



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0566/F	<b>Target Date:</b>
<b>Proposal:</b> (amended scheme) Erection of 6 no dwellings and associated access road	<b>Location:</b> Approx 90m East of 96 Davagh Road Omagh
<b>Referral Route:</b>  1no. Objections received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> M Conway 113a Davagh Road Mountfield Omagh Tyrone	<b>Agent Name and Address:</b> Desmond O'Neill 17 Main Street Dromore Omagh
<b>Executive Summary:</b> Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
<b>Signature(s):</b>  <div style="height: 40px; border: 1px solid black;"></div>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Substantive Response
Non Statutory	Environmental Health	Substantive Response
Non Statutory	NI Water Multi Units	Substantive Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice

### Representations:

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

### Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits and within the designated Broughderg Dispersed Rural Community as depicted within the Cookstown Area Plan 2010. The site is located approximately 5.5km NW of the defined settlement limits of Dunnamore. The proposal site comprises a portion of a large agricultural field

located at the crossroads where Broughderg Road and Davagh Road meet. There is traffic directional signs and a fenced plaque located adjacent to the application site on the grass verge at the public road junction. The field is accessed via an agricultural gate onto Broughderg Road, however the site also has frontage along Davagh Road. The roadside boundaries of the site are defined by post and wire fencing. The topography of the site is relatively flat with the surrounding landform undulating and remote. The site is located within the Sperrin's AONB and the surrounding area is rural in character. The predominant land use in the surrounding area is agricultural fields, there is low development pressure with some dispersed dwellings. Our Lady of the Wayside Church is located in close proximity to the west and beyond this to the west, a short distance away is Broughderg Post Office.

### **Description of Proposal**

This application seeks full planning permission for the erection of 6 dwellings and associated works located on lands approximately 90m East of 96 Davagh Road, Omagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy 2 Development in Dispersed Rural Communities.

### **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  
 PPS 2: Planning and Natural Heritage  
 PPS 6: Planning, Archaeology and the Built Heritage  
 PPS 3: Access, Movement and Parking  
 PPS 21: Sustainable Development in the Countryside  
 Building on Tradition - A Sustainable Design Guide for the 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. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry 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, 1no. Objection letter was received from

the owner/occupier of the property directly opposite the application site, 96 Davagh Road. The details of the objection are outlined and considered below.

- Objector states the proposal is contrary to the relevant plan and the development is not suitable in this location. He argues the proposal would adversely affect the intrinsic environmental value and character of the local landscape area; will have an adverse impact on the established character of the neighbourhood; and is heavily populated with diverse wildlife. He states the location is extremely rural and unspoilt by residential development and his family have lived in this area for over 140 years and rely on the Planning Office to protect its originality and vitality.

The proposal site is located within a designated Dispersed Rural Community (DRC) within the extant Cookstown Area Plan 2010. The relevant planning policy for development in the countryside is PPS21 which sets out a circumstance for development within a DRC. It is considered the proposal complies with this relevant policy and this is set out in greater detail below. The DRC designation recognises the strong identity in this area and the need for local housing and it is considered this small development will accommodate this and therefore protect the vitality of the area. It is recognised that the surrounding landscape is remote and therefore it is necessary to ensure appropriate design and integration into the landscape. The proposed design, density and layout are considered in greater detail below to ensure no detrimental impact on the intrinsic value of this area. It is noted the objector has referred to diverse wildlife. The agent has provided a signed Biodiversity Checklist which does not identify any impact on protected or priority species. A review of NIEA Map Viewer has been carried out and it is noted NIEA were consulted on this application and have not raised any objections.

### **History on Site**

LA09/2017/0971/PAD - Proposed site for rural housing - Davagh Road, Mountfield – PAD Declined

I/2013/0264/F - Proposed farm dwelling - Approx. 70m North of 113 Davagh Road Broughderg Co Tyrone – Permission Granted 13/08/14

### **Key Policy Considerations/Assessment**

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement. The application site is located within Broughderg and Davagh Upper designated Dispersed Rural Community (DRC), the Sperrin's Area of Outstanding Natural Beauty (AONB), an Area of Constraint on Mineral Developments and an Area of Significant Archaeological Interest.

The Plan states a Dispersed Rural Community is designated at this location to accommodate the need for limited, local housing in recognition of its existing community facilities and strong local identity in an area of low development pressure. Cookstown Area Plan 2010 identifies St Mary's Church and Broughderg post office as forming a locally significant focal point on Broughderg Road. It is noted the application site is located in proximity of Broughderg Post Office and is adjacent to Our Lady of the Wayside Church. The Plan states housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy and in the light of plan guidance set out below.

“New development and individual dwellings should be located on sites that visually integrate into the landscape. Proposals should be designed in a manner that is in keeping with the vernacular traditions of the Sperrin AONB. Clusters of development should have an informal layout reflecting a clachan style and should not take the form of a suburban type layout typical of urban locations. Individual buildings, including those within clusters, should normally be simple in form, avoiding ornate front projections, and should be modest in scale whilst conforming to the following guidance:

- external finishes should be white or off-white roughcast or smooth render with dark blue/black slates or non-profiled tiles;
- window and door openings should have a pronounced vertical emphasis formed in the actual block work rather than by the use of glazing bars; and
- wide gable ends in association with low roof pitches should be avoided, with preference being given to buildings normally not more than 7.5 metres wide and with roof pitches not less than 40 degrees.”

The layout of the proposed cluster has been considered at internal group and has been agreed as acceptable. It is noted that all proposed dwellings are finished with white rough case external wall finishes and natural slate roofs with the addition of some locally sourced stone which is considered acceptable. It is noted House Types B and D have a gable end width less than 7.5m in keeping with the Plan preference, however House Types D1 and D1a have an approx. 9m gable width. All opening have a vertical emphasis which is considered appropriate. Housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy PPS21 Policy CTY2, the criteria of which is considered below. Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the scale of each dwelling unit is modest and the design is in keeping with the rural setting. It is considered the proposal will respect the character of the rural area in accordance with the Area Plan and Policy NH6 of PPS2.

The application site is located within Beaghmore Area of Significant Archaeological Interest. Area Plan Policy Con 4 states Planning permission will not be granted for proposals for large-scale development or the erection of masts or pylons within this area unless it can be demonstrated that there will be no significant impact on the character and appearance of this distinctive historic landscape. Particular attention will be paid to the impact of proposals when viewed from the stone circles and other critical viewpoints within this area. I do not consider the proposal to be large scale, the proposed development whilst high density in comparison to development in the surrounding area, the development is modest, the scale is appropriate and it is considered can be absorbed into the historic landscape without significant impact. It is considered the distance between the proposed development stone circles will ensure no detrimental impact on this heritage asset or its setting. Given the application site is located within a designated ASAI, HED were consulted. HED (Historic Monuments) has considered these proposals and find that they will not provide any adverse impact upon setting of the ASAI as the proposed buildings are of appropriate design and will read with the adjacent existing buildings in views across the wider landscape. The potential for uncovering buried archaeological remains during site works is considered low and

archaeological mitigation is not required. In light of this response, it is considered the proposal complies with Area Plan Con 4 and PPS 6.

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. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The proposal falls under one of these instances, Policy CTY 2 - Development in Dispersed Rural Communities. Policy CTY 2 states planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point within a Dispersed Rural Community designated in a development plan.

As stated above, the proposal is located within Broughderg and Davagh Upper Dispersed Rural Community as designated within the extant Cookstown Area Plan 2010. The proposal represents a small cluster of 6 housing units sited adjacent to a church which is considered an acceptable focal point. It is considered the proposal site is visually linked to an identified suitable focal point and the cluster of development proposed will build upon and consolidate this focal point. The siting of the proposal in relation to the focal point is considered appropriate and will combine to form one visual entity in the landscape. The locally distinctive traditional siting patterns have been reflected and reinterpreted in the layout of new houses and this consolidates local identity. It is considered the proposed design and finishes of each dwelling unit is of a high quality, appropriate to the rural setting and have regard to local distinctiveness. It is considered the application site can accommodate the proposed 6 dwelling units with adequate provision for in-curtilage parking, access arrangements and private amenity space. Drawing 02 Rev 1 proposes substantial native species planting to the boundaries of the site which will assist integration and will be conditioned to any forthcoming approval. The topography of the site is relatively flat and it is considered the development will consolidate and accord with the existing settlement pattern. The access arrangements are considered acceptable and DFI Roads has been consulted and raised no concerns. It is noted that the proposal will be served by a private treatment plant and consent will be required by NIEA for sewage disposal outside the remit of planning. Overall it is considered the proposal accords with Policy CTY2 and is acceptable in this location.

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside states Traditional clachans have an intimacy and scale that is not easy to replicate with contemporary homes. Typically the buildings were small, the spaces between were small and all was held together by a network of stone walls and enclosures which welded the group together. It is considered the layout and design is appropriate and the stone wall helps create a traditional clachan appearance. The design and layout accords with the rural, remote landscape and the use of landscaping will ensure visual integration into the surrounding landscape. It is considered the proposal will blend in successfully with its

immediate and wider surroundings given the modest scale of the dwelling units in accordance with Policy CTY 13. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The proposed development will consolidate development at a local focal point and will respects the characteristics of this designated DRC. I do not consider will detrimentally alter the rural character of this area to warrant refusal. Overall, I consider the proposal accords with Policy CTY 13 and CTY 14.

Planning Policy Statement 3: Access, Movement and Parking

The proposal is for 6 dwelling units therefore is subject to Private Streets Determination. DfI Roads have been consulted and are content with the proposed access and parking arrangements subject to conditions. Having considered the access arrangements and in light of DFI Roads consultation response, I am satisfied the proposal accords with PPS3 AMP2.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Having considered all relevant prevailing planning policy, the proposal is recommended for approval subject to the conditions outlined below.

**Conditions:**

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

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

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 12 bearing the date stamp 02 November 2021

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
No other development hereby permitted shall be commenced until the works necessary for the improvement of the public road network have been completed in accordance with the details outlined blue on Drawing Number 12 bearing the date stamp 02 November 2021 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.



4. The visibility splays of 2.4 x 70 metres at the junction of the proposed access road with Davagh Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. 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.

5. The visibility splays of 4.5 x 140 metres in the eastern direction at the junction of the Davagh Road with the Broughderg Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. 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.

6. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

If the finished ground level of the adjacent lands is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1 m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road

2. All proposed planting as indicated on approved Drawing No. 02 Rev 1 date stamped 10<sup>th</sup> June 2021 shall be carried out in the first available planting season after the commencement of development and permanently retained thereafter. Any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Informatives



1. 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.
2. 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.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicants attention is drawn to Environmental Health consultation response dated 16/08/18.
5. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
6. The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .
7. The service strips coloured green with black hatching on the approved plan have been determined as lands to be adopted by the Department for Infrastructure. It is, therefore, essential that vendors inform house purchaser of their limited rights within such strips. It is strongly recommended that the developer does not sell or lease the land from the service strips as parts of housing plots. If land for service strip is to be sold or leased to house purchasers the vendor must insert in the deeds the following clause or covenant:—"The purchaser hereby covenants with the vendor that he/she, the purchaser, and his/her successors in title will not at any time hereafter erect or construct any building wall or fence or plant any tree or shrub on the strip of land shown hatched on the approved PSD plan annexed hereto, nor do or suffer to be done therein or thereon any act, matter or thing whereby the cover of soil over or the support of the pipes, wires and/or cables laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive and shall understand that the road authority and statutory undertakers have unencumbered right of access to the said strip of land."

8. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.

9. Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

**Signature(s)**


**Date:**



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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1028/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 7no Stables with attached equipment store and new storage shed.	<b>Location:</b> 125m SW of 48 Moneysharvin Road Swatragh
<b>Referral Route:</b>  Objection received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Seamus Lagan 64 Drumbane Road Swatragh BT46 5NN	<b>Agent Name and Address:</b> DIAMOND ARCHITECTURE 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report		
<b>Site Location Plan</b>		
		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	No Objection
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<p>One letter of objection was received relating to issues around British Horse Society regulations which is beyond the scope of the planning department to comment on. Issues were also raised regarding the wildlife within the area. This was addressed by the applicant and following a re-consultation with NIEA they offered no objection.</p>		
<b>Characteristics of the Site and Area</b>		
<p>The site is located within the open countryside, south of the settlement limits of Swatragh, within no other designations as per the Magherafelt Area Plan 2015. The red line of the application site makes up part of a larger agricultural field, which is relatively flat. The site has some screening along the roadside, with the northern boundary defined by an existing tree line. Post and wire fencing defines the western and southern boundaries. The surrounding area is mainly</p>		

agricultural with the settlement limits of Swatragh located north of the site. The nearest dwelling is located approximately 125m to the north east of the site, at the other side of the Moneysharvan Road, which is a protected route. There is an existing access in place for the field.

### **Description of Proposal**

Full application for 7no. stables and equipment store.

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

Magherafelt Area Plan 2010  
Strategic Planning Policy Statement for Northern Ireland (SPPS)  
PPS 21: Sustainable Development in the Countryside  
PPS3: Access, Movement and Parking  
Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster'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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. Within this it states that planning permission will be granted for non-residential development in the countryside in the following cases, which may be applicable to this application which includes Outdoor sport and recreation uses in accordance with PPS 8.

PPS 21 allows for non-residential proposals in accordance with PPS 8: Open Space, Sport and Outdoor Recreation. Within this, Policy OS 3- Outdoor recreation in the countryside which states permission will be granted for recreational uses in the countryside where all the following criteria are met:

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

I am content the proposal will have no adverse impact on the above-mentioned features. NIEA were consulted on a Biodiversity checklist and offered no objection.

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

The site is located on agricultural lands but I do not believe it could be considered the best and most versatile agricultural land. The majority of the site will still be used for grazing for the horses

which are being stabled there. The proposal will have no impact on neighbouring agricultural lands.

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

Although the proposal includes two buildings (one stable block and a storage building) I am content that given the rural location, the fact the buildings are set back from the public road and the existing trees along the roadside boundary the development can be absorbed into the landscape.

- (iv) there is no unacceptable impact on the amenities of people living nearby;

I am content the proposal is far enough removed from any nearby residents. Given that the proposal is for private use and not as a public facility it will not raise any concerns over noise.

- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

The development is compatible with other countryside uses and as it is to be used for private stabling of the applicants own horses, public safety will not be prejudiced.

- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

I am content that the building proposed are of a high standard and appropriate for the local area. Existing landscaping ensures the buildings will blend into the existing landscape.

- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

Although the proposal is not for public use, the site is accessible both by car and by pedestrian means if necessary.

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

DfI Roads were consulted on the proposal and stated, "as the P1 Form indicates no traffic intensification then DFI Roads offer no objections to this proposal." This was clarified with the applicant that the proposed use is for private domestic use and that no intensification of the existing access would take place.

It is noted that within the justification and amplification of this policy, it covers Equestrian uses, recognising the keeping and riding of horses for recreational purposes is increasingly popular. It then goes further to discuss riding schools, which are normally acceptable in principle. However, the agent has made it clear that the applicant is using this solely for domestic purposes and it will not be used as a riding school or for any other business purposes.

A previous Planning Appeal's Commission decision (2010/A0099) relating to the retention of a building for stables made reference to the fact PPS 8 states that recreational uses such as riding schools will normally be considered acceptable in principle, however, it does not indicate that

small scale developments for personal/family use are unacceptable in the countryside. In determining that appeal the commissioner declared that such a use would not be appropriate in an adjoining settlement and that PPS 8 was the relevant policy to assess the application. As is the case here, I am content the proposal complies with the policy criteria of PPS 8.

Policy CTY 13 states 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 the buildings proposed at this location will not be prominent features in the landscape, as they will be screened by the existing site boundaries. I am content the design of the proposal is appropriate for the rural location and for the proposed use of the buildings for stabling horses.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned I am content the new buildings will not be a prominent feature in the landscape. The proposal will not result in an suburban style of development and it respects the traditional pattern of development expected for an equestrian use in the countryside. The proposal will not create or add to a ribbon of development and ancillary works will not damage the rural character of the area.

Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. Given the location of the proposed development, which is located 400m South, and 250m South west of the settlement limits of Swatragh, with other development in between I am content the development will not mar the distinction between the settlement limit and the countryside or result in urban sprawl.

#### **Other Material Considerations**

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

#### **Neighbour Notification Checked**

**Yes/No**

#### **Summary of Recommendation:**

Approval, subject to conditions

#### **Conditions**

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

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

2. The vehicular access including visibility splays 2.4 X 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 01 Rev 01 bearing the date stamp 15<sup>th</sup> September 2020 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level



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

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

3. The buildings hereby approved shall be used only for private domestic use and no trade or business shall operate at this location.

Reason: To ensure there is no intensification of the existing access onto a protected route.

4. The proposed shed indicated on Drawing No.02 Rev 01 date stamped 15<sup>th</sup> September 2020 shall only be used ancillary to the proposed stables hereby approved.

Reason: To ensure no other use of the land or buildings is taking place and that it is used for private domestic use only.

5. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the field drains present along the boundaries of the application site.

Reason: To protect the water environment.

6. The existing mature vegetation on the northern and eastern boundaries of the site shall be permanently retained.

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

7. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

#### Informative

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.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or

footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
6. Please refer to NIEA's detailed consultation response received 28<sup>th</sup> January 2021

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	31st July 2019
<b>Date First Advertised</b>	15th August 2019
<b>Date Last Advertised</b>	20th October 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 48 Moneysharvan Road Maghera Londonderry Lagan	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1028/F Proposal: 7no Stables and equipment store Address: 125m SW of 48 Moneysharvin Road, Swatragh, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	

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



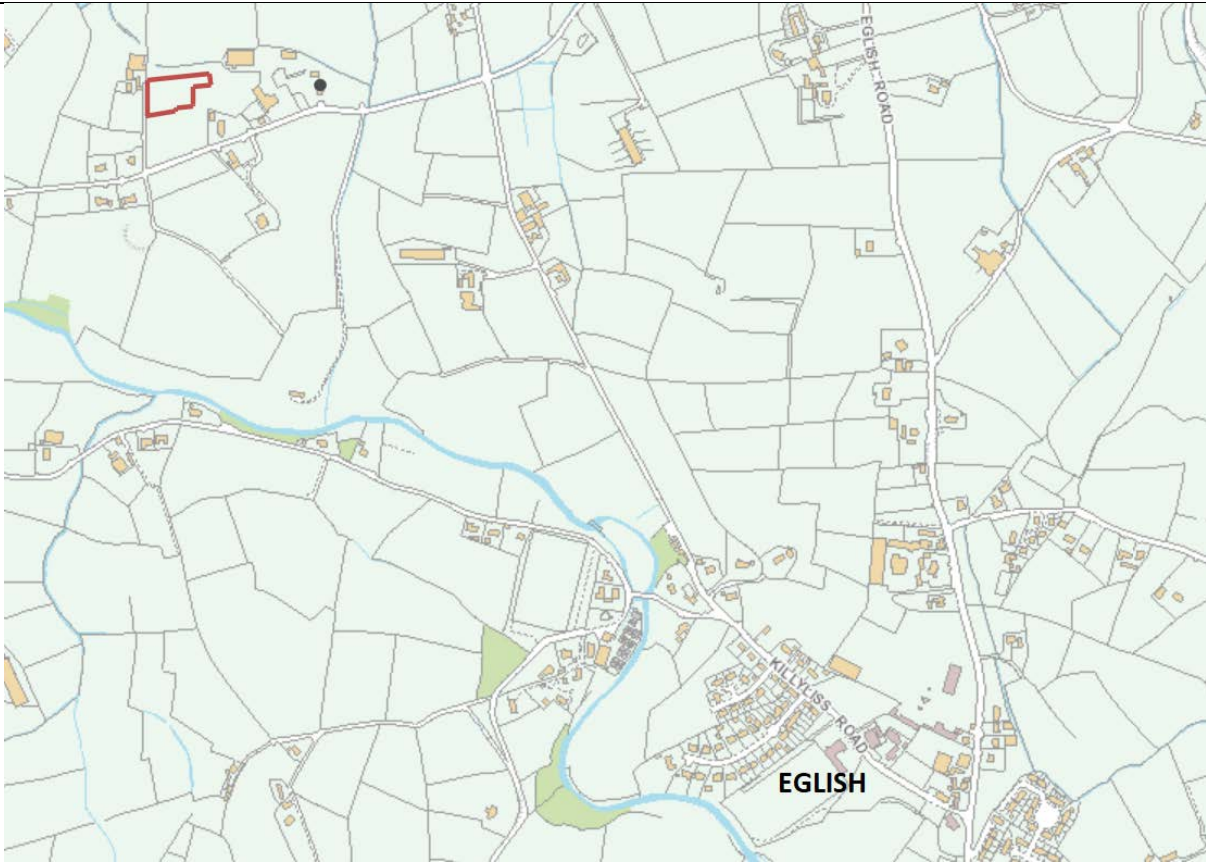
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1648/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of extended yard area for the purpose of storage of HGV vehicles and trailers	<b>Location:</b> Lands at 175m West of 66A Kilnacart Road Dungannon
<b>Referral Route:</b> Objection received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Niall Mc Cann 66A Kilnacart Road Dungannon	<b>Agent Name and Address:</b> CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues**

- Unsuitability of Kilnacart road for HGV vehicles
- Access and visibility splays
- Road safety issues
- Harmful to neighbouring living accommodation
- Other issues relating to consultations and hours of use.

**Characteristics of the Site and Area**

The application site is located on Kilnacart Road, Dungannon, Co. Tyrone. It is just north west of the settlement limits of Eglish and outside all other areas of constraint as designated within the Dungannon and South Tyrone Area Plan 2010. The wider area surrounding the site exhibits an undulating character.

The red line of the site contains an irregular shaped plot of land located off the Kilnacart Road, to the rear of two approved infill dwellings. The site access is via a laneway (currently subject to a retrospective planning application) splitting the aforementioned sites and opens into a rectangular shaped hard cored turning and parking area to the rear. The access laneway is laid in gravel/concrete with tree lined boundary on both sides and a set of high metal gates set back about 20 metres from the roadside with two large pillars and curved walls constructed at the entrance to the road.

There is a recently constructed garage as part of the approved infill dwelling to the south of the turning area with its own pillared access, however neither of the two approved dwellings have been constructed. To the east of the site is the main Yard area including a number of large sheds. The rear northern boundary is defined by a native species mature hedgerow.

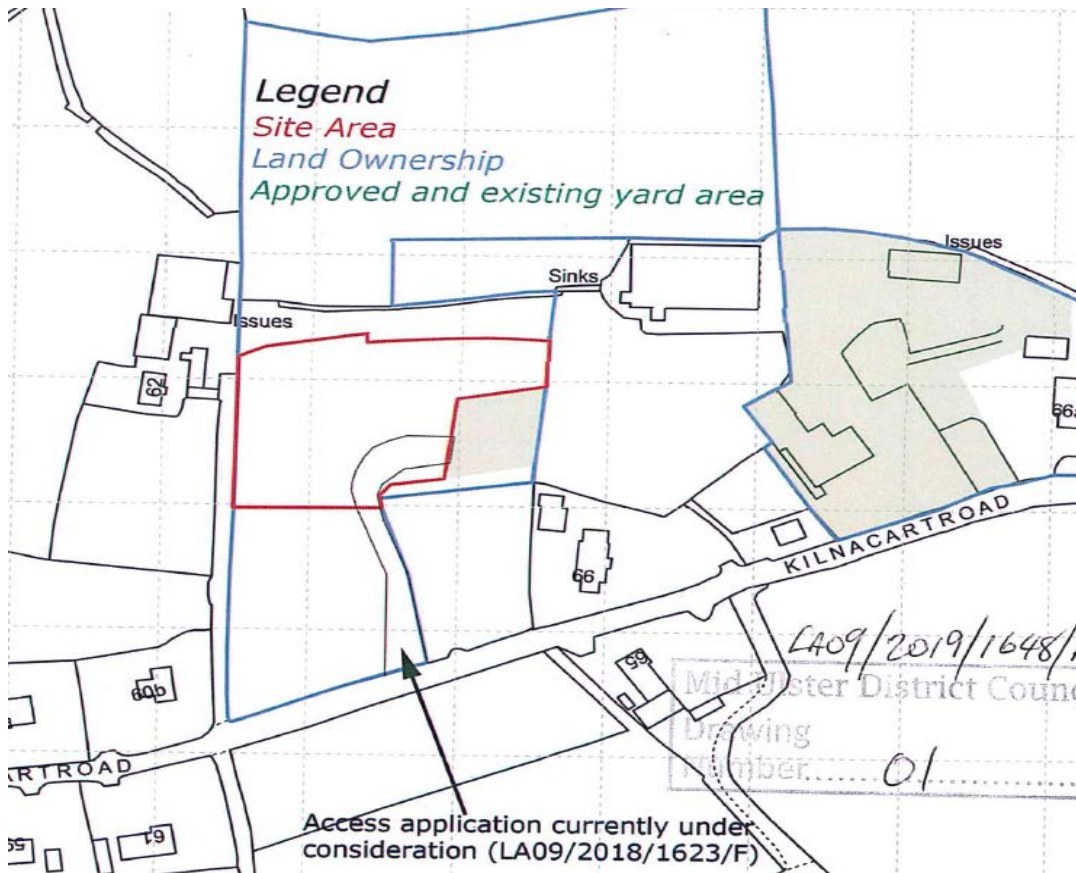


In terms of elevation the site rises gradually to the south Kilnacart Road side and the overall topography of the site gradually decreases in elevation towards the north.



## Description of Proposal

The proposal seeks full planning permission for the retention of extended yard area for the purpose of storage of out of service HGV vehicles and trailers.



## Planning Assessment of Policy and Other Material Considerations

### Representations

One objection was received from a resident of number 104a Killyliss Road (approx. 1.1 miles to the east). This objector raised concerns regarding;

- Unsuitability of Kilnacart road for HGV vehicles
- Access and visibility splays
- Road safety issues
- Harmful to neighbouring living accommodation
- Other issues relating to consultations and hours of use.

### Consideration of objection

- The Kilnacart road is a class B road, the existing use has been established and the proposal does not involve any intensification of use.
- The access and visibility splays are in place and with regards to this application Roads have no objection subject to conditions. In addition there is also a separate application for the access which is progressing to committee for approval alongside this application.
- Roads have assessed the application including the objection and do not feel there is any road safety concerns that cannot be dealt with by condition. As roads are the competent authority in assessing the application from a road safety perspective I have no reason to disagree with their assessment.



- The dwelling at number 62 is situated close to and adjacent to the yard, it must be noted that they have no objection. In addition the existing use is already on the site and although it involves moving closer to the dwelling it will not intensify or change the use. Environmental health were consulted and suggested restricting hours of use and limiting use to Class B4 storage and distribution. It is my opinion that these conditions necessary and appropriate in order to ensure there is no loss of amenity to the closest sensitive receptor.
- The objector has also expressed concerns that the yard was being used at all hours of the day and night, this will also be dealt with by the conditions above.

#### Site History

-LA09/2017/1431/F Extension to existing commercial yard for out of service vehicles, trailers and equipment. GRANTED 3/5/18

- LA09/2018/1618/F - Retention of alterations to approved garage GRANTED - 11.09.2019

-LA09/2018/1623/f Retention of new access and associated turning bay at commercial yard. - UNDER CONSIDERATION.

-LA09/2020/0700/F - Conversion of and extension to approved garage to provide dwelling in substitution for dwelling approved under LA09/2017/0587/F and erection of new garage. ? GRANTED 16.02.2021

#### Assessment

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

- 1.Strategic Planning Policy Statement (SPPS).
- 2.Dungannon and South Tyrone Area Plan 2010.
- 3.Planning Policy Statement (PPS) 3 - Access Movement and Parking.
- 4.PPS 21 - Sustainable Development in the Countryside.
- 5.PPS 4 - Planning and Economic Development.

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.

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

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

#### SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction from Policy PED 1 and PED 9 of PPS 4 - Planning and Economic Development therefore existing policy applies.

Area Plan

Dungannon and South Tyrone Area Plan 2010, un-zoned land located in the countryside. The policy provisions of SPPS, PPS21 and PPS4 apply.

Policy CTY 1 of PPS 21 identifies that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One such type is non-residential development which involves industry and business uses in accordance with the provisions of PPS 4.

Policy PED 2 of PPS 4 is applicable in terms of assessing the acceptability of economic development in the countryside. PED 2 outlines that proposals for the expansion of an established economic development use in the countryside will be permitted in accordance with the policy contained within Policy PED 3.

PED 3 includes the criteria by which development proposal of the type and nature proposed, should comply with. With regard to the character and setting of the existing rural area PED 3 establishes that development proposals will be permitted where they do not harm the rural character or appearance of the local area and where there is no major increase in the site area. The application is for the retention of a yard extension (approx. 0.4 hectares) to an existing and established economic development use in the countryside. The yard area was previously approved for a smaller extension in the east corner, under planning application LA09/2017/1431/F. However, this overall yard has now been divided between two separate business and the current applicant only has access to the small yard area approved via the above application for extension (approx. 0.1 hectare). The applicant runs a haulage business and up until 2018 had operated from the existing yard as well as the yard to abutting to the east, however, since the area to the east has been made unavailable to the applicant they have extended the existing yard to the west without planning permission.

The scale and nature of the proposal is modest in nature when read in conjunction with the overall area, including the land the applicant controls to the far East, however, when taken in context of the actual yard for which the applicant has approval for it would represent a 4x in size. The site does lie well back from the roadside, behind two approvals one of which is built and along with the new landscaping the applicant has carried out it ensures that the proposal will not have a significant negative impact upon the local character of the area. The site equates to 0.4 ha which is approx half the size of the applicants existing area as shown in the site plan above and as such I do not consider this as a major expansion of site area. I consider that the proposal complies with the first part of the policy.

PED 3 clarifies that proposals for expansion will normally be expected to be accommodated through the re-use and extension of existing buildings on the site and where this is not possible new buildings of an appropriate size and scale will be accepted. The proposal does not include the provision of any buildings however it is noted that the proposed extension area is proportionate to the existing yard area and will integrate as part of the overall development.

In all cases of extension to existing economic development sites, the proposal will be expected to integrate effectively and as documented above the proposed landscaping around the site boundaries will allow for the proposal to integrate more effectively. I am satisfied that the proposal can be accommodated without any significant adverse impact on rural character.



In addition to the policy criteria contained within PED 2 and PED 3 of PPS 4, economic development proposals will also be expected to meet with the general criteria contained within Policy PED 9.

In terms of compatibility and surrounding land uses I am content that the proposal is compliant. The proposed use includes an extension of the existing yard area and this helps restrict the level of impact in this regard. It is noted that there are two third party dwelling in close proximity to the proposal at No. 66 Kilnacart Road. This dwelling is located approx. 40m to the south east of the application site and No.62 which is located directly west. In consideration of this it is noted that the existing yard area bounds the property at No. 66 and is therefore closer to the dwelling than the proposed site and due to the vegetation along the west boundary including a laneway, No.62 remains relatively unaffected. It must also be noted that neither of these dwellings presented any objection.

The proposal will not significantly increase the existing use on the site albeit it will move the yard area nearer to number 62. However, there are no perceived significant detrimental impact on the amenity of any nearby residential properties by way of noise or other environmental factors.

I also note the consultation response from the Councils Environmental Health Department which outlines that they are content that there will be no loss of amenity to the closest sensitive receptors. Environmental Health have highlighted that they would have no concerns should the application site be limited to class B4 storage and distribution only as well as limiting hours of operation and on that basis, I feel a condition limiting the use of the site to the storage of out of service and seasonal vehicles, trailers and equipment is both necessary and appropriate.

In consideration of all of the above coupled with the scale nature of the proposed works I am content that the third-party dwellings will not be significantly negatively impacted upon by the proposed development.

The application site is not located in a flood plain or in an area of archaeological or natural heritage significance and with this in mind I am content that the proposal will not cause a demonstrable impact in this regard. A full drainage assessment was carried out and the proposal complies with the policy requirements of PPS15.

I am also satisfied that appropriate boundary treatment works have been carried out which are of a high quality and assist with the promotion of sustainability and biodiversity. The boundary

works also assist with screening the proposed storage area from public view and providing an adequate means of integration.

### PPS 3

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective. DFI Roads returned comment on the file highlighting that they were content with the proposal subject to condition. On this basis I am satisfied that the proposal meets can provide a satisfactory means of access and that it complies with the policy provision contained with PPS 3 - Access, Movement and Parking.

### Conclusion

On the basis of the assessment above I consider that this proposal meets with the requirements contained within prevailing planning policy and guidance and I recommend that the application is approved.

### **Neighbour Notification Checked**

**Yes**

### Conditions

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

Reason: This is a retrospective application.

2. Within 3 months from the date of this permission visibility splays of 2.4m x 80m shall be provided in accordance with the approved Drawing No.3B bearing the date stamp 25 NOV 2021, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

3. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All activities within the area titled 'Site Area' on drawing no.1, date stamped 18 DEC 2019 shall be limited to business class use B4: Storage or Distribution.

Reason; In the interests of safeguarding nearby residential amenity and preventing an unacceptable use on site.

5. There shall be no site activity or vehicle movements within the area titled 'Site Area' on drawing no.1, date stamped 18 DEC 2019 outside the following hours:

- Monday-Friday 0800hrs-1800hrs
- Saturday- 0800hrs-1300hrs
- Sunday - no site activity or vehicle movements

Reason; In the interests of safeguarding nearby residential amenity.

**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.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	18th December 2019
<b>Date First Advertised</b>	14th January 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Patrick Cassidy 104A Killyliss Road, Dungannon, BT70 1LE The Owner/Occupier, 62 Kilnacart Road, Dungannon, Tyrone, BT70 1PD The Owner/Occupier, 62a , Kilnacart Road, Dungannon, Tyrone, BT70 1PD	
<b>Date of Last Neighbour Notification</b>	3rd January 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/0535/LDP Proposal: Proposed culverting of watercourse. Address: 250m NW West of 66a Kilnacart Road, Dungannon, BT70 1PD., Decision: PG Decision Date:  Ref ID: LA09/2018/1618/F Proposal: Retention of alterations to approved garage Address: Lands at 250m West of 66A Kilnacart Road, Dungannon, Decision: PG Decision Date: 11.09.2019  Ref ID: LA09/2018/1623/F Proposal: Retention of new access and associated turning bay at existing commercial yard (TAF and Auto Track) Address: Lands at 200m west of 66A Kilnacart Road, Dungannon, Decision: Decision Date:  Ref ID: LA09/2019/1648/F Proposal: Retention of extended yard area for the purpose of storage of HGV vehicles and trailers Address: Lands at 175m West of 66A Kilnacart Road, Dungannon, Decision:	

**Decision Date:**

Ref ID: LA09/2020/0700/F

Proposal: Conversion of and extension to approved garage to provide dwelling in substitution for dwelling approved under LA09/2017/0587/F and erection of new garage.

Address: 64 Kilnacart Road, Dungannon,

Decision: PG

Decision Date: 16.02.2021

Ref ID: M/2003/1590/O

Proposal: dwelling house

Address: between 66 & 60 Kilnacart Road, Dungannon

Decision:

Decision Date: 07.06.2004

**Drawing Numbers and Title**

Drawing No. 3B

Type:

Status: Submitted

Drawing No. 02A

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

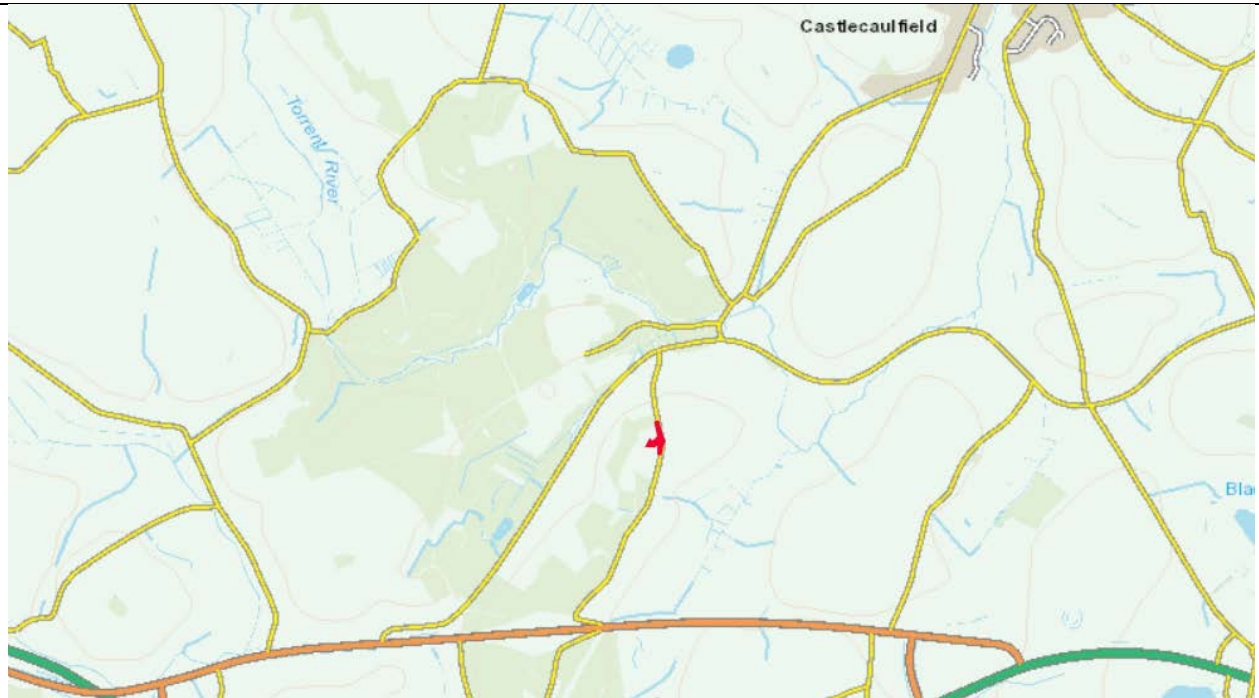
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0543/F	<b>Target Date:</b>
<b>Proposal:</b> Renewal of application LA09/2016/0282/F for proposed new vehicle entrance.	<b>Location:</b> Adjacent to 17 Cullenfad Road Dungannon BT70 1RU.
<b>Referral Route: Objection</b>	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Libby Campbell 17 Cullenfad Road Dungannon BT70 1RU	<b>Agent Name and Address:</b> JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

<b>Representations:</b>	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Description of Proposal

This is a full application for the renewal of a previous full application LA09/2016/0282/F.

LA09/2016/0282/F on the 29<sup>th</sup> April 2016 granted permission for a new vehicular entrance to supersede that approved under M/2004/0546/O and M/2007/0392/RM, respectively for a dwelling and garage to be located on lands to the rear of 17 Cullenfad Road Dungannon.

### Characteristics of the Site and Area

The application site is located in the rural countryside, as defined by the Dungannon and South Tyrone Area Plan 2010, approx. 1.7km southwest of Castlecaufield and approx. 300m south of the Old Ballygawley Rd and forested grounds of Parkanaur House.

The site comprises a strip of land within the curtilage of the applicant's home, no. 17 Cullenfad Rd, a detached bungalow dwelling set on generous grounds, fronting onto the Cullenfad Rd. The strip of land runs along the north side and gable of no. 17 adjacent it's party boundary with nos. 15a and 15 Cullenfad Rd, a small single storey roadside Orange Hall with off road parking to its front and a bungalow with ancillary buildings in association with a business for the manufacture of vehicle parts, respectively. The applicant seeks to utilise this strip of land, largely garden but including paving, to provide access off the Cullenfad Rd to a site previously approved for a dwelling and garage on lands to the rear of no. 17. A picket fence approx. 1.2m high enclosing no. 17's front garden defines the roadside boundary of the current site and a mature hedge the rear boundary. Post and wire fencing defines the northern / party boundary of the current site with nos. 15a and 15 towards the front of the site (to south of the Orange Hall) and a mature hedge largely towards the rear of the site (to the south of a storage building in association with the business at no.15). The southern boundary of the site is open onto no.17's curtilage.

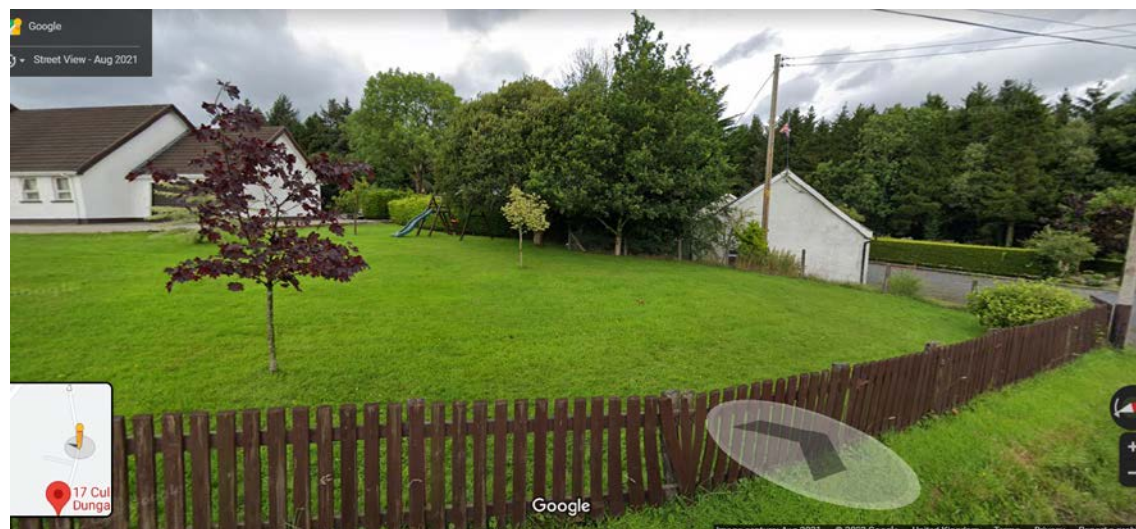


Fig 1: Access to run along party boundary of no. 17 Cullenfad Rd with nos. 15a and 15 Cullenfad Rd, an Orange Hall and bungalow with ancillary buildings / sheds.

The site to the rear of no. 17 containing the foundations of a garage, which this proposal seeks to access, is a relatively square shaped piece of land bound on all 4 sides by post and wire fencing and a mix of mature hedgerow and tree vegetation including mature coniferous trees (within adjacent forested area) along its western boundary.

Whilst the wider vicinity of the site is largely characterised by agricultural land, interspersed with single dwellings and farm holdings the immediate vicinity has come under some development pressure in recent times. The site is located within a small compact cluster of development running along both sides of the Cullenfad Rd comprising the aforementioned Orange Hall and approx. 6 dwellings with accompanying outbuildings including nos. 15 and 17 Cullenfad Rd referred to above. A forested area hugs and encloses this cluster of development to the west side of the Cullenfad Rd.

### **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 and guidance for the determination of this application:**

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement (PPS) 3 Access, Movement and Parking

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

### **Relevant Planning History**

#### **On / Adjacent Site**

As seen below there is an extensive planning history relating to the development of lands to the rear of no. 17 Cullenfad Rd for the erection of a dwelling dating back to 1999.

- M/1999/0623/O – Proposed dwelling – rear of no. 17 Cullenfad Rd – Granted 26<sup>th</sup> October 1999
- M/2004/0548/O – Proposed Dwelling – rear of no. 17 Cullenfad Rd – Granted 14<sup>th</sup> May 2004
- M/2006/1711/F – Proposed new vehicular entrance to supersede that approved under M/2004/0548/O – Adjacent 17 Cullenfad Rd – Withdrawn 7<sup>th</sup> September 2007
- M/2007/0392/RM – Proposed 1 ½ storey dwelling with associated septic tank and landscaping – to the rear of 17 Cullenfad Rd – Granted 12<sup>th</sup> September 2007



M/2004/0548/O & M/2007/0392/RM above were approved with access to be taken off the Cullenfad via a lane along the north side of no. 15 Cullenfad Rd. The entrance sought under M/2006/1711/F like that currently proposed was off Cullenfad Rd through the roadside boundary and curtilage of no. 17.

- M/2007/1435/F – Proposed new vehicular entrance to supersede that approved under M/2004/0548/O – Adj.17 Cullenfad Rd Dungannon – Granted 12<sup>th</sup> February 2008

The vehicular entrance approved under M/2007/1435/F was the same as that withdrawn under M/2006/1711/F and like that currently proposed.

- M/2009/0580/F – Erection of Dwelling & Garage - Change of House Type from that approved under M/2007/0392/RM, Utilising Access Approved under M/2007/1435/F – Rear of and Adjacent to 17 Cullenfad Rd – 24<sup>th</sup> August 2009.

M/2009/0580/F included a garage the foundations of which on the date of site inspection were in place.

- LA09/2016/0282/F - Proposed new vehicular entrance to supersede that approved under M/2004/0546/O and M/2007/0392/RM - Adjacent to 17 Cullenfad Rd Dungannon - Granted 29<sup>th</sup> April 2016

The above vehicular entrance like that approved under M/2007/1435/F and M/2009/0580/F; and like that currently proposed was off Cullenfad Rd through the roadside boundary and curtilage of no. 17.

- LA09/2020/0004/F - Proposed new vehicle entrance to existing approved site to the rear of 17 Cullenfad Rd Dungannon - 17 Cullenfad Road, Dungannon - Refused 4<sup>th</sup> May 2021.

The above application and most recent seeking to access the site to the rear of no. 17 until the current application like applications M/2004/0548/O, M/2007/0392/RM and M/2009/0580/F sought access off the Cullenfad Rd via a lane along the north side of no. 15 Cullenfad Rd. This proposal deemed contrary to PPS 3, Access, Movement and Parking, Policy AMP 2, in that it would prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 45m cannot be provided in accordance with standards contained in the Department's DCAN15. This decision is currently under appeal.

#### Adjacent Site

- M/1986/0367 – Extension to dwelling – Granted 21<sup>st</sup> October 1986
- M/1994/0330 – Proposed new garage – Granted 15<sup>th</sup> September 1994
- M/2001/1060/F – Front living room extension to dwelling – Granted 19<sup>th</sup> July 2002
- LA09/2016/0892/LDE – Shed for the manufacture of commercial and mobility vehicle parts – Certificate of Lawfulness issued 17<sup>th</sup> October 2016
- LA09/2016/1590/F – Store for existing moulds and vehicle parts – Granted 6<sup>th</sup> September 2017

The above applications relate to the adjacent property no. 15 Cullenfad Rd Dungannon.

LA09/2016/0892/LDE relates to a garage/ workshop in the yard to the rear of no. 15. It sits immediately adjacent the current site / lane. LA09/2016/1590/F relates to a more recently approved store in association with the business. It sits in the yard to the rear of no. 15 adjacent its southern boundary with no. 17. It also sits immediately to the rear of a roadside Orange Hall located between nos. 15 and 17.

**Dungannon and South Tyrone Area Plan 2010** – the site as being located within the rural countryside.

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

It also outlines that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained Planning Policy Statement's and other relevant documents together with the provisions of the SPPS itself.

I do not consider the SPPS has provided any change in policy direction or provided clarification in relation to any of the existing policies relevant to this proposal as detailed below.

**Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside** – Within the extensive planning history for a dwelling and garage on the piece of land to the rear of No.17 Cullenfad Rd, there has been two accesses off the Cullenfad Rd deemed acceptable and approved.

1. The first / original being via an access and laneway along the north side of no. 15 Cullenfad Rd. Albeit this access has most recently been refused, under LA09/2020/0004/F (see 'Planning History').
2. The second and most recently approved under LA09/2016/0282/F being off the Cullenfad Rd through the roadside boundary and curtilage of the applicant's property no. 17, to the inside of its northern boundary.

The current proposal seeks to renew LA09/2016/0282/F the most recently granted access arrangements to the site to the rear of no. 17, albeit with a slight realignment of the proposed laneway.

There does not appear to have been any significant changes on site or in the immediate vicinity; changes in policy; or in the proposal from the previous approval and I would agree with the previous assessment and subsequent decision to approve. That the access and laneway located within an existing residential curtilage with a backdrop of vegetation would integrate into the landscape, without significant impact to the character of the area in accordance with the provisions of CTY13 and 14 of PPS21. I do not consider there should be any significantly detrimental impact on the amenity of neighbouring residents including the host dwelling.

**Planning Policy Statement (PPS) 3 Access, Movement and Parking** - Policy AMP 2 Access to Public Roads states that planning permission will only be granted for development proposals involving direct access, or the intensification of the use of an

existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic. Accordingly, DfI (Roads) were consulted. Roads advised that the proposed access arrangements generally replicate those previously approved under application LA09/2016/0282 and raised no concerns subject to a few minor amendments including a typo being corrected ('Existing structure over wall ...' changed to 'Existing structure over well...') and the removal of spot levels from public road, along sightlines and access area. Subsequently, the agent submitted amended Drawing no. 01(Rev 02) to show the required amendments. DfI Roads were re-consulted and had no objections, subject to standard conditions and informatives. Accordingly, I am content subject to standard conditions and informatives the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

### **Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, third party representations had been received from Mr Ivan McKeown, the owner / occupier of no. 15 Cullenfad Rd, the dwelling and manufacturing business neighbouring the site.

The site (access and lane) is located immediately south of, and running along the outside of the curtilage of no.15 Cullenfad Rd past a storage building associated with Mr McKeown's business.

Mr McKeown's key concerns about this application and use of the access and lane related to:

1. Site traffic for the new dwelling – He outlined there is no margin for error as traffic goes past no.17 at tightest point to his hedge and garage; that at this point there is also about a metre difference in ground levels between his garden and the access lane. He fears heavy construction traffic could subside into his garden bringing with it whatever happens to be on it at that time. He asks for assurance from the applicant this will not happen.
2. Ownership issues – He outlined section AA on the submitted drawing shows the applicant owns the boundary hedge that this needs clarified, as she does not own it, he does. He asks for assurance his boundary hedge will not be interfered with.
3. Water problem – He outlined water either from the garden or well at no. 17 runs down along the roadside around the corner and over the Orange Hall street and continues to the bottom of the Cullenfad Rd. This would be a good time to look at and get it repaired.

The issues raised by McKeown above have been taken into consideration in the assessment of this proposal however my opinion remains to recommend approval of this application. In relation to point 1, DfI Roads were consulted and raised no concern with the width of the access laneway, which I am content is sufficient to serve the site. Whilst I do not foresee any significantly greater risk of subsidence to no.15 from this proposal than presently exists, should issue arise it would be a civil matter between the applicant and Mr McKeown. In relation to point 2, the drawing submitted shows the hedge identified to be retained and a condition to that effect can be attached to any subsequent decision. Whilst ownership issues regarding the ownership of this hedge have been



raised I am content that any planning permission on lands, will not confer title, it will be the responsibility of the applicant to ensure he controls all lands necessary to carry out the proposed development. In relation to bullet point 3, this is a civil matter between the applicant and Mr Mckeown. It is a current issue and this application for an access is unlikely to effect this and may improve the situation.

### **Additional Considerations**

In addition to checks on the planning portal Historic Environment Division and Natural Environment Division map viewers available online have been checked and identified no built heritage assets of interest or natural heritage features of significance on site.

Flood Maps NI identified no flooding on site.

### **Case Officer Recommendation**

Approve

<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation:</b>	Approve
<b>Conditions</b>	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The existing mature trees and vegetation along the entire site boundaries as detailed on Drawing No. 01(Rev.02) bearing the date stamp received 22 NOV 2021 shall be retained except where it is required to provide access and / or sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.</p> <p>Reason: In the interests of visual and residential amenity.</p> <p>3. The visibility splays of 2m x 60m to the north and 2m x 45 to the south and any forward sight distance shall be in place, in accordance with on Drawing No. 01(Rev.02) bearing the date stamp received 22 NOV 2021, prior to the development hereby permitted becoming operational. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum</p>	

and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

#### Informatives

1. The applicant should satisfy themselves that development has commenced for a dwelling on the site to the rear. This permission should not be construed as commencement of that development.
2. 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.
3. 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.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. Department for Infrastructure (DfI) Roads comments:

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

**Signature(s)**

**Date:**





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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0588/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill site for dwelling and garage	<b>Location:</b> Site between 34 Glenarny Road and 19 Knockaleery Road Cookstown
<b>Referral Route:</b>  Committee – The agent is a member of staff in the Council	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mr Richard Mc Alister 19 Knockaleery Road Cookstown	<b>Agent Name and Address:</b> PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## 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	Standing Advice
Statutory	NIEA	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

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

### Characteristics of the Site and Area

The site is located between 34 Glenarny Road and 19 Knockaleery Road, Cookstown and is located outside the designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is an irregular, angular agricultural field which and the land form slopes gently from east to west, towards the Glenarny Road. The site boundaries are defined by scattered mature trees and hedgerows and post and wire fencing. Access to the site is via an existing farm access off the Glenarny Road.

The surrounding area is comprised mainly of single dwellings and their associated outbuildings/garages.

### **Description of Proposal**

This application seeks outline planning permission for an infill site for one dwelling and domestic garage.

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

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

Strategic Planning Policy Statement (SPPS)

Cookstown Area Plan, 2010

PPS21 -Sustainable Development in the Countryside

PPS 3 - Parking, Movement and Access

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

#### **Planning History**

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

#### **Representations**

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

#### **Assessment**

The 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 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.

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.

Policy CTY 8 stipulates an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided 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. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This gap is considered against the existing pattern of development to determine if a maximum of two dwellings could be provided without creating ribbon development. Following discussion with the Principle planner he was content that the gap under consideration encompasses an agricultural field within an existing continuously built up frontage, and therefore sufficiently meets the policy criteria for an infill. The agricultural buildings located to the east of the application site book-end the line of development and it is felt that these have an adequate frontage to the road in this case. This is assisted further by the fact that they are located so close to the road.

It is reasonable to conclude that a dwelling situated on the proposed site would be similar in size and character to existing vernacular style and the site would be able to absorb an appropriately designed dwelling, a ridge height restriction of 6.0 metres from existing ground level will be applied.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that the level of vegetation surrounding this site helps to integrate the proposal into the surrounding landscape. Existing hedgerows should be retained around the application site. The proposal is for outline permission so design details will be dealt with at reserved matters stage, however it should be noted that any proposal should respect the existing vernacular configuration of the surrounding area and a condition will be applied for a ridge height of not more than 6.0 metres from existing ground level.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the site and its surrounding environment has the capacity to absorb a dwelling and garage and therefore is compliant with the criteria set out in policy CTY1 & CTY 8 of PPS21.

DFI Roads were consulted on this application and had no objection to the proposal subject to conditions.

I am content that the application meets the policy requirements for an infill and is capable of absorbing a dwelling and garage. The site within the red line is considered to be relatively well screened with existing vegetation and development already exists around the site which will help screen the proposed dwelling.

#### Conclusion

On the basis of this assessment I am satisfied that the proposal complies with policy CTY13 of PPS21.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation

Approve, subject to conditions

Conditions/Reasons for Refusal:

Conditions

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

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

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

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

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

3. The dwelling hereby permitted shall have a ridge height not exceeding 6.0 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 that the proposal is in keeping with the character of the area.

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

Reason: in the interests of visual amenity

5. No development shall take place until a plan indicating floor levels has been submitted to and approved by Mid Ulster District Council

Reason: To ensure the dwelling integrates into the landform

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

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

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



Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

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

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

#### 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.

3.A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

4.Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

5.A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

6. Please refer to advice from NI water

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th April 2021
<b>Date First Advertised</b>	27th April 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Knockaleery Road Cookstown Tyrone The Owner/Occupier, 17 Knockaleery Road Cookstown Tyrone The Owner/Occupier, 19 Knockaleery Road Cookstown Tyrone The Owner/Occupier, 2 Oaklands Road Cookstown Tyrone The Owner/Occupier, 2a Oaklands Road Cookstown The Owner/Occupier, 32 Glenarny Road Cookstown Tyrone The Owner/Occupier, 34 Glenarny Road Cookstown Tyrone The Owner/Occupier, 4 Oaklands Road Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	5th May 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0588/O Proposal: Proposed infill site for dwelling and garage Address: Site between 34 Glenarny Road and 19 Knockaleery Road, Cookstown, Decision: Decision Date:  Ref ID: I/1987/0056 Proposal: DWELLING HOUSE AND GARAGE Address: GLENARNY ROAD, COOKSTOWN Decision: Decision Date:	

Ref ID: I/1974/0048  
Proposal: 11KV AND LV/MV O/H LINES  
Address: GLENARRY, DRUMNACROSS UPPER AND DRUMNACROSS LOWER,  
COOKSTOWN  
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.  
Type:  
Status: Submitted

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0995/F	<b>Target Date:</b>
<b>Proposal:</b> Extension to existing mushroom storage & distribution facility	<b>Location:</b> 118 Trewmount Road, Dungannon
<b>Referral Route:</b> There were 2 objections to this proposal	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> K Hughes & Co Ltd 118 Trewmount Road Dungannon BT71 7EF	<b>Agent Name and Address:</b> WDR & RT Taggart Russell Business Centre 40-42 Lisburn Road Belfast BT9 6AA
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice

<b>Representations:</b>	
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
<b>Summary of Issues</b>	
<p><b>Characteristics of the Site and Area</b></p> <p>This application site is a rectangular plot of land which occupies a portion of land to the rear and north of No 118 Trewmount Road. It is occupied by Hughes Mushrooms with a large building established on the site stretching back some 65 metres from the roadside.</p> <p>The area either side of this building is a concreted yard area which is utilised for the parking and manouevering of staff, customer and delivery vehicles. To the rear of this building and immediately adjacent is the application site. The northern boundary which encloses the site to the rear is mature trees and hedgerow.</p> <p>The site as was initially submitted outlined in red is undefined on the ground apart from the southern boundary which forms the rear wall of the existing building.</p> <p>At the time of the site inspection, much groundwork had commenced with a large swath of land had been dug out and work was ongoing.</p> <p>The site is located in the countryside as is designated in the Dungannon and South Tyrone Area Plan with the village of Killyman sitting 2 kilometres to the north west and the Moy 3.5 kilometres to the south. It sits along the B106 road which runs from Benburb to Coalisland. The wider site was once an old railway station with some residential properties nearby and agricultural land. Although the site is in the countryside, this particular stretch is dominated by the localised industrial presence of established businesses such as DMAC and Mc Closkeys, which all sit to the west of this site.</p> <p><u>Planning History</u></p> <p>M/2014/0115/F - Proposed extension to front of existing mushroom storage, processing, packaging and distribution workshop - 11.07.2014</p> <p>M/2014/0008/F - Proposed amendment to previously approved application (M/2013/0191/F) to provide additional bay to extension of existing mushroom factory - 16.04.2014</p> <p>M/2011/0761/F - Proposed material store - 05.03.2012</p> <p>M/2007/1491/F - Proposed erection of poly tunnels for the growing of mushrooms adjacent to existing distribution business - 21.04.2008</p> <p>M/2005/1756/F - Proposed Replacement Packaging Store - 19.11.2005</p> <p>M/2013/0500/F - Proposed covered area extension to the side of existing mushroom processing and packaging workshop - 10.12.2013</p> <p>M/2013/0191/F - Proposed extension to existing processing and packaging workshop - 24.05.2013</p>	



## Description of Proposal

This application seeks full planning permission for an extension to existing mushroom storage & distribution facility at Hughes' Mushrooms, 118 Trewmount Road, Dungannon.

## Consultations and Representations

This application was advertised in the local press and 4 neighbours were notified, in line with the Council's statutory duty and 2 objections were received.

One of the objectors questioned as to why all the accesses to the site were not included within the red line of the application site. They raised concerns about the intensification of traffic to and from the site. Given the scale of the development, the objector questioned the small increase in staff as was stated on the P1 form and did not believe this was truly reflective when taking into consideration the scale of this extension. They also believed the proposal to be assessed as a Major application and were unhappy that development was undergoing on this site without the benefit of planning permission.

The neighbouring objector had issues with the newly constructed unauthorised access and raised concerns regarding light pollution, noise levels and the hours of operation.

Rebuking these issues, the agent has stated

- the new access is temporary and will be closed after construction on the site is complete.
- No lights are included in this proposal
- There will be no additional noise created as a result of this proposal and Environmental Health do not have issues, nor have they ever received any complaints regarding such nuisance.

DfI Roads initially requested additional information including amended drawings showing the visibility splays of 2.4 metres by 65 metres and forward sight distance of 65 metres and details of adequate parking spaces. Following the submission of amendments more clarification was sought on the accesses and the need for a vehicular tacker plotted around the proposed building.

Issues regarding the size of the application site and the extent of the land proposed for parking, the majority of which lay outside the red line of the application were discussed. It is noted that those areas required for parking and turning movements are contained in largely existing yard areas and are encompassed with lands in blue also under the control of the applicant. It was accepted following discussions with Senior management that it would be perfectly reasonable to apply a condition requiring parking and manoeuvring in blue lands. DfI Roads concluded they had no objections subject to conditions attached to any permission granted including the provision of such areas referred to above.

Mid Ulster Council's Environmental Health section were consulted and required clarification as to whether No. 118 Trewmount Road which is situated adjacent to this proposal just outside the blue line if it has any financial link to the existing/proposed development. As this proposal seeks to significantly intensify the current site, information was requested outlining what are the existing and proposed hours of operation as early morning HGV movements along with loading and unloading could potentially give rise to increased noise levels.

Information from Irwin Carr Consulting was received stating the property at 118 Trewmount Road is owned and occupied by the Director of Hughes Mushrooms. They also confirmed the hours of operation will not change from those of:

- Monday - Friday 08:00hrs-22.30hrs,
- Saturday – Sunday 08:00hrs-18:00hrs.

The Environmental Health Department are satisfied for this proposal to be approved following the inclusion of a condition regarding the procedures which must be undertaken following any report regarding a noise complaint.

Environmental Health's comments were sought on the local objections received. They responded saying their previous comments were still applicable with any amenity concerns being able to be adequately mitigated for by use of conditions. There are subsequently no grounds offered on which to refuse this application from the Env Health Department.

A Drainage Assessment was submitted during the processing of this application and DfI Rivers were consulted. They noted that the report is a preliminary drainage design and requested a pre commencement condition was included with any approval that a Final Report is submitted prior to the commencement of development. I feel this is not necessary and may have been an error as nowhere on the Drainage Assessment does it state it is "preliminary" and therefore I cannot assume it is.

DfI Rivers also note that a Schedule 6 approval to discharge storm water to the Bovean Branch Drain at a rate of 8.83 l/s has still to be granted. This information has not yet been forwarded to Mid Ulster Council.

SES were informally consulted due to the proximity of the site to the Bovean Branch Drain which is immediately adjacent to the corner of the land within the applicant's ownership at the north east. A formal consultation was not necessary as SES were content there is a substantial buffer in place between the proposed site and the minor watercourse identified which is connected to Lough Neagh and Lough Beag RAMSR site approximately 3.5 kilometres downstream and the SPA 9 kilometres downstream. Based on the nature and location of this proposal, SES are satisfied there is no viable pathway between the site and any European protected sites downstream for any impacts to occur during construction.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

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

The Area Plan identifies a number of sites which are zoned as being suitable for industrial business use development and these are located within the larger settlement limits. It also considers the range of existing sites and new zonings provides flexibility in choice of site for developers, and highlights there may also be potential for industrial business use development of an appropriate scale within the villages. Proposals for industrial uses on unzoned land will be

assessed on their merits, having regard to published guidance and policy, particularly PPS 4 – Planning and Economic Development.

The Strategic Planning Policy Statement (SPPS) states “the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS”. Para 6.88 goes on to say that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified outside a village or small settlement where there is no suitable site within the settlement. The SPPS retains the policy provisions of PPS 3 - Access, Movement and Parking, PPS 4 - Planning and Economic Development PPS21 – Sustainable Development in the Countryside.

Policy PED 3 - Expansion of an Established Economic Development Use in the Countryside in PPS 4 sets out when proposals for expansion will be allowed, where;

- the scale and nature of the proposal does not harm the rural character or appearance of the local area.
- there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site. Justification and Amplification

There were initial concerns raised about the scale of this proposal and whether this represented a Major increase in the site. Concerns in relation to whether the proposal should be treated as a Major application were due to the fact that the red line as initially submitted included only the outline of the proposed building and did not include any hardstanding areas for parking or the access out onto the main road. An amended site location plan dated 11/1/22 shows a means of access onto Trewmount Road and the application as a whole does still fall below the Major application threshold.

In justification for this development, the agent in the Supporting Statement accepts that this proposed extension is a large increase, my concerns have been that the proposal, albeit large in scale does not include the ancillary space required for a building of this scale. The points made earlier in this report relating to such lands being included in blue lands is however considered an acceptable means by which these areas can be secured. The agent stated the extension as proposed was necessary due to a post-Brexit market buoyancy and the fact it is to the rear of the existing factory it is screened. They have stated the lower level of the ground floor will ensure it doesn't dominate the landscape. I agree the established buildings will offer some screening to this extension, even though the land has been dug out to construct the extension, the size of it means it will still have a ridge height some 3 metres above that of the existing buildings on site. These issues were discussed with the senior planners and it was the opinion that a refusal of

the application on the basis of its scale and visual impact alone could not be sustained and that on balance, this aspect of PPS4 PED3/9 was adequately met.

All proposals for economic development must also comply with the provisions of PED 9 in this Policy. Policy PED 9 General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

Although this application site is located in the rural countryside, the immediate area surrounding the site is well developed. The site is occupied by Hughes Mushrooms who are long established on this site from. This part of the Trewmount Road accommodates a number of businesses who have a large floorspace and employs large numbers also. DMAC at the western end of this node of economic development are also an engineering company with a number of premises in the county. Mc Closkey International are an engineering company who make large equipment for quarries worldwide.

With the exception of a small vacant field to the west of this site, economic development has been established in this immediate area spanning some 700 metres of road frontage. The immediate area although it does have a residential element, the large established industrial business cannot be ignored with a very visible presence and an established impact on the surroundings. Due to positioning of this extension to the rear of the existing building, I am not of the opinion it would significantly harm the character of the existing area.

(b) it does not harm the amenities of nearby residents;

As stated above, there have been 2 objections to this proposal, one resides at a property in the vicinity and the other did not supply a postal address.

As explained above, the Environmental Health section of the Council have assessed this proposal and they have no concerns. Due to the nature of the use which will be occurring in this proposed development, there should not be any issues with odour. If any eventual issues concerning noise or light pollution do arise, they can be dealt with through the Environmental Health reporting system and this can be reaffirmed by imposing conditions regarding any complaints.

(c) it does not adversely affect features of the natural or built heritage;

There are no natural or built heritage issues with this proposal.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The site is not located within any designated flood plain and as noted above, DfI Rivers provided comments on the Drainage Assessment submitted and have no concerns

(e) it does not create a noise nuisance;

Environmental Health were consulted and did not feel this development proposal warranted the submission of a Noise Impact Assessment and are content no noise issues should arise as a result of this proposed expansion

(f) it is capable of dealing satisfactorily with any emission or effluent;

The wider site already deals satisfactorily with sewage which this proposal will also utilise.

- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;

As stated above, there were concerns that the provisions for vehicles were not included as part of this application site. Following discussion with DfI Roads and the Service Director, it was agreed that the area required in order to achieve adequate parking etc is available within the applicant's ownership and in this instance these areas can be conditioned as part of any permission granted.

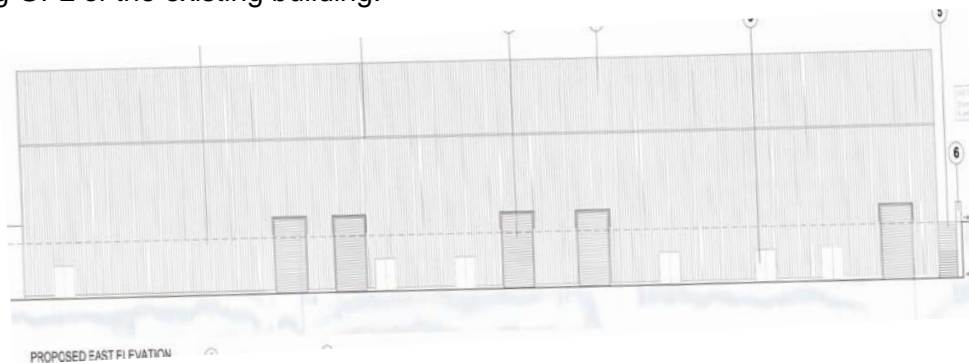
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

This site is located along the main road network and its proximity to the M1 Motorway makes it very accessible.

- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

In terms of layout and design, the proposed building will create an additional floorspace of almost 7,700 metres squared, providing a number of areas with differing functions like packaging store, box making, labels/fil store, crate store, boiler room, chill area as well as office space. The extension measures 43 metres deep and 179 metres long, with a maximum ridge height of 14.5 metres FGL. As is evident below, the rear northern elevation will see 6 sets of steel double doors for staff and 5 roller shutter doors which measure 3 metres wide and 4.7 metres high, accommodating HGVs. There are no openings proposed on the western elevation with 2 large roller shutter doors and 3 pedestrian doors along the eastern elevation.

This extension will be attached to and interconnected with the existing building on site. The entire extension is finished in profiled metal cladding and the building will sit at a level 3.5 metres below the existing GFL of the existing building.



A retaining wall is proposed adjacent to the western gable of the extension, measuring 36.5 metres in length and 4.5 metres at its maximum height from the proposed ground level. Details of the retaining walls are included on the landscape plan provided to the Council. I am content the finishes of this extension will match that of the existing and will not be out of keeping in this area.

- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

The agent provided a landscaping scheme as requested which has detailed some trees to be planted along the rear northern boundary and the western boundary in particular.

(l) is designed to deter crime and promote personal safety;

I am content the site will be securely enclosed as it had been prior to the commencement of construction on this site.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The planting of trees along the western and northern boundaries of the wider site will augment the existing vegetation and provide additional screening for the extension, allowing it to better integrate into the surroundings.



Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains in PPS 15 Planning and Flooding recommends a Drainage Assessment is carried out for proposals of this nature and size of development. As detailed above, DfI Rivers were consulted and they are no objections to this proposal as it is in compliance with PPS 15.

### Neighbour Notification Checked

**Yes**

### Summary of Recommendation:

Following much discussion regarding this application and the submission of additional information, it is accepted this application complies with the policy provisions of PPS 4. The concerns from the objectors have been addressed and DfI Roads have no concerns. The scale of the extension is quite large, however as industrial works have been well established on this site and the immediate area also, I am satisfied that subject to conditions this proposal is recommended for approval.

**Conditions:**

1. As required by Section 61 of the Planning Act (NI) 2011, the development hereby approved shall be begun within 5 years of the date of this decision.

Reason: Time Limit

2. The vehicular access (es), including visibility splays of 2.4 metres by 45 metres to the west and 55 metres to the east, shall be provided in accordance with Drawing No 2 Rev 3 bearing the date stamp 7<sup>th</sup> April 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.  
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. Gates or security barriers at the access shall be located as a distance from the edge of the Trewmount Road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

4. No other development hereby permitted shall become operational until the existing accesses indicated on Drawing No 2 REV3 bearing the date stamp 7<sup>th</sup> April 2022 have been permanently closed and reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

5. No use of the extended area of the building hereby approved shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/3 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. A detailed Programme of Works and any associated traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress or work in the interests of road safety.

7. The maintenance of the storm sewer system including attenuation should be maintained as per the manufacturer's guidelines and is the responsibility of the applicant, all future owners and managers of this development.

Reason: To ensure the surface water infrastructure including individual storm sewers are designed and maintained to the standard in accordance with Sewers for Adoption NI.

8. Within 4 weeks of a written request by Mid Ulster Council following a reasonable noise complaint, the site operator shall, at his/her expense employ a suitably qualified and

competent person, to assess the level of noise emissions from the site at the complainant's property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect the amenity of residents.

9. Within 4 weeks of a written request by Mid Ulster Council following a reasonable complaint, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of light emissions from the site at the complainant's property following agreed procedures. Details of the light monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect the amenity of residents.

10. The existing natural screening to the site shall be retained at its present height and the proposed additional landscaping as shown on plan 02/3 shall be implemented during the first available planting season following the granting of this permission. Plants dying within 5 years of planting shall be replaced.

Reason: In the interests of visual amenity.

#### Informatives

This Decision Notice relates to Drawing No 01 REV1 received on 10<sup>th</sup> December 2021, Drawing No 02 REV 3 received on 7<sup>th</sup> April 2022 and Drawing Nos 03, 04, 05, 06 and 07 received on 29<sup>th</sup> June 2021.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

The applicant should contact the DfI Roads' Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or



polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

A Schedule 6 Consent to discharge storm water to the Bovean Branch Drain at a rate of 8.83 l/s has be obtained.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	1st July 2021
<b>Date First Advertised</b>	13th July 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 125 Trewmount Road, Dungannon, Tyrone, BT71 7ED The Owner/Occupier, 128 Trewmount Road, Dungannon, Tyrone, BT71 7ED Eric Whiteside 128 Trewmount Road, Moy, BT71 7EF Elizabeth Cavan Email Address	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0995/F Proposal: Extension to existing mushroom storage & distribution facility Address: 118 Trewmount Road, Dungannon, Decision: Decision Date:  Ref ID: M/2013/0191/F Proposal: Proposed extension to existing processing and packaging workshop Address: 118 Trewmount Road, Killyman, Dungannon, Decision: PG Decision Date: 24.05.2013  Ref ID: M/2013/0500/F Proposal: Proposed covered area extension to the side of existing mushroom processing and packaging workshop Address: 118 Trewmount Road, Killyman, Dungannon, Decision: PG Decision Date: 10.12.2013  Ref ID: M/2003/1241/O Proposal: Dwelling house Address: Adjacent to site approved adjacent to 128 Trewmount Road.	

Decision:

Decision Date: 22.11.2003

Ref ID: M/2005/2096/LDP

Proposal: Proposed resurfacing of existing HGV & car parking area, also the provision of cutting area for slicing mushrooms within the existing mushroom packaging workshop

Address: 118 Trewmount Road, Dungannon

Decision:

Decision Date:

Ref ID: M/2005/1756/F

Proposal: Proposed Replacement Packaging Store

Address: 118 Trewmount Road, Dungannon

Decision:

Decision Date: 19.11.2005

Ref ID: M/2011/0761/F

Proposal: Proposed material store

Address: To the rear of 118 Trewmount Road, Killyman, Dungannon,

Decision:

Decision Date: 05.03.2012

Ref ID: M/2014/0115/F

Proposal: Proposed extension to front of existing mushroom storage, processing, packaging and distribution workshop

Address: 118, Trewmount Road, Dungannon,

Decision: PG

Decision Date: 11.07.2014

Ref ID: M/2007/1491/F

Proposal: Proposed erection of polytunnels for the growing of mushrooms adjacent to existing distribution business

Address: To the rear of 118 Trewmount Road, Dungannon

Decision:

Decision Date: 21.04.2008

Ref ID: M/2014/0008/F

Proposal: Proposed amendment to previously approved application (M/2013/0191/F) to provide additional bay to extension of existing mushroom factory

Address: 118 Trewmount Road, Killyman, Dungannon,

Decision: PG

Decision Date: 16.04.2014

### Summary of Consultee Responses

### Drawing Numbers and Title

Drawing No. 06  
Type: Existing Plans  
Status: Submitted

Drawing No. 07  
Type: Existing Plans  
Status: Submitted

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 05  
Type: Existing Plans  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

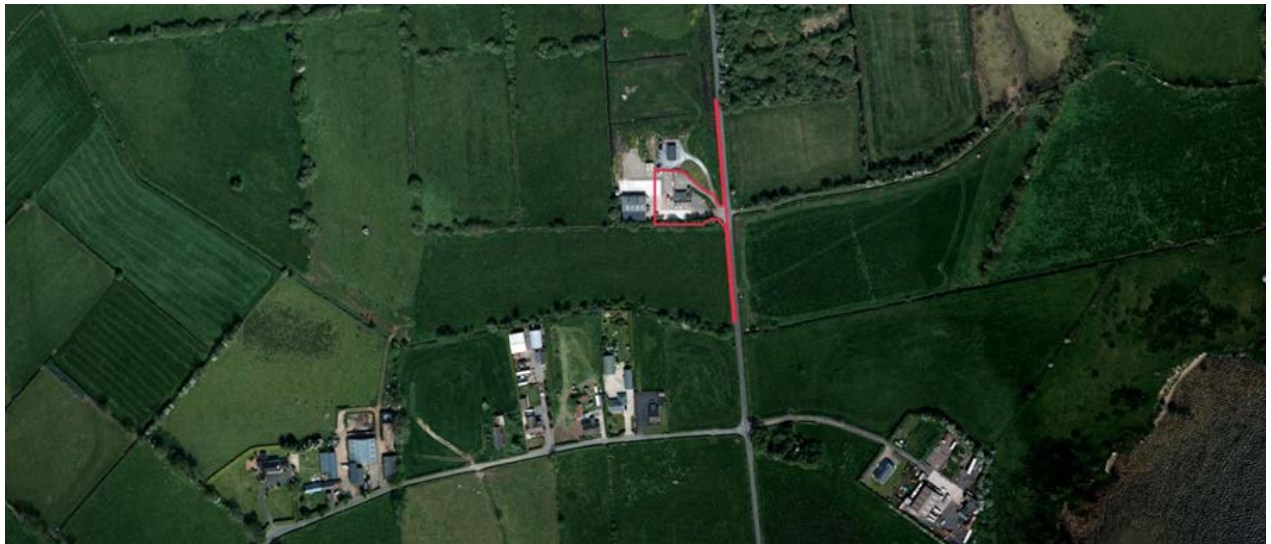
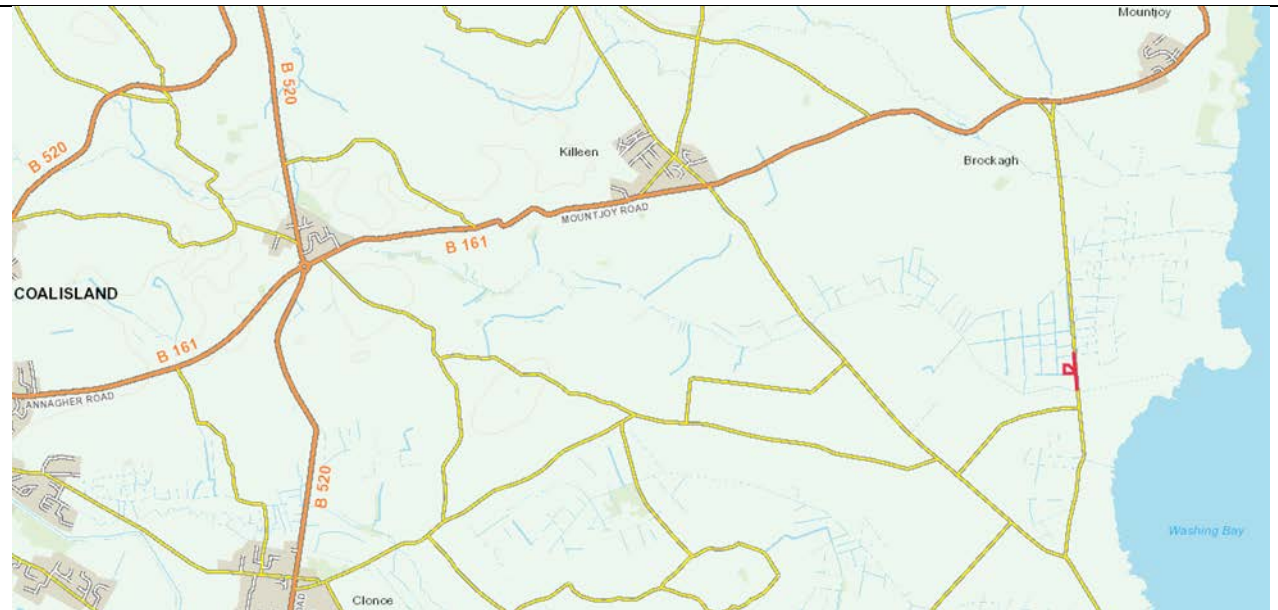
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1129/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and domestic garage/store	<b>Location:</b> South of and adjacent to 71 Ballybeg Road Dungannon
<b>Referral Route: Refuse</b>	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Mr Greard Mc Aliskey 43 Kanes Road Derrylaughan Coalisland	<b>Agent Name and Address:</b> CMI Planners 38a Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Description of Proposal</b>		
This is an outline planning application for a proposed dwelling and domestic garage/store to be located on lands south of and adjacent to 71 Ballybeg Road Dungannon.		
<b>Characteristics of the Site and Area</b>		
The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. 5km east of Coalisland and approx. 0.6km west of Lough Neagh.		
The site sits adjacent the Ballybeg Rd and contains a modular building on a gravelled yard. The modular building, which has a rectangular floor plan measuring approx. 9m x 6m and a flat roof, is painted white, has white window frames and doors, and white guttering and downpipes.		
The site / modular building has a shared access, off the Ballybeg Road, with a large shed (71 Ballybeg Road an engineering business) located immediately to the west and a modular dwelling (71c Ballybeg Road) immediately to the north. Close-boarded fencing approx. 1.8m high bounds off a small area of curtilage to the sides and rear of the modular dwelling from the wider yard. The large shed to the west of site received approval for light industrial use. The modular dwelling to the north is immune from enforcement but is unlawful.		
The area surrounding the site is predominantly rural in nature comprising agricultural land interspersed with single dwellings, ancillary buildings and farm holdings. Land in the area, including the site, is flat and below road level.		
Views of the site are on from the Ballybeg Rd on the northern approach and passing along its roadside frontage. Views on the southern approach are screened by mature vegetation along the southern boundary of the site.		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.		

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Revised Planning Policy Statement 15: Planning and Floodrisk

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:

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. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

**Representations**

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

**Planning History**

On site

- LA09/2015/1274/LDE - Mobile home used as a dwelling - Adjacent to 71a Ballybeg Rd Coalisland - Refused 7th April 2016. Whilst evidence submitted and OS maps seemed to support the fact the mobile home had been on site for more than 5 years insufficient evidence was submitted to show that the use of the building specified had begun more than 5 years prior to and including the date of the applications submission (15th December 2015) as such whilst the storage of the mobile on site was immune from enforcement its use as a dwelling was not.
- LA09/2016/0207/CA - Under this enforcement case an appeal has been heard by the PAC in relation to an Enforcement Notice issued for the unauthorised use of the modular building as a residential unit of accommodation; this Notice has taken effect with a compliance date of 7th July 2018.
- LA09/2018/0454/F - Retention of a mobile home for residential use - Approx.170m North of 5 Doon Avenue Aughamullan Dungannon - Granted 4<sup>th</sup> December 2019. This permission authorises the siting and use of the mobile for residential purposes for a period of 24.months from the date of this decision. At the end of this period the mobile shall be permanently removed from the site in the interest of visual amenity and to reduce floodrisk. Within 6 weeks of the date of this decision the vehicular access including visibility splays of 2.4m x 90.0m was to be provided in the interests of road safety and convenience of road users. The applicant was advised this temporary permission will not remove the enforcement notice from the site. The enforcement notice will cease to be effective for the period of the temporary permission



#### Adjacent site

- M/2004/0295/F - retention of light engineering workshop & hardstanding - 160m north of 1 Doon Avenue Aughamullen (Ballybeg Rd) Coalisland - Granted 12<sup>th</sup> April 2006
- LA09/2016/1602/F - Retrospective application for the extension to existing workshop approved under M/2004/0295 and hardcore area for turning and parking - 71 Ballybeg Road Ballbeg Dungannon - Granted 27<sup>th</sup> July 2017

The above applications relate to an engineering business located on lands within the control of the applicant immediately west of, and sharing an access off the Ballybeg Rd with, the current site.

- M/2012/0081/F - retention of mobile home - 71a Ballybeg Rd Ballybeg Coalisland - Withdrawn 6<sup>th</sup> June 2012.
- M/2012/0276/LDE - retention of mobile home - 71a Ballybeg Rd Ballybeg Coalisland - Refused 3<sup>rd</sup> September 2012. Insufficient information was provided to show operations were substantially completed for more than 5 years and immune from enforcement action. DOE Planning Service did not pursue any further enforcement action on this site and an enforcement case (M/2011/0078/CA) was closed. It is likely that the building and use is now lawful and our Enforcement Team is not pursuing any further enforcement action against the mobile home being used as a dwelling at 71a Ballybeg Rd.

The above applications relate to a modular dwelling (identified as no. 71 Ballybeg Rd) located on lands within the control of the applicant immediately north of, and sharing an access off the Ballybeg Rd with, the current site

- M/2014/0548/F - Retention of modular home – 71c Ballybeg Rd Coalisland - Refused 9<sup>th</sup> July 2015. Contrary to Policies CTY1 and CTY6 of PPS21 in not demonstrated the stated personal and domestic circumstances justify an exception to the rural policy and are no overriding reasons why essential in rural location and could not be located within a settlement. Also contrary to policy FLD 1 of PPS15 in that it is located within a floodplain and it has not been demonstrated it is of overriding regional importance or that it represents development within any of the categories meriting an exception.

The above application related a modular dwelling located on lands within the northern half of the current site. This mobile was subject to enforcement action under enforcement case M/2014/0020/CA and has been removed from the site.

- LA09/2016/0935/F - Proposed Dwelling - Approx 180m North of 5 Doon Avenue Aughamullan Dungannon - Refused 13th December 2016. Contrary to Policies CTY 1, 8 & 14 and FLD 1 of PPS 15 in that no overriding reasons why is essential in this rural location and could not be located within a settlement; would create ribbon development; create suburban development; erode character of area; located within flood plain and demonstrated proposal exception to this policy. Insufficient information also to determine existing or historical land use of site does not include activities affecting its suitability for residential use without remedial action.

The above application related to dwelling to be positioned on lands within the northern half of the current site. This dwelling was to sit behind on lands to rear of the modular dwelling subject to enforcement action under enforcement case M/2014/0020/CA and removed from the site.

### **Consultees**

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form submitted alongside the application. DEARA confirmed the applicant has a Cat 3 Farm Business, however the business Id was allocated on the 1<sup>st</sup> September 2020 and it does not submit a Basic Payment Scheme application.
3. Rivers Agency (Rivers) were consulted as Flood Maps NI show the site to be located within a fluvial floodplain. Below is a summary of River key issues raised under the following policies of PPS15 Planning and Flood Risk:
  - FLD1 Development in Fluvial (River) Plains - The Strategic Flood Map (NI) indicates the site lies within the 1% AEP fluvial flood plain of Lough Neagh. As Lough Neagh is a controlled system, Rivers considers the floodplain should be defined as the flood extent emanating from the highest recorded flood, in this case the January 2016 event. The level of this flood was 13.68mOD. Drawing 'A4 02 – Site Layout' indicates ground levels that would suggest that the development does not lie within the fluvial flood plain. Hence, Rivers have no specific reason to object to the proposed development from a fluvial flood risk perspective. The highest recorded lough level at the site is 13.68m OD Belfast. Due to the near location to the flood plain the developer should be advised that for design purposes all finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above this level.
  - FLD2 Protection of Flood Defence and Drainage Infrastructure - Policy requires a working strip of minimum width 5m retained at all times along the designated watercourse to south of site for maintenance purposes.

I am content that all finished floor levels (including gardens, driveways and paths) could be conditioned to be placed at a minimum of 600mm above 13.68m OD Belfast. I am also content this proposal should not hinder access to the watercourse bounding the site to facilitate any future maintenance by Rivers, other statutory undertaker or the riparian landowners if required as a buffer of 5m could be conditioned to be retained clear of impediments.

4. NIEA were consulted as Natural Environment Division Map Viewer showed the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders. NIEA responded as follows:  
Designated Sites - The site is hydrologically connected to Lough Neagh ASSI Lough Neagh and Lough Beg RAMSAR site and Lough Neagh and

Lough Beg Special Protection Area, hereafter referred to as the designated sites which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). With specific reference to designated sites, NED recommended Mid Ulster Council consult with the Shared Environmental Service to enable a Habitats Regulations Assessment (HRA) on Natura 2000 sites to be undertaken; and:

- i. A minimum buffer of 10m must be maintained between the location of refuelling, storage of oil, fuel, machinery, spoil, concrete mixing, washing areas and all watercourses.
- ii. Discharge from the septic tank and soakaway should be directed away from all watercourses.

Other Natural Heritage Issues - NED consider the development unlikely to impact any other natural heritage features however recommended the following measures be taken should approval be granted to minimise threats to breeding birds and maintain availability of nest sites:

- i. Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.
- ii. Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1st March to 31st August.
- iii. All works should remain within the access and construction footprint as shown on the original drawings.

With regards the advice above consultation was carried out with the SES to enable an appropriate assessment be carried out (see details below). Additional advice could be dealt with via conditions and informatives.

5. Shared Environmental Services were consulted as Natural Environment Division Map Viewer showed the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders. SES having carried out an Habitats Regulations Assessment (HRA) advised that having considered the nature, scale, timing, duration and location of the project it should not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to the following mitigation measures being conditioned in any approval:

- A suitable and clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all identified open field drains/watercourses. Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES. It is considered reasonable that any permission would be subject to the condition specified.

## **Consideration**

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside; and 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,

Consultation with the Department of Agriculture, Environment and Rural Affairs (DEARA) confirmed the applicant has a Cat 3 Farm Business however the business Id was allocated on the 1<sup>st</sup> September 2020 and it does not submit a Basic Payment Scheme application. I am not content the farm business is currently active and or that it has been established for a least 6 years. Criterion (1) of CTY 10 has not been met.

Accordingly, the agent was contacted via email on the 19<sup>th</sup> November 2021 and again on the 22<sup>nd</sup> December 2021 and advised on a without prejudice basis Planning requires the following additional information in order to establish the applicants farm business has been established for at least 6 years and is currently active in accordance with Policy CTY10 of PPS21:

- Details of applicant's farming activity prior to 1st September 2020 when DEARA consultation response stated his business Id was allocated?

Under the most recent request for the information above the agent was advised it should be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 14th January 2022. To date no additional information to demonstrate the farm business has been established for at least 6 years and is currently active has been submitted.

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 McAliskey's farm holding as identified within the P1C Form (business Id) and on the site location plan (lands in blue) 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 that a dwelling on this site would cluster and visually link with the established group of buildings on the farm holding including an engineering shed and modular dwelling located just to the west and north of the site, respectively. 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. Had this proposal met with Policy CTY 10, I consider it could have integrated on site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area, in accordance with policies CTY13 and 14. This would have been subject to it being of an appropriate size, scale and design with a ridge height no greater than 5m above FFL similar to the modular dwelling to its north. As this is an outline application, the details of the size, scale and design of the dwelling would have been considered further under any subsequent reserved matter application. A suitable scheme in my opinion would not have adversely impacted neighbouring amenity to any unreasonable degree in terms of overlooking or overshadowing given the nature and orientation of the existing properties and separation distances that could be retained.

#### **Additional considerations**

Historic Environment Division map viewer identified no built heritage assets of interest on site.

The proposal is under the 15.2 height thresholds in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a dwelling and garage.

#### **Recommendation**

Refuse

<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation:</b>	Refuse
<b>Reasons for refusal</b> <ol style="list-style-type: none"><li>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.</li><li>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.</li></ol>	

3. Insufficient information has been submitted to demonstrate that the farm business is currently active and has been established for at least six years.

**Signature(s)**

**Date:**



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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1171/RM	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling & detached domestic garage.	<b>Location:</b> Approx 30m South of 5 Tamlaghtduff Park Bellaghy.
<b>Referral Route:</b>  Objections received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> John & Sheila Fullerton 31 Birchwood Bellaghy	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Three objections have been received. These have been summarised as follows and have been fully considered as part of the assessment of this application.

- The design of the dwelling is not in keeping with the rural design guide in terms of the gable width and ridge height.
- Detailed planting required to be shown
- No detailed accesses arrangements or site survey for access.
- No 5m maintenance strip shown along eastern side
- Clarification of how foul sewage is dealt with
- Sufficient parking has not been provided.



**Characteristics of the Site and Area**

The site is located within the open countryside, 0.3km North West of the settlement limits of Bellaghy as defined by the Magherafelt Area Plan 2015. The red line of a site is currently a small piece of agricultural land, with a small watercourse running along the south eastern boundary of the site along with a strong mature tree line at the south eastern boundary. Along the roadside there is a number of mature trees which define the boundary. The north western and north eastern boundaries are undefined and the site runs into the existing garden and drive way leading to No.5 Tamlaghtduff Park, Bellaghy. The surrounding area, although located within the open countryside is a well built up area with a number of dwellings located to the north and north west of the site. Adjacent to the site on the south eastern boundary is a parish hall, with a grave yard, Parochial House and Roman Catholic Church located beyond this.

**Description of Proposal**

This is a Reserved Matters application for a proposed dwelling & detached domestic garage.

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

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

When outline planning permission was granted re LA09/2020/0714/O the principle of development at this location was agreed, including the use of a new laneway through at the location shown. There were a number of conditions imposed and I am content that the conditions set out have been complied with.

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. The general planning principles with respect to this proposal have been complied with.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. In particular, Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 - Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

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 objector raised concerns about the design of the dwelling particularly the ridge height and the width of the gable being over the recommended size as per the Rural Design Guide. Although it is .7m over the recommended gable width, I do not believe this will be detrimental and respects the size of the plot. The rural design guide also recommends the ridge height of a two storey dwelling be 8m and it is noted this proposal is 8.7m from finished floor level. It is important to note that the Rural Design Guide is not policy rather it is a guidance document. Given the hipped roof style development of the dwelling at 25 Ballynease Road, which is approximately 142m, South East of the site, this style and massing of development is visible in the area therefore respecting the style of development in the area. I am content that the design of the building is appropriate for the site and its locality. I am content that given the development surrounding the site is mainly two storey, this dwelling will integrate into the surrounding landscape which, although it is within the countryside, the surrounding area is well

developed and reads as an urban setting. The existing site boundary on the south east is to be retained and this will help ensure the building will integrate and not be a prominent feature. New landscaping has been proposed and detailed planting details have been provided which will aid integration. Ancillary works will integrate with their surroundings.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously stated I am content that the building will not be prominent in the landscape. I am content it will not result in a suburban style of development when viewed with existing and approved buildings; the principle of the infill development was agreed at outline stage. The proposal respects the pattern of development within the existing close proximity of the site. The ancillary works will not damage the character of the area.

Policy CTY 16 states planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. I am content sufficient space is available for the provision of a package treatment plant however; the onus is on the landowner/developer to ensure there are appropriate consents in place.

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

DfI Roads were consulted as part of the application and objections raised concerns over the access arrangements and in curtilage parking. DfI Roads are satisfied that the recommended visibility splays of 2.4 x 45m are achievable for the proposal and that parking/turning for 2 vehicles is available within the site. The applicant addressed the concerns raised by an objector and submitted detailed access arrangements which were reviewed by DfI Roads who offered no objection.

#### Revised PPS15: Planning and Flood Risk

A condition was attached at outline stage requiring a 5m maintenance strip to be shown on the block plan, which should be kept clear at a level surface and no planting or unapproved development taking place. The agent has shown this on the site block plan and I am content this has been provided and complied with.

#### **Other Material Considerations**

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

#### **Neighbour Notification Checked**

**Yes/No**

#### **Summary of Recommendation:**

Approval subject to conditions

#### **Conditions**

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

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

2. The vehicular access including visibility splays 2.4 X 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No 02 Rev 01 bearing the date stamp 28<sup>th</sup> Jan 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All landscaping comprised in the approved details of landscaping on stamped drawing No 02 Rev 01 bearing the date stamp 28<sup>th</sup> Jan 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

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 written consent to any variation.

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

5. The existing mature trees and vegetation along the south eastern boundary shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

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

6. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

### **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.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

5. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	13th August 2021
<b>Date First Advertised</b>	24th August 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 5 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 7 Tamlaghtduff Park, Bellaghy, Londonderry, BT45 8JR The Owner/Occupier, 8 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 9 Tamlaghtduff Park Bellaghy Londonderry Gerard McPeake Architect, 31a Main Street, Limavady, Derry, BT49 0EP G McPeake  G McPeake  Gerard McPeake	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/1171/RM Proposal: Proposed dwelling & detached domestic garage. Address: Approx 30m South of 5 Tamlaghtduff Park, Bellaghy., Decision: Decision Date:  Ref ID: LA09/2020/0714/O Proposal: Proposed dwelling and domestic garage based on policy CTY8 Address: Approx 30m South of 5 Tamlaghtduff Park, Bellaghy, Decision: PG Decision Date: 21.04.2021  Ref ID: H/1999/0557 Proposal: DWELLING & GARAGE Address: ADJACENT TO 7 TAMLAGHTDUFF PARK BELLAGHY Decision:	

Decision Date:

Ref ID: H/1999/0369

Proposal: SITE OF DWELLING

Address: ADJ. TO 7 TAMLAGHTDUFF PARK BELLAGHY

Decision:

Decision Date:

Ref ID: H/1992/6046

Proposal: SITE OF BUNGALOW ADJACENT TO 7 TAMLAGHTDUFF PARK BELLAGHY

Address: ADJACENT TO 7 TAMLAGHTDUFF PARK BELLAGHY

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02 Rev 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:

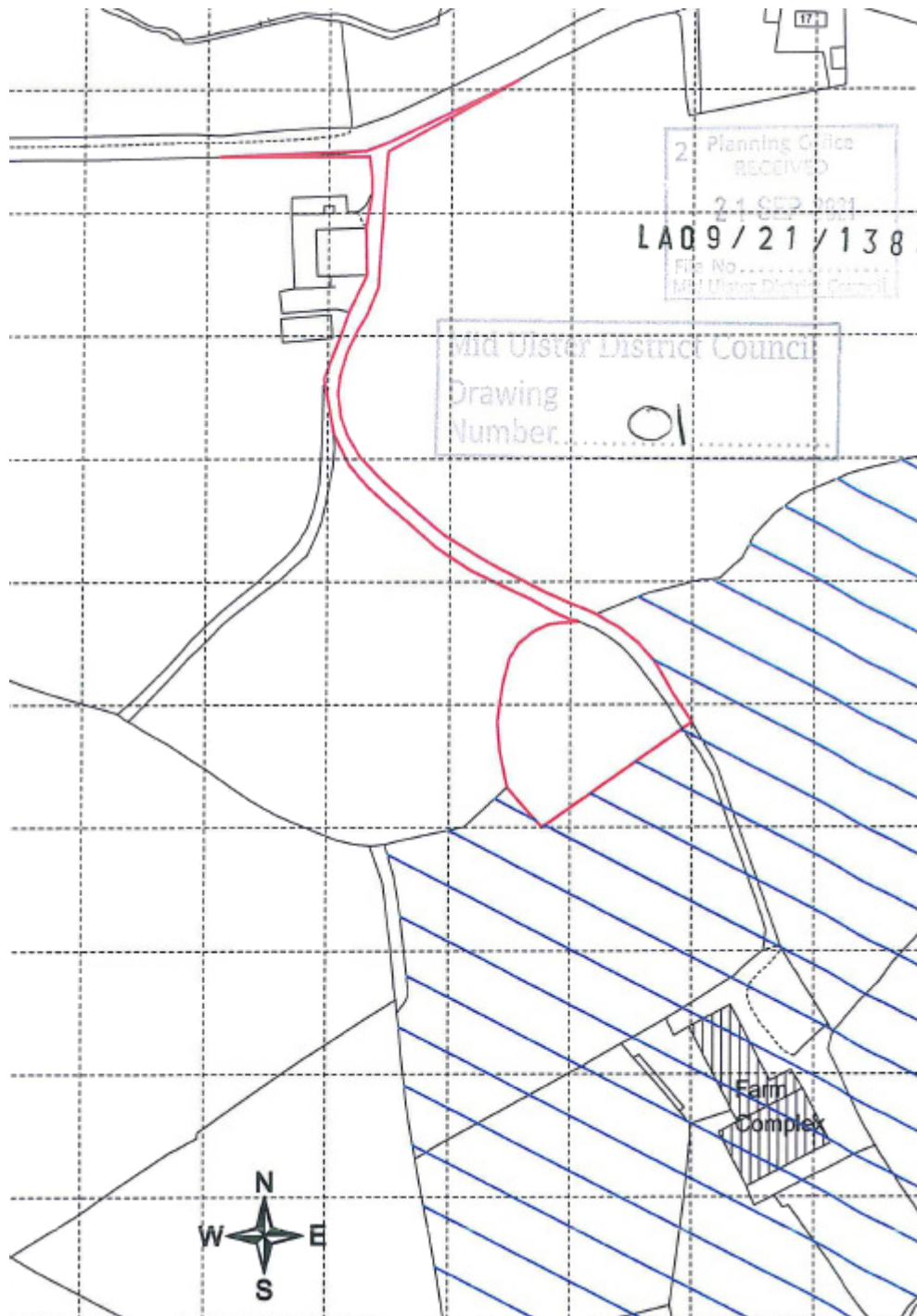


**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1382/O	<b>Target Date:</b>
<b>Proposal:</b> Erection of 2 storey dwelling & domestic garage on a farm	<b>Location:</b> Land approx. 130m SW of 19 Glendavagh Road Aughnacloy
<b>Referral Route:</b> Refusal - contrary to CTY 10 and CTY 13 of PPS 21.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Dale Watters 19 Glendavagh Road Aughnacloy	<b>Agent Name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary



<b>Representations:</b>	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>  <p>There were no representations received in relation to the proposal. However, there are concerns that the proposal is contrary to the policy criteria of CTY 10 and CTY 13 held within PPS 21.</p>	
<b>Characteristics of the Site and Area</b>  <p>The site is located at lands approx. 130m SW of 19 Glendavagh Road, Aughnacloy. The red line of the site comprises of an irregular shaped portion of a larger agricultural field which is set back from the roadside. The site has existing low level hedging along most of its northern and western boundary, with the southern boundary currently undefined and the roadside boundary post and wire fencing. There is an existing farm complex shown to the south of the site and a number of agricultural fields surrounding the site outlined in blue, indicating ownership. The area surrounding the site is rural in nature, which scattered single dwellings and their associated outbuildings.</p>	
<b>Description of Proposal</b>  <p>Outline planning permission is sought for the erection of 2 storey dwelling &amp; domestic garage on a farm.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <p><u>Planning History</u>          LA09/2016/1620/O – Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy - Proposed farm dwelling and garage – PERMISSION GRANTED</p> <p>LA09/2017/1759/RM - Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy - Proposed farm dwelling and garage – PERMISSION GRANTED</p> <p>LA09/2019/0555/NMC - Land approx. 175m SW of 17 Glendavagh Road, Aughnacloy - Repositioning of dwelling and garage – NON MATERIAL CHANGE GRANTED</p> <p>It should be noted that all of the above applications relate to an entirely separate farm business.</p> <p><u>Representations</u>          Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.</p>	

### Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, southeast of Aughnacloy. There are no other zonings or designations within the Plan.

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

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

- (a) the farm business is currently active and has been established for at least 6 years
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. 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 details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years. DAERA have also confirmed the applicant has been claiming on the land over the last 6 years. From this information and from the site visit conducted, I am content the farm holding has been active and established for at least 6

years and that the land has been maintained in good agricultural and environmental condition.

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 this application. Checks were carried out using the UNIFORM system and no historical applications have been found. I note the history for the recent approval, north of the application site, however this is a different farm business and is not related to the business ID or mapping which was submitted in relation to in this application.

With respect to (c), the new dwelling is not considered to be visually linked with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The proposed site is approx. 100m at the closest point to the red line of the site and the farm complex. The topography of the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage. The agent has provided supporting information, justifying their proposed siting. The agent refers to paragraph 5.41 of CTY 8 in PPS 21 states that a dwelling can be approved: *'where the existing group of buildings is well screened, or where a site adjacent to the group is well landscaped, permission can be granted for a dwelling even though the degree of visual linkage between the two is either limited, or virtually non-existent due to the amount of screening vegetation.'*

We do not feel that this extract from the justification and amplification within CTY 10 relates to this specific site, as the exceptions is only if there is significant vegetation between the two. In this case, it is our view that it is more so the topography of the lands that is creating the separation. Therefore, we feel that this argument is not strong enough to support a case for the proposed siting under this application especially noting that there are a number of other alternative sites within the applicant's ownership, which would meet the policy criteria and would visually link with existing farm buildings on the farm. There are no verifiable plans that the farm business is to be expanded also. It has also been noted that if approval were to be forthcoming as a result of this application, an infill opportunity may be created directly south of the red line.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. There is some degree of hedging along the northern and western boundary but it is low lying and therefore wouldn't provide a suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to utilise the existing access from Glendavagh Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal is recommended.

**Conditions/Reasons for Refusal:**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

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

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

**Signature(s)****Date:**

ANNEX	
<b>Date Valid</b>	21st September 2021
<b>Date First Advertised</b>	5th October 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/1382/O Proposal: Erection of 2 storey dwelling & domestic garage on a farm Address: Land approx. 130m SW of 19 Glendavagh Road, Aughnacloy, Decision: Decision Date:  Ref ID: LA09/2019/0555/NMC Proposal: Repositioning of dwelling and garage Address: Land approx. 175m SW of 17 Glendavagh Road, Aughnacloy, Decision: CG Decision Date:  Ref ID: LA09/2017/1759/RM Proposal: Proposed farm dwelling and garage Address: Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy, Decision: PG Decision Date: 17.05.2018  Ref ID: LA09/2016/1620/O Proposal: Proposed farm dwelling and garage Address: Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy,	

Decision: PG  
Decision Date: 09.03.2017

Ref ID: M/2006/1927/F  
Proposal: Overhead Line on Wood Poles (05/15734)  
Address: Behind No.19 Glengavagh Road, Aughnacloy  
Decision:  
Decision Date: 20.11.2006

Ref ID: M/1989/0339  
Proposal: Farm Dwelling  
Address: 80M SOUTH WEST OF 17 GLENDVAGH ROAD GLENDVAGH  
AUGHNACLOY  
Decision:  
Decision Date:

Ref ID: M/1989/0639  
Proposal: 11KV Rural spur  
Address: CURLAGH DUNGANNON  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Date of Notification to Department:  
Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1450/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Site ay 100m N.W. of 4 Rogully Road Magherafelt
<b>Referral Route:</b>  Recommended refusal – contrary to PPS21 Policy CTY10	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Pat McVey 105 Ballyneill Road Magherafelt	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b> Proposal considered against prevailing planning policy - insufficient information has been provided to demonstrate the proposal complies with Policy CTY1 and CTY10 of PPS21. No objections received.	
<b>Signature(s):</b>  <div style="height: 40px; border: 1px solid black;"></div>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads – Enniskillen Office	Standing Advice
Statutory	DAERA	Advice

### Representations:

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

### Characteristics of the Site and Area

The application site is located approximately 35m south of the development limits of The Loup, as such the site is located in the open countryside as per the Cookstown Area Plan 2010. The site comprises a portion of a roadside agricultural field. Access to the site is via an existing agricultural gate onto Rogully Road, with public views of the site also from Ruskey Road. The ground level falls within the site therefore the public road is at a slightly higher level. The roadside and eastern boundary are defined by post and wire fencing and dispersed vegetation. The western boundary is defined by trees and the NW boundary is currently undefined. The immediate area is dominated by agricultural land uses with dispersed dwellings, with greater development pressure north of the site within the settlement of the Loup. There are three dwellings and a commercial garage in a ribbon of development to the east of the site.

### Description of Proposal



This application seeks full planning permission for a storey and a half dwelling and detached domestic garage on lands approximately 100m N.W. of 4 Rogully Road, Magherafelt.

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
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

### **History on Site**

LA09/2021/1531/O - Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm) - Lands 60m SW of 105 Ruskey Road, Ballymaguigan, Coagh – Under Consideration

LA09/2021/0056/F – Erection of shed as previously approved under I/2014/0259/F - Site at 100m NW of 4 Rogully Road, Moneymore – Permission Granted 17/08/21

LA09/2020/1425/F - Proposed increase to provide registered child minding and day care from 6 children to 8 children (at any one time) in existing dwelling - 2 Rogully Road, Moneymore – Permission Granted 18/02/21

LA09/2019/1294/F – Proposed double garage – 2 Rogully Road, Loup, Moneymore - Permission Granted 26/11/19

I/2014/0259/F - Retrospective permission for re-positioning of partially constructed farm shed approved under I/2013/0044/F including alternative access position – Approx. 145m NE of 5 Rogully Road, Moneymore - Permission Granted 06/10/14

I/2014/0105/F - Proposed one and a half storey infill dwelling - Land immediately to the West of no. 4 Rogully Road, Moneymore Permission Granted 21/08/14

I/2010/0133/F - New Farm Dwelling to comprise of storey and half dwelling - 140m North East of 5 Rogully Road, Moneymore – Permission Granted 16/12/10

### **Key Policy Considerations/Assessment**

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings. The settlement limits of The Loup are in close proximity to the North.

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. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. 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 details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years, however advised no claims have been made on the lands. The agent has provided a DAERA herd number, however this alone does not demonstrate the farm business is active. Overall, I am content the farm business has been established for the required six years however it has not been adequately demonstrated that the farm business is currently active.

With respect to (b) following a review of the farm maps provided and a planning history check it was identified that planning approvals have been granted on the farmland on the

adjacent fields labelled Field No.07 on the applicant's farm maps. Planning approval was granted for a farm dwelling under I/2010/0133/F for Mr Pat McVey on 15/12/10. Whilst this is more than ten years from the date of the application, following a land registry check it was identified this site was sold and transferred from Patrick and Christine McVey on 01/10/13 to Mr Michael McVey. As well as this, an infill dwelling was also approved on this field under I/2014/0105/F for Mr Adrian McVey on 19/08/14. Following a land registry check, it was confirmed this portion of land was sold and transferred from Patrick and Christine McVey on 28/09/18 to Mr Adrian McVey. Paragraph 5.40 states "For the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person *including a member of the family.*" I emailed the agent on 07/01/22 giving him the opportunity to provide clarification on this matter. He has advised with respect the site relating to approval I/2010/0133/F, Mr Michael McVey approached his solicitor to transfer the lands in June 2011 and he cannot explain the date of 01/10/13. The agent has provided a Newline Architects map which is titled "Transfer Map" and dated June 2011 and provided a Building Control letter that advises work commenced on the site on 11 July 2011. It is considered that works commencing on the site in July 2011 does not demonstrate the land was transferred on this date, nor does a transfer map from the architect. The Planning Department obtained a copy of the Folio and associated map from the Land Registry which clearly states the land was transferred on 01/10/13 and no information has been provided which sufficiently challenges this. With respect the site relating to I/2014/0105/F, the agent has argued that Mr Adrian McVey is part of the farm business and as such this site has not been sold off. The agent has provided a DAERA Business Change Notification letter dated 28<sup>th</sup> June 2021 which details Mr Adrian McVey has joined the farm business. It is considered a family member cannot be added to the Farm Business as a way of getting around this policy. Mid Ulster District Council interpretation of Policy CTY10 is that the individual should be a member of the farm business on the date of the selloff and it should be clearly demonstrated the active role they have and for what period of time. This was the view of the Planning Committee in a similar case Planning Application LA09/2019/1119/O. From the information above, it appears there have been two development opportunities on the farm holding sold off within 10 years of the date of this application therefore I consider the proposal fails to meet criteria b and is therefore contrary to CTY 10.

With respect to (c), there are no established buildings on the site for the proposed dwelling to cluster with or to provide visual linkage as required under CTY10. It is noted however that planning approval for an agricultural shed was granted under LA09/2021/0056/F. As there are no existing farm buildings on the farm land, it was considered at internal group that the siting of the dwelling adjacent to the approved agricultural shed, which has not yet been built, would be acceptable in this instance. It is noted the proposed access utilises the previously approved agricultural shed laneway which runs alongside the natural field boundary providing suitable integration.

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 application seeks permission for a storey and a half dwelling with approx. 7.5m ridge height. The proposed dwelling has a long rectangular form approx. 22.2m in length and 14.3m maximum depth. There are a number of projections to the front elevation including a front porch, two dormer windows coming out of the roof and two further pitched projections. The dormer windows within the roof and two large

stone feature projections, as well as the extensive glazing to the western gable, are considered inappropriate to the rural setting. Revisions to the design was not formally requested, given the principal of development is considered contrary to CTY10, however should members consider approval the design should be considered further. As well as this, the curtilage is considered excessive and would need reduced to provide a suitable degree of enclosure for the building to integrate into the landscape. In my opinion the proposed dwelling and garage, if permitted, would fail to integrate successfully into the landscape and design of the dwelling is inappropriate for the site and its locality and is therefore contrary to CTY13.

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. The proposed dwelling will read with the three dwellings and commercial garage located to the east of the site. I consider the proposal will add to this ribbon of development and create a suburban style build-up of development when viewed with existing and approved buildings. As well as this, given the proximity to the development limits of The Loup, it is considered a dwelling in this location has the capacity to mar the distinction between the countryside and the settlement. As such would erode the rural character of the area as any new dwelling would nearly read as part of the settlement as such.

CTY 15 is relevant in this application given the proximity of the site to the development limits of The Loup, wherein this is seen as an important visual break between the settlement and the countryside where a dwelling in this location would remove this. As such I hold the view that this application fails under CTY 15.

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. DfI Roads have been consulted and have no objection subject to standard conditions. I am content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

The proposal is recommended for refusal, as it does not comply with CTY1, 10, 13, 14 or 15 of Planning Policy Statement 21.

**Reasons for Refusal:**

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

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 that development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the design of the building is inappropriate for the site and its locality and the proposal fails to provide a suitable degree of enclosure for the buildings to integrate into the landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed buildings would, if permitted, add to a ribbon of development and result in an unacceptable build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, mar the distinction between the Loup and the surrounding countryside.

**Signature(s)**

**Date:**



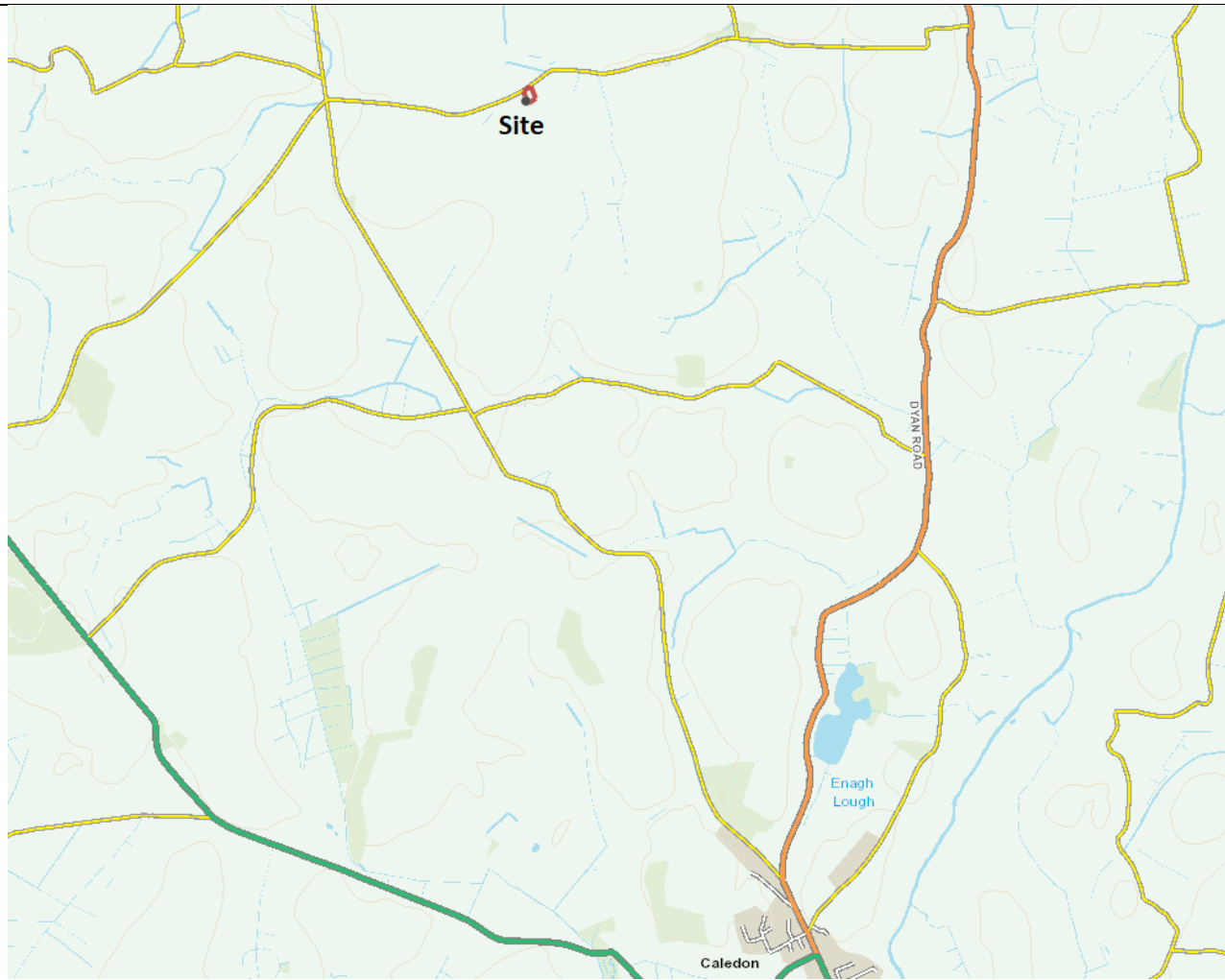
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1592/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling on a farm	<b>Location:</b> 30m NE of 32 Killynaul Road Caledon
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	refusal
<b>Applicant Name and Address:</b> Mark Edwards 34 Killgowney Manor Caledon BT68 4UT	<b>Agent Name and Address:</b> JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

### Representations:

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

### Summary of Issues

None

## Characteristics of the Site and Area

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



The red line of the site includes a rectangular shaped cut out in the North west corner of a larger agricultural field and is located approx 30 metres east of 32 Legilly Road, Caledon. The site is bounded along the northern roadside frontage and the west boundary by a low cropped native species hedgerow, with a large mature tree in the most NW corner and the remaining east and southern boundaries remain undefined on the ground.

The land rises lightly from the roadside north to the rear south and is currently used for agricultural grazing. To the immediate west of the site there is a small bungalow and then further west of that is the main farm holding with which this proposed farm dwelling is associated. The farm holding includes a further dwelling and numerous shed/silos/barns of differing sizes. To the north east and south the site is surrounded by undulating rural countryside.





### Description of Proposal

The proposal seeks full planning permission for a 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.

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

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

#### Planning History

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

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

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

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

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

With respect to (a) it is considered that this policy criteria has been met as the applicant has provided an Agricultural Business Identification number and is in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has had a Business ID for over 6 years.

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

With respect to (c) it is noted that the application site is not located directly adjacent to the main farm buildings, but rather approx..50 metres to the east, it is located next to a bungalow situated between the site and the farm buildings which does somewhat separate it from the farm holding. It must also be noted as seen below that the site will generally still be visually linked as it only separated by a low cropped hedge and the bungalow itself whilst not a part of the holding still reads with the farm holding. See below.

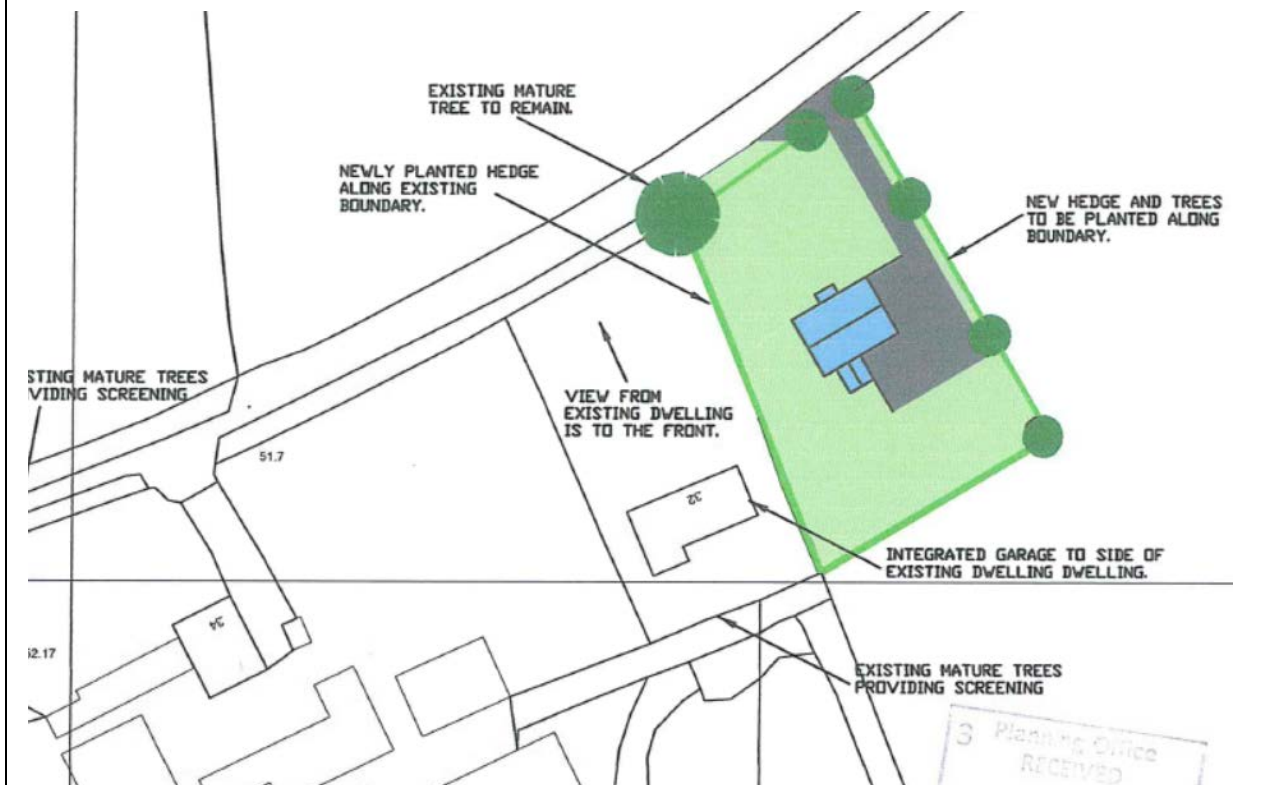


In addition there is one field nearer to the farm holding which may have been suitable, however, the applicant has stated that due to the topography of the site, it is immediately in front and on lower ground than the existing farm building (shot house) and would therefore be unsuitable in terms of health and safety as well as the potential for odour and pest nuisance.

It is considered that the proposal is in general compliance with the criteria of Policy CTY 10.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. The site doesn't benefit from a high level of vegetation cover, with the only screening coming in the form of a single tree and a low cropped hedgerow to the front, the existing dwelling and farm buildings to the west and the land rising to the rear north also acts as a partial back drop. However, it is my opinion that there will be significant long distance views of the site, when travelling along the main road from the west to east. In my opinion it would take a significant landscaping plan to allow a dwelling to fit in unobtrusively regardless of the size. Therefore it is my opinion that the site is unable to provide a suitable degree of enclosure and does not have the capacity to absorb a dwelling of any size and scale without heavily relying on landscaping for integration. The loose visual association with the established group of buildings on the farm is not sufficient to provide any suitable degree of integration into the local landscape either.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The position of this site on to the North East of the existing farm dwelling, farm buildings and the small bungalow means that a new dwelling would invariably add to a ribbon of development when viewed with the existing. This will result in a suburban style build-up of development. It is considered that the site and its surrounding environs are therefore not suitable for absorbing a dwelling of any size and scale.



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

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

Recommendation Refusal

**Neighbour Notification Checked**

**Yes**

**Refusal Reasons**

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

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted 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	
<b>Date Valid</b>	3rd November 2021
<b>Date First Advertised</b>	16th November 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 32 Killynaul Road Caledon Tyrone	
<b>Date of Last Neighbour Notification</b>	25th November 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1592/O Proposal: Dwelling on a farm Address: 30m NE of 32 Killynaul Road, Caledon, Decision: Decision Date:  Ref ID: M/1981/011401 Proposal: ERECTION OF DWELLING Address: KILLYNAUL ROAD, CALEDON Decision: Decision Date:  Ref ID: M/1981/0114 Proposal: ERECTION OF DWELLING Address: 34 KILLYNAUL ROAD, CALEDON Decision: Decision Date:  Ref ID: M/1981/0116 Proposal: ALTERATION TO ENTRANCE FOR DWELLING Address: TANNAGHLANE, CALEDON Decision: Decision Date:  Ref ID: M/1981/0306 Proposal: ERECTION OF DWELLING	

Address: TANNAGHLANE, CALEDON

Decision:

Decision Date:

**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1733/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed replacement dwelling and garage.	<b>Location:</b> Land approx. 65m NW of 68 Tullanafoile Road Dungannon BT70 2ED.
<b>Referral Route:</b> Approval – Cllr Wills Robinson is applicants father.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Neville Robinson 69 Tullanafoile Road Dungannon BT70 2ED	<b>Agent Name and Address:</b> Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

No issues. No representations received.

### Characteristics of the Site and Area

The site is located at lands approx. 65m NW of 68 Tullanafoile Road, Dungannon. The red line of the site comprises of a rectangular portion of a larger agricultural field which fronts onto two different roads, given its location at a crossroads. There is a building shaded green which is the building proposed to be replaced and there is other existing farm buildings to the east of the red line and are outlined in blue indicating ownership. The surrounding context appears rural and is characterised predominantly by agricultural fields, farm complexes and dispersed single dwellings. The site lies within the open countryside as defined in the Dungannon and South Tyrone Area Plan 2010.



**Description of Proposal**

Outline planning permission is sought for Proposed replacement dwelling and garage.

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

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 69 Tullanafoile Road. At the time of writing, no third party representations were received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The site is located outside any defined Settlement Limit in the rural countryside and the site has no other zonings or designations related to the site.

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

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. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The structure in question is single storey dwelling which appeared currently inhabited and therefore clearly has all of the external walls intact. It has all of the characteristics which help determine that the application is a dwelling, such as chimneys, window and door openings. I am content that the building in question is a genuine replacement opportunity.

The applicant/agent has indicated their preferred siting which is approx. 18m NW of the existing replacement opportunity. The agent has provided reasoning for the off site location, noting that the existing site access is located at a very tight crossroads and therefore making it difficult for vehicles to access the site. They also note that the proposed site has got improved landscaping with mature hedging and mature trees along the roadside boundaries. Whilst on site, the foliage of the mature trees was reduced given the time of year, however I am content that the images provided from the agent, taken from google street view images show how the mature trees would provide good landscaping. The final reason referred to in the justification was in relation to the amenity space within the current site. The current site is bounded to the north and east with existing farm buildings and in building a modest sized dwelling on site, the site would be restricted in providing adequate amenity space for the applicant. I am content that the off site location in this instance is acceptable given the reasons aforementioned which will provide access and amenity benefits and therefore is considered acceptable within the exceptions as set out in CTY 3 of PPS 21.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. 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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the other dwellings in this vicinity. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. I feel a 5.5m ridge height would be appropriate on this site, noting the current structure to be replaced as well as taking account of the characteristics of neighbouring properties and the topography of the site too. The agent has noted that the applicant wishes to retain the existing dwelling for agricultural use if possible which has been conditioned.

The proposal intends to create a new access onto Lisdoart Road. DfI Roads were consulted and have raised no concerns, subject to conditions.

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

Approval is recommended.

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

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

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

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4m x 60/33m\* Tullanfoile Rd and 65m\* Tycanny Rd and forward Sight Distance of 60/33m\* Tullanfoile Rd and 65m\* Tycanny Rd, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

4. Upon occupation of the new dwelling, the dwelling to be replaced coloured green on drawing No 01 which was received on 3<sup>rd</sup> December 2021, shall no longer be used or adapted for the purpose of human habitation and may only be used for non-residential use.

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

5. The dwelling hereby permitted shall have a ridge height not exceeding 5.5 metres above existing ground level. It should be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

6. 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.

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

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

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

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

**Informatives**

1. 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.

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	3rd December 2021
<b>Date First Advertised</b>	14th December 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 69 Tullanafoile Road,Dungannon,Tyrone,BT70 2ED	
<b>Date of Last Neighbour Notification</b>	7th January 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/1733/O Proposal: Proposed replacement dwelling and garage. Address: Land approx. 65m NW of 68 Tullanafoile Road, Dungannon BT70 2ED., Decision: Decision Date:  Ref ID: M/2011/0429/F Proposal: Proposed farm dwelling and car port Address: 50m SW of 68 Tullanafoile Road, Ballygawley, Decision: Decision Date: 04.11.2011  Ref ID: LA04/2020/1672/F Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -, Decision: Decision Date:	

<b>Summary of Consultee Responses</b>  DfI Roads – content subject to condition.
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



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

**Development Management Officer Report  
Committee Application**

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

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

#### Representations:

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

#### Summary of Issues

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

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



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

### Characteristics of the Site and Area

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

### Description of Proposal

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

### Planning Assessment of Policy and Other Material Considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other Material Considerations**

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

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

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

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

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

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

**Signature(s)**

**Date:**

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

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

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

Decision: PG

Decision Date: 08.12.2014

Ref ID: H/2013/0459/O

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

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

Decision: PR

Decision Date: 18.08.2014

Ref ID: LA09/2018/1662/F

Proposal: 2 Dwellings and detached double garage

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

Decision: PG

Decision Date: 13.09.2019

Ref ID: H/1992/0544

Proposal: EXTENSION TO DWELLING

Address: 44 ANNAGHMORE RD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1988/0610

Proposal: 33KV OH LINE

Address: AGHAGASKIN, KILLYNEESE & ANNAGHMORE CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1981/0028

Proposal: HV O/H LINE BM 4170A

Address: ANNAGHMORE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0944/F

Proposal: Bungalow and Garage

Address: Opposite 39b Annaghmore Road, Castledawson

Decision:

Decision Date: 13.02.2006

Ref ID: H/1997/0505

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

Address: ANNAGHMORE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0510/F

Proposal: Proposed replacement dwelling and detached garage/domestic store

Address: 46 Annaghmore Road, Castledawson

Decision:  
Decision Date: 28.07.2010

Ref ID: H/2011/0150/F  
Proposal: Proposed sun room extension to front of existing dwelling  
Address: 32 Annaghmore Road, Castledawson, Magherafelt, BT45 8DU,  
Decision:  
Decision Date: 10.05.2011

Ref ID: H/1982/0105  
Proposal: BUNGALOW WITH GARAGE  
Address: ANNAGHMORE ROAD, CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/2010/0570/F  
Proposal: Construction of compact grade separated junction (fly over), facilitating access from A6 to Castledawson via new link road to rear of Bells Manor, Bells Court and Castle Oak to both Bellshill Road and Annaghmore Road and connecting to both Bellshill Road and Annaghmore Road, south of the existing bypass  
Address: Townlands of Annaghmore, Shanemullagh, Tamnadeese, at Castledawson, Co. Londonderry,  
Decision: WITHDR  
Decision Date: 24.02.2015

Ref ID: LA09/2021/1751/O  
Proposal: Erection of 1No. dwelling as part of a cluster.  
Address: Lands SW of 46&46a and NW of 44 Annaghmore Road, Castledawson.,  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Date of Notification to Department:  
Response of Department:



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

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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1805/F	<b>Target Date:</b>
<b>Proposal:</b> In fill dwelling and garage and associated site works	<b>Location:</b> Lands between 54 and 56 Ballynasaggart Road Ballygawley
<b>Referral Route:</b> Application before council for determination as we are going against Rivers Agency advise as there is an acceptable fallback position on the site.	
<b>Recommendation: APPROVAL</b>	
<b>Applicant Name and Address:</b> Tony Hughes 272 Whitebridge Road Carrickmore Omagh	<b>Agent Name and Address:</b> Building Design Solutions 76 Main Street Pomeroy BT70 2QP
<b>Executive Summary:</b> Site lies within a flood plain however there is an extant permission on site and the applicant could build the dwelling as approved.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Site lies within a flood plain however there is an extant permission on site and the applicant could build the dwelling as approved.

### Characteristics of the Site and Area

The site is located within the rural countryside and is a 0.27ha parcel of un-zoned land located between No's 54 and 56 Ballynasaggart Road which lies approximately 2 miles NW of Ballygawley. It lies outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010.

At present on site is the concrete base of what was a shed and foundations for a dwelling which are now overgrown. The northern, eastern and southern boundaries of the site are defined by a wooden fence. A watercourse runs along the western boundary of the site which is defined by a mature treeline. The site lies level with the public road. The site lies between 2 no. two storey dwellings, with a further 2 no. two storey dwellings to the north. The site lies between one dwelling to the south and 3 dwellings to the north.



Across the public road is the Blackskull Tactical Airsoft outdoor sports shop, otherwise the area is rural in character with a generally flat topography. There is some development pressure in the area, with the predominant form of development being relatively large detached dwellings and associated outbuildings.

### **Description of Proposal**

Full application for erection of a dwelling and domestic garage in a gap site under CTY 8 of PPS 21.

### **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.

### **Relevant histories**

M/2010/0508/F - Domestic Dwelling and Garage in Proposed Gap Site - Lands 75 M South West of 55 Ballynasaggart Road, Ballygawley, Dungannon - GRANTED 11.10.2010

M/2005/1882/F - Proposed dwelling and domestic garage - 75m South West of 55 Ballynasaggart Road, Ballygawley, Dungannon - PERMISSION REFUSED 06.07.2006

Full planning permission was previously granted for this site, and work commenced on site with the digging of foundations and provision of access and sightlines.

### **Representations**

Neighbour notification (4 neighbours notified) and press advertisement has been carried out in line with the Council's statutory duty. No objections or representations have been received to date.

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

This site is outside any settlement defined in the Dungannon and South Tyrone Area Plan 2010 and is subject to no area plan designations or zonings, therefore existing planning policy must be adhered to i.e. PPS 21

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

### **SPPS - Strategic Planning Policy Statement for Northern Ireland**

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict

between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

The SPPS gives provision for development in the countryside subject to a number policy provisions, including CTY 8 of PPS 21 which deals with Ribbon Development. There has been no change in policy direction in the SPPS in respect of Ribbon Development therefore Policy CTY 8 of PPS 21 remains my primary policy consideration in this assessment.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DfI Roads are content that sightlines of 2.4m x 90m should be provided.

### **CTY1 of PPS 21 - Development in the Countryside**

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 8 of PPS21 states that permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

To the immediate north of this site are three two storey dwellings, two of which have domestic garages and all three front directly onto the public road. To the south is another detached two storey with garage that fronts the public road. For the purpose of this assessment I am content that this can be deemed a substantial and built up road frontage. When travelling in either direction along the public road a dwelling on this site will read with the existing development reiterating the sense of this site as a gap in a substantial and built up frontage. It is also my opinion that given the size of the host field and the plot sizes along this section of the road, a dwelling on this proposed site would represent an acceptable infill opportunity that respects the adjacent plot sizes. The existing dwelling to the south has a frontage of 56m, with the dwelling to the north having a frontage of 45m. The gap in between measures 31m. The gap created by the host field is not of a size that represents any sort of visual break in this particular landscape.

Ribbon development is cited as being detrimental to rural landscapes, creating a built up appearance to roads. I have already accepted that the existing development constitutes

a substantial and built up frontage as defined in CTY 8. As such, another dwelling in this location will not create build up but instead will add another dwelling into the existing cluster of development. I therefore consider that the infilling of this gap site will not be detrimental to the rural character of this area.

### **Policy CTY 13 - Design and Integration and Policy CTY 14 - Rural Character**

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. The proposed dwelling will be 8.4m in height, 12.9m in length (18m including the single storey side projection) and has a gable depth of 9.2m. There is a 2 storey projection with an attached carport to the rear of the dwelling. The windows are vertical in emphasis with a strong relationship of solid to void and the dwelling has a hipped roof. The finish of an off-white smooth render with contrasting base is considered acceptable. There are no long term critical views of the proposal given the existing development either side of it, and for this reason the design is considered acceptable.

CTY 14 of PPS21 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. A proposed dwelling on this site will not be unduly prominent in the landscape. The rising land to the rear will provide a backdrop for a dwelling here. The proposed development is accepted as creating a ribbon of development in accordance with the exception in CTY8 and as such I do not consider this will damage the rural character.

Given the fact the site lies between existing two storey dwellings, with rising land to the west a dwelling of this size will not appear overly prominent in this local landscape. The dwelling is sited in line with No. 54 and No. 56 and it respects the settlement pattern of the area. The proposed development is accepted as creating a ribbon of development in accordance with the exception in CTY8 and as such I do not consider this will damage the rural character. The proposal complies with CTY 14.

### **Other Material Considerations**

An existing watercourse runs along the western boundary of the site. I have assessed the Flood Hazards and Flood Risk Maps for NI which indicates that the site is affected by flood plain. Consultation with DfI Rivers indicates that there is a history of flooding in the vicinity. They feel that the applicant could choose to better define the flood plain as per D4 of the policy or keep the development outside the flood plain unless it can be demonstrated that it is an exception to policy in which case a Flood Risk Assessment would be required. The applicant has resited the dwelling to lie outside the flood plain, however Rivers Agency still do not regard this as acceptable as the access is still within the flood plain and is deemed to be an unacceptable form of development in the flood plain.

As previously stated there is an extant permission on the site under M/2010/0508/F. The fall back principle requires consideration of what an applicant can do without the need for a further planning permission. Orthophotography taken in 2013 shows the access constructed and a shed on site:-



2016 orthophotography shows the foundations for the dwelling in place:-



Orthophotography images are not available for the intervening years of 2014 and 2015 to determine if the foundations were in place prior to the expiration date of 14 September 2015.

From consultation with building control, an application was made on 12 August 2015 and the site was duly inspected on 20 October 2015 whereby the foundations had been excavated. I am content on the basis of this that the previous planning permission was implemented in time and there is a legitimate fallback position that would allow that dwelling to be constructed as approved. For this reason it is not felt that the applicant needs to carry out any further river modelling in order to progress this application, as the dwelling as previously approved could still be built. As the new dwelling is shown to be sited over the existing foundations on site, and is sited in a row of existing development it should not exacerbate any flooding issues in this area. The applicant should be informed that there is a potential risk to the property and an informative to this effect should be applied to any planning permission.

I recommend the application to be approved as it complies with the relevant policy for this type of application in the countryside. The proposal will fill a small gap in an otherwise substantial and built up frontage as defined in policy, and would not result in any detriment to the overall rural character of the area. In addition, the design of the dwelling is considered acceptable.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

I recommend approval as there is a fallback position on site.

**Conditions:**

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

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

2. The vehicular access, including visibility splays of 2.4m \* 90m and any forward sight distance shall be provided in accordance with drawing No. 02 bearing the date stamp 21 DEC 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All hard and soft landscape works as detailed on drawing No. 02 bearing the stamp dated 21 DEC 2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

5. One dwelling only shall be constructed within the area of the site outlined in red on the approved Drawing No. 01 bearing the date stamp received 21 DEC 2021.

Reason: To control the number of dwellings on the site.

**Informatives**

1. THE APPLICANT/DEVELOPER AND ANY FUTURE PURCHASERS/OCCUPANTS MUST BE AWARE OF THE FACT THIS DEVELOPMENT IS IN A FLOOD PLAIN AND THERE MAY BE A RISK TO THE OCCUPIERS SAFETY AND PROPERTY ON THIS SITE.

2. 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.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	21st December 2021
<b>Date First Advertised</b>	11th January 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 54 Ballynasaggart Road Dungannon Tyrone The Owner/Occupier, 55 Ballynasaggart Road,Dungannon,Tyrone,BT70 2AZ The Owner/Occupier, 56 Ballynasaggart Road Dungannon Tyrone The Owner/Occupier, 58 Ballynasaggart Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	20th January 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b> Ref ID: M/2003/0278/O Proposal: Proposed site for dwelling and domestic garage Address: 90 Metres South West of No. 55 Ballynasaggart Road, Dungannon Decision: Decision Date: 07.05.2003  Ref ID: M/2004/1251/RM Proposal: Dwelling & Domestic Garage Address: 90m South West of 55 Ballynasaggart Road, Ballygawley, Dungannon Decision: Decision Date: 16.10.2004  Ref ID: M/2009/0692/F Proposal: Retention of domestic access and laneway Address: 90M South West of 55 Ballynasaggart Road, Ballygawley, Dungannon, Co.Tyrone Decision: Decision Date: 07.03.2011  Ref ID: M/1985/0645 Proposal: SITE FOR VEHICLE STORAGE Address: GLENCHUIL, BALLYGWLEY Decision:	

Decision Date:

Ref ID: M/2005/1160/F

Proposal: Erection of domestic dwelling and garage, amended design to previously approved application M/2004/1251/RM and resiting

Address: Opposite 55 Ballynasaggart Road, Ballygawley

Decision:

Decision Date: 14.09.2005

Ref ID: M/2005/1153/F

Proposal: Erection of domestic dwelling and garage- amended design to previously approved application M/2004/1247/RM and resiting

Address: 90m South West of 55 Ballynasaggart Road, Ballygawley.

Decision:

Decision Date: 13.09.2005

Ref ID: M/2002/0963/O

Proposal: Erection of Dwelling & Domestic Garage

Address: Opposite 55 Ballynasaggart Road, Dungannon

Decision:

Decision Date: 19.02.2003

Ref ID: M/1997/0719

Proposal: Soil and Gravel Extraction

Address: ADJACENT TO 58 BALLYNASAGGART ROAD BALLYGAWLEY

Decision:

Decision Date: 17.07.1998

Ref ID: M/2010/0508/F

Proposal: Domestic Dwelling and Garage in Proposed Gap Site

Address: Lands 75 M South West of 55 Ballynasaggart Road, Ballygawley, Dungannon

Decision:

Decision Date: 11.10.2010

Ref ID: M/2005/1882/F

Proposal: Proposed dwelling and domestic garage

Address: 75m South West of 55 Ballynasaggart Road, Ballygawley, Dungannon

Decision:

Decision Date: 06.07.2006

Ref ID: LA09/2021/1805/F

Proposal: In fill dwelling and garage and associated site works

Address: Lands between 54 and 56 Ballynasaggat Road, Ballygawley,

Decision:

Decision Date:

Ref ID: LA04/2020/1672/F

Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE



THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03/05/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1807/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling in accordance with PPS 21	<b>Location:</b> 75m S.W. of 106 Derryfubble Road Dungannon
<b>Referral Route:</b> 1. Agent is a Mid Ulster Council Employee.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Bronagh Long 130 Mullybrannon Road Dungannon	<b>Agent Name and Address:</b> PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
<b>Executive Summary:</b> The proposal is for a farm dwelling across the road from the existing farm holding at No. 106 Derryfubble Road. I am content the dwelling will visually link with these buildings and DAERA have confirmed there is an active and established farm for the past six years. A check has shown no sites or development opportunities have been sold off in the past ten years.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

### 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 in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is predominantly agricultural fields, single rural dwellings and farm groupings. There is minimal development pressure along this stretch of Derryfubble Road from the construction of single dwellings. Across the road from the site are two agricultural sheds and a concrete yard with a frontage to the road. Beside the sheds is a single storey dwelling and garage with lawn area to the front.

The application site is a portion of a larger agricultural field across the road from the associated farm holding. Along the roadside boundary is a post and wire fence and along the southern boundary is hedging. The land slopes downwards slightly from east to west.

**Description of Proposal**

This is a full application for a proposed farm dwelling in accordance with PPS21 at 75m S.W. of 106 Derryfubble Road Dungannon.

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

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

**Representations**

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

**Planning History**

No planning history at the application site.

Farm Holding across the road

M/2006/0793/F - Proposed Dwelling - 520m North East of 98 Derryfubble Road of Mossmore Road, Dungannon – Permission Granted 09.01.2007

M/2007/0357/F – amendment to previous approval ref no M/2006/0793/F, different house type - 520m NE of 98 Derryfubble Road, Off Mossmore Road, Dungannon - Permission Granted 15.05.2007

M/2011/0232/F – Dwelling - 520M NE of 98 Derryfubble Road, off Mossmore Road, Dungannon – Permission Granted 07.06.2011

LA09/2017/0603/F – Proposed garage – detached - 106 Derryfubble Road, Dungannon – Permission Granted 16.06.2017

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

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

**Dungannon and South Tyrone Area Plan 2010**

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

**SPPS – Strategic Planning Policy Statement for Northern Ireland:** sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not

been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes farm dwelling opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one farm dwelling CTY 10 is the relevant policy in the assessment.

### **CTY 10 – Dwelling on a Farm**

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over six years and the farm is a Category 1 farm business. The proposed site is under the control of the farm business stated on the P1C form. It is stated on the P1C the owner of the farm business is Paul and Leo Daly. Leo Daly is the applicant's father and Paul Daly is the applicant's brother who is the main active farmer on the holding. Paul Daly lives at No. 106 Derryfubble Road across the road from the site and the applicant Bronagh Long is Leo Daly's daughter. It is stated on the P1C form that Bronagh Long is involved in the farm. I am content there is an active and established farm business at the site for the past six years.

2021 DAERA farm boundary maps were supplied with the application which showed four fields. I completed a history check on these fields and no sites or development opportunities have been sold off from the farm holding within the past ten years. The applicant's Leo Daly previously owned the application site and surrounding fields. The applicant and Mr Leo Daly lives at 130 Mullybrannon Road. I completed a check on dwellings and sites around this dwelling and no development opportunities have been sold off by the Daly family within the past ten years. I am content this criteria in CTY 10 has been met.

The site is a cut-out of a larger agricultural field within the farm holding across the road. As shown in figure 1 below even-though the site is across the road, the proposed dwelling will still visually link with the farm holding. I believe as there are only four fields on the holding this is the most acceptable siting for a family dwelling which will not comprise health and safety.



Figure 1 – Proposed siting of the dwelling

Overall I am content the proposal meets all the criteria in CTY 10 and the principle of development can be established.

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

The application site is a portion of a larger agricultural field where the topography slopes downwards slightly from the public road. The proposal is for a modest single storey dwelling in the corner of the site and it will visually link with the farm buildings across the road. I am content the dwelling will not be a prominent feature in the landscape due to the modest scale and massing of the design and the siting in the corner. There is a lack of enclosure at the site as it is a cut-out of a larger field and there are no other buildings on either side of the site. Additional trees and hedging has been proposed around the site which will assist in the further integration into the landscape. A new access has been proposed which will run through the middle of the site which is not ideal but as it only travels for a short distance I have no concerns.

The proposal is for a single storey dwelling which is modest and has a long rectangular form. I have no concerns about the design due to the simple form and windows have a vertical emphasis. There is a bay window which is not usually a rural design feature but as the dwelling is not facing the roadside I am content. I consider a low ridge height single storey dwelling is most suited to this site due to the lack of enclosure and natural boundaries.

Overall I consider the proposal will integrate into the landscape.

### **CTY 14 – Rural Character**

As stated earlier in the assessment I am content the proposed dwelling will not be a prominent feature in the landscape. There is minimal development pressure in the surrounding area so as the proposal is for a single dwelling that will visually link with an existing farm grouping I am content the proposal will not create a suburban style build-up of development. The proposal is for a single storey dwelling and the dwelling at No. 106 is also single storey so I am content the proposal will match the traditional pattern of settlement in the area. The proposal will not create a ribbon of development as there is no development on either side of the site. Overall I am content the proposal will not have an unacceptable impact on rural character.

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

#### **AMP 2 – Access to Public Roads**

I am content the proposal does not access onto a protected route.

The applicant has proposed a new access onto Derryfubble Road so DFI Roads were consulted. They responded with no concerns subject to visibility splays of 2.4m x 45m in both directions.

#### **Other Considerations**

I checked the statutory map viewers and there are no NED, HED and flooding issues at the site.

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

The proposal is recommended for approval as it meets all the criteria in CTY 10, CTY 13 and CTY 14 in PPS 21.

#### **Conditions**

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

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

2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45m in both directions and any forward sight line, shall be provided in accordance with the approved drawing 02 date stamped 21 DEC 2021. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 21 DEC 2021 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree shrub or other plants identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the development integrates into the countryside.

### **Informatives**

1. 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.
2. 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.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.
4. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site



- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a Transportni drainage system.

**Signature(s)**

**Date:**



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

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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2022/0007/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed detached ancillary granny flat in rear garden	<b>Location:</b> 30 Claremount Drive Kileen Coalisland
<b>Referral Route:</b> The proposed granny flat is not attached to the existing property.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Adrian Devlin 30 Clarmount Drive Coalisland	<b>Agent Name and Address:</b> C Mc Ilvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b> Personal and domestic circumstances have been put forward as to why a separate building is being provided in this instance.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

No objections or representations received

### Characteristics of the Site and Area

The site is located at No. 30 Claremount Drive within the development limits of Killeen as identified in the Dungannon and South Tyrone Area Plan 2010. At present on site is a single storey semi-detached dwelling with smooth render finish with two wooden sheds to the rear. A building is currently under construction to the rear of the site, with blockwork to window level and beyond on the side elevations. The dwelling lies level with the public road, with a slight rise in the land to the rear in a south westerly direction. Mature hedging defines the south western, south eastern and north western boundaries to the rear. The surrounding area is primarily residential as the site lies within an established residential development in Killeen.

### Description of Proposal

Full application for proposed detached ancillary granny flat in rear garden.

### 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.

### Relevant Histories

There are no relevant histories to consider.

**Representations**

Four (4) no. neighbour notifications have been carried out as well as press advertisement in line with the Council's statutory duty. To date no third party representations have been received.

**Dungannon and South Tyrone Area Plan 2010**

The site lies within the settlement limit of Killeen defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, SETT 1 is the relevant policy which applies. I am content if the proposal complies with EXT 1 of the Addendum to PPS 7 it will also comply with SETT 1.

**Mid Ulster District Council Draft Plan Strategy 2030**

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

**SPPS - Strategic Planning Policy Statement for Northern Ireland**

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations (The Addendum).

Planning Policy EXT 1 of PPS7 details that planning permission will be granted for a proposal to extend or alter a residential property where a number of criteria are met. Contained within this policy is the provision for ancillary accommodation, whereby it is acknowledged that there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances. The applicant has provided details of why this type of accommodation is deemed necessary, and the personal and domestic circumstances in this instance have been fully considered within my assessment of the proposal.

To be considered as ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. This proposal has a living area, bedroom and shower room which will provide a limited amount of accommodation. There are no kitchen facilities within the building. The granny flat will be wholly reliant on the main house and share all services i.e. electricity, kitchen, postal address. I am satisfied that the proposed accommodation will remain ancillary to the main residential property. A condition will be applied that the extension will only be used

for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.

The proposed granny flat will be located 20m to the rear of the existing dwelling and measures 7.7m x 6.5m x 4m in height. The finishes of painted sand cement render are considered acceptable; it may be prudent to apply a condition indicating that the colour should match the existing dwelling. The scale, massing, design and external materials are sympathetic with the built form and appearance of the existing property. The proposal will not detract from the appearance and character of the surrounding area as it is subordinate to the existing property, and will be ancillary to it as they share kitchen facilities. There are no critical views of the proposal from the public road.

I have given careful consideration to the impact of this proposal on neighbouring dwellings. There are no neighbouring properties to the existing dwelling who will be affected by overlooking or overshadowing therefore the proposal will not unduly affect the privacy or amenity of neighbouring residents. No vegetation removal is required to facilitate development; consequently there is no unacceptable loss to trees or other landscape features. The strong boundaries to the site should be conditioned to be retained to ensure the proposal does not have a detrimental effect on any neighbouring properties. Sufficient space remains within the curtilage of the property for recreational and domestic purposes, and there will be no impact on parking and manoeuvring of vehicles within the site.

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

I recommend approval as the proposal meets all policy requirements of EXT 1 including that required for ancillary accommodation, and is therefore considered acceptable.

**Conditions:**

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

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

2. The development hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 30 Claremount Drive, Coalisland.

Reason: To prevent the creation of additional dwelling units.

3. All existing trees and hedges, as indicated on drawing No 02 date received 24 DEC 2021 and shown in green, shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interests of visual amenity and to safeguard the living conditions of residents in adjoining and nearby properties.

**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.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	24th December 2021
<b>Date First Advertised</b>	18th January 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 28 Claremount Drive,Killen,Coalisland,BT71 5JX The Owner/Occupier, 32 Claremount Drive,Killen,Coalisland,BT71 5JX The Owner/Occupier, 38 Claremount Drive,Killen,Coalisland,BT71 5JX The Owner/Occupier, 38A Mountjoy Road,Killen,Coalisland,BT71 5DH	
<b>Date of Last Neighbour Notification</b>	11th February 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2022/0007/F Proposal: Proposed detached ancillary granny flat in rear garden Address: 30 Claremount Drive, Kileen, Cookstown, Decision: Decision Date:  Ref ID: M/1994/0582 Proposal: Erection of 4 No Semi-detached Dwellings Address: CLAREMOUNT DRIVE LISACLARE ROAD KILLEN COALISLAND Decision: Decision Date:  Ref ID: M/2002/0687/F Proposal: Front porch & new garage Address: 32 Claremount Drive, Killen, Coalisland Decision: Decision Date: 19.08.2002	
<b>Summary of Consultee Responses</b> N/A	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Proposed Plans Status: Submitted



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03/05/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2022/0062/O	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and domestic garage as policy CTY8	<b>Location:</b> Site West of 35 Drummurrer Lane Coalisland
<b>Referral Route:</b>  <ol style="list-style-type: none"><li>1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.</li><li>2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.</li><li>3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.</li><li>4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.</li></ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Michael Corr 35 Drummurrer Lane Coalisland	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
<b>Executive Summary:</b> The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The	



proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.

**Signature(s):**

### Case Officer Report

#### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	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

#### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

**Description of Proposal**

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

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

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

**Representations**

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

**Planning History**

No planning history at the site.

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

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

**Dungannon and South Tyrone Area Plan 2010**

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

**SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that** The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill dwelling 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'.

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

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

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.

### **CTY 8 – Ribbon Development**

To the east and within the boundary of the site is a building as shown below in figure 1. As shown in figure 2 the building has been on site for over five years so is immune from enforcement action. To the front of the shed is a tarmacked area which has also been in place since 2016 so I am content the shed has a frontage to the road.



Figure 1 – Photo of the shed from the site visit



Figure 2 – Spatial NI orthophotography of the site

To the east of the shed shown above is a dwelling at No. 35 with a garden so I am content this is a building with a frontage to the public road. To the east of No. 35 is another dwelling

at No. 37 which also has a garden area fronting onto the road. The site is at the end of the road and faces onto two sections of Drummurr Lane. As the application site is at the end of a row of buildings I do not consider it meets the criteria in CTY 8 for a small gap site within a row.

The application site has a roadside frontage of 64m, No. 35 has a frontage of 37m and No. 37 has a frontage of 40m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to two dwellings. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than 2 dwellings. I have no concerns about the plot size as it is similar to adjoining sites.

I consider the proposal cannot be considered an exception to policy in CTY 8 as it is not a gap site as it is located at the end of a row of buildings.

The proposal would not meet the policy in CTY 3 as there is no dwelling to be placed and I do not consider the site meets the policy in CTY2a for dwelling in a cluster.

I emailed the agent on the 3<sup>rd</sup> March 2022 and the 22<sup>nd</sup> March 2022 to ask was there a farming case at the site but no response has been received.

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

The application site is a cut-out of a larger field with a frontage onto two sections of Drummurr Lane. The site has a flat topography and is bounded on the south and west sides by established hedging. There are two other dwellings along this row on the same side of the road and a dwelling across the road. There is a lot of development pressure from the construction of single dwellings along this road and adjoining roads so I am of the opinion a modest sized dwelling on this site would not be a prominent feature in the landscape.

I am content the site has established boundaries and the boundary to the north is undefined as the site is a cut-out of a larger field. However this site is a portion of a larger field and lacks natural enclosure as the roadside hedging is the only boundary which would enclose the site and it would need to be removed to provide visibility splays.

The dwellings along this row are single storey so I consider a single storey dwelling would be appropriate at the site.

### **CTY 14 – Rural Character**

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. There is already a lot of development in this area so I consider another dwelling will not exacerbate the situation and create a suburban style build-up of development. As this is an outline application any details about the design would be considered at the reserved matters stage. As the site is at the end of an existing row the proposal would add to a ribbon of development which is detrimental to rural character.

### **PPS 3 – Access, Movement and Parking**

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

### **Other Considerations**

I checked the statutory map viewers and I am satisfied there are no other ecological, historical or flooding issues at the site.

The site is within the buffer zone for abandoned mines so I consulted Geological Survey who confirmed the site is greater than 1000m from the nearest mine.

**Neighbour Notification Checked** Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as it does not meet the criteria in CTY1, CTY 8 And CTY 14 in PPS 21.

**Reasons for Refusal:**

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.
4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

**Signature(s)**

**Date:**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2022/0068/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed Dwelling as Part of a Cluster	<b>Location:</b> Site 50m North East of 1 Loveshill Castledawson
<b>Referral Route:</b>  Approval - Exception to policy	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Noel & Marie Lennon 1 LovesHill Castledawson BT45 8DP	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary: Approve</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

Approval – To Committee - Exception to policy

### Characteristics of the Site and Area

The site is located approximately 0.75km south west of the settlement limits of Castledawson and is located in the open countryside as per the Magherafelt Area Plan 2015. The site is identified as being located 50m NE of 1 Loves Hill, Castledawson. Access to the site is from the Castledawson road, behind Castledawson Park and Ride. The access is taken through the existing Mid Ulster Auctions development, which is a long established business at this location. The red line takes in a section of a field, which sits adjacent to the Glenshane road and is a flat agricultural field. The surrounding area is a mixture of agricultural lands to the north and west and commercial businesses to the south, located in and around Castledawson Park and Ride.

#### Relevant planning history

LA09/2020/1101/O - Proposed dwelling as part of a cluster - Site 286m NW of 1 Loves Hill, Castledawson - Permission Granted - 13.01.2021

#### Representations

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



## Description of Proposal

This is an outline application for a proposed Dwelling as Part of a Cluster, the site is identified as Site 50m North East of 1 Loveshill, Castledawson.

## 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 Strategy  
 Strategic Planning Policy Statement (SPPS)  
 PPS 21: Sustainable Development in the Countryside  
 PPS 3 - Access, Movement and Parking;

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

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

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

Upon review of the submitted plans I am content that the cluster lies outside of a farm wherein there is substantial built up of development within the cluster. I am content that there are at least four or more buildings within the cluster however I note that there are only two dwellings located within the cluster as such would not fully comply with this part of the policy. However after further discussions and reviewing the surrounding history I am content that given the extent of the existing build up of development, this application should be considered an exception to policy. I am content that the cluster appears as a visual entity within the local landscape, in that I am content existing Castledawson Roundabout, the park and ride and new parkland walkway are able to act as a focal point and the site would be suitably associated with these focal points. In terms of enclosure I am content that the site is bounded on two sides with other development



within the cluster and is able to be absorbed into the cluster through rounding off where it will not alter the existing character given the level of development in the vicinity. Finally, I am content that the development would not adversely impact on residential amenity. Therefore the application is considered as an exception to policy.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no exact design or siting details have been provided, however, I am content that an appropriately designed dwelling will not appear as visually prominent. Additional landscaping will be required to aid integration therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 7.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that there is already a suburban style build-up of development feel to the area and that any dwelling would become part of this. In addition, a dwelling in this location is unlikely to lead to additional dwelling through infilling, as such, would comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

I have no flooding, ecological or residential amenity concerns.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation:</b>	
Approval	
<b>Conditions:</b>  1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:- i. the expiration of 5 years from the date of this permission; or ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved. Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.	

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

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

3. The proposed dwelling shall have a ridge height of less than 7.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

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

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

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

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

#### Informatives

1. 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.

2. 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.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4.The applicant's attention is drawn to form RS1 and the statement regarding an accurate, maximum 1:500 scale survey which must be submitted as part of the Reserved Matters application.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	19th January 2022
<b>Date First Advertised</b>	1st February 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Loves Hill Castledawson Londonderry	
<b>Date of Last Neighbour Notification</b>	17th February 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2022/0068/O Proposal: Proposed Dwelling as Part of a Cluster Address: Site 50m North East of 1 Loveshill, Castledawson, Decision: Decision Date:  Ref ID: LA09/2021/1317/F Proposal: Proposed revised layout to existing car park and service road, to include upgrade of access onto main road and boundary fence/gates Address: Land currently car parking of industrial units, 1 Loves Hill, Magherafelt, BT45 8DP, Decision: Decision Date:  Ref ID: H/2014/0255/F Proposal: Retrospective relocation of existing dwelling access Address: 1 Loves Hill, Castledawson. BT45 8DP, Decision: PG Decision Date: 30.09.2014  Ref ID: H/1988/0079 Proposal: CHANGE OF USE OF DWELLING AND OUTBUILDING TO HOTEL Address: 1 LOVESHILL TAMNADEESE CASTLEDAWSON Decision: Decision Date:	

Ref ID: H/2011/0249/F

Proposal: Erection of boathouse to rear of dwelling

Address: 6 Glenshane Road, Castledawson, BT45 8DP,

Decision:

Decision Date: 01.09.2011

Ref ID: H/1998/0438

Proposal: ALTERATIONS AND EXTENSION TO AUCTION ROOM

Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1997/0499

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR PARKING

Address: LAND ADJ TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1999/0368

Proposal: REPLACEMENT AUCTION ROOMS & ASSOCIATED CAR PARKING

Address: ADJ. TO 1 LOVE HILL CASTLEDAWSON

Decision:

Decision Date: 24.05.2000

Ref ID: H/2011/0494/F

Proposal: Retrospective application for covered seated area to provide safe viewing area for customers, associated with existing auction sales business

Address: 55 metres North West of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 26.04.2012

Ref ID: H/2011/0144/F

Proposal: Extension to existing hardstanding area of existing yard to commercial premises

Address: 55 m north west of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 26.06.2012

Ref ID: H/2005/0293/F

Proposal: Alterations & Additions To Existing Auction Rooms, Tyre Shed & To include Vehicle Wash

Address: 1 Loves Hill, Castledawson, Magherafelt

Decision:

Decision Date: 19.07.2007

Ref ID: H/2011/0489/F

Proposal: Retrospective application for change of use from an existing industrial unit to additional office accommodation and a small plant and hand tools store for an existing auction business.

Address: Unit 2, 25 metres North West of 1 Loves Hill, Castledawson,

Decision:  
Decision Date: 25.04.2012

Ref ID: H/1995/0018  
Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR-PARKING  
Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/1980/0443  
Proposal: EXTENSION TO EXISTING WORKSHOP  
Address: KILLYNEESE, CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: LA09/2016/1554/A  
Proposal: Proposed advertising board  
Address: Lands 165m North East of 1 Loves Hill, Castledawson,  
Decision: CG  
Decision Date: 07.04.2017

Ref ID: LA09/2016/1088/A  
Proposal: Proposed advertising board  
Address: Lands 70m North East of Loves Hill, Castledawson,  
Decision: CG  
Decision Date: 20.10.2016

Ref ID: LA09/2018/0062/F  
Proposal: Extension to petrol/filling station unit by a change of 79m2 of existing electrical wholesalers to storage and restaurant/ cafe with cafe with seating, new facade to front ,rear and both sides of building  
Address: Unit A and B ,1 Loves Hill, Castledawson,  
Decision: PG  
Decision Date: 18.04.2018

Ref ID: LA09/2016/0304/F  
Proposal: Renovations and alterations to existing dwelling  
Address: 1 Loves Hill, Castledawson,  
Decision: PG  
Decision Date: 24.05.2016

Ref ID: LA09/2016/0042/F  
Proposal: Change of use from Tyre Store to Petrol Filling Station including Forecourt and Canopy with Retail Sales, Cafe and Ancilliary areas along with Associated Parking Facilities  
Address: Unit 1(b), 1 Loves Hill, Castledawson,  
Decision: PG  
Decision Date: 11.01.2017

Ref ID: LA09/2016/0057/F

Proposal: Extension to small plant and hand tool store and associated offices in connection with existing auction sales business  
Address: Unit 2, 25m NW of 1 Loves Hill, Castledawson,  
Decision: PG  
Decision Date: 12.12.2016

Ref ID: H/1990/0272  
Proposal: CHANGE OF USE FROM DWELLING TO HOTEL  
Address: 1 LOVE'S HILL CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/2011/0521/F  
Proposal: Retrospective application for a change of use of part of an existing building from a vehicle wash unit to an electrical wholesale unit.  
Address: Unit 1, 10 metres South West of 1 Loves Hill, Castledawson, BT45 8DP,  
Decision:  
Decision Date: 21.06.2012

Ref ID: H/2002/0345/F  
Proposal: Proposed Sun Lounge.  
Address: 1 Loves Hill, Castledawson.  
Decision:  
Decision Date: 15.06.2002

Ref ID: H/1978/0316  
Proposal: HV O/H LINE BM 2262  
Address: KILLYNEESE AND TAMNADEESE, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1984/0196  
Proposal: REPLACEMENT HOUSE WITH DOUBLE GARAGE AND OUTBUILDINGS  
Address: LOVESHILL, KILLYNESE, CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/1991/6077  
Proposal: PROPOSED HOTEL LOVES HILL CASTLEDAWSON  
Address: LOVES HILL  
Decision:  
Decision Date:

Ref ID: H/1997/6017  
Proposal: FILLING STATION AND FORECOURT GLENSHANE ROAD  
CASTLEDAWSON  
Address: GLENSHANE ROAD  
Decision:  
Decision Date:

Ref ID: LA09/2021/0888/F

Proposal: Retention of existing shed for agricultural use, which replaced demolished agricultural shed

Address: Site 260m NW of 1 Loveshill Road, Castledawson,

Decision: AL

Decision Date:

Ref ID: LA09/2020/1101/O

Proposal: Proposed dwelling as part of a cluster.

Address: Site 286m NW of 1 Loveshill, Castledawson, BT45 8DP.,

Decision: PG

Decision Date: 18.01.2021

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:





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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2022/0153/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed regularisation of an operational Anaerobic Digestion (AD) plant including extension to curtilage and shed (housing feedstock hopper), hopper access lane, digestate storage tank, relocated pasteurisation tanks, macerator and heat exchanger within extension and proposed extension to shed, carbon filter and amendment to previously approved digestate storage tank	<b>Location:</b> Lands approximately 200 m north east of 14 Tullywiggan Cottages Tullywiggan Road Tullywiggan
<b>Referral Route:</b> Approval recommended contrary to NIEA and SES advice	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> PAR Renewables Ltd 42 Gortnaskea Road Stewartstown BT71 5NY	<b>Agent Name and Address:</b> Clyde Shanks 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b> Proposal considered against prevailing planning policy and all material considerations below. No third party representations received. Non Statutory Consultee Shared Environmental Services have requested formal consultation, however given the planning history and the proposed works this is not considered necessary in this instance. Statutory Consultee NIEA Natural Environment Division (NED) requested Nutrient Management Plans. It is considered this further information is outside of what this application relates however could be conditioned to be provided prior to the next land spreading season to ensure no detrimental impact to the environment. See 'Consultation Responses' within main body of report for further detail.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	Historic Environment Division	Content
Statutory	DAERA-Veterinary Service (Animal By-Products)	No Objection
Statutory	DAERA-Veterinary Service	No Comments
Non Statutory	Environmental Health	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 lies in open countryside as depicted in the Cookstown Area Plan 2010. The site contains an operational Anaerobic Digestion Plant and associated buildings which was originally granted approval under I/2013/0081/F with subsequent planning approvals on the site. The site is accessed via an access gate and long laneway onto the Tullywiggan Road just south east of No.14 Tullywiggan Cottages. The site is set well back from the public road and is low lying in the landscape. This proposal is retrospective and the development subject to this application sit among existing approved buildings and structures on the site. Given the setback and topography much of the development is not obvious from the public road, with the green roof dome of the Digestate Tanks visible from the public road. When on site, there was no obvious noise or odour concerns present. The site lies south east of Tullywiggan, 0.65 miles east of Cookstown and west

of the A29. The site boundaries are defined by a post and wire fence and security fencing. The immediate surrounding area is predominantly rural in nature with lands to the north, south and east of the application site in agricultural use. There is a build of development along the Tullywiggan Road with a medium to high density of residential development, as well as Loughery College and Mid Ulster Sports Arena in close proximity.

### **Description of Proposal**

This application seeks full planning permission to regularise alterations, reorientation and minor additional development from that which was previously approved on the site. The site is an operational Anaerobic Digestion plant at Tullywiggan Road, Cookstown. The proposal includes an

- Extension of curtilage to the west and laneway;
- Extension to the western side of the existing shed (containing hopper) which measures 31m<sup>2</sup> and extension to the eastern side measuring 180m<sup>2</sup>;
- Relocation of 3no. pasteurisation tanks within the site (previously approved under LA09/2020/0448/F);
- Relocation of macerator and heat exchanger within enclosure (previously approved under LA09/2020/0448/F);
- Relocation of 2no. Digestate Storage Tanks (previously approved under LA09/2015/0695/F and I/2013/0081/F) and small reduction in scale; and
- Addition of a carbon filter.

The application does not seek permission for any additional EWC codes.

### **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 3: Access, Movement and Parking
- PPS11- Planning and Waste Management
- Planning Policy Statement 21: Sustainable Development in the Countryside
- PPS18 Renewable Energy

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

## **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**

LA09/2020/0448/F – Proposed extension of existing shed, addition of pasteurization plant (at the end of process) and European Waste Catalogue (EWC) codes associated with operational Anaerobic Digestion (AD) plant - Lands approximately 210 metres north east of no.14 Tullywiggan Cottages, Tullywiggan Road, Tullywiggan, Cookstown – Permission Granted 11/01/2021

LA09/2015/0696/F - Proposed regularisation of operational Anaerobic Digestion (AD) plant granted under planning permission I/2013/0081/F to include proposed additional plant (additional digestate tank and CHP) and minor alterations including part covered silage clamp, CHP gas clean-up skid enclosure and relocated tanks - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 10/12/2015

I/2015/0032/F – An application under article 28 of the Planning (Northern Ireland) Order 1991 to vary condition 2 of planning permission I/2013/0081/F to include additional feedstock EWC codes for an operational 500kw anaerobic digestion and combined heat and power (CHP) plant - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 14/08/2015

I/2013/0081/F – Construction of 500kw Anaerobic Digestion (AD) Plant, Combined Heat and Power (CHP) Plant and feedstock storage clamp in substitution for development approved under I/2011/0299/F - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 11/09/13

I/2011/0299/F - Proposed development of a 500KW anaerobic digestion (AD) plant and combined heat and power (CHP) unit (to generate electricity and heat) new access and site ancillary works - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 16/05/2012

## **Consultations**

1. Environmental Health Mid Ulster Council were consulted and raised no objections to this proposal subject to conditions.
2. Historic Environment Division were consulted and raised no objections to this proposal advising on the basis of the information provided the proposal is satisfactory to meet SPSS and PPS6 archaeological policy requirements.
3. DAERA-Veterinary Service (Animal By-Products) advised that provided all the legislative requirements are complied with that the proposed project should not have any detrimental effect on animal or public health resulting from the improper handling of animal by products.

4. DAERA-Veterinary Service - were consulted and advised via email they have no comment to make on this application.
5. NIEA were consulted and Natural Environment Division (NED) responded advising they require Nutrient Management Plans to reflect the information modelled in the AQIA before a full assessment of the proposal in relation to the protection of designated sites and site selection features can be completed however that they had considered the impacts of the proposal on other natural heritage interests and, on the basis of the information provided, have no concerns.

The AD plant and associated works have planning permission and this application relates to minor changes at the existing AD plant. It is noted this site operates and is regulated under a NIEA licence and that Nutrient Management Plans were not requested by NIEA when considering previous applications and this application refers to the same AQIA as previously submitted. NED advised in their consultation response that the application site is within 7.5km of nationally, European and internationally designated sites, however they state there is no hydrological connection to any designated site. Informal consultation was carried out with SES who have advised a preliminary search has not found any previous consultation with SES on applications associated with this development. SES advise there are no surface watercourses mapped within 400m and it is therefore unlikely that any hydrological pathway exists from the development itself but there may be indirect effects to be considered, e.g. from land spreading. They state from a high level informal review it is not clear whether proposed development will result in changes to operational aerial emissions or land spreading that may give rise to likely significant effects therefore recommend that SES is formally consulted to ensure appropriate consideration of the proposal and its potential impact on European sites.

Both Statutory Consultee NIEA's response and Non Statutory Consultee SES informal advice have been considered with the Principal Planner and Planning Manager. It has been considered through internal discussions that formal consultation with SES is not required in this instance and a negative condition could be attached to any forthcoming approval requiring the submission of nutrient management plans prior to land spreading season which would allow the application to proceed whilst ensuring an assessment of emissions and any impact on European Sites. This is being treated as an exception given this is an operational approved plant and there is an extant planning permission therefore there is a valid fall-back position and the works proposed under this planning application will not change the operations and relate predominantly to minor amendments to siting of already approved works. Furthermore, given DAERA control the discharge under their licensing, pollution is under their control.

#### **Key Policy Considerations/Assessment**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Cookstown Area Plan (CAP) 2010 is the statutory local development plan for the application site. The site lies in the rural countryside outside any designated settlement limits. Anaerobic Digestion plants are seen as both waste management facilities and energy from waste (renewable) facilities. Given the existing use of the site and live planning approvals, it is considered that the principle of development is established on site.

Planning Policy Statement 21 Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where development 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 renewable energy projects in accordance with Planning Policy Statement 18. PPS21 adds that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. Proposals for such development will continue to be considered in accordance with existing published planning policies. In this instance, I consider Planning Policy Statement 11: Planning & Waste Management also relevant.

Planning Policy Statement 18 Renewable Energy – Policy RE 1 of PPS18 Renewable Energy Development states development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Planning Policy Statement 11: Planning & Waste Management - Policy WM 2 of PPS 11 makes provision for the development of a waste collection or treatment facilities subject to a number of criteria.

I am content that the principle of this application has already been established on this site under the previous planning approvals listed above and there is an approved operational anaerobic digester facility on site. This application is retrospective and a supporting statement accompanying this application which details the proposed works which I have summarised as follows –

- Minor extension to site curtilage at western boundary with new fencing and laneway connecting to existing access/laneway;

- Extension to the western side of the existing shed containing hopper measuring 31m<sup>2</sup> with approx. 7.8m ridge height (approx. 1.5m higher than existing ridge height);
- Extension to the eastern side measuring 180m<sup>2</sup> with no increase in ridge height;
- Relocation of 3no. pasteurisation tanks 70m NW of the location approved under LA09/2020/0448/F;
- Addition of a carbon filter adjacent to Pasteurisation Tank No.3
- Relocation of macerator and heat exchanger 70m NW of the locations approved under LA09/2020/0448/F and erection of 39.3mw enclosure to house this equipment;
- Reduction in size of Digestate Storage Tank No.3 from 26.7m diameter to 25m diameter;
- Minor relocation and reduction in size of Digestate Storage Tank No.4 from 32.7m diameter to 25m diameter.

It is considered the relocation of structures on site and minor extension to curtilage will not change the noise, odour and pollution impacts previously assessed and deemed to be acceptable. Following an assessment of the information submitted with the application and the expert advice provided by Environmental Health, it is my opinion that the proposal should not therefore give rise to detrimental impact on public safety, human health or the amenity of nearby residential dwellings. It is noted the applicants supporting statement seeks permission to import EWC code 02 02 02 animal tissue waste using a tractor and covered trailer instead of a sealed tanker. EWC code 02 02 02 was previously approved under LA09/2020/0448/F, however Condition 5 of that approval restricted all imported feedstock, except silage, to be brought onto site within sealed tankers and off-loaded into a sealed reception tank. The proposed western extension to the existing shed houses a feedstock hopper required in order to receive material that cannot be brought in via sealed tankers. EHD have recommended should this application be approved, the same condition is attached restricting all imported feedstock, except silage, to be brought onto site within sealed tankers. I have discussed the applicants request to amend this condition so as animal tissue waste is not restricted to being brought onto site in a sealed container with EHD. EHD would not be supportive of this and have advised that the odour assessment that was previously accepted was based on waste being imported onto the site in sealed containers with no discharge of odour from these except for passing into the tanks on site. To deviate from this may give rise to increased odour at nearby receptors and it may be difficult to model a transport scenario and therefore sufficiently assess or quantify any impact and mitigates any odour issues in the locality for wastes being imported onto the site. Having discussed this with the Principal Planner, it has been agreed that the wording of this condition should remain as suggested by Environmental Health and with the exception of silage, all imported feedstock should be brought on site within sealed containers to ensure no detrimental odour impacts.

The land surrounding the site is relatively flat and agricultural. The changes proposed are predominantly a reduction in scale than that previously approved and the relocation of structures will not result in any greater visual impact. The proposed extensions are modest in size when compared with existing buildings and the structures are consolidated on site. The design and finishes integrate with the existing buildings and overall the proposal should not result in an adverse impact on visual amenity and landscape character. I am of the view that the proposed development has been

appropriately sited and that the relocated tanks, macerator and heat exchanger and carbon filter will group with the existing AD plant and integrates satisfactorily into the landscape. The proposed AD plant facility is set back from the public road. Limited views of the proposed development will be experienced when travelling north along the Tullywiggan Road towards Cookstown and along the Grange Road to the south. I am of the opinion that the proposed development takes advantage of the existing topography of the site.

The proposal should not adversely impact upon biodiversity, nature conservation and built heritage interests. The proposal is predominantly sited on an existing concrete hardstanding within the curtilage of the wider A.D. site with a minor extension to curtilage to the western boundaries. I do not consider any of the proposed changes would have any greater impact on natural heritage features of significance or built heritage assets of interest on site or in close proximity from that previously assessed under the existing planning approvals. As detailed further above, I have considered NIEA's request for Nutrient Management Plans and these will be conditioned to any forthcoming approval prior to the next land spreading season. It is noted NIEA had no objections to previous approvals on the site subject to conditions/informatives to be added to any grant of planning permission advising the applicant of their specific requirements under their agency's own legislation. This application does not seek permission for any additional EWC codes and relates solely to minor inconsistencies between that extant on site and stipulated on the previously approved plans. Therefore the proposal should not have a detrimental impact on local natural resources such as air quality and water quality. NIEA Waste Management Unit will ensure that all environmental issues will be addressed through its own licensing/permitted process, and should an unacceptable environmental impact occur NIEA will have the power to remove the impact which may involve cessation of the waste activity generating the impact.

This proposal will have no impact on public access to the countryside. The access details to the public road remain as before and there is no intensification of the access therefore it was not considered necessary to consult DFI Roads.

For the reasons outlined above, I am content this proposal adheres to requirements of PPS11: Planning & Waste Management and PPS 18: Renewable Energy and recommend approval.

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

Having considered all relevant prevailing planning policy, the proposal is recommended for approval subject to the conditions below.

**Conditions:**

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

Reason: This is a retrospective application.



2. Vehicular movement to and from the site shall only be made between the hours of 0700 hrs and 2200 hours.

Reason: In the interest of amenity of residents living in the surrounding area.

3. The noise levels from the proposed Anaerobic Digester shall not exceed those specified in Table 1 below when measured from the boundaries of the properties identified in Table 1 below:

Table 1

Location	Co-ordinates	Noise Level LAeq
11 Bramble lane	X- 281696 Y- 375478	34
8 Bramble lane	X- 281690 Y- 375490	34
11/12 Tullywiggan Cottages	X- 281714 Y- 375415	33
14 Tullywiggan Cottages	X- 281729 Y- 375372	33
33 Grange Road	X- 282021 Y- 375574	34
25 Grange Road	X- 281950 Y- 375753	33
39 Tullywiggan Road	X- 282245 Y- 375453	27

Reason: To safeguard the residential amenity of nearby residents.

4. All imported feedstocks, except silage, shall be brought onto site within sealed tankers and off-loaded into a sealed reception tank with any displaced air vented through the Combined Heat and Power plant. There shall be no external storage of approved imported feedstocks brought onto the site except for silage.

Reason: In the interests of amenity of residents living in the surrounding area and in the interests of environmental protection.

5. Nutrient Management Plans applicable to the operation of the site and reflective of the information modelled in the submitted AQIA dated 11/04/19 including location of all landspreading; volumes of digestate to be accepted at each landbank; and total area of landspreading at each landbank must be submitted to Mid Ulster District Council prior to the next land spreading season to be agreed in writing and this condition formally discharged.

Reason: To ensure no adverse impact on designated sites.

### **Informatives**

1. 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.
2. 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.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to DARDNI - Vet Service (Animal by product) Consultation Response dated 16<sup>th</sup> March 2022.
5. The applicant's attention is drawn to NIEA Consultation Response dated 21<sup>st</sup> March 2022.

**Signature(s)**

**Date:**



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03/05/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2022/0242/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of domestic store as built (not in accordance with LA09/2021/0259/F)	<b>Location:</b> 20 Ardchrois Donaghmore
<b>Referral Route:</b>  1. Contrary to Policy EXT 1 – Residential Extensions and Alterations in PPS 7 Addendum in that the scale, height and massing of the building is dominant when viewed from the boundary of dwellings to the rear at No. 18, No. 19 and No. 20 Torrent View.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Conrad McGuigan 20 Ardchrois Donaghmore Co Tyrone	<b>Agent Name and Address:</b> C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b> LA09/2021/0259/F granted approval for a domestic store/garage at the land to the rear and within the curtilage of No. 20 Ardchrois, Donaghmore. This application is for the retention of the building constructed which is larger and not building in the approved location. I consider the scale of the current building is unacceptable and it is now 3m closer to the boundary of dwellings to the rear at No. 18, 19 and 20 Torrent View. I consider the building is now dominant when viewed from these properties especially No.20.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### 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

### Characteristics of the Site and Area

The site is within the settlement limit of Donaghmore as defined in the Dungannon and South Tyrone Area Plan 2010.

To the southwest and abutting the boundary of the site contains an operational petrol filling station, a 'Today's Extra' shop and its curtilage which includes hard surfaced forecourt, pumps, canopy, car wash, external customer toilets and ancillary parking. The filling station sits adjacent and fronting unto the Pomeroy Road, to the very north of the village, close to the edge of the settlement limits and just southeast of Backford Bridge.

The curtilage of the filling station is bound along its roadside frontage by a footpath; its rear and south side by low fencing; and its north side by the Torrent River which is lined by a mix of mature vegetation.

The filling station / shop is a single storey building with a relatively rectangular shaped floor plan and low pitched roof construction. A line of small business units (excluded from the red line of the site) adjoin the southern gable of the filling station. The units which combined cover a similar area to the filling station and which run at an angle to the shop comprises a hairdressers, chinese and chip shop.

A large house within the curtilage of the application site sits on lands to the immediate rear of the petrol station which is the subject of this application. This dwelling is currently accessed through the site, to the north side of the filling station. It has however recently gained planning approval to be accessed directly off a residential road to its south.

The area surrounding the site is characterised by its edge of settlement limit location. Residential housing including Ardchrois and Torrent View, two well established housing developments runs to its southeast/east and agricultural lands rise away to its north along the Tullyaran Rd. A large farm cluster sits just northwest of the site, to both sides of the Tullyaran Rd, at its access off the Pomeroy Rd. A public house 'Brewery Off Sales' exists to the opposite side of the Pomeroy Rd to the filling station with the Torrent Valley Business Park to its west again.

### **Description of Proposal**

This is a full application for Retention of domestic store as built (not in accordance with LA09/2021/0259/F) at 20 Ardchrois, Donaghmore.

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

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

### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, 2no. third party objections were received.

Objections were received from the owners of properties at No. 19 and No. 20 Torrent View which submitted the same objection letter and the issues raised in the letter will be assessed and re-buffed. Initially both owners of No. 19 and No. 20 state they did not receive a neighbour notification letter for planning approval LA09/2021/0259/F. A letter was sent to both addresses on the 3<sup>rd</sup> March 2021 so I am content the statutory requirements for neighbour notification have been met. The same neighbours as LA09/2021/0259/F were sent neighbour letters for this application and no letters have been received back to myself by Royal Mail.

### **Planning History**

#### Application Site History

LA09/2018/1683/F - Proposed new access - Approx. 30m North East of 21 Pomeroy Road Donaghmore – Permission Granted 25.02.2019

LA09/2021/0259/F - Proposed domestic store/garage - 20 Ardchrois, Donaghmore – Permission Granted 29.04.2021

LA09/2021/0124/CA – The application is the subject of an ongoing enforcement case. The objectors state in their letter that the breach was notified on the 21<sup>st</sup> June 2021 and works

were allowed to progress. This is a separate matter and is considered as part of the enforcement case and cannot be commented on in this assessment.

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

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

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

As the site is within the settlement limit of Donaghmore SETT 1 is the relevant policy within the Plan. The site is not within any other designation or zonings within the Plan.

I do not consider the building to be retained is sensitive to the size, character and function of the settlement of Donaghmore. The building is larger than the approved height of 5.8m and is only 1m from the boundary with neighbouring dwellings and is not in the approved siting. The scale and height of the building is unacceptable for a domestic building and out of character for the settlement.

The proposal was approved at a separation distance of 4m from the boundary and the applicant was to provide additional landscaping along the boundary. The revised siting does not respect the constraints of the site.

The building to be retained is higher than the 5.8m and is closer to the boundary than approved with neighbouring dwellings at No.18, 19 and 20. The building will be dominant when viewed from their gardens so will create unacceptable neighbour amenity.

The site is not within the vicinity of any recognised conservation interests.

I am content there are satisfactory arrangements for access and parking at the site as it is located on a large plot. The applicant has stated the building is for domestic uses and has not proposed any additional toilets or kitchen so no sewage disposal is needed.

I am content no additional infrastructure is needed by the developer.

I consider the proposal to retain the existing building does not meet all the criteria in SETT 1.

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

**Addendum to PPS 7 - Residential Extensions and Alterations:** sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum). Policy EXT1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

### **Scale, Massing, Design and Appearance**

The proposal is for the retention of a store/domestic garage on land within the curtilage of No.20 Ardchrois in Donaghmore. A building was approved on the same site through planning approval LA09/2021/0259/F and the proposed garage was 12m in depth and 17.9m in width with a ridge height of 5.8m. In this report it was acknowledged this was a large garage with an industrial appearance but it was considered acceptable in the context of the wider area. The proposed garage was within the curtilage of a large area of land to the rear of No. 20. No. 20 is a three storey dwelling to the south east of the garage which is large in scale and massing. The area to the rear was gravelled and accessed to the rear of Backford filling station in Donaghmore. The site would not become overdeveloped and there was sufficient space left for parking. The approved garage had a separation distance of 4m from the boundary with the dwellings to the rear. In the initial approval additional planting was proposed to the rear to block any negative visual amenity from the garage.

The agent has submitted plans and elevations which match the garage that was approved but this does not match what is currently built on site as shown in figure 1 below.



Figure 1 – Photo from the site visit of shed as built on site.

It appears the garage is higher than the approved 5.8m and has a much higher roller shutter door than what was approved. In terms of scale, height and massing the building currently on site does not have the appearance of a domestic building. At the time of the site visit I was unable to gain access to the inside of the building to check the proposed use. I spoke to the agent on the phone and they confirmed the use was definitely for the applicant's own domestic use.

The objectors at No. 19 and No. 20 state the proposed garage is the equivalent of 10 single garages and twice the height. They contend the proposal is not domestic in scale and is not for a use ancillary to a dwelling. In terms of the domestic use the objectors quote

references from the case officer's report from planning approval LA09/2021/0259/F confirming the building is large in scale and 'would recommend a condition that the building is only used for domestic purposes to limit the use'. The objectors from No. 19 and No. 20 state the description of the proposal as a domestic store/garage is very misleading and a more accurate description would be a two storey shed. The applicant submitted the application for both LA09/2021/0259/F and this application on a PHD from which is for domestic buildings and paid the £291 fee for a domestic building. It is shown on the plans for this application that the building will be used for domestic purposes and it was conditioned in the previous approval for domestic uses. The applicant may intend to use the building for non-domestic uses but at the present moment it is not being used for commercial use so I have to take it on the principle that the building will be domestic.

Overall I consider the scale, height and massing of the building to be retained is unacceptable as it is a higher ridge height than what was currently approved.

### **Neighbour Amenity**

#### Privacy

There are no windows on any of sides of the garage so I have no concerns about loss of privacy.

#### Dominance

The approved garage was 5.8m in height and as shown in figure 2 below there was a separation distance of 4m in the approved plans. To mitigate against any negative impacts on visual amenity and dominance when viewed from the dwellings to the rear of the garage it was proposed to have additional planting.



Figure 2 – Snapshot from the approved block plan





Figure 3 – Photo from the site visit showing the separation distance on site.

As shown in figure 3 above the building is sitting at approximately 1m from the boundary with the dwellings to the rear. The dwellings at 18, 19 and 20 Torrent View are also at a slightly lower ground level to the site. In terms of the current location of the building I consider this is unacceptable and is too close to the boundary fence. The building will be a dominant feature when viewed from the rear gardens of the adjacent dwellings.



Figure 4 - Photo from the site visit showing the building has been moved further into the corner of the site.

As shown in figure 4 above the building has been moved into the corner of the site in comparison with the approved siting as shown in figure 1. The building is now completely facing the rear garden of No. 20. The objectors state that proposed landscaping can now not be carried out which I am in agreement with and the applicant's have not met condition 3 of their planning approval.

Condition 3 of planning approval LA09/2021/0259/F stated

“All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing No 02Rev1 bearing the stamp dated 25 MAR 2021 and the appropriate British Standard or other recognised Codes of Practise. The works shall be



carried out prior to the occupation of any part of the building hereby approved. Any trees or hedging that die within 5 years of planting shall be replaced with a new planting of a similar size and species". The applicant has not completed the conditioned landscaping and will be unable to do this as the building has been moved closer to the boundary fence.

I consider the building in its current location will be a dominant feature when viewed from the rear gardens of No. 18-20 Torrent View as shown below in photographs submitted by the objectors.



Figure 5 – Photos sent in by objectors

### Overshadowing

It was previously stated in the report for LA09/2021/0184/F that the proposed garage would create some overshadowing to the rear gardens of the dwellings at No.18-20. Figure 6 below shows an overshadowing test based on the approved height of the building at 5.8m and it does show overshadowing to the rear garden of No. 20 in the late afternoon. This matches what was previously acknowledged in the assessment in LA09/2021/0184/F. However paragraph A33 in APPS 7 does state that overshadowing to a garden area on its



own will rarely constitute grounds to justify a refusal of permission. This test is based on the height of the garage at 5.8m so there may well be greater overshadowing with the building currently on site. In consider there is the potential for the building on site to create overshadowing to the whole rear garden of No. 20 including the first 3-4m of the rear garden.

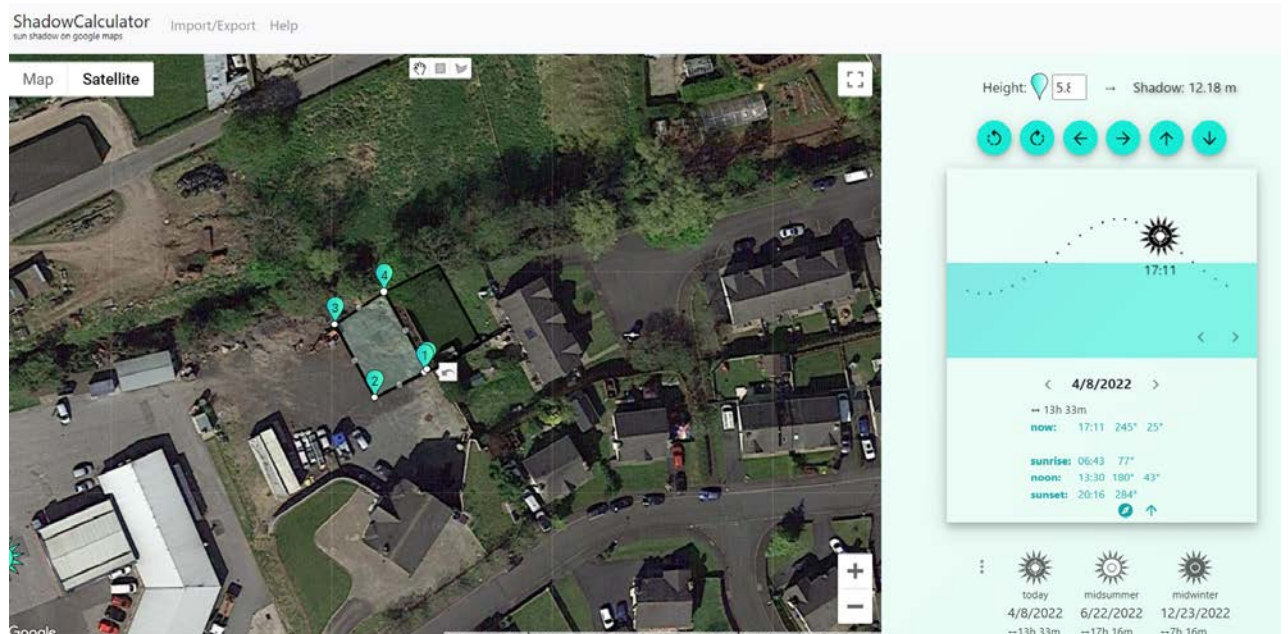


Figure 6 – Overshadowing with building in its current location

Figures 7-8 shows the location of the building and height as currently approved. I have shown the path of the sun at lunchtime and late evening. As stated in the report in the current approval there will be some overshadowing to the rear gardens in the properties at No.18-20 but this was not considered unacceptable as it was not in the main 3-4m of the rear garden space.



Figure 7 – Overshadowing with building in the approved location based on the sun's path for early afternoon

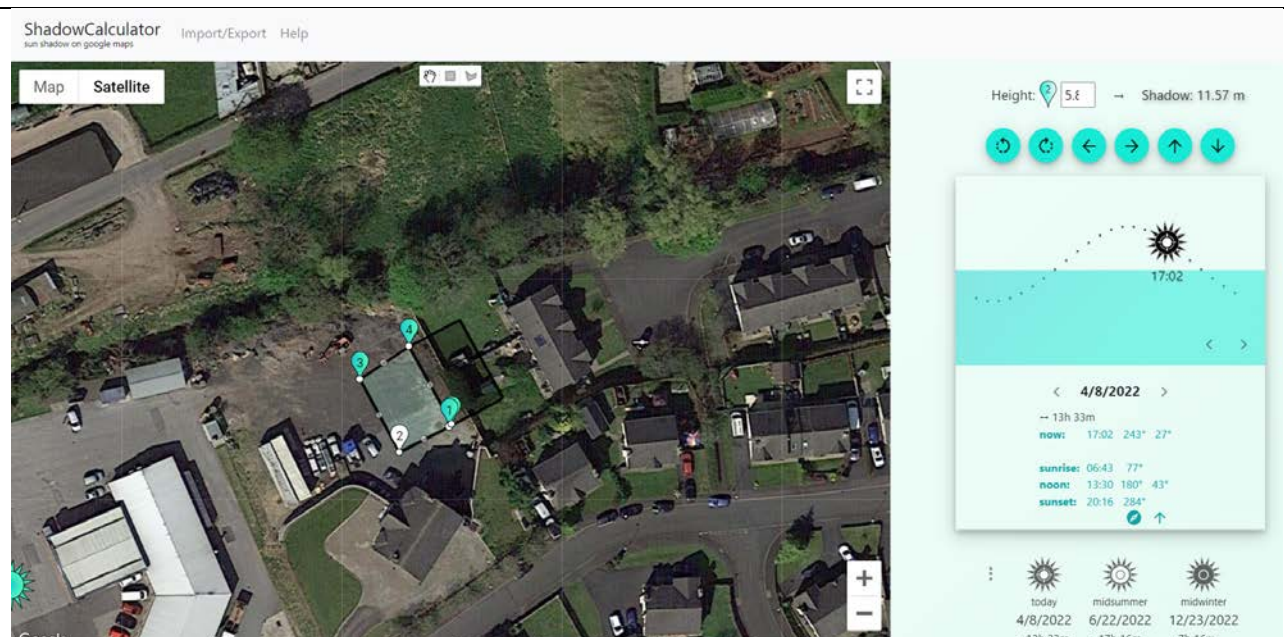


Figure 8 - Overshadowing with building in the approved location based on the sun's path for late afternoon.

The objectors at No. 19 and No. 20 state the shed is located to the southwest boundary of the three dwellings at Torrent View which is the critical side for sunlight. As shown above the garage in its approved location did not create unacceptable overshadowing but as the building is now solely in the corner of the site I am of the opinion it will have an impact on sunlight in the evening for No. 20. But I do not consider the building will create overshadowing and loss of light to any windows at No. 18, 19 and No. 20 Torrent View. Therefore I feel overshadowing cannot be included as a reason for refusal in this application.

### Impact on Trees and Environmental Quality of this Area

There are no trees being removed as part of this proposal. In planning approval LA09/2021/0184/F additional planting of trees and hedging was proposed which would have added to the environmental quality of the proposal but these works have not been completed.

### Amenity Space, Parking and Manoeuvring

The dwelling at No. 20 is located on a large plot and the garage is on land to the rear of the dwelling. I am content there is sufficient amenity space for the dwelling and for the parking of at least two cars.

**Neighbour Notification Checked** Yes

### Summary of Recommendation:

The proposal is recommended for refusal as it does not meet all the criteria in PPS 7 Addendum Residential Extensions and Alterations and SETT 1 in the Dungannon and South Tyrone Area Plan 2010.

**Reasons for Refusal:**

1. Contrary to Policy EXT 1 – Residential Extensions and Alterations in PPS 7 Addendum in that the scale, height and massing of the building is dominant when viewed from the boundary of dwellings to the rear at No. 18, No. 19 and No. 20 Torrent View.

**Signature(s)**

**Date:**