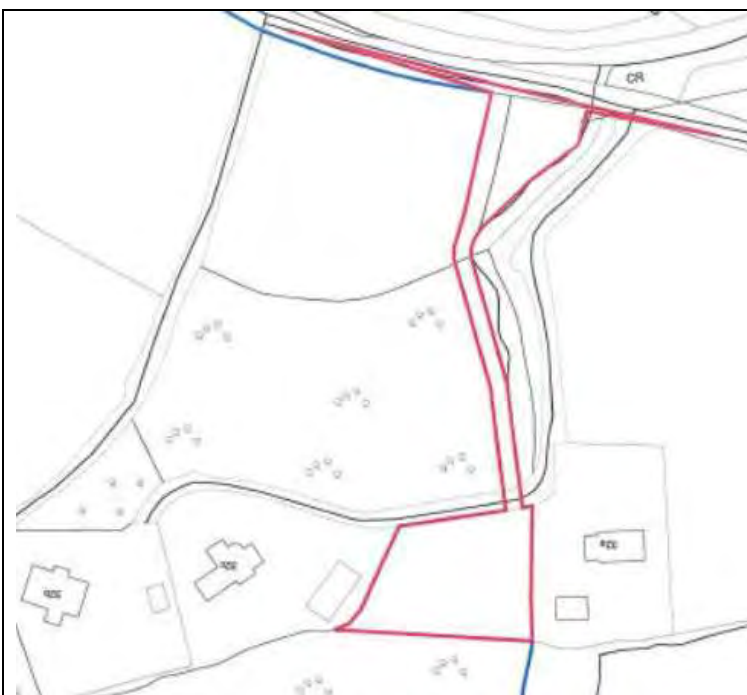


Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0733/O	Target Date:
Proposal: Infill dwelling	Location: 156m S.W. of 30 Mulnavoo Road Draperstown
Applicant Name and Address: Cormac Mc Cormick 87 Drumbane Road Swatragh Maghera	Agent name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Summary of Issues: This application was presented as an approval to Planning Committee and was subsequently deferred to consider a late objection. Following full consideration of this objection, an approval is being recommended.	
Characteristics of the Site and Area:	



Description of Proposal

Infill dwelling

Deferred Consideration:

This application was presented as an approval to Planning Committee in May 2021 and subsequently deferred to consider a late objection received from No.32a Mulnavoo Road (who have previously objected). The objection states they do not consider there is a substantial or continuously built up frontage and they are not visually linked due to existing vegetation and that the site creates a visual break and should not be removed as such. They go on to say that it would create a ribbon of development. Policy CTY8 states the line of buildings should be visually linked OR share a common frontage. I would be of the opinion the dwellings in the building line do share a common frontage, so although the vegetation makes it difficult to view them all together it still meets the criteria for an infill as per the policy.

The objectors also mention the document - Building on Tradition, which states where, if 2 houses are separated by an important area of woodland, there is no scope for infill in such a ribbon - this is acknowledged but is guidance only. The full policy consideration is set out in CTY8 which states the criteria for allowing an infill dwelling and I am content this site meets the criteria laid out. The vegetated area on the site is not considered as an important visual break and a dwelling here would not in my opinion detrimentally impact on the rural character of the area.

Following a site visit and re-assessment and taking full account of the objection, I would consider the site meets the policy requirements for a dwelling under CTY8. There are two dwellings to the west of the site and one to the east, all of which have a building beside the house but do not rely on these to make up the required numbers, all the dwellings can

be counted towards the 'line of three' buildings, which is required by policy to allow an infill opportunity. The gap would be sufficient to accommodate no more than two dwellings.

All other issues were satisfactorily dealt with in the previous case officer report. I would therefore recommend approval with conditions, including those from NIEA - Natural heritage, as listed below.

Conditions -

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

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

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

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

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

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

4. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

5. At Reserved Matters stage, details of the developments proposed landscaping/planting scheme must be provided, to include details of all necessary vegetation removal and efforts to compensate for the loss of habitats worthy of

protection.

Reason: To compensate for the loss of natural heritage features worthy of protection.

6. At Reserved Matters stage, full surveys for red squirrel and pine marten must be submitted, with particular attention given to potential impacts on any dreys/dens located within the application site. Mitigation must also be provided if necessary.

Reason: To protect red squirrel and pine marten.

7. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

8. Prior to the commencement of any other works or other development hereby permitted, the vehicular access, including visibility splays of 2.4 m x 60m in both directions and 60m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s):

Date



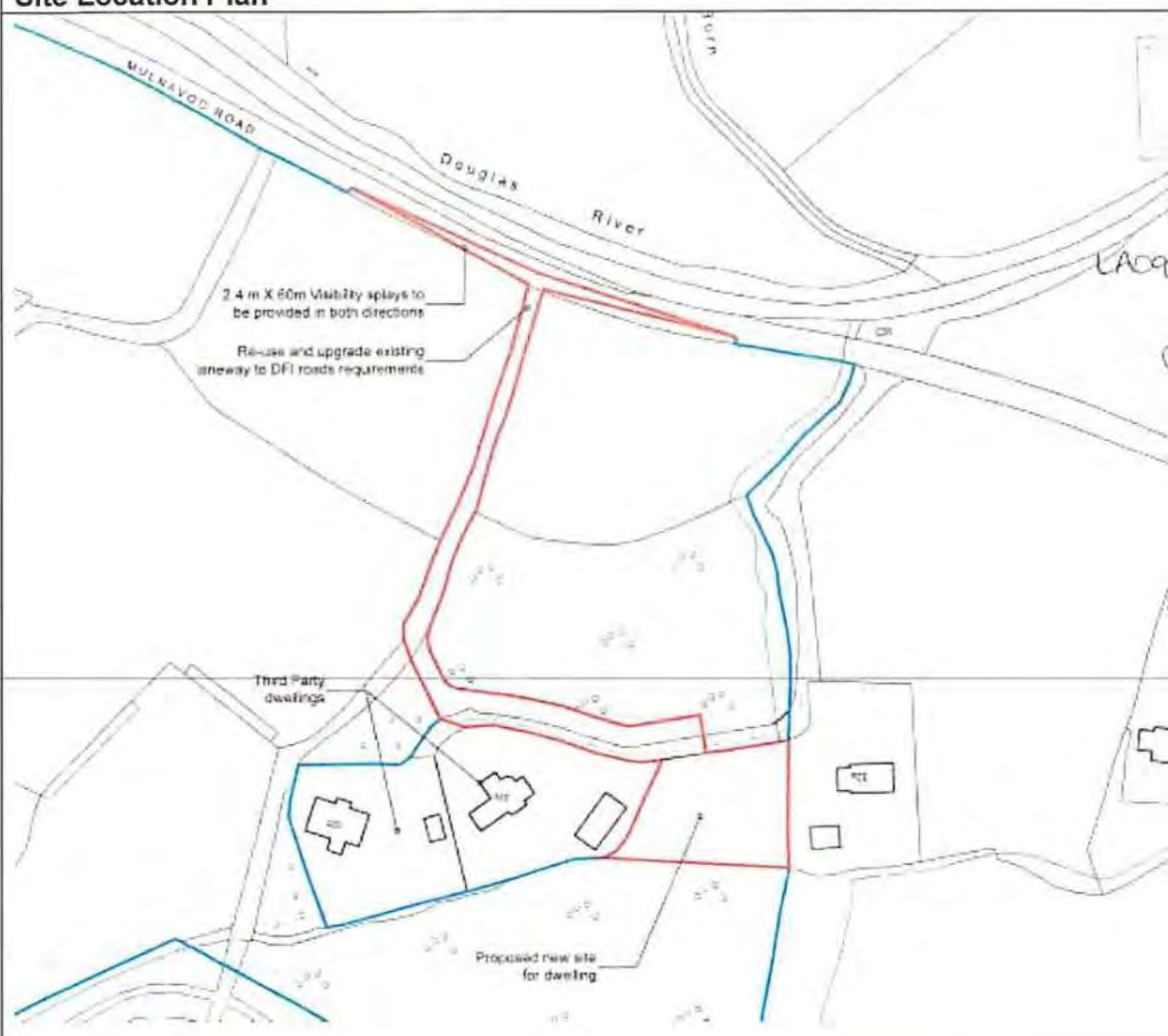
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0733/O	Target Date:
Proposal: Infill dwelling	Location: 156m S.W. of 30 Mulnavoo Road Draperstown
Referral Route: Approval – Objections Received.	
Recommendation:	Approval
Applicant Name and Address: Cormac Mc Cormick 87 Drumbane Road Swatragh Maghera	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	No Objection

Representations:	
Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues <p>There were six objections received in relation to the proposal, the details of these objections will be discussed in detail later in the report. The main issues raised were:</p> <ul style="list-style-type: none"> • Principle of Development • Inaccuracies on P1 form (ownership, address and current use of land) • Natural Heritage Issues • Access • Protected Species within site 	
Characteristics of the Site and Area <p>The site is located approx. 156m SW of 30 Mulnavoo Road, Draperstown. The site is located within the countryside as designated within the Magherafelt Area Plan 2015. The site is noted on the P1 form as being agricultural land however from the site visit, it appears to be a woodland area at present. The site is generally flat throughout and the immediate surrounding area has a number of existing dwellings but beyond that, land is generally quite rural in nature with scattered dwellings and their associated outbuildings.</p>	
Description of Proposal <p>Outline planning permission is sought for an infill dwelling.</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>Representations</u> Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 32a, 32b and 32c Mulnavoo Road. At the time of writing, six representations were received. Three of the objections were received from 32a, one objection received from 32b and the other two objections were received from two separate planning agents acting on behalf of the owners/occupiers of 30 and 32c Mulnavoo Road.</p> <p>The principle of development was raised in the objections, noting that as some of the houses along this laneway didn't have a frontage to the road, it couldn't be counted as an infill. The report will detail later exactly why we feel it meets the criteria of CTY 8 of PPS 21 for a gap site. All of the dwellings, 32a, 32b and 32c all share a common frontage with the laneway which accesses from Mulnavoo Road. There is a line of 3 or more buildings and the gap site is not considered big enough to accommodate any more than two dwellings, therefore meeting the criteria set out in CTY 8.</p>	

There were a number of alleged inaccuracies on the P1 form, including the address, ownership (certificate filled in) and the current use of the site. The objections note that the address should be noted as lands between two existing dwellings to highlight that it is an infill, however we feel that the address given is still accurate in determining where the proposed site is and therefore amendments relating to the address were not sought after. Occupied properties either side have also been directly neighbour notified. Ownership queries related to the original access which was proposed, noting that the applicant did not own the access and did not fill in Cert C and serve notice on relevant landowners. The access was subsequently amended as a result of DfI Roads concerns and there have been no further objections relating to ownership issues since the submission of the amended access.

There were a number of issues raised in relation to concerns relating to natural heritage and protected species which inhabit the lands of the proposed site. The site is identified in the objections as Derrynoyd Forest and sighting of the red squirrel species was noted within objection also. A biodiversity checklist and an ecological appraisal was submitted from the agent and NIEA were consulted. In their most recent response, the Natural Environment Division within NIEA have stated that they have considered the impacts of the proposal on natural heritage interests and on the basis of the information provided, they have no concerns subject to conditions. On this basis, given that NIEA are the competent authority in dealing with these concerns, we consider the proposal acceptable subject to conditions given.

In the most recent objection received, issues relating to site water levels were raised. The flood maps were checked and it didn't appear that the site itself was in an area at risk of flooding and therefore no further consultation was carried out. NIEA would be the relevant body who would provide the consent to discharge at the site.

Planning History

There is not considered to be any relevant planning history associated with the site. There were two recent refusals just east of the site, which one of the objectors referred to in their objection (LA09/2019/0846/O and LA09/2019/0849/O).

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
- Local Development Plan 2030 - Draft Plan Strategy

The Magherafelt Area Plan identify the site as being outside any defined settlement limits, located east of Moneyneany Settlement Limit. There are no other specific designations or zonings 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. All valid representations received has

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.

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.

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 range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. 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 the 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. Weight is only given to substantially complete buildings rather than permissions or foundations.

It is considered that the proposed site meets the policy test in that there is a continuous built up frontage along this road frontage of the laneway. At present, there is two dwellings west of the site and to the east of the site is a further dwelling. These dwellings also have accompanying buildings to the sides of them which all can be counted towards the line of three buildings. Therefore, taking into consideration what is on the ground at present, I am satisfied that there is a line of three or more buildings along this laneway frontage and therefore the proposal meets this policy requirement. I consider that the gap between existing dwellings and buildings would be sufficient to accommodate no more than two dwellings, given the existing frontages along this laneway.

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. 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 find no reason why a dwelling could not be designed to integrate successfully with its surrounding and the wider character of the area.

DfI Roads were consulted and have no objection to the proposal subject to condition. They noted within their response that they were aware of other applications which were in the system and that if all were to be granted they would be asking for the road to be brought up to adoptable standard. It should be noted that two of these applications were

refused and therefore this would leave 4 dwellings up this laneway and therefore would not meet the threshold to be adopted.

Neighbour Notification Checked

Yes

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 the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60m in both directions and 60m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. At Reserved Matters stage, details of the developments proposed landscaping/planting scheme must be provided, to include details of all necessary vegetation removal and efforts to compensate for the loss of habitats worthy of protection.

Reason: To compensate for the loss of natural heritage features worthy of protection.

5. At Reserved Matters stage, full surveys for red squirrel and pine marten must be submitted, with particular attention given to potential impacts on any dreys/dens located within the application site. Mitigation must also be provided if necessary.

Reason: To protect red squirrel and pine marten.

6. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Informatives

1. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a badger while it is occupying a structure or place which it uses for shelter or protection.
- Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

2. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

3. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

4. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the red squirrel (*Sciurus vulgaris*);
- damage or destroy, or obstruct access to, any structure or place which red squirrels use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a red squirrel while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of red squirrel on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

5. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the pine marten (*Martes martes*);
- damage or destroy, or obstruct access to, any structure or place which pine martens use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a pine marten while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of pine marten on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

Signature(s)
Date:

ANNEX	
Date Valid	29th May 2019
Date First Advertised	13th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32a Mulnavoo Road Draperstown Steven and Violet Linton 32a Mulnavoo Road, Draperstown,BT45 7LR Steven and Violet Linton 32a Mulnavoo Road, Draperstown,BT45 7LR Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR The Owner/Occupier, 32b Mulnavoo Road Draperstown Freda McCluskey 32b, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR The Owner/Occupier, 32c Mulnavoo Road Draperstown Russell Finlay Building Design Consultant,350 Hillhead Road,Knockloughrim,Magherafelt,BT45 8QT Brendan Johns Town Planning Consultants,13 Sperrin View,Omagh,Co. Tyrone,BT78 5BJ	
Date of Last Neighbour Notification	24th October 2019
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2019/0733/O

Proposal: Infill dwelling

Address: 156m S.W. of 30 Mulnavoo Road, Draperstown,

Decision:

Decision Date:

Ref ID: H/2002/0744/F

Proposal: Dwelling and Garage

Address: 250m W of 32 Mulnavoo Road, Draperstown

Decision:

Decision Date: 21.01.2003

Ref ID: H/2002/0349/F

Proposal: Dwelling & Garage.

Address: 200m W of 30 Mulnavoo Road, Draperstown.

Decision:

Decision Date: 27.01.2003

Ref ID: H/2002/0454/F

Proposal: Dwelling and Garage

Address: Mulnavoo Road, Mullaghnamaragh, Draperstown

Decision:

Decision Date: 18.10.2002

Ref ID: H/2001/0457/O

Proposal: Site of dwelling & garage

Address: 120m West of 30 Mulnavoo Road, Mullaghnamaragh, Draperstown

Decision:

Decision Date: 24.09.2001

Ref ID: H/1991/0036

Proposal: DWELLING

Address: MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

NIEA: Content, subject to conditions and informatives.

DfI Roads: Content, subject to conditions and informatives.

Drawing Numbers and Title

Drawing No. 01b
Type: Amended site location map
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0763/O	Target Date: <add date>
Proposal: Proposed dwelling and garage for a lough Neagh fisherman	Location: 29m South of 6 Annaghmore Road Cookstown
Applicant Name and Address: Sean Quinn 6 Annaghmore Road Cookstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: No representations received. Refusal as proposal based on draft plan, also refused under CTY 2a and CTY 8 of PPS 21.	
Summary of Consultee Responses: DFI Roads - development not inside 1 in 100 year flood area DEARA Fisheries – no concerns from aquaculture/sea fisheries aspect	
Characteristics of the Site and Area: The site comprises a small slightly off square field located at 29 metres South of Number 6 Annaghmore Road, Cookstown. The field is accessed at the North Eastern corner via an existing agricultural gap, the field is currently covered with overgrown grass, weeds and other scrub including a scattering of small trees. There was a shipping container located to the north of the site on the day of the site visit. Immediately North of the site is a bungalow (No.6 Annaghmore Road) which is separated from the site by a closed board timber fence. All the remaining boundaries of the site are defined by a mixture of native species hedgerow and mature trees. The site lies just outside and North of the settlement limit of Moortown in the open countryside as identified in the Cookstown Area Plan 2010. The surrounding area is predominantly agricultural fields with a scattering of single dwellings and farm holdings located along the roadside.	

Description of Proposal

Outline planning permission is sought for a proposed dwelling and garage.

Deferred Consideration:

This application was before the Planning Committee in October 2019 and it was agreed to defer for an office meeting with the Planning Manager. This meeting was held on 10 October 2019 and discussion took place about the policy context and Draft Plan status. There were discussions about possible infill development, though this was dependent on a successful CLUD application being submitted to demonstrate the lawfulness of existing development.

The site has a long planning history of refusals as set out in the previous report to committee, this includes an appeal that assessed the site against Policy CTY8 of PPS21 and dismissed the appeal as it was not considered to be a gap site and a refusal by Mid Ulster District Council for this same site in October 2016, ref LA9/2016/0544/O. There is a lorry body on the site and the agent has advised the applicant has been using the area to park his boat on as an expansion to the curtilage of the dwelling. Aerial photograph below were taken in July 2017 and May 2020, these do not show any parking of vehicles on the site in 2017 and are not supportive of any expansion of the curtilage of the dwelling. As advised the appropriate method for demonstrating this was through the submission of a CLUD, however to date, despite a number of reminders, there has not been any further information presented to support the claim about the expansion of the curtilage or the use of the site for the parking and storage of the boat.





Enlargement of aerial photograph taken 29 May 2020

From the above photographs it is my view that the site represents a visual break in development at this location that should be defended and is not an infill opportunity as set out in CTY8 of PPS21. This application was also assessed against CTY2a of PPS21, however there is no focal point and the site is not bounded by development on 2 sides.

Members will be aware of Policy CT2 in Draft Plan Strategy which sets out considerations for dwellings in the countryside and part j relates to commercial fishermen. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

As has already been concluded in the previous report to Committee, the proposed development does not meet with the published planning policies and as such it is recommended for refusal.

Conditions/Reasons for Refusal:

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

development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the cluster is not associated with a focal point and is not located at a cross-roads; also the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings to the North and the building would, if permitted create or add to a ribbon of development and would therefore further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Annaghmore Road and would, if permitted, result in a detrimental impact on the rural character, appearance and amenity of the countryside.

Signature(s)

Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0763/O	Target Date:
Proposal: Proposed dwelling and garage for a lough Neagh fisherman	Location: 29m South of 6 Annaghmore Road Cookstown
Referral Route: Refusal – policy held within Draft Plan which hasn't been adopted. Also contrary to Policy CTY 8 of PPS 21.	
Recommendation:	Refuse
Applicant Name and Address: Sean Quinn 6 Annaghmore Road Cookstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Fisheries Division	Content
Statutory	DFI Roads - Enniskillen Office	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 representations received. Refusal as proposal based on draft plan, also refused under CTY 2a and CTY 8 of PPS 21.

Characteristics of the Site and Area

The site comprises a small slightly off square field located at 29 metres South of Number 6 Annaghmore Road, Cookstown. The field is accessed at the North Eastern corner via an existing agricultural gap, the field is currently covered with overgrown grass, weeds and other scrub including a scattering of small trees. There was a shipping container located to the north of the site on the day of the site visit. Immediately North of the site is a bungalow (No.6 Annaghmore Road) which is separated from the site by a closed board timber fence. All the remaining boundaries of the site are defined by a mixture of native species hedgerow and mature trees. The site lies just outside and North of the settlement limit of Moortown in the open countryside as identified in the Cookstown Area Plan 2010. The surrounding area is predominantly agricultural fields with a scattering of single dwellings and farm holdings located along the roadside.

Description of Proposal

Outline planning permission is sought for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 5, 6, 7 and 8 Annaghmore Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2016/0544/O - 29m South of 6 Annaghmore Road, Cookstown, BT80 0JQ - Proposed dwelling and garage – PERMISSION REFUSE

(History below as noted in the report for the above application)

I/2000/0146/O - Site for dwelling - Refusal

I/2005/0310/O - Site for a dwelling - Refusal

I/2006/1286/F - Dwelling - Withdrawn after recommendation for refusal by planning department.

I/2007/0669/F - Dwelling - Refusal

2010/A0180 - Appeal upheld for planning refusal I/2007/0669/F

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Regional Development Strategy 2035
- 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 Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. At present, the proposal is not in line with the policies held within this document. The agent/applicant has provided a P1C form and information from Lough Neagh Fishermen's Co-Operative Society which states that the applicant has held a fishing license for approx. 25 years. There is a policy within the draft plan under criterion (j) of Policy CTY 2 which relates to a dwelling for holder of commercial fishing license. Although it appears that the applicant may be entitled to apply under this policy if the Draft Plan was to be adopted, however it must be noted that the initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

The Cookstown Area Plan 2010 identify the site as being outside any defined Settlement Limit, located North of Moortown.

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. 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'.

The same site was applied for under both CTY 8 and CTY 2a of PPS 21. The site was assessed under each of these policies, however both were presented to two separate committee meetings with the recommendation to refuse. These recommendations were agreed by the committee and permission was refused on the site therefore I feel it is unnecessary to consider the proposal against each of these policies again as there doesn't appear to be any change in policy or physical changes on the ground.

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. The site is generally quite flat throughout and benefits from existing landscaping along the site boundaries. 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 however I feel that the proposal would add to a ribbon of development and therefore would be contrary to criterion (b) and (d) of CTY 8 as already considered within the previous application LA09/2016/0544/O.

It is considered that this application has been submitted prematurely under a policy which has not been adopted and the site doesn't appear to meet the policy requirements of any other current policies, thus refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the cluster is not associated with a focal point and is not located at a cross-roads; also the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings to the North and the building would, if permitted create or add to a ribbon of development and would therefore would further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Annaghmore Road and would, if permitted, result in a detrimental impact on the rural character, appearance and amenity of the countryside.

Signature(s)**Date:****ANNEX****Date Valid**

5th June 2019

Date First Advertised

20th June 2019

Date Last Advertised**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,
5 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JQ
The Owner/Occupier,
6 Annaghmore Road Ardboe Cookstown
The Owner/Occupier,
7 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JQ
The Owner/Occupier,
8 Annaghmore Road Ardboe Cookstown

Date of Last Neighbour Notification

11th June 2019

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2019/0763/O

Proposal: Proposed dwelling and garage for a lough Neagh fisherman

Address: 29m South of 6 Annaghmore Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2003/0934/O

Proposal: Proposed dwelling and garage

Address: 120m north of no 164 Battery Road, Coagh, Cookstown, County Tyrone

Decision:

Decision Date: 04.02.2004

Ref ID: I/2005/0064/F

Proposal: Extension to dwelling

Address: 30m South of 8 Annaghmore Road, Coagh

Decision:

Decision Date: 15.03.2005

Ref ID: I/1993/0173

Proposal: Dwelling and Garage

Address: OPPOSITE 7 ANNAGHMORE ROAD CLUNTOE COAGH

Decision:

Decision Date:

Ref ID: I/2009/0635/F

Proposal: Retrospective application for the resiting and change of house type to that approved under, I/2006/0298

Address: 120m north of No.164 Battery Road, Coagh, Cookstown, BT80 0HS

Decision:

Decision Date: 12.02.2010

Ref ID: I/1997/0179

Proposal: Site for bungalow

Address: 80M SOUTH OF 8 ANNAGHMORE ROAD COAGH

Decision:

Decision Date:

Ref ID: I/1990/6077

Proposal: Housing Development 30m South of 10 Annaghmore Road Coagh

Address: 30m South of 10 Annaghmore Road Coagh

Decision:

Decision Date:

Ref ID: I/1993/0174

Proposal: Dwelling and Garage

Address: 40M SOUTH OF 10 ANNAGHMORE ROAD CLUNTOE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2006/1286/F

Proposal: Proposed dwelling

Address: Approx 80m South of 10 Annaghmore Road, Coagh

Decision:

Decision Date: 17.05.2007

Ref ID: I/2007/0669/F

Proposal: Proposed dwelling.

Address: Approx 80m South of No10 Annaghmore Road, Coagh

Decision:

Decision Date: 21.10.2010

Ref ID: I/2005/0310/O

Proposal: Proposed site for new dwelling

Address: Approx 80m South of No10 Annaghmore Road, Coagh.

Decision:

Decision Date: 26.10.2005

Ref ID: I/2000/0146/O

Proposal: Site for dwelling and garage

Address: 30m approx south of 8 Annaghmore Road Coagh

Decision:

Decision Date:

Ref ID: I/2004/0942/RM

Proposal: Proposed dwelling and garage.

Address: 30m South of 8 Annaghmore Road, Coagh.

Decision:

Decision Date: 13.11.2004

Ref ID: I/1991/0209

Proposal: Dwelling

Address: ADJACENT TO 10 ANNAGHMORE ROAD CLUNTOE COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2016/0544/O

Proposal: Proposed dwelling and garage

Address: 29m South of 6 Annaghmore Road, Cookstown, BT80 0JQ,

Decision: PR

Decision Date: 11.10.2016

Summary of Consultee Responses

DfI Roads – Content subject to condition.

DAERA fisheries – general response.

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/1183/F	Target Date: <add date>
Proposal: Proposed Retention of Building to Provide Communal Site Canteen, Locker Room + First Aid Facilities	Location: Adjacent to 18 Cookstown Road Dungannon
Applicant Name and Address: Barry O'Neill 18 Cookstown Road Dungannon	Agent name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Summary of Issues: Intensification of use of a substandard access onto a protected route	
Summary of Consultee Responses: DFI Roads – site lines of 4.5m x 120.0m have not been implemented EHO – no objections in principle	
Characteristics of the Site and Area: The application site is located approximately 36 metres north-east of 18 Cookstown Road, Dungannon within the Dungannon Green Belt and outside any settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The application relates to the retention of one building on site, there is also a number of other buildings of a similar scale to the rear of the subject building. The immediate surrounding area is comparable to a small business park with a mixed use of retail, storage and industrial uses on site. The wider surrounding context is predominantly rural in character with green fields, as well as dispersed dwellings, farm holdings and industrial works in proximity. The site is accessed via the A29 protected route and located on elevated ground approximately 3/4 metres higher than the ground level of the road.	

Description of Proposal

The proposal seeks full planning permission for the retention of building to provide Communal Site Canteen, Locker Room + First Aid Facilities. The agent has made an argument that there is a need for such an ancillary facility to cater for the existing businesses on this site. The agent has provided information to show that there is 44 no. existing employees at this site. The agent, on the P1 form, indicates that this proposed facility will not attract its own staff.

Deferred Consideration:

This application was before the Planning Committee in December 2019 where it was deferred to allow the submission of additional information relating to the provision of sight lines of 4.5m x 120.0m. Application LA09/2020/0213/F was submitted in February 2020 for restructuring and alterations to the access. This application proposes to provide 4,5m x 120.0m towards Dungannon and 2.4m x 100.0m towards Cookstown.

The existing access is substandard and serves a small industrial park that has developed without the benefit of planning permission. 2 of the units have been issued with a certificate of lawfulness but the remaining units do not have any legal status. Members will be aware there is a live enforcement notice on this site and an enforcement notice against this building has been issued and is the subject of a planning appeal.

DFI Roads have advised the access is substandard and that it requires improvements, at the planning appeal against the live enforcement notice the commissioner advised that sight lines of 4.5m x 120,0m were appropriate due to the volume of traffic using the entrance and the speed of traffic on the priority road. It is clear within the submission for the access the applicant is unable to or unwilling to provide the 4.5m x 120.0m sight lines. The applicant has been afforded the opportunity to provide records of the amount of traffic using the access daily to compare against the guidance in DCAN15 in relation to the x distance for the sight line. No information has been presented.

The applicant has not demonstrated that the sight lines required to ensure the access to serve this development can be provide and as such this application is recommended for refusal.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking and policy PED9 part (g) of PPS4 Planning and Economic Development in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

Signature(s)**Date:**



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1183/F	Target Date:
Proposal: Proposed Retention of Building to Provide Communal Site Canteen, Locker Room + First Aid Facilities	Location: Adjacent to 18 Cookstown Road Dungannon
Referral Route: Refusal	
Recommendation:	Refusal
Applicant Name and Address: Barry O'Neill 18 Cookstown Road Dungannon	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan: 01



Representations: None Received

Description of proposal

The proposal seeks full planning permission for the retention of building to provide Communal Site Canteen, Locker Room + First Aid Facilities. The agent has made an argument that there is a need for such an ancillary facility to cater for the existing businesses on this site. The agent has provided information to show that there is 44 no. existing employees at this site. The agent, on the P1 form, indicates that this proposed facility will not attract its own staff.

Characteristics of site and area

The application site is located approximately 36 metres north-east of 18 Cookstown Road, Dungannon within the Dungannon Green Belt and outside any settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The application relates to the retention of one building on site, there is also a number of other buildings of a similar scale to the rear of the subject building. The immediate surrounding area is comparable to a small business park with a mixed use of retail, storage and industrial uses on site. The wider surrounding context is predominantly rural in character with green fields, as well as dispersed dwellings, farm holdings

and industrial works in proximity. The site is accessed via the A29 protected route and located on elevated ground approximately 3/4 metres higher than the ground level of the road.

Planning Assessment of Policy and Other Material Considerations

Planning Policy

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. Dungannon and South Tyrone Area Plan 2010 is the relevant, extant Development Plan for the site. Account will also be taken of the relevant provisions of the SPPS and retained Planning Policy Statements (PPSs). The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms 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 PPSs and other relevant documents together with the provisions of the SPPS itself.

Dungannon and South Tyrone Area Plan 2010: The Plan offers no specific guidance on this proposal.

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.

PPS4 Planning and Economic Development;

PPS 3: Access, Movement and Parking: sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

RELEVANT PLANNING HISTORY

LA09/2017/1258/F- Proposed retention of building as a domestic garage, incidental to the domestic usage of Dwelling at 18 Cookstown Road, Dungannon. Refused 13.06.2019 in that;

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the development would, if permitted, be inappropriate in terms of scale, massing, siting and design and would not appear subordinate or sympathetic with the existing property;

- The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

It is noted that originally the above application description of proposal was amended from Agricultural to domestic garage.

2017/E0050 - Lands 10m west and 10m north of No. 18 Cookstown Road, Dungannon, specifically identified as units 4 and 11, Ross Beg, Dungannon - Unauthorised change of use of: unit 4 to a dance studio with associated gymnasium; and unit 11 to a vehicle repair business - Enforcement Notice Upheld 13/08/18 (notice does not relate to subject application building).

LA09/2017/1618/LDE, Retention of existing Units, a certificate of lawfulness was granted for this existing development on 01.02.2018.

M/2006/1985/F - Approx. 60 metres East of 18 Cookstown Road, Derraghadoan, Dungannon, Bt71 4BG - Free Standing Hoarding - Permission Refused 19/02/07

M/2004/1534/F - Adjacent to 18 Cookstown Road, Dungannon - Proposed multi-purpose shed/store - Permission Granted 12/04/06

CONSULTATION

DfI Roads were consulted and responded on 07/10/19 requesting 4.5m by 120.0m visibility splays in both directions.

REPRESENTATION

No 3rd party representations received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATION

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. Proposals for a communal site canteen, locker room and first aid facility will also be considered under the provisions of PPS4 Planning and Economic Development policy PED3 Expansion of an established economic development use in the countryside. Annex B of PPS3 identifies the adjacent A29 road network as a protected route, therefore it is necessary to also consider Policy AMP2 and AMP 3 of PPS3.

In terms of the planning history to this proposal, it is important to remember that this proposal was built as a single building, with its purpose to be a standalone planning unit for commercial purposes, without the benefit of planning permission.

This is the third change in the description of the proposal for this building which is already constructed on site and measures 16.6 metres in length, with a width of 7.6 metres and a ridge height of 5.8 metres. The building is finished with grey dash external walls, grey cladding roof and three roller shutter doors coloured black.

This building is subject to current enforcement action, details of which cannot be disclosed as it is not privy for public consumption at this stage. It seems that the applicant/agent is trying to get a use that would fit this building so that it can be retained on site, which seems disingenuous. This is the third attempt by the applicant/agent to rectify this proposal, from an agricultural building, to domestic garage to communal canteen. The previous refusal was never appealed by the applicant/agent.

The agent has stated on the P1 form that this development will not attract any additional staff or visitors. At present there is no way to control employment numbers on this existing site, which the agent states that currently stands at 44, spread over the various businesses on this site. In my view, it would not be appropriate for Mid Ulster Council to approve a facility that may attract further employment to a site where the current access onto a protected route is sub-standard and dangerous. Splays of 4.5m by 120m in both directions are required by DfI Roads, where existing splays are almost non-existent.

Previously, permission was refused for retention of a domestic garage (under LA09/2017/1258/F) as there was a sub-standard access onto a protected route, and it was demonstrated that there would be no increase in the number of people using the access. This decision was never appealed to the PAC. No change in circumstance has occurred since this refusal, and it is my view that the same reason for refusal be applied in this instance. In my view, as the proposal is related to industrial/commercial development, that splays of 4.5m by 120m be required, not a reduced 'x' distance of 2.4m. The PAC carried out surveys on this access under 2017/E0050 and contend that due to traffic speeds and number of vehicles per day on this stretch of road that no reduction in standards can be applied, that splays of 4.5m by 120m in both directions are required. I agree with this assessment. This proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a

safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

It is difficult to see how such a facility could operate without attracting additional employees to the site, even in terms of maintenance and cleaning. Any proposal on this site that may increase in the number of people using this access could result in a fatality given how substandard the current substandard access to the site. It is clear that this building should not be retained in any circumstance for any use, until access to this site has been improved to an acceptable standard. Under the previous application, the agent was provided with an opportunity to carry out these improvements, but this offer was declined and improvements to the visibility splays were never carried out.

In terms of an extension to an established economic development use in the countryside (Policy PED3 of PPS4), broadly speaking the design, size, scale and mass of the building is broadly similar to the existing established buildings on the site and there is no major expansion in site area. In my view retention of this building will not have a detrimental impact on the character of this area of countryside as it groups with and has existing lawful buildings as a backdrop. This proposal meets nearly all criteria under PED 9 except for part (g) in that suitable developer led improvements have not been put in place to overcome sub-standard visibility splays.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That the application is refused for the following reason;

Refusal Reason

1.The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking and policy PED9 part (g) of PPS4 Planning and Economic Development in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

Signature(s)

Date:

ANNEX	
Date Valid	9th September 2019
Date First Advertised	24th September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Cookstown Road,Dungannon,Tyrone,BT71 4BG	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Summary of Consultee Responses	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0841/O	Target Date: <add date>
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
Applicant Name and Address: Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The application site is in the countryside but on the edge of the settlement limit of Dungannon to the south. The proposal is for an infill dwelling and there is a dwelling to the west at No. 59 which has a frontage to the public road. South of the site, there is an agricultural field and abutting this field are 2 sheds and a concrete yard. The sheds and concrete yard are within the settlement limit of Dungannon so cannot be used towards 3 or more buildings on a common frontage. The proposal does not meet any other policies within PPS 21.	
Summary of Consultee Responses: DFI Roads – access should be located to have sight lines of 2.4m x 60m (SW) and 45m (NE) as well as forward sight distance of 60m DETI – no known mines on the site and not that should cause concern	
Characteristics of the Site and Area: The site is in the countryside but is on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, farm complexes and single rural dwellings. To the southeast of the site is a single storey dwelling with a driveway and to the west is another agricultural field. Across the road and to the north is a modest single storey dwelling. There is minimal development pressure along this section of the road from	

the construction of single rural dwellings. Abutting the southern boundary of the adjacent sheds the area is built up with dwellings on both sides of the road and this is within the settlement limit of Dungannon.

Description of Proposal

This is an outline application for a proposed dwelling and detached garage approximately 45 Meters West of No.59 Lurgaboy Lane, Dungannon

Deferred Consideration:

This application was before the Planning Committee in November 2020 and April 2021 where it was deferred for a members site visit.

A site visit was undertaken on 23 June 2021 where members were able to observe the proposed site in the context of the existing dwellings, vegetation, road alignment and proximity to the settlement limits. At the site visit members were reminded that, for the purposes of considering ribbon development, buildings within the settlement limits could not be utilised to make the case. The recent PAN issued by the Department is relevant to the considerations of this application, however I do not consider that it changes the recommendation.

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.

In view of the above considerations as well as those set out in the previous reports I recommend to the members this application is refused for the reasons stated below.

Conditions/Reasons for Refusal:

1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.
2. The proposal is contrary to CTY2a – New Dwellings in Existing Clusters of Planning Policy Statement 21 in that the development is not located within a cluster that is a visual entity in the landscapes, is not close to a focal point or at a cross roads, it does not have development on 2 sides, it would not result in the consolidation or rounding off of a cluster development and if approved would adversely impact on the rural character of the area.

3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0841/O	Target Date: <add date>
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
Applicant Name and Address: Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The application site is in the countryside but on the edge of the settlement limit of Dungannon to the south. The proposal is for an infill dwelling and there is a dwelling to the west at No. 59 which has a frontage to the public road. South of the site, there is an agricultural field and abutting this field are 2 sheds and a concrete yard. The sheds and concrete yard are within the settlement limit of Dungannon so cannot be used towards 3 or more buildings on a common frontage. The proposal does not meet any other policies within PPS 21.	
Summary of Consultee Responses: DFI Roads – access should be located to have sight lines of 2.4m x 60m (SW) and 45m (NE) as well, as forward sight distance of 60m DETI – no known mines on the site and not that should cause concern	
Characteristics of the Site and Area: The site is in the countryside but is on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, farm complexes and single rural dwellings. To the southeast of the site is a single storey dwelling with a driveway and to the west is another agricultural field. Across the road and to the north is a modest single storey dwelling. There is minimal development pressure along this section of the road from	

the construction of single rural dwellings. Abutting the southern boundary of the adjacent sheds the area is built up with dwellings on both sides of the road and this is within the settlement limit of Dungannon.

Description of Proposal

This is an outline application for a proposed dwelling and detached garage approximately 45 Meters West of No.59 Lurgaboy Lane, Dungannon

Deferred Consideration:

This application was before the Planning Committee in November 2020 and it was deferred to allow a meeting with the Planning Manager to discuss the proposal. It was explained that development within settlement limits cannot be used in policies contained in PPS21 for the proposes of ribbon development. The Planning Manager requested a view on the possibility of a dwelling meeting with clustering policy.

Members will be aware that CTY2a sets out 6 criteria that development must be assessed against. It has been accepted by the committee and the PAC, that all 6 criteria may not have to be met to allow development, though in these cases it is always made clear the proposal does not meet the policy but may be considered as an exception to the policy.

The map showing the development in close proximity to the site is accurate and it is clear there are more than 4 buildings here of which 3 are dwellings. I consider criteria 1 is met.

The site sits at a corner in the road where the land falls away to the north and east, there is also a significant amount of vegetation along the east boundary. This has the effect of screening the site off from any views with the development to the east.



Fig 1 – view from south –site to east side of road



Fig 2 – site screened by mature trees, view from Killymeal Road



Fig 3 – site to rear of the trees, view from Lurgaboy Lane at driveway to 59 and 62 with 52 in the middle of the picture

As can be seen in the views above the existing development is well spaced out. A dwelling proposed at the closest to the existing development, on the north part of the site, would not in my view, read as a single entity and as such I do not consider the second criteria has been met.

The development here is not located close to a focal point or at a cross roads. The 3rd criteria has not been met.

From my inspection, the garden area for no 59, the bungalow immediately to the east of the site, does not appear to extend to the east and there is an area of unkempt ground between no 59 and the application site. I do not consider the development to the east has

a common boundary with the site and as such I consider it only has development on the north side, on the opposite side of the road. I do not consider the 4th criteria has been met.

I do not consider a dwelling located anywhere on the site would consolidate with the existing development as I consider the site is visually remote from the other development to the north and east. Even if a dwelling were sited in the north part of the site, due to the topography, vegetation and general spaced out nature of the existing development I do not consider it would consolidate or round off development. I do not consider the 5th criteria has been met.

A dwelling here could be satisfactorily sited to ensure it does not have any adverse impacts on the amenity of the adjoining residential development and as such I consider the 6th criteria can be met.

The proposed development does not, in my view, meet with 4 of the criteria for a dwelling in accordance with Policy CTY2A and as such is so far from meeting the policy that it cannot be seen as in the spirit of the policy.

I have further considered the issues raised in the previous report in relation to CTY8. I agree the proposal does not constitute an exception to the policy and cannot be considered as a gap within an otherwise continuously built up frontage. However just because it does not meet the exception does not, in my view mean that it would create ribbon development. As has been set out in the considerations of CTY2A above, I consider a dwelling on this site will not read with the development to the east and as such I do not consider it would result in the creation of ribbon development.

In regards to CTY15 and CTY14, I do share the concerns that a dwelling here would impact on the rural character of the area. DFI Roads have advised any access will require sight lines of 2.4m x 60.0m towards Dungannon and 2.4m x 45m away from Dungannon. Due to the vertical and horizontal alignment of the road, an access would have to be located near the south boundary. A dwelling may be sited, by condition, in the north part of the site. This would, in my opinion, be far enough away from the settlement limits to create a visual and defensible gap, however the access would result in the loss of over 100m of roadside vegetation and would close this gap, opening up views of the development. I consider this would mar the distinction between the town and countryside and would result in a loss of rural character for this area.

In view of the above considerations, I recommend to the members this application is refused for the reasons stated below.

Conditions/Reasons for Refusal:

1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.
2. The proposal is contrary to CTY2a – New Dwellings in Existing Clusters of Planning Policy Statement 21 in that the development is not located within a cluster that is a visual entity in the landscapes, is not close to a focal point or at a cross roads, it

does not have development on 2 sides, it would not result in the consolidation or rounding off of a cluster development and if approved would adversely impact on the rural character of the area.

3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/11/2020	Item Number:
Application ID: LA09/2020/0841/O	Target Date:
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
Referral Route: <ol style="list-style-type: none">1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.	
Recommendation:	Refusal
Applicant Name and Address: Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: The application site is in the countryside but on the edge of the settlement limit of Dungannon to the south. The proposal is for an infill dwelling and there is a dwelling to the west at No. 59 which has a frontage to the public road. South of the site, there is an	

agricultural field and abutting this field are 2 sheds and a concrete yard. The sheds and concrete yard are within the settlement limit of Dungannon so cannot be used towards 3 or more buildings on a common frontage. The proposal does not meet any other policies within PPS 21.

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
<p>Characteristics of the Site and Area</p> <p>The site is in the countryside but is on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, farm complexes and single rural dwellings. To the southeast of the site is a single storey dwelling with a driveway and to the west is another agricultural field. Across the road and to the north is a modest single storey dwelling. There is minimal development pressure along this section of the road from the construction of single rural dwellings. Abutting the southern boundary of the adjacent sheds the area is built up with dwellings on both sides of the road and this is within the settlement limit of Dungannon.</p> <p>The application site is an agricultural field and is 0.44 hectares in size with a flat topography. Along the roadside boundary, there is a row of established trees and along the boundary with No. 59, there is a row of large trees. There is a mix of mature trees and hedgerows along the boundary with the adjacent field.</p>	
<p>Description of Proposal</p> <p>This is an outline application for a proposed dwelling and detached garage approximately 45 Meters West of No.59 Lurgaboy Lane, Dungannon.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>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.</p> <p>Representations</p> <p>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.</p> <p>Planning History</p> <p>No recent planning histories at the application site.</p> <p>Mid Ulster Development Plan 2030 – Draft Plan Strategy</p> <p>The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.</p> <p>Dungannon and South Tyrone Area Plan 2010</p>	

The plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Dungannon and South Tyrone Area Plan 2010.

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.

The proposal does not meet the criteria in CTY 2a as the site is not located at a crossroads or a focal point.

There is no dwelling on the application site that could be replaced so the proposal does not meet CTY 3.

The proposal does not meet the criteria in CTY 8 as there is a dwelling at No. 59 Lurgaboy Lane, which has a garden that is a frontage to the public road. However, the nearest building is No. 45 which is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. Therefore, as No. 45 is within the settlement limit it cannot be used as a building to meet the criteria for 3 or buildings with a substantial frontage as shown in figure 1 below.

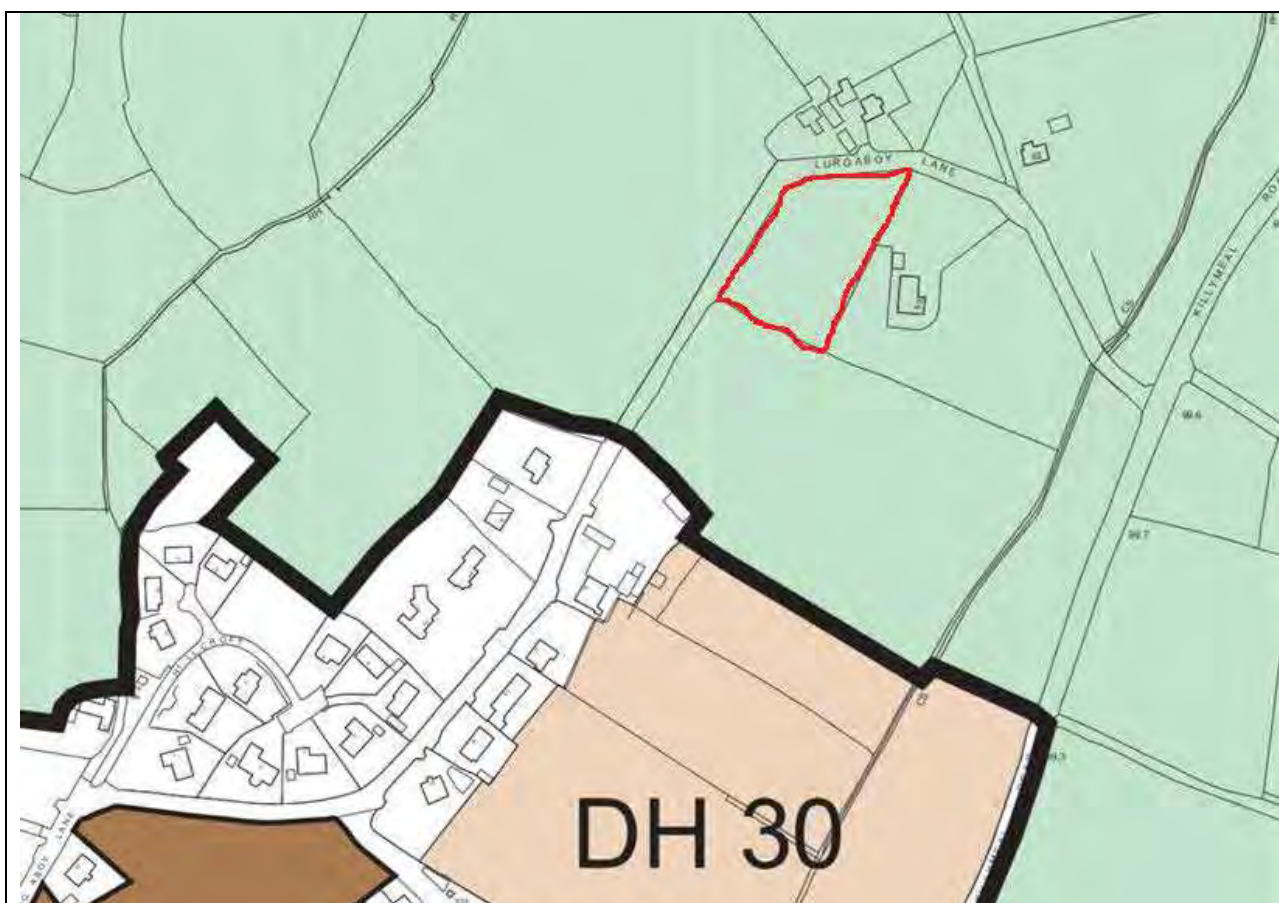


Figure 1 – Image of the edge of the settlement limit and the application site.



Figure 2 – Photograph of the frontage of No. 59



Figure 3 – Photograph of the buildings at No. 45 which have a frontage to the road



Figure 4 – Photograph showing the yard area to the front of No, 45



Figure 5 – Photograph of the line of trees along the proposed access point

No. 59 has a plot frontage of 20m, which consists of a driveway and garden area as shown in figure 2 above. There is an area of trees immediately to the north of No. 59 but this is not within the garden of No. 59 so cannot be considered within their frontage. This area of trees has a frontage of 40m. The application site is a field and has a frontage along a bend in the public road. The frontage is 124m and the adjacent field to the south is 80m. Thus, the average frontage along this stretch of road is 66m. I consider the application site does not respects the existing development pattern in terms of plot size. The policy in CTY 8 states the site should be a small gap site sufficient only to accommodate up to a maximum of two houses. This site and the neighbouring field to the south could accommodate at least 3 dwellings so I consider this proposal does not meet CTY 8.

As the proposal does not meet any of the relevant policies for a dwelling in the countryside in PPS 1, I consider there is no reason why the development should be located in the countryside and hence the proposal is contrary to CTY 1.

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 13 and CTY 14 deal with rural character and integration and design of buildings in the countryside and both policies would be relevant should the principle of development be acceptable on this site.

I am content the proposed dwelling and garage will not be a prominent feature in the landscape as the application site has a flat topography but is about a metre higher in levels than the public road. There are minimal critical views in the east direction due to the bend in the road and existing trees will block views to the south.

There are established hedgerows and large trees along three boundaries of the site and particularly the roadside boundary, which should be retained. I am content the proposal will not rely on new landscaping for integration.

A new access is proposed and DFI Roads had no concerns about the visibility splays and road safety. There is a verge along the road already in place so I am content the new access will not involve the removal of all the established trees along the roadside.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a one or two storey dwelling would integrate well at this site. There are established trees on all boundaries of the site, which will provide a degree of integration even-though the other dwellings along this stretch of road are single storey.

I am content that the proposal is capable of complying with CTY 13.

CTY 14 – Rural Character

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As mentioned, the site benefits from existing vegetation on three boundaries. I am content that this dwelling will not be a prominent feature in the landscape. I consider that the development will result in a suburban style build-up of development. Given its position on the edge of the settlement, this would alter rural character. I do consider the proposal will create a ribbon of development so will alter rural character.

CTY 15 – The Setting of Settlements

The application site is one field north of the defined settlement limit of Dungannon. There are buildings and a concrete yard at No. 45 and rows of dwellings with a roadside frontage to the south within the settlement limit. The site is an agricultural field and could accommodate up to 2 dwellings and the field to the south could accommodate 2 dwellings. Overall, this development would blur the distinction between Dungannon and the countryside.

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 am satisfied there are no other ecological, historical or flooding issues at the site.

Neighbour Notification Checked	Yes
---------------------------------------	-----

Summary of Recommendation:

The proposal does not meet any of the policies in Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.

2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.

Signature(s)

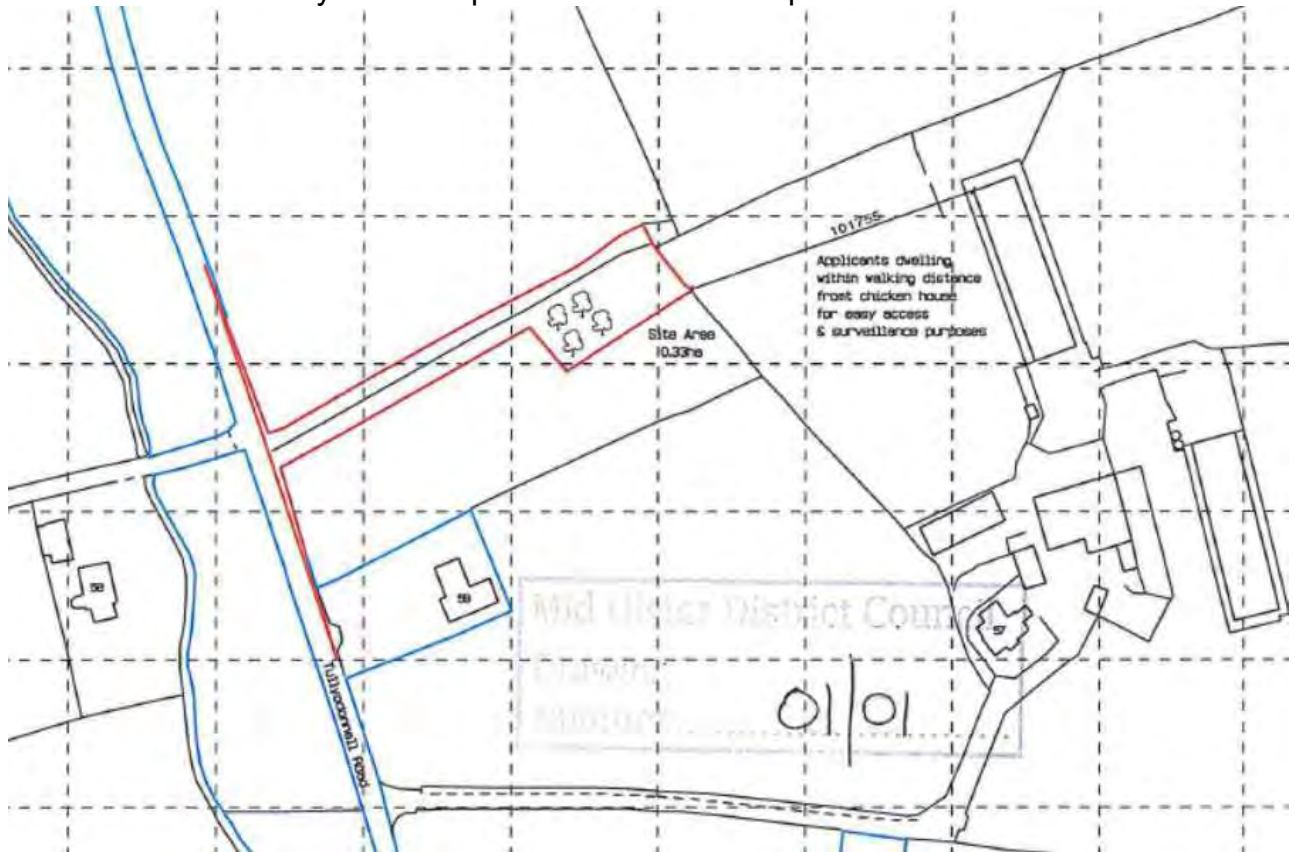
Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0881/O	Target Date:
Proposal: Dwelling & garage	Location: Approx 140m NW of 57 Tullyodonnell Road Rock Dungannon
Applicant Name and Address: Mr Enda Mallon 57 Tullyodonnell Road Rock Dungannon BT70 3JH	Agent name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Cookstown BT80 9LU
Summary of Consultee Responses: All consultees responded without raising any issues of concern.	
Characteristics of the Site and Area: The site is located at the north-eastern end of a roadside field. The ground levels in the field rise steeply from the road towards the site which occupied an elevated position at the rear of the field. There is a narrow laneway existing along the north-western boundary leading from the road to the site. This laneway is bounded on both sides by low cut hedgerows with a small number of mature trees close to the road. The laneway leads to a small area containing a small amount of rubble at the northern end of the site. This area has a few mature trees along the south-western boundary which extend approximately 1/3 of the way across the 55m site frontage. There are hedgerows along the north-western, north-eastern and south-eastern boundaries of the site, however, the majority of the front, south-western boundary is undefined.	

The main farm grouping is located around 70-80m to the east and is located on the opposite side of the crest when viewed from the critical viewpoints along either the Tullyodonnell Road or the Shivey Road. There are critical views of the site from the entrance of No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road to the proposed access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape.



Description of Proposal

This is an outline application for dwelling and garage/store under PPS21 CTY10 and associated with a farm holding.

Deferred Consideration:

This application was presented to Planning Committee in April 2021 as a refusal for the following four reasons;

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

health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
a dwelling on the proposed building would be a prominent feature in the landscape;
the proposed site is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape;
the proposed dwelling relies primarily on the use of new landscaping for integration;
the ancillary works do not integrate with their surroundings;
the proposed dwelling fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the dwelling would, if permitted, be unduly prominent in the landscape;
the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to erode the rural character of the countryside.

It was subsequently deferred for a deferred office meeting with the Area Planning Manager held on 22nd April 2021. It was agreed the senior officer would consider all supporting information submitted by the agent and carry out a site visit and re-assessment.

Following a site visit to the site and surrounding farm land, it was evident the site was prominent and on elevated ground. It was not possible to visually link the farm buildings with the site.

Criteria C of Policy CTY 10 requires any such new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be obtained from an existing lane.

The site is located around 70-80m from the group of main farm building and is visually separated from these. This is critical especially when the site is viewed from the viewpoints, both the Tullyodonnell Road and the Shivey Road, the site will appear separate from the farm grouping and will have no visual linkage with these. From the critical viewpoints, the site will appear to be located on the crest of a hill with no visual connection with the main farm grouping.

The policy does however, allow for consideration to be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

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

Whilst no health and safety reasons have been provided for the site to be located away from the main farm grouping, the applicant had submitted some justification in relation to Organic farming.

The original supporting statement advises that the applicant has 7 fields which are organic ground which serve the chicken farm which is contracted into Moy Park for 18 years. It takes 3-5 years to convert ground to organic ground. It is stated that it is not possible to build a dwelling on any part of the organic ground. It further states that 7 acres of organic ground are required for each poultry house to enable the poultry to feed on.

However, when working out the amount of ground the applicant needs for the 2 poultry houses (14 acres in total), there is an additional 11.9 acres over and above what is required.

This argument was fully assessed by the original case officer as below and I would be in agreement the conclusion it is not a justifiable reason for siting away from the main farm group.



The agent has reiterated that the two fields which abut the main farm grouping are not suitable, as on field 5 is the applicants main field for taking crops and silage from, and to erect a dwelling here would render the field for grazing only. However part of this field closest to the grouping could be used for a dwelling leaving a large part of the field for its current use.

Field 8 is given over entirely for organic farming and the entire field is required to serve chicken house 2 which opens into the field and allows the chickens to roam free. However again, part of the field closest to the farm buildings could accommodate a dwelling allowing the chickens to roam in the rest of the field.

There is no still justifiable reason why the proposed site cannot be located in a field much closer to and visually linked to the main farm grouping, and also access via an existing laneway.

Apart from the insufficient justification as discussed above, no reasons, neither health safety nor verifiable plans to expand the farm business have been provided as to why the applicant cannot site the proposed dwelling close to the existing farm buildings.

Alternative sites are available to the applicant to the south of the existing farm buildings as this is on land within their ownership, access can be gained using the existing farm lane, and such sites would both visually link and be sited to cluster with a group of established buildings on the farm. The agent has advised the applicant is not willing to consider an alternative site and would like this site to be assessed and presented to committee for a decision.

The proposed site occupies an elevated location in the local landscape with critical views of the site from the entrance to No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road, to the access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape.

Given that the site is considered to be prominent and occupying a hilltop location on the local landscape and due to the fact the site boundaries are low, well-trimmed hedges along the north-east and south-east whilst the south-western boundary is largely undefined, any dwelling on this site will be almost totally reliant on trees along the north-western boundary which extend only a short distance across the front of the site.

When viewed from the critical viewpoints, a dwelling will appear prominent as the site lacks sufficient long established natural boundaries to the front, south-eastern side and to the rear and is therefore unable to provide a sense of enclosure. When viewed from the Tullyodonnell Road, the site also lacks an acceptable backdrop to enable any dwelling to sit comfortably within the landscape and consequently even a modest dwelling with a 5.5m ridge height would appear prominent. Any dwelling on this site will rely heavily on substantial landscaping and planting to achieve an acceptable degree of integration. Given its elevated location, a dwelling on this site would fail to blend with the landform, existing trees, slope or other natural features which could provide an acceptable backdrop. Although the access is proposed to be taken along an existing overgrown farm lane, it is proposed to remove the hedge along the south-eastern side of the lane and to widen the laneway. Whilst this is understandable due to the restricted width of the existing laneway, it will result in the laneway suffering from a lack of integration as it rises up the steep incline towards the site and therefore the ancillary works will not integrate into the surrounding landscape.



View from roadside looking up at proposed site

As a dwelling on the proposed site is neither visually linked nor sited to cluster with an established group of buildings on the farm, it would fail to integrate into the surrounding landscape and is therefore considered to be contrary to this policy.

In terms of CTY 14 and Rural Character, this is an application for a site for a dwelling on a farm holding that is sited away from the existing farm buildings. The site as discussed above, occupies an elevated location and will appear unduly prominent in the landscape. The impact of the proposed access works are also unacceptable as the proposed laneway will require the removal of an existing hedgerow along the side of the proposed laneway. This will open up views of the laneway which climbs up the steeply rising ground towards the elevated site and which will be clearly visible from the critical views on approach along the Tullyodonnell Road. Due to the critical views of the proposal, any dwelling on this site will result in a detrimental change to rural character.

The red line of the site has been reduced but the issues with the site remain. There is still no visual linkage with the farm buildings. The agent mentions historical approvals on the site and the remains of an old house. These approvals were never implemented and were granted under a different policy. There were a few stones lying in the corner of the site but nothing that resembled a dwelling or that could be considered as a replacement opportunity under CTY3.

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.

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10, 13 and 14 for the reasons as stated below:-

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
a dwelling on the proposed building would be a prominent feature in the landscape;
the proposed site is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape;
the proposed dwelling relies primarily on the use of new landscaping for integration;
the ancillary works do not integrate with their surroundings;
the proposed dwelling fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm,
and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the dwelling would, if permitted, be unduly prominent in the landscape;
the impact of ancillary works would damage rural character;
and would therefore result in a detrimental change to erode the rural character of the countryside.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0881/O	Target Date:
Proposal: Dwelling & garage	Location: Approx. 140m NW of 57 Tullyodonnell Road Rock Dungannon
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Enda Mallon 57 Tullyodonnell Road Rock Dungannon BT70 3JH	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Cookstown BT80 9LU
Executive Summary:	
Signature(s):	



Agent for C McIlvar
24/3/21

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues including representations

No objections have been received in respect of this application.

Characteristics of the Site and Area

The site is located at the north-eastern end of a roadside field. The ground levels in the field rise steeply from the road towards the site which occupied an elevated position at the rear of the field. There is a narrow laneway existing along the north-western boundary leading from the road to the site. This laneway is bounded on both sides by low cut hedgerows with a small number of mature trees close to the road. The laneway leads to a small area containing a small amount of rubble at the northern end of the site. This area has a few mature trees close to the south-western boundary which extend approximately 1/3 of the way across the 55m site frontage.

There are hedgerows along the north-western, north-eastern and south-eastern boundaries of the site, however, the front, south-western boundary is undefined.

The main farm grouping is located around 70-80m to the east and is located on the opposite side of the crest when viewed from the critical viewpoints along either the Tullyodonnell Road or the Shivey Road. There are critical views of the site from the entrance of No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road to the proposed access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape.

Description of proposal

This is an outline application for dwelling and garage/store under PPS21 CTY10 and associated with a farm holding.

Planning Assessment of Policy and Other Material Considerations

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

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

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

The proposal accords with the Cookstown Area Plan 2010 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business.

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

CTY 10 - Dwellings on Farms

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

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

- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008. Although a number of approvals have been granted on the farm holding, however, these have all been within the settlement development limit of The Rock and therefore are not counted as development opportunities under this policy.
- Policy CTY 10 also requires any such new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be obtained from an existing lane.

As stated above, the site is located around 70-80m from the group of main farm buildings and is visually separated from these. Any dwelling on this site will be around 90m from the nearest building within the farm group and will be closer to No.59 Tullyodonnell Road, which is a third party dwelling not associated with the farm business. This is critical, especially when the site is seen from the viewpoints noted above. From both the Tullyodonnell Road and the Shivey Road, the site will appear divorced from the farm grouping and will have no visual linkage with these. This separation is exacerbated due to the farm buildings lying much lower in the landscape than the proposed site, which occupies a prominent location on a hill top. From the critical viewpoints, the site will be located on the crest of a hill with no visual connection with the main farm grouping.

The policy does however, allow for consideration to be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

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

Whilst no health and safety reasons have been provided for the site to be located away from the main farm grouping, the applicant submitted some justification in the form of an explanation contained at Q6 in the P1C form. This statement advises that the applicant has 7 fields (fields 1, 5, 6B, 7A, 7B, 8 & 11) which are organic ground which serve the chicken farm which is contracted to Moy Park for 18 years. It takes 3-5 years to convert ground to organic ground. It is stated that it is not possible to build a dwelling on any part of the organic ground. It further states that 7 acres of organic ground are required for each poultry house to enable the poultry to feed on. As field 4 is the closest field to the farm grouping which is (not) classified as organic ground, it has been chosen as the preferred site. Field 4 is also within walking distance to the existing poultry houses. A certificate of compliance is attached which states that 6.84 Ha of ground are categorised as organic. It does not however, state which fields this relates to. That statement was later amended to state that only fields 6A, 6B, 7A, 7B, 8 & 9 are required as organic ground in connection with the poultry business.

Nevertheless, the applicant has two poultry houses each requiring 7.5 acres of organic ground ie. a total of 15 acres. The Certificate of Compliance is for 6.84 Ha ie. 16.9 acres, 1.9 acres in excess of what is required for the two poultry houses. The acreage of the six fields as stated above as being organic ground is as follows:-

Field	Ha	(acres)
6/106/005/6A}		
6/106/005/6B}	1.06	(2.62)
6/106/005/7A		
6/106/005/7B	2.35	(5.81)
6/106/005/8	1.33	(3.29)
6/106/005/9	2.10	(5.19)
Total	6.84	(16.89)

The aerial map shows the proposed site in relation to the organic ground around the farm buildings with two alternative sites which would meet the policy requirements.



Is it therefore clear that the fields as stated on the P1C as being required for organic purposes have a total more than what is required for the two poultry houses. The 6 fields as stated contain an additional 0.77ha (1.9 acres) over and above what is required. Therefore there is no justifiable reason why the proposed site cannot be located in a field much closer to and visually linked to the main farm grouping, such as fields 6/106/005/5 or 6/106/005/8, both of which abut the main farm yard and are also accessed via the existing laneway. Either of those alternative sites would meet the policy requirements and would achieve a much better degree of integration than the proposed site, in addition to being much less prominent.

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

CTY 13 - Integration and Design of Buildings in the Countryside

The proposed site occupies an elevated location in the local landscape with critical views of the site from the entrance to No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road, to the proposed access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape. The site is considered to be prominent and occupies a hilltop location on the local landscape. Due to the fact the site boundaries are low, well-trimmed hedges along the north-east and south-east whilst the south-western boundary is largely undefined, any dwelling on this site will be almost totally reliant on the few trees along the north-western boundary which extend a short distance across the front of the

site. Additionally any dwelling on this site would suffer from not having any backdrop as the north-eastern boundary is not visible from the road. This only serves to emphasise how prominent the site is.



The proposed site is located on top of the crest

When viewed from the critical viewpoints, any dwelling will appear prominent as the site lacks sufficient long established natural boundaries to the front, south-eastern side and to the rear and is therefore unable to provide a sense of enclosure. When viewed from the Tullyodonnell Road, the site also lacks an acceptable backdrop to enable any dwelling to sit comfortably within the landscape and consequently even a modest dwelling with a 5.5m ridge height would appear prominent. Any dwelling on this site will rely heavily on substantial landscaping and planting to achieve an acceptable degree of integration and any such landscaping would take a considerable time to provide an adequate degree of screening. Given its elevated location, any dwelling on this site would fail to blend with the landform, existing trees, slope or other natural features which could provide an acceptable backdrop.

Although the access is proposed to be taken along an existing farm lane, it is proposed to remove the hedge along the south-eastern side of the lane and to widen the laneway. Whilst this is understandable due to the restricted width of the existing laneway, it will result in the laneway suffering from a lack of integration as it rises up the steep incline towards the site and therefore the ancillary works will not integrate into the surrounding landscape. Furthermore, as a dwelling on the proposed site is neither visually linked nor sited to cluster with an established group of buildings on the farm, it would fail to integrate into the surrounding landscape and is therefore considered to be contrary to this policy.

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 reason; or
- verifiable plans to expand the farm business at the existing building group(s).

Apart from the insufficient justification as discussed above, no justifiable reason, neither health safety nor verifiable plans to expand the farm business have been provided as to why the applicant cannot site the proposed dwelling close to the existing farm buildings. Although the agent has attempted to justify why the site cannot be located within field 5, immediately adjacent to the existing farm yard, by stating 'Field 5 is a large open roadside field which rises steeply from road level to meet the applicants farm holding. The field lacks boundaries for integration and the applicant feels that a site located at the top of

this field next to his farm buildings would appear unduly prominent contrary to Policies CTY13 & 14 of PPS 21.



Existing access lane leading to the applicants farmyard

I do not agree that this assessment, as can be seen from the above extract from Google Street View, the landform does not rise steeply but instead rises more gently away from the road. A dwelling could easily be located beside the existing farmyard without resulting in a prominent site. This is demonstrated by the fact that the existing farm buildings are not visible at the end of the access lane as the land drops away from the crest. Either of the alternative sites identified above, in particular field 8, could accommodate a dwelling to a much greater degree than the proposed site as either site would not be as prominent and they would also achieve an acceptable degree of integration.

The alternative sites, as indicated, are available to the applicant to the south of the existing farm buildings as this is on land within their ownership, access can be gained using the existing farm lane, and such sites would both visually link and be sited to cluster with a group of established buildings on the farm.

CTY 14 – Rural Character

This application is for a site for a dwelling on a farm holding that is sited away from the existing farm buildings. The site as discussed above, occupies an elevated location and will appear unduly prominent in the landscape. The impact of the proposed access works are also unacceptable as the proposed laneway will require the removal of an existing hedgerow along the side of the proposed laneway. This will open up views of the laneway which climbs up the steeply rising ground towards the elevated site and which will be clearly visible from the critical views on approach along the Tullyodonnell Road.

Due to the critical views of the proposal, any dwelling on this site, including the associated site works required for the access, will result in a detrimental change to rural character. The proposal is therefore contrary to this policy.

PPS 3 – Access, Movement and Parking;

The proposal is to create a new residential access which will require hedge removal along the Tullyodonnell Road in order to provide the necessary visibility splays of 2.4m x 90m in both directions.

This will required approximately 40m hedge removal on both sides. The proposed laneway will have to be widened to 4.8m for the first 20 of its length. Dfi Roads advised that they have no objection to the proposed development subject to conditions.

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

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10, 13 and 14 for the reasons as stated below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below.

Refusal Reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
a dwelling on the proposed building would be a prominent feature in the landscape;
the proposed site is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape;
the proposed dwelling relies primarily on the use of new landscaping for integration;
the ancillary works do not integrate with their surroundings;
the proposed dwelling fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm,
and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the dwelling would, if permitted, be unduly prominent in the landscape;
 - the impact of ancillary works would damage rural character;
 - and would therefore result in a detrimental change to erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	23rd July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 58 Tullyodonnell Road,Dungannon,Tyrone,BT70 3JH The Owner/Occupier, 59 Tullyodonnell Road,Dungannon,Tyrone,BT70 3JH The Owner/Occupier, 60 Tullyodonnell Road,Dungannon,Tyrone,BT70 3JH	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0881/O Proposal: Dwelling & garage Address: Approx 140m NW of 57 Tullyodonnell Road, Rock, Dungannon, Decision: Decision Date: Ref ID: I/1987/0346B Proposal: Dwelling Address: 150M NE OF JUNCTION TO 60 TULLYODONNELL ROAD, ROCK, COOKSTOWN Decision: Decision Date: Ref ID: I/1987/0346 Proposal: PRIVATE DWELLING Address: TULLYODONNELL, ROCK, DUNGANNON Decision: Decision Date:	
Summary of Consultee Responses All consultees responded without raising any issues of concern.	

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0899/O	Target Date: <add date>
Proposal: Site for a dwelling & domestic garage based on policy CTY8 (Amended Plan)	Location: Approx 15m North of 69 Anneeter Road Coagh Cookstown
Applicant Name and Address: Mr Charles Mallon 71 Anneeter Road Coagh Cookstown	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This is a small site within a group of existing buildings, residential amenity issues and land ownership matters have been raised and considered. The proposal does not meet the infill policy and does not meet all the criteria for a dwelling in a cluster, however members may consider an exception to policy as this is within the spirit of CTY2a for clustering.	
Summary of Consultee Responses: DFI Roads – access acceptable if 2.4m x 45.0m sight lines provided	
Characteristics of the Site and Area: The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The settlement limit of Moortown is approx. 1.5km south of the site and Lough Neagh shore is approx. 200 metres to the north. The surrounding area is rural in character with the predominant land use being agricultural fields. However the surrounding area has undergone development pressure and there are a number of detached dwellings and outbuildings in the immediate locality. Directly adjacent to the northwest of the site is a shared laneway, which currently serves two dwellings. There are three further dwellings west of the site and a detached dwelling northeast of the site accessed via a laneway of approx. 80 metres directly	

adjacent to the east. The proposal site comprises an existing storey and a half, roadside dwelling with a detached garage and large outbuilding to the rear. The curtilage of the dwelling is large with a substantial garden area to the rear and side of the dwelling house. The site is currently accessed via a driveway directly onto Anneeter Road. The topography of the site is relatively flat. The boundaries of the site are well defined by established trees and vegetation and public views are limited/isolated given the mature trees to the front boundary.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage at land approx. 15m North of 69 Anneeter Road, Coagh, Cookstown. The dwelling was applied for as a gap site under Planning Policy Statement 21, Policy CTY 8.

Deferred Consideration:

This application was before the Planning Committee in February 2021 where it was deferred for a meeting with the Planning Manager. At the deferred meeting the agent indicated this may better fit with the clustering policy and wished to have it assessed as a dwelling in a cluster. Additional information was requested to illustrate how a dwelling might be sited here to allow some consideration of the amenity and visual appearance impacts.

A concept layout with a dwelling to the north west of the site and new access to the east of the property was submitted and neighbours notified. No new comments were received in respect of these plans. DFI Roads were consulted and have not raised any road safety issues provided sight lines of 2.4m x 45.0m are provided.

Members will be aware CTY2a sets out 6 criteria that must be met to be in compliance with the policy. This has been re-affirmed by the recent Planning Advice Note issued by DFI in August 2021. I am content that 5 of the criteria have been met as can be seen in the aerial photograph below:

- 1- the site is within a large group of buildings which are not on a farm and includes 9 dwellings and associated outbuildings;
- 2- this group of buildings is, in my opinion well contained and reads as a visual entity in the landscape;
- 3- the site is well enclosed by mature vegetation which will, in the main be retained, it has dwellings on 2 sides and there are some buildings associated with the garden and allotment for the dwelling to the north east on the north side
- 4- a dwelling sited as indicated on drawing no 02 will, in my opinion consolidate the cluster here as it is essentially enclosed on 3 sides and has mature vegetation around it, it will not alter the appearance of the area or intrude into the open countryside
- 5- an appropriately sized dwelling sited as indicated on drawing no 02 will not cause unacceptable loss of amenity to any of the existing dwellings either side as can be seen with a very similar development to the west of the cluster

There is a fish processing factory and associated quay on Lough Neagh located to the east of this cluster, however it is located down a lane that is approx. 190m long and it

is not visible from the road. I do not consider this to be a focal point for the purposes of CTY2a and due to the visual separation I do not consider it has the association needed. In light of this and the recent guide the members could refuse planning permission as the proposal does not slavishly have regard to the policy as all the criteria are not met. That said however, I consider that due to the fact the proposal as indicated on drawing no 02 is so well integrated into the existing development, it would meet with the spirit of the policy for a dwelling in a cluster and would round off the development here. In light of this it is my recommendation that planning permission is granted as an exception to policy as the development would not have any significant detrimental impacts on the appearance or character of this part of the countryside, given its already developed state.



Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. It is currently going through a further consultation period which commenced on 25th March 2020. Due to the COVID19 Pandemic there is currently no end date or timetable for public events in relation to this re-consultation. During the initial consultation period a number of objections to Policies contained in the Plan were received. In light of this the Draft Plan cannot be given any determining weight at this time.

In light of the above it is my recommendation that planning permission is granted for a dwelling with a ridge height of 6.5m, its curtilage as indicated, sited and with its access as detailed on drawing no 02.

Conditions:

1. Approval of the details of the design and external appearance of the buildings, site levels 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.

2. 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.

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

Reason: To ensure resident's privacy is not adversely affected.

4. The proposed dwelling shall be sited and its curtilage as indicated on drawing no 02 bearing the stamp dated 16 AUG 2021.

Reason: In the interests of visual amenity and to protect residential amenity.

5. Prior to the commencement of any development hereby approved the paired vehicular access, including visibility splays of 2.4m x 45.0m shall be provided in accordance with details as indicated on drawing no 02 bearing the stamp dated 16 AUG 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 levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The existing access identified as 'Existing site entrance into dwelling No 71' on drawing No 02 bearing the stamp dated 16 AUG 2021 shall be permanently closed within 3 weeks of the new access referred to in condition 5 above becoming operational.

Reason: In the interests of road safety and convenience of road users.

7. The existing vegetation on the site boundaries shall be retained in accordance with a scheme to be submitted and agreed at Reserved Matter stage. These boundaries shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

8. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include a native species hedge to be planted between the

proposed site and No 71 Anneeter Road and to the rear of the visibility splays as required by condition 5 above. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

Signature(s)

Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0899/O	Target Date:
Proposal: Site for a dwelling & domestic garage based on policy CTY8	Location: Approx 15m North of 69 Anneeter Road, Coagh, Cookstown
Referral Route: Recommended refusal & 2no. Objection received	
Recommendation:	Refusal
Applicant Name and Address: Mr Charles Mallon 71 Anneeter Road Coagh Cookstown	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 and Policy CTY14. 2no. objections received considered below.	
Signature(s):	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Case Officer Report

Site Location Plan



Consultations:

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

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 located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The settlement limit of Moortown is approx. 1.5km south of the site and Lough Neagh shore is approx. 200 metres to the north. The surrounding area is rural in character with the predominant land use being agricultural fields. However the surrounding area has undergone development pressure and there are a number of detached dwellings and outbuildings in the immediate locality. Directly adjacent to the northwest of the site is a shared laneway, which currently serves two dwellings. There are three further dwellings west of the site and a detached dwelling northeast of the site accessed via a laneway of approx. 80 metres directly adjacent to the east. The proposal site comprises an existing storey and a half, roadside dwelling with a detached garage and large outbuilding to the rear. The curtilage of the dwelling is large with a substantial garden area to the rear and side of the dwelling house. The site is currently accessed via a driveway directly onto Anneeter Road. The topography of the site is relatively flat. The boundaries of the site are well defined by established trees and vegetation and public views are limited/isolated given the mature trees to the front boundary.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage at land approx. 15m North of 69 Anneeter Road, Coagh, Cookstown.

The dwelling is being applied for as a gap site under Planning Policy Statement 21, Policy CTY 8.

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

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 2 objection letters were received, the details of which are outlined and considered below.

1. Objection letter received 1st September 2020 from Ms Colette McLernon. Ms C McLernon advises she was made aware of the application through a third party and had not received a letter or received notification from the agent/applicant on 25/03/20 as advised on the signed Certificate C of the P1 form. She queries when she would have received notification and given she had not received any correspondence from any party she wished to object to the planning application.
2. Objection letter received 7th September 2020 from Ms Geraldine McLernon. Ms G McLernon objects to the proposed access, which utilises her brother's private laneway and another brother's hedge for sightlines. She advises neither brother had received notification from the planning office or consultation with her brother who owns the laneway prior to submission.

The Planning (General Development Procedure) Order (Northern Ireland) 2015 places a legislative requirement to serve notice of an application to any identified occupier on neighbouring land. During the processing of this application, identified occupiers of neighbouring land were identified, checked and notified under the neighbour notification

scheme. Neighbour notification was carried out on 3rd September and then again on 12th December following the receipt of amended plans.

I note both objection letters advise the relevant landowner did not receive notice as stated and signed in Section 27 of the P1 Form. The second letter objects to the use of her brother's laneway and hedge for sightlines. Any planning permission granted does not confer title; the use of land for an access or sightlines is a land ownership issue outside the remit of planning and a civil matter between the relevant parties. The agent subsequently provided an amended plan and letter dated 13th October to address the objections. The letter advised that it was understanding that an agreement was in place between the two parties for the use of this laneway, however the site location plan was amended removing this laneway from the submission. The amended site location plan, Drawing 01 Rev 3, date stamped 16th November 2020 relocates the proposed access to within the applicant's ownership and the curtilage of No. 71 Anneeter Road.

History on Site

No relevant planning history.

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 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 application has been submitted on the basis of an infill site in accordance with Policy CTY 8 - Ribbon Development of PPS 21. Considering the requirements of CTY 8, planning permission will be refused for a building which creates or adds to a ribbon of development. 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.

When approaching the site from the west, the dwellings of No 73, No 71E and No 71D are in a line and sited on the roadside of Anneeter Road. The dwelling of No 71, which is located within the application site, is also included in this line and with road frontage onto Anneeter Road. I do not consider the private garden to the east of No 71 could be considered as a gap for the purpose of Policy CTY 8. When continuing from this approach, the dwelling of No 71B only comes into view when beyond No 71. No 71B

does not have a common frontage with the other dwellings, set back approximately 95.5 metres from the Anneeter Road. The curtilage of No 71B is defined by established vegetation and between the property and the roadside there is agricultural land. I do not consider No 71B benefits from visual linkage with the other dwellings to the west to be considered as part of a substantial and built up frontage for the purposes of satisfying Policy CTY 8. Equally, I do not consider the private garden to the rear of No 71 which currently occupies an outbuilding, could be considered as an infill exception under Policy CTY 8. I do not consider the rear garden is located within line of 3 or more buildings with common frontage on to Anneeter Road; or the shared laneway immediately west of the application site. An approval of this application would add to a ribbon of development and Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all listed criteria is met. I am content that the site lies outside of a farm and consists of four or more buildings in which more than three of such are dwellings. Given the build-up of development, this cluster could be considered as a visual entity in the local landscape. It is also accepted, given this is an outline application, that the proposed dwelling could be sited and designed to ensure no adverse impact to residential amenity. However, the proposal is not bound on at least two sides with other development in the cluster. Furthermore, there does not appear to be a focal point in close proximity to the site nor is the site located at a cross-roads, failing this part of the policy. Therefore, it is considered the proposal would also fail under Policy CTY2a.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Given the existing, established vegetation to the boundaries of the site and the flat topography, I consider a dwelling and garage could be accommodated without appearing as an overly prominent feature in the landscape. Should permission be granted the design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage, however I consider a maximum ridge height of 6 metres would be appropriate and in keeping with the existing built form to ensure integration into the setting.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above, I do not consider the proposal site represents a small gap site within a line of 3 or more buildings with a common frontage. In my opinion, the proposal would add to a ribbon of development which is detrimental to the surrounding rural character contributing to a localised sense of build-up of development, therefore contrary to Policy CTY 14.

PPS 3: Access, Movement and Parking

The original site location plan submitted sought access from the laneway immediately east of the application site. Following the receipt of objection letters, the access was amended to utilise the land within the existing curtilage of No 71. DfI Roads were consulted on the original access and responded raising no objections to the proposal subject to conditions. DfI Roads were consulted on 15/12/20, however it is noted their response is outstanding. Given the principle of development is not considered

acceptable, it was not considered necessary to await their response. However, should the Planning Committee consider the proposed development is acceptable and permission granted, the response of DfI Roads will be required and any the necessary vehicular access including visibility splays conditioned to any forthcoming approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having weighted up the above policy and material considerations I am of the opinion that this application should be recommended for refusal on the basis the proposal is contrary to Policy CTY1, CTY 8, CTY 2a and CTY 14.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to CTY 8 Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
3. The proposal is contrary to CTY 14 Rural Character of Planning Policy Statement 21 in that the development would further erode rural character adding to a ribbon of development.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

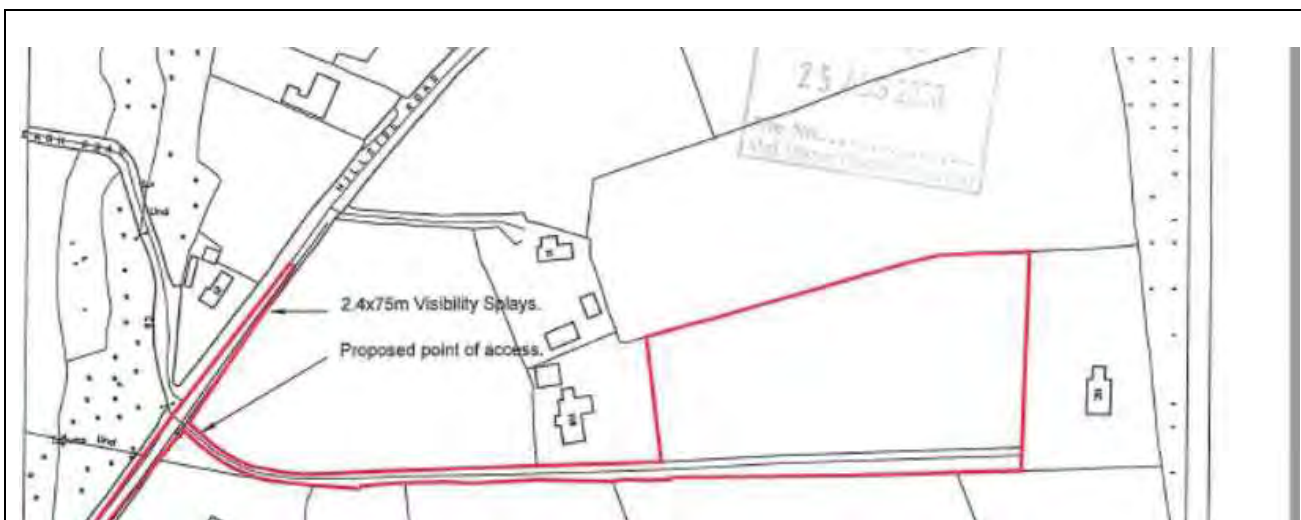
Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1027/F	Target Date:
Proposal: Proposed infill site for 2 dwellings and garages	Location: Between 11B and 11E Hillside Road Upperlands
Applicant Name and Address: Mr Danny Mc Master 103 Glen Road Maghera	Agent name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
Summary of Issues: Third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below. Following a deferral, further site visit and re-assessment the application does not comply with CTY1, CTY8, & CTY14.	
Characteristics of the Site and Area: The site is located between 11B & 11E and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is located along a agricultural type private lane, leading off the Hillside Road. This lane also appears to serve the dwelling at No11B and 11E. The site is larger agricultural field, the boundary to the north, east and west is comprised of mature vegetation and hedgerows and the boundary to the south is comprised of mature hedgerow and scattered trees. The elevation of the site rises from the road side.	
Description of Proposal This application seeks full planning permission for an infill site for two and garages dwelling	



Deferred Consideration:

Following a deferral a site visit was organised with members on 23 June 2021, in attendance were Cllr Mallaghan, Cllr Colvin and Cllr S McPeake along with the planning officers. The site and surrounding area were all visited.

The refusal reasons related to CTY1, CTY8 and CTY14. There are only two dwellings accessed off the laneway, No.11e is a large detached dwelling with no detached garage to the east of the site. To the west is No.11b is a single storey dwelling which has a shed/garage located to the direct NW of the house, these are not viewed as separate buildings as the photo below shows;



and so the shed cannot be relied on as a third separate building.

The agent had indicated at the last planning committee meeting there was another building in the garden of No.11b which could be counted as part of the built up frontage. On further inspection, this is a temporary building (see photo below) and not a permanent structure which could be used as part of the criteria to meet infilling under CTY8. It also was difficult to view from the road due to strong vegetation.



In addition to this, the gap remains too large to accommodate a gap sufficient to accommodate up to a maximum of two houses, as described in CTY8.

My opinion remains unchanged and I recommend refusal for the following reasons ;

Refusal Reasons

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

buildings; and the building would if permitted would create a ribbon of development and would result in a detrimental change to erode the rural character of the countryside.

Signature(s):

Date



Deferred Consideration Report

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

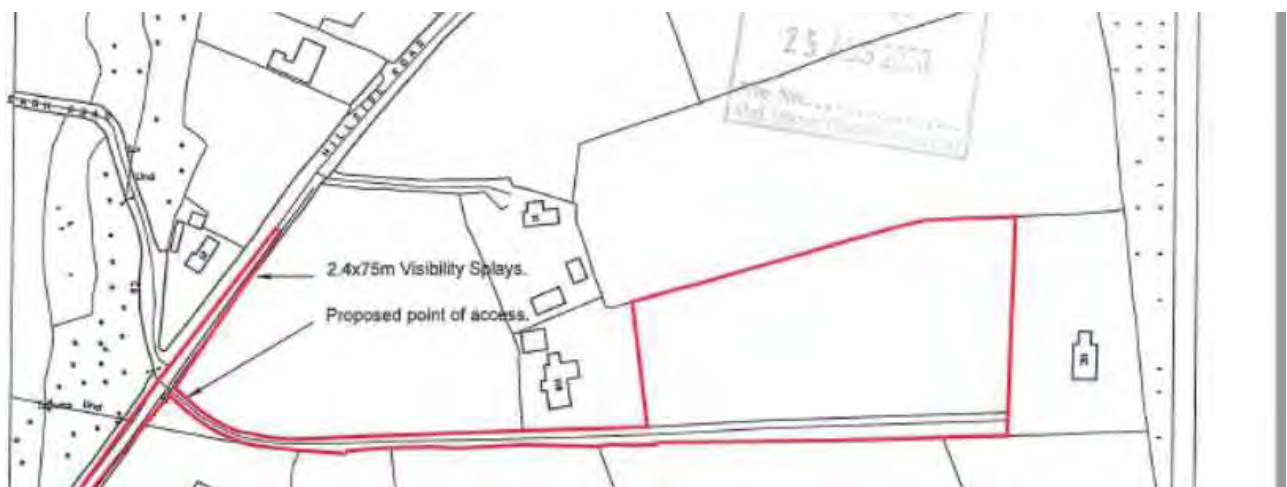
Deferred Consideration:

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

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

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

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



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

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

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

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

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

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

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

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

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

Refusal Reasons

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

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

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

Signature(s):

Date



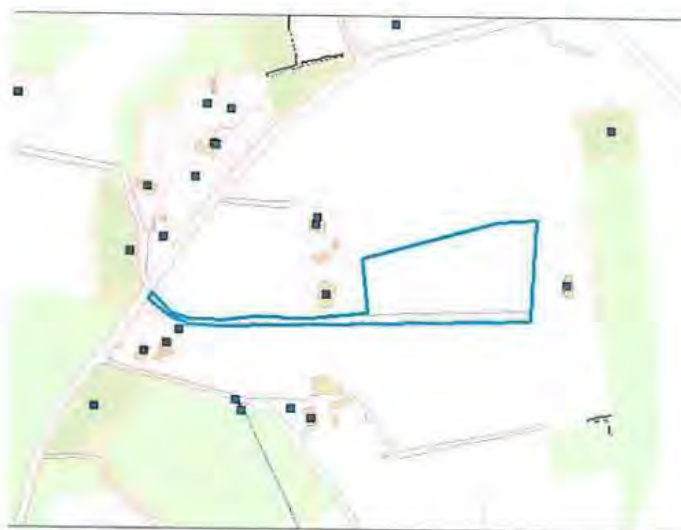
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Conditions/Reasons for Refusal:

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

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

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

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

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

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

Signature(s)

Date:

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

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

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

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

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

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

Objections

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

Conclusion

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

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

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

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

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

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

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

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

Decision:

Decision Date: 07.01.2005

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

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

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

Planning History

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

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, 2No third party objections were received.

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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

Ref ID: LA09/2020/1027/F

Proposal: Proposed infill site for 2 dwellings and garages

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

Decision:

Decision Date:

Ref ID: H/2007/0177/RM

Proposal: Proposed dwelling and garage

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

Decision:

Decision Date: 19.07.2007

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

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

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

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

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O
Proposal: Site of dwelling
Address: 150m South East of 11 Hillside Road, Upperlands
Decision:
Decision Date: 22.12.2004

Ref ID: H/2003/0815/O
Proposal: Site Of Dwelling
Address: 70 Metres South East Of 11 Hillside Road, Upperlands
Decision:
Decision Date: 07.01.2005

Ref ID: LA09/2020/1027/F
Proposal: Proposed infill site for 2 dwellings and garages
Address: Between 11B and 11E Hillside Road, Upperlands,
Decision:
Decision Date:

Ref ID: H/2007/0177/RM
Proposal: Proposed dwelling and garage
Address: 150m S.E. of No. 11 Hillside Road, Upperlands
Decision:
Decision Date: 19.07.2007

Ref ID: H/2001/0536/O
Proposal: Site of dwelling and garage
Address: Adjacent to 11 Hillside Road, Upperlands
Decision:
Decision Date: 30.10.2001

Ref ID: H/2007/0150/F
Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.
Address: Adjacent to 11 Hillside Road, Upperlands
Decision:
Decision Date: 26.04.2007

Ref ID: H/1978/0444
Proposal: HV AND MV O/H LINE (BM 2443)
Address: UPPERLANDS AND KEADY, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

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

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

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

Decision:

Decision Date: 07.01.2005

Summary of Consultee Responses

HED - Content

Ni Water - no objection

DFI Roads- Content subject to conditions

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Drawing No. 01

Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1093/F	Target Date: <add date>
Proposal: Proposed Agricultural general purpose storage shed for agricultural plant & Machinery	Location: Adjacent to 68 Lurgylea Road Dungannon BT70 2NY
Applicant Name and Address: James Gerard McElroy 68 Lurgylea Road Dungannon	Agent name and Address: Paul McMahon Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Summary of Issues: Whether or not the building is needed for the efficient use of the farm and if the farm is active and established.	
Summary of Consultee Responses: DEARA – farm business id allocated May 2016 DFI Roads – no details about traffic using the lane	
Characteristics of the Site and Area: This application site is located adjacent to No 68 Lurgeylea Road, approximately half a kilometre north of Cappagh village. It is located in the countryside as is identified in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area comprises a winding network of narrow roads which traverse the undulating elevated countryside. Dwellings are dispersed along the roadside or laneways of farm holdings. The site is a square plot cut out of a larger agricultural field which extends to the north, east and west. It sits 10 metres west of No 68 Lurgylea Road, a 2 storey dwelling which is accessed via a	

laneway approximately 300 metres from the roadside. The application site is slightly elevated above this part of the Lurgeylea Road and to the north of the site at a more elevated position is another laneway off the Lurgeylea Road which leads to a quarry. The access laneway is bound by a 1 metre high close board fence in front of No 68 and post and wire fence for the remainder with hedgerow along the eastern boundary of the lane.

The site is undefined on the ground except for the eastern boundary which defines the curtilage of No 68. Here a close board fence defines this boundary as the land rises to the north. Adjacent to it and within the curtilage of the dwelling is a small shed. Alongside this this and within the site at a higher level is a lorry container which appears to be utilised for storage. A small section of the site including this container is fenced off from the rest of the site by post and wire fence.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks full planning permission for a Proposed Agricultural general purpose storage shed for agricultural plant & Machinery on land Adjacent to 68 Lurgylea Road, Dungannon.

Initially the building was proposed measuring 15 metres long, 10 metres wide and with a ridge height of 5.1 metres FGL. The front elevation which faces eastwards towards the dwelling had an access door in the centre with 2 green roller shutter doors either side measuring 2.9 metres high and 3.5 metres wide. The gables facing north and south had no openings and there was 1 roller shutter door on the rear western elevation. An amended plan has been submitted which shows the building reduced in size to 13.0m x 8.0m with a ridge height of 4.95m. There is now only one roller door on each side and a pedestrian door facing towards the dwelling. It is proposed to be finished with dark green cladding to the upper ½ of the walls and roof and smooth render to the lower ½ of the walls.

Deferred Consideration:

This application was before the Planning Committee in June 2021 where it was deferred for a meeting with the Planning Manager. Before the meeting the agent provided an amended plan to reduce the footprint of the building by 46sqm and the height by 0.6m. At the meeting it was explained the applicants mother transferred the farm to the applicant and there are 2 brothers who farm. The applicants brother, Eugene, has been farming his own land and under his own business ID and this is not a subdivision of the farm. DEARA have confirmed the business ID was allocated in May 2016, this is 7 months short of the 6 years that is required for a farm to be established in the policy. Additional information has been submitted in support of the application to show works were being carried out on the land and that farming activity was on-going before May 2016, it was also confirmed the applicant keeps sheep in the winter and cattle in the summer.

The following information has been submitted for consideration in respect of the agricultural activities :

February 2014 – invoice to Gerard McElroy for hedge cutting carried out

May 2015 – invoice to Gerry McIlroy for cement and gate items

July 2015 – invoice to Gerry McElroy for fertiliser

August 2015- invoice to Gerard McElroy for digger work for drainage of lands
January 2016 – invoice to Gerry McElroy for assortment of items for gates
May 2021 – invoice to Gerry McElroy for piping
May 2021 – invoice to Gerard McElroy for purchase of 6 cattle

Members will be aware the definition of agricultural activity includes keeping the land in good agricultural and environmental condition. The cutting of the hedges and the fertilising of the land does, in my view, constitute keeping the land in good agricultural and environmental condition. The applicant has to demonstrate that he has been active for 6 years and so the critical date for consideration is now in and around October 2015. These invoices date back to 2014 and there are a number in 2015 which I have no reason to doubt they are for agricultural related activities and goods. On balance I am content the applicant has been farming for the required 6 year period and is an established farmer. The invoice for the cattle in May 2021 indicates that Mr McElroy has recently purchased livestock, as has been advised that he does every year and as such I consider the farm business is currently active. I am content this is an active and established farm business, for the purposes of Policy CTY12. The previous report has already considered the other criteria for a farm building. It is noted there are no other farm buildings associated with Mr McElroy's farm and he proposes to cluster with his dwelling and other domestic buildings here. As there are no other buildings and I also noted a number of machines kept outside, I have no doubt keeping these machines under cover and being able to work on them out of the elements would provide a significant health and safety benefit to the applicant. On this basis I am content that this application meets the exceptional test contained in CTY12 and may be approved with a condition that it is only used for agricultural purposes.

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.

In light of all of the above and the previous considerations I recommend this application is approved.

Conditions/Reasons for Refusal:

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 building hereby approved shall only be used for agricultural purposes

Reason: To prevent unacceptable uses in the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

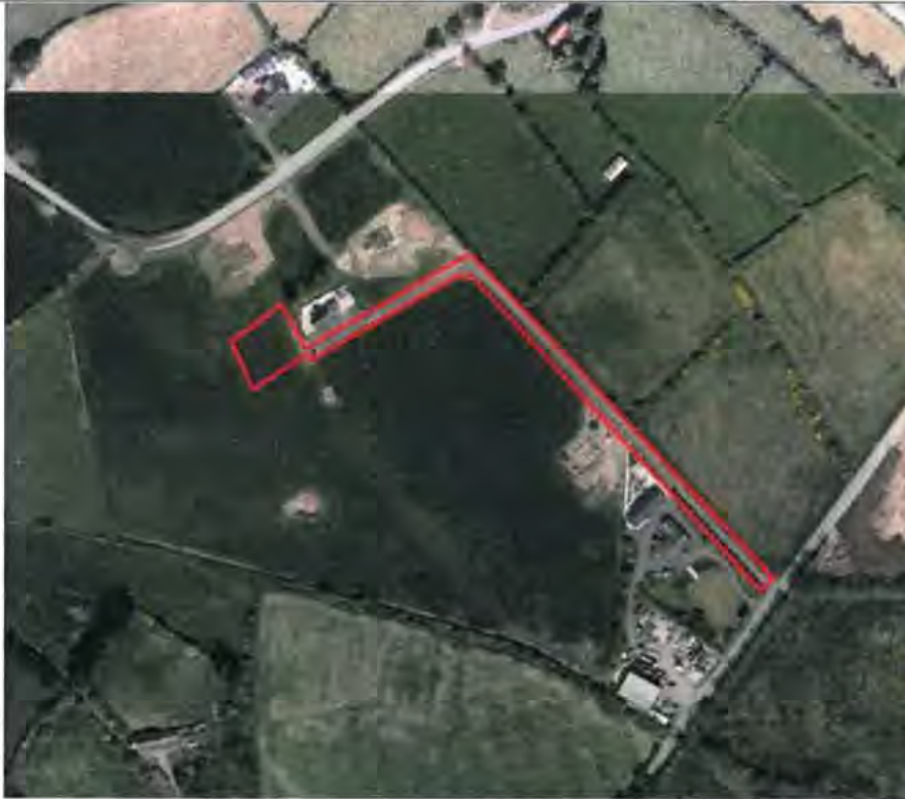
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1093/F	Target Date:
Proposal: Proposed Agricultural general purpose storage shed for agricultural plant & Machinery	Location: Adjacent to 68 Lurgylea Road Dungannon BT70 2NY
Referral Route: This proposal fails to meet the fundamental prerequisite of CTY 12 in PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: James Gerard McElroy 68 Lurgylea Road Dungannon	Agent Name and Address: Paul McMahon Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located adjacent to No 68 Lurgeylea Road, approximately half a kilometre north of Cappagh village. It is located in the countryside as is identified in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area comprises a winding network of narrow roads which traverse the undulating elevated countryside. Dwellings are dispersed along the roadside or laneways of farm holdings.

The site is a square plot cut out of a larger agricultural field which extends to the north, east and west. It sits 10 metres west of No 68 Lurgylea Road, a 2 storey dwelling which is accessed via a laneway approximately 300 metres from the roadside. The application site is slightly elevated above this part of the Lurgylea Road and to the north of the site at a more elevated position is another laneway off the Lurgylea Road which leads to a quarry. The access laneway is bound by a 1 metre high close board fence in front of No 68 and post and wire fence for the remainder with hedgerow along the eastern boundary of the lane.

The site is undefined on the ground except for the eastern boundary which defines the curtilage of No 68. Here a close board fence defines this boundary as the land rises to the north. Adjacent to it and within the curtilage of the dwelling is a small shed. Alongside this and within the site at a higher level is a lorry container which appears to be utilised for storage. A small section of the site including this container is fenced off from the rest of the site by post and wire fence.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks full planning permission for a Proposed Agricultural general purpose storage shed for agricultural plant & Machinery on land Adjacent to 68 Lurgylea Road, Dungannon.

It measures 15 metres long, 10 metres wide and has a ridge height of 5.1 metres FGL. The front elevation which faces eastwards towards the dwelling has an access door in the centre with 2 green roller shutter doors either side measuring 2.9 metres high and 3.5 metres wide. The gables facing north and south have no openings and there is 1 roller shutter door on the rear western elevation.

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.

The Strategic Planning Policy Statement (SPPS) published in September gives provision for Agriculture and Forestry Development, subject to a number of policy provisions. As it does not present any change in policy direction with regards to this type of development, the prevailing policies are applicable.

As this application site is located in the rural countryside, outside of any designated settlement development limit identified in DSTAP, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal conforms to a number of criteria.

Firstly it must be determined the applicant has an established agricultural farm or forestry holding and is active prior to assessing if it satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years.

The applicant submitted a DARD Farm Map which had a farm business ID number on it and details of the applicant's Sheep Herd Register information.

The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the applicant's Business ID number was established on 03/05/2016 and claims were made in 2019 and 2020. This demonstrates the farm holding falls short of the 6 years requirement.

The agent was requested to provide evidence of farm business activity and why this proposal was essential for the efficient running of the farm business. Two invoices were provided, one for hedge cutting in February 2014 and another for digger work in August 2015. A Sheep Herd Register was submitted as part of this application, however there was no information provided as to the number of livestock the applicant has and they were not visible on the applicant's land.

The applicant's farm holding comprises a total of 4.79 hectares all of which surround this application site. It appears there are 3 sites which at a time would have been encompassed within this field which is the only parcel of land owned and farmed by this applicant. Foundations appear to have been laid for these 3 individual dwellings which may insinuate that development has commenced.

Although it has been demonstrated this proposal fails to meet the fundamental criteria of this policy, for the benefit of the Members I will continue to assess this proposal against the subordinate criteria of Policy CTY 12.

- The proposed development is necessary for the businesses efficient use;

In justification for this agricultural shed, the agent provided information stating it was necessary as there are no buildings on the farm. The applicant's plant and machinery are sitting outside and thus this building is required to securely store them.

It was noted during the site visit there were numerous plant and machinery scattered around the surrounding land, however I am not convinced the said machinery is for the efficient use of this applicant's farm holding which is not of a medium or large scale. Neither have I been convinced this proposal is necessary for the efficient running of a farm holding of this size and nature, notwithstanding the issues of length of establishment and activity as discussed above.

- in terms of character and scale it is appropriate to its location;

This shed would have a footprint of 150 metres squared and a ridge height of 5.1 metres FGL. It is typical of an agricultural building and I am satisfied the scale and design of this proposal is appropriate in this area.

- it visually integrates into the local landscape and additional landscaping is provided as necessary;

This shed would read with the farm dwelling however there are no boundaries natural boundaries to enclose this building. As this building is set back well from the road and the elevated land beyond it to the north of the site would provide a backdrop, thus adding its integration into the surrounding area.

- it will not have an adverse impact on the natural or built heritage; and

No built or natural heritage interests have been identified on or in close proximity of the site have been identified which may to be impacted by this proposal.

- it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

Due to the positioning of this shed at adjacent to the applicant's dwelling and at the end of a private laneway, I am satisfied there are no occupied dwellings in close proximity to the proposal and therefore it will not result in detrimental impact on residential amenity.

CTY 12 goes on to state that in cases where a new building is proposed, as is the case here, applicants will also need to provide sufficient information to confirm all of the following:

- the applicant has no buildings on the holding that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm buildings.

I am content, based on the information submitted, there are no buildings on the applicant's farm holding and therefore none to site the shed beside. The materials proposed are typical of an agricultural building and are therefore suitable and acceptable on this application site.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also 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. It is considered the design and materials of this proposed agricultural shed are typically traditional to farm buildings and are acceptable in that respect. The backdrop provided by the elevated land aids its integration into the locality without detrimental impact.

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. I have no concerns regarding the siting of this agricultural shed as it is the first building on the farm holding and of a design typical of the surrounding area.

Consultations and Representations

The applicant has indicated in the application form they propose to utilise an existing access onto the Lurgylea Road. DFI Roads were consulted on this application and they requested the applicant submit amended drawings showing the visibility splays of 2.4 metres by 60 metres in both directions and a forward sight distance of 60 metres. They stated the hedge/fence line needs to be moved back in order to provide the 2.4 metre X-distance and their assessment was based on up to 60 vehicles per day as Q 25 in the P1 form was not fully completed. The amended drawings showing the visibility splays were submitted and Q27 of the P1 form was amended to include Certificate C. DFI Roads were reconsulted and clarity as to whether the machinery to be stored in the proposed shed relates to current farm activities or activities not associated with the applicant's farm. This issue could be controlled by a condition attached to any approval restricting the use of the building solely to the storage of the applicant's farm plant/machinery.

This application was advertised in the local press and one neighbour was notified, in line with the Council's statutory duty. No objections were received for this application.

I have no concerns about any significant detrimental impacts in terms of neighbour amenity including, overshadowing, dominance or privacy concerns as the shed is to be sited adjacent to the applicant's dwelling, of which he is the registered owner of the farm business this agricultural shed is applied for. It is also a reasonable distance away from any other neighbouring properties. 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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in PPS 21, this proposal fails to meet the fundamental prerequisite of CTY 12 on which the subsequent criteria are to be assessed against. It has not been demonstrated the applicant's farm holding is active and has been established 6 years or more, therefore refusal is recommended.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 12 of PPS 21 in that it has not been demonstrated the farm business associated with this application is active and established over 6 years.

Signature(s)**Date:**

Hughes
26/5/21

ANNEX	
Date Valid	10th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 68A Lurgylea Road, Galbally Dungannon, Tyrone,BT70 2NY	
Date of Last Neighbour Notification	15th October 2020
Date of EIA Determination	
ES Requested	No
Planning History	
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	

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1119/0	Target Date:
Proposal: Dwelling and Garage.	Location: 10m West of 44 Ballyscullion Road Bellaghy
Applicant Name and Address: Mr Brian Milne 44 Ballyscullion Road Bellaghy	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Summary of Issues: Following the deferral of the above application, and a further site visit, refusal is recommended as previously. CTY8 has also been added as a refusal reason.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located within the rural countryside, approx. 0.4km east of settlement limits of Bellaghy. The site is part of a larger agricultural field. The land is flat and bounded on the east and southern boundaries by existing hedges. The northern and western boundaries are currently undefined. The surrounding area is mainly characterised by agricultural and residential buildings.	



Description of Proposal

The applicant seeks outline planning approval for a dwelling and garage

Deferred Consideration:

This application was presented as a refusal to Planning Committee in Feb 2021 for the following reasons;

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least 2 sides with other development in the cluster.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and a meeting was held on 11/02/2021.

It was agreed the site would be re-visited to consider Ballyscullion House and its cottages as a potential focal point in terms of CTY2a. The Wolfe Tones GAC had been previously put forward as the associated focal point.



Following a site visit I would be of the opinion that Ballyscullion House and its associated grounds, walls and cottages (blue circle on map) are too physically far removed from the site (blue arrow) to be considered as a focal point associated with the existing cluster of development as the site cannot be viewed along with any part of it.

The GAC grounds (blue star on map) to the west of the site lies partly in the settlement limits of Bellaghy, with the football pitches outside it located in the countryside. As stated this had been initially relied on by agent as a focal point, and I would be in agreement with the original case officer that given the distance between this and the site and due to the topography of the land there is a lack of visual linkage, the cluster of development is not associated with the GAA grounds and could not be relied on as a focal point.

Therefore the proposal fails to meet this criteria of policy CTY2a, as the cluster is not located at a crossroads or associated with a focal point.

Another of the criteria of CTY2a which the site fails on is that it is not bounded on two sides with other development in the cluster. The site has a dwelling located adjacent to the east, with no development to the west or north. To the south there is a dwelling but it is separated from the site by the Ballyscullion Road. Given this the site is not bound on two sides as is required by this part of the criteria.

In terms of CTY14, a dwelling here would result in a suburban style build-up of development when viewed with existing and approved buildings.

In addition, a dwelling on this site would add to a ribbon of development to the 3 dwellings to the east along this part of Ballyscullion Road, which would remain contrary to CTY8.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan

Strategy commenced at 10am on 25th March and was to run for 8 weeks. Due to issues faced with COVID19 this period has been extended and closed at 5pm on 24th September 2020. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least 2 sides with other development in the cluster.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the proposed site would add to an existing ribbon of development along this part of Ballyscullion Road.
4. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

Signature(s):**Date**

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1119/O	Target Date:
Proposal: Proposed domestic dwelling and garage in a cluster	Location: 10m West of 44 Ballyscullion Road Bellaghy
Referral Route: Refusal- Contrary to Policies CTY1, CTY2a and CTY14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr Brian Milne 44 Ballyscullion Road Bellaghy	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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

Contrary to Policies CTY1, CTY2a and CTY14 of PPS 21

Characteristics of the Site and Area

The site is located within the open countryside, approximately 0.4km east of the settlement limits of Bellaghy as per the Magherafelt Area Plan 2015. The red line of the application site consists of part of a larger agricultural field which is flat in nature with the site bounded on the east and southern boundaries with existing hedges along these sides. The northern and western boundaries are currently undefined and expand into the larger agricultural field. The surrounding area is mainly agricultural with a build up of single houses located to the east of the site.

Description of Proposal

This is an outline planning application for a proposed domestic dwelling and garage in a cluster.

Planning Assessment of Policy and Other Material Considerations

The Magherafelt Area Plan identifies the site as being outside any defined settlement limits, located east of Bellaghy settlement limit. There are no other specific designations or zonings.

- Magherafelt Area Plan 2015
- 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 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 that the application site is located within an existing cluster that lies outside of a farm and consists of four or more buildings, which at least three are dwellings. I would contend that the proposed site is located at the edge of an existing cluster, which is located to the east of the site as shown on image 1 below.



Image 2: View from the site towards GAA grounds

From this, the proposal fails to meet this policy criteria of CTY2a.

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

The application site has a dwelling located adjacent to the red line being No.44 Ballyscullion Road, there is no development to the north and west of the site. Another dwelling is located directly south of the dwelling but is separated by the Ballyscullion Road. Given the fact that the site is not bounded to the South with the dwelling, rather the road separates the site from the dwelling I do not believe the site 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.*

As previously mentioned I believe the proposed application site is located within an existing cluster albeit, at the edge of the cluster. From this I am content that a dwelling here could be absorbed into the existing cluster through rounding off and a well-designed dwelling would not visually intrude into the open countryside. I do not believe a dwelling would significantly alter the existing character of the area given the existing development in the area.

- *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 impact on residential amenity.

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



Image 1: Site location plan showing extent of existing cluster

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

Whilst travelling along the Ballyscullion Road it is clear that the cluster appears as a visually entity in the local landscape, with most dwellings sharing a road frontage onto the Ballyscullion Road.

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

The agent contends that the cluster of development is associated with Wolfe Tones GAC that is partly located within the settlement limits of Bellaghy, with the playing field located within the open countryside. However, I am not of the opinion that the cluster of development is associated with the GAA club given the distance between the site and the lack of visual linkage between the two. The GAA grounds are located approximately 300m west of the application site, but given the topography of the land, the GAA grounds are not visually linked to the site or the cluster of development. The image below is taken from site, facing towards Bellaghy GAA grounds, which are not visible from the site.

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. However, I am content a well designed dwelling at this location would not be a prominent feature in the landscape would visually integrate into the surrounding landscape.

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 a suburban style build-up of development when viewed with existing and approved buildings. I also be of the opinion that a dwelling located here which fails to comply with Policy CTY2a would add to a ribbon of development along the Ballyscullion Road as there is already a row of three dwellings immediately east of the site and a dwelling approved here would add to this. As there is no gap to be filled, it could not be considered an exception to policy CTY8. As a result, the proposal fails to meet the policy criteria of CTY14.

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 commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues faced with COVID19, this period has been extended and closed at 5pm on 24th September 2020. In light of this, the draft plan cannot currently be given any 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 and the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

Signature(s)

Date:

ANNEX	
Date Valid	16th September 2020
Date First Advertised	29th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 44 Ballyscullion Road Bellaghy Londonderry The Owner/Occupier, 47 Ballyscullion Road Bellaghy Londonderry The Owner/Occupier, 48 Ballyscullion Road Bellaghy Londonderry	
Date of Last Neighbour Notification	6th October 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1119/O Proposal: Proposed domestic dwelling and garage in a cluster Address: 10m West of 44 Ballyscullion Road, Bellaghy, Decision: Decision Date: Ref ID: H/2009/0177/F Proposal: Proposed Sun Room to East of dwelling Address: 44 Ballyscullion Road, Bellaghy Decision: Decision Date: 01.06.2009	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1217/F	Target Date:
Proposal: Proposed 2 dwellings with domestic garage (amended scheme)	Location: Immediately adjacent to 12 Station Road Moneymore
Applicant Name and Address: Cherrybrook Developments Ltd 80 Fivemilestraight Maghera	Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
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 and an approval is now being recommended.	
Characteristics of the Site and Area: The site is located immediately adjacent to 12 Station Road, Moneymore and is located just within the designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is triangular shaped and is located adjacent to a row of large detached dwellings along Station Road and there are also large detached dwellings directly opposite the application site. The roadside boundary of the site is well screened with existing vegetation, and the remaining boundaries are fairly well screened with vegetation. The elevation of the site is relatively flat.	
Description of Proposal This application seeks planning permission for 2No dwellings (semi-detached) dwellings with domestic garage.	

Deferred Consideration:

This application was presented as a refusal in April 2021 for the following reason;

1. The proposal is contrary to Planning Policy Statement (PPS) 7 Quality Residential Environments and Addendum to PPS7 - safeguarding the character of established residential areas and DES2. The proposed development does not respect the surrounding context and is not appropriate to the character of the area or the site in terms of layout, scale, proportions, massing and appearance, nor does it respect the pattern of development on this part of Station Road, Moneymore.

It was subsequently deferred for a virtual office meeting which was held with the Area Planning Manager on 22nd April 2021. The agent advised a revised scheme with semi-detached dwellings has been submitted and the Area manager said this will now be re-considered by the senior officer.

The new scheme now reads as one dwelling on the site, rather than two large separate detached units. This layout (shown below) much more in keeping with the existing character of the area. The finish has changed from red brick to render, which is more sympathetic to the character of this part of Station Road. In my opinion this is an acceptable proposal for the site. There is no detrimental impact on neighbours and none have objected.



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.

Conditions-

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

2. The vehicular access (es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/02 bearing the date stamp 27 July 2021, prior to the (commencement/occupation/operation) 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.

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1217/F	Target Date:
Proposal: Proposed 2 dwellings (semi detached) with domestic garage	Location: Immediately adjacent to 12 Station Road Moneymore
Referral Route: Committee - Refusal	
Recommendation:	
Applicant Name and Address: Cherrybrook Developments Ltd 80 Fivemilestraight Maghera	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	DFI Roads - Enniskillen Office	Consulted in Error
Statutory	Historic Environment Division (HED)	Content
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 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 immediately adjacent to 12 Station Road, Moneymore and is located just within the designated settlement limits as defined in the Cookstown Area Plan, 2010.

The site is triangular shaped and is located adjacent to a row of large detached dwellings along Station Road and there are also large detached dwellings directly opposite the application site. The roadside boundary of the site is well screened with existing vegetation, and the remaining boundaries are fairly well screened with vegetation. The elevation of the site is relatively flat.

Description of Proposal

This application seeks planning permission for 2 No dwellings (semi detached) dwellings with 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:

1. Strategic Planning Policy Statement (SPPS)
2. Cookstown Area Plan, 2010
3. Planning Policy Statement (PPS) 3 - Access, Movement and Parking
4. Planning Policy Statement (PPS) 7 - Quality Residential Environments
5. Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas

Supplementary planning guidance:

Creating Places -Achieving Quality in Residential Developments

Planning Strategy for Rural Northern Ireland

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

Principle of Development

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.

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 Cookstown Area Plan, 2010 identifies the site as being located within the development limits. The application is for 2 No dwellings (semi detached) with domestic garage. Under Policy QD1 of PPS7- planning permission will only be granted for new residential developments where it is demonstrated that the proposal will create a quality and sustainable residential area. The design

and layout of residential development should be based on overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In terms of QD1 of PPS7, Proposals are expected to meet the following criteria:

- (a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- (c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- (d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) A movement pattern is provided which supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) Adequate and appropriate provision is made for parking;
- (g) The design of the development draws upon the best local traditions of form, materials and detailing;
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light overshadowing, noise or other disturbance;
- (i) The development is designed to deter crime and promote personal safety

In terms of LC1 of PPS7 Addendum: Safe guarding the Character of Established Residential Areas, Proposals are expected to meet the following criteria:

- a) The proposed density is not significantly higher than that found in the established residential area
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area: and
- c) All dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposal is for 2 no. dwellings (semi detached) and a domestic garage. This is not in keeping with the surrounding area in terms of appearance, scale, massing and proportion and is completely out of character with the existing streetscene. The adjacent properties along Station road (N0 6, 8, 10 and 12) are all large detached dwellings, single storey and some with attic conversions. Each of these individual dwellings are set on plots of similar size to this application site. The dwellings on the opposite side of the road are also mainly large detached properties either single storey or a storey and a half. The pattern of development is not in keeping with the overall character of the established residential area. As shown in the photographs below:



The proposal is also not in keeping with Policy DES 2 of the Planning strategy for Rural Northern Ireland, as it adversely affects the townscape quality and character of the street pattern.

The material finishes proposed for the dwellings as indicated on drawing No 03, date stamped 05.10.2020, are not in keeping with the existing appearance of the area. The proposal fails to meet this criteria of QD 1PPS 7 and PPS & Addendum: Safeguarding the Character of Established Residential Areas, and clearly represents overdevelopment on this site.

HED were consulted on this application and responded to say that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy

There is limited private open space within the site, with garden areas to the rear, while the rear garden for dwelling 1 is sufficient, the rear garden for the dwelling 2 is limited due to the triangular shape of the site.

As the proposal is for 2 No dwellings it is considered that it would be unnecessary to provide additional neighbourhood facilities due to the size and scale of the proposal. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The proposal seeks to construct a new access to a public road. Transport NI were consulted on the application and were satisfied subject to conditions. The site is connected to a wider road network and it is not considered necessary to ask the developer to provide additional neighbourhood facilities.

I find that the proposal incorporates sufficient space around the curtilage of the proposed site for the parking and turning of cars. I consider that adequate provision has been made for the provision of in-curtilage parking on the site.

The form, materials and detailing are not considered to be in context with the surrounding existing properties and are therefore not in keeping with the area.

I consider that the proposed dwellings are sited a reasonable distance away from any neighbouring properties. The application site is fairly well screened and however the existing hedgerows on the roadside boundary would have to be removed in order to provide the adequate visibility splays. The proposal is overdevelopment of the site and I do consider that it will cause any detrimental impact on neighbouring amenity.

The proposal is on the edge of the settlement limits of Moneymore and I have no reason to believe that there would be any reasons why crime or personal safety would be an issue on this site.

Other considerations

The site is not subject to flooding and there are no contamination or human health issues to consider.

Discussions were had with the agent regarding the application and I offered the possibility of amending the application to one dwelling which would be acceptable, however he said the applicant wanted 2 dwellings on the site. The agent submitted a proposal for two detached dwellings for consideration. After discussions with the Planning Manager he agreed that it was still overdevelopment of the site is only suitable for one dwelling. A planning statement in support of the application was then submitted by the agent.

Conclusion

In conclusion the proposed development is considered to be contrary to the criteria of policy objectives of the Area Plan, PPS7, PPS 7 addendum safe guarding the character of established residential areas, Policy DES 2 and PPS3, and accordingly is recommended for refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Reasons for Refusal:

1.The proposal is contrary to Planning Policy Statement (PPS) 7 - Quality Residential Environments and Planning Policy statement (PPS) 7 Addendum – safeguarding the character of established residential areas and Policy DES 2. The proposed development does not respect the surrounding context and is not appropriate to the character of the area or the site in terms of layout, scale, proportions, massing and appearance, nor does it respect the pattern of development on this part of Station Road, Moneymore.

Signature(s)

Date:

ANNEX	
Date Valid	5th October 2020
Date First Advertised	20th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Station Road, Moneymore, Londonderry, BT45 7RA The Owner/Occupier, 11 Station Road Moneymore Londonderry The Owner/Occupier, 12 Station Road Moneymore Londonderry The Owner/Occupier, 13 Station Road Moneymore Londonderry The Owner/Occupier, 22 Station Road Moneymore Londonderry	
Date of Last Neighbour Notification	18th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1098/O Proposal: Proposed new dwelling Address: Immediately adjacent to 12 Station Road Moneymore, Decision: PG Decision Date: 13.04.2018 Ref ID: LA09/2020/1217/F Proposal: Proposed 2 dwellings (semi detached) with domestic garage Address: Immediately adjacent to 12 Station Road, Moneymore, Decision: Decision Date: Ref ID: I/1997/0396 Proposal: Housing Development Address: TURNAFACE ROAD MONEYMORE Decision: Decision Date:	

Ref ID: I/1976/0189
Proposal: 3 NO SUBSIDY BUNGALOWS
Address: STATION ROAD, MONEYMORE
Decision:
Decision Date:

Summary of Consultee Responses**Drawing Numbers and Title**

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



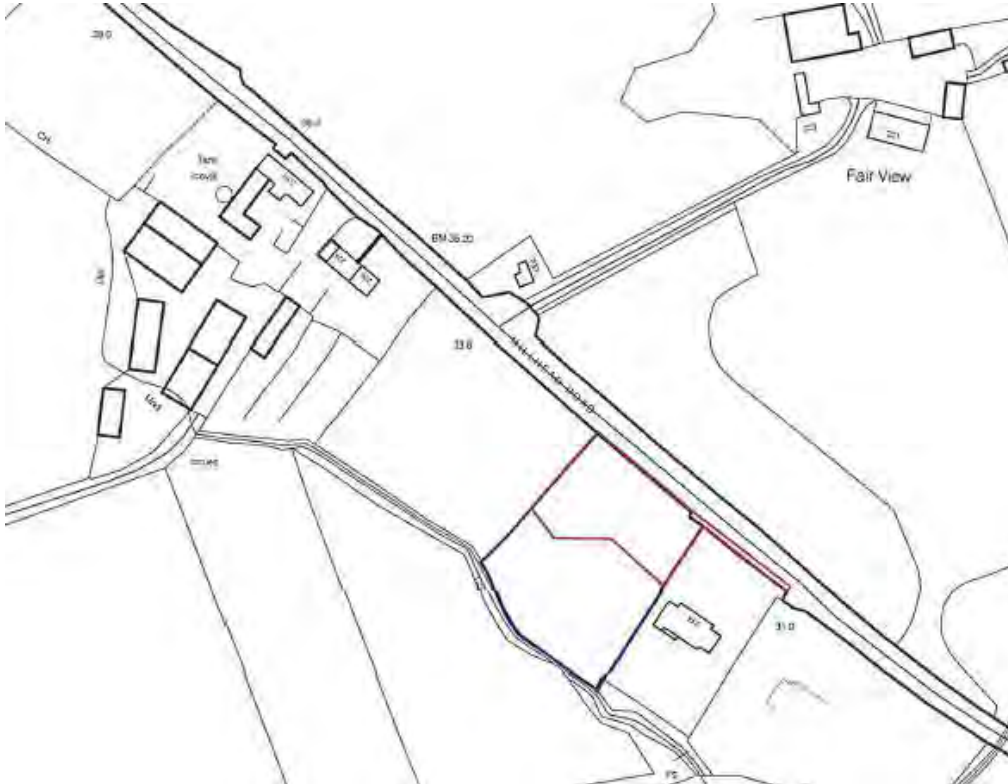
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1225/O	Target Date:
Proposal: Proposed infill dwelling	Location: Land adjacent to 214 Hillhead Castledawson Magherafelt
Applicant Name and Address: Jim Mc Pherson 6 Lissadell Drive Magherafelt	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
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.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located adjacent to 214 Hillhead Road, Castledawson, Magherafelt. and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large agricultural field, the boundary to the north-east and is comprised of mature vegetation and hedgerows and the boundary to the southwest cuts through the centre of the field and is undefined. The roadside boundary is comprised of mature hedgerow and scattered trees and the south eastern boundary consists of a wooden fence approx 1.0 metre in height and laurel hedgerow on the neighbour's side. The elevation of the site is relatively flat and sites slightly lower than Hillhead road.	

Moyola Forest is to the south of the application site and Moyola river runs along the south to south west.

Description of Proposal

Proposed infill dwelling



Deferred Consideration:

The application was presented to Committee in Feb 2021 as a refusal for the following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Hillhead Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted 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.

Since the deferral, a full application has been submitted for an offsite replacement for No.224 (shown in green) under LA09/2021/0464/F. It will be sited to the rear of this semi-detached property which is to be retained, however the new dwelling will not share a common frontage and so does not aid in providing the continuously and substantially built up frontage that is required under CTY8.



An exception will only be permitted for the development of a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, which respects the pattern of development in terms of size, scale and plot size.

There is one dwelling on the south eastern side, No. 214 Hillhead Road, with another almost fully constructed. On the other side of the application site is a large agricultural field with no dwellings or buildings then there is a semi-detached property (No.224 & 228) and attached shed, then attached dwelling No. 230. Based on existing plot sizes, I am still of the opinion the gap is too large to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and therefore this site is not believed to be suitable as an infill/gap site in line with CTY8. In this case it would also add

to ribbon development in the area. I would consider this an important visual break in the landscape and as such it should be developed.

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a dwelling on this site would cause a detrimental change to or further erode the rural character of the area and as previously mentioned it would add to a ribbon of development.

Refusal is therefore recommended for the reasons stated.

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.

Refusal Reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Hillhead Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1225/O	Target Date:
Proposal: Proposed infill dwelling , in area of average plot size of 44m road frontage	Location: Land adjacent to 214 Hillhead Castledawson Magherafelt
Referral Route: Committee - Refusal	
Recommendation:	
Applicant Name and Address: Jim Mc Pherson 6 Lissadell Drive Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
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 adjacent to 214 Hillhead Road, Castledawson, Magherafelt and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large agricultural field, the boundary to the north-east and is comprised of mature vegetation and hedgerow's and the boundary to the southwest cuts through the centre of the field and is undefined. The roadside boundary is comprised of mature hedgerow and scattered trees and the south eastern boundary consists of a wooden fence approx 1.0 metre in height and laurel hedgerow on the neighbours side. The elevation of the site is relatively flat and sites slightly lower than Hillhead road. Moyola Forest is to the south of the application site and Moyola river runs along the south to south west.

Description of Proposal

Proposed infill dwelling

Planning Assessment of Policy and Other Material Considerations

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

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

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

Planning History

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

Representations

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

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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.

This application site is considered against the existing pattern of development to determine if it complies with this policy. However, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and therefore this site is not believed to be suitable as an infill/gap site. There is one dwelling on the south eastern side, No 214 Hillhead road, however on the other side of the application site is a large agricultural field with no dwellings or buildings. Therefore, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and it would add to ribbon development in the area.

Also, in terms of the application site itself, the Policy PPS 8 states that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses.' Following discussion with the Planning Manager it was agreed that the gap site was too large and therefore fails to meet the criteria set out in this policy.

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change to or further erode the rural character of the area and as previously mentioned it would add to a ribbon of development.

Conclusion

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal- Contrary to Policy PPS21

Conditions/Reasons for Refusal:

Refusal Reasons

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

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

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that

the building would, if permitted create or add to a ribbon of development;

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

Signature(s)

Date:

ANNEX	
Date Valid	6th October 2020
Date First Advertised	20th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 214 Hillhead Road Castledawson Londonderry The Owner/Occupier, 233 Hillhead Road Castledawson Londonderry	
Date of Last Neighbour Notification	18th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1225/O Proposal: Proposed infill dwelling , in area of average plot size of 44m road frontage Address: Land adjacent to 214 Hillhead , Castledawson, Magherafelt, Decision: Decision Date: Ref ID: H/1986/0040 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 67 BELLSHILL ROAD, CASTLEDAWSON Decision: Decision Date: Ref ID: H/1988/0011 Proposal: SITE OF DWELLING Address: 100M SE OF 244 HILLHEAD ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2001/0809/O Proposal: Site of Dwelling. Address: Site Adjacent To 214 Hillhead Road, Castledawson. Decision:	

Decision Date: 20.03.2003

Ref ID: H/1989/0566

Proposal: DWELLING WITH GARAGE

Address: HILLHEAD ROAD CASTLEDAWSON

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:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1317/0	Target Date:
Proposal: Dwelling and Garage.	Location: Lands between 17-19a Drumrot Road Moneymore
Applicant Name and Address: Miss Z McClintock 17 Drumrot Road Moneymore BT45 7QH	Agent name and Address: 5050 Architecture 3a Keldon Court 17 Linenhall Street Limavady
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 2.5km south of the development limits of Moneymore, from such the site is located in the open countryside as per defined by the Cookstown Area Plan 2010. I note that the site is identified as lands between 17 and 19a Drumrot Road, Moneymore, in which the red line covers a grassed area bounded by post and wire fencing. The intention is use an 'existing laneway' to access the site, overgrown vegetation has recently been removed and the 'laneway' is rough ground, with trees lining one side and hedging on the other side. The immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.	
Description of Proposal The applicant seeks outline planning approval for a dwelling and garage.	

Deferred Consideration:

This application was presented as a refusal to Planning Committee in Feb 2021 for the following reasons;

Refusal Reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation ribbon development along the Drumrot Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and a meeting was held on 11/02/2021. It was agreed the site would be re-visited in order to re-assess the proposal and DFI Roads be re-consulted for comments.



The laneway to be used, looking towards Drumrot Road.

As the photo above shows, the overgrown vegetation was cut back since the original case officer's site visit, who at that time had found it difficult to establish where and if the laneway actually existed.

An objector at No.19 advised the access has not been used for a long period and if brought back to use would result in accesses surrounding their home increasing noise levels. Following a site visit and receipt of the objection letter, DFI Roads were consulted. They replied on 26th March 2021 they are satisfied the access shown can be achieved within the DCAN 15 guidelines and attached conditions without prejudice.



If it is now accepted the laneway exists, still only the two agricultural buildings would front on to it. Dwellings No.17 and No.19 both share a common frontage to Drumrot Road and not to the laneway, which is a dead end.

No.19a to the south, uses a different laneway from the other buildings and also has no common frontage on to the laneway.

Therefore, in terms of CTY8 I consider there is no substantial and continuously built up frontage which includes a line of 3 or more buildings along a common road frontage in order to comply with this policy. A dwelling here also would result in creation of ribbon development.

Furthermore CTY14 states permission will only be granted where a building will not erode the existing character of the rural area. If a dwelling was to be built here, it would create a ribbon of development and therefore result in a detrimental change to the rural character of the countryside along this part of Drumrot Road, and so contrary to policy.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on 25th March and was to run for 8 weeks. Due to issues faced with COVID19 this period has been extended and closed at 5pm on 24th September 2020. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Refusal Reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial and continuously built up frontage including a line of 3 or more buildings along a common road frontage and the proposal would, if permitted, result in the creation ribbon development along this part of the Drumrot Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s):

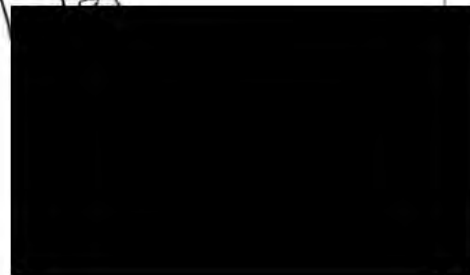
Date

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1317/O	Target Date:
Proposal: Proposed site for dwelling and garage	Location: Lands between 17-19a Drumrot Road Moneymore
Referral Route: To Committee – Refusal – Contrary to CTY 1, 8 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Miss Z McClintock 17 Drumrot Road Moneymore BT45 7QH	Agent Name and Address: 5050 Architecture 3a Keldon Court 17 Linenhall Street Limavady BT49 0HQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

*For committee
decision*

20/10/21



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

To Committee - Refusal - Contrary to CTY 1, 8 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 2.5km south of the development limits of Moneymore, from such the site is located in the open countryside as per defined by the Cookstown Area Plan 2010. I note that the site is identified as lands between 17 and 19a Drumrot Road, Moneymore, in which the red line covers a grassed area bounded by post and wire fencing. I note that currently on the site sits an unauthorised mobile home. I note that the intention to use an 'existing laneway' to access the site however this laneway was overgrown and difficult to find. I note that the immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

Representations

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

Description of Proposal

This is an outline application for the proposed site for dwelling and garage, the site is located Lands between 17-19a Drumrot Road, Moneymore.

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.

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a dwelling to be considered under CTY 8. 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 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'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However 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.

With regards to the continuous and built up frontage, I note that the agent has confirmed that the use of the existing laneway with Nos. 17 and 19a Drumrot Road and an outbuilding constituting as the three buildings. I note from the aerial maps it was difficult to determine if there was an existing laneway, as shown below;



I note that upon the site visit that the identified 'existing laneway' was all overgrown and was difficult to determine that it was ever a laneway at all as shown below;



From such, it is difficult to determine if there is even a continuous line of built up frontage along a common frontage in the first instance. Taking consideration that this may be an existing laneway I would still have doubts over the continuous line of development; in that, I am content that the two outbuildings would front onto this 'laneway'. However, I would argue that both No. 17 and 19a both share a frontage onto the Drumrot Road and not the 'laneway' therefore would not be able to comply with this part of the policy. In terms of the gap, and despite the issue over the laneway and built up frontage I would be content that the site would be able to accommodate a modest sized dwelling and no more than two dwellings as per policy. From such, I am of the opinion the proposal would fail under CTY 8.

I note that no other policy considerations have been put forward, in that it cannot be constituted as a cluster as there is no focal point, nor is there a building to be replaced or converted. Nor is the site in a dispersed rural community, nor is the site for social

housing or has there been personal and domestic circumstances provided. Finally, there has been no farm case nor non-agricultural business enterprise.

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 no design details have been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I note that as much of the existing landscaping should be retained as possible and supplemented with additional landscaping where necessary. Therefore a landscaping scheme will be required in any 'Reserved Matters' application. Finally given the site, landform and surrounding development I feel it necessary to restrict the ridge height to be no more than 7.5m above finished floor level. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only 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. I am content that an appropriately designed dwelling will not appear prominent in the landscape wherein it will still be able to respect the pattern of development in the area. I note that a dwelling in this location would read as part of the group of buildings around it but as stated it has failed under CTY 8 in that it creates a ribbon of development. Therefore this application also fails under CTY 14 given the change in character it will cause.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and in their response confirmed that they were content subject conditions and informatives.

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

I have no flooding or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

development is essential in this rural location and could not be located within a settlement.

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

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)



Date: 20/1/21

ANNEX	
Date Valid	22nd October 2020
Date First Advertised	3rd November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Drumrot Road Moneymore Londonderry The Owner/Occupier, 19a Drumrot Road Moneymore	
Date of Last Neighbour Notification	19th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1317/O Proposal: Proposed site for dwelling and garage Address: Lands between 17-19a Drumrot Road, Moneymore, Decision: Decision Date: Ref ID: I/2007/0526/F Proposal: Proposed variation of condition no 4 of approval I/2006/0061/O to enable a ridge height extension of 7.5m Address: 100m South of 19 Drumrot Road, Moneymore Decision: Decision Date: 16.11.2007 Ref ID: I/2009/0241/RM Proposal: New two storey dwelling with garage Address: 100m South of 19 Drumrot Road Moneymore Co L'Derry BT45 7QH Decision: Decision Date: 18.06.2009 Ref ID: I/2010/0107/F Proposal: Change of house type and garage to previously approved I/2009/0241/RM Address: 100m south of 19 Drumroth Road, Moneymore, Co L'Derry, BT45 7QH Decision: Decision Date: 20.04.2010	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1394/O	Target Date: <add date>
Proposal: Proposed dwelling on a farm	Location: Site between 112 & 118 Ardboe Road Moortown Cookstown
Applicant Name and Address: Mr Rauri Donnelly & Ms Aimee O'Neill 115 Battery Road Coagh BT80 0HW	Agent Name and Address: Gibson Design & Build 25 Ballyinderry Bridge Road Coagh BT80 0BR
Summary of Issues: This application did not meet infill policy, it has been reassessed as a dwelling on a farm and meets this policy. Objections relating to road safety have been taken into account and amendments to the access lane have been proposed.	
Summary of Consultee Responses: DFI Roads - sight lines of 2.4m x 80.0m and 80.0m forward sight lines to be provided where access lane meets public road, Roads are unable to consider issues associated with the internal layout of the lane.	
Characteristics of the Site and Area: The site is located within the open countryside, outside of any settlement limits as defined by the Cookstown Area Plan 2010. The red line of the application site includes an existing laneway that is used to access 116, 118 and 118A Ardboe Road, with the main part of the site being part of a larger agricultural field. The site is located approximately 140m back from the Ardboe Road, with the southern and eastern boundaries of the site defined by an existing hedgerow. A hedgerow separates the site from a vacant dwelling with associated outbuildings located to the west. The northern boundary is undefined and extends into a larger agricultural field. The immediate area is a mix of residential properties with a	

dwelling to the west and a number of other dwellings to the east and southeast. The wider surrounding area is agricultural with single dwellings located throughout.

Description of Proposal

This is an outline application for a proposed dwelling on a farm between 112 & 118 Ardboe Road, Moortown, Cookstown.

Deferred Consideration:

This application was previously assessed as an infill dwelling and was before the Planning Committee in March 2021 where it was deferred for a meeting with the Planning Manager. At the meeting there were discussions around the potential for this to be considered as a dwelling in a cluster due to the close proximity of the Auld Cross Bar and it was explained there may be a farming case here also. Following a further site inspection it was not consider this would meet the clustering policy as it there were no visual linkages or association with the Old Cross Bar and the site which is in a very dispersed development pattern. Additional information was submitted in relation to a dwelling on a farm under Policy CTY10.

Members are aware there are 3 criteria for a dwelling in a farm that must be met. A farm business ID was provided for a farm which has 29.94ha, DEARA have advised this farm business ID was allocated in 2013 and the business number changed in 2019 but was a continuation of a previous business. DEARA advise the business ID is currently active and has been established for over 6 years, which meets criteria a of the policy. A search of the farm maps shows all the land is outside any settlement limits and there have not been any applications approved for any dwellings on the land. The business Id number was also checked against applications and none were returned as associated with the number. I am content that no sites have been approved or sold off from the land within the last 10 years and criteria b is met. Criteria c requires any new dwelling to be visually linked or sited to cluster with an established group of building on the farm and where practicable should be accessed off an existing lane.



Site viewed from public road identified with red arrow, existing buildings on farm behind the vegetation identified with blue arrow

To the immediate west of the site, in a very well screened and mature site, is an existing vacant bungalow, a hay barn and some outbuildings. These buildings are accessed off a

separate lane and it has been indicated these are associated with this farm business. Members will be aware that in the amplification of Policy CTY10, it takes account of sites where existing landscaping either reduces or prevents the visual linkages from being made, and explains it is still acceptable to site beside them. I consider this is appropriate in this case due to the vegetation that is around the existing buildings. The proposed dwelling will be accessed off an existing lane that already serves 3 houses. I consider the proposal meets all the criteria set out in CTY10. I consider it is appropriate to condition the dwelling to 7.5m ridge height to ensure it is not prominent when viewed from the public road.

Objections:

Objections have been received about the use of the private lane to access the dwelling when there is an existing lane that could be used. DFI Roads had also advised the access is substandard where it meets the public road. Amended plans have been provided that include the lands necessary to improve the access to an acceptable standard and DFI Roads have no concerns provided the access is improved to provide sight lines of 2.4m x 80.0m with an 80.0m forward sight distance. This can be conditioned to be carried out prior to the commencement of any development on the site. DFI Roads have advised they do not comment on the safety issues regarding internal layout of the lane. This is a private lane, it is concreted and well maintained. Access onto the lane for this site is proposed adjacent to the driveways for 2 existing houses at the end of the lane. The access will require the removal of some of the hedge. Taking into account the guidance set out in DCAN15, there is every possibility that any new access here will be able to meet the minimum standard for a safe access of 2.0m x 33.0m onto the laneway. This would, in my view be appropriate as I do not consider any reasonable driver would travel at speed in excess of 25mph on this single track, short and narrow lane. Rights of way and issues of access onto the lane are private matters between the parties, however if this access is used then it will provide a safer access at the road for all the lane users.

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

As I have concluded the proposal meets with the policy for a dwelling on a farm and that road safety matters can be dealt with, I recommend that planning permission is granted with the conditions set out below.

Conditions/:

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

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

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4m x 80.0m in both directions and forward sight distance of 80.0m where the access meets the public road and 2.0m x 33.0m where the access meets the private lane 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: In the interests of road safety and convenience of road users.

4. The dwelling hereby approved shall have a ridge height not exceeding 7.5m above finished floor level and the underbuilding shall not exceed 0.45m above finished ground level.

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

5. 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; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site identified in red on the approved plan ref 01/1 date stamped 26-APR-2021. 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 and to ensure the development integrates into the landscape.

Informatives

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

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

Signature(s)

Date:

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1394/O	Target Date:
Proposal: Proposed dwelling on infill site	Location: Site between 112 & 118 Ardboe Road Moortown Cookstown
Referral Route: Contrary to Policy Objection received	
Recommendation:	Refusal
Applicant Name and Address: Mr Rauri Donnelly & Ms Aimee O'Neill 115 Battery Road Coagh BT80 0HW	Agent Name and Address: Gibson Design & Build 25 Ballyinderry Bridge Road Coagh BT80 0BR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	2
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

Contrary to CTY 1, 2a, 8 and 14 of PPS 21 and contrary to PPS 3.

One objection has been received at the time of writing. In summary, the objector raised concerns over road safety, specifically relating to the proposed access lane. However, this is not an adopted road.

Characteristics of the Site and Area

The site is located within the open countryside, outside of any settlement limits as defined by the Cookstown Area Plan 2010. The red line of the application site includes an existing laneway that is used to access 116, 118 and 118A Ardboe Road, with the main part of the site being part of a larger agricultural field. The site is located approximately 140m back from the Ardboe Road, with the southern and eastern boundaries of the site defined by an existing hedgerow. A hedgerow separates the site from a vacant dwelling with associated outbuildings located to the west. The northern

boundary is undefined and extends into a larger agricultural field. The immediate area is a mix of residential properties with a dwelling to the west and a number of other dwellings to the east and southeast. The wider surrounding area is agricultural with single dwellings located throughout.

Description of Proposal

This is an outline application for a proposed dwelling on an infill site between 112 & 118 Ardboe Road, Moortown, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21- Development in the Countryside

PPS 3- Access, Movement and Parking

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

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'.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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 it respects the existing development patter along the frontage in terms of size, scale, sitting 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.

I am content that the size of the proposed site is sufficient to accommodate a dwelling. However, given the pattern of development along the laneway, the site does not represent a gap site, as it is not located along a built up frontage. The laneway used runs north east and does not continue along the front of the proposed application site, therefore cannot be considered a substantial and built up frontage.

I do not believe the site represents a gap in an otherwise substantial and continuously built up frontage therefore, fails to meet the policy criteria of CTY 8.

Although the application description states the proposal is for an infill, the application can also be assessed under Policy CTY2a- New dwellings in existing clusters. However, the site does not meet all the policy criteria required. I am content there is a cluster of development at this location, which consists of four or more buildings, of which at least three are dwellings. However, the dwelling to the west appears to be a farm dwelling and outbuildings, although it appears to be a vacant building.

I am content that the cluster appears as a visual entity in the landscape. However, the cluster of development is not associated with a focal point such as a social or community building/facility or at a cross roads, so fails to meet this policy criteria.

I am content that the site provides a suitable degree of enclosure and is bounded on the east and west with existing development within the cluster and that the site can be absorbed into the existing cluster through rounding off.

I do not believe a dwelling at this location would adversely impact on residential amenity. However, as the proposal does not meet all the criteria listed above, it fails to meet the policy requirements of CTY2a.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the dwelling proposed would not be a prominent feature in the landscape. The site has existing boundaries on east, south and western boundaries. The site does lack established boundaries to the north and will require additional planting and screening at this side. I am content that the proposal meets the criteria of CTY 13, as it would blend in with the existing character of the area given the number of dwellings at this location.

Policy CTY 14 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I believe the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings, as there is no gap site to fill, it would also add to a ribbon of development in the area. As a result, this would erode the rural character of the area, as the proposal cannot be considered as part of a cluster or an infill opportunity. I do not believe the impact of ancillary works would damage the rural character of the area.

Other Material Considerations

DfI Roads have been consulted and responded requesting amended plans to show the visibility splays of 2.4m x 80m. No amended plans have been received to date and they have not been requested at this stage, as the proposal is going forward as a refusal. In its current form the proposal is contrary to PPS 3: Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

<p>The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.</p>	
Neighbour Notification Checked	Yes/No
<p>Summary of Recommendation:</p> <p>Refusal</p>	
<p>Reasons for Refusal:</p> <p>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.</p> <p>The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within an existing cluster of development that is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.</p> <p>The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage.</p> <p>The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.</p> <p>The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	9th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 112 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 116 Ardboe Road, Cookstown, Tyrone, BT80 0HU Ann Gilligan 118 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 118 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 118a ,Ardboe Road, Cookstown, Tyrone, BT80 0HU Brian ONeill 119 Ardboe Road Cookstown Tyrone Aimee ONeill 119 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 120 Ardboe Road Cookstown Tyrone The Owner/Occupier, 123 Ardboe Road, Cookstown, Tyrone, BT80 0HU	
Date of Last Neighbour Notification	2nd December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1394/O Proposal: Proposed dwelling on infill site Address: Site between 112 & 118 Ardboe Road, Moortown, Cookstown, Decision: Decision Date: Ref ID: I/1985/0148 Proposal: DWELLING Address: SESSIAGH, COAGH Decision: Decision Date:	

Ref ID: I/1985/014801
Proposal: DWELLING HOUSE
Address: SESSIAGH, COAGH
Decision:
Decision Date:

Ref ID: I/1996/0506
Proposal: Extension to dwelling
Address: 120 ARDBOE ROAD, COAGH
Decision:
Decision Date:

Ref ID: I/2005/1460/F
Proposal: Proposed extension to dwelling.
Address: 120 Ardboe Road, Sessia, Cookstown.
Decision:
Decision Date: 07.02.2006

Ref ID: I/2004/0144/O
Proposal: Proposed site for dwelling (Ridge Height 6.5 Metres) and domestic garage.
Address: 40 Metres North of No 118 Ardboe Road, Coagh.
Decision:
Decision Date: 19.04.2004

Ref ID: I/2006/0921/RM
Proposal: Proposed Site for Dwelling (ridge height 6.5mts) + Domestic Garage
Address: 45m mEast of No. 118 Ardboe Road - Coagh
Decision:
Decision Date: 15.01.2007

Ref ID: I/2004/1214/O
Proposal: Proposed site for dwelling (ridge height 6.5) and domestic garage.
Address: 45Mts east of No 118 Ardboe Road, Coagh.
Decision:
Decision Date: 16.12.2004

Ref ID: I/2004/1079/F
Proposal: Proposed site for dwelling (ridge height 6.5mts) & domestic garage
Address: 40mts North of No 118 Ardboe Road, Coagh
Decision:
Decision Date: 20.12.2004

Ref ID: I/1997/0084
Proposal: Replacement Dwelling
Address: 118 ARDBOE ROAD COAGH CO TYRONE
Decision:
Decision Date:

Ref ID: I/2007/0152/F
Proposal: Proposed replacement dwelling.
Address: 116 Ardboe Road, Moortown.
Decision:
Decision Date: 15.05.2007

Ref ID: I/1982/0140
Proposal: ERECTION OF BUNGALOW
Address: SESSIA, COAGH, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1982/014001
Proposal: ERECTION OF BUNGALOW
Address: SESSIA, COAGH, COOKSTOWN
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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0103/F	Target Date: <add date>
Proposal: Permission to complete dwelling already commenced. Planning Reference I/2006/0905/RM	Location: 20m West of 24 Annahavil Road Dungannon
Applicant Name and Address: Miss Lyn Somerville 15 Annahavil Road Dungannon	Agent Name and Address: Noel Somerville Building Services Ltd 110 Skeagh Road Dromara Dromore BT25 2PZ
Summary of Issues: This application was for a change of house type on a site that could not demonstrate that it was lawfully commenced. The proposal has now been amended to erect the dwelling that was previously approved, the foundations have been put in place as well as the access, albeit only recently.	
Summary of Consultee Responses: None carried out.	
Characteristics of the Site and Area: The site is outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal development pressure for single dwellings along this stretch of public road. There are two dwellings which abut the eastern boundary of the site and across the road is an associated family farm holding. The application site is a portion of an existing agricultural field and is positioned behind a hump in the field. There are foundations in place at the site from planning approval I/2006/0905/RM. Along the west boundary is a watercourse and a post and wire fence,	

and along the northern boundary is a hedgerow. The roadside boundary has a row of established hedgerow

Description of Proposal

This application is seeking planning permission to complete the dwelling already commenced as approved by planning reference I/2006/0905/RM.

Deferred Consideration:

This application was before the Planning Committee in July 2021, it was proposed to change the design of the dwelling that had been approved under Reference I/2006/0905/RM, however due to the access not having been put in place at the time of the development the applicant was unable to satisfy the requirement for a lawful start. The application was deferred to allow a meeting and further discussion with the Planning Manager.

At the meeting with the Planning Manager there was discussion about reverting back to the previously approved development on the site and having the application changed to allow consideration of that. Amended details were submitted to seek permission to continue building the house that was approved under I/2006/0905/RM. The revised scheme has been advertised and neighbours notified about it.

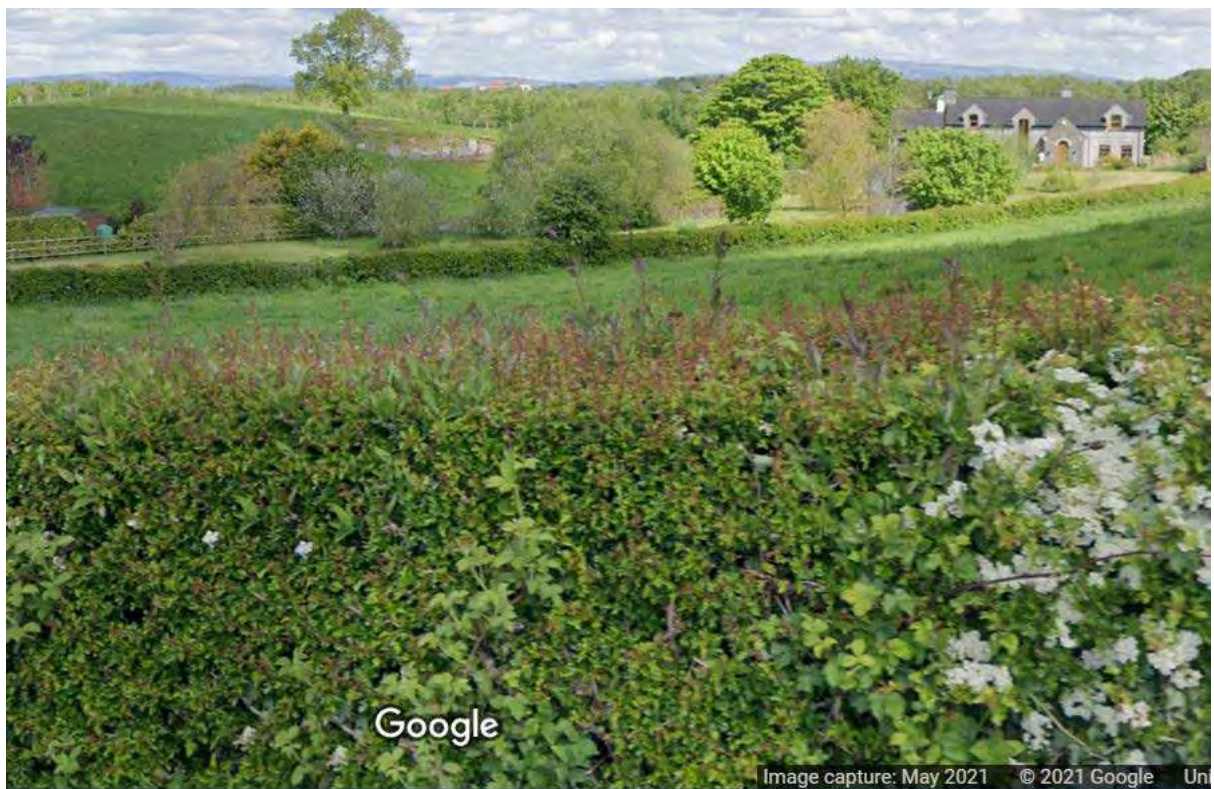
Members are advised there is a very unusual set of circumstances in this case. It is quite clear that through applications I/2004/0486/O and I/2006/0905/RM, planning permission was granted for a dwelling with a detached garage on this site. Outline Planning Permission Ref I/2003/0486/O was granted on 18th August 2003, it reserved the access to the site and applied a condition that just required the access to be provided in accordance with the RS1 form, it did not impose a time for the provision of the access. The Reserved Matters application was subsequently approved on 14 February 2007, it considered the details of the access and required that the access was to be provided in accordance with the approved details, before development could commence on the site. This is a commonly referred to as a Grampian or negative condition and is a pre-commencement condition, that is it must be carried out before other works are able to commence. Due to the failure to provide the access before the commencement of the works, the applicant is unable to obtain a certificate of lawfulness. The consideration of whether or not development is lawful is a legal test set down by legislation, if it cannot meet those tests then it should be refused.

However a planning application allows the decision makers to exercise some discretion and can take into account other factors that are material to the decision making process. In this case the applicants have clearly commenced development on the site within the time frame set out in their planning permission. Section 63 of the Planning Act states 'development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out–
(a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;'
this is the same as was stated in Article 36 of the Planning Order, which was in effect at the time the development was begun.

It is obvious quite substantial works have taken place on the site with the footprint of the dwelling excavated into the hillside, foundations poured and the subfloor blockwork completed for the entire dwelling. Building Control officers have advised they visited the site on 9th January 2009 and the foundations were in place then. Google Street view shows the site in February 2009 and the amount of works that have been undertaken are very evident to see. A more recent picture taken in May this year shows works on the site have not been significantly changed since then.

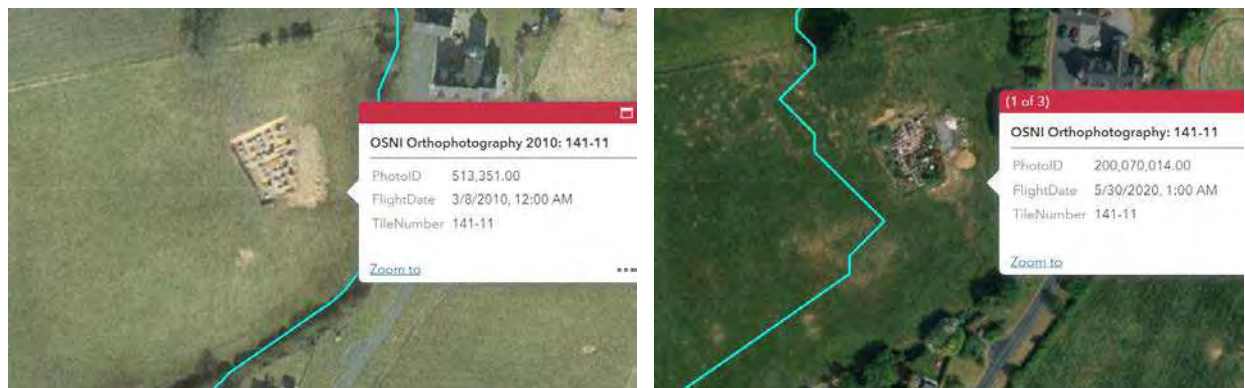


Google Streetview image February 2009



Google Streetview Image May 2021

For comparative purposes members should also see the evidence that has been obtained from OSNI aerial photographs, this I consider, confirms the images that have been obtained from Google and is supported by Building Control Officers.



The access to the dwelling was not put in place before the development was commenced as was set out in the Reserved Matters decision. The RM decision does appear to go further than the Outline Planning Permission which merely stated that the access must be provided in accordance with the RS1 form and did not say stipulate when this had to be done. Usually the access must be in place before any other development commences as the access will be used for the construction traffic to serve the site. However there are occasions where an access is conditioned to be provided at another time. It is clear the access was not out in place before the works were commenced, however it is now in place in accordance with the plans as previously approved. This can be seen in the google street view images of the site in 2009 and 2021, below.



It is clear there is no legitimate fallback position here as the applicant does not have a certificate of lawful development in place. Members can however take account of the following factors that I believe are site specific and would not create a wide ranging precedent for new dwellings in the countryside:

- planning permission was previously granted for this dwelling,
- there was lack of a time period on the outline planning permission for the provision of the access and the access is now in place,
- substantial works have been carried out in the course of the erection of the building within the lifetime of the permission lapse.

I consider it would be unduly harsh to not allow this dwelling to be completed as approved and recommend it is approved with the conditions attached.

Conditions/Reasons for Refusal:

1. All hard and soft landscape works as detailed on drawing no 13 bearing the stamp dated 23-JUL-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 the occupation of the cement 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.

2. The area within the existing visibility splays of 2.4m x 60.0m as shown on drawing No 13 bearing the stamp dated 23-JUL-2021 shall be permanently kept clear of any obstructions higher than 250mm above the level of the adjoining road.

Reason: In the interest of road safety and the convenience of road users.

- 3.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 06/07/2021	Item Number:
Application ID: LA09/2021/0103/F	Target Date:
Proposal: One number one and a half storey dwelling, detached garage and associated site works (Change of house type to that already approved under Planning permission I/2006/0905/RM)	Location: 20m West of 24 Annahavil Road Dungannon
Referral Route: 1. Contrary to CTY 1 of PPS 21 in that no need for this dwelling has been demonstrated as planning approval LA09/2020/0316/O was recently approved for a dwelling on the associated farm holding and it has not been demonstrated there is a legitimate fall-back position in that the no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.	
Recommendation:	Refusal
Applicant Name and Address: Miss Lyn Somerville 15 Annahavil Road Dungannon	Agent Name and Address: Noel Somerville Building Services Ltd 110 Skeagh Road Dromara Dromore BT25 2PZ
Executive Summary: I am content the foundations for this development are in place within the latest time frame which is 2 years from the date of the granting of the reserved matters. However when I completed my initial site visit there was no access or visibility splays in place. Condition 2 of I/2006/0905/RM was a pre-commencement condition that the access and splays should be in place before any other works commence. Subsequently I completed a site visit on the 28 th May 2021 and the access, a portion of the access lane and visibility splays are in place.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations: None Required

Consultation Type	Consultee	Response
-------------------	-----------	----------

Representations:

Letters of Support	None Received
--------------------	---------------

Letters of Objection	None Received
----------------------	---------------

Number of Support Petitions and signatures	No Petitions Received
--	-----------------------

Number of Petitions of Objection and signatures	No Petitions Received
---	-----------------------

Characteristics of the Site and Area

The site is outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal development pressure for single dwellings along this stretch of public road. There are two dwellings which abut the eastern boundary of the site and across the road is an associated family farm holding.

The application site is a portion of an existing agricultural field and is positioned behind a hump in the field. There are foundations in place at the site from planning approval I/2006/0905/RM. Along the west boundary is a watercourse and a post and wire fence,

and along the northern boundary is a hedgerow. The roadside boundary has a row of established hedgerow.

Description of Proposal

This is a full application for one number one and a half storey dwelling detached garage and associated site works (Change of house type to that already approved under Planning permission I/2006/0905/RM).

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 representations have been received.

Planning History

I/2003/0486/O - Site for dwelling with detached garage - 290 Metres North East of 13 Annahavil Road, Newmills, Dungannon – Permission Granted 18.08.2003

I/2006/0905/RM - 1 New Dwelling with detached garage and associated works - 290 metres North East of 13 Annahavil Road, Newmills, Dungannon – Permission Granted 15.02.2007

These applications above relate to the application site.

LA09/2019/1047/O - Site for one number one and a half storey dwelling, detached garage and associated site works - 20m North of 22 Annahavil Road, Dungannon – Application Withdrawn.

This application was for a site immediately south of the application site and was withdrawn as it did not meet the criteria for a farm dwelling under CTY 10.

LA09/2020/0316/O - Proposed dwelling & garage on a farm - Lands approx 40m NE of No. 15 Annahavil Road, Dungannon for Alan Somerville (Gillian)

The above applications are approvals and withdrawals on the associated farm holding.

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.

Cookstown Area Plan 2010

The site is outside any settlement limits as defined in the Cookstown 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 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.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the 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.

The principal of this development has already been established through planning approvals I/2003/04786/O and I/2006/0905/RM. The outline approval was granted on 18th August 2003 and the reserved matters granted on 14th February 2007. Therefore, works at this site would need to have commenced before 14th February 2009, which is 2 years from the date reserved matters and the latter of the dates for commencement. I completed a site visit where I observed foundations on site. Building control confirmed that a site inspection for foundations was completed on 9th January 2009. I am content, this is before the 14th February 2009 time limit.

There was an access pre commencement condition on both the outline and reserved matters approvals but when I completed my site visit on 2nd March 2021 there was no access or visibility splays in place. Condition 2 of I/2006/0905/RM stated :

“The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted”.

As the access and visibility splays were not in place within the latest date and there is a pre commencement condition the approvals are not still live. However members should be aware that the access and visibility splays are now partially in place. As shown on stamped approved drawing on I/2006/0905/RM there should be visibility splays of 2.4m x 60m. I have included photographs from the site visit on the 25th May 2021. As shown in figure 1 you should be able to see 60m from the access point in both directions and a section of the hedging would still need to be removed.



Figure 1 – access and visibility splay to the west



Figure 2 - access and visibility splay to the west



Figure 3 – Photograph to show the land cleared within the west splay



Figure 4 – Photograph of the access



Figure 5 – Photograph of the access lane

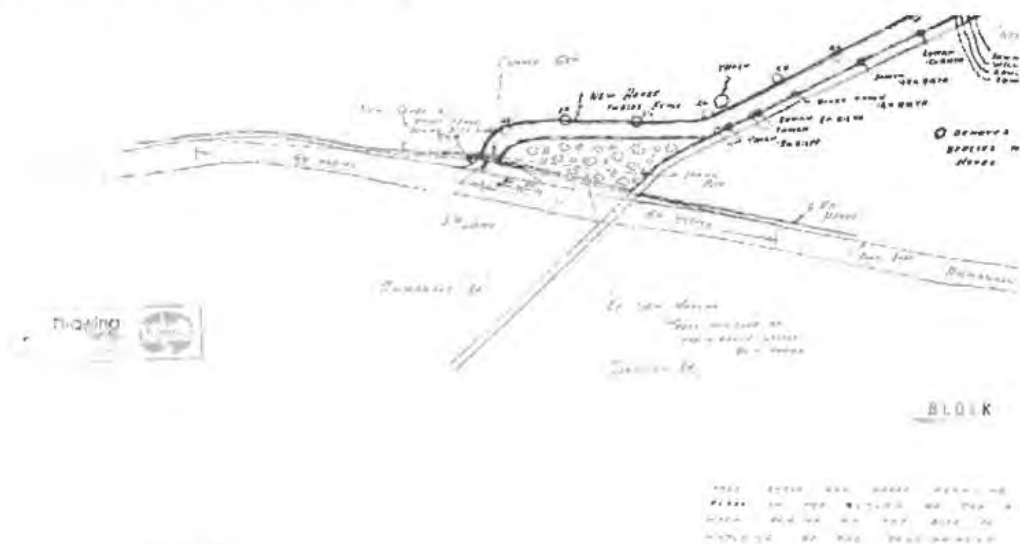


Figure 6 – Screenshot of the approved access in the reserved matters

This application site is part of a farm holding across the road at No. 15 Annahavil Road. Planning approval LA09/2020/0316/O granted permission for a dwelling on a farm on the 4th September 2020 at a site across the road and beside the group of farm buildings. The applicant in LA09/2020/0316/O is a family member of the application which is the subject of this report. The proposed dwelling which is the subject of this application site would not meet any other policy in PPS 21 as the farm case has been used, and it does not meet CTY 3 for a replacement dwelling, or CTY 2a or CTY8 for an infill dwelling. Therefore, as the access was not put in place within the time limit and no evidence has been submitted to show the development commenced in time, there is no fallback position. Also as the

site would not meet any other criteria in PPS 21 the proposal would not meet CTY1 to demonstrate why the dwelling cannot be located within a settlement.

CTY 13 – Integration in the Countryside

The proposal is set back from the public road by 150m and is situated behind a hill in the field as shown in Figure 7 below. Only a portion of the dwelling will be visible from the roadside and will be on the footprint of the existing planning approval. I am content the proposed dwelling will not be a prominent feature in the landscape.



Figure 7 – The application site is behind the hill.

The applicant has proposed landscaping on all boundaries of the site and along the new access lane there will also be new landscaping. I am content the proposal will integrate into the landscape.

In I/2006/0905/RM a one and half storey dwelling was approved with two built in dormer windows on the front elevation. The proposed dwelling has a similar scale and form with a ridge height of 7.5m, built in dormers, a sun room and windows with a vertical emphasis. However, the proposed dwelling has a two-story front projection with a long glass window. The projection and long window is not normally a traditional form for a dwelling in the countryside but as this is set back from the road there are minimal views. The proposed external materials are black concrete roof tiles, smooth plaster walls and oak upvc windows. I am content the design and finishes are acceptable.

The proposal includes a single storey garage with the same external finishes as the existing dwelling. I have no concerns about the scale, massing and design of the garage and will sit behind the dwelling.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. The proposal will not result in a suburban style build-up of development, as there is already minimal development pressure for single dwellings in the immediate area so this one dwelling will not exacerbate the situation. I am content the one and half storey dwelling respects the development pattern in the area. It does not add or create a ribbon of development. I am satisfied the access and garage will not damage rural character.

I have no ecological, built heritage, flooding or residential amenity concerns.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as the access and visibility splays were not in place within the required time limit. Condition 2 was a pre commencement condition so the application did not commence within the time limit and there is no fallback position. The proposal would not meet any other policies in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. Contrary to CTY 1 of PPS 21 in that no need for this dwelling has been demonstrated as planning approval LA09/2020/0316/O was recently approved for a dwelling on the associated farm holding and it has not been demonstrated there is a legitimate fall-back position in that the no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.

Signature(s)

Date:



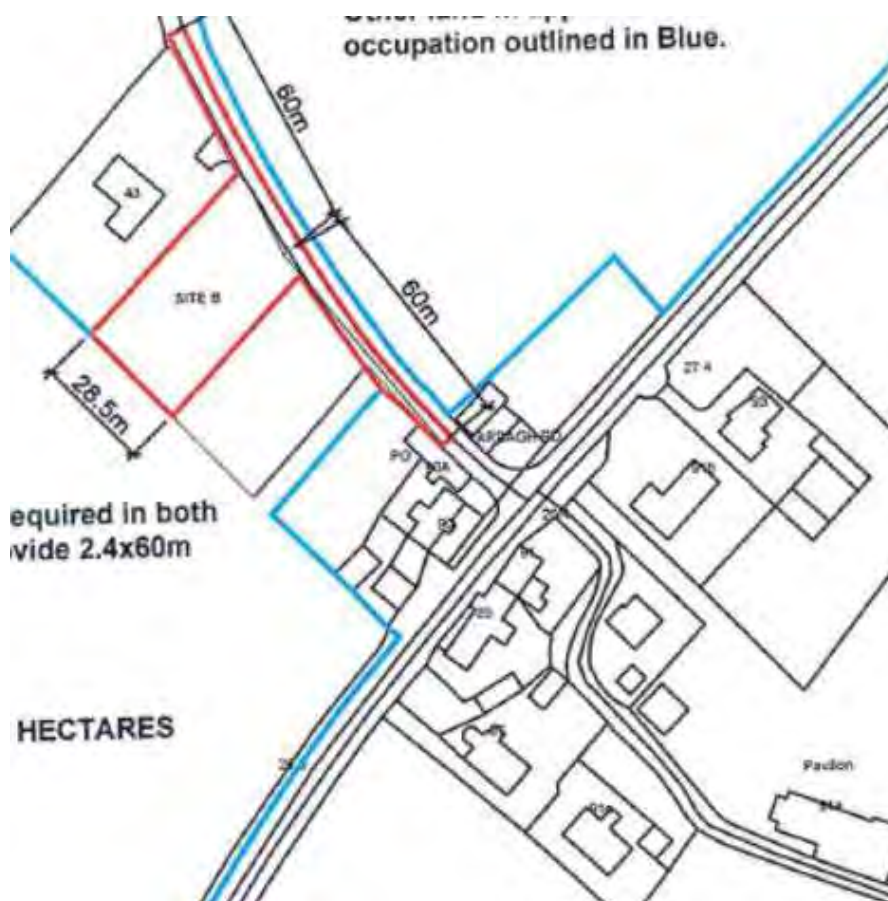
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approx 30m SE of 43 Ardagh Road Coagh Cookstown
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: This application was recommended as refusal and following a deferral and re-assessment an approval with conditions is now being recommended.	
Characteristics of the Site and Area: The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately south under Planning Reference LA09/2021/0333/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardgagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the	

application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.



Deferred Consideration:

This application was presented to Planning Committee in June 2021 as a refusal for the following reasons ;

1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside,

Subsequently it was deferred for a virtual meeting with the Area Planning Manager. The meeting was set up for 17th June 2021 however the agent/applicant failed to attend. It was

agreed by the Planning Manager that the senior planner should re-visit the site and carry out a re-assessment without the need for rescheduling another deferred meeting, as the issues were site specific.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 as a potential infill. This is site B and Site A is the adjacent site currently under consideration under LA09/2021/0333/0.

Members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent 'rounding off' and should be treated as exception to Policy. Consequently that proposed development was approved.

Also applications LA09/2020/1661/RM (March 2021) and LA09/19/1245/0 (Jan 2020) at Junction of Craigs Road & Killycurragh Road, Orritor, were approved as 'rounding off' and treated as exceptions as there was no detrimental impact on the area.

CTY8 states that permission will be refused where it creates or adds to ribbon development. An exception will be made for a small gap sufficient to accommodate up to a maximum of two houses in an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale and plot size and meets other environmental requirements.

The site is relying on the existing dwelling at No.43 Ardagh Road and No.90 and 90a Ballinderry Bridge Road as a line of 3 or more buildings along a common road frontage. No 90 and 90a are buildings located within the settlement limits of Ballinderry and No. 43 Ardagh Road is in the countryside. CTY8 applies only to development in the rural area, and not development in the settlement limits, this is to protect the individual character of the settlement and prevent urban sprawl into the countryside. As this proposal is relying on development within the settlement as part of the criteria to meet the infill policy it therefore fails the test of CTY8. However, as mentioned in the examples above, Committee have in the past approved exceptions where is no detrimental impact on the character of the surrounding area. In this case the dwelling at 47 Ardagh Rd bookends the potential infills and stops the development going any further into the countryside and so will prevent any marring of the distinction between the rural area and settlement of Ballinderry in terms of CTY15. The plot size and scale are in keeping with those currently existing of this site B and the adjacent site A (LA09/2021/0333/0). The existing gap could not accommodate more than two dwellings on this basis. There would be no detrimental impact on any existing dwelling and no objections have been received. Following my site visit, I am of the opinion this site is similar to those mentioned above and it too would represent a 'rounding off' of development.

CTY15 - 'The setting of Settlement limits' is an important policy consideration. Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

The Cookstown Area Plan 2010 outlines why settlement limits are designated - 'in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs.

Paragraph 5.84 of CTY15 states 'a settlement limit is partly to promote and partly to contain new development, and maintain a clear distinction between the built-up area and surrounding countryside'. This site does not act as an important visual break between the countryside and the development limits. Existing development can be viewed along with the site on Ballinderry Bridge Road and Ardagh Rd. This proposal would not mar the distinction between them and therefore under paragraph 5.85 would be acceptable.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be maintained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the landscape. However, a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

I am of the opinion a dwelling on the site would not cause further detrimental impact or change the rural character due to the existing nature of the area. I therefore recommend an approval with the conditions as noted below.

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.

Conditions:

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

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

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

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

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

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

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

4. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

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

5. 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.

6. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and

shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

7. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approx 30m SE of 43 Ardagh Road Coagh Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY8 of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately south under Planning Reference LA09/2021/0333/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardgagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road

located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

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

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

LA09/2021/0333/O – Proposed site for new dwelling in infill - Approximately 20m North West of 90 Ballinderry Bridge Road, Coagh – Under Consideration

LA09/2020/0935/O - Proposed site for dwelling - Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any defined settlement limits. The settlement limits of Ballinderry are immediately SE of the application site and associated application LA09/2021/0331/O. The site lies within the designated Loughshore Countryside Policy Area designated in order to protect the amenity of the overall Lough Neagh shore area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the

provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Department considers that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met. Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. 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.

The proposal site is relying on the existing development of No.43 Ardagh Road and No.90 and No.90a Ballinderry Bridge Road as a line of 3 or more buildings along a road frontage. I have concerns whether the dwelling of No.90 shares a common road frontage along Ardagh Road. However regardless the buildings of No.90 and No.90a are located within the settlement limits of Ballinderry. PPS 21 policy and specifically Policy CTY 8 in this case, applies to development in the rural area outside defined settlement limits. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside. CTY 8 states clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development. In my opinion to rely on development within the settlement limits to meet PPS21 policy goes against the principle upon which it was designed. Therefore, it is considered that the proposal fails to comply with the exception to CTY 8 as the development to the south of the application site is within the designated limit of development for Ballinderry.

Development proposals located just outside the limit of development should also be considered under Policy CTY 15: The Setting of Settlements. In my opinion this proposal will mar the distinction between the settlement and surrounding countryside particularly when travelling on Ardagh Road to and from the Ballinderry Bridge Road.

Notwithstanding the above, members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent "rounding off" and should be treated as an exception to Policy. Consequently that proposed development was approved.

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 first note that this application is only outline therefore I cannot speak on the design, layout etc. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the site landscape. However, I consider a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. It is considered an appropriately designed dwelling on the application site would not appear overly prominent or resulting in a suburban form of development. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Ardagh Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.	
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area. 2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s)	
Date:	



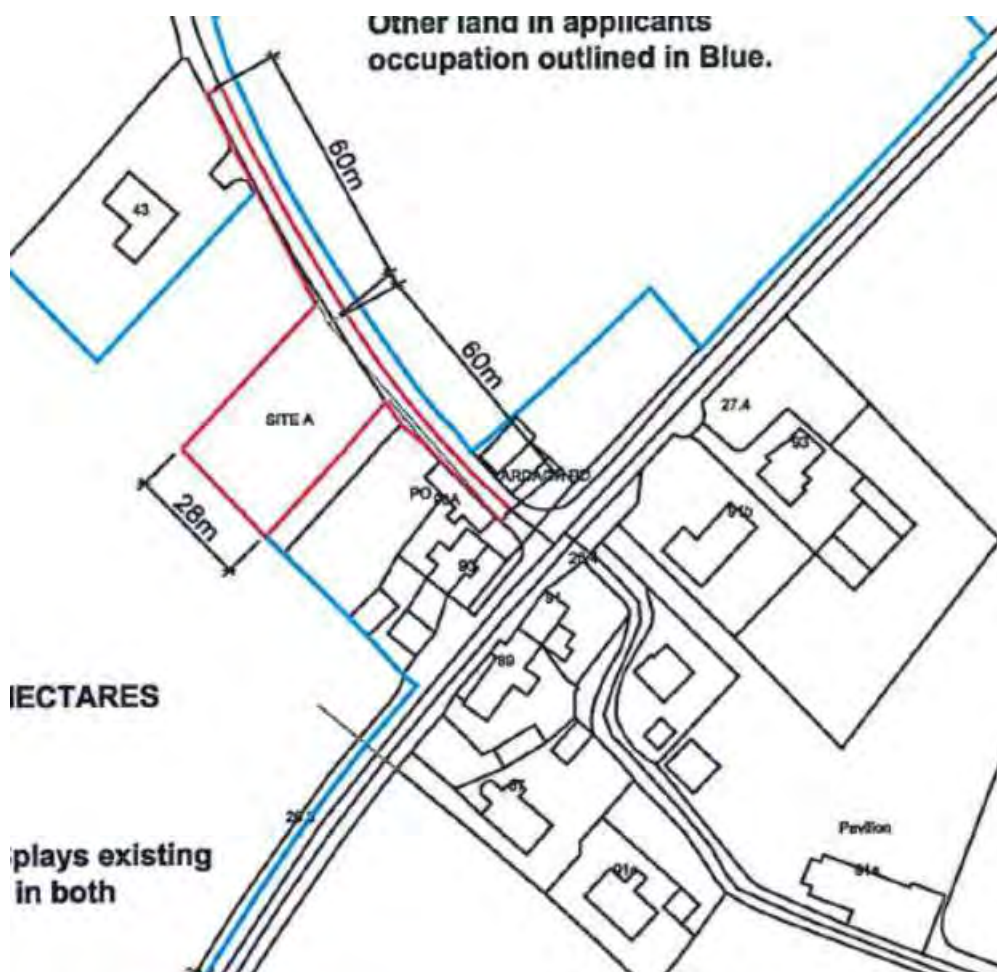
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0333/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approximately 20m North West of 90 Ballinderry Bridge Road Coagh
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: This application was recommended as refusal and following a deferral and re-assessment an approval with conditions is now being recommended.	
Characteristics of the Site and Area: The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately north under Planning Reference LA09/2021/0331/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardagh	

Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.



permitted would mar the distinction between the designated settlement limits and the surrounding countryside,

Subsequently it was deferred for a virtual meeting with the Area Planning Manager. The meeting was set up for 17th June 2021 however the agent/applicant failed to attend. It was agreed by the Planning Manager that the senior planner should re-visit the site and carry out a re-assessment without the need for rescheduling another deferred meeting, as the issues were site specific.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 as a potential infill. This is site A and Site B is the adjacent site currently under consideration under LA09/2021/0331/0.

Members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent 'rounding off' and should be treated as exception to Policy. Consequently that proposed development was approved.

Also applications LA09/2020/1661/RM (March 2021) and LA09/19/1245/0 (Jan 2020) at Junction of Craigs Road & Killycurragh Road, Orritor, were approved as 'rounding off' and treated as exceptions as there was no detrimental impact on the area.

CTY8 states that permission will be refused where it creates or adds to ribbon development. An exception will be made for a small gap sufficient to accommodate up to a maximum of two houses in an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale and plot size and meets other environmental requirements.

The site is relying on the existing dwelling at No.43 Ardagh Road and No.90 and 90a Ballinderry Bridge Road as a line of 3 or more buildings along a common road frontage. No 90 and 90a are buildings located within the settlement limits of Ballinderry and No. 43 Ardagh Road is in the countryside. CTY8 applies only to development in the rural area, and not development in the settlement limits, this is to protect the individual character of the settlement and prevent urban sprawl into the countryside. As this proposal is relying on development within the settlement as part of the criteria to meet the infill policy it therefore fails the test of CTY8. However, as mentioned in the examples above, Committee have in the past approved exceptions where is no detrimental impact on the character of the surrounding area. In this case the dwelling at 47 Ardagh Rd bookends the potential infills and stops the development going any further into the countryside and so will prevent any marring of the distinction between the rural area and settlement of Ballinderry in terms of CTY15. The plot size and scale are in keeping with those currently existing of this site A and the adjacent site B (LA09/2021/0331/0). The existing gap could not accommodate more than two dwellings on this basis.

There would be no detrimental impact on any existing dwelling and no objections have been received.

Following my site visit, I am of the opinion this site is similar to those mentioned above and it too would represent a 'rounding off' of development.

CTY15 - 'The setting of Settlement limits' is an important policy consideration. Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

The Cookstown Area Plan 2010 outlines why settlement limits are designated - 'in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs.

Paragraph 5.84 of CTY15 states 'a settlement limit is partly to promote and partly to contain new development, and maintain a clear distinction between the built-up area and surrounding countryside'. This site does not act as an important visual break between the countryside and the development limits. Existing development can be viewed along with the site on Ballinderry Bridge Road and Ardagh Rd. This proposal would not mar the distinction between them and therefore under paragraph 5.85 would be acceptable.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be maintained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the landscape. However, a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

I am of the opinion a dwelling on the site would not cause further detrimental impact or change the rural character due to the existing nature of the area. I therefore recommend an approval with the conditions as noted below.

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.

Conditions:

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

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

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

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

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

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

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

4. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

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

5. 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.

6. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

7. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approximately 20m North West of 90 Ballinderry Bridge Road Coagh
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY8 of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately north under Planning Reference LA09/2021/0331/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging with the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 20m North West of 90 Ballinderry Bridge Road, Coagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

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

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

LA09/2021/0333/O – Proposed site for new dwelling in infill - Approx 30m SE of 43 Ardagh Road, Coagh, Cookstown – Under Consideration

LA09/2020/0935/O - Proposed site for dwelling - Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any defined settlement limits. The settlement limits of Ballinderry are immediately SE of the application site and associated application LA09/2021/0331/O. The site lies within the designated Loughshore Countryside Policy Area designated in order to protect the amenity of the overall Lough Neagh shore area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small

villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Department considers that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met. Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. 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.

The proposal site is relying on the existing development of No.43 Ardagh Road and No.90 and No.90a Ballinderry Bridge Road as a line of 3 or more buildings along a road frontage. I have concerns whether the dwelling of No.90 shares a common road frontage along Ardagh Road. However regardless the buildings of No.90 and No.90a are located within the settlement limits of Ballinderry. PPS 21 policy and specifically Policy CTY 8 in this case, applies to development in the rural area outside defined settlement limits. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside. CTY 8 states clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development. In my opinion to rely on development within the settlement limits to meet PPS21 policy goes against the principle upon which it was designed. Therefore, it is considered that the proposal fails to comply with the exception to CTY 8 as the development to the south of the application site is within the designated limit of development for Ballinderry.

Development proposals located just outside the limit of development should also be considered under Policy CTY 15: The Setting of Settlements. In my opinion this proposal will mar the distinction between the settlement and surrounding countryside particularly when travelling on Ardagh Road to and from the Ballinderry Bridge Road.

Notwithstanding the above, members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent "rounding off" and should be treated as an exception to Policy. Consequently that proposed development was approved.

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 first note that this application is only outline therefore I cannot speak on the design, layout etc. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the site landscape. However, I consider a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. It is considered an appropriately designed dwelling on the application site would not appear overly prominent or resulting in a suburban form of development. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0331/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Ardagh Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Neighbour Notification Checked	Yes
Summary of Recommendation: Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.	
Reasons for Refusal: <ol style="list-style-type: none">1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area.2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.	
Signature(s) Date:	



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0495/O	Target Date:
Proposal: Proposed infill dwelling	Location: Site NW of 7a Killycurragh Road Orritor Cookstown (with access via Craigs Road).
Applicant Name and Address: Mr Maurice Freeburn 7a killycurragh Road Orritor Cookstown BT80 9LB	Agent name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor Cookstown BT80 9NG
Characteristics of the Site and Area: The application site is located within the open countryside, just outside the development limits of Orritor as defined in the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field with roadside frontage along Craigs Road. There is a small metal structure located immediately north of the application site. The east and west boundaries are defined by mature vegetation and trees. The southern boundary of the site is defined by post and wire fencing and given the nature of the red line I note that the northern boundary is currently undefined. The topography of the site is relatively flat however the surrounding landform is undulating with an incline when travelling northerly along Craigs Road towards the site. The surrounding fields further north beyond the red line are at a lower ground level. The surrounding area is predominantly agricultural in nature with the predominant land use being agricultural fields. It is noted there is a degree of development pressure along the adjacent road network Kilcurragh Road with a number of detached road side dwellings. Speed signs are located along the roadside adjacent to the existing agricultural entrance to the site which accord with the settlement limits of Orritor.	

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands NW of 7a Killycurragh Road, Orritor, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

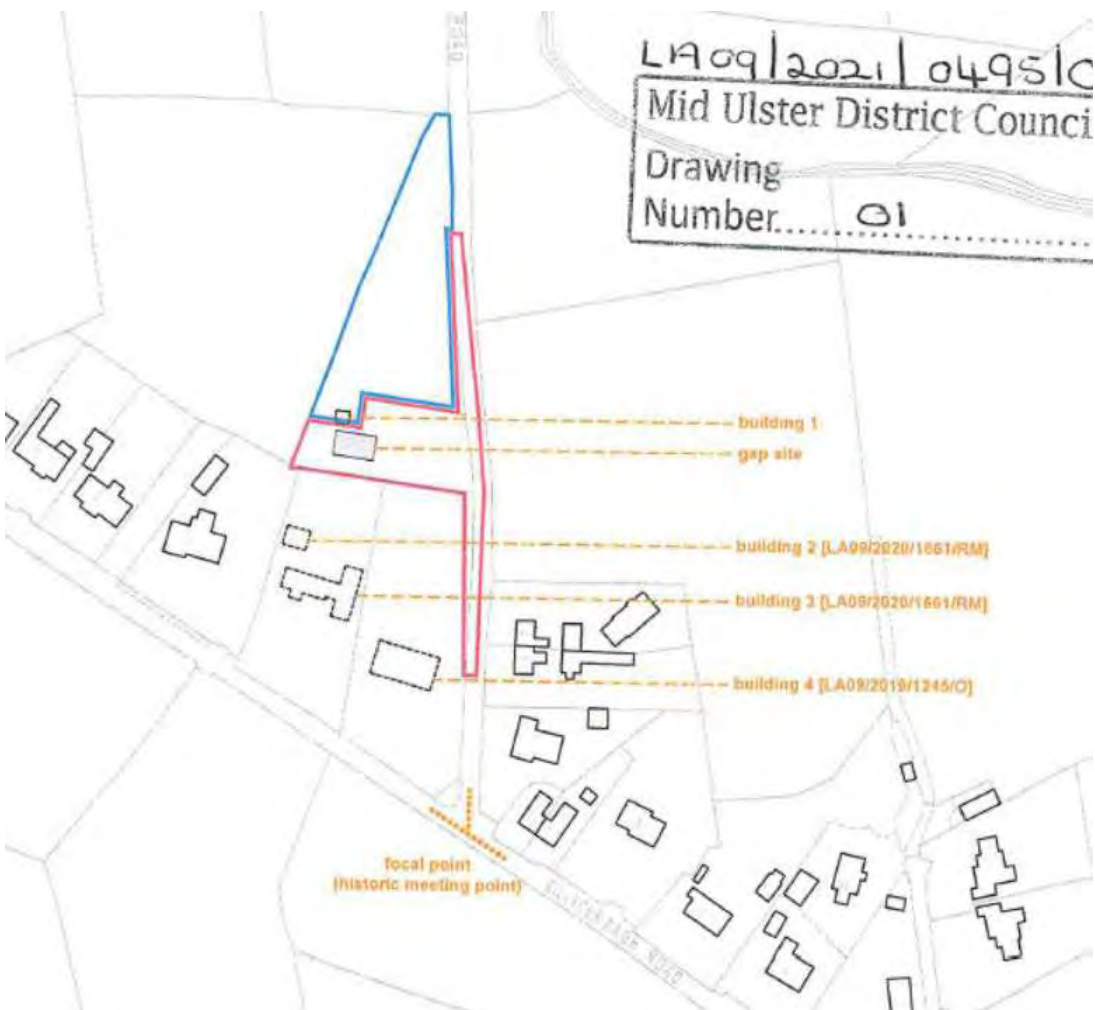
Deferred Consideration:

This application was recommended as refusal under CTY1, CTY2a, CTY8, CTY14 & CTY15. It was subsequently deferred for a virtual office meeting with the Area Planning Manager, which was held on 17th June 2021. It was agreed the senior planner would carry out a site visit and reassess the proposal, taking into account the additional information submitted by the agent.

One of the main issues to consider was if the building being relied on to the north of the site could be regarded as a permanent structure and therefore count as a building as part of the build-up in order to meet policy CTY8 criteria.

The building in question (2 images below) has no planning permission and is a small metal structure, currently being used for agricultural storage purposes. From carrying out a site inspection I would not be satisfied it could be constituted as a building due to its size, scale and nature. Also the 'building 1' does not have a common road frontage. It cannot therefore be counted as part of the build-up.





Location map 01

The agent further relies on 'buildings 2, 3 (approved dwelling and garage under (LA09/2020/1661/RM) and building 4 (approved dwelling under LA09/19/1245/0)' as shown on the location map 01. At the time of my site visit on 23rd June 2021 the site for buildings 2 & 3 was being cleared, now work had been carried out on building 4. As the dwellings are not yet constructed they cannot at this time be taken into account as part of the line of buildings for the purposes of meeting the criteria of an infill under CTY8.

In terms of the 2 approval mentioned above, they were approved by Planning Committee as an exception to policy and they relied on buildings to the east, within the settlement limits of Orritor, therefore failing under CTY8, however it was considered by Committee they would result in a reasonable argument of 'rounding off' and so both were approved on this basis. In this case, those buildings that were being relied on aren't able to be considered as part of a line of 'buildings' due to the location and siting of this site.

On the location plan 01 the agent has indicated a focal point 'historic meeting point', in terms of policy Cty2a, an opportunity is provided for a new dwelling at an existing cluster of development subject to meeting a number of criteria as follows;

- 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 site lies outside of a farm, however it is not located within an existing cluster, given that the 3 buildings approved are not yet constructed.

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

As stated above there is no cluster to rely on.

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

An 'historic meeting point' is not sufficient to meet the requirements of a focal point. No further information has been submitted to support this claim of being a meeting point and there is nothing on site to indicate it either.

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

This is not the case, as previously stated the structure to the north cannot be considered as a 'building'; and the site is not currently bound by any development on other sides.

- 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;

A dwelling on the site would mar the distinction between the rural countryside and the settlement limits, altering the existing character of the area. I do not consider the site is a 'rounding off'.

- Development would not adversely impact on residential amenity.

There would be no adverse impact on residential amenity.

However the site fails on 5 parts of the criteria of CTY2a as no cluster of development exists and so cannot be permitted under this policy.

In terms of CTY15, given the close proximity of this rural site to the settlement limits of Orritor, I am of the opinion a dwelling here would mar the distinction between them. While the 2 approvals to the south were considered as 'rounding off' they were seen to have no detrimental impact to the rural character. However if this site was development it would add to urban sprawl, the site currently represented a visual break and a clear separation from Orritor, going into the countryside and it should therefore be protected to prevent ribbon development and further urban sprawl.

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.

In my opinion a refusal is being recommended for the reasons given below;

Refusal Reasons

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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development; it does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or located at a cross-roads; it is not bounded on at least two sides with other development; and it cannot be absorbed into an existing cluster through rounding off.
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

5. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0495/O	Target Date:
Proposal: Proposed infill dwelling	Location: Site NW of 7a Killycurragh Road Orritor Cookstown (with access via Craigs Road)
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Maurice Freeburn 7a Killycurragh Road Orritor Cookstown	Agent Name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with any of the policy set out under Policy CTY1 of PPS21 for an individual dwelling house. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The application site is located within the open countryside, just outside the development limits of Orritor as defined in the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field with roadside frontage along Craigs Road. There is a small metal structure located immediately north of the application site. The east and west boundaries are defined by mature vegetation and trees. The southern boundary of the

site is defined by post and wire fencing and given the nature of the red line I note that the northern boundary is currently undefined. The topography of the site is relatively flat however the surrounding landform is undulating with an incline when travelling northerly along Craigs Road towards the site. The surrounding fields further north beyond the red line are at a lower ground level. The surrounding area is predominantly agricultural in nature with the predominant land use being agricultural fields. It is noted there is a degree of development pressure along the adjacent road network Kilcurragh Road with a number of detached road side dwellings. Speed signs are located along the roadside adjacent to the existing agricultural entrance to the site which accord with the settlement limits of Orritor.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands NW of 7a Killycurragh Road, Orritor, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

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

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

LA09/2020/1661/RM – Proposed dwelling & garage - Adjacent to 7a Killycurragh Road, Cookstown – Permission Granted 09/03/21

LA09/2020/0824/O - Gap site for dwelling & garage - Adjacent to 7a Killycurragh Road, Cookstown – Permission Granted 08/12/20

LA09/2019/1245/O - Gap site for dwelling & garage - Junction of Craigs Road & Killycurragh Road, Orritor, Cookstown – Permission Granted 04/03/20

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.

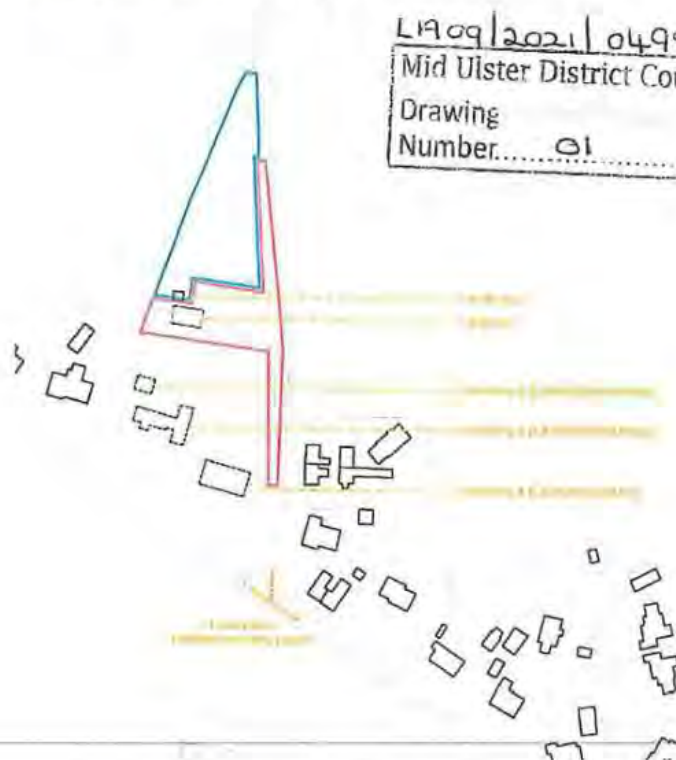
The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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.

Immediately north of the application site is a small square metal structure which appears to be used for storage. This structure does not appear to have the benefit of planning permission however ortho imagery does appear to indicate it has existed in place for more than five years. Given the nature, small scale and finish of this structure, I am not satisfied this would constitute a building which could be used to bookend a gap site. Furthermore, the said structure does not have frontage with the road. South of the application site there is a green field. It is noted that Drawing 01 has indicated a dwelling and garage annotated Building 2 & 3 (Approved under LA09/2020/1661/RM) and a dwelling annotated Building 4 (Approved under LA09/2019/1245/O). It is noted that both these planning applications were approved by the Planning Committee as an exception to policy as they relied on buildings to the east within the settlement limits of Orritor therefore failed Policy CTY8 however it was considered they would result in a 'rounding off' of development. It does not appear development has yet commenced on site and on the date of the site inspection I did not note any construction started on either approved site. The field currently represents an undeveloped piece of land. Therefore cannot be considered to constitute a line of 'buildings' for the purpose of satisfying CTY8 criterion.

This application does not currently represent a gap site located within a substantial and continuously built up frontage and therefore fails to meet Policy CTY8.

It is noted the agent has annotated on the site location plan the road junction of Killycurragh Road and Craigs Road as a "Focal Point – historic meeting point".



Policy CTY2A provides an opportunity for a new dwelling at an existing cluster of development subject to the following criteria.

- 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.

With regards to the first criteria, I am content that the site lies outside of a farm however I do not consider the application site is located within a cluster given that the 3 buildings included in the site location plan immediately to the south have not yet been build and all development to the east is within the settlement limits of Orritor. I do not consider that buildings within the settlement limits can be relied upon to meet policy requirements within PPS21. As such I am of the opinion that there is no clear cluster evident, and as such the cluster it cannot appear as a visual entity, failing the first two criteria. In terms of a focal point, no further information has been provided that this road junction is a historic meeting point and therefore I do not consider this to be an acceptable 'focal point' for the purpose of policy. In terms of the site having a suitable degree of enclosure, I note north of the site there is an existing metal structure with a shared boundary however I do not

Neighbour Notification Checked	Yes
Summary of Recommendation: Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.	
Reasons for Refusal: <ol style="list-style-type: none"> 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development; it does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or located at a cross-roads; it is not bounded on at least two sides with other development; and it cannot be absorbed into an existing cluster through rounding off. 3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings. 5. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s) Date:	

consider this structure is located within a cluster of development and the site is not currently bounded by development on any other side. I am of the opinion that a dwelling would mar the distinction between the settlement limits and countryside which would alter the existing character of the area and the site does not represent rounding off. However, I am content that an appropriately designed dwelling would unlikely have an adverse impact on residential amenity.

Having considered the above, I am of the opinion that this application would fail under CTY 2a as no evident cluster exists. I note that no other policy considerations were offered and I am content that there is no replacement opportunity on site, nor personal and domestic circumstances or farm case provided. As such, the site fails under CTY 1 of PPS 21.

Given the proximity to the defined development limits of Orritor, approx. 30m SW of the site, I am also of the opinion that a dwelling in this location would fail under CTY 15 as it will mar the distinction between the settlement and the surrounding countryside. Whilst the planning approvals immediately south were considered to be acceptable as rounding off with no detrimental impact to rural character, it is considered to continue development north of this would result in urban sprawl and would set an unfavourable precedent. The proposal site is not considered a 'gap' as demonstrated above, however it is considered it does represent a visual break and clearly defines the transition into the countryside. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside.

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 no design details has been submitted however I am of the opinion that an appropriately designed dwelling in keeping with building on tradition guidance will not appear prominent in the landscape. However, it is considered a ridge height restriction of 6 metres would be required to respect the existing built form in the surrounding area. It is considered the site has an acceptable degree of enclosure to integrate into the landscape being bound on the eastern, western and southern sides by some degree of existing vegetation. It is considered the existing vegetation should be retained along with additional landscaping therefore a landscaping scheme will be required should the Planning Committee consider the proposal acceptable and planning permission be granted.

CTY 14 states that planning permission will only 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. I am content that an appropriately designed dwelling will not appear prominent in the landscape. I note that this application has failed under Policy CTY2A, CTY 8 and CTY 15 therefore it will erode rural character and will extend a ribbon of development. It is therefore considered the proposal fails under Policy CTY 14.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Craigs Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.