the proposed</p>	

access point with the Ballynagarve Road. On approach from the south the critical views are more limited. The boundaries of the site are defined by existing hedgerows on all sides bar the north western boundary which is currently undefined and extends into the larger agricultural field.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

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

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

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

It is important to note that outline permission was granted under planning reference LA09/2020/0512/O and this full application is seeking to relocate to a new proposed site. As such, this application will be fully assessed against the relevant policy criteria.

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

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

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

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

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

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

DAERA have been consulted and have confirmed that the business has been in existence for more than 6 years and that the business has claimed single farm payment or agri environment payments within the last 6 years.

A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding. The previous outline approval was granted but no Reserved Matters application has been submitted or approved so this application would supersede and previous approval.

As was the case in the previous application LA09/2019/0471/O, the proposed site is neither visually linked with nor sited to cluster with the applicants or farmers established farm buildings. The farmers business ID which has been used is the same as per the previous outline application which was recommended for refusal and then subsequently withdrawn for a new application to be made on a site which would meet criteria C of CTY 10. The only buildings identified that the site should visually link with or cluster with is the farm shed located west of No.93 which is approximately 110m North East of the site. The farm holding to adjacent to the northeast are 3rd party buildings and cannot be considered.

The agent was asked to provide any reasoning as to the need for this site given permission is already in place for a site as per outline approval LA09/2020/0512/O such as demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. No such information was provided and as such, the proposed site does not meet criteria C of Policy CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Given the topography of the site and the low level hedges which define the site, the dwelling at this location would be a prominent feature, with the ridge of the dwelling appearing 6.5m above the road level, which would be very visible from approach in both directions. As such the dwelling would rely heavily on site works such as landscaping and planting to achieve an acceptable degree of integration and is therefore, contrary to this policy.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, the proposed dwelling would be on an elevated site and would appear unduly prominent in the landscape. As such, the proposal is contrary to this policy. The proposal also has the potential to create a ribbon of development along

the farm lane to the south east of the application site as it would create a gap between the approved dwelling and the dwelling and farm buildings at No.89. Although there is planning approval for a site at this gap, it is unclear if it is an extant approval given the length of time since this application was passed and that no substantial building is in place. Therefore, the proposal would be contrary to policy CTY 14 in that it will create a ribbon of development.

PPS 3 - Access, Movement and Parking;

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

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

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

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed building will be a prominent feature in the landscape and the site relies primarily on the use of new landscaping for integration.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and it would create a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Case Officer: Ciaran Devlin

Date: 17 August 2022

ANNEX	
Date Valid	29 September 2021
Date First Advertised	12 October 2021
Date Last Advertised	12 October 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 93 Ballynagarve Road Magherafelt Londonderry BT45 6LA The Owner / Occupier 89 Ballynagarve Road Magherafelt Londonderry BT45 6LA The Owner / Occupier 93A Ballynagarve Road Magherafelt Londonderry BT45 6LA	
Date of Last Neighbour Notification	13 October 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2007/0174/RM Proposals: Proposed one and a half storey dwelling and domestic garage Decision: PG Decision Date: 16-OCT-08 Ref: LA09/2015/0416/F Proposals: Single storey front extension for porch and sitting room, single storey side extension for sun lounge, single storey rear extension for boiler, utility room and toilet. Detached domestic garage and relocation of existing access to provide sight lines. Decision: PG Decision Date: 19-NOV-15 Ref: LA09/2020/0512/O Proposals: Proposed dwelling and garage on a farm Decision: PG Decision Date: 15-DEC-20 Ref: H/2000/0200/O Proposals: Site Of Dwelling House And Garage Decision: Decision Date: Ref: H/1997/0189 Proposals: ALTERATIONS TO DWELLING	

Decision: PG
Decision Date:
Ref: H/2004/0497/O
Proposals: Site of dwelling and garage.
Decision: PR
Decision Date: 25-NOV-05
Ref: H/2003/0831/O
Proposals: Site of one and a half storey dwelling and garage.
Decision: PG
Decision Date: 20-APR-04
Ref: LA09/2019/0471/O
Proposals: Proposed dwelling and domestic garage/store based on policy CTY10 dwelling on a farm
Decision:
Decision Date:
Ref: LA09/2021/1425/F
Proposals: Proposed dwelling and domestic garage
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DAERA - Coleraine-Substantive: TBCResponseType: FR

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Block/Site Survey Plans Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03
Garage Plans Plan Ref: 04

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1751/O	Target Date: 1 February 2022
Proposal: Erection of 1No. dwelling as part of a cluster.	Location: Lands SW Of 46&46A And NW Of 44 Annaghmore Road Castledawson.
Applicant Name and Address: Frances Taylor 21 Annaghmore Road Castledawson Magherafelt BT45 8DU	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: <p>A petition with 8 signatures was received objecting to the proposed development. The summary of the objection is contained below and has been considered as part of the planning assessment.</p> <ul style="list-style-type: none">- There is no focal point which any cluster would be associated with in terms of a cross roads or community building. The orange hall is too far removed to be considered.- The site is only bounded on one side with development.- The site cannot be considered rounding off; rather it would extend into the existing countryside altering the character of the area.- The development lacks established natural boundaries and does not provide a suitable degree of enclosure.- Would lead to a ribbon of development along the Annaghmore Road.	
Summary of Consultee Responses:	

Characteristics of the Site and Area

The site is located within the open countryside, located approximately 0.5km south of the settlement limits of the Castledawson as per the Magherafelt Area Plan 2015. The red line of the application site is located on the roadside, and appears to consist of two agricultural fields which are split by a field drain with trees and hedges running through it. The majority of the boundaries of the site are defined by existing low-level hedges with a mix of trees located throughout. An existing post and wire fence, with a relatively large grass verge between the public road and the application site, defines the roadside boundary. The surrounding area is a mix of agricultural land uses and residential dwellings located beyond.

Description of Proposal

This is an outline planning application for the erection of 1No. Dwelling as part of a cluster.

Deferred Consideration:

This application was presented before the Planning Committee in May 2022 with a recommendation to refuse whereby the Members agreed to defer the application for a meeting with the Service Director. The meeting took place on 12 May 2022 and it was agreed another site visit would be carried out by a senior planner.

For a dwelling to be acceptable under Policy CTY 2a there are six criteria which must be met and I am satisfied the cluster meets criteria 1, 2 and 6.

The application feels to meet criteria 3, 4 and 5. Criteria 3 requires the cluster to be associated with a focal point. There is an Orange hall sited some 120m south west of the application site which the agent contends the cluster is associated with. However from a site visit and due to other dwellings further south of the Orange hall it is not apparent it is a focal point associated with the cluster of development.

Criteria 4 requires the site to provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The red line of the application site has been drawn in a way to demonstrate the application can satisfy this criteria. However the red line of the site will result in a curtilage that will be of a size that is not reflective of the character and pattern of development in the surrounding context. As the red line is drawn it relies on development on one side that is not within the cluster of development. As such the proposal does not meet this criteria.

Criteria 5 requires the development to be able to be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character or visually intrude into the open countryside. As I have referred to above, the site is not bounded on at least two sides with other development in the cluster and therefore I consider the application would result in new development projecting beyond the cluster of development and therefore, will result in a visual intrusion into the open countryside. Ultimately an approval of this application will try and link the cluster with development outside of the cluster and this is contrary policy.

An application for a new dwelling in the rural area must also comply with Policy CTY 13 and 14 of PPS 21. CTY 13 states that planning permission will be granted where the new dwelling can visually integrate into the surrounding landscape and it of an appropriate design. Due to the lack of natural boundaries to the site and the proposed siting itself, I do not consider a new dwelling will integrate into the local landscape and is reliant on new landscape to aid integration. The site is unable to provide a suitable degree of enclosure for a new dwelling.

With regards to CTY 14 a new building will be approved where it does not cause a detrimental change to, or further erode the rural character of an area. As I have not considered the application to meet the criteria of CTY 2a, it is my opinion the new building will result in an erosion of rural character as it will not respect the traditional pattern of settlement in the context of the local area. I also consider a dwelling at this location will add to a ribbon of development along this part of the Annaghmore Road.

I therefore recommend a refusal of this application for the reasons listed below.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the existing cluster of development is not associated with a focal point or located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

Reason 3

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

Reason 4

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration.

Reason 5

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area, it will add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s):Karen Doyle

Date: 19 April 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1751/O	Target Date:
Proposal: Erection of 1No. dwelling as part of a cluster.	Location: Lands SW of 46&46a and NW of 44 Annaghmore Road Castledawson.
Referral Route: Objections received Contrary to Policy CTY1, CTY2a, CTY13 and CTY14 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Frances Taylor 21 Annaghmore Road Castledawson Magherafelt BT45 8DU	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan

**Consultations:**

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

A petition with 8 signatures was received objecting to the proposed development. The summary of the objection is contained below and has been considered as part of the planning assessment.

- There is no focal point which any cluster would be associated with in terms of a cross roads or community building. The orange hall is too far removed to be considered.
- The site is only bounded on one side with development.
- The site cannot be considered rounding off; rather it would extend into the existing countryside altering the character of the area.

- The development lacks established natural boundaries and does not provide a suitable degree of enclosure.
- Would lead to a ribbon of development along the Annaghmore Road.

Characteristics of the Site and Area

The site is located within the open countryside, located approximately 0.5km south of the settlement limits of the Castledawson as per the Magherafelt Area Plan 2015. The red line of the application site is located on the roadside, and appears to consist of two agricultural fields which are split by a field drain with trees and hedges running through it. The majority of the boundaries of the site are defined by existing low-level hedges with a mix of trees located throughout. An existing post and wire fence, with a relatively large grass verge between the public road and the application site, defines the roadside boundary. The surrounding area is a mix of agricultural land uses and residential dwellings located beyond.

Description of Proposal

This is an outline planning application for the erection of 1No. Dwelling as part of a cluster.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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

- *The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.*

I am content there is a cluster of development with three dwellings being No.s 44, 45, 48 and 49 Annaghmore road and the vacant dwelling located opposite the site to the west. I do not believe No.s 46 & 46a are part of this cluster as when viewed on the ground appear too far removed to be considered part of the cluster.

- *The cluster appears as a visual entity in the local landscape*

Whilst travelling along the Annaghmore Road I am content the cluster mentioned above appears as a visual entity in the local landscape.

- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

The agent has identified an Orange hall located approximately 120m south west of the site which they argue the cluster is associated with. However, when carrying out a site visit the hall is not visibly linked with the application site or the cluster which is visible at this location so the hall is not an obvious focal point. There is no other community building or cross-roads that the cluster is associated with. Therefore, the proposal fails to meet this criteria.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.*

The redline of the application as mentioned includes two agricultural fields which is separated by a field drain. The agent has identified the north eastern boundary of the red line which runs adjacent to No 46 & 46a is bounded on this side. However, as previously mentioned these two dwellings are not considered as part of the cluster and this cannot be considered as being bounded on this side. Furthermore, the agent has shown on the site location plan an area in green where the proposed dwelling is to be sited in the northern field of the red line. It is noted that the western boundary can be considered to be bounded on this side. But as the site is not bounded on two sides by development within the cluster, its fails to meet this criteria.

- *Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.*

As mentioned, the site is not bounded on at least two sides so the site cannot be absorbed into the cluster and cannot be considered being rounding off; rather it extends outside of the cluster intruding into the open countryside.

- *Development would not adversely impact on residential amenity.*

As this is an outline application, no detailed design details have been provided for a dwelling, but given the size of the application site and the surrounding area, I am content a dwelling at this location would not adversely affect residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. Given the lack of natural boundaries along the roadside and the proposed siting of the dwelling it would not integrate into the local landscape and would rely primarily on new landscaping for integration.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would therefore result in the erosion of the rural character of the area. A dwelling at this location would not respect the traditional pattern of settlement exhibited in the area. The red line of the site is much larger than the neighbouring dwellings, which would impact on the character of the area. A dwelling approved at this location would result in the creation of a ribbon of development along the Annaghmore Road.

PPS 3- Access, Movement and Parking:

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

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads and is not bounded on at least two sides with other development within the cluster.

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would not integrate into the local landscape and would rely primarily on new landscaping for integration.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would further erode the rural character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	7th December 2021
Date First Advertised	28th December 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 44 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 46 Annaghmore Road Castledawson Londonderry Ian McNicholl 46 Annaghmore Road, Castledawson, BT45 8DU The Owner/Occupier, 46a Annaghmore Road Castledawson The Owner/Occupier, 48 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 49 Annaghmore Road Castledawson Londonderry	
Date of Last Neighbour Notification	13th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2004/0560/O Proposal: Site of Dwelling. Address: In Front of 35 Annaghmore Road, Castledawson. Decision: Decision Date: 10.12.2004 Ref ID: H/2003/0227/O Proposal: Site of Replacement dwelling and garage. Address: 20 Metres North of 45 Annaghmore Road, Castledawson. Decision: Decision Date: 29.07.2003 Ref ID: H/1991/0061 Proposal: UNDERGROUND SEWAGE PUMPING STATIONS (SITE A) Address: ADJACENT TO 44 ANNAGHMORE ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2013/0243/F	

Proposal: Construction of compact grade separated junction, located between the existing Bellshill Road and Moyola River, Southeast of Castledawson. Annaghmore Road (south) and Bellshill Road (north) to be connected by a new north/south link road (fly over), with links to Annaghmore Road (North), Bellshill Road (South) and the planned A6 dual carriageway provided from this road

Address: Townlands of Annaghmore Shanemullagh Tamnadeese at Castledawson, Co Londonderry,

Decision: PG

Decision Date: 08.12.2014

Ref ID: H/2013/0459/O

Proposal: Erection of 1 no. dwelling as part of a cluster

Address: 52m South East of 45 Annaghmore Road, Castledawson,

Decision: PR

Decision Date: 18.08.2014

Ref ID: LA09/2018/1662/F

Proposal: 2 Dwellings and detached double garage

Address: 70m North of 45 Annaghmore Road, Castledawson,

Decision: PG

Decision Date: 13.09.2019

Ref ID: H/1992/0544

Proposal: EXTENSION TO DWELLING

Address: 44 ANNAGHMORE RD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1988/0610

Proposal: 33KV OH LINE

Address: AGHAGASKIN, KILLYNEESE & ANNAGHMORE CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1981/0028

Proposal: HV O/H LINE BM 4170A

Address: ANNAGHMORE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0944/F

Proposal: Bungalow and Garage

Address: Opposite 39b Annaghmore Road, Castledawson

Decision:

Decision Date: 13.02.2006

Ref ID: H/1997/0505

Proposal: 11 KV O/H LINE BD/BM/1038/96

Address: ANNAGHMORE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0510/F

Proposal: Proposed replacement dwelling and detached garage/domestic store

Address: 46 Annaghmore Road, Castledawson

<p>Decision: Decision Date: 28.07.2010</p> <p>Ref ID: H/2011/0150/F Proposal: Proposed sun room extension to front of existing dwelling Address: 32 Annaghmore Road, Castledawson, Magherafelt, BT45 8DU, Decision: Decision Date: 10.05.2011</p> <p>Ref ID: H/1982/0105 Proposal: BUNGALOW WITH GARAGE Address: ANNAGHMORE ROAD, CASTLEDAWSON Decision: Decision Date:</p> <p>Ref ID: H/2010/0570/F Proposal: Construction of compact grade separated junction (fly over), facilitating access from A6 to Castledawson via new link road to rear of Bells Manor, Bells Court and Castle Oak to both Bellshill Road and Annaghmore Road and connecting to both Bellshill Road and Annaghmore Road, south of the existing bypass Address: Townlands of Annaghmore, Shanemullagh, Tamnadeese, at Castledawson, Co. Londonderry, Decision: WITHDR Decision Date: 24.02.2015</p> <p>Ref ID: LA09/2021/1751/O Proposal: Erection of 1No. dwelling as part of a cluster. Address: Lands SW of 46&46a and NW of 44 Annaghmore Road, Castledawson., Decision: Decision Date:</p>
Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
Notification to Department (if relevant)
<p>Date of Notification to Department: Response of Department:</p>



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0685/O	Target Date: 9 September 2022
Proposal: Proposed 2 storey dwelling and garage at an existing cluster an focal point under CTY 2a of PPS 21	Location: To Rear Of No 68 Drumconvis Road Coagh BT80 0HF
Applicant Name and Address: Frances Harkness 43 Battery Road, Coagh, Cookstown, BT80 0HH	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Summary of Issues: This application was presented to Members at October Planning Committee with a recommendation to refuse as it was considered that the proposed dwelling did not meet all the criteria to be considered a dwelling in a cluster, namely that the site is not bounded on at least 2 sides with other development in the cluster and it did not provide a suitable degree of enclosure.	
Summary of Consultee Responses: No consultations have been carried out to inform this deferred consideration. During the processing of the application consultations were carried out with DFI Roads, who have offered no objection to the proposal.	
Description of Proposal This is an outline application for a proposed 2 storey dwelling and garage at an existing cluster a focal point under CTY 2a of PPS 21, the site is located To Rear of No 68 Drumconvis Road, Coagh.	

Deferred Consideration:

At October Planning Committee Members agreed to a defer this application for an office meeting. At the office meeting the agent, Mr Paddy Conlon made a case that this site would satisfactorily integrate a dwelling and he explained how the applicant had been left the land as part of a settlement. The agent was advised that integration was not the only policy test. The CTY 2A policy test required the site to be bound on at least 2 sides by development and it remained the case that this site was only bound on 1 side, the SW, by development. The agent was asked to explore whether the applicant would be able to provide farm details so that a farm dwelling could be considered. I have subsequently been advised by the agent that a farm case can not be made.

The agent has also referenced a CTY 2A case (LA09/2020/1349/O) which members agreed to approve as an exception to policy and has asked if consideration can be given to the precedence set by this case. Having reviewed LA09/2020/1349/O it is apparent that this site was not bound on 2 sides by development, however, it was clearly more representative of the rounding off of a cluster of development in the Countryside than the application under consideration.

On re-consideration I would recommend this application be refused.

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

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

Signature(s):Karla McKinless

Date: 22 November 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.18
Application ID: LA09/2022/0685/O	Target Date: 9 September 2022
Proposal: Proposed 2 storey dwelling and garage at an existing cluster an focal point under CTY 2a of PPS 21	Location: To Rear Of No 68 Drumconvis Road Coagh BT80 0HF
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Frances Harkness 43 Battery Road, Coagh, Cookstown, BT80 0HH	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: Refusal	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1 and 2a.

Characteristics of the Site and Area

The site is located approximately 1.8m south east of the developments of Coagh, as such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as to the rear of No. 68 Drumconvis Road, Coagh wherein the red line covers a portion

of a much larger agricultural field with the proposed access running along the eastern boundary of the field. I note that along the western boundary sits a backdrop of mature trees. The surrounding area is a mixture of agricultural lands and residential dwellings with the a rural petrol station nearby.

Relevant planning history

LA09/2021/0080/O - Detached house under policy CTY2A new dwellings in existing clusters - 20M North Of 66 Drumconvis Road Cookstown – Permission Granted – 11/06/21

Representations

Only one Neighbour notification was sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed 2 storey dwelling and garage at an existing cluster a focal point under CTY 2a of PPS 21, the site is located To Rear of No 68 Drumconvis Road, Coagh.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 – Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

I am content that the cluster lies outside and consists of four or more buildings, in which three of these are dwellings (Nos. 66, 66a and 68 Drumconvis Road). In which there is an existing filling station and community hub-shop to the west of application site to act as a focal point and the cluster appears as a visual entity as per accepted in LA09/2021/0080/O.

In terms of enclosure I note that the site only bounds with No.68 along the southern boundary of the site but does not bound with any other development on any other boundaries, contrary to policy. However given the backdrop provided by the mature trees to the rear and side of the site I am content that a dwelling in this position would not significantly alter the existing character of the area nor visually intrude into the site. Finally, in this position I am content that an appropriately designed dwelling will not have an adverse impact on neighbouring amenity. Given the issue over the bounding I hold the view that the application has not fully complied under CTY 2a.

I hold the view that the application has failed to demonstrate compliance under CTY2a. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping will be required to aid integration as shown in the concept plan therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 7.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

I hold the view that the application has not fully complied under CTY 1 and 2a respectively, as such I must recommend refusal.

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

Signature(s): Peter Henry

Date: 20 September 2022

ANNEX	
Date Valid	27 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 68 Drumconvis Road Coagh Tyrone BT80 0HF	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02	
Notification to Department (if relevant) Not Applicable	