

## Deferred Consideration Report

<b>Summary</b>	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0093/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 17 March 2020
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> 60M East Of 43 Carnaman Road Gulladuff
<b>Applicant Name and Address:</b> Mr James MC Erlean 35 Carnaman Road Gulladuff	<b>Agent name and Address:</b> Cmi Planners Ltd 38B Airfield Road Toomebridge Magherafelt BT41 3SG
<b>Summary of Issues:</b>  To Committee Refusal Contrary to CTY 1 and 10 of PPS 21.	
<b>Summary of Consultee Responses:</b>  	
<b>Characteristics of the Site and Area</b>  The site is located approximately 2.2km east of the development limits of Gulladuff, from which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The red line covers an agricultural field which has a heavy tree cover, in which is accessed via an existing access. I note that the immediate and surrounding area is characterised by agricultural land uses with a scattering of residential dwellings.  Representations One neighbour notification was sent out however no representations were received in connection with this application.	

## **Description of Proposal**

This is an outline application for a proposed dwelling and garage on a farm the site is identified as 60m east of 43 Carnaman Road, Gulladuff.

## **Deferred Consideration:**

This application had been presented as a refusal under CTY1 and CTY10 (criteria a) to Planning Committee in Nov 2020 and was subsequently deferred for an office meeting held with the Area Planning Manager on 12th Nov 2020.

The application met criteria (b) and (c) in terms of CTY10 but did not satisfy criteria (a) in that it has not been demonstrated that the farm business is currently active or has been for the required period.

At the deferred office meeting on 12/11/20 the agent stated there had been an issue where DAERA accidentally closed the Farm Business ID (630305), this had been done in error and the agent was told by DAERA it could not be re-opened and that he would have to reapply and get a new number, which he did (ref 665067). It was agreed that DAERA would be re-consulted to confirm what the current situation was.

DAERA were re-consulted on the above information and replied on 21st May 2021 stating the following;

" Business Number 630305 was quoted on P1C to support this application. This was a Category 1 business, and it was closed due to no current members, James & Margaret McErlean, both marked as LFO on 01/05/2014. Business was closed correctly at request of James & Margaret McErlean. I accept that this may not have been what they had intended.

Business Number 665067 is a Category 3 Business in the name of James McErlean and was issued on 08/10/2020. Once a business is closed it cannot be reopened. In this case business 630305 was closed in 2014. James then applied for a new business and was issued a Category 3 Business in 2020. Therefore, there was no active business between 2014 and 2020."

So, as this was the case as confirmed by DAERA, the agent was asked to provide evidence to support the claim there was an active farm business during the period 2014-2020. They submitted invoices and receipts for the period of time mentioned. These were confirmed to show there was an active and established farm at this time but do not on their own prove there was a 'farm business'. In order to fully meet the policy under CTY10 all criteria must be met, therefore it is required to meet policy criteria (a) that states 'the farm business should be active and been established for at least 6 years'. Subsequently a lease agreement was submitted by the agent between the applicant and Sean McCrystal dated May 2014 until April 2030 which constitutes a 'business' for the period 2014-2020 which had been previously missing.

As the 'farm business' has now been proven for this time period the application now meets all criteria of CTY10.

Approval is now recommended with conditions.

**Conditions/Reasons for Refusal:**

**Approval Conditions**

**Condition 1**

As required by Article 35 of the Planning (Northern Ireland) Order 1991, application for approval of the reserved matters shall be made to the Department 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: Time Limit

**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 Department, in writing, before any development is commenced.

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

**Condition 3**

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

Reason: To ensure the dwelling integrates into the landform.

**Condition 4**

A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

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

**Condition 5**

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

#### Condition 6

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, 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 Department gives its written consent to any variation.

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

#### 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):** Emma McCullagh

**Date:** 28 April 2023

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0093/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> 60m East of 43 Carnaman Road Gulladuff
<b>Referral Route:</b>  To Committee - Refusal - Contrary to CTY 1 and 10 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr James Mc Erlean 35 Carnaman Road Gulladuff	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

For committee  
~~decision~~ decision subject to  
provisional changes



23 / 9 / 20

## 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 and 10 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 2.2km east of the development limits of Gulladuff, from which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The red line covers an agricultural field which has a heavy tree cover, in which is accessed via an existing access. I note that the immediate and surrounding area is characterised by agricultural land uses with a scattering of residential dwellings.

#### Representations

One neighbour notification was sent out however no representations were received in connection with this application.

### Description of Proposal

This is an outline application for a proposed dwelling and garage on a farm the site is identified as 60m east of 43 Carnaman Road, Gulladuff.

### 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.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Dwellings on Farms

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

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

With respect to (a) a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1991, however went on to confirm that the farm business is closed. From this I am of the opinion that the farm business cannot be used. I note that there has been no details on how the farm business is active even despite the business number being closed, no information has been forthcoming.

With respect to (b), I first note that an up to date farm map was requested given the map sent in being from 2006. I note that this has never been submitted. In using the original map and doing an initial checks that, it does not appear that there are any development opportunities attained or sold off the farm business.

With respect to (c), I first note that the registered farm address is located approximately 280m north of the site, however around the site there are two old farm buildings that are in need of repair. After discussions with the SPTO, it was agreed that despite the state of the buildings that these could still constitute as an existing group of buildings on the farm. With this in mind, I am content that the site would be able to group with this existing group. I note that the policy does where practicable that access should be taken from an existing lane, I note that the intention is to alter an existing access which I am content that this is still acceptable.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no design or layout details however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. I note that a number of trees would be removed as part of the application wherein as much of the existing landscaping should be retained where possible and supplemented with additional landscaping to aid integration. Therefore, a landscaping plan will be needed I any reserved matters application. Given the development pattern I feel it necessary to restrict the ridge height of any dwelling to have a ridge height of no more than 6.5m above finish floor level. From which, I am content that the application is able to comply under CTY 13.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 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 commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020.

<p>Other policy and material considerations</p> <p>PPS 3 - Access, Movement and Parking; DFI Roads were consulted and responded to state that they have no objections subject to conditions and informatives.</p> <p>I have no ecological, flooding or residential amenity concerns.</p>	
<p><b>Neighbour Notification Checked</b></p>	<p><b>Yes</b></p>
<p><b>Summary of Recommendation:</b></p> <p>Refusal</p>	
<p>Reasons for Refusal:</p> <p>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.</p> <p>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.</p>	
<p><b>Signature(s)</b></p> <p><b>Date:</b></p>	

<b>ANNEX</b>	
<b>Date Valid</b>	21st January 2020
<b>Date First Advertised</b>	11th February 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 43 Carnaman Road Knockcloghrim Magherafelt	
<b>Date of Last Neighbour Notification</b>	29th January 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2020/0093/O Proposal: Proposed dwelling and garage on a farm Address: 60m East of 43 Carnaman Road, Gulladuff, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	

## Deferred Consideration Report

<b>Summary</b>	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0352/F <b>Recommendation:</b> Refusal	<b>Target Date:</b> 30 April 2021
<b>Proposal:</b> Proposed stable and store.	<b>Location:</b> Lands Approx. 55M West Of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
<b>Applicant Name and Address:</b> Mr Patrick McKenna 79A Drumflugh Road Benburb Dungannon BT71 7QF	<b>Agent name and Address:</b> CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
<b>Summary of Issues:</b>  No objections were recieved.	
<b>Summary of Consultee Responses:</b>	
<b>Characteristics of the Site and Area</b>  The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglish and outside all other areas of constraint as depicted in the DSTAP.  The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.  There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The	

applicant also owns a small square field to the East of the bounding dwelling.

### **Description of Proposal**

The proposal seeks full planning permission for a stable and store.

### **Deferred Consideration:**

This application was presented before the Planning Committee in October 2021 with a recommendation to refuse and it was deferred for a meeting with the Service Director. The application was presented before the Planning Committee in May 2022 with a recommendation to refuse where upon Members agreed to defer the application for a site visit with Members which has taken place.

The application is being considered under Policy CTY 1 of PPS 21 and Policy OS 3 of PPS 8. It is considered the application meets six of the eight criteria listed in Policy OS 3. Where it fails is in the siting of the proposed stables which is contrary to two of the listed criteria.

There must not be an adverse impact on the visual amenity or the character of the local landscape and the development must be able to readily absorb into the landscape by taking advantage of the existing vegetation and/or topography. Ancillary buildings are also required to be sympathetic to the surrounding environment in terms of their siting and layout.

The application is proposed to front along a private laneway off the Battleford Road. At present there are two dwellings accessed off the Battleford Road to the immediate east. What is being proposed is to site a stable building to the west of the application site, thus creating a gap for an infill dwelling which is contrary to policy in that the stable block, on its own, will add to a ribbon of development that currently exists to the immediate east of the application site. No 309 Battleford Road sits slightly back from the private laneway with No 303 fronting directly onto the laneway. Policy CTY 8 is clear when it states that ribbon development is detrimental to the character, appearance and amenity of the countryside. As in this case, buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. The proposed stable block will be read with the two dwellings and will add to an existing ribbon of development.

The applicant has been offered alternative positions in the field but has listed the reasons why the alternative positions are not suitable.

Position 1 - Immediately beside No 303 Battleford Road has been discounted due to an agreement with the owners of No 303 a stable will not be constructed within 50m of the dwelling. This cannot dictate how an application is to be assessed and in the absence of any substantive evidence to prove that a maximum of 2 horses will negatively impact on residential amenity it is my opinion this is not a valid reason to dismiss this alternative siting. An agreement between the applicant and the third party is not an agreement MUDC were or are party to.

Position 2 - Fronting onto Battleford Road, with access taken directly off Battleford Road. It must be remembered this has been offered as an alternative solution to the applicant, however, the applicant considers this proposed siting contradicts PPS 21 and has rejected this as an alternative. This is considered a suitable site as a dwelling fronting on to Battleford Road in the south west corner of the site will not add to a ribbon of development and is considered to be in keeping with the character of the immediate area.

Position 3 - In the field to the front of the applicant's house.  
The applicant has deemed this site to be unacceptable as it would require a new planning application and the appropriate planning fee which will incur further costs. This is considered an unnecessary and unreasonable imposition (time and money) on the applicant. The alternative siting will not provide as much space for exercising the horses as the proposed site location.

Given the applicant has been offered alternatives which are considered to be acceptable and has provided reasons why he considers they are unacceptable I recommend a refusal of this application for the reason listed below.

**Conditions/Reasons for Refusal:**

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.

**Reason 2**

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a tendency to ribboning of development along this private lane, off the Battleford Road, and would, if permitted, adversely impact on the amenities of neighbouring residents.

**Signature(s):**Karen Doyle

**Date:** 1 June 2023



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0352/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed stable and store.	<b>Location:</b> Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
<b>Applicant Name and Address:</b> Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	<b>Agent name and Address:</b> CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
<b>Summary of Issues:</b>  The proposed development would lead to a tendency for ribbon development.	
<b>Summary of Consultee Responses:</b>  DFI Roads – recommend approval with conditions to ensure access is acceptable	
<b>Characteristics of the Site and Area:</b>  The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglisish and outside all other areas of constraint as depicted in the DSTAP. The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.	

There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.

### **Description of Proposal**

The proposal seeks full planning permission for a stable and store.

### **Deferred Consideration:**

This application was before the Planning Committee in October 2021 with a recommendation to refuse and it was deferred for a meeting with the Planning Manager. A virtual meeting took place on 14 October 2021, at the meeting an alternative siting was explored and unfortunately due to technical difficulties the agent left the meeting early. The agent was contacted and has had the opportunity to provide additional information for consideration in respect of the policy context for this type of development in the countryside.

In support of the application, the applicant has relied on Policy OS3 in Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation and has provided a number of Planning Appeal Decisions and planning decisions from other Planning Authorities on the matter.

- 2010/E055 & 2010/A0099  
Mr Raymond Hamilton - Appeals against Enforcement Notices, UA erection of building and retention of building for use as stables, Tamlaghtmore Road, Cookstown. Commissioner accepted OS3 is the relevant policy for equestrian use in the countryside.
- 2012/A0057  
Mrs Jennifer Douglas – Appeal against decision to refuse planning permission for new stable with hardstanding and paddock area. Commissioner relied on Policy OS3 not CTY12.
- 2015/A0054  
Mr D & Mrs C Henry – Appeal against decision to refuse planning permission for Agricultural shed and small stable block. In this appeal the relevant policy was CTY12 and in this consideration the Commissioner took account of the impacts on the neighbouring properties due to odours from a stable block, likelihood of vermin due to feedstuff being stored with the proposal and additional traffic and noise due to visiting the stables more. There is some comparison here with that appeal and the applicants are saying they need to keep the stables away from the existing neighbouring dwelling. As discussed there is an alternative that could meet these objectives but the applicant has not chosen to pursue the alternative.
- 2017/E0047 & 2017/E0048  
Mr C Coyle – Appeals against Enforcement Notices relating to change of use from agricultural land to stables: and erection of buildings, pool, hardstanding and access road. Bigwood Road, Ardmore, Londonderry. Commissioner accepted Policy OS3 I applicable for outdoor recreational use for stables.

- LA01/2017/0686/F  
Desie and Carol Henry – Planning Application for New stables comprising stable block, tack and feed block, lunge pen, midden and associated access works and landscaping. Relates to new buildings up an existing laneway , no other development close by. This was granted under Policy OS3.
  
- LA01/2017/0492/O  
Michael O'Kane - Erection of horse stables under Planning Policy Statement 8 (PPS8 ), open space, sport and outdoor recreation. Relates to new building up laneway with a dwelling not associated with the proposal on the opposite side of the lane. This was granted under Policy OS3.
  
- LA01/2018/0926/F  
John O'Kane - Retrospective Erection of Equestrian building to include tack room and stables for two horses and horsebox storage under Planning Policy Statement PPS 8 Open Space, Sport and Outdoor Recreation. Policy OS3 Outdoor Recreation in the Countryside, Paragraph 5.33 Equestrian Uses. Relates to the retention of a building at the end of a private lane well away from any views. This was granted under Policy OS3.

From the above decisions it is apparent that CTY1 permits development for outdoor sport and recreational uses in accordance with the policies contained in PPS8. In taking decisions on applications for equestrian uses in the countryside, where this relates to keeping or riding horses, this is acceptable in principle in accordance with Policy OS3 of PPS8 and provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings.

OS3 sets out 8 criteria that should be considered:

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

This proposal is approx. 240 metres from Battleford Bridge (a Listed Building) and the route of the Ulster Canal. Due to this distance and the small scale nature of the building, the proposal is unlikely to adversely affect these.

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

The field is poor grazing land with an abundance of rushes in it. I do not consider it is best, most versatile agric. Lands. The surrounding fields are used for grazing of livestock which this proposed development is, in my opinion, compatible with

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

The proposed development will result in a tendency to ribbon development, it will be seen on approach from the west, with the existing dwelling and garage to the west along the private lane. The proposal will leave a gap in the field, but will be clearly seen with the existing 2 buildings to the east (dwelling and gable fronted garage) which are in the view line of traffic travelling towards Armagh as it rounds this corner. Any development as proposed in the east side of the field will be clearly seen with the existing development

and this will result in a tendency to ribboning, where the development, while not immediately adjacent to the existing development to create or extend a ribbon of development, it does tend to give the appearance of ribbon development.



Fig 1 – Proposed building in yellow, existing dwelling and garage in blue and suggested alternative site in red

(iv) there is no unacceptable impact on the amenities of people living nearby;  
The applicant has advised they have located to proposed development 50 metres from the neighbouring property to the east, as they had consulted with them prior to submitting the proposal and had given them assurances about this distance. The proposal is approx. 30m metres from a dwelling on the opposite side of the Battleford Road, which is a busy road. Given these separation distances, the orientation of the opening facing towards the east and the scale of the proposed development, that it would give rise to any significant impacts on the amenity of the neighbouring properties.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;  
This proposal for a small domestic stable for keeping horses and feedstuff is unlikely to prejudice road safety given the access is off an existing lane which has good sight lines to the road which DFI Roads have raised no concerns over.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;  
The building proposed is 10.0m x 5.0m and approx. 4.7m in height with smooth render walls and corrugated iron roof, there are 2 openings on one elevation, for a single stable door and double doors. This is a modest sized building which is not out of character for this area. The location of the building beside the existing buildings here causes some concerns in relation to creating a tendency to ribbon development along this laneway.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and  
This is for private domestic use in the countryside, it is a level site and there is a parking and turning area proposed. Given the location in the countryside away from the applicants dwelling, it is likely this will be accessed by private transport means, however there is also the potential for the development to be accessed by walking and cycling along the rural roads. I do not consider there is a conflict with this criteria.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

This private stable is accessed off an existing lane off the Battleford Road, which is a well trafficked road connecting towards Armagh City.

**Conditions/Reasons for Refusal:**

**Refusal Reasons**

1. The proposal is contrary to Policy OS3 of Planning Policy Statement 8 – Open Space, Sport and Outdoor recreation in that the proposal would, if permitted, result in a tendency to ribboning of development along this private lane, off the Battleford Road, and would, if permitted, adversely impact on the visual amenity of the area.

**Signature(s):**

**Date**

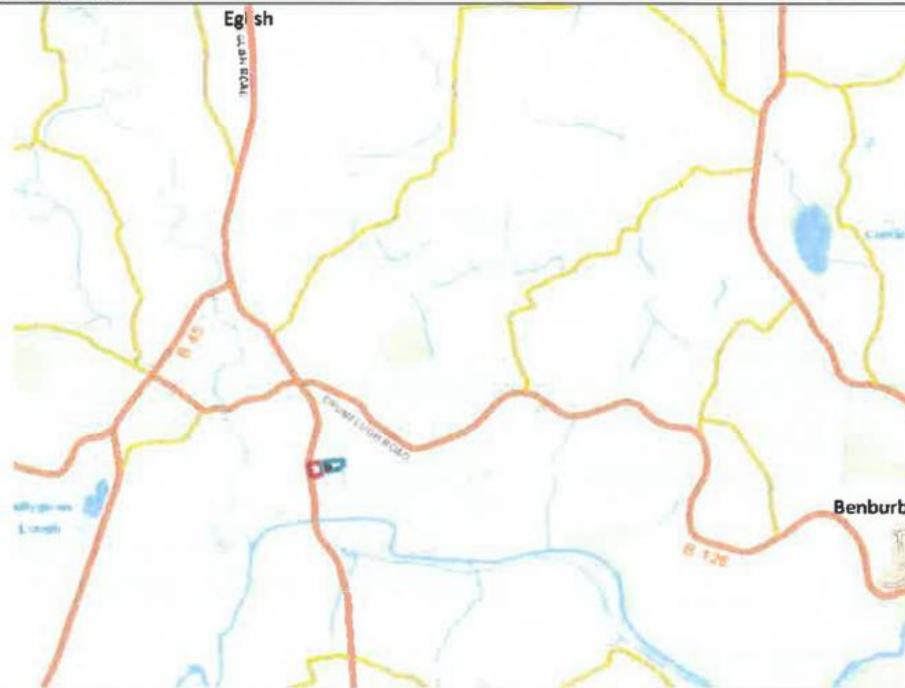


## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0352/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed stable and store.	<b>Location:</b> Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
<b>Referral Route: Contrary to policy</b>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	<b>Agent Name and Address:</b> CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

No objections were received.

### Characteristics of the Site and Area

The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglis and outside all other areas of constraint as depicted in the DSTAP.

The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.



There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.



**Description of Proposal**

The proposal seeks full planning permission for a stable and store.



### Planning Assessment of Policy and Other Material Considerations

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

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

#### Representations

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

#### Planning History

There is no relevant planning history on this site.

#### Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

#### Dungannon and South Tyrone Area Plan 2010

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

As the site is located away from the applicants existing home it is not assessed under the Addendum to PPS7 Residential Extensions and Alterations. The application is seeking planning consent for the erection of a standalone stable and store and I do not consider there are any

specific policy provisions for this type of development, as such the proposal must be assessed in accordance with the SPPS, PPS 21 - CTY 1 and PPS 3.

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

The SPPS is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where development is considered acceptable in the countryside subject to certain criteria.

These are listed in CTY1 Development in the Countryside.

In this case the applicant is seeking planning permission for a small stable and store to house his own private horses in the winter months, no farming case or Equestrian use has been submitted.

Policy CTY 1 of PPS21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Departments published guidance.

There is no provisions within PPS 21 CTY 1 for the erection of a stable or store at a standalone site in the countryside. The applicant has suggested that they need the stable to house the horses in the winter months, however, this site in total is less than 1 acre and it would be unreasonable to suggest that a store is required. The applicant lives a few miles away at 79a Drumflugh Road, at a site with existing housing facilities for horses as well as a sand arena, see below, and has provided no relevant case as to why there is a need for a stables at this particular location.

Therefore the proposal is contrary to PPS 21 CTY 1.



PPS21 Policy CTY 8 - Ribbon Development is also applicable in this case.

This policy starts off by stating that “planning permission will be refused for a building which creates or adds to a ribbon of development.” Members will be aware that the policy is applicable to footpaths and private lanes.

In this instance it is my opinion that a stable at this particular site will add to a ribbon of development along this lane and as such be detrimental to the character, appearance and amenity of this area. In my opinion the proposed stable and associated new access would add to a built up appearance of this area when viewed from the Battleford Road, on approach from the west as it would be seen with the existing two dwellings and garage.

Therefore, I consider the proposal is contrary to PPS 21 CTY 8.

The applicant also makes reference to PPS 8 - Open space and outdoor recreation in his supporting statement, suggesting that this stable is an outdoor recreational use and as such should be permitted under the provisions of PPS21. The submission indicates that PPS8 allows for a non-residential use for outdoor recreational use so long as it has no adverse effect on the impact of importance to nature conservation, archaeology or built heritage, no permanent loss to agricultural ground, no impact on the character of the area, no impact on public safety or no impact on nearby residential amenity.

It is my opinion that this stables does not represent an outdoor recreational use on its own, the applicant has not suggest this is for a riding school, or equestrian centre etc and therefore I do not consider this policy is not applicable.

Recommendation Refusal

CTY 1 & CTY8

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

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to ribbon development along this private lane, off the Battleford.Road, and would, if permitted, adversely impact on the amenities of neighbouring residents.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th March 2021
<b>Date First Advertised</b>	16th March 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 303 Battleford Road Dungannon Tyrone The Owner/Occupier, 305 Battleford Road, Benburb, Dungannon, Tyrone, BT71 7NP The Owner/Occupier, 308 Battleford Road Benburb Tyrone	
<b>Date of Last Neighbour Notification</b>	23rd March 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>	
<p>Ref ID: LA09/2021/0352/F            Proposal: Proposed stable and store.            Address: Lands approx. 55m West of 303 Battleford Road, Dungannon, Co Tyrone BT71 7NP.,            Decision Date:</p> <p>Ref ID: M/2002/1059/O            Proposal: Proposed dwelling and garage            Address: Opposite 308 Battleford Road, Dungannon, Co. Tyrone            Decision Date: 15.11.2002</p> <p>Ref ID: M/2003/0248/RM            Proposal: Proposed dwelling and garage            Address: Opposite 305 Battleford Road, Dungannon            Decision Date: 15.04.2003</p> <p>Ref ID: M/2006/0565/F            Proposal: Dwelling house            Address: 100m East of 308 Battleford Road, Dungannon            Decision Date: 30.08.2007</p> <p>Ref ID: M/2005/0053/O            Proposal: Bungalow and Garage            Address: 100m East of 308 Battleford Road, Carrowbeg, Eglis</p>	

Decision Date: 19.04.2005

Ref ID: M/2004/1105/O

Proposal: Dwelling House

Address: 100m East of 308 Battleford Road, Dungannon - amended plans

Decision Date: 26.10.2004

**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



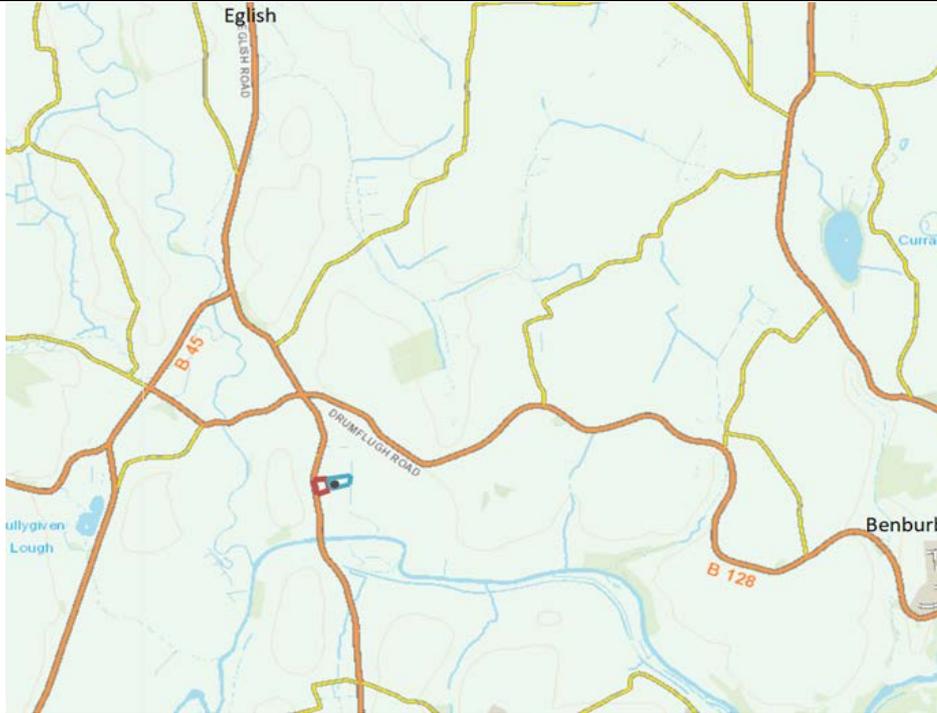


## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0352/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed stable and store.	<b>Location:</b> Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
<b>Referral Route: Contrary to policy</b>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	<b>Agent Name and Address:</b> CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

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Letters of Support	None Received
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Number of Support Petitions and signatures	No Petitions Received
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### Summary of Issues

No objections were received.

### Characteristics of the Site and Area

The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglish and outside all other areas of constraint as depicted in the DSTAP.

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There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.



### **Description of Proposal**

The proposal seeks full planning permission for a stable and store.



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In this case the applicant is seeking planning permission for a small stable and store to house his own private horses in the winter months, no farming case or Equestrian use has been submitted.

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There is no provisions within PPS 21 CTY 1 for the erection of a stable or store at a standalone site in the countryside. The applicant has suggested that they need the stable to house the horses in the winter months, however, this site in total is less than 1 acre and it would be unreasonable to suggest that a store is required. The applicant lives a few miles away at 79a Drumflugh Road, at a site with existing housing facilities for horses as well as a sand arena, see below, and has provided no relevant case as to why there is a need for a stables at this particular location.

Therefore the proposal is contrary to PPS 21 CTY 1.



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The applicant also makes reference to PPS 8 - Open space and outdoor recreation in his supporting statement, suggesting that this stable is an outdoor recreational use and as such should be permitted under the provisions of PPS21. The submission indicates that PPS8 allows for a non-residential use for outdoor recreational use so long as it has no adverse effect on the impact of importance to nature conservation, archaeology or built heritage, no permanent loss to agricultural ground, no impact on the character of the area, no impact on public safety or no impact on nearby residential amenity.

It is my opinion that this stables does not represent an outdoor recreational use on its own, the applicant has not suggest this is for a riding school, or equestrian centre etc and therefore I do not consider this policy is not applicable.

Recommendation Refusal

CTY 1 & CTY8

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

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to ribbon development along this private lane, off the Battleford.Road, and would, if permitted, adversely impact on the amenities of neighbouring residents.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th March 2021
<b>Date First Advertised</b>	16th March 2021
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<b>Date of Last Neighbour Notification</b>	23rd March 2021
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<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0352/F Proposal: Proposed stable and store. Address: Lands approx. 55m West of 303 Battleford Road, Dungannon, Co Tyrone BT71 7NP., Decision Date:  Ref ID: M/2002/1059/O Proposal: Proposed dwelling and garage Address: Opposite 308 Battleford Road, Dungannon, Co. Tyrone Decision Date: 15.11.2002  Ref ID: M/2003/0248/RM Proposal: Proposed dwelling and garage Address: Opposite 305 Battleford Road, Dungannon Decision Date: 15.04.2003  Ref ID: M/2006/0565/F Proposal: Dwelling house Address: 100m East of 308 Battleford Road, Dungannon Decision Date: 30.08.2007  Ref ID: M/2005/0053/O Proposal: Bungalow and Garage Address: 100m East of 308 Battleford Road, Carrowbeg, Eglis	

Decision Date: 19.04.2005

Ref ID: M/2004/1105/O

Proposal: Dwelling House

Address: 100m East of 308 Battleford Road, Dungannon - amended plans

Decision Date: 26.10.2004

**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

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

## Further Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0739/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling & Garage/Store.	<b>Location:</b> 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
<b>Applicant Name and Address:</b> Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> The proposed development sits outside the settlement limits for Edendork and outline planning permission was granted as an exception with a siting restriction to ensure the development was considered as rounding off. Previously an amended siting was outside the area that was identified and did not result in rounding off. An amended plan has been provided that while not strictly as originally approved will provide the rounding off that was originally allowed.	
<b>Summary of Consultee Responses:</b>  No new consultees were carried out under this application as consultations were carried out under the previous application and this proposal does not alter those responses.	
<b>Characteristics of the Site and Area:</b>  The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.	

The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

### Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

### Deferred Consideration:

This application was before the Committee in September 2021, April 2022 and November 2022 with a recommendation to refuse. At the most recent committee meeting the applicant was advised of the need to meet the condition and undertook to provide amended plans to site the dwelling in the area where it was previously agreed. Amended plans were submitted, these show the dwelling located partially within the area and these have been subject to further neighbour notification. No further letters of objections have been received to these plans.

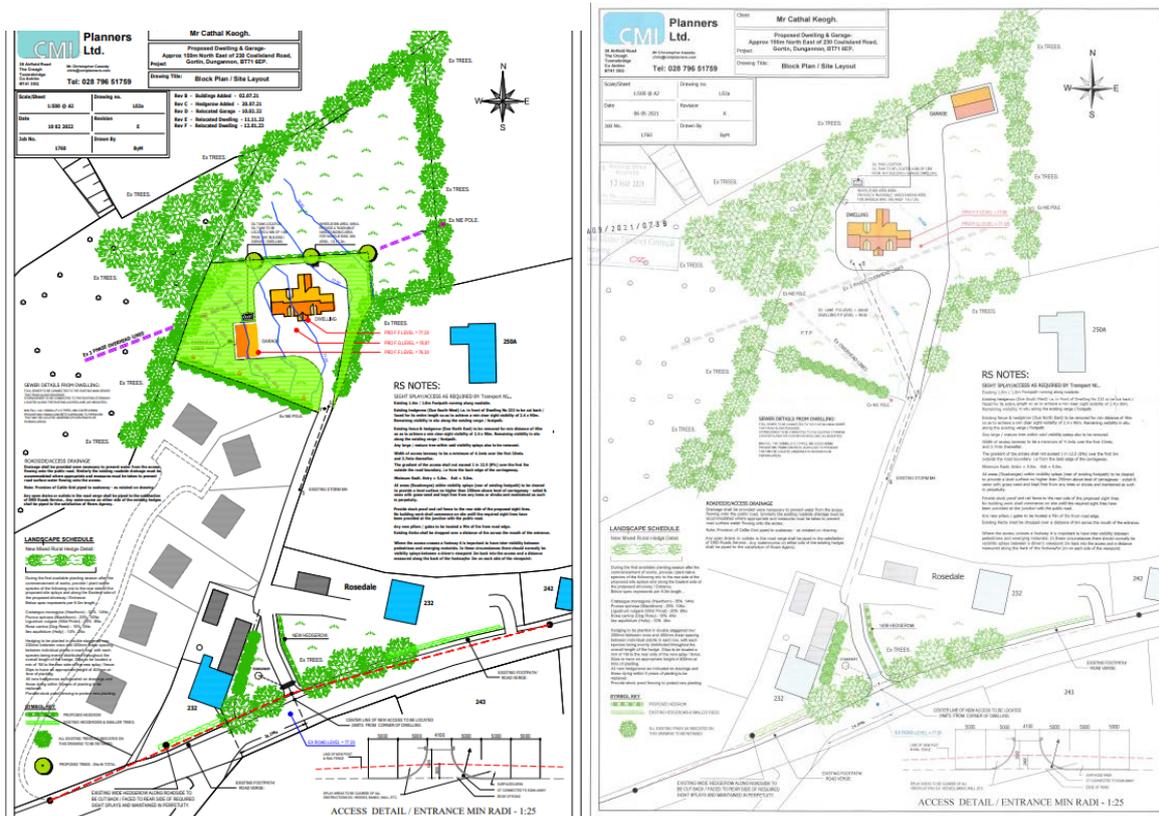


Fig 1 and 2 - Revised siting to the left, original submission to the right

The front of the dwelling and the garage are now located within the area that was previously allowed as an exception to policy as rounding off the development limit here. Taking account of the grouping of the proposed dwelling and garage as well as the approved development at Grade all on Farlough Road and the development limits of Edendork here, this proposal is now considered to meet the rounding off requirement and may be approved.

**Conditions:**

- 1.** The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
- 2.** Prior to the commencement of any development hereby approved the vehicular access, including visibility splays of 2.4m x 90.0m and forward sight distance of 90.0m shall be provided in accordance with details as indicated on drawing No 02/4 received 12 JAN 2023. 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 retained and kept clear thereafter.  
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
- 3.** The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.  
Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.
- 4.** All hard and soft landscape works shall be carried out in accordance with the detail as shown on drawing No 02/4 received 12 JAN 2023 and the appropriate British Standard or other recognised Codes of Practise. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or pant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.  
REASON: In the interests of visual amenity and biodiversity.
- 5.** One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 bearing the stamp dated 13 MAY 2021.  
Reason: To control the number of dwelling on the site as this permission is in substitution for planning approval LA09/2019/0767/O and is not for an additional dwelling on this site.

**Signature(s):**

**Date**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0739/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling & Garage/Store.	<b>Location:</b> 150M Ne Of 230 Coalisland Road Gortin Dungannon BT71 6EP
<b>Applicant Name and Address:</b> Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> Objections have been received based on both the principle of the development and the design of the garage. Amended drawings have been received which show a reduction in the overall footprint and height of the proposed garage and it now is designed as a garage which is subordinate to the proposed dwelling.	
<b>Summary of Consultee Responses:</b> No issues of concern have been raised and no further consultations have been carried out.	
<b>Characteristics of the Site and Area:</b> The site abuts the northern boundary of the settlement limit of Edendork as identified in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and a large yard area, while to the north east are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site area predominantly residential dwellings. To the south, and abutting the access lane, is a listed building at 230 Coalisland Road.  The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by c.90m and is accessed via an existing lane that runs alongside the listed building at no 230 Coalisland Road. There are established trees along the boundaries of the site.	

**Description of Proposal**

This is a full application for a dwelling and garage/store.

**Deferred Consideration:**

This application was presented before the committee in September 2021 and was deferred for an office meeting. The application was again presented before the planning committee as a deferred application in May 2022 with a recommendation to refuse and it was deferred by Members for a site visit which took place on 27 May 2022.

Members who attended the site visit had an opportunity to see the site in its context and were reminded of the justification for approving the dwelling at outline stage based on a rounding off. Objections have been received to the planning application and these were discussed with members at the site visit and members were advised of the amendments which have been received to the proposed design of the garage/store.

The proposed dwelling and garage are outside the settlement limits of Edendork as identified in the Area Plan. Outline planning permission was granted as an exception with a siting restriction, the purpose of which was to ensure the development reads as a rounding off. This current application sits outside that approved area and therefore the proposal will not read as a rounding off which was the basis of the outline approval.

The approval of the outline application was based on a siting condition which had development on 3 sides. The garage has been sited in the restricted area, but the entirety of the agricultural field is required for the development. There are overhead lines running over the area identified in the siting condition and the applicant states these prevent a dwelling be sited here. The overhead lines can be moved to facilitate a new dwelling on the area conditioned at outline stage and are not a reason to prevent development.

A refusal is recommended.

**Reasons for Refusal:**

The proposal is contrary to Policy CTY 1 of PPS 21 in that it has not been demonstrated this development meets with any of the policies for a dwelling in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.

The proposal is contrary to Policy CTY 15 of PPS21 as the development would not constitute rounding off of the settlement limit and would mar the distinction between the settlement of Edendork and the surrounding countryside.

**Signature(s)**

**Date:**



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrison	
<b>Application ID:</b> LA09/2021/0739/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling & Garage/Store.	<b>Location:</b> 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
<b>Applicant Name and Address:</b> Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> The proposed development sits outside the settlement limits for Edendork and outline planning permission was granted as an exception with a siting restriction to ensure the development was considered as rounding off. This proposed development sits outside the area that was identified and does not result in rounding off.	
<b>Summary of Consultee Responses:</b> No new consultees were carried out under this application as were consultations were carried out under the previous application and this proposal does not alter those responses.	
<b>Characteristics of the Site and Area:</b> The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.  The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an	

existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

#### **Description of Proposal**

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

#### **Deferred Consideration:**

This application was before the Committee In September 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manger, which took place virtually on 18 September 2021. At the meeting it was explained outline planning permission was granted as an exception to planning policy and this was due to a specific set of with any new development located tight to the existing development as rounding off.

Since the meeting, amended plans have been submitted, these were in response to objections and show the levels of the proposed development as well as the proposed garage being reduced in scale and size to something that appears to be domestic in scale and appearance, not the large industrial type shed that was previously submitted. The revised plans do not result in the development being located within the area that was identified at the outline planning permission stage. The agent has indicated there are overhead power lines that will prevent the applicant from developing in the area that was considered acceptable and also indicates the proposed dwelling will not be visible from any area of public view.

Members are reminded that outline planning permission was granted on 10 July 2020 under reference LA09/2019/0767/O given the existing development in Edendork and the approved and commenced development for Gradeall International (M/2003/1631/F), off the Farlough Road. This resulted in the south part of the site being contained on 3 sides by development and was assessed as rounding off.

The proposed development will extend the proposed development further into the existing field and does not have the containment on 3 sides that allowed the previous application to be granted. This is not a visual assessment of the site from the surrounding areas, it relates to the definition of boundary of the sentient limits, which is usually carried out through the development plan process and asses what are appropriate features to define the limits. The applicant has identified the existing overhead power lines as being an impediment to the development of the site, however these can be moved to accommodate development and as such should not be relied on as immovable features that constrain the development of the site. There has been no further persuasive arguments put forward to set out how the proposed development meets any of the planning polices or why it should be considered as an exception to any planning policy.

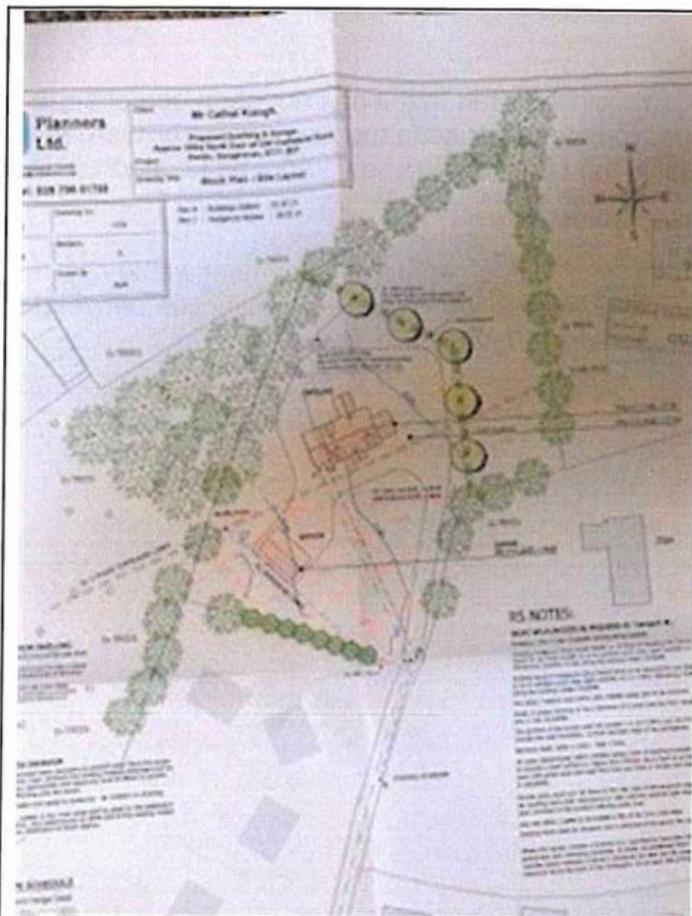


Fig 1 – area coloured orange identified as acceptable in LA09/20219/0767/O

Objections were received to the proposed development, these had raised issues with the previous approval on the site and the scale and size of the proposed garage at the rear of their properties as well as noise and nuisance as they have a particular sensitivity to noise. The previous approval was granted with a site specific condition as previously assessed and accepted on the rounding off basis. The proposed garage was initially 8.5m x 13.0m with a 6m ridge height, finished with brown cladding to the roof and upper walls, smooth render blockwork walls and a 4.0m roller door in one gable. This did have the appearance of an industrial type development. It is now proposed as 10.8m x 6.8m with a 5.5m ridge height and has the appearance of a double garage with walls and roof to match the proposed dwelling. While it has been noted the objectors have concerns about the use of the garage, this is proposed as a domestic garage and that is what must be assessed. Any noise or nuisances associated with anything that is not domestic in scale will be subject to investigations by the Councils Enforcement Team and Environmental Health Officers.

In light of the above, the previous report from September 2021 and the planning history of the site, I do not consider the applicant has demonstrated that this development meets with any of the planning policies for development in the countryside and if approved would result in unacceptable urban sprawl. It is my recommendation this proposal is refused.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of PPS21 in that it has not been demonstrate this development meets with any of the polices for a house in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.
2. The proposal is contrary to Policy CTY15 of PPS21 as the development would not constitute rounding off of the settlement limits and would mar the distinction between the settlement of Edendork and the surrounding countryside.

**Signature(s):**

**Date**



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07/09/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0739/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling & Garage/Store	<b>Location:</b> 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
<b>Referral Route:</b>  1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.  2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b> The application site is in the countryside and on the boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. Condition 4 of planning approval LA09/2019/0767/O is a siting condition where the curtilage of the site should be within a hatched area nearest the existing dwellings within the settlement. This siting condition was to prevent urban sprawl and round off the existing development. In this application the applicant has shown the curtilage outside the hatched area and further north within the red line. It is stated this is because there are overhead electricity power lines passing over the hatched area but I do not consider this is a reason to move	

the curtilage outside the hatched area.

**Signature(s):**

### Case Officer Report

#### Site Location Plan



**Consultations:** None Required

Consultation Type	Consultee	Response
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**Representations:**

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

**Characteristics of the Site and Area**

The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.

The application site is a rectangular shaped plot with a topography that rises slightly from

south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

#### **Description of Proposal**

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

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

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

#### **Representations**

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

#### **Planning History**

LA09/2019/0767/O - Proposed dwelling and garage (Amended Access Position) - Approx 150m NE of 230 Coalisland Road, Gortin, Dungannon – Permission Granted 10<sup>th</sup> July 2020

#### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

#### **Dungannon and South Tyrone Area Plan 2010**

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

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

#### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development

will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement.

LA09/2019/0767/O granted outline approval at the application site on 10<sup>th</sup> July 2020. As this is a full application and has been submitted within 5 years from the date of the outline I am content there is a live approval at the site.

**Policy CTY 2a – New Dwellings in Existing Clusters**

As stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the northern boundary of the settlement limit of Edendork and as such, any development to the south of the site inside Edendork cannot be considered in the assessment of CTY 2a.

**Policy CTY 15 – Setting of Settlements**

The application site is abutting the northern boundary of the settlement limit of Edendork. There is a housing development of 6 houses and several detached dwellings immediately south of the site within the settlement limit. The site is an agricultural field and fields abut all other boundaries of the site.

LA09/2019/0767/O granted approval at the application site under the principle that the development would round off existing development to the south. Condition 4 of planning approval LA09/2019/0767/O stated the dwelling and its curtilage should be sited within the blue hatched area as shown in figure 1 below. In the drawings submitted with this application the applicant has sited the dwelling and garage further north towards the red line and outside the hatched area. The application site is on the boundary of the settlement limit and the hatched area was conditioned as it was felt that this area would round off the existing dwellings. I consider the siting on the drawings submitted is unacceptable as it is outside the conditioned hatched area. The proposed siting further north within the red line will not round off the existing development within the Edendork settlement limit and lead to further development on the settlement boundary. Therefore I would recommend refusal of this proposal as it would add to urban sprawl.

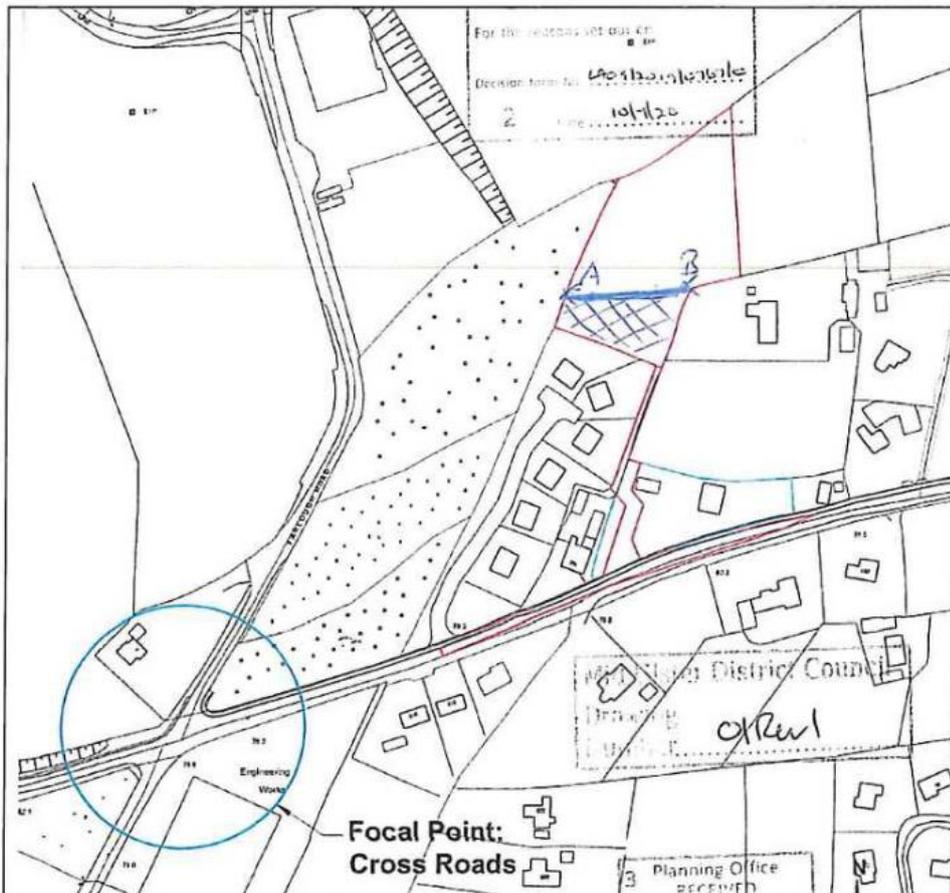


Figure 1 – Screenshot of the stamped approved site location plan from LA09/2019/0767/O

### CTY 13 – Integration and Design of Buildings

I am content the dwelling will not be a prominent feature in the landscape. The site is set back from the public road by approximately 100m and is accessed via an existing laneway. There are no critical views in either direction from the public road due to established trees and hedgerow along the roadside frontage.

There are established trees and hedgerow along all boundaries of the site so I am content the proposal will integrate into the landscape. I am content new planting will not be primarily relied on for the purposes of integration.

The proposed dwelling is 6.8m to finished floor level and one and half storey. The dwelling has a long rectangular form and built in dormers on the front elevation. The windows have a vertical emphasis and the chimneys project from the ridge line of the dwelling. There is a small porch on the front elevation of the dwelling. I am content the scale and massing of the dwelling is acceptable and the design is in keeping with a rural dwelling.



Figure 2 – Screenshot of the proposed dwelling

The proposed garage is sited in the northern corner of the application site and as stated earlier in the assessment this is outside the conditioned hatched area in the outline planning approval. The garage has a rectangular form and a ridge height of 6m to finished floor level. The garage has external finishes of dark brown roof panels, grey blockwork walls and dark brown roller shutter doors. The garage has the appearance of an agricultural building but as the proposal is outside the settlement limit I have no concerns and the building is set back from the main road.

As shown on the block plan the applicant has proposed new landscaping and the retention of existing trees, therefore I have no concerns and I consider there is a suitable degree of enclosure to integrate into the landscape.

The proposal will use an existing laneway and the new access will extend along the east boundary. As the access will run for a short distance I am content the access will not have an unacceptable impact on the character of the site.

I am content the design of the proposed garage and dwelling is acceptable.

#### **CTY 14 – Rural Character**

I am content the proposal will not be unduly prominent in the landscape. I am of the opinion the revised siting further north will not round off the existing development and exacerbate urban sprawl. Therefore the proposal will be detrimental to the rural character of the surrounding area.

<b>Neighbour Notification Checked</b>	Yes
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#### **Summary of Recommendation:**

The proposal is recommended for refusal as it will create urban sprawl.

#### **Reasons for Refusal:**

1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21,

Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.

2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.

**Signature(s)**

**Date:**





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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrison	
<b>Application ID:</b> LA09/2021/0739/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling & Garage/Store.	<b>Location:</b> 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
<b>Applicant Name and Address:</b> Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> The proposed development sits outside the settlement limits for Edendork and outline planning permission was granted as an exception with a siting restriction to ensure the development was considered as rounding off. This proposed development sits outside the area that was identified and does not result in rounding off.	
<b>Summary of Consultee Responses:</b> No new consultees were carried out under this application as were consultations were carried out under the previous application and this proposal does not alter those responses.	
<b>Characteristics of the Site and Area:</b>  The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.  The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an	

existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

#### **Description of Proposal**

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

#### **Deferred Consideration:**

This application was before the Committee In September 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manger, which took place virtually on 18 September 2021. At the meeting it was explained outline planning permission was granted as an exception to planning policy and this was due to a specific set of with any new development located tight to the existing development as rounding off.

Since the meeting, amended plans have been submitted, these were in response to objections and show the levels of the proposed development as well as the proposed garage being reduced in scale and size to something that appears to be domestic in scale and appearance, not the large industrial type shed that was previously submitted. The revised plans do not result in the development being located within the area that was identified at the outline planning permission stage. The agent has indicated there are overhead power lines that will prevent the applicant from developing in the area that was considered acceptable and also indicates the proposed dwelling will not be visible from any area of public view.

Members are reminded that outline planning permission was granted on 10 July 2020 under reference LA09/2019/0767/O given the existing development in Edendork and the approved and commenced development for Gradeall International (M/2003/1631/F), off the Farlough Road. This resulted in the south part of the site being contained on 3 sides by development and was assessed as rounding off.

The proposed development will extend the proposed development further into the existing field and does not have the containment on 3 sides that allowed the previous application to be granted. This is not a visual assessment of the site from the surrounding areas, it relates to the definition of boundary of the sentient limits, which is usually carried out through the development plan process and asses what are appropriate features to define the limits. The applicant has identified the existing overhead power lines as being an impediment to the development of the site, however these can be moved to accommodate development and as such should not be relied on as immovable features that constrain the development of the site. There has been no further persuasive arguments put forward to set out how the proposed development meets any of the planning polices or why it should be considered as an exception to any planning policy.

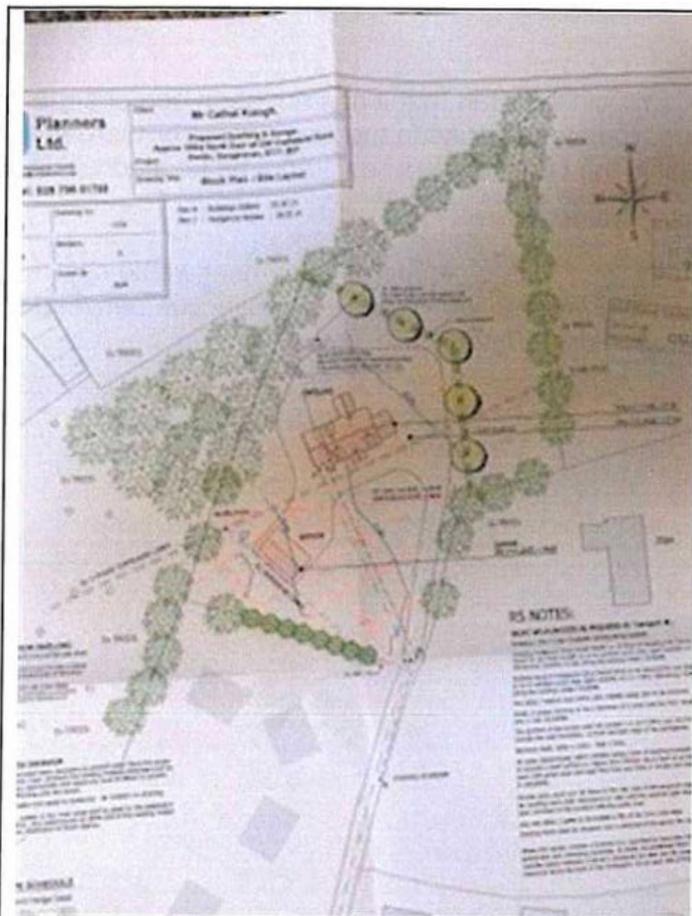


Fig 1 – area coloured orange identified as acceptable in LA09/20219/0767/O

Objections were received to the proposed development, these had raised issues with the previous approval on the site and the scale and size of the proposed garage at the rear of their properties as well as noise and nuisance as they have a particular sensitivity to noise. The previous approval was granted with a site specific condition as previously assessed and accepted on the rounding off basis. The proposed garage was initially 8.5m x 13.0m with a 6m ridge height, finished with brown cladding to the roof and upper walls, smooth render blockwork walls and a 4.0m roller door in one gable. This did have the appearance of an industrial type development. It is now proposed as 10.8m x 6.8m with a 5.5m ridge height and has the appearance of a double garage with walls and roof to match the proposed dwelling. While it has been noted the objectors have concerns about the use of the garage, this is proposed as a domestic garage and that is what must be assessed. Any noise or nuisances associated with anything that is not domestic in scale will be subject to investigations by the Councils Enforcement Team and Environmental Health Officers.

In light of the above, the previous report from September 2021 and the planning history of the site, I do not consider the applicant has demonstrated that this development meets with any of the planning policies for development in the countryside and if approved would result in unacceptable urban sprawl. It is my recommendation this proposal is refused.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of PPS21 in that it has not been demonstrate this development meets with any of the polices for a house in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.
2. The proposal is contrary to Policy CTY15 of PPS21 as the development would not constitute rounding off of the settlement limits and would mar the distinction between the settlement of Edendork and the surrounding countryside.

**Signature(s):**

**Date**



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07/09/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0739/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling & Garage/Store	<b>Location:</b> 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
<b>Referral Route:</b>  1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.  2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b> The application site is in the countryside and on the boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. Condition 4 of planning approval LA09/2019/0767/O is a siting condition where the curtilage of the site should be within a hatched area nearest the existing dwellings within the settlement. This siting condition was to prevent urban sprawl and round off the existing development. In this application the applicant has shown the curtilage outside the hatched area and further north within the red line. It is stated this is because there are overhead electricity power lines	

passing over the hatched area but I do not consider this is a reason to move the curtilage outside the hatched area.

**Signature(s):**

**Case Officer Report**

**Site Location Plan**



**Consultations:** None Required

Consultation Type	Consultee	Response
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**Representations:**

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

**Characteristics of the Site and Area**

The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.

The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

### **Description of Proposal**

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

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

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

### **Representations**

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

### **Planning History**

LA09/2019/0767/O - Proposed dwelling and garage (Amended Access Position) - Approx 150m NE of 230 Coalisland Road, Gortin, Dungannon – Permission Granted 10<sup>th</sup> July 2020

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Dungannon and South Tyrone Area Plan 2010**

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

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

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will

only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement.

LA09/2019/0767/O granted outline approval at the application site on 10<sup>th</sup> July 2020. As this is a full application and has been submitted within 5 years from the date of the outline I am content there is a live approval at the site.

**Policy CTY 2a – New Dwellings in Existing Clusters**

As stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the northern boundary of the settlement limit of Edendork and as such, any development to the south of the site inside Edendork cannot be considered in the assessment of CTY 2a.

**Policy CTY 15 – Setting of Settlements**

The application site is abutting the northern boundary of the settlement limit of Edendork. There is a housing development of 6 houses and several detached dwellings immediately south of the site within the settlement limit. The site is an agricultural field and fields about all other boundaries of the site.

LA09/2019/0767/O granted approval at the application site under the principle that the development would round off existing development to the south. Condition 4 of planning approval LA09/2019/0767/O stated the dwelling and its curtilage should be sited within the blue hatched area as shown in figure 1 below. In the drawings submitted with this application the applicant has sited the dwelling and garage further north towards the red line and outside the hatched area. The application site is on the boundary of the settlement limit and the hatched area was conditioned as it was felt that this area would round off the existing dwellings. I consider the siting on the drawings submitted is unacceptable as it is outside the conditioned hatched area. The proposed siting further north within the red line will not round off the existing development within the Edendork settlement limit and lead to further development on the settlement boundary. Therefore I would recommend refusal of this proposal as it would add to urban sprawl.

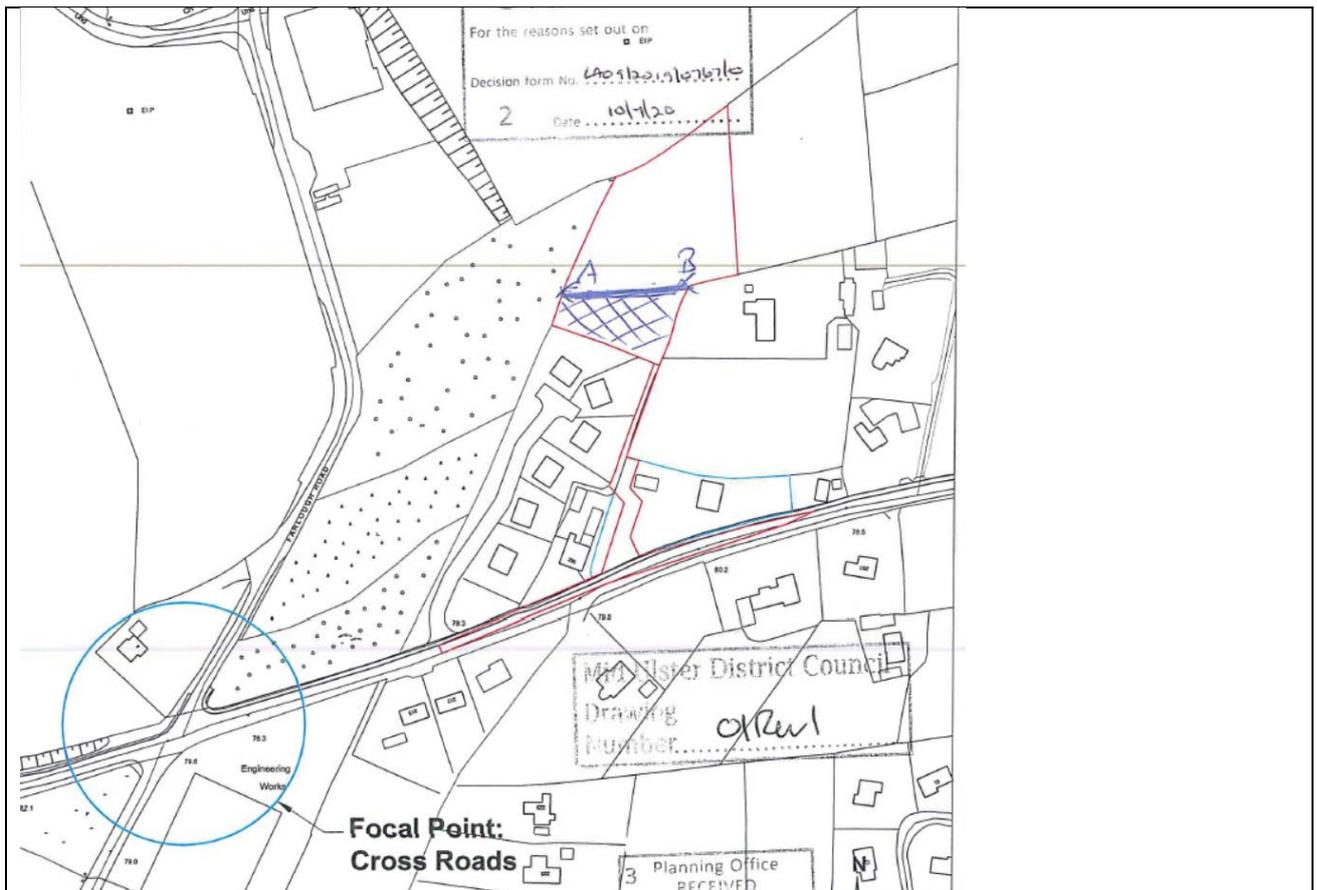


Figure 1 – Screenshot of the stamped approved site location plan from LA09/2019/0767/O

### CTY 13 – Integration and Design of Buildings

I am content the dwelling will not be a prominent feature in the landscape. The site is set back from the public road by approximately 100m and is accessed via an existing laneway. There are no critical views in either direction from the public road due to established trees and hedgerow along the roadside frontage.

There are established trees and hedgerow along all boundaries of the site so I am content the proposal will integrate into the landscape. I am content new planting will not be primarily relied on for the purposes of integration.

The proposed dwelling is 6.8m to finished floor level and one and half storey. The dwelling has a long rectangular form and built in dormers on the front elevation. The windows have a vertical emphasis and the chimneys project from the ridge line of the dwelling. There is a small porch on the front elevation of the dwelling. I am content the scale and massing of the dwelling is acceptable and the design is in keeping with a rural dwelling.



Figure 2 – Screenshot of the proposed dwelling

The proposed garage is sited in the northern corner of the application site and as stated earlier in the assessment this is outside the conditioned hatched area in the outline planning approval. The garage has a rectangular form and a ridge height of 6m to finished floor level. The garage has external finishes of dark brown roof panels, grey blockwork walls and dark brown roller shutter doors. The garage has the appearance of an agricultural building but as the proposal is outside the settlement limit I have no concerns and the building is set back from the main road.

As shown on the block plan the applicant has proposed new landscaping and the retention of existing trees, therefore I have no concerns and I consider there is a suitable degree of enclosure to integrate into the landscape.

The proposal will use an existing laneway and the new access will extend along the east boundary. As the access will run for a short distance I am content the access will not have an unacceptable impact on the character of the site.

I am content the design of the proposed garage and dwelling is acceptable.

**CTY 14 – Rural Character**

I am content the proposal will not be unduly prominent in the landscape. I am of the opinion the revised siting further north will not round off the existing development and exacerbate urban sprawl. Therefore the proposal will be detrimental to the rural character of the surrounding area.

**Neighbour Notification Checked**      Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as it will create urban sprawl.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.

2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.

**Signature(s)**

**Date:**



## Deferred Consideration Report

<b>Summary</b>	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2021/1286/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 28 October 2021
<b>Proposal:</b> Dwelling and garage under CTY 10	<b>Location:</b> 30M South West Of 30 Cloane Road Draperstown
<b>Applicant Name and Address:</b> Sean Gallagher 30 Cloane Road Draperstown	<b>Agent name and Address:</b> Cmi Planners Ltd 38 Airfield Rd Toomebridge BT41 3SQ
<b>Summary of Issues:</b> <p>This application was presented to Members as a refusal at February 2023 Planning Committee. It was considered that the proposal failed to comply with Policies CTY 1, CTY 10 and CTY 13 of PPS 21. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Planner, which took place on the 17th February 2023. Following this meeting additional information was submitted by the agent to support his case and a site visit was carried out by the Senior Planner. The proposal is now being recommended for Approval with justification provided further in this report.</p>	
<b>Summary of Consultee Responses:</b>	
<b>Characteristics of the Site and Area</b> <p>The site is located 30M South West Of 30 Cloane Road, Draperstown and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a roadside portion of a large agricultural field. The elevation of the site is relatively flat. The boundaries to the west is comprised of very low level vegetation, the boundary to the south is undefined and the boundary east is undefined with a farm shed located along this boundary. The boundary to the North (roadside boundary) is comprised of low level hedgerows. The Five mile straight road runs along the North of the site. H&amp;A Mechanical Services are located directly opposite the site to the north. The surrounding area is rural in character with scattered dwellings and farm holdings.</p>	

**Description of Proposal**

This application seeks outline planning permission for a dwelling and garage under CTY 10.

**Deferred Consideration:**

This case was initially recommended for refusal as the applicant had failed to adequately demonstrate that the farm business, which is established, was currently active. Whilst no claims are made on the land, receipts were only provided to demonstrate activity from 2016 - 2020. Furthermore the farm buildings the applicant were relying upon for siting beside were not shown to be in his ownership. Following the deferred office meeting the applicant has since submitted receipts which demonstrate some level of activity (ie) keeping his land in good agricultural condition for the period 2021-2023. I have also carried out a site inspection and i can confirm that the lands in question are well maintained. A revised site location has been submitted showing the adjacent farm buildings as being in his ownership. On the basis of this new information. it is my opinion that the policy tests of CTY 10 have now been met.

Concerns were raised by the initial case officer that the site lacked sufficient boundary treatment to assist in the integration of a dwelling on this roadside site. Following my site inspection I am content that if a single storey dwelling were to be conditioned to be sited in the SE portion of the site then it would benefit from the integration and clustering provided by the existing farm buildings to the NE. It would sit at a slightly lower level than the Filemilestraight Road and any views of the dwelling would be short term and fleeting.

Approval is recommended subject to a standard time condition, siting, 5.5m ridge height, landscaping and levels

**Conditions/Reasons for Refusal:**

**Approval Conditions**

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

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

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

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

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

**Condition 3**

A scale plan 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 available to view on public access.

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

**Condition 4**

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

Reason: To ensure the dwelling integrates into the landform.

**Condition 5**

The proposed dwelling shall have a ridge height of no more than 5.5 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

**Condition 6**

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

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

**Condition 7**

The proposed dwelling shall be sited in the area shaded green on the approved plan numbered 01 R 1, uploaded on Public Access on 13 March 2023

Reason: To ensure that the development is satisfactorily integrated into the landscape and in order to protect rural character in this area.

**Signature(s):**Karla McKinless

**Date:** 2 May 2023



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/1286/O	<b>Target Date:</b> 28 October 2021
<b>Proposal:</b> Dwelling and garage under CTY 10	<b>Location:</b> 30M South West Of 30 Cloane Road Draperstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Sean Gallagher 30 Cloane Road Draperstown	<b>Agent Name and Address:</b> Cmi Planners Ltd 38 Airfield Rd Toomebridge BT41 3SQ
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DAERA - Coleraine	Substantive: TBCResponse Type: FR
	Historic Environment Division (HED)	Substantive: YResponse Type: FR
	DFI Roads - Enniskillen Office	Substantive: YResponse Type: FR

**Representations:**

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

**Summary of Issues**

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

**Characteristics of the Site and Area**

The site is located 30M South West Of 30 Cloane Road, Draperstown and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a roadside portion of a large agricultural field. The elevation of the site is relatively flat. The boundaries to the west is comprised of very low level vegetation, the boundary to the south is undefined and the boundary east is undefined with a farm shed located along this boundary. The boundary to the North (roadside boundary) is comprised of low level hedgerows. The Five mile straight road runs along the North of the site. H&A Mechanical Services are located directly opposite the site to the north. The surrounding area is rural in character with scattered dwellings and farm holdings.

### **Description of Proposal**

This application seeks outline planning permission for a dwelling and garage under CTY 10.

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

#### **Policy Consideration**

##### Planning History

There is no planning history relevant to the determination of this application.

##### Representations

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

##### Assessment

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

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

##### Planning History

There is no planning history relevant to the determination of this application.

##### Representations

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

## Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is dwellings on a farm under Policy CTY 10. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

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.

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

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

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted and responded to say that the farm business Id provided had been in existence for 6 or more years but was not active. Evidence of the farm activity was requested from the agent several times and some receipts were eventually provided. These were only for drains. I contacted the agent for further clarity around the use of the land and the farm activity but at the time of writing this report a response had not been received. Following an internal group meeting it was agreed that these were insufficient to show sufficient farming activity. Therefore the proposal fails to meet the criteria of this policy.

With regard 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), the proposed development is located on roadside portion of an agricultural field. The proposed group of existing farm buildings on the farm as indicated on drawing no 01, date stamped 02nd September 2021, are discounted as they are not included in the red line of the application site or outlined in blue to indicated the applicant owns them. I emailed the agent to enquire about the sheds and at the time of writing this report, no response had been received. Therefore the application fails to meet this policy test.

The P1 form indicates that the proposal includes the alteration of an existing access to the public road. DFI Roads were consulted on the application, and they responded to say that they were content subject to conditions.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposal is for outline planning permission and details of design have not been submitted at this stage. The site is not sited to cluster with an existing group of building on the farm and potentially will not integrate sufficiently into the landscape, especially as it is a roadside location and existing vegetation is all very low level.

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 the area. In my opinion the proposal may cause detrimental change or erode the rural character of the area. Therefore, this proposal is contrary to the criteria set out in policy CTY13 &14.

#### Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

#### **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.

##### Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active for 6 years or more. Also, the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.

**Reason 3**

This proposal is contrary to the criteria set out in policy CTY13 &14, as this is a road side location and there is insufficient existing vegetation to adequately screen the proposal and therefore would fail to integrate successfully into the existing landscape.

**Case Officer:** Siobhan Farrell

**Date:** 20 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	2 September 2021
<b>Date First Advertised</b>	14 September 2021
<b>Date Last Advertised</b>	14 September 2021
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 28 Cloane Road Draperstown Londonderry BT45 7EF</p> <p>The Owner / Occupier 30, Five Mile Straight, Cloane, Draperstown, Londonderry, BT45 7EG, (Uprn</p> <p>The Owner / Occupier 28, Five Mile Straight, Cloane, Draperstown, Londonderry, BT45 7EG, (Uprn</p>	
<b>Date of Last Neighbour Notification</b>	23 September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2021/1286/O Proposals: Dwelling and garage under CTY 10 Decision: Decision Date:</p> <p>Ref: H/1978/0405 Proposals: RETIREMENT BUNGALOW Decision: PG Decision Date:</p> <p>Ref: H/1978/0285 Proposals: EXTENSION TO DWELLING Decision: WITHDR Decision Date:</p> <p>Ref: H/1991/0279 Proposals: ALTERATIONS AND ADDITIONS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: H/2012/0327/O</p>	

Proposals: Proposed farm dwelling and garage

Decision: PG

Decision Date: 12-APR-13

Ref: H/2015/0085/RM

Proposals: Proposed farm dwelling and garage in accordance with H/2012/0327/O

Decision: PG

Decision Date: 09-JUL-15

Ref: H/1973/0080

Proposals: ADDITIONS TO HOUSE

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DAERA - Coleraine-Substantive: TBCResponseType: FR

Historic Environment Division (HED)-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1366/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed 5 No. glamping pods and associated external works	<b>Location:</b> 170M South East Of 52 Derrycourtney Road Caledon
<b>Applicant Name and Address:</b> Mr Jim Moore 52 Derrycourtney Road Caledon Dungannon BT68 4UQ	<b>Agent Name and Address:</b> Holmes And Doran Ltd 1ST Floor The Old Savings Bank 1 Victoria Street Armagh BT61 9DS
<b>Summary of Issues:</b> Farm diversification scheme in the countryside which does not use existing buildings and uses an existing access off a protected route.	
<b>Summary of Consultee Responses:</b> DFI Roads – recommend refusal and full consideration of protected routes policy, access will require improvements to provide visibility splays of 2.4m x 120.0m to bring up to standard DAERA – farm business established 2013, not claimed for in all of last 6 years	
<b>Characteristics of the Site and Area:</b>  The site is located at lands approx. 170m SE of 52 Derrycourtney Road, Caledon. The site sits quite a considerable distance back from the public road and is located on lands which are raised in comparison to the roadside. The site at present is an open field and is bounded by a mixture of trees, hedgerows and post and wire fencing. The application originally proposed a new access off the Derrycourtney Road (which is a protected route) however amended plans were received which accessed the site using the existing access point. The area surrounding the site is generally rural in nature, scattered with single dwellings and their associated outbuildings. Caledon is located approx. 1.5km east where the crow flies from the site.	

**Description of Proposal**

Full planning permission is sought for proposed 5 no. glamping pods and associated external works.

**Deferred Consideration:**

This application was before the Planning Committee in October 2022 where it was deferred for a meeting with the Service Director to discuss the proposal and any other information that may be relevant to the considerations.

At the deferral meeting on 13 October there was discussion about the proposal and the agent agreed to provide further information in relation to the policy for farm diversification and protected routes.

I consider it important to establish the principle for the development under PPS21, CTY11 – Farm Diversification. This policy is stated to promote diversification including suitable tourism and agri-tourism schemes. The policy requires there to be an active and established farm business and advises the criteria for an active and established farm business is set out in CTY10. Members will be aware that Policy CTY10 requires the farm business to be currently active and established for a period of 6 years. DAERA have advised the farm business id for the applicant is a category 1 farm business and it was allocated on 06/11/2013, I am content the farm business has been established for a period of over 6 years. When I visited the site on 30 January 2023 I noted the applicants fields had sheep in them and that sheep were being housed beside the applicants house. I am of the view this demonstrates the farm is currently active and as such this is an active and established farm business. Criteria a of CTY11 has been satisfied. The proposed development will only require a small part of the existing holding to accommodate the proposal and as such I consider this development can be run in conjunction with the sheep farming that is currently on-going.

The proposal is for 5 glamping pods, of wooden construction with steep roofs and a ridge height of 4.5m above the floor levels. The pods will be located on an elevated site above Derrycourtney Road, however due to the land form, intervening vegetation, back drop of rising ground and mature vegetation, I do not consider these will be visible from the surrounding public road network. Annaghroe/Annacramp SLNCI to the south west, the former school at Anacramp to the north east and a rath in Knockaginny further to the north east are the closest landscape and historic features to the site. These are well removed from the application and as such I do not consider the proposal would have any adverse affect on these. I consider criteria b and c of CTY11 have been met.

The proposed development is located approx. 150 metres from the applicants dwelling, which is the closest residential property to it. It is 185metres from a dwelling at 40 Derrycourtney Road to the south east, this is set well back from the main road with a group of agricultural buildings between it and the proposed site. No 62 Derrycourtney Road is off a dead end road to the south west of the site and is 320 metres at its closest. Due to the remote rural location, there may be noise from the proposed development perceptible at these other properties, however the applicant is the closest and will be able to manage any issues that arise on the site. As the proposed development is over 150 metres from other properties, waste water will be dealt with on site through a septic tank and the applicants can deal with other waste, I do not consider the proposal will result in

any unacceptable smell or pollution problems. In light of this I consider the proposal is unlikely to adversely impact on residential amenity and as such meets criteria d of CTY11.

The policy seeks to re-use and adapt existing buildings, but has an exceptionality test, where a new building may be granted if there is no existing building to accommodate the use. In this case the buildings on the farm are the applicants home and buildings to shelter and lamb sheep. These, in my opinion, are not suitable for tourist accommodation and as such a new building is warranted under the exception within the policy. Members should be aware the proposal here is for 5 new buildings, not **a new building**, as such the policy as written does not allow more than one building. The policy goes on to say that any new building should be satisfactory integrated within an existing group of buildings. The proposed units are located approx. 150 metres from the existing buildings and as such do not meet this part of the policy. Members could refuse the application as it is for more than one building, they are not sited within a group of buildings and fail to meet these parts of Policy CTY12.

The application was previously assessed against the Tourism Policies in PPS16, which allows for 3 or more new self catering units to be built in the rural area provided they are located at or close to an existing or approved tourist amenity that is/will be a significant tourist attraction. At the office meeting Cllr Gildernew highlighted the need for tourist accommodation in this area as there is a severe lack of any good accommodation. Cllr Gildernew also highlighted the tourism facilities in the locality:

- a number of fishing locations, the River Blackwater which runs through Caledon 2kms to east, Glenkeen Fisheries 5km to the west, Brantry Lough, Enagh Lough, Legane Lough and White Lough all within 8kms of the site,
- the historic village of Caledon which had its beam engine driven mill 2kms to the east.
- the site is also close to the village of Glaslough (4.5km south ) where Sir Paul McCartney was married and a sought after wedding venue.
- the line of the Ulster Canal is located to the east of Caledon and part of this is being restored to provide a greenway with other sections to be repaired
- the village of Tynan where the railway station is sitting as it was the day the last train pulled out

Further afield is the historic Navan Fort 10km south east and Armagh's Cathedral City.

It is noted the policy defines tourist amenity as 'An amenity, facility or service provided for tourists but does not include tourist accommodation'. Tourists are defined as 'includes overnight visitors and same day visitors'. Members should note the above examples of tourist amenities in the locality does provide a wide range of existing tourist amenities surrounding the application site. The policy does not give any quantifiable distance between the proposed development and the tourist amenity, to allow any specific limit. Taking into account the range of tourist amenities on offer in the locality and the apparent lack of accommodation close by and I am persuaded this development does meet with the general thrust of Policy TSM5 and could be approved as tourism development. In accordance with the policy and guidance in TSM5 I consider it is appropriate and necessary to limit the occupation of the pods for tourist use only and removed any Permitted Development Rights for fences or boundary treatments between the pods to prevent and discourage permanent occupancy of these pods. As I consider the proposal meets with TSM5, then it also meets with CTY1 as the TOU Policies in a Planning Strategy for Rural Northern Ireland were superseded by the Policies in PPS16 and this development meets TSM5.

DFI Roads Engineers have advised the access to the development is onto a Protected Route and it should be refused as it will intensify the use of the access. Members are directed to the Consequential Amended to AMP3 of PPS3 as contained in PPS21. Policy CTY 1 allows this development, as it meets with the tourism policies which superseded the TOU Policies in PSRNI, and I consider Criteria d in AMP3 of the Consequential Revision is relevant to the decision. The policy seeks to have any accesses off minor roads instead of the Protected Route, but accepts that where it this cannot reasonably be achieved then the access must be from an existing vehicular access onto the Protected Route. Members will be aware that Policies in PPS 3 do not consider an agricultural access to be a vehicular access for the purposes of the policy. In this case the applicant does not have other lands here that front onto any road, other than the Protected Route. The nearest minor road is 320 metres to the west, it is a dead-end lane with sight lines at the junction with Derry Courtney Road to the south partially obscured by a hedge. As the lane to the west is a public road, there is no way to require the applicant to improve that junction. The applicant does own all the land necessary to provide sight lines of 2.4m x 120.0m within their control. There is a crest in the road to the northwest, however this does not affect the 120.0m sight distance requested by DFI Roads Engineers. As this meets the standard requested then it is clear the access the access can be improved, as required by Policy AMP2 and the proposal meets with Polices AMP2 and the Consequential Amendment to AMP3. I consider it is necessary to condition this is carried out prior to any development commencing on the site.

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

As I have concluded this proposal meets with Policies TSM5, AMP2 and the Consequential Amendment to AMP3, I recommend it is approved with conditions.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 120.0m in both directions, where the existing access meets Derrycourtney Road, as identified within the red line on drawing No 01a bearing the stamp dated 28 APR 2022 shall be provided. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.  
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. All hard and soft landscape works as detailed on drawing no 01a bearing the stamp dated 28 APR 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity

4. All existing vegetation on and within the site identified in red on drawing 01a bearing the stamp dated 28 APR 2022 shall be retained. In the event of the vegetation becoming dangerous and removed then a full report shall be provided to the Council as soon as practicable after the trees are removed setting out why they were removed and including proposals for replacement landscaping. Any replacement landscaping shall be carried out within 1 year of being agreed and shall be permanently retained.

Reason: In the interests of visual amenity

5. The glamping pods hereby approved shall be for short term letting only in accordance with Class C2 of the Planning (Uses Classes) Order (NI) 2015 and shall not be used for any other purpose within Part C of the Planning ( Use Classes) Order (NI) 2015 without the express written consent of Mid Ulster District Council.

Reason: These units are approved under tourism policies and are not for permanent dwellings.

6. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no walls, gates or fences, shall be erected, provided, maintained or improved between or near the glamping pods hereby approved, unless shown on drawing No01a bearing the stamp dated 28 APR 2022.

Reason: These units are approved under tourism policies and are not for permanent dwellings.

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4 October 2022	<b>Item Number:</b> 5.2
<b>Application ID:</b> LA09/2021/1366/F	<b>Target Date:</b> 12 November 2021
<b>Proposal:</b> Proposed 5 No. glamping pods and associated external works	<b>Location:</b> 170M South East Of 52 Derrycourtney Road Caledon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Jim Moore 52 Derrycourtney Road Caledon Dungannon BT68 4UQ	<b>Agent Name and Address:</b> Holmes And Doran Ltd 1ST Floor The Old Savings Bank 1 Victoria Street Armagh BT61 9DS
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	05-08-2021 Refusal.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2021-1366-F.DOCXSee uploaded document

### 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

There were no representations recieved in relation to the proposal.

### Characteristics of the Site and Area

The site is located at lands approx. 170m SE of 52 Derrycourtney Road, Caledon. The site sits quite a considerable distance back from the public road and is located on lands which are raised in comparison to the roadside. The site at present is an open field and is bounded by a mixture of trees, hedgerows and post and wire fencing. The application originally proposed a new access off the Derrycourtney Road (which is a protected route) however amended plans were recieved which accessed the site using the existing access point. The area surrounding the site is generally rural in nature, scattered with single dwellings and their associated outbuildings. Caledon is located approx. 1.5km east where the crow flies from the site.

### Description of Proposal

Full planning permission is sought for proposed 5 no. glamping pods and associated external works.

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

### **Policy Consideration**

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 16: Tourism

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.

### **Representations**

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

### **Planning History**

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

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located outside any settlement limits, with Caledon approx. 1.5km to the East of the site. The site has no other zonings within the Plan.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) are retained.

PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 including tourism development in accordance with the TOU policies contained within PSRNI. These TOU policies have since been superseded by PPS16 - Tourism therefore this proposal will be considered under the relevant policy within PPS16. SPPS does not make any changes to these policy considerations.

Tourism makes a vital contribution to the Northern Ireland economy, it can play an important role in helping to support the viability of many local suppliers, services and facilities. However, tourism accommodation located in the countryside needs to be located at appropriate locations and managed in a sustainable manner in order to protect the rural landscape and environment in line with the area plan and other material considerations.

This proposal is for self-catering accommodation in the countryside and the agent/applicant has provided a supporting statement which refers to both a farm diversification scheme under CTY 11 of PPS 21 and the policy provisions of PPS 16 for Tourism. Therefore both policies will be assessed within this report, however it is important to note that DfI Roads comments are also at the crux of the recommendation for refusal as they note they would not be content with an intensification of the access onto a protected route.

TSM5 deals with self catering accommodation in the countryside and it states that permission will be granted for self-catering units of tourist accommodation should the proposal meet any one of three circumstances. In my view the proposal does not meet any of the circumstances set out in policy as;

- a) it is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) although the proposal is a cluster of 5 units, it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity with a significant visitor attraction requiring these units.
- c) it is not for the restoration of an existing clachan or close.

Paragraph 7.25 of Policy TSM5 states “Where units are proposed in association with a tourist amenity, Policy requires that the tourist amenity must be a significant visitor attraction in its own right”. The agent/applicant has failed to specify the tourism facility in which the proposal will cater or provide evidence of visitor numbers or the provision of existing facilities linked to and enabling usage of the attraction. It is acknowledged that each of the places referred to in the supporting statement are located within a reasonable distance to travel to from the application site, however there is insufficient information to demonstrate the numbers of tourists that these pods would attract or the existing facilities in place that would attract or accommodate them. There are also no such signature project which exist close to this site and the area does not benefit from established tourism amenities and accommodation. I am content that the design and layout would deter for permanent residential accommodation. There is a single bed, a sink and wash room included in each pod. They have communal parking, each having its own curtilage and bbq area, however it doesn't appear overly defined.

Policy TSM7 of PPS 16 applies to all types of tourism development there is a number of criterion which need to be met. Some of the criterion do not apply to this proposal, however the main concern about this proposal in relation to the criterion within TSM 7 centres around the access to and from the site to a protected route. Criterion (l) and (n) refer to the access and the impact this would have on road safety, particularly onto a protected route. As noted before, DfI Roads have been consulted on the proposal and have stated the proposal is contrary to AMP 3 of PPS 3 in that, it would if permitted result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Policy CTY 11 which deals with farm diversification is the other policy which the agent has

referred to within their supporting statement. This policy notes that the proposal must be run in conjunction with the agricultural operations on the farm. From the information provided within their supporting statement, the agent/applicant they have not indicated that they carry out any other agricultural activities and as such I do not consider the applicant has demonstrated the proposal will be run in conjunction with agricultural activities on the farm, thus contrary to Policy CTY 11. They have noted that due to the nature of the proposal it would not be feasible to re-use existing buildings and that any existing buildings are in active use. The proposal is also sited approx. 300m South of the existing dwelling and therefore wouldn't be sited beside existing buildings on the farm.

DAERA have confirmed that the farm business was established in 2013 and claims were made over the last number of years, excluding 2021 and 2022. The 5 pods would be sited within a site which has existing landscaping along the boundaries and would be set back from the main public views and thus would, in my opinion blend in sympathetically with the surroundings. Additional landscaping on the boundaries will also assist the development to be further integrated into the surroundings over time. I consider this criteria is met. I have no concerns relating to the impact the proposal would have on any known natural or built heritage. I am content that the proposal is sited far enough way from any 3<sup>rd</sup> party neighbours to avoid any impact on their amenity.

In terms of policy CTY13 of PPS21, it is my view that the proposal will integrate into the landscape as it is set back from the public road with limited public views and is of a size, scale and location that will not significantly impact the visual character or landscape quality of the area. I consider the proposal will not have a detrimental impact on the rural character of the area and therefore complies with Policy CTY14 also.

Overall, I do not feel the proposal is in line with the policy requirements of AMP 3, TSM 5, TSM 7 and CTY 11 and thus is recommended for refusal.

### **Summary of Recommendation:**

Refuse is recommended

Refusal is recommended.

### **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 CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated the proposed development will be run in conjunction with agricultural operations on the farm, there has been no justification for these new building and they are not sited to be satisfactorily

integrated with an existing group of buildings.

**Reason 3**

The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.

**Reason 4**

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 intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

**Signature(s):** Sarah Duggan

**Date:** 21 September 2022

<b>ANNEX</b>	
<b>Date Valid</b>	17 September 2021
<b>Date First Advertised</b>	30 September 2021
<b>Date Last Advertised</b>	28 September 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 52 Derrycourtney Road, Caledon, Tyrone, BT68 4UQ	
<b>Date of Last Neighbour Notification</b>	7 October 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-05-08-2021 Refusal.docx DAERA - Omagh-LA09-2021-1366-F.DOCXSee uploaded document	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01  Site Location Plan Plan Ref: 01a	

**Notification to Department (if relevant)**

Not Applicable

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2022/0490/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 7 June 2022
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> 194M S.W. Of 8 Killybearn Lane Cookstown
<b>Applicant Name and Address:</b> Martyn Devlin 9 Farm Lodge Lane Magherafelt	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Summary of Issues:</b>  This application for a dwelling on a farm was presented to Members as a refusal at February 2023 Planning Committee. It was considered to be contrary to Policies CTY 1, 10 and CTY 13 of PPS 21 and one objection had been received. Members agreed to defer the application for an office meeting with the Planning Service Director and Senior Planner. Following this meeting, the carrying out of a site visit and the submission of additional information the application is now being recommended for approval, with the justification being provided further in this report.	
<b>Summary of Consultee Responses:</b>  No new or additional consultations issued as part of this deferred consideration	
<b>Description of Proposal</b>  This is an outline application for a proposed dwelling and garage on a farm, the site is located 194M S.W. Of 8 Killybearn Lane, Cookstown.	

## **Deferred Consideration:**

Initially this proposal was recommended for refusal as it had not been demonstrated that the farm business had been established for at least six years nor was the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm. The farm case made in this application is quite complex. The applicant, Mr Devlin who has an address in the Town of Magherafelt has stated on the P1C that the owner of the active farm business is Mr Thomas Rooney who resides at 8 Killybearn Lane. Mr Devlin is the Son in Law of Mr Rooney. Mr Rooney does not have a farm business ID but leases his land out to another farmer. He does carry out some maintenance works to his holding. The lease agreement has been provided along with various receipts which demonstrate activity on the land for the required 6 year period. It was previously accepted that the farm business was active for the required period, however the recommendation to refuse was based on consideration that the farm business was not established. Mr Rooney has since submitted a statutory declaration that he and his family have farmed the lands identified on folios 13256 and 13259 in excess of 100 years. On the basis of this evidence I am now content that despite the absence of a farm business ID, the farm business can be considered established in excess of 6 years.

CTY 10 of PPS 21 also requires a farm dwelling to visually link or site to cluster with an existing group of buildings on the farm. There is an exception in the policy to site elsewhere provided there are no other sites available at another group of buildings and where there are demonstrable health and safety reasons or plans to expand the farm at the existing group. The only group of buildings on this farm is the dwelling and outbuilding at 8 Killybearn Lane. The proposed site is too far removed to be considered visually linked or clustered with these buildings. No acceptable demonstrable health and safety reasons or plans to expand have been provided to treat this site as an exception. As such the proposal fails to meet this test of the policy.

Members are however advised that following my site inspection in which I walked the confines of the site as well as viewing the site from various vantage points along the public road I would be of the opinion that a single storey dwelling sited in the extreme Southern portion of the site would be well integrated, would benefit from a backdrop of mature conifers and would be subject to very limited public views. The sites closer to the dwelling at number 8 would be more open and exposed and would lack established boundary treatment which would be required to satisfactorily integrate a dwelling. There is one elongated parcel of land to the West of number 8 which could be considered as an acceptable site closer to the farm dwelling, however based on the integration qualities of the site applied for, it would not be unreasonable for Members to consider this case as an exception to Policy CTY 10 of PPS 21. If this was the decision Members were to take then the refusal reason based on CTY 13 would no longer be relevant either.

The new information submitted in support of this application has been uploaded on Public Access and all relevant third parties were notified of such and no further objections to the application have been received.

Approval is recommended based on Members considering this proposal as an exception to Policy CTY 10 of PPS 21.

## **Conditions/Reasons for Refusal:**

### **Approval Conditions**

#### Condition 1

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

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

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

#### Condition 2

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

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

#### Condition 3

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

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

#### Condition 4

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

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

#### Condition 5

The proposed dwelling shall be sited in the area shaded green as indicated on drawing 01 uploaded on Public Access on the 26 April 2022

Reason: To ensure that the development is visually linked and sited to cluster with buildings on the farm and to ensure it is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

#### Condition 6

The proposed dwelling shall have a ridge height of no more than 5.5 metres above finished floor level

Reason: To ensure that the development satisfactorily integrates.

Condition 7

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity

Condition 8

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

Reason: To ensure the dwelling integrates into the landform.

**Signature(s):**Karla McKinless

**Date:** 24 May 2023



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2022/0490/O	<b>Target Date:</b> 7 June 2022
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> 194M S.W. Of 8 Killybearn Lane Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Martyn Devlin 9 Farm Lodge Lane Magherafelt	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Executive Summary:</b>  To Committee - Refusal - Contrary to CTY 1, 10 and CTY 13 of PPS 21 and one objection received.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2022-0490-O.DOCX See uploaded document
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0490-O.DOCX

### Representations:

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

### Summary of Issues

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

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

The proposed site is located approximately 2.75km east of the development limits of Cookstown, as such the site located within the open countryside as per the Cookstown Area Plan 2010. The site has been identified as 194m SW of 8 Killybearn Lane, Cookstown in which the red line covers the southern portion of a much larger agricultural field. The site is proposing access off the shared laneway off the Killybearn Lane. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

### **Representations**

Seven neighbour notifications were sent out however one objection was received. Summary of objections are as below;

- Concerns over the access being safe and adequate to facilitate a family home – especially during the construction phase and transport of materials.
- Suggested that this is to be a farm dwelling and garage is economic with the true meaning of the interpretation.

## **Description of Proposal**

This is an outline application for a proposed dwelling and garage on a farm, the site is located 194M S.W. Of 8 Killybearn Lane, Cookstown.

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

### **Policy Consideration**

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy  
Strategic Planning Policy Statement (SPPS)  
Cookstown Area Plan 2010  
PPS 1 – General Principles  
PPS 3 – Access, Movement and Parking  
PPS 21 – Sustainable Development in the Countryside  
Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside  
CTY 1 – Development in the Countryside  
CTY 10 – Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically

with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

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

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

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that there was no farm business number submitted, wherein the agent confirmed that the applicant only had applied for one during this application. I note a series of receipts along with a lease agreement dating from 2014-2023 were provided to demonstrate activity. I am content that this is sufficient to show some level of activity however given the issue of the business number I am not content that the business is established.

With respect to (b), given the lack of business number there was no farm maps provided with this application. However the agent confirmed in writing that the lands shown in the location plan were the only lands associated with the business. Upon review of these lands I note that no farm approvals have been attained on it nor any other development opportunities.

With respect to (c), I first note that the registered address of the farm business sits approximately 200m north of the site with the applicant living in development limits of Magherafelt some distance away. I note that the applicant is relying on what they have identified as ‘existing animal handling facilities’ within the site for visually linkage and clustering. I have a number of concerns with this; I note that ‘existing animal handling facility’ in my opinion does not constitute a building on the farm, nor is there any planning permission for an agricultural building at this location. From the below photo it is clear that this is just a number of tin sheets and wouldn’t constitute as a building.



Even if this for whatever reason would be constituted as a building, it is not constituted as an existing group of buildings on the farm. I contend that the buildings located no.8 Killybearn Lane constitute as the only group of buildings on the farm and any dwelling should be sited beside such. I hold the view that a dwelling located within the site would be too far detached from the buildings at No.8 to constitute visual linkage or clustering.

This concern was raised to the agent and in response provided a statement to clarify the issues, they refer to approvals – LA09/2018/0874/O and LA09/2021/0168/O as precedent. In terms of LA09/2018/0874/O, state that planning permission was granted located in a field with an animal handling facility similar to this proposal. Upon review of this, I note that this building was actually discounted and the application was approved by virtue that there are no buildings on the farm and taken on its own merits. The issue here is that there are a group of buildings at no.8.

With regards to LA09/2021/0168/O, it was stated by the agent that this was approved set up a laneway some distance from the existing farm buildings but with a degree of visual linkage similar to this application. Again upon review of this, it appears that the initial opinion was that the application was unacceptable given the separation distances but seems to have been granted by virtue that that was the only location that provided adequate separation distance from a neighbouring cattle shed. This is not the case in this application. From this I hold the view that this application fails under CTY 10 of PPS 21.

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

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

landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6.5m. As noted the site is not located to cluster or visually link with an established group of buildings on the farm. Given such I hold the view that the application does not fully comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. I note that dwelling is unlikely to result in adverse impact on the rural character of the area. I am content that this is able to comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

In response to the comments made by the objector; with regards to the comments in relation to the laneway and access. I note Roads have deemed the access acceptable and in terms of the laneway this can be easily upgraded and fit for purpose. In terms of the comments in relation to the farm, as expressed I am not content that this is a valid farm case as expressed above.

I have no ecological or residential amenity concerns.

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

**Summary of Recommendation:**

Refuse is recommended

Refusal Reasons

**Reason 1**

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

**Reason 2**

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

**Reason 3**

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

**Signature(s):** Peter Henry

**Date:** 17 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	12 April 2022
<b>Date First Advertised</b>	3 May 2022
<b>Date Last Advertised</b>	3 May 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  1 Killybearn Lane Cookstown Londonderry BT80 8SX  The Owner / Occupier  10 Killybearn Lane Cookstown Londonderry BT80 8SX  The Owner / Occupier  12A Killybearn Lane Cookstown Londonderry BT80 8SX  The Owner / Occupier  6 Killybearn Lane Cookstown Londonderry BT80 8SX</p> <p>The Owner / Occupier  2 Killybearn Lane Cookstown Londonderry BT80 8SX  The Owner / Occupier  12 Killybearn Lane Cookstown Londonderry BT80 8SX  The Owner / Occupier  24 Derrygonigan Road Cookstown Londonderry BT80 8SU</p>	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>	
<p>DAERA - Omagh-LA09-2022-0490-O.DOCX See uploaded document  DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx  DAERA - Coleraine-Consultee Response LA09-2022-0490-O.DOCX</p>	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2022/0654/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 5 September 2022
<b>Proposal:</b> Dwelling and Garage	<b>Location:</b> Lands 40 Metres South West Of 50 Battery Road Coagh
<b>Applicant Name and Address:</b> Joanne Devlin 5 Ballinderry Bridge Drive Ballinderry Coagh	<b>Agent Name and Address:</b> CMI PLanners LTD 38 Airfield Road Toomebridge
<b>Summary of Issues:</b>  This application was presented as a refusal at March 2023 Planning Committee as it was considered that it failed to comply with Policies CTY1 and CTY10 of PPS 21. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Planner, which took place on the 24 <sup>th</sup> March 2023. Following a site visit and further consideration of the case, the application is now being recommended for approval, with the justification being provided further in this report.	
<b>Summary of Consultee Responses:</b>  DFI Roads, DAERA and NIW have all been consulted with this application and have raised no concerns	
<b>Description of Proposal</b>  This is an outline planning application for a proposed dwelling and garage on a farm.	

**Deferred Consideration:**

This proposal has been considered under Policy CTY 10 - Dwelling on a Farm. Initial consideration by the case officer did not raise any concerns in respect of there being an active and established farm business. This policy criteria was however further explored at the deferred office meeting. The applicant explained that the farm business historically belonged to her aunt for 30 years plus, who did keep it in good agricultural condition and following a site inspection of the holding, which comprises 2 small fields, i can verify that the lands are kept in good agricultural condition. Whilst the applicant has only obtained a business number in January 2022 following her inheritance of the farm, this is considered normal practice in line with DAERA guidelines. Once a person dies their business number is no longer used. The applicant has also provided a conacre agreement from 2016-2026 which is evidence that the land continues to be kept in good agricultural condition for the required period. She has also provided a statement which indicates how she hopes to utilise the land in the future to grow specialised crops which she can utilise for treatment of a medical condition she has. On the basis of the information provided i am satisfied that there is an active and established farm business.

The main concern with this proposal is that there are no group of farm buildings on the holding on which a dwelling can be sited beside in order to comply with the policy test. On the holding there is only one lawful building - a small dwelling. A second building, a small temporary shed has been recently erected, however this is not a lawful building and is of temporary construction and cannot be considered as a second building for the purposes of the policy. It is acknowledged that there are no other lands associated with this farm business and no other lawful buildings and so the applicant cannot provide any alternative site. The application site is a road side site with the lands and existing farm dwelling accessed via a laneway which is used to access other third party dwellings. A dwelling sited beside the existing farm dwelling will not give rise to any concerns in terms of prominence or integration and will cluster and visually link with the existing farm dwelling. If it is conditioned to front onto the laneway with a siting condition which does not extend to the public road then there will be no likelihood for other development along the Battery Road via infill opportunities. This would be important to prevent a proliferation of development along this section of the public road. Given the specifics of this case I would advise members that it would not be unreasonable to consider this development as an exception to policy CTY 10 which does insist on there being a group of buildings on the holding to cluster/visually link with.

Approval is recommended subject to standard conditions in respect of time, access, 6m ridge height, siting, retention of boundaries and landscaping.

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

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

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

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

#### Condition 2

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

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

#### Condition 3

A scale plan 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 available to view on public access.

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

#### Condition 4

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

Reason: To ensure the dwelling integrates into the landform.

#### Condition 5

The proposed dwelling shall have a ridge height of less than 6.5 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

#### Condition 6

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

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

#### Condition 7

The proposed dwelling shall be sited in the area shaded green on the approved plan numbered L01 and dated May 2022

Reason: To ensure that the development is satisfactorily integrated into the landscape and in order to protect rural character in this area.

**Signature(s):**Karla McKinless

**Date:** 2 May 2023



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 March 2023	<b>Item Number:</b> 5.12
<b>Application ID:</b> LA09/2022/0654/O	<b>Target Date:</b> 5 September 2022
<b>Proposal:</b> Dwelling and Garage	<b>Location:</b> Lands 40 Metres South West Of 50 Battery Road Coagh
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Joanne Devlin 5 Ballinderry Bridge Drive Ballinderry Coagh	<b>Agent Name and Address:</b> CMI PLanners LTD 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	DAERA - Omagh	See uploaded document LA09-2022-0654-O.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0654-O.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.doc DC Checklist 1.doc Roads outline.docx

### Representations:

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

### Summary of Issues

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

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

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is a front portion of a larger agricultural field which extends north. All sides of the site are bound by mature hedges and trees apart from the northern boundary which is currently undefined with approximately 18m of this boundary defined by the dwelling identified as 50 Battery Road. The surrounding area is a mix of land uses with agricultural lands surrounding and single dwellings located sporadically throughout.

### **Representations**

No third-party representations have been received.

### **Description of Proposal**

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

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

#### **Policy Consideration**

Cookstown Area Plan 2010  
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 Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 -Sustainable Development in the countryside.

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

including those for drainage, sewerage, access and road safety'.

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

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

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

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

The applicant provided a farm business ID but DAERA have confirmed this was only allocated in January 2022, as such this is not enough to satisfy the criteria. DAERA did comment on the consultation response that the site is located on land claimed by another farm business and when this was queried with the agent a lease agreement between the applicant and a third party was provided in which a tenant rents the land from the applicant for farming purposes. The date of the lease agreement is from May 2016 until May 2026. Following internal group discussions it was agreed this was acceptable evidence to show the farm has been active and established for more than 6 years and meets criteria A.

Following a search on the planning system I am content that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With regards criteria C which states that the new building is visually linked or sited to cluster with an established group of buildings on the farm. From the farm maps and the information provided from the agent and applicant, there is not an established group of buildings on the farm, rather one single dwelling directly north and adjacent to the site. Since the application was submitted a shed was erected to the north of the dwelling, outside the domestic curtilage (shown below) which would appear unlawful in that it does not meet permitted development rights or have any planning permission for, so cannot be considered as part of an established group of buildings.



Therefore, as the policy relates to an established group of buildings on the farm, a new dwelling will not cluster or visually link as there is not an established group of buildings on the farm to do so. As such, the proposal fails to meet criteria C.

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. As this is an outline application, no design details have been provided however, I am content the site could take a single storey dwelling limited to a ridge height of 6m above finished floor level. Planting should be retained on the existing boundaries which would ensure a dwelling would not be a prominent feature in the landscape and would integrate into the landscape. However, criteria (g) of CTY 13 requires it to visually link with or be sited to cluster with an established group of buildings on the farm and for this reason it fails to comply with CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. I am content a dwelling at this location would not result in a detrimental change to or erode the rural character of the area.

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

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

#### **Other Material Considerations**

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

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

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

**Reason 2**

The proposal is contrary to Policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

**Signature(s):** Ciaran Devlin

**Date:** 21 February 2023

<b>ANNEX</b>	
<b>Date Valid</b>	23 May 2022
<b>Date First Advertised</b>	28 June 2022
<b>Date Last Advertised</b>	28 June 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  43 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  44 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  45 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  50 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  52 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  54 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  58 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  51 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  60 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  62 Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  52A Battery Road Cookstown Tyrone BT80 0HH  The Owner / Occupier  54A Battery Road Cookstown Tyrone BT80 0HH</p>	
<b>Date of Last Neighbour Notification</b>	29 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2006/0246/F  Type: F  Status: PG</p>	

Ref: I/1991/0139  
Type: F  
Status: PCO

Ref: I/1992/0274  
Type: O  
Status: PCO

Ref: I/1993/0022  
Type: F  
Status: PCO

Ref: LA09/2022/0654/O  
Type: O  
Status: PCO

Ref: LA09/2019/0137/O  
Type: O  
Status: PG

Ref: I/2000/0753/O  
Type: O  
Status: PG

Ref: I/2001/0490/RM  
Type: RM  
Status: PG

Ref: I/1988/0434  
Type: F  
Status: PCO

Ref: I/2005/0088  
Type: O  
Status: APPRET

Ref: I/2006/0726/RM  
Type: RM  
Status: PG

Ref: I/1988/0164  
Type: H13  
Status: PG

Ref: I/1992/0139

Type: F  
Status: PCO

Ref: LA09/2020/0261/RM  
Type: RM  
Status: PG

Ref: I/2003/0753/F  
Type: F  
Status: APPRET

Ref: I/2005/0695/O  
Type: O  
Status: PG

Ref: I/1995/0108  
Type: O  
Status: PCO

Ref: I/1978/035301  
Type: H13  
Status: PG

Ref: I/1978/0353  
Type: H13  
Status: PG

Ref: I/2010/0360/F  
Type: F  
Status: PG

Ref: I/2000/0229/F  
Type: F  
Status: PG

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-  
DAERA - Omagh-See uploaded documentLA09-2022-0654-O.docx  
NI Water - Single Units West-LA09-2022-0654-O.pdf  
DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docDC Checklist 1.docRoads  
outline.docx

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Farm Boundary Map

**Notification to Department (if relevant)**

Not Applicable



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2022/0732/O <b>Recommendation:</b> Approve	<b>Target Date:</b> 21 September 2022
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> 110M North East Of 26 Broagh Road Knockcloghrim Magherafelt BT45 8QX
<b>Applicant Name and Address:</b> Martin McErlean 28 Broagh Road Knockloughrim Magherafelt BT45 8QX	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Summary of Issues:</b>  This application was presented as a CTY 10 refusal to Members at February 2023 Planning Committee. It was agreed by Members to defer the application for an office meeting with Dr Boomer and the Senior Planning Officer, which took place on the 16 <sup>th</sup> February 2023. Following discussions about the farm case and submission of additional information the application is now being presented to Members for approval, with justification provided further in this report.	
<b>Summary of Consultee Responses:</b>  NIW, DAERA and DFI Roads have been consulted and offer no objection.	
<b>Description of Proposal</b>  This application seeks outline planning permission for a farm dwelling and garage.	

### **Deferred Consideration:**

This an application for a dwelling on a farm. It was recommended for refusal at February Planning Committee as it was determined that the farm business was not currently active. One of the policy criteria of CTY 10 of PPS 21 requires there to be an active and established farm business in order to qualify for a farm dwelling.

During the processing of the application DAERA were consulted with a P1C and responded advising that the applicant, Mr Martin McErlane was allocated a Farm Business ID in 2019 and that payments have only been claimed for 4 years: 2019, 2020, 2021, and 2022. At an office meeting on the 16th February the agent for the application explained that the farm business was originally linked to John McErlane, the applicants brother. Martin did help out his brother on the farm but did not make any claims himself. His brother passed and in 2019 Martin was allocated a new farm business ID for the same holding and has made claims up until 2022. Following the office meeting the applicant has provided a solicitors letter to verify this and I have no reason to doubt that this is factual so I am satisfied that the farm business can be considered established and active for the purpose of the policy. There have been no sells off's from the holding, nor has there been any other farm dwellings approved under the farm business ID's associated with this application. A dwelling, if conditioned to be sited in a southern pocket of the irregular shaped site, will cluster and visually link with a group of buildings of the farm.

Approval is recommended.

### **Conditions/Reasons for Refusal:**

#### **Approval Conditions**

##### Condition 1

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

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

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

##### Condition 2

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

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

##### Condition 3

A scale plan 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 which is available to view on public access

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

**Condition 4**

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

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

**Condition 5**

The proposed dwelling shall be sited in the area shaded green as indicated on drawing 01 bearing date stamp 8th June 2022

Reason: To ensure that the development is visually linked and sited to cluster with buildings on the farm and to ensure it is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

**Signature(s):**Karla McKinless

**Date:** 2 May 2023

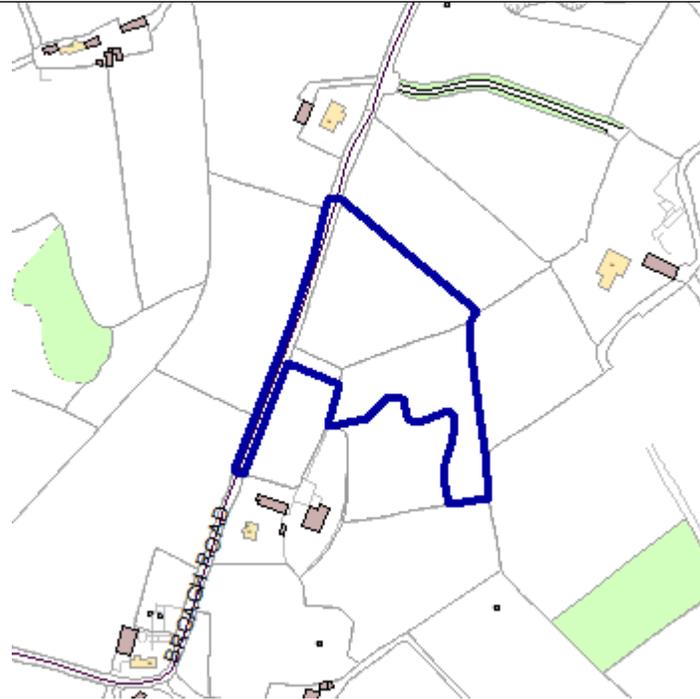


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.18
<b>Application ID:</b> LA09/2022/0732/O	<b>Target Date:</b> 21 September 2022
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> 110M North East Of 26 Broagh Road Knockcloghrim Magherafelt BT45 8QX
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Martin McErlean 28 Broagh Road Knockloughrim Magherafelt BT45 8QX	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0732-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0732-O.pdf
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0732-O (2).DOCX

### Representations:

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

### Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

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

The site is located 110M North East Of 26 Broagh Road Knockcloghrim, Magherafelt and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large, irregular shaped agricultural field . The elevation of the site rises very gently from the roadside. The boundaries of the sight are mainly comprised of mature hedgerows with some mature trees along the south and south-west boundaries. The surrounding area is rural in character with scattered dwellings and farm holdings.

## **Description of Proposal**

This application seeks outline planning permission for a farm dwelling and garage.

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

### **Policy Consideration**

#### Planning History

There is no planning history relevant to the determination of this application.

#### Representations

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

#### Assessment

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

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

## Planning History

There is no planning history relevant to the determination of this application.

## Representations

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

## Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is dwellings on a farm under Policy CTY 10.

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

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.

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

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



south west of the site would not cause detrimental change or erode the rural character of the area. Therefore, this proposal is compliant with the criteria set out in policy CTY13 &14.

### Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

### **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.

#### Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active for 6 years or more.

**Signature(s):** Siobhan Farrell

**Date:** 20 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	8 June 2022
<b>Date First Advertised</b>	28 June 2022
<b>Date Last Advertised</b>	28 June 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 26 Broagh Road, Magherafelt Londonderry BT45 8QX The Owner / Occupier 19 Broagh Road Magherafelt Londonderry BT45 8QX	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
Ref: H/1995/0480 Type: O Status: PCO  Ref: H/2003/0468/O Type: O Status: PG  Ref: H/2007/0518/F Type: F Status: PG  Ref: H/2004/1182/F Type: F Status: PG  Ref: H/2012/0210/F Type: F Status: PG  Ref: H/2005/0193/F Type: F	

Status: PG

Ref: LA09/2022/0732/O

Type: O

Status: PCO

Ref: H/1985/0078

Type: H13

Status: PG

Ref: H/2004/1362/O

Type: O

Status: PR

Ref: H/2005/0117/O

Type: O

Status: PG

Ref: H/2004/0214/F

Type: F

Status: PG

Ref: H/1996/0006

Type: O

Status: PCO

Ref: H/2000/0890/O

Type: O

Status: PG

Ref: H/2009/0154/F

Type: F

Status: PG

Ref: H/2009/0540/RM

Type: RM

Status: PG

Ref: H/1979/0303

Type: H13

Status: WITHDR

Ref: LA09/2016/1591/F

Type: F

Status: PG

Ref: LA09/2019/0301/F

Type: F

Status: PG

Ref: H/1993/0314

Type: O

Status: PCO

Ref: H/1995/0382

Type: RM

Status: PCO

Ref: H/1993/0174

Type: F

Status: PCO

Ref: H/1984/0049

Type: O

Status: PG

Ref: H/1984/0316

Type: F

Status: PG

Ref: H/2010/0299/F

Type: F

Status: APPRET

### **Summary of Consultee Responses**

DAERA - Coleraine-Consultee Response LA09-2022-0732-O.DOCX

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-0732-O.pdf

DAERA - Coleraine-Consultee Response LA09-2022-0732-O (2).DOCX

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable