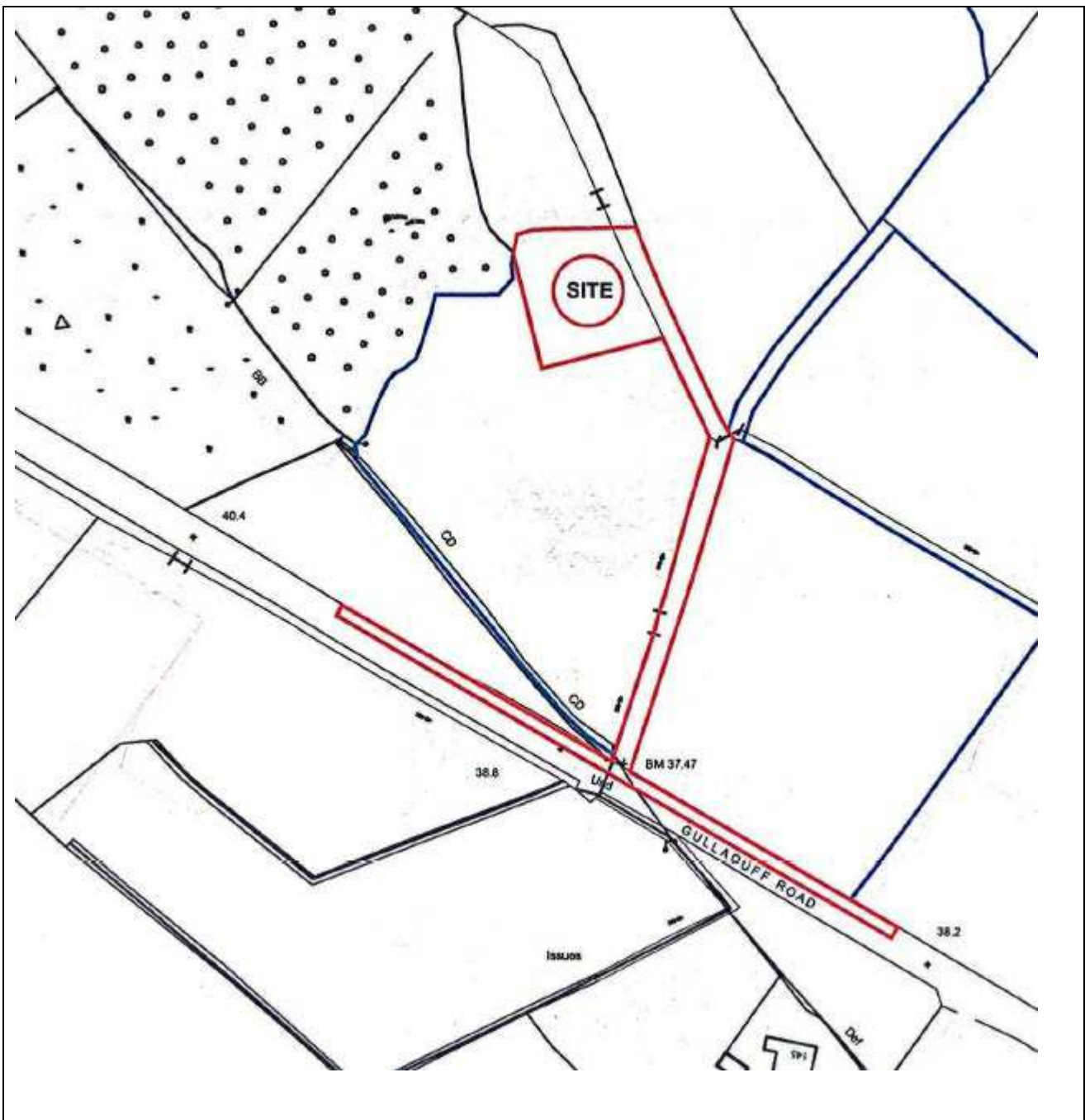




Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2016/1693/O	Target Date: <add date>
Proposal: Proposed farm dwelling and garage	Location: 195m South West of 146 Gulladuff Road Bellaghy
Applicant Name and Address: Seamus McCorry 6 Clarkes Court Gulladuff Magherafelt BT45 8RH	Agent name and Address: Ward Design 10 Main Street Castledawson BT45 8AB
Summary of Issues: Approval recommended - by virtue of time applicant is now active and established as required by Policy CTY10..	
Summary of Consultee Responses: no objections	
Characteristics of the Site and Area: The site is located approximately 1.9km north west of the village of Bellaghy and is within the open countryside as defined by the Magherafelt Area Plan 2015. The application is for an outline application for a dwelling and garage within a large agricultural field with no apparent farm buildings on it. The site located within a large field which is relatively flat in nature with access to the site through an existing agricultural access. The site is bounded on all sides with tall existing mature trees. The immediate location is predominately agricultural land uses with the wider setting being defined by a mix of residential dwellings and agricultural land uses. Representations No representations received in connection with this application.	



Description of Proposal

This is an outline application for a proposed farm dwelling and garage. The site is positioned within a large agricultural field and is stated to be 195m south west of 146 Gulladuff road, Bellaghy.

Deferred Consideration:

This application was submitted in 2016 on the basis of a dwelling on a farm Policy CTY10. At the time of the first report to the planning committee in July 2017, and again as a deferred case in Oct 2018, the applicants Cat 2 DARD Business Number having being given to the applicant in Jan 2014 did not meet the required 6yr CTY10 Policy requirement.

Given the time which has elapsed, and in considering additional supporting information submitted by the agent, the Business ID is now accepted as having been established for over 6yrs.

One of the other requirements of the policy is that the farm is currently active. The explanation and expansion of policy CTY10 refers to this as being as simple a test as maintaining the land in good agricultural condition. I see no reason and have no contrary evidence to suspect that at the time of writing this report that this isn't the case. The application contains evidence of maintenance of the lands and I am conscious that the policy test is that the farm business is 'currently active'.

I understand that these farm lands contain no other group of buildings in order to satisfy the clustering / visual linkage test of Policy CTY10. Whilst at the time of the previous deferral of this application it was a concern that a dwelling at 146 Gulladuff Road appeared to have been sold off the holding in 2009. At that time this would have represented a sell-off or transfer within the 10 years, this being fatal to the application at that time. Whilst Policy CTY10 states that 'no dwellings or development opportunities out-with settlement limits have been sold off from 10 years of the date of the application', in theory this aspect of the Policy is still not met given that this application was received in 2016. That said I think it is reasonable for members to consider that we are now over 10 years from the transfer and that should the applicant be applying afresh now that this matter would not arise.



The previous deferral report also raised refusal reasons relating to Policy CTY13/ 14 and CTY8. In looking at the site I note its set back without a frontage with the Gulladuff Road. The ortho image above shows that ribbon development should not arise here should a

dwelling be approved on this site (site is represented by the triangle) given the set back of other dwellings and a lack of a shared common frontage. An existing agricultural access appears to be used with the site nestling into a backdrop provided by the plantation to the NW boundary. I am satisfied that a 2 storey dwelling could be sited here which would meet the requirements of CTY13/14.

In considering the above, and that the passage of time has now established the farm business for the required 6 years, my recommendation is to approve with the below conditions.

Conditions

- 1 Submission of RM within 3 years
2. Ridge height of not more than 8m from ffl which should not exceed 0.35m.
3. Retention to site boundaries to west and NE, with new native species planting to undefined boundaries, including access lane.
4. Access to be in accordance with RS1 form.

Signature(s): M.Bowman

Date: 20th Jan 2021



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/1693/O	Target Date:
Proposal: Proposed farm dwelling and garage	Location: 195m South West of 146 Gulladuff Road, Bellaghy
Applicant Name and Address: Seamus McCorry 6 Clarkes Court Gulladuff Magherafelt BT45 8RH	Agent name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
Summary of Issues: Refusal recommended - Contrary to CTY 1, 8, 13 and 14 of PPS 21.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 1.9km north west of the village of Bellaghy and is within the open countryside as defined by the Magherafelt Area Plan 2015. The application is for an outline application for a dwelling and garage within a large agricultural field with no apparent farm buildings on it. The site is relatively flat in nature with access to the site through an existing agricultural access. The site is bounded on all sides with tall existing mature trees. The immediate location is predominately defined by a mix of residential dwellings and agricultural land uses.	
Description of Proposal This is an outline application for a proposed farm dwelling and garage. The site is positioned within a large agricultural field and is stated to be 195m south west of 146 Gulladuff road, Bellaghy.	
Deferred Consideration: The application was presented before the Planning Committee meeting In August 2017 with a recommendation to refuse based on the principle of development, the fact the farm business has not been active nor established for at least 6 years, the proposed dwellings was not visually linked	

or sited to cluster with an established group of buildings on the farm and the proposed development.

An office meeting was held on 12 October with the agent and the Planning Manager on 12 October 2017. Dr Boomer requested confirmation from the applicant himself as to how he came to be in ownership of the land. Dr Boomer also questioned if forestry activity was active on the farm land. The agent confirmed the forestry activity is not on the farmland of the applicant. He further stated there is a considerable amount of land in forestry that is outside the blue land.

In a letter to MUDC the agent then stated the land came into the applicant's possession after an uncle left it to him in his will. Mr McCorry has a Category 2 Business ID number and in January 2014 he was contacted to say he was too late to apply for a Woodland Grant Scheme but there will be other schemes available. I contacted the Grants Branch of the Forestry Service on 19 September 2018 and they confirmed that Mr McCorry has not applied for any other schemes that have been available since 2014 and that is the last correspondence he had with the Forestry Service. Therefore the applicant is not currently actively involved in a Forestry undertaking. The agent does assert he maintains the land in expectation of being accepted to the scheme, though it is clear no further applications have been made to the Forestry Service by the applicant. The agent has submitted copies of receipts for sheep wire, fencing posts, tractor repairs, hedge cutting and bills from NI Water to support the assertion that he undertakes farming activities on his farm.

Having discussed the planning history at the office meeting I have looked into this further. The applicant was granted outline planning permission in 2001 and the site was sold off in 2007 to the current owners which is more than 10 years ago. However the applicant owned a number of fields and also a dwelling at no 146 Gulladuff Road and the dwelling was subsequently sold by the applicant in July 2009 to Martin and Patricia McCorry. This is not more than 10 years ago and as a consequence it does not meet criteria (b) of Policy CTY 10 which states 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"*.

Therefore given the applicant is not an active farmer and more importantly has sold off a dwelling in 2009 I recommend a refusal of this application.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years and the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Gulladuff Road.

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

Signature(s):

Date





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1693/O	Target Date:
Proposal: Proposed farm dwelling and garage	Location: 195m South West of 146 Gulladuff Road Bellaghy
Referral Route: Refusal recommended - Contrary to CTY 1, 8, 13 and 14 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: Seamus McCorry 6 Clarkes Court Gulladuff Magherafelt BT45 8RH	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Summary of Issues

Refusal recommended - Contrary to CTY 1, 8, 13 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.9km north west of the village of Bellaghy and is within the open countryside as defined by the Magherafelt Area Plan 2015. The application is for an outline application for a dwelling and garage within a large agricultural field with no apparent farm buildings on it. The site located within a large field which is relatively flat in nature with access to the site through an existing agricultural access. The site is bounded on all sides with tall existing mature trees. The immediate location is predominately agricultural land uses with the wider setting being defined by a mix of residential dwellings and agricultural land uses.

Representations

No representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed farm dwelling and garage. The site is positioned within a large agricultural field and is stated to be 195m south west of 146 Gulladuff road, Bellaghy.

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)

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 application is for a farm dwelling and garage. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 – Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster'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) DAERA were consulted and responded to state that the farm business number has not been in existence for more than 6 years and that the business does not claim Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. This response was passed on the agent who later supplied various invoices to show agricultural activity during this time. The invoices included those from NI Water, NIE, for hedge cutting, farm machinery repairs and for wire and fencing. However in review of the invoices these dated from 31st May 2017 to 15th May 2013, from this it has failed to show agricultural activity for the 6 years and from this fails this criteria.

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

With respect to (c) there are no buildings on the site for the proposed dwelling to cluster or visually link with however the agent stated that he has chosen the best integrated site on the farm holding. Concern arose over the ownership of No.146 Gulladuff Road which is the registered address on the farm maps however the address of applicant differs on the submitted P1 form. Further concern arose that the fact No.146 Gulladuff Road was not included within the submitted blue line confirming it was under the applicant's ownership. It is worth noting that the applicant attained a planning approval for a site south of No.146 Gulladuff Road under planning reference H/2001/0702/O which appears to have subsequently sold on. Whilst the site may have the capacity to integrate into the site however the policy states that if the site is to be located away from the farm complex that there must be either health and safety reasons or verifiable plans to expand the farm business however none of which has been submitted. Therefore on this basis and in addition to failing to demonstrate that the farm business has been established and active for six years the proposal has failed to comply with CTY 10 of PPS 21 and therefore refusal must be recommended.

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. A dwelling on this site will avail of a good backdrop of the existing mature trees around the site and would be capable to visually integrate into the landscape in that all trees are to be retained. Despite this the site still fails the final criteria of CTY 13 in that in the case of a dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm and therefore does not fully fulfil 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 this application has failed to show its compliance under CTY 10 therefore it is felt that as a result the proposal would create a ribbon development and therefore fails under CTY 14 and 8 of PPS 21.

Consultations were sent to TNI, NI Water and Environmental Health, all of which came back with no objection subject to conditions and informatives.

From this refusal is recommended on the basis the proposal fails CTY 1, 8, 13 and 14 of PPS 21 respectively.

Neighbour Notification Checked

Yes

Summary of Recommendation:

From this refusal is recommended on the basis the proposal fails CTY 1, 8, 13 and 14 of PPS 21 respectively.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years and the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Gulladuff Road.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that (the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	29th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1693/O Proposal: Proposed farm dwelling and garage Address: 195m South West of 146 Gulladuff Road, Bellaghy, Decision: Decision Date: Ref ID: H/1993/6054 Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT Address: NEAR BELLAGHY Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0050/O	Target Date: <add date>
Proposal: Proposed site for a dwelling and garage. Based on policy CTY 10 (dwellings on farms)	Location: 37m NE of 9 Annaghmore Lane Annaghmore Cookstown
Applicant Name and Address: Mr Noel Devlin 38 Annaghmore Lane Annaghmore Cookstown BT80 0JG	Agent name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Whether or not the applicants farm is currently active.	
Summary of Consultee Responses: DFI Roads – access is off laneway that runs straight from public road, no improvements necessary DEARA – business established for over 6 years, herd no inoperative and no claims made on land	
Characteristics of the Site and Area: The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 1 mile northwest of Moortown. The site comprises a relatively rectangular shaped agricultural field located adjacent and to the south side of Annaghmore Lane. Annaghmore Lane is a minor rural road within the hinterland of Moortown and Derrychrin. Whilst there are a number of dwellings located along it to the northeast of the site, the stretch of Annaghmore lane the site is located along, has not been adopted by Roads. It has however been identified on the P1 Form submitted alongside this application as a public right of way. The lane serving the site off the adopted road is tarmac up until a sharp bend in the lane where it passes	

the last existing dwelling on it, from this point on it continue up to and along the frontage of the site and beyond as a tractor lane.

The site is bound by a mix of mature tree and hedgerow vegetation. And the land within it rises quite steeply from its frontage along Annaghmore Lane to its southern boundary and beyond.

No. 9 Annaghmore Lane a vacant single storey dwelling exists immediately to the southeast corner of the site. A number of dwellings and ancillary buildings exist along the lane serving the site including 3 to its northeast at the opposite side of the lane which alongside an existing farmyard have been identified as being on lands within the control of the applicant. One of these dwellings no. 38 Annaghmore Lane is listed as the applicant home address.

Views of this site are limited until passing its frontage onto Annaghmore Lane. This is due to its location between two bends in Annaghmore Lane; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.

Located approx. 1 mile west of Lough Neagh shores the surrounding area is predominantly flat agricultural land interspersed with single dwellings and farm groups. That said the stretch of Annaghmore Lane accessing the site has come under considerable development pressure in recent years with a number of dwellings, ancillary buildings and farm groups located along it.

Description of Proposal

This is an outline application for a proposed dwelling and garage on a farm to be located on lands approximately 37m NE of 9 Annaghmore Lane Annaghmore Cookstown.

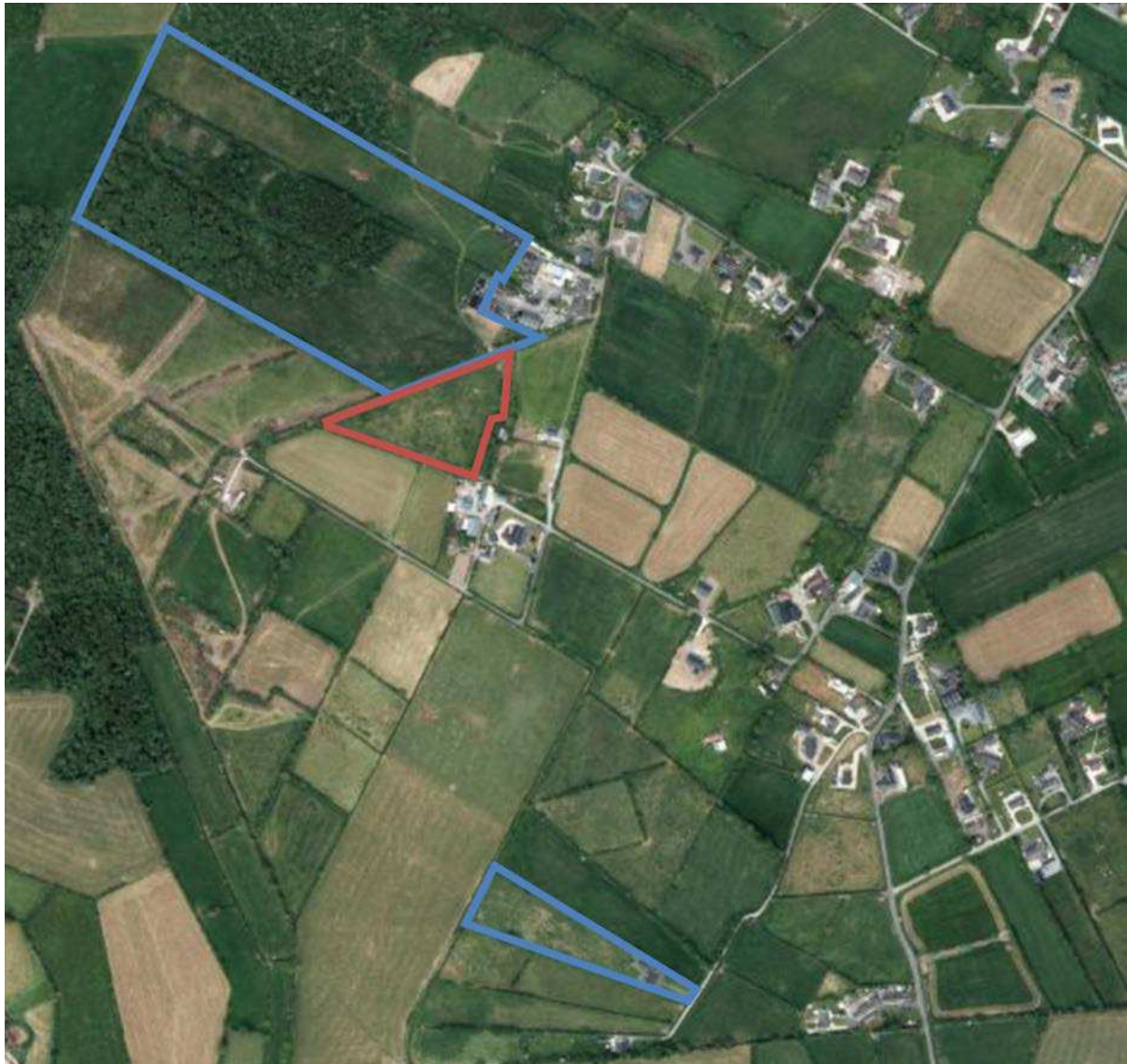
Deferred Consideration:

This application was before the committee in November 2020 and it was deferred to allow a meeting with the Planning Manager. A meeting was held on 12 November where additional information about the applicants farming activities and the current status of the farm were discussed and additional information was invited to demonstrate there is a level of farming activity associated with this business.

Members will be aware from the previous report, that a dwelling located in the north east corner of the proposed site will be visually inked with buildings on the Devlin farm to the north, there have not been any sites sold off or permission for dwellings granted on the farm, or against the business ID, within the last 10 years and the farm business is established for over 6 years. The only issue that had not been demonstrated was that the farm was currently active.

DEARA have advised there is a business that was allocated over 6 years ago, it is still open. The business had a herd associated within it but as there was no stock for more than 2 years, the herd number was made non operational. There have be no claims by this farmer or any other farmer on the 11.89ha of land that are associated with this farm. The applicant and his father, Aidan, are joint owners of the farm business. There were cattle on the farm until ill health prevented Aidan from continuing to farm. Noel obtained an ONC Level 2 Certificate on Agric Business Operations in March 2017 and has been maintaining the land since. During the initial inspection of the site in March 2019 it was noted the farmland is in grass and appears to be well maintained. An attached aerial photo is the most recent for the area, it is dated 29 May 2020 and shows the land to be in good condition with tracks of machinery through the fields. Receipts have been provided

for the year 2020, which show fencing materials have been bought, this indicates some level of current business activity on the farm and I consider this meets the final criteria for CTY10.



Aerial Map dated 29 May 2020 – site in red other land owned in blue

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.

I consider the above information demonstrates the farm business is still active, albeit at a very low level and recommend this application is granted permission with the conditions in relation to the siting of the dwelling.

Conditions:

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

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

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

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

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

3. The dwelling hereby approved shall be sited in the area identified in green on the approved drawing No 01 bearing the stamp dated 11 JAN 2019, its curtilage, except for the access shall not extend beyond that area and the remainder of the field outlined in red shall be retained in agricultural use.

Reason: In the interests of visual amenity and to ensure the development integrates into the landscape.

4. A detailed scheme of structured landscaping along all the new boundaries of the site identified in green on drawing no 01 bearing the stamp dated 11 JAN 2019, 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.

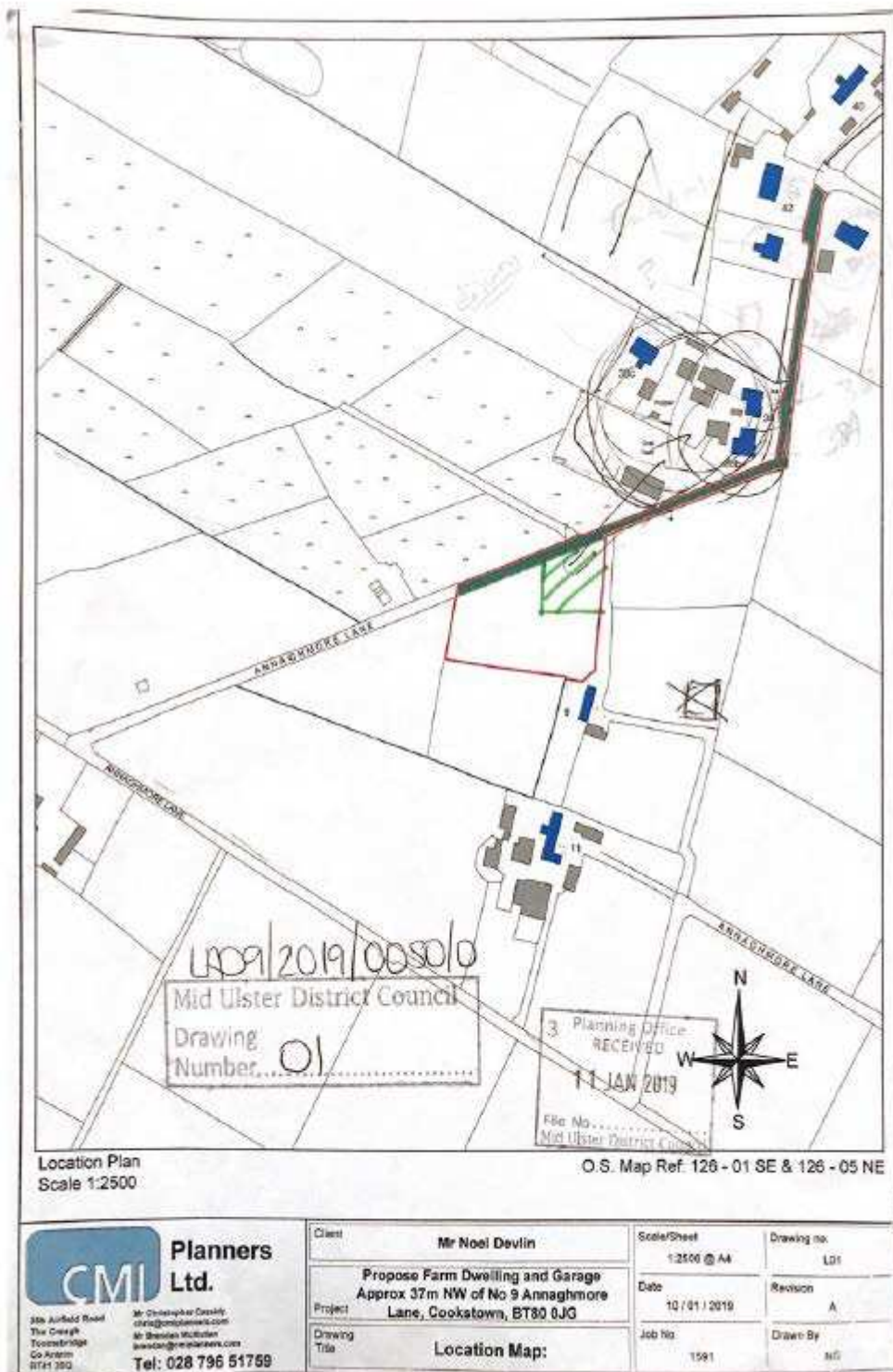
Informatives

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

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s):**Date**

Drawing No 01





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0050/O	Target Date:
Proposal: Proposed site for a dwelling and garage. Based on policy CTY 10 (dwellings on farms)	Location: 37m NE of 9 Annaghmore Lane Annaghmore Cookstown
Referral Route: Refusal	
Recommendation: Refusal	
Applicant Name and Address: Mr Noel Devlin 38 Annaghmore Lane Annaghmore Cookstown BT80 0JG	Agent Name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Outline application for a dwelling and garage on a farm. The Department of Agriculture, Environment and Rural Affairs (DEARA) confirmed the Farm Business has been in existence for more than 6 years. However, the Farm Business has not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. That the Business was initially created in 2005 for AGRI purposes only – (before Business Categories existed) to obtain a Herd Number, and has never applied for any Grants/Subsidies. That the Herd Number quoted on the Form P1C at Q2 made Non-Operational in 2018 as it had No Stock for more than 2 years. The Proposed Site located on a LPIS 2018 Map – field where proposed site located never claimed by any Business for SFP/ SAF BPS. The agent has been contacted on a number of occasions to address DAERA's comments and demonstrate the Business is currently active, however has failed to do so, as such: <ul style="list-style-type: none">• 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.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Description of Proposal

This is an outline application for a proposed dwelling and garage on a farm to be located on lands approximately 37m NE of 9 Annaghmore Lane Annaghmore Cookstown.

Characteristics of the Site and Area

The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 1 mile northwest of Moortown.

The site comprises a relatively rectangular shaped agricultural field located adjacent and to the south side of Annaghmore Lane. Annaghmore Lane is a minor rural road within the hinterland of Moortown and Derrychrin.

Whilst there are a number of dwellings located along it to the northeast of the site, the stretch of Annaghmore lane the site is located along, has not been adopted by Roads. It has however been identified on the P1 Form submitted alongside this application as a public right of way. The lane serving the site off the adopted road is tarmac up until a sharp bend in the lane where it passes the last existing dwelling on it, from this point on it continue up to and along the frontage of the site and beyond as a tractor lane.

The site is bound by a mix of mature tree and hedgerow vegetation. And the land within it rises quite steeply from its frontage along Annaghmore Lane to its southern boundary and beyond.

No. 9 Annaghmore Lane a vacant single storey dwelling exists immediately to the southeast corner of the site. A number of dwellings and ancillary buildings exist along the lane serving the site including 3 to its northeast at the opposite side of the lane which alongside an existing farmyard have been identified as being on lands within the control of the applicant. One of these dwellings no. 38 Annaghmore Lane is listed as the applicant home address.

Views of this site are limited until passing its frontage onto Annaghmore Lane. This is due to its location between two bends in Annaghmore Lane; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.

Located approx.1 mile west of Lough Neagh shores the surrounding area is predominantly flat agricultural land interspersed with single dwellings and farm groups. That said the stretch of Annaghmore Lane accessing the site has come under considerable development pressure in recent years with a number of dwellings, ancillary buildings and farm groups located along it.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 15 (Revised): Planning and Flood Risk
Planning Policy Statement 21: Sustainable Development in the Countryside
CTY1 - Development in the Countryside
CTY10 – Dwellings on Farms
CTY 13 - Integration and Design of Buildings in the Countryside
CTY 14 - Rural Character

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

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

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.

Relevant Planning History

On site

None

Adjacent site

I/2012/0057/F – Shed/workshop for assembly of engineering equipment - 70m N of 11 Annaghmore Lane, Coagh, Cookstown – Refused 20.11.2012 (as contrary to CTY1 and CTY14 of PPS21 and PPS3). This site is the field immediately east of the current site.

LA09/2015/0540/O – Replacement of redundant dwelling with the retention of the existing dwelling for ancillary use to the new dwelling – 9 Annaghmore Lane Cookstown – Granted 08.10.2015. This redundant dwelling is located adjacent the southeast corner of the site

Consultees

1. Transport NI were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. The Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with the Form P1C and Farm maps submitted alongside the application. DEARA confirmed the Farm Business Id identified on Form P1C has been in existence for more than 6 years. However, the Farm Business has not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. DEARA added the Business was initially created in 2005 for AGRI purposes only – (before Business Categories existed) to obtain a Herd Number, and has never applied for any Grants/Subsidies. That the Herd Number quoted on the Form P1C at Q2 made Non-Operational in 2018 as it had No Stock for more than 2 years. The Proposed

Site located on a LPIS 2018 Map – field where proposed site located never claimed by any Business for SFP/ SAF BPS.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

It is located adjacent to 'Gort Moss' designated within the Plan as a Site of Local Nature Conservation Importance (SLNCI). A number of SLNCI's have been designated within the Plan on the basis of their flora, fauna or earth science interest and protected under Plan Policy CON which outlines special consideration must be given to the protection of nature conservation interests on or adjacent to these sites when determining planning applications. I am content that whilst this site sits adjacent Gort Moss a dwelling on this site, which comprises improved grassland, should not have any significantly detrimental affect on its intrinsic nature conservation interests.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside, Planning Policy Statement 2: Natural Heritage and Planning Policy Statement 3: Access, Movement and Parking are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside 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 instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

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

1. the farm business is currently active and has been established for at least 6 years,

The Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with the Form P1C and Farm maps submitted alongside the application (see 'Consultees' above).

DAERA confirmed the Farm Business has been established for over 6 years. However, they did not confirm it is active, they stated the Business was initially created in 2005 for AGRI purposes only to obtain a Herd Number. That the Business has never applied for any Grants/Subsidies, and that the Herd Number was made Non-Operational in 2018 as it had No Stock for more than 2 years. They added the proposed site has never been claimed by any Business for SFP/ SAF BPS. As such, I am not content Criterion (1) of CTY 10 has been met.

I had been in contact with the agent on a number of occasions (by phone 26th March 2019 and by email: 19th April 2019, 30th May 2019, 30th January 2020 and 23rd June 2020) to offer him the opportunity to address the above by providing Planning information:

- to demonstrate the Farm Business is currently active - as the information on file shows the applicant has no herd / livestock; and
- on what the applicant does as a farmer.

On the 7th July 2020 the agent emailed additional information in the form of a correspondence from DARD. The correspondence outlined that, 'According to DEARA records Mr Aidan Devlin had a fully operation Herd from 04/11/1998 – 15/05/2018. Whenever DEARA Business Id's were introduced Mr Devlin automatically obtained his on 13/11/2005. He had 8 animals at that stage. On the 27/11/2016 Mr Devlin added his son Noel to his Farm Business. Noel took over and became head of the Business. Again according to DEARA records on the 18/05/2018 Mr Noel Devlin rang to inform DEARA he had **developed a disability** and wouldn't be able to keep any animals for the foreseeable future.'

The agent added in the email, 'this I trust confirm the applicants business has been active since 1998 and that he had animals up until 2018 **when ill health** forced him to scale back. That submitted invoices confirm he continues to maintain his land. And that Mr Devlin has confirmed to him he intends to keep cattle again as soon as his **health improves**.'

Having considered the additional information submitted I believe it only affirms DEARA's formal response, that the Farm Business has been inactive from 2018. Additionally, as no invoices, as referred to above by the agent, were received, it still had not been demonstrated the Farm is Currently Active.

The agent was emailed on the 9th September 2020 and made aware of the above consideration including the fact no invoices had been received and given one last opportunity, to submit information to demonstrate the Farm is Currently Active. He was given 3 weeks to get the required information submitted to Planning on a without prejudice basis. He was advised if the information required was not received, Planning would make a recommendation based on the information currently on file and that recommendation would go to the next available Planning Committee.

To date no additional information has been received to demonstrate the Farm Business is Currently Active.

2. 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 or since PPS 21 was introduced on 25th November 2008.

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr Devlin's farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

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

I am content subject to a condition that the dwelling be sited in the northeast corner of the site it should visually link with an established group of buildings on the applicants

farm holding located just to the northeast including 3 dwellings, outbuildings/sheds and coal yard. Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character.

I am of the opinion that a dwelling and garage of an appropriate size, scale and design could integrate on this site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area in accordance with the requirements of policies CTY13 and 14.

Should it be demonstrated the Farm Business is Currently Active, the details of the siting, size, scale and design of the dwelling and garage could be considered further under any subsequent reserved matter application

The only property in close proximity to the site is no. 9 Annaghmore Lane, the vacant dwelling adjacent the southeast corner of the site. Should this dwelling become occupied or be replaced (see 'Planning History') I am content subject to a suitable scheme coming forward under any subsequent reserved matters application a dwelling on this site located to its northeast corner should not adversely impact its amenity, to any unreasonable degree, in terms of over looking or overshadowing.

Planning Policy Statement 2 (PPS2): Natural Heritage – Policy NH 4 of PPS 2 'Sites of Nature Conservation Importance (Local)' outlines Planning permission will only be granted for a proposal that is not likely to have a significant adverse impact on a Local Nature Reserve or Wildlife Refuge. Proposal which could have a significant adverse impact may only be permitted where the benefits of the proposed development outweigh the value of the site.

As detailed further above (see 'Cookstown Area Plan 2010') I am content a dwelling on this site should not have any significantly detrimental affect on the intrinsic nature conservation interests of the adjacent Gort Moss designated a SLNCI under the Plan.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) map viewer available online has been checked and there are no built heritage features of significance on site.

Flood Maps NI indicate the site is not subject to Flooding.

The site is located within SG Defence Estates relating to Met Office Radar whereby consultation to Defence Estates is required for development over 15.2m height.

Recommendation

Refuse - it has not been demonstrated that the farm business is currently active.

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refusal
Reasons for Refusal:	

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/1008/F	Target Date: <add date>
Proposal: Retention of dwelling under construction	Location: 7 Tobermesson Road Dungannon Co Tyrone.
Applicant Name and Address: Conor Curran 1 Lisgobbin Road Dungannon BT71 7PT	Agent name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Summary of Issues: Planning permission was granted for a replacement dwelling, the applicant does not own the dwelling to be replaced, the original planning permission was not commenced in time and the previous permission lapsed.	
Summary of Consultee Responses: DFI Roads – access with sight lines of 2.4m x 60.0m required to be provided	
Characteristics of the Site and Area: The site contains a large two storey dwelling and the red line includes a gravel lane and a small irregular shaped plot of land which includes a small rear garden and a larger space to the front. The site is relatively open and can be viewed clearly in both directions along the Tobermesson road, however, the topography of the land and the large amount of tall trees to the rear act as a back drop. The site lies within the open countryside outside all other areas of constraint. It is a short distance to the north of the settlement limits of Benburb in a predominantly rural area. There are a scattering of single dwellings and farm holdings located along the roadside.	

Description of Proposal

The proposal seeks planning permission for the retention of the dwelling.

Deferred Consideration:

This application was before the committee members on 4th February 2020 with a recommendation to refuse. The application was deferred to allow planning officials to write to the objector and the applicant and seek clarification in relation to the development that was approved on the site and establish if development had lawfully commenced on the site in accordance with approved plans. Both parties were written to on 11 June 2020 and asked to provide additional information that would be helpful to the consideration of this application.

Members will recall that outline planning permission (OPP) ref M/2003/0300/O was granted for a site for a replacement dwelling and detached garage, the existing dwelling was located off a long laneway and on higher ground to the south of the application site. The OPP was granted on 18 June 2003 and a condition was attached that required the demolition of the existing dwelling within 6 weeks of the date of occupation of the new dwelling. Approval of Reserved Matters (RM), ref M/2006/1472/RM, for Site for replacement dwelling was subsequently granted on 14 February 2007. The OPP and RM permission for the dwelling had to be begun before 14 February 2009, being the later of the dates of 5 years from OPP or 2 years from grant of RM. Finally an application for full planning permission, ref M/2007/0607/F, for 'Proposed change of house type from previously approved application no M/2006/1472' was approved on 11th September 2007. Planning Permission M/2007/0607/F had only one condition attached to it that stated 'As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 2 years from the approval of reserved matters ie before the 14th February 2009.

Members are advised that Article 34 of the Planning (NI) Order 1991 allowed the Department to grant permission with a condition requiring development to be begun within 5 years of the date it was granted or to specify any other period of time, either longer or shorter. It is clear that any development on the site had to be commenced before 14 February 2009.

The dwelling that was to be replaced under the M/2003/0300/O is still intact and would still constitute a replacement dwelling, under the current policy. The original owner of this site, Mr J Madden, has advised he retains ownership of the existing dwelling and that he commenced development of the M/2007/0607/F approval. He states he submitted a building control application on 27 May 2009, which was approved by Building Control on 7th September 2009, F/2009/0275. Mr Madden advised he did not commence any works on the site until after the building control approval, which is dated 7 months after the planning permissions stated that development should have commenced.

Building Control have advised they inspected foundations for F/2009/0275 on 2 June 2009 and 3 June 2009 and there was concrete in the foundations on 26 October 2009. It would appear from this information that works were started in or around 2 June 2009, 4 months after the planning permission had expired. Any works for the construction of the foundations were therefore not unauthorised by any planning permission as the time for commencement had passed.

Mr Curran has not provided any further information in response to the letter dated 11 June to provide information about the previous permissions or to show if he has other lands that could be considered.

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 was extended and closed at **5pm on 24th September 2020**. The representations received are now subject to a period of counter representation. In light of this the draft plan cannot currently be given any determining weight.

From the information that has been obtained, it would appear planning permission lapsed before the development was started and as such there is no legal fall back position. No other information has been presented to allow consideration against any other planning policies for dwellings in the countryside and as such I recommend this application is refused.

Conditions/Reasons for Refusal:

Refusal Reasons

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

Signature(s):

Date



Cornhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1008/F	Target Date:
Proposal: Retention of dwelling under construction .	Location: 7 Tobermesson Road Dungannon Co Tyrone.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Conor Curran 1 Lisgobbin Road Dungannon BT71 7PT	Agent Name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

One objection has been received, the concerns raised include;
the dwelling was approved as a replacement, however, the applicant does not own the replacement dwelling and therefore cannot demolish this building.
no right of way or means of access to the land.

Characteristics of the Site and Area

The site contains a large two storey dwelling under construction at number 7 Tobermesson Road, Dungannon. The red line includes a gravel lane and a small irregular shaped plot of land which includes a small rear garden and a larger space to the front. At time of site visit the main body of the building was constructed including the roof, and there was on going stonework finish to the front elevation. The site is relatively open and can be viewed clearly in both directions along the Tobermesson road, however, the topography of the land and the large amount of tall trees to the rear act as a back drop.

The site lies within the open countryside outside all other areas of constraint. It is a short distance to the north of the settlement limits of Benburb in a predominantly rural area. There are a scattering of single dwellings and farm holdings located along the roadside.

Description of Proposal

The proposal seeks planning permission for the retention of a dwelling under construction.

Planning Assessment of Policy and Other Material Considerations

Relevant Planning/Enforcement History

M/2003/0300/O - Site for replacement dwelling & detached garage - PERMISSION GRANTED - 18.06.2003

M/2006/1472/RM - Site for replacement dwelling - PERMISSION GRANTED - 15.02.2007

M/2007/0607/F - Proposed change of house type from previously approved no. M/2006/1472 - PERMISSION GRANTED - 17.09.2007

LA09/2019/0083/CA - Development allegedly not in accordance with Planning Approval M/2007/0607/F.

The applicant was required to submit a planning application to deal with the following breaches of planning-

- Development allegedly not in accordance with Planning Approval M/2007/0607/F

This application has been submitted to deal with the above breach. He has also applied to regularise the dwelling as it was not built in accordance with the most recent planning approval (M/2007/0607/F).

The previous approval was for a small dwelling with a 6 metre ridge height and a 170m² footprint. This application seeks retention of a much larger dwelling with a 9.5 metre ridge height and a sandstone front elevation.



Our ortho mapping would indicate that the construction of the dwelling at this location began some time between 2007 and 2010.

Key facts

The three previous permissions were granted for a different applicant.

The current applicant purchased the portion of the site 40 metres from the roadside, a small area which covers the footprint of the dwelling and the curtilage only. This does not include the dwelling to be replaced to the rear which is still in the previous owners ownership.

The approval M/2006/1472/RM was for off site replacement and included the condition 'The existing building coloured yellow on the approved 1: 2500 scale site location plan, bearing the Planning Service date stamp received 03-MAR-2003, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.'

The applicant does not own the old dwelling and cant gain permission to demolish the old building therefore cannot comply with the above condition.

The dwelling at time of last site visit was nearing completion however, the applicant cannot occupy the dwelling for more than 6 weeks without breaching planning.

The most recent approval for a change of house type does not however, repeat the conditions but merely the time condition only.

The dwelling to be replaced is approx. 240 metres from the roadside and the approved siting is only 40 metres from the roadside.



The principle of a dwelling at this location was on the basis of the removal of the existing dwelling.

There is no exception in terms of the policy considerations of PPS 21 CTY 3 to allow both dwellings to remain.

The following policies
will be considered in this assessment:

SPPS - Strategic Planning Policy Statement for Northern Ireland
 Dungannon Area Plan 2010
 Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
 PPS 21 - Sustainable development in the countryside

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

The Dungannon Area Plan 2010 (CAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

Key Planning issues;
 Planning Policy Statement 21
 Policy CTY 1 - Development in the Countryside
 Policy CTY 3 - Replacement Dwellings
 Policy CTY 13 - Integration and Design
 Policy CTY 14 - Rural character

Objections / comment received from 3rd Parties;
 One objection has been received, the concerns raised include;
 the dwelling was approved as a replacement, however, the applicant does not own the replacement dwelling and therefore cannot demolish this building.
 no right of way or means of access to the land.

In this case the principle of a dwelling has been approved through the previous replacement case. I would have some design concerns with the proposed dwelling as built due to its size and massing, however, given the buildings in the surrounding area these concerns would not be overly significant. The applicant cannot comply with the pre commencement condition and therefore the dwelling cannot be occupied, the retention of the dwelling can also not be approved as this would involve the demolishing of a dwelling not within the applicants control and the owner has made clear that they do not intend to.

There is no other policy to approve the retention of the dwelling under the provisions of PPS 21. The council will also not be in a position to convert the existing dwelling as it will be contrary to policy in any case.

In addition the council would not be in a position to permit the old dwelling itself to be replaced again, which was queried by the owner in his objection letter.

Recommendation Refusal.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the applicant is unable to demolish the original replacement dwelling resulting in the creation of two dwellings in this rural location.

Signature(s)**Date:**

ANNEX	
Date Valid	25th July 2019
Date First Advertised	8th August 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Bernard Hughes 34, Artasooly Road, Dungannon, Armagh, Northern Ireland, BT71 7LP J Madden 63, Artasooly Road, Dungannon, Armagh, Northern Ireland, BT71 7LP	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1008/F Proposal: Retention of dwelling under construction . Address: 7 Tobermesson Road, Dungannon, Co Tyrone. Decision: Decision Date: Ref ID: M/2007/0607/F Proposal: Proposed change of house type from previously approved application no. M/2006/1472 Address: 400m North west of 15 Tobermesson Road, Benburb Decision: Decision Date: 17.09.2007 Ref ID: M/2002/1071/F Proposal: Proposed replacement dwelling and domestic garage Address: 400 Metres West of 15 Tobermesson Road, Benburb Decision: Decision Date: 03.11.2003 Ref ID: M/2003/0300/O Proposal: Site for replacement dwelling & detached garage Address: 400 metres North West of 15 Tobermesson Road, Benburb Decision: Decision Date: 18.06.2003 Ref ID: M/2006/1472/RM	

Proposal: Site for replacement dwelling
Address: 400m Northwest of 15 Tobermesson Road, Benburb, Co.Tyrone
Decision:
Decision Date: 15.02.2007

Ref ID: M/2002/1029/F
Proposal: Proposed dwelling and domestic garage
Address: 400 Metres south west of junction of Derryfubble/Tobermesson Road,
Dungannon
Decision:
Decision Date: 21.10.2002

Drawing Numbers and Title

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1157/F	Target Date:
Proposal: Part retrospective domestic storage shed with extension of curtilage	Location: 5 Jacksons Drive Gulladuff Magherafelt
Applicant Name and Address: Paul McGarvey 5 Jacksons Drive Magherafelt	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Summary of Issues: Following a deferred office meeting, site visits and re-assessment the proposal is now recommended as approval with conditions.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located within the development limits of Gulladuff and there are no further designations on site as designated by the Magherafelt Area Plan 2015. The site is located within an already established housing development known as Jacksons Drive, Gulladuff. Located on the site is a large garage. Located within the red line is a large 2-storey dwelling and domestic garage. The boundaries of the site are defined by concrete wall and wooden fencing with planting recently carried out to the rear. Car parking is served by the driveway located within the curtilage of the site. The surrounding character is predominantly characterised by residential properties.	

Description of Proposal

The applicant seeks full planning approval for retrospective domestic storage shed with extension of curtilage at 5 Jacksons Drive, Gulladuff.

Deferred Consideration:

This application was previously presented as a refusal to Planning Committee in March 2020 for the following reason ;

The proposal is contrary to SPPS and Policy EXT1 of the Addendum to PPS7 in that the proposal is not in keeping with the surrounding character and will cause a detrimental impact on surrounding properties.

There was a deferral granted by Committee members, and an office meeting was held on 12th March 2020 with the Area Planning Manager.

At the meeting the agent confirmed the shed was only to be used for domestic purposes and that finishes would be amended to ensure they matched the exiting development. A site visit was agreed to be carried out to assess the impact on surrounding neighbours.

The application is seeking planning consent for an extension to an existing dwelling curtilage and a domestic garage, the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations.

Policy EXT1 of the Addendum to PPS7 - Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

Criterion (a) deals with scale, massing, design and external materials. The garage, whilst considered large has a ridge height of 5m. The change to the finish, roof tiles, ridge and flash trims are black and walls to be white render, has helped in its integration into the development.



Shed with No.5 Jacksons Drive to right

Criterion (b) deals with the privacy of the neighbouring residents in terms of overshadowing, loss of light and dominance.

The rear boundary, common with Hugh's Villas is defined by a tall wooden fence and partly with existing hedgerows and trees which are to be retained. It was noted at the site visit that additional planting has now been carried out along the existing wooden fence to ensure all the boundary will be now planted out. This will further aid with reducing the visual impact of the shed for the dwellings to the rear and can be conditioned.



Additional planting to rear boundary

No.5 Jacksons Drive is the applicants dwelling and there is a wooden fence boundary with No.8a, which has no windows on higher part of this side elevation.



No.8a to the left of photo, shed to right

I am satisfied that the proposal will not have a significant adverse impact on third part neighbour amenity. No objections have been received from all notified neighbours.

Criterion (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. No trees or landscape features will be lost or damaged.

Criterion (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The proposal does not take any amenity space of the property as the proposal includes an extension to the curtilage of the property. Therefore I am satisfied sufficient space will be retained for recreational and domestic purposes. There will be no impact on car parking.

The proposed extension therefore complies with the criteria of policy EXT1 of Addendum to PPS7 Residential Extensions and Alterations.

This permission will allow only private domestic use of the approved garage and does not confer approval on the carrying out of trade or business there from, this is in order to prevent an unacceptable use on the site and it will be conditioned as such.

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.

Approval with conditions is recommended

Conditions

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

Reason: This is a retrospective application.

2. The existing planting along the north eastern boundary of the site as indicated in blue on the approved plan 02/01 date stamped 26 October 2020 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

3. This permission authorises only private domestic use of the approved garage and does not confer approval on the carrying out of trade or business there from. The building should not become separated from the dwelling No.5 Jacksons Drive and should remain part of that planning unit.

Reason: To prevent an unacceptable use on the site and to protect the amenity of neighbouring properties.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1157/F	Target Date:
Proposal: Part retrospective domestic storage shed with extension of curtilage	Location: 5 Jacksons Drive Gulladuff Magherafelt
Referral Route: Proposal is contrary to SPPS and Policy EXT1 of the Addendum to PPS7.	
Recommendation:	REFUSAL
Applicant Name and Address: Paul McGarvey 5 Jacksons Drive Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

No issues raised as no petitions received.


Characteristics of the Site and Area

The site is located within the development limits of Gulladuff and there are no further designations on site as designated by the Magherafelt Area Plan 2015. The site is located within an already established housing development known as Jacksons Drive, Gulladuff. Located on the site is a large steel frame for the proposed garage. Located within the red line is a large 2-storey dwelling and domestic garage. The boundaries of the site are defined by concrete wall and fencing. Car parking is served by the driveway located within the curtilage of the site.

The surrounding character is predominantly characterised by residential properties.

Description of Proposal

The applicant seeks full planning approval for a part retrospective domestic storage shed with extension of curtilage at 5 Jacksons Drive, Gulladuff.

for committee consideration

 18/07/2020

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0981/NMC - Proposed housing development with 4no. Semi Detached dwellings and private shared access road, Lands between 4 Meadow Villas and 5 Jackson drive. Repositioning of 4no. Semi Detached dwellings within the approved site - NMC refused.

LA09/2019/0124/CA - Erection of an unauthorised shed - this enforcement case is relevant to this planning application.

Neighbour Notification

7 neighbours were notified of this planning application including nos. 4, 5, 6 Hugh's Villas, nos. 1, 3, 8a Jacksons Drive and 62 Gulladuff Road.

No letter of objection / representation were received at time of writing this report.

Development Plan and Key Policy Consideration

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015
- Addendum to PPS7 - Residential Extensions and Alterations
- Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

The application is seeking planning consent for an extension to an existing dwelling curtilage and domestic garage, the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations. Policy EXT1 of the Addendum to PPS7 - Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

Criterion (a) deals with scale, massing, design and external materials. The proposed garage cannot be considered subordinate to the existing dwelling and is considered large. The proposed garage has a ridge height of 5m. The proposed structure is not in keeping with the surrounding character and is of too large a scale. It should be noted at this point that there already is an existing domestic garage within the existing curtilage of the property.

The proposal does not comply with criterion (a) of EXT1.

Criterion (b) deals with the privacy of the neighbouring residents in terms of overshadowing, loss of light and dominance. I am of the opinion that this proposal will have an impact on the neighbouring amenity of the dwellings in Hugh's Villas therefore is not considered acceptable. *both in terms of visual intrusion and overshadowing of the private amenity*

The proposal does not comply with criterion (b) of EXT1.

*space is
of a summer
evening.*

Criterion (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. No trees or landscape features will be lost or damaged.

Criterion (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The proposal does not take any amenity space of the property as the proposal includes an extension to the curtilage of the property. Therefore I am satisfied sufficient space will be retained for recreational and domestic purposes. There will be no impact on car parking.

The proposed extension does not comply with the criteria of policy EXT1 of Addendum to PPS7 - Residential Extensions and Alterations.

Other Policy and Material Considerations

I am not satisfied that the proposal will not have a significant adverse impact on third part neighbour amenity.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to SPPS and Policy EXT1 of the Addendum to PPS7 in that the proposal is not in keeping with the surrounding character and will cause a detrimental impact on surrounding properties.

Signature(s)

Date:

Scale wrong -> design that is out of character to in this residential estate and will be detrimental to neighbouring properties as a result of over shading

ANNEX	
Date Valid	4th September 2019
Date First Advertised	17th September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 1 Jacksons Drive Gulladuff Londonderry The Owner/Occupier, 10 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 2 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 2 Jacksons Drive Gulladuff Londonderry The Owner/Occupier, 3 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 3 Jacksons Drive Gulladuff Londonderry The Owner/Occupier, 4 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 4 Jacksons Drive Gulladuff Londonderry The Owner/Occupier, 5 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 6 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 6 Jacksons Drive Gulladuff Londonderry The Owner/Occupier, 62 Gulladuff Road, Gulladuff, Londonderry, BT45 8NN The Owner/Occupier, 7 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 8 Hughs Villas Gulladuff Londonderry The Owner/Occupier, 8 Jacksons Drive Gulladuff Londonderry The Owner/Occupier, 8a Jacksons Drive, Gulladuff, Londonderry, BT45 8NN The Owner/Occupier, 8a Meadow Villas Gulladuff Londonderry BT45 8NW The Owner/Occupier, 9 Hughs Villas Gulladuff Londonderry	

Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History <p>Ref ID: LA09/2019/1157/F Proposal: Part retrospective domestic storage shed with extension of curtilage Address: 5 Jacksons Drive, Gulladuff, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: LA09/2019/0981/NMC Proposal: Proposed housing development with 4no. Semi Detached dwellings and private shared access road, Lands between 4 Meadow Villas and 5 Jackson drive.</p> <p>Repositioning of 4no. Semi Detached dwellings within the approved site. Address: Lands between 4 Meadow Villas and 5 Jackson Drive, Gulladuff., Decision: CR Decision Date:</p> <p>Ref ID: H/2006/0601/F Proposal: Proposed two storey dwelling Address: North of 3 Jackson Drive, Gulladuff, Maghera Decision: Decision Date: 24.10.2006</p> <p>Ref ID: H/2006/0607/F Proposal: Prposed multi element improvements to dwelling Address: Nos. 2,3,4,7,8,9 and 10 Hughs Villas, Gulladuff Decision: Decision Date: 23.11.2006</p> <p>Ref ID: H/1992/0634 Proposal: BUNGALOW Address: ADJ TO 60D GULLADUFF RD MAGHERA Decision: Decision Date:</p> <p>Ref ID: H/1993/0015 Proposal: BUNGALOW Address: ADJ TO 60A GULLADUFF RD MAGHERA</p>	

Decision:
Decision Date:

Ref ID: H/2001/0654/Q
Proposal: Proposed Private Housing Development.
Address: Jackson Drive, Gulladuff, Maghera.,
Decision:
Decision Date:

Ref ID: H/2012/0246/F
Proposal: Proposed housing development with 4 no. semi-detached dwellings and private shared access road
Address: Lands between 4 Meadow Villas and 5 Jackson Drive, Gulladuff,
Decision: PG
Decision Date: 19.11.2012

Ref ID: H/1979/0056
Proposal: GARAGE
Address: 62 GULLADUFF ROAD, MAGHERAFELT
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0315/O	Target Date: <add date>
Proposal: Proposed 2 storey dwelling and garage on a farm	Location: Adjacent to No 182 Mountjoy Road Brockagh Dungannon
Applicant Name and Address: Mr Paul Mulholland 183 Mountjoy Road Brockagh Dungannon BT71 5EF	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: If the applicants farm is currently active and if the proposed dwelling and garage will integrate into the landscape and cluster with buildings on the farm.	
Summary of Consultee Responses: DFI Roads – safe access to have sight lines of 2.4m x 90.0m and forward sight distance of 90.0m DEARA – Cat 1 farm business established 18/05/2005, claimed by another business since 2019	
Characteristics of the Site and Area: The site comprises a roadside field used for agricultural purposes, it is L-shaped and rises to the west away from the road. There are mature hedges to the north, west and east boundaries and post a wire fence to the roadside. The site is accessed off Mountjoy Road and is located adjacent to and to the rear of 182 Mountjoy Road, a 2 storey dwelling with an A-line gable facing north and large dormer window in the front elevation. It has a white render to the walls and red /brown roof tiles. 180 Mountjoy Road, further to the south is a bungalow. The surrounding area is a mix of single houses and farms and it is located to the north of the small settlement of Brockagh and Mountjoy. The Lough Neagh shoreline is close by on the east side of the Mountjoy Road. .	

Description of Proposal

The proposal is for a 2 storey dwelling and garage on a farm.

Deferred Consideration:

This application was before the committee in August 2020 and it was deferred to allow a meeting with the Planning Manager. A meeting was held on 10 September where additional information about the farming interests were presented.

The applicant owns approx. 1.23ha and has a Category 1 farm business ID. DERA have advised the business was allocated in 2005 and as such has been established for over 6 years. The applicant has provided receipts that show 2 cuts of silage from the field and hedge cutting in 2019. This shows a level of recent activity on the holding and that he has been investing in the land. At the site visit it is clear the land is maintained in good agricultural condition and I consider this demonstrates that the business is currently active.

A land registry check has been carried out and there has not been any planning permission for any dwellings granted or development opportunity sites sold off from the land in the last 10 years.

The 2 storey dwelling and garage to the front of the site are the applicants dwelling and garage and these are the only buildings on the farm. I consider a dwelling sited to the rear of this existing dwelling could be orientated in such a manner as to not impact on the amenity of the existing dwelling and would be sited to cluster with the existing dwelling and garage. I consider these buildings on the farm and as such would meet with the 3rd criteria for dwellings on farms.

In terms of CTY13 and CTY14, a dwelling and garage sited to the rear of the existing dwelling would be well screened by the existing dwellings on approach from the south and by the existing vegetation and other development when viewed from the north. I do not consider a dwelling in this location would detract from the overall character of the area and would attain a satisfactory degree of integration. I do consider it is necessary to limit the siting and condition the retention of the vegetation to ensure this level of integration is maintained.

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.

I consider the proposal does meet the tests in CTY10, CTY13 and CTY4 and as such I recommend this application is approved with the conditions proposed.

Conditions:

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

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 90m and a 90m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The dwelling hereby approved shall be sited in the area identified in green on the approved drawing No 01 bearing the stamp dated 03 MAR 2020, its curtilage, except for the access shall not extend beyond that area and the remainder of the field outlined in red shall be retained in agricultural use.

Reason: In the interests of visual amenity and to ensure the development integrates into the landscape.

5. The dwelling hereby permitted shall have a ridge height not exceeding 7.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure the dwelling integrates into the landscape.

6. The existing boundary vegetation along the field boundary identified in yellow on drawing no 01 bearing the stamp dated 03 MAR 2020 shall be retained at a height no lower than 6 metres above the level of the adjoining field.

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

7. A detailed scheme of structured landscaping along all the new boundaries of the site identified in green on drawing no 01 bearing the stamp dated 03 MAR 2020, 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.

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 Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

Informatives

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

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s):

Date

Drawing 01



Planners Ltd.

Unit C6
The Railway Centre
45-47 Railway St
Belfast BT1 5AG
0145 5445

Mr Cunningham (Contact)
cunningham@cmiplanners.com
Mr Stewart (Builder)
stewart@cmiplanners.com
Tel: 028 7563 2350

As issued to client for approval - 19.02.20

Client	Mr Paul Mulholland	Scale/Sheet	1:2500 @ A4	Drawing no.	LR1
Project	Adjacent to 182 Mountjoy Road, Bruckagh, Dungannon.	Date	Feb 2020	Revision	A
Drawing Title	Location Map	Job No.	1835	Drawn By	SL



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0315/O	Target Date: 16/06/20
Proposal: Proposed 2 storey dwelling and garage on a farm	Location: Adjacent to No 182 Mountjoy Road, Brockagh, Dungannon
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Paul Mulholland 183 Mountjoy Road Brockagh Dungannon	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DAERA - Omagh	Substantive Response

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside as depicted within the Dungannon and South Tyrone Area Plan 2010. The settlement limit of Brockagh and Mountjoy is located in close proximity to the south of the application site. However, the surrounding area is largely rural in character with agricultural fields interspersed with detached dwellings and farm holdings. The shores of Lough Neagh are in proximity to the east and the Castlebay Community Centre and Brockagh Emmetts GFC is located approximately 175m to the NE of the site.

The site comprises a substantial roadside field used for agricultural purposes. The site is currently accessed directly from the Mountjoy Road and is located adjacent to No.182 and No.180 Mountjoy Road, a 1 ½ storey dwelling and bungalow respectively. The site is bound along its rear and side boundaries by a mix of scattered mature trees and hedgerow vegetation. The site is bounded to the front by post and wire fencing. There is

a natural incline and the land gradually rises from the east to the west of the application site.

Description of Proposal

This is an outline planning application for a 2-storey dwelling and garage to be located on lands adjacent to 182 Mounjoy Road, Brockagh, Dungannon,

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

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

The 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

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation period will close on 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

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

History on Site

M/1990/0479 - Erection of dwelling – Adjacent to 182 Mountjoy Road, Coalisland – Permission Refused

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 – the site is located in the rural countryside outside any designated settlement. The site lies within the designated Lough Neagh Shore and Environ Countryside Policy Area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan identifies the Mountjoy Road northeast of Brockagh/Mountjoy has seen significant pressure for individual dwellings which has resulted in the erosion of rural character. The Department considers that additional development along these roads will further erode the rural character and landscape quality of the area, as well as having unacceptable adverse effects on the important nature conservation interests of the Lough and its shoreline.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside 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. It is my opinion the current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

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
- 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 groups(s)

With respect to (a) the applicant has provided a farm business ID owned by Mr Con Mulholland. DAERA have confirmed the business ID has been in existence for more than 6 years, however advised that the farm business has not claimed payments in each of the last 6 years and the proposed site is located on land claimed in 2019 by another farm business. However, the agent has submitted further information to accompany the application which include invoices for hedge trimming, silage and bailing on the site from the period of June 2014 to November 2019.

With respect to (b) the agent submitted a cover letter along with the application which advised the applicant has been unable to obtain farm maps from DAERA however submitted a field survey map. I contacted the agent on 17/06/20 and again on 17/07/20 requesting the relevant farm maps however to date I have received no response. In the absence of this information, it cannot be established where any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the proposal is not located in proximity to established farm buildings however is located adjacent to the existing dwelling of No.182 and garage. As stated previously, I have contacted the agent on 17/06/20 and 17/07/20 requesting the relevant farm maps however to date these have not been received. In the absence of the relevant farm maps or clarification from the agent that there are no other farm buildings on the

farm holding, it cannot be demonstrated the proposal meets the requirements of this criterion of policy.

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm or that no dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

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. The proposal site comprises a roadside agricultural field with a gentle incline from east to west. It has not been demonstrated the proposed dwelling would visually link or site to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape. The site will be open to public views and the front boundary of the site lacks established natural screening to provide a suitable degree of enclosure for the building to integrate into the landscape. CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. I consider the proposal is contrary to Policy CTY 13.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. Dungannon and South Tyrone Area Plan 2010 identified that within 'The Lough Neagh Shore and Environs CPA' additional development along B161 Mountjoy Road northeast of Brockagh/ Mountjoy will further erode the rural character and landscape quality of the area, as well as having unacceptable adverse effects on the important nature conservation interests of the Lough and its shoreline. In my opinion, the proposal would create and reinforce a built-up appearance along Mountjoy Road and the proposal would appear prominent and detrimentally impact the surrounding rural character.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application site will require a new access onto Mountjoy. DfI Roads have been consulted and have no objection subject to standard conditions. It is considered proposal complies with Policy AM2 of PPS 3.

Additional considerations

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY10, CTY13 and CTY 14 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 insufficient information has been provided to demonstrate 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.
2. The proposal is contrary to the Strategic Planning Policy Statement and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it insufficient information has been provided to demonstrate visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling will appear as a prominent feature in the landscape and is not visually linked or sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would further erode rural character as a consequence of a build-up of dwellings.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0862/F	Target Date:
Proposal: Off-site replacement dwelling and garage	Location: site 400m East of Fairview 221 Hillhead Road Castledawson
Applicant Name and Address: Jason Thompson and Julie Espie 23 Salters Bridge Magherafelt	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: Following a deferred office meeting, site visit and re-assessment the proposal is now recommended as approval in line with CTY3.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The site is located in the rural countryside outside the settlement limits of Castledawson in an open agricultural field. The site is within a SLNC with two unscheduled monuments nearby. There is a long existing laneway to access the site from Hillhead road and no defined curtilage surrounding the building on site. The off- site is proposed to the south of the building, and there is a post and wire fence to the eastern boundary. There is a forested area to the east.	

Description of Proposal

Full application for off-site replacement dwelling and garage

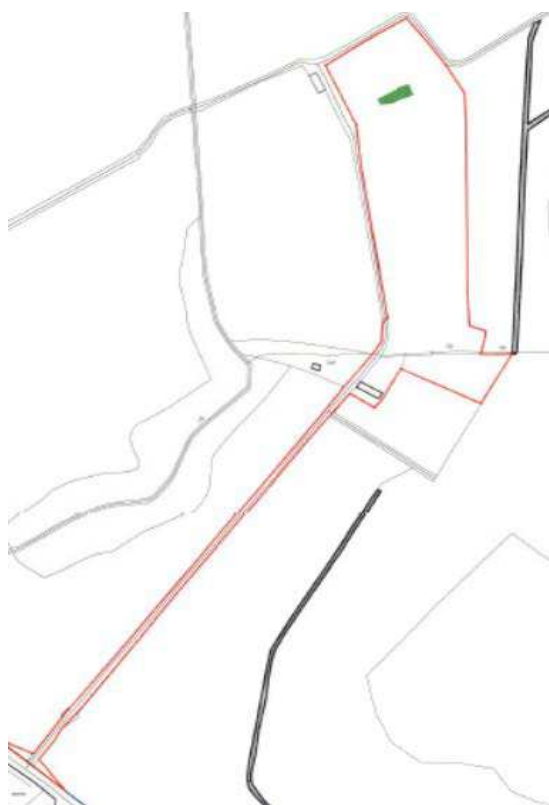
Deferred Consideration:

This application was previously presented as a refusal to Planning Committee in December 2020 for the following reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be replaced does not exhibit the essential characteristics of a dwelling and cannot be considered a replacement dwelling.

There was a deferral granted by Committee members, and a virtual office meeting was held on 19th Dec 2020 with the Area Planning Manager.

At the meeting it was agreed a site visit would be carried out to establish if the building to be replaced could be considered as replacement category and if the off-site location would be acceptable. It was also agreed the whole of the building would be shaded green and if approved would be retained for agricultural use only. The agent submitted amended plans to reflect this on 15th Dec 2020.



Following a site visit, the images below show the building on the site which is to be replaced. CTY3 states permission will only be granted where a building exhibits the essential characteristics of a dwelling, and as a minimum all external structural walls are intact.





The above images show the external walls are intact and there is evidence of window openings and a fireplace indicating the building was once a dwelling. Historical maps had

also been provided showing a building had been located on the site for many years, although not showing the use of the building, from the remains on site I would be content the building has the essential characteristics of a dwelling.

CTY3 goes on to say the proposed replacement dwelling should be sited within the established curtilage of the existing dwelling unless it can be shown that an alternative position nearby would result in demonstrable heritage access or amenity benefits. In this case the existing laneway is in bad condition and the proposed location which lessens the need to use this, it will not have any significantly greater visual impact than what is existing, from public interest viewpoints and there is a good backdrop of vegetation at the proposed location with a dense forested area to the east.

The applicant has expressed they wish the existing building to be retained to be used only for agricultural purposes ancillary to the dwelling and so can be conditioned as such.

In terms of CTY13 and CTY14 there are no planning issues regarding integration or build-up of development. A dwelling here would not create any ribbon of development. NIEA-HED have no objections in relation to PPS6 and SPPS.

As this is a full application, full design details have been submitted. The siting, size and finishes of white render walls, natural stone and timber hardwood for the dwelling and garage are acceptable in this rural location and are in keeping with the rural design guide. The landscaping plan ensures sufficient integration for the dwelling.

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.

Approval with conditions is recommended.

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. Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved plan date 01/01 stamped 15 December 2020, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes of agriculture or storage incidental to the enjoyment of the approved dwelling house.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in this location.

3. All hard and soft landscape works shall be carried out in accordance with the approved details on stamped plan 02 dated 20 July 2020. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with this plan.

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

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

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

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0862/F	Target Date:
Proposal: Proposed replacement dwelling and garage	Location: site 400m East of Fairview 221 Hillhead Road Castledawson
Referral Route: Refusal- Contrary to Policy CTY 1 and Policy CTY 3 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Jason Thompson and Julie Espie 23 Salters Bridge Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NIEA	Substantive Response Received

Representations:

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

Summary of Issues

Contrary to Policy CTY 3.

Characteristics of the Site and Area

The site is located within the open countryside, approximately 1.7km north west of the settlement limits of Castledawson as per the Magherafelt Area Plan 2015. The site is located adjacent to a Site of Local Nature Conservation Importance as identified within the Magherafelt Area Plan and two unscheduled archaeological sites & monuments are located within close proximity. The red line of the application includes access to the site via an existing agricultural laneway from the Hillhead Road and includes a large agricultural field. The building, which is proposed to be replaced in this application, is shaded in green on the above site location plan. The building currently on site has no defined curtilage and is located within the open field. The application is proposing to relocate the building to a southern portion of the field, which is shaded in yellow on

the above site location plan. Within the site, there is an old stone building with the remainder of the field being undeveloped and used for agricultural purposes. The eastern boundary of the site contains a strong mature treeline, which is part of the site of Local Nature Conservation Importance. The southern portion of the site where the proposed replacement dwelling is to be sited contains some natural planting. A post and wire fence defines the eastern boundary. The surrounding area is mainly agricultural with a former dwelling, now being used as a game lodge located adjacent to the site at the north western corner.

Description of Proposal

This is a full planning application for the proposed replacement dwelling and garage. The application is proposing to relocate the dwelling to a southern part of a field.

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

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

CTY 3 – Replacement Dwellings

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 are acceptable in the countryside. In this instance, the application is for a replacement dwelling and as a result, it must be considered under CTY 3 of PPS 21. CTY 3 states

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

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



Figure 1: Current building

During the site visit it was clear to see that the building on site was a very old building built from stone. Figure 1 above shows how it has become very overgrown with vegetation and trees growing around and inside the remains of the building. Although it is clear to see there is an old building on site, the building does not exhibit the essential characteristics of a dwelling. There is an external entrance on one of the external walls and internal walls are in place within the building (figure 2).



Figure 2: Entrance door and internal wall

There does not appear to be any external windows on the building, the walls are built to a substantial height and no external windows are visible. In terms of internal features, there are

From this, I do not believe the building to be replaced exhibits the essential characteristics of a dwelling and fails to meet this criteria of Policy CTY 3.

Following a group discussion, further information was submitted by the agent who provided additional context surrounding the building and historical maps. Although the historical maps do show a building had been located here for many years, it does not provide any clarification around the use of the building in the past. The agent has stated that for many years the building has been used as a shelter for farm animals and hunting dogs, having previously been used as a dwelling. Following the group discussion having reviewed the further information provided, it was agreed that the information provided does not provide sufficient evidence to prove the building exhibits essential characteristics of a dwelling.

Furthermore, Policy CTY 3 states that all proposals for a replacement dwelling will only be permitted where a list of criteria are met including; the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The building that is proposed to be replaced does not have a defined curtilage as it is located within a larger agricultural field. This application proposes to relocate the building to a southern portion of the field. I feel that this is an acceptable location, as it will provide benefits in terms of landscaping as a dwelling would integrate well in this location.

I am content that the proposed dwelling would meet all other policy criteria listed in Policy CTY3.

The proposal is also subject to the policy criteria of Policy CTY 13 and Policy CTY 14 of PPS 21. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the proposed dwelling will not be a prominent feature in the landscape as it benefits from the existing landscape and natural boundaries benefited to the site. The views from the public road or any other neighbouring property are also very limited. I am content the proposal complies with the Policy Criteria of CTY 13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content the proposal will not be a prominent feature in the landscape, it will not result in a sub-urban style build-up of development and it will not create or add to a ribbon of development.

Other Material Considerations

The site is located adjacent to a Site of Local Nature Conservation Importance as identified by the Magherafelt Area Plan 2015. Policy CON 3, which sets out the policy relating to these sites, states, 'Within designated Sites of Local Nature Conservation Importance planning permission will not be granted to development proposals that would be liable to have a significantly adverse effect on the nature conservation interests of these sites.' As the site is located outside of the designated site and not within the site, this policy does not apply. I am content a dwelling of this scale in the proposed location would have no impact on the site adjacent.

PPS 6- Planning, Archaeology and the Built Heritage

The site is located close to an Archaeological site and Monument so HED were consulted on the proposal. HED responded to say they have assessed the application and on the basis of the information provided is content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

internal walls and door openings, including an opening for what may have been a front door. There is no external fireplace within the building and no external chimney is visible on the building. There appears to be a small opening which at the bottom of one of the internal wall, which the agent has stated, was an old fireplace, however it does not appear to be a fireplace. (Figure 3).

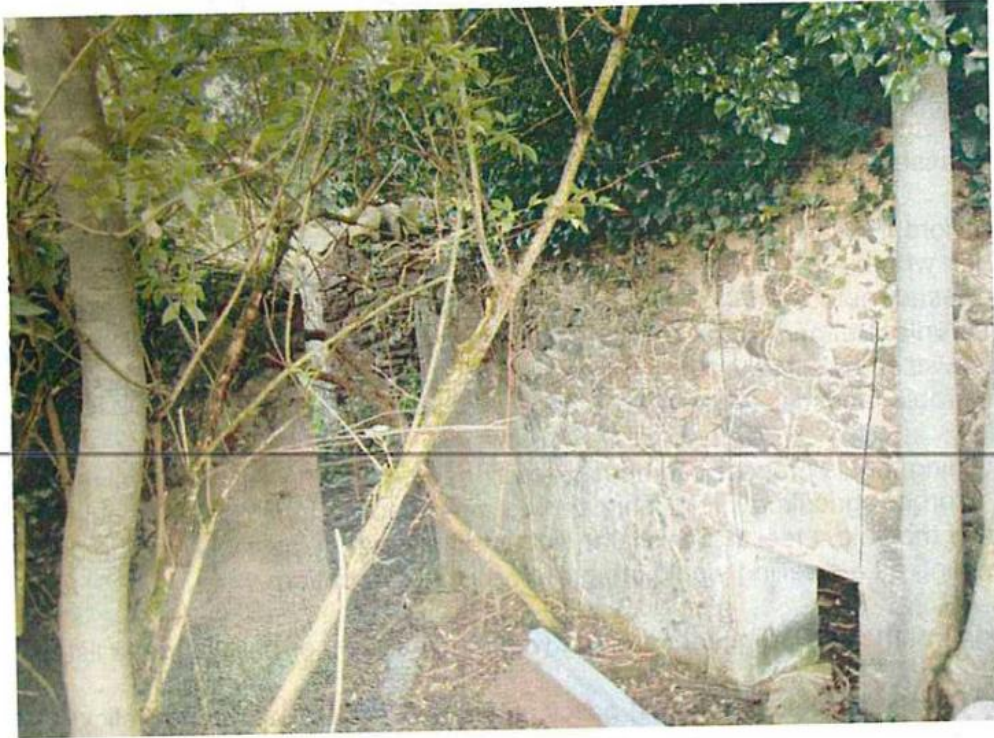


Figure 3: Internal walls and opening

There is no roof on the building and no chimney is visible however, there were a number of slates located at the site as on the image below.

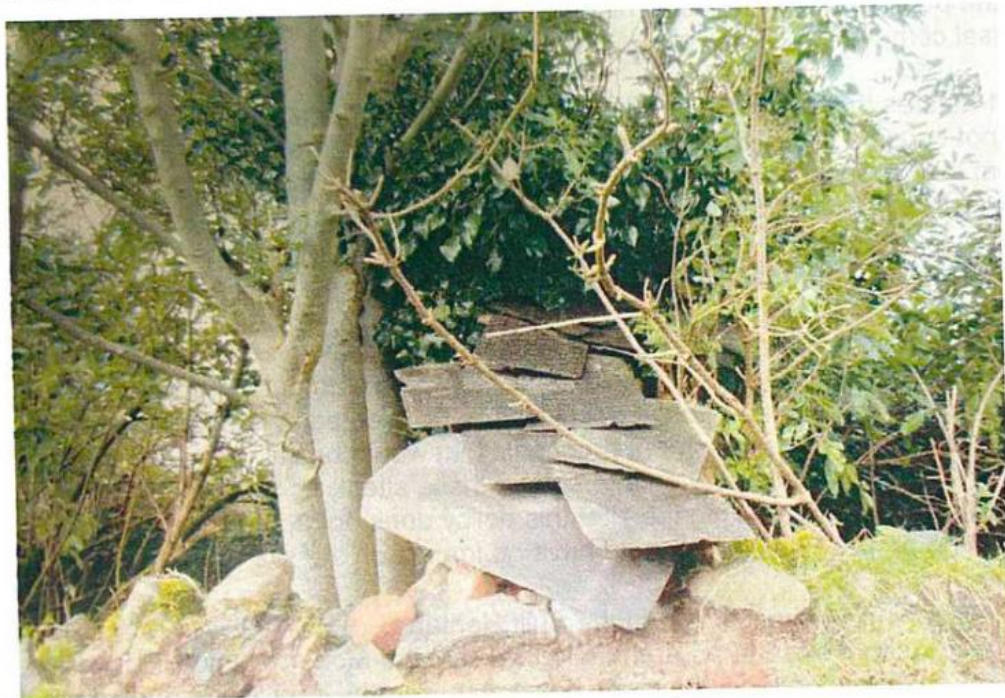


Figure 4: Slates

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that building which is proposed to be replaced does not exhibit the essential characteristics of a dwelling and cannot be considered a replacement dwelling.

Signature(s)

Date:

ANNEX

Date Valid	20th July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 204 Hillhead Road, Castledawson, Londonderry, BT45 8EE The Owner/Occupier, 221 Hillhead Road Castledawson Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0862/F Proposal: Proposed replacement dwelling and garage Address: site 400m East of Fairview, 221 Hillhead Road, Castledawson, Decision: Decision Date: Ref ID: H/2005/0524/F Proposal: Dwelling & garage Address: Adjacent to 205 Hillhead Road, Castledawson Decision: Decision Date: 10.04.2006 Ref ID: H/1997/0596 Proposal: 11 K/V O/H LINE (BM11624/97) Address: FROM 219 HILLHEAD ROAD(GOING 380M SE) CASTLEDAWSON Decision: Decision Date:	
Summary of Consultee Responses	

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 03 Type: Garage Plans Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1027/F	Target Date:
Proposal: Proposed infill site for 2 dwelling and garages	Location: Between 11B & 11E Hillside Road, Upperlands.
Applicant Name and Address: Danny McMaster 103 Glen Road MAGHERA	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: Following a deferral, further site visit and re-assessment the application does not comply with CTY1, CTY8, & CTY14.	
Characteristics of the Site and Area: The site is located between dwellings No.11B and 11E and is located outside the settlement limits and is within the rural countryside as defined in Magherafelt Area Plan 2015. It is currently an agricultural field. The site is accessed by an existing laneway which serves two existing dwellings off the Hillside Road. The northern, eastern and western boundaries are defined by mature vegetation and hedgerows and the southern boundary, along the access, is defined by mature hedging and scattered trees.	
Description of Proposal Full application for 2 infill dwellings and garages under CTY8.	

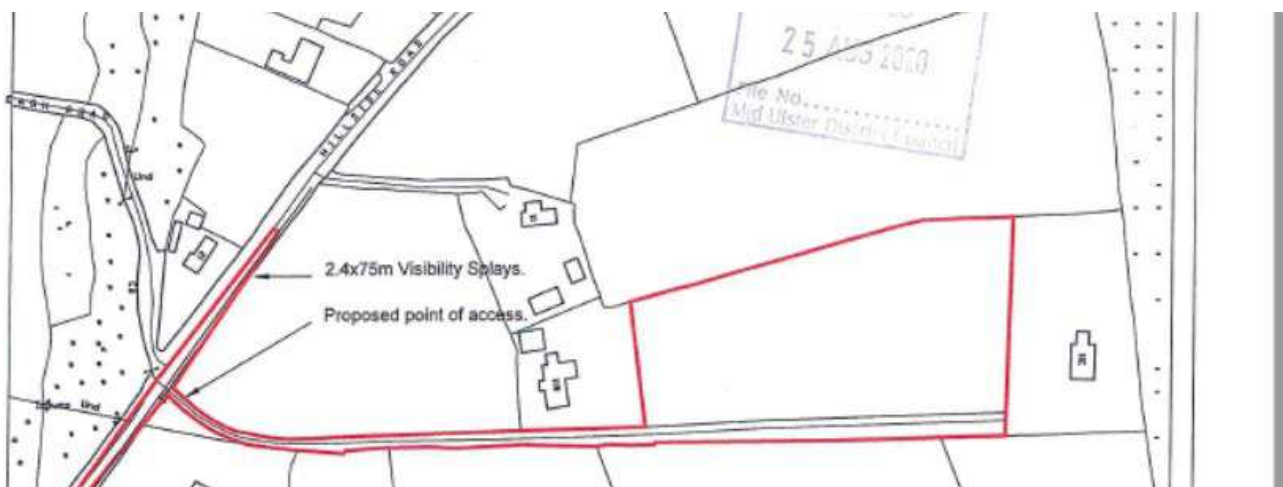
Deferred Consideration:

This application was presented as a refusal to Planning Committee in December 2020 for the following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and the proposed gap site is not a 'small gap sufficient to accommodate up to a maximum of two houses' as described in CTY8. If permitted would result in the addition of ribbon development.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design is not appropriate to the surrounding area and would cause detrimental harm to the existing character of the area.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; and the building would if permitted add to a ribbon of development and would result in a detrimental change to further erode the rural character of the countryside.

It was subsequently deferred for an office meeting which was held on 10th Dec 2020 with the Area Planning Manager.

Following a site visit, assessing the proposal against the relevant policy CTY8, there is no substantial or continuous built up frontage of 3 or more buildings along this part of the Hillside Road. There are only 2 dwellings, 11B and 11E, which are accessed by the existing laneway, with No.11 being accessed directly off Hillside Road.



Policy CTY8 goes on to say that 'an exception will be permitted for the development of a

small gap sufficient to accommodate up to a maximum of two houses'. In this case the gap could not be considered 'small'. It would be capable of accommodating at least 3 dwellings while remaining in keeping with the existing plot sizes located adjacent to the site. The site frontage is 140m, with 11B (west) at 50m and 11E (east) at 56m, two sites at 70m would be out of keeping with the plot sizes, whereas 3 plots of 46.5m each could be accommodated.

It therefore fails to meet the criteria of CTY8 and it would create a of ribbon development in the area.

As this is a full application detailed drawings have been submitted and in terms of design, there are no issues in principle to the size, scale and finishes of the proposed dwellings. They are modest single storey houses and would have no detrimental impact on the existing dwellings in terms of overlooking or on privacy and amenity. Although they are have been positioned to front the laneway rather than the main road, I do not feel this would affect the existing character of the surrounding area so they would not be contrary to CTY13 in terms of their design.

The proposal is however contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change and further erode the rural character of the area. It would result in a suburban style build-up of development when viewed with the existing buildings and would add to a ribbon of development.

Objections were received from dwellings 11B and 11E Hillside Road. These stated the site did not meet the criteria for an infill and that No.11 does not use the existing laneway for access, issues over design and siting, traffic concerns and potential for ribbon development.

All comments have been fully considered and taken into account through the assessment and re-assessment of the proposal. DFI Roads were consulted and offered no objections.

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.

The proposal is recommended for refusal under CTY1, CTY8 and CTY14.

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of

three or more buildings along a road frontage in this case and the proposed gap site is not a 'small gap sufficient to accommodate up to a maximum of two houses' as described in CTY8. If permitted it would result in the addition of ribbon development.

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

Signature(s):

Date



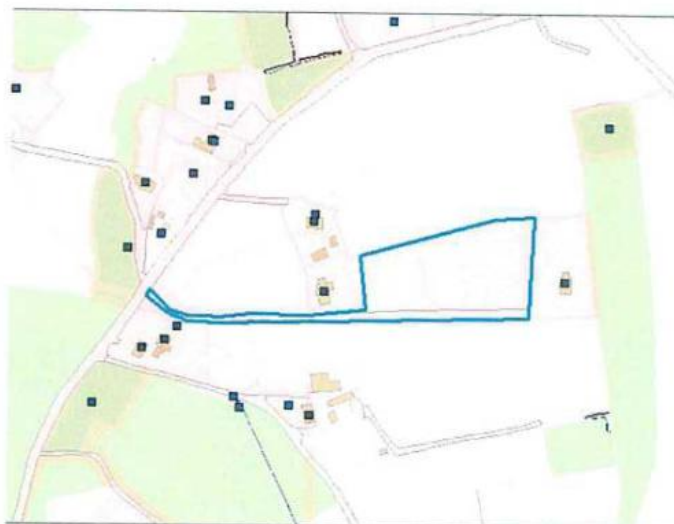
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/12/2020	Item Number:
Application ID: LA09/2020/1027/F	Target Date: 08/12/2020
Proposal: Proposed infill site for 2 dwellings and garages	Location: Between 11B and 11E Hillside Road Upperlands
Referral Route: Refusal- contrary to PPS 21 Sustainable Development in the Countryside and objections have also been received.	
Recommendation:	
Applicant Name and Address: Mr Danny Mc Master 103 Glen Road Maghera	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan

**Consultations:**

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	Content

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Third party representations were received during the assessment of this application (2No Objections) . All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located between 11B & 11E and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is located along a agricultural type private lane, leading off the Hillside Road. This lane also appears to serve

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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Conditions/Reasons for Refusal:

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

2)The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and the proposed gap site is not ' a small gap site sufficient to accommodate up to a maximum of two houses' as described in CTY 8. If permitted, result in the addition of ribbon development and

3)The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, in that the design is not appropriate to the surrounding area and would cause detrimental harm to the existing character of the area.

4)The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
- the building would, if permitted add to a ribbon of development

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

The Policy further stipulates in paragraph 5.33 that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

This application site is considered against the existing pattern of development to determine if it complies with this policy. However, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and therefore this site is not believed to be suitable as an infill/gap site. There are two dwellings along this lane, 11B & 11E, No 11 is not accessed along this laneway, instead it is also accessed directly via the Hillside road. The applicant has shaded this and marked it as 'Site 4' on the drawing number 02 dated stamped 25th August 2020, however this can not be considered a potential site.

The other dwellings located along this laneway (11B & 11E) have various frontages not in line with the requirements of Policy CTY 1 & CTY 8. These two dwellings have frontages facing West whereas the proposed dwellings in this application have frontages which face north, towards the proposed garages with the rear facing south. There is no substantial or built up frontage or line of three or more buildings along a road frontage in this case. Also, it would add to ribbon development in the area.

Also, in terms of the application site itself, the Policy ^{CTM}PPS 8 states that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses.' This site is a very large field, 1.25 hectares, which is capable of accommodating 3 or more dwellings and therefore fails to meet the criteria set out in this policy.

The proposal is also contrary to Policy CTY 13 as the design is not considered appropriate when viewed against the surrounding area. Changes were not requested at this time as it was being recommended for refusal based on other policy criteria,

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change to or further erode the rural character of the area as it would cause an urban type sprawl of development. It would result in a suburban style build-up of development when viewed with the existing buildings and as previously mentioned it would add to a ribbon of development.

Objections

Two objections have been received in regard to this application. One from the occupiers of the dwelling at 11E and one from the occupiers of 11B. The objectors have raised concerns regarding issues of design and siting and the size of the site as well as the proposed dwellings. They have raised concerns that the proposal does not meet the Policy CTY8 and creates ribbon development in the area. The objectors have also raised issues over the expected increase of the volume of traffic on this private lane. It has also been highlighted that the dwelling at number 11. Hillside road has no access onto this private lane and instead is accessed via Hillside road directly. It is noted that DFI Roads were consulted on this application and were content subject to conditions. All of the issues raised have been taken into consideration.

Conclusion

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

Proposal: HV AND MV O/H LINE (BM 2443)

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

Address: 150m South East of 11 Hillside Road, Upperlands

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

Address: 70 Metres South East Of 11 Hillside Road, Upperlands

Decision:

Decision Date: 07.01.2005

ANNEX	
Date Valid	25th August 2020
Date First Advertised	8th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Hillside Road Upperlands Londonderry Orla Lagan 11 Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 11b Hillside Road Upperlands Bernard & Donna Mellon 11b Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 11e Hillside Road Upperlands Michael Kearney 11e Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 12 Hillside Road Upperlands Londonderry The Owner/Occupier, 13 Hillside Road Upperlands Londonderry The Owner/Occupier, 15 Hillside Road Upperlands Londonderry	
Date of Last Neighbour Notification	25th September 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1027/F Proposal: Proposed infill site for 2 dwellings and garages Address: Between 11B and 11E Hillside Road, Upperlands, Decision: Decision Date: Ref ID: H/2007/0177/RM Proposal: Proposed dwelling and garage Address: 150m S.E. of No. 11 Hillside Road, Upperlands Decision: Decision Date: 19.07.2007	

the dwelling at No11B and 11E. The site is larger agricultural field, the boundary to the north, east and west is comprised of mature vegetation and hedgerows and the boundary to the south is comprised of mature hedgerow and scattered trees. The elevation of the site rises from the roadside.

Description of Proposal

This application seeks outline planning permission for an infill site for two and garages dwelling

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

- 1) Strategic Planning Policy Statement (SPPS)
- 2) Magherafelt Area Plan, 2015
- 3) PPS21 -Sustainable Development in the Countryside

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, 2No 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).

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements'. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

Ref ID: LA09/2020/1027/F

Proposal: Proposed infill site for 2 dwellings and garages

Address: Between 11B and 11E Hillside Road, Upperlands,

Decision:

Decision Date:

Ref ID: H/2007/0177/RM

Proposal: Proposed dwelling and garage

Address: 150m S.E. of No. 11 Hillside Road, Upperlands

Decision:

Decision Date: 19.07.2007

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

Proposal: HV AND MV O/H LINE (BM 2443)

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

Address: 150m South East of 11 Hillside Road, Upperlands

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

Address: 70 Metres South East Of 11 Hillside Road, Upperlands

Decision:

Decision Date: 07.01.2005

Ref ID: LA09/2020/1027/F

Proposal: Proposed infill site for 2 dwellings and garages

Address: Between 11B and 11E Hillside Road, Upperlands,

Decision:

Decision Date:

Ref ID: H/2007/0177/RM

Proposal: Proposed dwelling and garage

Address: 150m S.E. of No. 11 Hillside Road, Upperlands

Decision:

Decision Date: 19.07.2007

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

Proposal: HV AND MV O/H LINE (BM 2443)

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

Address: 150m South East of 11 Hillside Road, Upperlands

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

Address: 70 Metres South East Of 11 Hillside Road, Upperlands

Decision:

Decision Date: 07.01.2005

Summary of Consultee Responses

HED - Content

Ni Water - no objection

DFI Roads- Content subject to conditions

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Drawing No. 01

Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department: