



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2016/0848/O	Target Date:
Proposal: Proposed Dwelling and Garage under CTY 2a	Location: 24M North of 93 Five Mile Straight Bracaghreilly Maghera
Applicant Name and Address: Colm Lynn 4 Orchard Way Portglenone	Agent name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SG
<p>Summary of the issues raised in the objections are as follows:</p> <ul style="list-style-type: none"> - Primary issue over the ownership of the laneway down the west of proposed site, the applicant included it as part of his initial red line. However issues raised that this laneway is under the control of No. 93 and 95, in that permission has not been sought or gained for use of the laneway. In addition to this stated that permission would not be granted therefore requiring a long laneway to the road, which will deteriorate the existing amenity and visual character of the area. - Both objections raised an issue that this application is for a two storey house, one referring to Regional Planning Policies: Policy DES 6 Rural Character, which is not in-keeping with the area as the neighbouring dwellings are either bungalows or storey and a half. From this the proposed dwelling would be unduly prominent and does not have the necessary natural boundaries that would be required to provide necessary enclosure as stated in CTY 13. - Reference was made to PPS 21 stating that planning permission for new dwellings in the countryside under a number of conditions, one of which is that of development is within a dispersed rural community. As per the Magherafelt Area Plan 2015, the proposed site is not within a dispersed rural community. - Continued to say that CTY 2a of PPS 21 allows for a “clachan” style development of up to 6 houses at an identified focal point such as a social/community building/facility or is located at crossroads. Stated that the identifying the Lisnamuck crossroads is incorrect, in that the existing dwellings are not built around the crossroads. They are located some distance from the crossroads which are separated by agricultural fields meaning this is not a cluster and does not appear as a visual entity in the landscape. From the dwellings positioning being currently spread out in small groups means they do not form a cohesive cluster. 	

- As per CTY 2a the proposed development does not bound on at least 2 sides with other development within the "cluster". The proposed development is only bounded at the rear with No. 93 but the remainder of the boundaries are bounded by agricultural fields. Any development therefore would visually intrude on the landscape and will create a ribbon of development which is contrary to PPS 21 policies CTY 8 and 14.
- Issue raised that the proposed dwelling is located extremely close to the boundary of No 93 and from this has the potential to diminish the amenity of this property.
- Finally the proposed development will become a prominent feature in the landscape as it also lacks long established natural boundaries which means the inability of providing a suitable degree of enclosure to allow integration. One final point that the understanding was that the land was zoned for agricultural uses and not residential.

Reviewing the issues raised in the objections, the first issue has since been dealt via the submission of an amended red line locating the dwelling on the opposite side of the public road. Both objectors raised concerns that the proposed dwelling is to be two storey, however in reviewing the file there has been no reference or plans stating this. Since this is an outline application the size and design details have not been submitted therefore I am unsure where this issue has derived from. As a result and on the basis of the information provided this concern cannot be considered. One objector made reference to Policy DES 6 Rural Character, however this policy has since been superseded by Planning Policy Statement 21 and is already being considered under this policy. Therefore no additional weight is given to the concerns with Policy DES 6 Rural Character. Comments were made that this is not a dispersed rural community even though I agree with the comments made but again the applicant/agent has not put forward an argument for this therefore the application must be considered under CTY 2a which has been presented. The final issue raised referred to CTY 2a itself, however the application has already been reviewed under this and a recommendation has already been made.

Description of Proposal

This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.

Characteristics of the site and environs

The site is located approximately 2.5km south west of Glen, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as 24m North of 93 Five Mile Straight, the red line however has extended into two fields with a site marker identified above 93 Five Mile Straight. Both fields included in the red line are agricultural fields which are relatively flat and are bounded with post wire fencing with hedging and trees along the boundaries. An amended location plan was submitted prior to objection letters being received, stating that the previous plan was incorrect and the applicant did not have a right of way over the laneway. The amended plan therefore removed the laneway from the red line.

Representations

There were four neighbour notifications sent out, in which two objections were received.

Deferred Consideration:

This application was presented before the Planning Committee in February 2017 with a recommendation to refuse based on the following reason:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Five Mile Straight, and does not represent a gap site.

The application was deferred for an office meeting with the Planning Manager which was held on 16th February 2017.

Following the deferred office meeting the agent provided additional information which was duly considered before the application was returned to Committee on 8th January 2018. The Committee agreed to a second deferral to allow the application to be properly advertised.

The application was then again returned to Committee on 6th November 2018 and the Committee agreed to a third deferral for one month for the submission and reconsideration of additional information.

New information was submitted in the form of an amended red line which identified the site as now being located on the northern side of the Fivemile Straight Road and adjacent to No.88A.

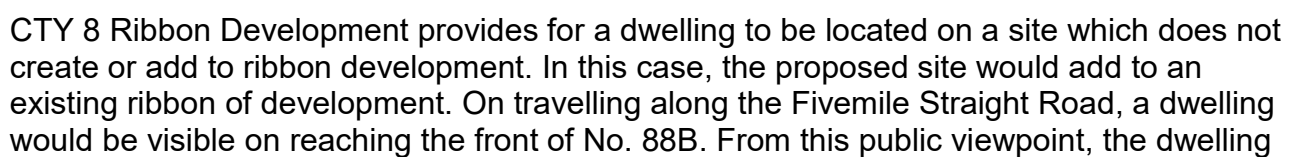


That revised site has been reassessed as follows.

The new site sits slightly lower than the public road and falls gently from the north east to the south west. The site is bounded along its entire south western boundary by a stream and a mature hedgerow. The hedgerow also extends along the site frontage and would have to be removed to provide the necessary visibility splays. The boundary along the side of No.88A is defined by a 2m high hedgerow with No.88A being positioned approximately 1m higher than the existing site levels.

On travelling in a south westerly direction towards Lisnamuck Cross Roads, there is no visual connection between the site and the crossroads due to the mature hedgerows. Likewise, on travelling in a north easterly direction from the cross roads towards the site, again the site is not visible due to its mature boundary hedgerows, in addition to the mature hedgerow along the south western boundary of the adjoining field.

Consideration also has to be given to a portion of the site which is affected by surface water flooding. The area affected extends into the site by 23m from the south western boundary. The site of the dwelling as identified on the submitted drawing No. 02/2 would result in a dwelling being positioned within the area affected by flooding. Furthermore, it would not be acceptable to site a dwelling within the area in front of No.88A as this would have a detrimental effect on the private amenity of both dwellings by way of loss of privacy and overlooking.



would extend the line of built development further in a south westerly direction. The proposal is therefore considered to be contrary to the aims of this Policy as it does not represent a gap site within a substantial and continuously built up frontage.

CTY 14 Rural Character allows for approval to be granted for a building where it does not cause a detrimental change to, or further erode the rural character of an area. As discussed above, on approaching the site from the north east a dwelling on this site would extend an existing ribbon of development, along the road frontage and is therefore considered to be contrary to Policy CTY 14.

Conclusion

Given the above situation, it is my opinion that the proposed development is contrary to Planning Policy CTY 2A as the existing built development is not associated with a focal point such as the crossroads; a dwelling on this site would not be bounded on two sides by other development in the cluster; a dwelling on this site would not be considered to be rounding-off and would extend the built development further into the surrounding countryside. It would also have an adverse impact on residential amenity by way of overlooking and loss of privacy.

The proposed site is also contrary to Policies CTY 8 and CTY 14 in that it would extend a ribbon of development and thereby cause a detrimental change by eroding the rural character of the area.

It should be noted that policy in the Draft Plan Strategy is similar to Policy CTY 2A with an additional provision being made for a dwelling in a farm cluster. However, as this site is not next to buildings on a farm, this proposal would not accord with that criteria.

The proposed development should be refused 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads; and
the identified site is not bounded on at least two sides with other development in the cluster.
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, extend a ribbon of development along Five Mile Straight, and does not represent a gap site.
4. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted,

add to a ribbon of development thereby causing a detrimental change by eroding the rural character of the area.

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

2nd Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2016/0848/O	Target Date: <add date>
Proposal: Proposed Dwelling and Garage under CTY 2a	Location: 24M North of 93 Five Mile Straight Bracaghreilly Maghera
Applicant Name and Address: Colm Lynn 4 Orchard Way Portglenone	Agent name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SG
Summary of the issues raised in the objections are as follows: <ul style="list-style-type: none">- Primary issue over the ownership of the laneway down the west of proposed site, the applicant included it as part of his initial red line. However issues raised that this laneway is under the control of No. 93 and 95, in that permission has not been sought or gained for use of the laneway. In addition to this stated that permission would not be granted therefore requiring a long laneway to the road, which will deteriorate the existing amenity and visual character of the area.- Both objections raised an issue that this application is for a two storey house, one referring to Regional Planning Policies: Policy DES 6 Rural Character, which is not in-keeping with the area as the neighbouring dwellings are either bungalows or storey and a half. From this the proposed dwelling would be unduly prominent and does not have the necessary natural boundaries that would be required to provide necessary enclosure as stated in CTY 13.- Reference was made to PPS 21 stating that planning permission for new dwellings in the countryside under a number of conditions, one of which is that of development is within a dispersed rural community. As per the Magherafelt Area Plan 2015, the proposed site is not within a dispersed rural community.- Continued to say that CTY 2a of PPS 21 allows for a "clachan" style development of up to 6 houses at an identified focal point such as a social/community building/facility or is located at crossroads. Stated that the identifying the Lisnamuck crossroads is incorrect, in that the existing dwellings are not built around the crossroads. They are located some distance from the	

crossroads which are separated by agricultural fields meaning this is not a cluster and does not appear as a visual entity in the landscape. From the dwellings positioning being currently spread out in small groups means they do not form a cohesive cluster.

- As per CTY 2a the proposed development does not bound on at least 2 sides with other development within the "cluster". The proposed development is only bounded at the rear with No. 93 but the remainder of the boundaries are bounded by agricultural fields. Any development therefore would visually intrude on the landscape and will create a ribbon of development which is contrary to PPS 21 policies CTY 8 and 14.
- Issue raised that the proposed dwelling is located extremely close to the boundary of No 93 and from this has the potential to diminish the amenity of this property.
- Finally the proposed development will become a prominent feature in the landscape as it also lacks long established natural boundaries which means the inability of providing a suitable degree of enclosure to allow integration. One final point that the understanding was that the land was zoned for agricultural uses and not residential.

Reviewing the issues raised in the objections, the first issue has since been dealt via the submission of an amended red line reducing it to no longer include the laneway. However the resulting need for a proposed laneway to the dwelling is an issue, however since this is an outline application, details of such have not been provided and would be dealt in the reserved matters application. As a result this issue is noted but cannot be considered at this early stage. Both objectors raised concerns that the proposed dwelling is to be two storey, however in reviewing the file there has been no reference or plans stating this. Again since this is an outline application the size and design details have not been submitted therefore I am unsure where this issue has derived from. As a result and on the basis of the information provided this concern cannot be considered. One objector made reference to Policy DES 6 Rural Character, however this policy has since been superseded by Planning Policy Statement 21 and is already being considered under this policy. Therefore no additional weight is given to the concerns with Policy DES 6 Rural Character. Comments were made that this is not a dispersed rural community even though I agree with the comments made but again the applicant/agent has not put forward an argument for this therefore the application must be considered under CTY 2a which has been presented. The final issue raised referred to CTY 2a itself, however the application has already been reviewed under this and a recommendation has already been made.

Description of Proposal

This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.

Characteristics of the site and environs

The site is located approximately 2.5km south west of Glen, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as 24m North of 93 Five Mile Straight, the red line however has extended into two fields with a site marker identified above 93 Five Mile Straight. Both fields included in the red line are agricultural fields which are relatively flat and are bounded with post wire fencing with hedging and trees along the boundaries. An amended location plan was submitted prior to objection letters being received, stating that the previous plan was incorrect and the applicant did not have a right of way over the laneway. The amended plan therefore removed the laneway from the red line.

Representations

There were four neighbour notifications sent out, in which two objections were received.

crossroads which are separated by agricultural fields meaning this is not a cluster and does not appear as a visual entity in the landscape. From the dwellings positioning being currently spread out in small groups means they do not form a cohesive cluster.

- As per CTY 2a the proposed development does not bound on at least 2 sides with other development within the "cluster". The proposed development is only bounded at the rear with No. 93 but the remainder of the boundaries are bounded by agricultural fields. Any development therefore would visually intrude on the landscape and will create a ribbon of development which is contrary to PPS 21 policies CTY 8 and 14.

- Issue raised that the proposed dwelling is located extremely close to the boundary of No 93 and from this has the potential to diminish the amenity of this property.

- Finally the proposed development will become a prominent feature in the landscape as it also lacks long established natural boundaries which means the inability of providing a suitable degree of enclosure to allow integration. One final point that the understanding was that the land was zoned for agricultural uses and not residential.

Reviewing the issues raised in the objections, the first issue has since been dealt via the submission of an amended red line reducing it to no longer include the laneway. However the resulting need for a proposed laneway to the dwelling is an issue, however since this is an outline application, details of such have not been provided and would be dealt in the reserved matters application. As a result this issue is noted but cannot be considered at this early stage. Both objectors raised concerns that the proposed dwelling is to be two storey, however in reviewing the file there has been no reference or plans stating this. Again since this is an outline application the size and design details have not been submitted therefore I am unsure where this issue has derived from. As a result and on the basis of the information provided this concern cannot be considered. One objector made reference to Policy DES 6 Rural Character, however this policy has since been superseded by Planning Policy Statement 21 and is already being considered under this policy. Therefore no additional weight is given to the concerns with Policy DES 6 Rural Character. Comments were made that this is not a dispersed rural community even though I agree with the comments made but again the applicant/agent has not put forward an argument for this therefore the application must be considered under CTY 2a which has been presented. The final issue raised referred to CTY 2a itself, however the application has already been reviewed under this and a recommendation has already been made.

Characteristics of the Site and Area:

Description of Proposal

This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.

Characteristics of the site and environs

The site is located approximately 2.5km south west of Glen, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as 24m North of 93 Five Mile Straight, the red line however has extended into two fields with a site marker identified above 93 Five Mile Straight. Both fields included in the red line are agricultural fields which are relatively flat and are bounded with post wire fencing with hedging and trees along the boundaries. An amended location plan was submitted prior to objection letters being received, stating that the previous plan was incorrect and the applicant did not have a right of way over the laneway. The amended plan therefore removed the laneway from the red line.

Representations

There were four neighbour notifications sent out, in which two objections were received.

2nd Deferred Consideration:

This application was presented before the Planning Committee in February 2017 with a recommendation to refuse based on the following reason:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Five Mile Straight, and does not represent a gap site.

The application was deferred for an office meeting with the Planning Manager which was held on 16th February 2017.

Following the deferred office meeting the agent provided additional information which was duly considered before the application was returned to Committee on 8th January 2018 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Fivemile Straight, and does not represent a gap site.

The Committee agreed to a second deferral for one month for the submission and reconsideration of additional information. However, to date no additional information has been provided and subsequently the application is being returned to Committee with a recommendation to refuse for the same 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Five Mile Straight, and does not represent a gap site.

Signature(s):**Date**

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2016/0848/O	Target Date:
Proposal: Proposed Dwelling and Garage under CTY 2a	Location: 24M North of 93 Five Mile Straight Bracaghreilly Maghera
Applicant Name and Address: Colm Lynn 4 Orchard Way Portglenone	Agent name and Address: CMI Planners
<p>Summary of the issues raised in the objections are as follows:</p> <p>The only issue to be addressed is whether the proposed site can be considered to be located within a cluster as defined in PPS 21 – Policy CTY 2A.</p>	
<p>Summary of Consultee Responses:</p> <p>TransportNi advised that the proposed development was acceptable subject to condition. Environmental Health and NI Water provided informatives.</p>	
<p>Characteristics of the Site and Area:</p> <p>Description of Proposal This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.</p> <p>Characteristics of the site and environs The site is located approximately 2.5km south west of Glen, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as 24m North of 93 Five Mile Straight, the red line however has extended into two fields with a site marker identified above 93 Five Mile Straight. Both fields included in the red line are agricultural fields which are relatively flat and are bounded with post wire fencing with hedging and trees along the boundaries. An amended location plan was submitted prior to objection letters being received, stating that the previous plan was incorrect and the applicant did not have a right of way over the laneway. The amended plan therefore removed the laneway from the red line.</p> <p>Representations There were four neighbour notifications sent out, in which two objections were received.</p>	

Description of the proposal:

This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.

Deferred Consideration:

This application was presented before the Planning Committee in February 2017 with a recommendation to refuse based on the following reason:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Five Mile Straight, and does not represent a gap site.

Following a discussion at that meeting the application was deferred for a meeting with the Planning Manager. Dr Boomer held a deferred office meeting on 16th February 2017 which was attended by Councillor McGuigan with C Cassidy and R Rafferty from CMI planners and M McCrystal – Planning officer.

At that meeting the following was discussed:-

- Dr Boomer advised that this is not an infill site.
- C Cassidy explained as to why he thought this site was associated with Lisnamuck Crossroads which is a focal point. He referred to and produced a PAC decision which he felt set the precedent for such a site.
- It was agreed that as the site is located 170m away from the crossroads the site is not visually linked with the crossroads and as such that there is no focal point. The example produced by C Cassidy was not accepted as being relevant as it is set within a completely different context than the application site. It was explained that an exception can be made if the proposal is in the spirit and intent of the policy. However, in this case, an approval on this site could result in a further 4-5 dwellings.
- C Cassidy proposed siting the dwelling across the road and in front of No.88A as he felt a dwelling at this location would be bounded by buildings on two sides and would not afford any further opportunities for development. However, it was explained that such a proposal would not be acceptable due to the relationship with No.88A and it would also result in an extension of development to the west.
- It was agreed that the proposal would be reconsidered in light of the information presented and that a recommendation would be returned to Committee.

Following the deferred office meeting CMI planners provided additional information which contends that Policy CTY2A is not specific in stating how far a site can be located from a focal point. As the agent has pointed out, site is located 170m from the crossroads which is considered to be excessive and unacceptable in respect of this policy's requirement. There is no development between the site and the crossroads and given the intervening mature hedgerows and boundary vegetation, it cannot be considered that there is any visual linkage between both.

CMI also referred to two planning applications which were submitted to two Planning Authorities other than Mid Ulster District Council (LA08/2015/0056/F [ABC] and LA07/2015/0135/O [Newry, Mourne and Down]). However, on inspecting these proposed sites, they are both considered to be distinctly different from the proposed site and in any event, decisions taken by one planning authority are not binding on a separate planning authority. Therefore, these two cases raised by the agent are not considered to be relevant.

The additional appeal case referred to by the agent namely 2010/A0202 was stated by the Commissioner as being *'visually associated with the adjoining dwellings and has the appearance of domestic curtilage'* and *'given its size and relationship with adjoining dwellings, the site is unsuited to agriculture'*. The agent goes on to refer to planning appeal 2012/A0120 which was dismissed and in the Commissioner's consideration, stated that *'Whilst the appellant argued that the appeal site meets this criterion as it lies at a "staggered crossroads", the policy allows only for development where it is located at a crossroads (Commissioner's emphasis). The junction of Moyad Road with Dougans Road is located 80m north-west of its junction with Leitrim Road. As the latter junction sits on the crest of the hill and **given the considerable separation distance and intervening vegetation** (my emphasis) one is not aware of the Leitrim Road junction.....'* Given the degree of physical and visual separation I am not persuaded that the appeal site is in fact located at a crossroads. That appeal was duly dismissed as the Commissioner concluded that the appeal was not located at a crossroads and was contrary to Policy CTY2A.

Copies of the site location maps for the above applications referred to by the agent and the PAC decisions on the above appeal cases are attached at Appendix 1.

Conclusion

As detailed above, the Planning Appeals Commissioner considered a distance of 80m between a proposed site and a crossroads to be excessive and unacceptable. Therefore the site as proposed is equally located an excessive distance, ie. 170m, from Lisnamuck Crossroads in order to be considered as being associated with such a focal point. Having considered all of this, the proposal is not within the spirit or intent of Policy CTY2A and is considered unacceptable. I therefore recommend that the proposed development be refused for the reasons as stated below:-.

Reasons for Refusal:

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

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
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Signature(s):

Date

APPENDIX 1

ACEmap® Single

Printed: 10/03/2015 Customer Ref:

Centre Point (Easting, Northing): 307394, 364453

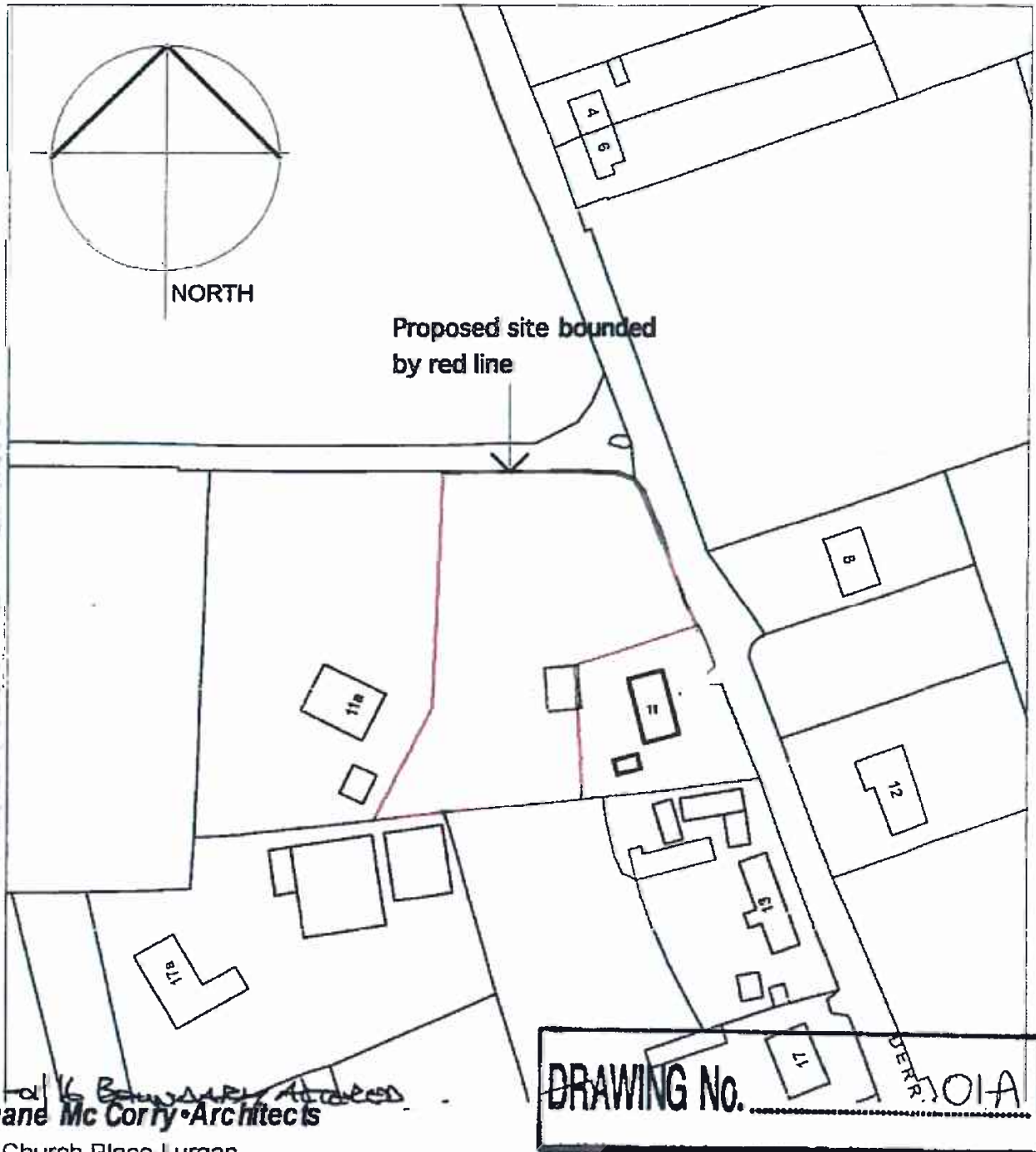
Scale: 1:1,250

Order no. ORD10705

Plan No. 16306SE



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01/16 Boundary Address
Shane Mc Corry Architects

43 Church Place Lurgan
Co. Armagh BT67 9EU

tele 02838 322717 mob 07808003030
e-mail mccorryshane@gmail.com

Mr J Mc Stravick

Proposed dwelling & garage
Adjacent & East of 11a Demyclone Rd

Drawing Title **LOCATION MAP**

SCALE 1:1250 DATE 01/16 DRWG OK.

Armagh, Banbridge & Craigavon
District Council
LA08/2015/0066
02 FEB 2016

RECEIVED

LANDSCAPING PROPOSALS

MIX A

Prunus Laurocerasus
Pinus Sylvestris
Taxus Baccata
Cornus Alba
Cornus Stolonifera
Ilex Aquifolium
Escalonia Donard Seedling

Laurel
Scot Pine
Irish Yew
Dogwood

MIX B

Trees planted with Barrier Mix 12-14 girth
Betula Pedula
Sorbus Aucuparia
Acer Platanoides
Common Birch
Mountain Ash
Crimson King

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

Armagh, Banbridge & Craigavon
District Council
18 JUN 2015
RECEIVED

A 05/15 Landscaping + levels added

Shane Mc Corry Architects

43 Church Place Lurgan

Co. Armagh BT67 9EU

tele 02838 322717 fax 02838 344020

e-mail mcb@macunlimited.net

Mr J Mc Stravick

Job Title

Proposed dwelling & garage

Adjacent & East of 11a Derryclone Rd

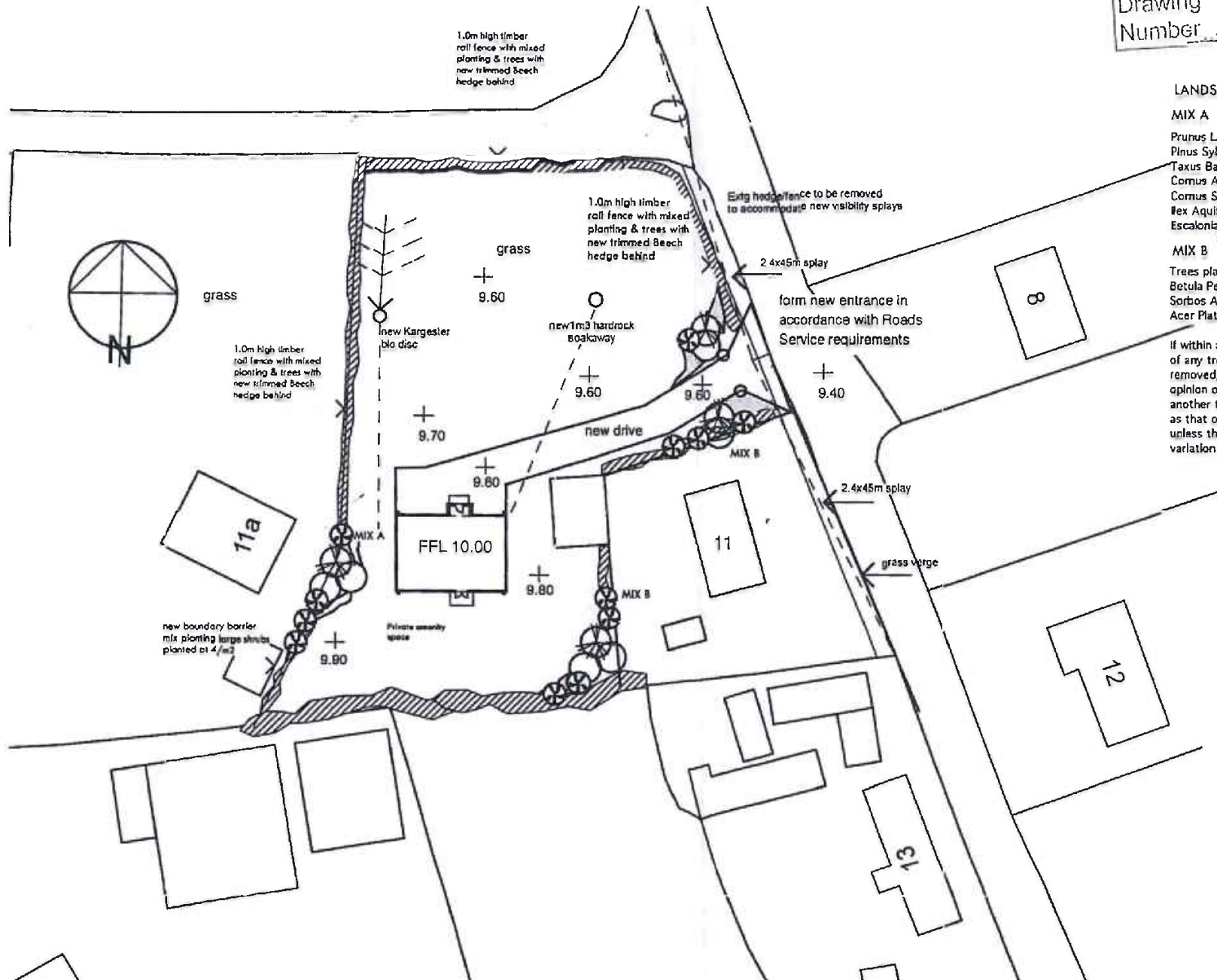
Drawing Title

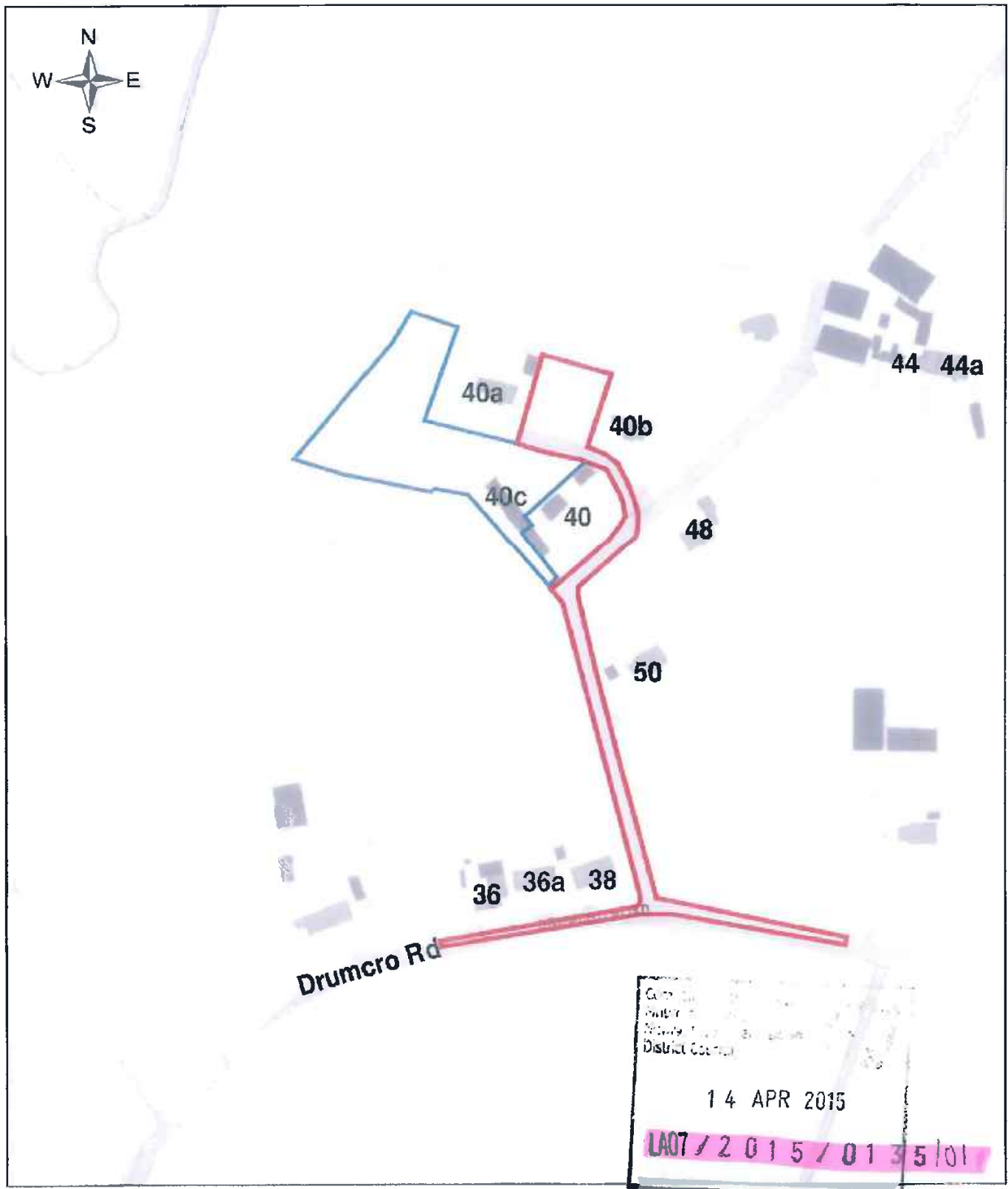
Proposed Site Plan

Scales 1/500

Drawing 02A

118 03/15





PROJECT

Proposed Infill Dwelling
between 40a and 40b Drumcro Rd
Kilkeel, Co Down

CLIENT

Mr John McKibben

PROJECT No. DRAWING No. REVISION
15/28 01

DRAWING TITLE

Site and Entrance Plan

DATE SCALE DRAWN BY
April 2015 1:500 Glyn Mitchell
139 ballinran road, kilkeel, co down BT34 4JB t 02841 787948
m: 07803 177197e-mail gjmdesign@hotmail.co.uk

Planting Schedule

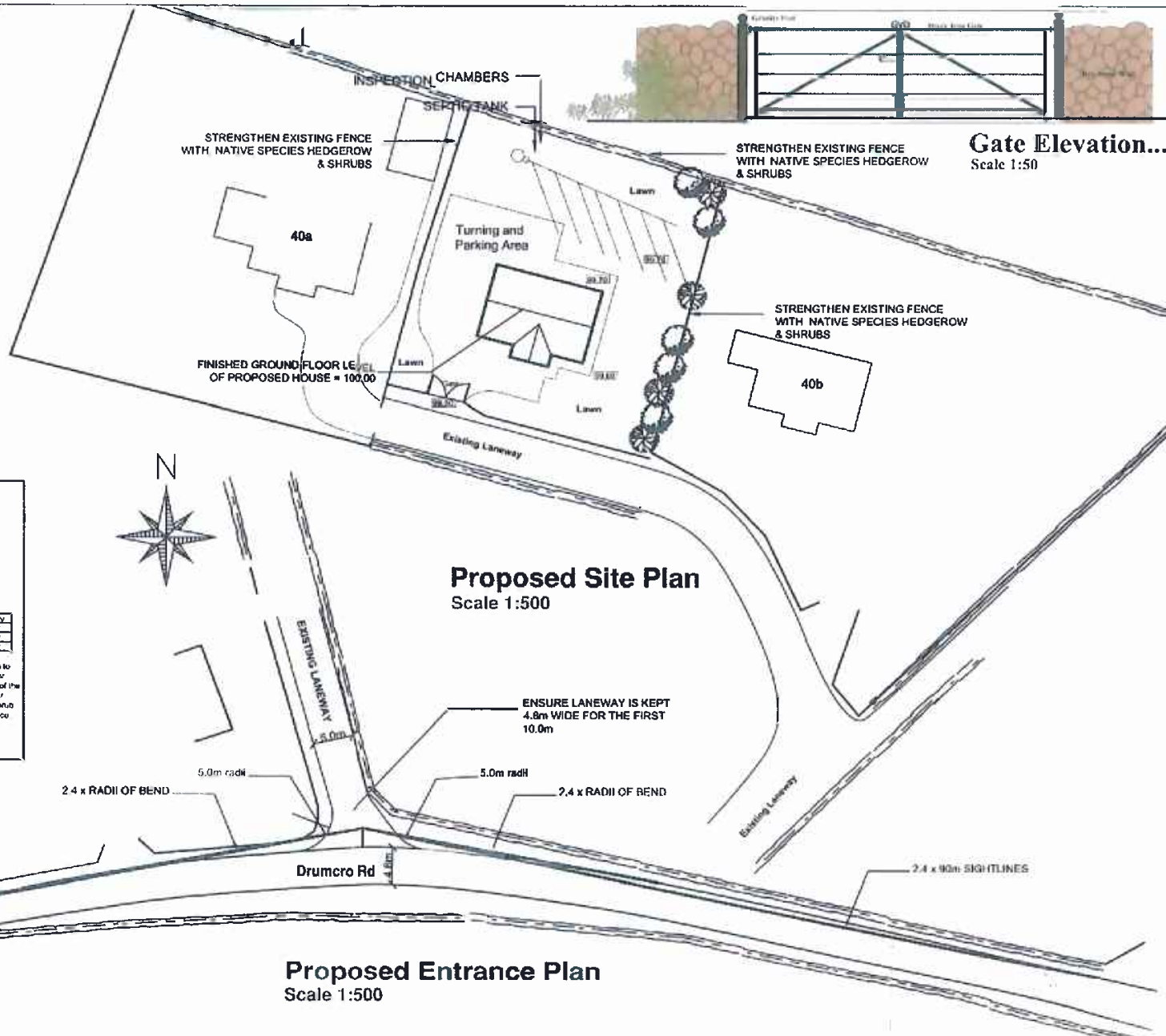
Trees	Species	Girth	Height	Spec
	Betula pendula - Birch	12-14cm	10-12.5m	1 RB, Heavy Standard
	Alnus glutinosa - Alder	14-20cm	5.0-6.0m	1 RB, Extra Heavy Standard

Planting Schedule

Planting Schedule	Species	Height	Spec	Quantity
	Prunella vulgaris - Blackberry	40-60cm	1+1 1st, 2nd	1 ea2
	Prunella spinosa - Blackthorn	40-60cm	1+1 1st, 2nd	1 ea2
	Acer campestre - Field Maple	60-80cm	1+1 1st, 2nd	1 ea2

Now hedges to be planted with Hawthorn in 2 No rows 200mm apart, at 450mm spacing, 500mm to the rear of the sight line, with random planting of wild rose and honeysuckle. All trees to be as per planting key and planted in their first planting season. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted, destroyed or dies, becomes the property of the department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place.

Existing trees which are to remain



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2010/A0202
Appeal by:	Billy Henderson Properties Limited against the refusal of full planning permission.
Development:	One and a half storey dwelling and detached garage.
Location:	20 metres south-east of 21 Curryfree Road, Creevedonnell, Londonderry.
Application Reference:	A/2009/0214/F
Procedure:	Written Representations and Accompanied Site Visit on 20 th April 2011.
Decision by:	Commissioner Julie de-Courcey, dated 27 th April 2011.

Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposed buildings are acceptable in principle in the countryside and their effect on the area's character, appearance and neighbours' residential amenity.
3. Policy CTY 1 of Planning Policy Statement 21 (PPS 21) identifies a dwelling sited within a cluster of buildings in accordance with Policy CTY 2a of that document as being one of the types of development that, in principle, are considered to be acceptable in the countryside. Policy CTY 2a sets out six criteria that a proposal must comply with in order for planning permission to be granted for a dwelling at an existing cluster of development. I note the appellants' Ordnance Survey evidence about the historical existence of a cluster at this location, that the alleged former forge (now within the curtilage of No.25 Curryfree Road) was a community facility that was a local focal point and that the T junction of public roads to the south of the appeal site was historically a cross-roads with a public right of way leading eastwards across the river valley to a ford, school, mill, cricket ground and farm holdings. However, whether the site comes within an existing cluster of development falls to be assessed in the contemporary context.
4. The appeal site adjoins three detached houses with their respective garages. It shares a party boundary with the house to the south-west and those to the north-west and north are separated from it by the shared drive that serves all three

dwelling. This drive would also serve the proposed buildings. To the south are detached bungalows at Nos. 22 and 24 Curryfree Road. To the south-west are a range of buildings associated with the two storey house at No. 25 Curryfree Road. There is a detached cottage to the east of the appeal site on the opposite side of the road. What appears to be a shed/outbuilding that the appellants identify as a dwelling/replacement, does not read as part of this loose cluster. Notwithstanding, the other buildings form a loose cluster around the T junction of the part of Curryfree Road running north-east to south-west and the branch that leads eastwards to Rushall Road. On this basis, the proposal satisfies the first and second criteria of Policy CTY 2a of PPS 21 as the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings) of which at least three are dwellings, and the cluster appears as a visual entity in the local landscape.

5. The proposed buildings would be seen when travelling in both directions on Curryfree Road. However, as they would be seen in the context of the three dwellings and garages that surround the site on two of its three sides, they would not be prominent from this vantage. Whilst there are trees on the party boundary with the dwelling to the south-west and behind the roadside fence, the site is not enclosed by long established natural boundaries. Notwithstanding, adjoining buildings, the shared drive and the site's existing boundary definition provide it with a suitable degree of enclosure so that it is not at odds with the second criterion of Policy CTY 13 of PPS 21. Imposition of a condition securing retention of existing vegetation in addition to the supplementary planting proposed would safeguard the current situation.
6. The proposed dwelling would present its rear elevation to the public road with its front elevation orientated north-westwards to take advantage of the panoramic views across the river valley. It would present a long ridge line to the road. However, as the ridge line would be broken up by changes in height, orientation and coping stones, it would not have a uniform appearance. In the context of the scale and design of the three adjoining dwellings, in terms of scale, form and massing. There would be a lower proportion of solid to void on the front elevation, an area of full height glazing and a variety of window sizes. However, this would not be seen from Curryfree Road and the Department did not identify a critical view from the shared drive. The view of the proposed buildings from the neighbouring dwellings is not a critical view as defined by paragraph 5.60 of PPS 21.
7. The Department directed me to longer range views from Killymallaght Road and Trench Road on the opposite side of the river valley, which it considered to be critical. From those vantages the proposed buildings would be seen in the context of the three immediately adjoining it with a backdrop of vegetation and topography. The wind turbines on the hill top to south-west dominate the landscape. From some stretches of those views, the proposed dwelling's front elevation would be partially obscured by the middle of the three new houses. Its context and distance would ensure that the amount and style of glazing on the front elevation would not be prominent or inappropriate. As the proposed buildings would integrate into the landscape in compliance with both the fourth

criterion of Policy CTY 2a and Policy CTY 13 of PPS 21, the Department's second reason for refusal is not sustained.

8. The disposition, design and boundary treatment associated with the three adjoining dwellings has resulted in a suburban style of build-up. Development of the site could be absorbed into the existing cluster through rounding off and consolidation and would not cause a detrimental change to or further erode the area's character. As already set out in the preceding paragraph, the proposed buildings would not be unduly prominent in the landscape. As such, the proposal is not at odds with Policy CTY 14 and would comply with the fifth criterion of Policy CTY 2a of PPS 21. Accordingly, the Department's third reason for refusal is not sustained.
9. No. 21 Curryfree Road presents its rear elevation to the shared drive. As it is set below the level of the public road there are views into its rear area. Vehicles going to/from the house to the south-west of the appeal site pass its point of access at a level 2.6m higher than No.21's finished floor level (FFL). Given the dwelling's orientation, its private amenity space is to the side and front. At their nearest point, the proposed dwelling's front elevation would be 19.5m from the rear elevation of No. 21. The existing dwelling's FFL would be 3.6m lower than that of the proposed house. No. 21 has a two storey projecting rear wing with two windows at ground floor level serving the utility room and kitchen respectively. Each of these rooms have a second window on the side elevation. There is one window at first floor level serving a bedroom. There would be three roof lights at first floor level on the front elevation of the proposed dwelling serving a family/games room. "Creating Places advocates a separation distance of around 20m or greater between opposing rear first floor windows but provides no guidance on a situation such as this where it is the front and rear elevations of dwellings that would be facing. Notwithstanding the dwellings' respective FFLs, given the separation distance, I am not persuaded that the residential amenity of the occupants of No.21 would be harmed to the extent that would merit dismissing the appeal on the basis of the Department's concerns about overbearing impact. Imposition of a condition removing permitted development rights for the extension or alteration of the proposed dwelling would give the Department control over any future additions as they might reduce the separation distance between it and No.21. On this basis, the proposal is not at odds with paragraph 52 of Planning Policy Statement 1 nor the sixth criterion of Policy CTY 2a of PPS 21.
10. The third criterion of Policy CTY 2a requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a cross-roads. I have no evidence that what the appellants refer to as a "right of way" is a legally asserted public footpath/right of way. As such, the junction to the south of the appeal site is not a cross-roads. There is no social/community building/facility currently in the vicinity of the appeal site. There is merit in the appellants' point that the criterion is not exclusive in its definition of a focal point and that stated examples of such is not an exhaustive list. Notwithstanding, the term "focal point" suggests a single entity and not an existing cluster of development otherwise the third criterion would add nothing to the policy in the

round and be extraneous. The appeal decision referred to by the appellant was decided in a different policy context to this proposal and dealt with a reason for refusal that is not pertinent in this instance. Consequently, the proposal does not satisfy this third criterion of Policy CTY 2a.

11. Whilst the proposal fails the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character. In this respect, there are a number of site-specific characteristics that I find so compelling as to outweigh the fact that the cluster is not associated with a focal point. These are as follows:

- The site comprises a mown grassed area with a suburban style ranch fence marking its boundary with the public road. Fencing posts have been erected on top of the retaining wall along its boundary with the shared drive and there are stone pillars on either side of the entrance off the drive;
- It is visually associated with the adjoining dwellings and has the appearance of domestic curtilage;
- Given its size and relationship with adjoining dwellings, the site is unsuited to agriculture;
- It is bounded by residential development on two of its three sides; and
- It is a small gap site within an otherwise substantial and continuously built-up frontage that extends for 240m along this side of Curryfree Road.

As the proposal is not at odds with the spirit of Policy CTY 2a of PPS 21 in the round, it is one of the types of housing development that is acceptable in the countryside in accordance with Policy CTY 1 thereof. Accordingly, the Department's first and fourth reasons for refusal are not sustained and the appeal is allowed.

Conditions

1. The development shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of Article 2(3)(a) and Schedule 1, Parts A, B and C of the Planning (General Development) (Amendment) Order (Northern Ireland) 2011 (or any legislation revoking that Order and re-enacting those provisions) the dwelling shall not be enlarged, improved or extended without the Department's prior permission.
3. Notwithstanding the landscaping details shown on Drawing Reference 0927 003 Revision A, existing vegetation on the site's roadside and south-western boundaries shall be retained.

This decision relates to Drawing Reference 0927 001 Location Map, Drawing Reference 0927 003 Revision A Site Layout Plan, Drawing Reference 0927 004 Proposed Elevations and Plans and Drawing Reference 0927 006 Proposed Garage Elevations and Plans.

COMMISSIONER JULIE DE-COURCEY

Appeal Reference:	2012/A0120
Appeal by:	John & James McKibben against the refusal of outline planning permission.
Development:	Proposed site for a cluster dwelling and garage.
Location:	70m south east of no 181 Moyad Road, Kilkeel.
Application Reference:	P/2011/0611/O
Procedure:	Written Representations and Commissioner's Site Visit on 26 April 2013.
Decision by:	Commissioner Pauline Boomer, dated 10 May 2013.

Decision

1. The appeal is dismissed and outline planning permission is refused.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. Planning policy for the countryside is set out in Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21). Policy CTY 1 of this document identifies a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.
4. This policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all of its six criteria are met. A cluster of development is not defined by the Policy, but its first three criteria give an indication of its intended meaning. The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages) of which at least three are dwellings. The second criterion indicates that the cluster should appear as a visual entity in the local landscape. The third criterion indicates the cluster is to be associated with a focal point such as a social/community building/facility, or is located at a crossroads.

5. The appeal site comprises a triangular plot of land set back 25m from Moyad Road. It is accessed via an existing laneway which serves a detached one and a half storey dwelling at No.181, 6 disused mushroom houses and two partially built dwellings, one to the immediate north-east and another further to the south-west. Two detached one and a half storey dwellings, Nos 1 and 3, accessed off Dougans Road lie directly east-north-east of the appeal site. Development along both sides of the laneway is tiered with the appeal site lying at a lower level than No. 181, the mushroom houses and the partially constructed dwelling to the north-east and marginally below the level of those properties at Nos 1 and 3 Dougans Road.
6. The appellant argues that the appeal site is centrally located within a group of 11 buildings to the west of Dougans Road and south of Moyad Road. I agree that the appeal site is enclosed by the dwellings at No 181 and Nos 1 and 3 and by 6 mushroom houses. Whilst the two approved dwellings are currently under construction up to and beyond wall plate level, they must be taken into account but given the physical separation distance and intervening vegetation, I disagree that the partially built dwelling to the south-west reads as part of this group. I do not accept the appellant's argument that other development at 4 and 6 Dougans Road and 174, 175, 178 and 180 Moyad Road are associated with it. I am however satisfied that this grouping consists of four or more buildings including three dwellings.
7. However the appellant drew my attention to the planning history of the site to the south-west which was assessed and approved as "a dwelling and garage on a farm" at the same time as the planning application, the subject of this appeal, was being considered by the Department. I also note the existence of 6 mushroom houses within the ownership of the appellant and although annotated as "disused" on the site location plan, the appellant offered no clarification of their current use. I therefore have no evidence to confirm that the appeal site lies outside of a farm and the first criterion is therefore offended.
8. Whilst the Department considers that the appeal site fails to meet the 2nd and 3rd criteria and part of the 4th and 5th criteria set out in Policy CTY2a, they did not present any explanation or justification for the 1st Reason for Refusal in their Statement of Case, referring only to the 3rd criterion in their rebuttal.
9. I have indicated that the appeal site is enclosed by and reads with the 9 existing buildings and another partially completed as identified above. The appeal site nestles within the lowest point within the grouping which sits in a natural hollow. Whilst the Department have not identified any critical views, the photographs supplied by the appellant show that, when approaching in both directions along Moyad Road, one is looking down on the appeal site and the development enclosing it from where it does read as a visual entity in the landscape. When travelling along Dougans Road in an easterly direction, the appeal site is intervisible with all of those adjacent buildings which read as a particular and discrete unit rather than a loose collection of individual buildings. This strong visual linkage from the more elevated critical views is aided by the unusual tiered arrangement of development and the limited vegetation enclosing the appeal site and adjacent plots. I am satisfied that the development of the appeal site can be absorbed into the existing grouping through rounding off and consolidation,

without significantly altering the character of the area and the 2nd and 5th criterion are therefore met. With regard to the 4th criterion, the Department only raised concerns about enclosure by other development and as I have concluded that the appeal site is bounded on two and a half of its three sides by buildings, I find no conflict in this instance.

10. The 3rd criterion requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a crossroads. Whilst the appellant argued that the appeal site meets this criterion as it lies at a “staggered crossroads”, the policy allows only for development where it is located at a crossroads (my emphasis). The junction of Moyad Road with Dougans Road is located 80m north-west of its junction with Leitrim Road. As the latter junction sits on the crest of the hill and given the considerable separation distance and intervening vegetation, one is not aware of the Leitrim Road junction when exiting from Dougans Road or the shared laneway serving the appeal site. When travelling southwards along Moyad Road, there is no awareness of a crossroads and on the other approach, one is past the Leitrim Road junction before the existing grouping comes into view. Given the degree of physical and visual separation between the Dougans Road junction and the Leitrim Road junction, I am not persuaded that the appeal site is in fact located at a crossroads.
11. The appellant presented a number of cases where he contends that the Department assessed against Policy CTY2a and approved dwellings located at staggered crossroads. The Department in their rebuttal has indicated that planning applications P/011/0547/O and C/2010/0683/F were associated with social/community buildings and therefore met 3rd criterion on this basis. It appears from the site location plan attached that planning application D/2011/0130/F was assessed against Policy CTY 8 which has no requirement for location at a crossroads. No details other than the decision notice and site location map submitted by the appellant in regard to B/2010/0242/F were presented which makes it impossible to ascertain against which policies it was assessed and on what basis it was considered acceptable. In this evidential context, I am not persuaded that the Department has been inconsistent in their interpretation of the 3rd criterion of Policy CTY2a. Each appeal has to be assessed on its own merits and Appeal 2010/A0202 was decided on a particular set of site specific circumstances which are not replicated here. I conclude that the appeal proposal offends the 3rd criterion of Policy CTY 2a.
12. Policy CTY2a states that all criteria must be met and as the appeal proposal offends the 1st and 3rd criterion, the 1st reason for refusal is sustained.
13. Policy CTY14 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. I have concluded above that the development of the appeal site can be absorbed into the existing grouping through rounding off and consolidation, without significantly altering the character of the area. The introduction of a single dwelling enclosed by existing development would respect the traditional pattern of settlement in an area characterised by similar groupings and the 2nd reason for refusal is not sustained.

14. The appeal site is located in the Mourne Area of Outstanding Natural Beauty (AONB) and Policy DES 4 of the Planning Strategy for Rural Northern Ireland therefore applies. Whilst the appellant is correct in his assessment that the policies in PPS21 take precedence over the policy provisions for CPA designations in all existing and published draft plans, AONBs still fall to be considered against Policy DES 4 which was not superseded by PPS21 as outlined in its Preamble.
15. The headnote of Policy DES 4 requires development "to be sensitive to the distinctive character of the area and the quality of their landscape, heritage and wildlife". It also states that "new buildings should respect and may have to reflect the traditional architectural styles and settlement pattern". The appeal proposal would have limited visual impact given its low lying position and enclosure by existing buildings. The introduction of another dwelling at this location would reflect the character and settlement pattern of the area where other concentrations of development are apparent, without harming the scenic value of the area. Whilst there are a variety of different house styles and designs in the immediate vicinity, as this is an outline proposal, appropriate conditions could be attached to ensure that the development reflect the traditional styles of the area. I find no conflict with policy DES4 and the Department has not sustained its 3rd reason for refusal.

This decision relates to the 1:2500 site location plan date stamped refused by the Department on 4 July 2012.

COMMISSIONER PAULINE BOOMER

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0848/O	Target Date:
Proposal: Proposed Dwelling and Garage under CTY 2a	Location: 24M North of 93 Five Mile Straight Bracaghreilly Maghera
Referral Route: Refusal Recommended – Contrary to CTY 1, CTY 2a, CTY 8 of PPS 21	
Recommendation:	
Applicant Name and Address: Colm Lynn 4 Orchard Way Portglenone	Agent Name and Address: CMI Planners Unit 5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

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

Summary of the issues raised in the objections are as follows:

- Main issue over the ownership of laneway, this was included apart of applicant's original red line. Nos 93 and 95 stated they owned the laneway and no permission had been sought nor would it be granted.
- An additional objection was received from one of the original objectors with regards to the amended location plan and stated issue over access to the site mainly the necessity of a long laneway down to the site and that this has not been shown.
- Reference was made of how the proposal was unable to comply under PPS 21, however a number of the concerns were misrepresented however since this proposal has been brought forward to the Council as a dwelling and garage under CTY 2a, the concerns over CTY 2a will be the only issues considered in this case.

- Continued to say that CTY 2a of PPS 21 allows for a dwelling that it is associated at an identified focal point such as a social/community building/facility or is located at crossroads. Stated that the identifying the Lisnamuck crossroads is incorrect, in that the existing dwellings are not built around the crossroads. They are located some distance from the crossroads which are separated by agricultural fields meaning this is not a cluster.
- Stated the cluster does not appear a visual entity in the landscape.
- As per CTY 2a the proposed development does not bound on at least 2 sides with other development within the cluster. Any development therefore would visually intrude on the landscape and will create a ribbon of development which is contrary to PPS 21 policies CTY 8 and 14.
- Issue raised that the proposed dwelling is located extremely close to the boundary of No 93 and from this has the potential to diminish the amenity of this property.
- Finally the proposed development will become a prominent feature in the landscape as it also lacks long established natural boundaries which means the inability of providing a suitable degree of enclosure to allow integration.

Reviewing the issues raised in the objections, the first issue has since been dealt via the submission of an amended red line reducing it to no longer include the laneway. The concern over the need for a long laneway to the site cannot be considered at this time, since this is an outline application the exact siting of the site has not been fully decided and subject to change. From this the details of the long laneway have not been submitted and would be dealt with via a reserved matters application.

This application has been assessed under CTY 2a therefore all issues raised in the objections with regards to PPS 21 will be dealt via this report.

Characteristics of the Site and Area

Description of Proposal

This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.

Characteristics of the site and environs

The site is located approximately 2.5km south west of Glen, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as 24m North of 93 Five Mile Straight, the red line however has extended into two fields with a site marker identified above 93 Five Mile Straight. Both fields included in the red line are agricultural fields which are relatively flat and are bounded with post wire fencing with hedging and trees along the boundaries. An amended location plan was submitted prior to objection letters being received, stating that the previous plan was incorrect and the applicant did not have a right of way over the laneway. The amended plan therefore removed the laneway from the red line.

Representations

There were four neighbour notifications sent out, in which two objections were received.

Planning Assessment of Policy and Other Material Considerations

Development Plan and key policy considerations

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

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. With regards to this application. Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

The site is located outside a farm. Taking into to consideration the site marker as the intended site location, there are a number of dwellings in the surrounding area. Therefore I am satisfied that the proposal complies with the first criterion. As a result of the surrounding buildings an argument that it can be deemed as visual entity. Therefore the second criterion is fulfilled.

The identified focal point in this application is the crossroads between the Lisnamuck Road and Five Mile Straight. Concerns lay over the separation distance of the identified site and focal point, at present there is approximately 170m between the two. This coupled with the fact that there is no existing or proposed development within this 170m, just agricultural fields. From this it is clear that the proposed development is unable to cluster with focal point and fails the third criteria.

The fourth criteria requires the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. In the proposed location as per drawing L02 date stamped 14th June 2016, it is clear that the development is not bounded on two sides with other development in the cluster. It is bounded on one side with No 93 but there are substantial gap from the proposed site to the surrounding dwellings creating a visual break, failing this criteria.

The requirement of the site to be able to be absorbed into the existing cluster through rounding off and consolidation. Since it has already been demonstrated that the proposed site is not part of an existing cluster as it has no identified focal point therefore the development is not capable of being absorbed into the cluster. From this the proposed development has failed this criteria.

The final criteria requires the development to not have an adverse impact on residential amenity. The only dwelling likely to be impacted will be that of No. 93 who have an objection towards the application and made reference to the "extremely close to the boundary of No.93 with the potential to diminish the amenity of this property. Since this is an outline application and due to the size of the proposed site there is potential to move the location of the dwelling to remove any impact on residential amenity. Therefore I am satisfied this fulfils this criteria.

For the above reasons it is evident that the proposed development fails under policy CTY 2a and I would take the opinion of a refusal for this application.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. This application also fails under this policy as any development approved within the red line would be seen to add to the ribbon of development in that there are no available gap sites.

With regards to CTY 13 I am of the opinion that due to the land form and backdrop of trees of the site and screening along the road integration can be achieved in accordance with this policy.

Other policy and material considerations

Three consultations were sent out to Transport NI, NI Water and Environmental Health, all of which have replied with no objection subject to conditions.

Representations

There were four neighbour notifications sent out, in which two objections were received.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Conditions/Reasons for Refusal:

1. The proposal is contrary to the Single Planning Policy Statement 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 proposed development is considered contrary to CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;

3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Five Mile Straight, and does not represent a gap site.

Signature(s)

Date:

ANNEX	
Date Valid	14th June 2016
Date First Advertised	30th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 88A Five Mile Straight, Bracaghreilly, MAGHERA, Co. Londonderry, BT46 5LH The Owner/Occupier, 90 Five Mile Straight, Bracaghreilly, Draperstown, Londonderry, BT46 5LH, The Owner/Occupier, 93 Five Mile Straight Bracaghreilly Draperstown Patrick McKeever 93, Five Mile Straight, Draperstown, Londonderry, Northern Ireland, BT46 5LH The Owner/Occupier, 95 Five Mile Straight, Bracaghreilly, Draperstown, Londonderry, BT46 5LH, Paul Warnock 95, Five Mile Straight, Draperstown, Londonderry, Northern Ireland, BT46 5LH	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/0848/O Proposal: Proposed Dwelling and Garage under CTY 2a Address: 24M North of 93 Five Mile Straight, Bracaghreilly, Maghera, Decision: Decision Date: Ref ID: H/2003/1265/O Proposal: Site of dwelling and garage. Address: 60m North of 93 Fivemile Straight, Maghera. Decision: Decision Date: 01.11.2005 Ref ID: H/2003/1500/O Proposal: Site of Dwelling and Garage. Address: Rear of 90A Fivemilestraight, Maghera. Decision:	

Decision Date: 11.11.2005

Ref ID: H/2001/0420/O

Proposal: Site of dwelling

Address: 80 Metres South West Of 90 Fivemilestraight, Maghera

Decision:

Decision Date: 13.08.2001

Ref ID: H/2000/0614/O

Proposal: Site of dwelling

Address: Adjacent to 90 Five Mile Straight, Maghera

Decision:

Decision Date: 21.02.2001

Ref ID: H/2002/0003/RM

Proposal: Dwelling And Garage

Address: Adjacent to No.90 Five Mile Straight, Maghera

Decision:

Decision Date: 28.03.2002

Ref ID: H/2001/0419/O

Proposal: Site of dwelling

Address: 90 Metres West Of 90 Fivemilestraight, Maghera

Decision:

Decision Date: 14.08.2001

Ref ID: H/1998/0218

Proposal: SITE OF DWELLING

Address: 100M SOUTH OF 90 FIVEMILE STRAIGHT MAGHERA

Decision:

Decision Date:

Ref ID: H/1998/0005

Proposal: SITE OF DWELLING

Address: 100M SOUTH OF 90 FIVEMILE STRAIGHT BRACKAGHREILLY MAGHERA

Decision:

Decision Date:

Ref ID: H/1998/0446

Proposal: SITE OF DWELLING

Address: 210M SOUTH OF 90 FIVEMILE STRAIGHT MAGHERA

Decision:

Decision Date:

Ref ID: H/1999/0237
Proposal: 2 NO. DWELLINGS AND GARAGES
Address: 200M SOUTH OF 90 FIVE MILE STRAIGHT MAGHERA
Decision:
Decision Date:

Ref ID: H/2000/0402/F
Proposal: Dwelling and Garage
Address: Adjacent to 93 Five Mile Straight, Maghera
Decision:
Decision Date: 20.07.2000

Ref ID: H/1999/0061
Proposal: SITE OF DWELLING
Address: 85M SOUTH OF 90 FIVE MILE STRAIGHT MAGHERA
Decision:
Decision Date: 18.12.1999

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.
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:



Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/1481/F	Target Date: 13 January 2017
Proposal: Spray booth extension at existing workshop	Location: 138-140 Dungannon Road Ballygawley
Applicant Name and Address: Barrack Hill Quarries Ltd 96 Lurgylea Road Galbally Dungannon	Agent name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Summary of Issues: Extension to an existing economic development in the countryside.	
Summary of Consultee Responses: Roads – parking provision to be detailed in accordance with standards Environmental Health – no objections to the proposal subject to a condition	
Characteristics of the Site and Area: The site is located at 138-140 Dungannon Road, Ballygawley. The current use of the site appears to be an engineering workshop. A residential dwelling abuts the NE boundary of the site. The roadside boundary of the site is defined with palisade fencing approx. 6-7ft tall and the NW boundaries and SW boundaries are undefined on the ground. The site is located in the rural countryside as defined in the Dungannon and South Tyrone Area Plan 2010, situated NE of Ballygawley settlement limit. The predominant land use surrounding the site is agricultural, however there is also a mix of residential and engineering within the immediate vicinity.	
Description of Proposal Full planning permission is sought for a spray booth extension at existing workshop.	
Deferred Consideration: Members will be aware this application was before the Committee in November 2018 with a recommendation to refuse as information that had been requested to consider odour impacts from the development had not been presented. The application was deferred to	

allow the submission of an odour assessment and this was received on 28 November 2018.

Members are advised the development has been constructed on the site and the report submitted is based on operations within the 'as built' spray booth. The report has indicated there was no odour detectable at 3 locations on the north and east boundaries of the site during spraying activities on 3 occasions in November 2018. Environmental Health Department officers have assessed the report and have not raised any concerns with its findings, they have advised that a condition should be attached to address any potential complaints that may arise in relation to odour from the development.

The principle of the extension has already been assessed against the criteria contained in PED3 and PED9 of PPS4 and, subject to the consideration of odours there were no concerns about the development (see previous report). In light of the odour report and the EHO comments I consider the proposed development is in accordance with PED3 and PED9 of PPS4 as it is an acceptable expansion to an existing established industrial development in the countryside and is unlikely to result in an unacceptable loss of amenity to existing residential development.

Members are advised that the Councils Draft Plan Strategy was published on 22 February 2019 and is a material consideration on all planning applications. Policies GP1 – General Principles Planning Policy, ECON2 – Economic Development in the Countryside and TRAN 4 – Access onto Protected Routes and Other Route Ways are all relevant and do not change any consideration of the proposal. I do not consider there is a conflict between the extant policies and the proposed policies and if there was then the proposed policy cannot be given any significant determining weight at this public consultation stage

I consider this proposal meets the extant policies and is acceptable and recommend it is approved.

Conditions:

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

Reason: This is a retrospective application.

2. It is the responsibility of the operator to monitor odour emissions from the development. Following the receipt of a reasonable odour complaint from the occupant of nearby dwellings, the operator will have 7 days to submit evidence to show that odour levels and mitigation is in accordance with the Odour Impact Assessment by Irwin Carr Consulting dated 27 November 2018. If the developer cannot do this then they will be required to cease spraying and at their own expense appoint a suitably qualified and competent person to assess the odour emissions. Spraying shall not recommence until the Council has given its written consent.

Reason: To protect the amenity of adjoining residential properties.

Signature(s):
Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1481/F	Target Date:
Proposal: Spray booth extension at existing workshop	Location: 138-140 Dungannon Road Ballygawley
Referral Route: Refusal –Insufficient information provided by the agent/applicant.	
Recommendation:	Refusal
Applicant Name and Address: Barrack Hill Quarries Ltd 96 Lurgylea Road Galbally Dungannon	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Insufficient information to assess application. No representations received.

Characteristics of the Site and Area

The site is located at 138-140 Dungannon Road, Ballygawley. The current use of the site appears to be an engineering workshop. A residential dwelling abuts the NE boundary of the site. The roadside boundary of the site is defined with palisade fencing approx. 6-7ft tall and the NW boundaries and SW boundaries are undefined on the ground. The site is located in the rural countryside as defined in the Dungannon and South Tyrone Area Plan 2010, situated NE of Ballygawley settlement limit. The predominant land use surrounding the site is agricultural, however there is also a mix of residential and engineering within the immediate vicinity.

Description of Proposal

Full planning permission is sought for a spray booth extension at existing workshop.

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: 135, 136 and 137 Dungannon Road. At the time of writing, no third party representations have been received.

Planning History

M/2015/0087/F - 138-140 Dungannon Road, Ballygawley - Proposed extension of engineering workshop – PERMISSION GRANTED – 20.04.2016

An application for the lands NE of this application has also been submitted subsequent to this application and is currently under consideration:

LA09/2017/0122/F - 140 Dungannon Road, Ballygawley - Secure garage for the safe storage of vehicles – CONSULTATIONS ISSUED

Planning Assessment of Policy and Other Material Considerations

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

The site is located outside any defined settlement limit, in the rural countryside as identified in the Dungannon and South Tyrone Area Plan 2010. The site is located NE of Ballygawley settlement limit and has no other zonings or designations. The site accesses onto a protected route.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster District 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. The SPPS notes the importance of open space, sport and outdoor recreation for our society.

In line with PPS 21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside must be site and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Planning permission will be granted for non-residential development in the countryside where there are overriding reasons why it is essential and could not be located in the settlement. In this case the proposal is for a spray booth extension to an existing workshop.

Policy PED 3 of PPS 4 states that a proposal for the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The proposed extension would be located to the rear of the existing engineering workshop and would be in proportion to the existing buildings with the same ridge height proposed. The extension would appear to integrate as part of the overall development. The extension would be respectful of the existing scale, design and materials of the original buildings and there is not considered to be any architectural interest in the original property. The proposal is not for the major expansion of an existing industrial enterprise. As

stated the proposed extension is located to the rear of the existing workshop and therefore it is not considered necessary to provide any additional landscaping or measures to aid integration. Policy PED 9 of PPS 4 deals with the general criteria for economic development. The surrounding land uses surrounding the site is predominantly agricultural, however there is also a mix of residential and engineering within the immediate vicinity therefore it is considered this type of proposal would be compatible with the surrounding land uses.

The amenity of nearby residents has been considered within Environmental Health's response who have asked for an odour assessment to be carried out. This information was requested by the case officers of the application on 10/04/2018 and again on 18/09/2018 and no subsequent information from the applicant agent was received and thus the application is being presented as a refusal based on insufficient information. There are no concerns with regard to the impact which the proposal would have on the features of the natural or built heritage. The site is not located in an area at flood risk and therefore there is no reason to believe there should be any flooding issues at this site. Noise issues would have been considered within Environmental Health's response, there were no concerns raised in relation to noise.

Environmental Health noted in their response that they are "aware that spraying activities, even within a purpose built building/spraybooth have the potential to cause loss of amenity due to odour from the spray activity, bake cycle, paint kitchen and fugitive emissions sources such as paint kitchen and waste material storage". The emissions or effluents which would be created as a result of this proposal would need to have been considered carefully within an odour assessment and as noted this was not provided by the applicant/agent.

The proposal intends to use an unaltered access onto Dungannon Road. DfI Roads have offered no objection to the proposal, noting that the parking for the extension should be provided in accordance with Parking Standard guidelines (Class B2/Class B3) and should be detailed on the drawing. It is considered there is adequate space for parking and the manoeuvring of vehicles within the site curtilage and disabled parking has been accounted for. Given the rural setting there are no footpaths/cycle lanes within close proximity to the site, however there are a number of existing bus stops located along the Dungannon Road.

The site layout isn't proposed to be amended as the application is for an extension to an existing workshop. The boundaries of the site are considered to be acceptable in terms of integration. I see no reason why the site would have issues regarding crime or personal safety. The site has high palisade fencing which surrounds the site and would help avoid public access whilst not in use.

Neighbour Notification Checked:	Yes
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Summary of Recommendation:

The information which is needed to assess the application fully has not been provided by the agent/applicant. Sufficient time was given by the case officers to allow this information to be submitted and therefore refusal is recommended on the basis of a lack of information being provided.

Conditions/Reasons for Refusal:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of the odour assessment.

Signature(s)

Date:

ANNEX	
Date Valid	18th October 2016
Date First Advertised	3rd November 2016
Date Last Advertised	26th October 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 135 Dungannon Road Lurgacullion Dungannon The Owner/Occupier, 136 Dungannon Road Lurgacullion Dungannon The Owner/Occupier, 137 Dungannon Road Lurgacullion Dungannon	
Date of Last Neighbour Notification	11th October 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2016/1481/F Proposal: Revision to Previously Approved Extension of Workshop "Under Application M/2015/0087/F", to provide an additional extension to the rear of the newly approved scheme and to extend the external yard provision adjacent to the workshop Address: 138-140 Dungannon Road, Ballygawley, Decision: Decision Date: Ref ID: M/1978/0430 Proposal: IMPROVEMENT AND REPAIR OF HOUSE Address: 136 DUNGANNON ROAD, BALLYGAWLEY Decision: Decision Date: Ref ID: M/1986/0313 Proposal: PROPOSED BONING FACTORY Address: 130 DUNGANNON ROAD, BALLYGAWLEY Decision: Decision Date: Ref ID: M/1986/0404	

Proposal: CHANGE OF USE FROM CONCRETE MANUFACTURE AND DISTRIBUTION TO STORAGE AND

Address: 136 DUNGANNON ROAD, INISHMAGH, BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1989/0151

Proposal: Replacement building for repair and maintenance of commercial vehicles

Address: ADJACENT TO 136 DUNGANNON ROAD INISHMAGH BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1989/0151B

Proposal: Replacement building for the repair and maintenance of commercial vehicles

Address: ADJACENT TO 136 DUNGANNON ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2002/0864/F

Proposal: Proposed Bungalow

Address: 90 M North East of 136 Dungannon Road, Ballygawley

Decision:

Decision Date: 16.07.2003

Ref ID: M/2008/1038/F

Proposal: Proposed retention of office building and palisade fencing at 140 Dungannon Road, Ballygawley

Address: 140 Dungannon Road, Ballygawley

Decision:

Decision Date:

Ref ID: M/2009/1024/F

Proposal: Proposed replacement 2 storey dwelling and domestic garage

Address: 136 Dungannon Rd, Ballygawley

Decision:

Decision Date: 10.02.2010

Ref ID: M/2015/0087/F

Proposal: Proposed extension of engineering workshop

Address: 138-140 Dungannon Road, Ballygawley,

Decision: PG

Decision Date: 20.04.2016

Summary of Consultee Responses

Env Health – Concerns regarding impact of odours produced on neighbouring property.
DfI Roads – Parking Standards.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2017/0897/F	Target Date: <add date>
Proposal: Part use of existing farm shed to provide internal dry storage of plastic bags and plastic wrapping covers in association with the applicants established horticultural business (Evergreen Peat)	Location: 100m North West of 213 Washingbay Road Coalisland
Applicant Name and Address: Jim Mc Cuskey Evergreen Peat 10A Ferry Road Coalisland	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Issues: lack of evidence that the farm business itself is active and established and therefore that this proposal is to be run in conjunction with the business.	
Summary of Consultee Responses: Environmental Health – there are a number of sensitive receptors in close proximity, no objections if storage only and hours of delivery and use conditioned Roads – revisions were sought for access, no objections if the access is provided	
Characteristics of the Site and Area: The site contains a large shed and concrete yard, the shed is agricultural / commercial in appearance and occupies much of the site as identified. At the time of my site visit a number of lorry trailers and forklift trucks were parked within the hardstanding area. The field slopes down towards the east corner, the shed and yard are on the highest part of it the field. A low earth embankment has been crated along the north side of the hardcored yard and the remainder of the field to the north and east is in grass. The surrounding area is characterised with development of single house along the road frontages with some farm groupings and horticultural poly tunnels to the NE. DMAC Engineering is located approx. 200mts to the west of the site and there is a nucleus of development at the end of the Washingbay Road approx. 500metres to the east where there is a school and mattress factory as well as housing.	

Description of Proposal

Part use of existing farm shed to provide internal dry storage of plastic bags and plastic wrapping covers in association with the applicants established horticultural business (Evergreen Peat). Members are advised this description has been amended, it was initially described as for dry storage of peat.

Deferred Consideration:

Members are advised this application was before them in March 2018 with a recommendation to refuse planning permission, the application was deferred to allow an office meeting with the Planning Manager. At the office meeting the agent advised the proposal was not for the storage of peat but for the storage of wrapping material and bags in association with Evergreen Peat, which operates from an established premises off Ferry Road. The existing business has grown significantly and provides for so many different markets that it is not possible to keep all the wrapping materials on the existing site and keep the operations effective. They require a separate storage area to allow speedy identification of what wrapping is need and to store bulk orders of the wrapping materials. The materials are expensive and in the cramped environment on the existing site they are getting damaged which is resulting in undue wastage. This building is approx. 2kms from the existing plant and operations and allows them to quickly retrieve and change wrapping materials.

I visited the site and noted approx.. ½ of the building was used for the storage of wrapping materials. The packaging was laid in such a manner as to be easily counted and retrieved. I also visted the existing plant and noted that it is very cramped with finished products baled and stacked on the site, stockpiles of raw material around the yard and production lines for mixing, processing, bagging and stacking the finished products contained within an existing building on the site. The main production facility is located approx. 2kms south east of the application site. Mr McCuskey advised that his product is in high demand for production in Holland and across the EU. Mr McCuskey explained, at the time of my visit last March, they were getting ready for Easter and this was traditionally a busy time for the company. He explained he had recently signed a deal with United Arab Emirates for the supply of his product and this will result in production being increased.

Members should note that the application was previously considered against Farm Diversification policy CTY11 in PPS21, however having visited the production facility and the site, I consider Evergreen Peat carries out an industrial process. An industrial process is defined in the Planning (Use Classes) Order (NI) 2015 as 'a process for or incidental to any of the following purposes: (a) the making of any article or part of any article (including an aircraft, ship or vessel, or a film, video or sound recording); (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning or adapting for sale of any article; (c) the breaking up or demolition of any article (where this is not a process related to the use in Article 3(4)(o)); or (d) the getting, dressing or treatment of minerals; in the course of any trade or business other than agriculture and other than a use carried out in or adjacent to a mine or quarry. In my opinion the mixing and blending of the peat and other materials on the site falls within this definition and as such this application should be considered against Planning Policy Statement 4 – Planning and Economic Development.

PED2 sets out a number of circumstances where Economic Development may be acceptable in the countryside. PED3 allows development in certain circumstances where it

is to facilitate the expansion of an established economic development use in the countryside. In this case, members may wish to take account of the location of the existing business close to the shore of Lough Neagh, where it has been indicated there is limited opportunity to expand as they do not own the adjacent land and there are a number of restrictive environmental designations. In my view PED3 is directed at an expansion of an existing business site either on site or extending it into neighbouring land. The policy does not support 'off –site' expansion, as is being proposed here for storage of plastic wrapping materials and plastic bags. Members have made exceptions to the policies in PPS4 in a small number of cases, however these were based on the site specifics of those cases.

I would like members to be aware of following;

- the business is involved in peat processing and the applicant has advised they are expanding at a significant rate
- the Planning Department has asked for evidence of the planning permissions that allow the commercial extraction of peat and no evidence has been presented to demonstrate this
- the Planning Department have invited applications to regularise the commercial extraction, to date no applications have been submitted by the applicant for consideration
- there are a number of complaints relating to the use of this site for parking lorries and trailers and the enforcement team is aware of this site.

The Council could attach conditions to any planning permission that would control the use on the site as it is difficult to see how the use of part of the building would cause any loss of amenity to the neighbours, impact on the character of the area or have any other adverse impacts as set out in PED9. However, members are advised of the real concerns raised by objections in relation to the proposal;

- the shed has never been used for any agricultural purpose
- increase traffic / noise/ need for a generator as there is no electric on site
- that this would lead to an expansion of evergreen peat at this location resulting in loose peat storage externally resulting in harm to the objectors poly tunnels. Potential for future sheds as a result of expansion needs here
- this is really a relocation / expansion of evergreen peat which should comply with different planning policy PED3 of PPS4.
- That the applicant does not partake in any farming activities.
- That peat processed by the company is not produced on the farm but originates from elsewhere in Ireland.
- Dust from another peat operator resulted in problems for houses in Granville
- At the time of writing (5 Feb 2018) 14 forty foot trailers are parked in addition to other plant and machinery
- The shed has a large industrial roller shutter more akin to commercial use
- Future property values at risk / environmental health issues
- The re-location of the shed has resulted in an eyesore.
- That a previous application for a commercial unit M/2005/2006/F was refused in an adjacent field.

Members must only take into account the proposal before them which is for use of part of this building to store plastic bags and plastic wrapping material for Evergreen Peat. Other matters that have been raised are material considerations, as they have been brought to

the Councils attention. In view of these other concerns, I do not consider it would be appropriate to exercise an exception to policy in this instance and I would advise the Members to be mindful that I do not consider there is any policy which supports this off site expansion of an established economic development.

The Draft Plan Strategy was published on 22 February 2018 and is currently undergoing an initial 8 week consultation period. Draft Policies GP1 –General Principles Planning Policy, ECON2 – Economic Development in the Countryside and TRAN4 – Access onto Protected Routes and Other Route Ways are relaxant to the consideration of this application and I do not consider these present any significant change to the extant policies for the consideration of this application. Members are advised the policies are material considerations, however due to their recent publication and draft status, they may not be given any determining weight in the consideration of this application.

In light of the above and without any other information to the contrary, I recommend that this application is refused.

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY11 of PPS21 in that it has not been demonstrated that the proposal is to be run in conjunction with any agricultural operations on the farm and that the farm business is currently active.
2. The proposal is contrary to the SPPS, Policy CTY1 and PED2 of PPS4 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0897/F	Target Date:
Proposal: Part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat)	Location: 100m North West of 213 Washingbay Road Coalisland
Referral Route: Refusal recommended contrary to Policy CTY1 and CTY11	
Recommendation: Refusal.	
Applicant Name and Address: Jim McCuskey Evergreen Peat 10A Ferry Road Coalisland	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toome bridge
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan

Lorry trailers parked at time of site visit.



**Consultations:**

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

Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues – lack of evidence that the farm business itself is active and established and therefore that this proposal is to be run in conjunction with the business.	
Characteristics of the Site and Area – a large semi-agricultural / commercial in appearance shed occupies much of the site and at the time of my site visit a number of lorry trailers were parked within the hardstanding area. I note some variations between the shed as built and approved plans in relation to the door opening and pedestrian door. Area of grassland provides a fair degree of separation from the site to the rear of established residential properties, one of which, No 215 Washingbay Road, had objected. Access lane is place and is stoned down to the site.	
Description of Proposal Part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat)	
Planning Assessment of Policy and Other Material Considerations SPPS CAP PPS21 This is a rural location as defined by the Cookstown Area Plan. The SPPS, in relation to development in the countryside, aims to maintain and enhance the attractiveness of it as a place to invest, live and work and which requires a sustainable approach to new development. Specifically in relation to Farm Diversification it states that provision should be made for such proposals where the farm is currently active and established for a minimum of 6 years and the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaption of existing buildings with new buildings only being accepted in exceptional circumstances. The thrust of the above policy direction is reinforced in Policy CTY11 of PPS21 which requires the following: Policy CTY 11 – Farm Diversification Planning Permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply: (a) the farm or forestry business is currently active and established; By way of background to this case the site history is relevant. Planning permission was granted on the 19 th June 2013 for a Mr Joe McCuskey for a proposed farm building. At that time it appears that all agricultural lands owned by the applicant were leased and that there was no established farm business ID in existence. Examining the farm maps submitted then reveals only an 'applicant reference' and 3 fields. Despite an initial recommendation to refuse the application the Department later changed its opinion and allowed the shed.	

An application was determined by Mid-Ulster Council (LA09/2016/1428/F) to slightly re-locate the shed and amend its access.

The shed has since been constructed in general accordance with its approved plans however significant doubt remains as to whether an agricultural use has ever existed in it. An Enforcement investigation found no evidence of agricultural use and sought the removal of the unauthorised parking of lorry trailers from the adjoining area of hardstanding. I understand the case was closed following the removal of the trailers which I note had returned back onto the site at the time of my site visit of 11th Jan 2018 (see photos). At the time of my visit I was unable to enter the shed.

Having asked the agent to provide a case to support this application the following main points were made in relation to Policy CTY11.

- That the application is to support Evergreen Peat which has outgrown its nearby site
- The shed will be part used to store plastic rolls used to wrap the pallets and bags with all storage taking place internally on racks
- CMI argue that the working of peat is classed as a farming activity
- No single farm payment is being taken by the applicant and so there are no current farm maps
- That there are no EHO objections and the building is already used for storage of the applicant's farm machinery.
- The proposal is essential for the smooth running of the business

My remaining underlying concern that this proposal is to complement Evergreen Peat as opposed to any clear farm activity or farm business. It is worth repeating that the Policy requirement in this regard is that such diversification proposals are **run in conjunction with the agricultural operations on the farm** (my emphasis). The agent is silent on how the applicant runs any 'agricultural' operations beyond the Peat Business which I am not aware is itself produced from the farm lands owned and how the farm business is currently active. DEARA confirmed in 2016 that Mr Joe McCuskey (applicant for the original 2012 permission) had still not been granted a flock number, this is in spite of an understanding that he would apply for such a number if the shed was approved by the Department as the case made at that time was for future livestock. The applicant is now listed as Mr Jim McCuskey.

It is not unreasonable to try to ascertain why the applicant could apply to extend the existing business location in accordance with Policy PED3 PPS4. Whilst the agent states that no other lands are owned by the applicant around Evergreen Peat this is not perhaps insurmountable.

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

the application proposes to use an existing approved shed. Consideration should be given to the need for trailer parking and its adverse visual impact on rural amenity. Any third party concerns in relation to outdoor stock piles of peat could be dealt with by a planning condition should approval be forthcoming.

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

No such impacts are anticipated.

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

EHO have no objections to the application as presented. The Council could condition against any outdoor storage of any plant or materials.

Policy CTY11 continues to state that proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings. I am satisfied that this aspect of the policy test is met given the intended use of the existing building.

Summary of local objections.

Objections have been received from the occupants of No 215 Washingbay Road raising the following concerns:

- the shed has never been used for any agricultural purpose
- that even partial storage of peat is out of keeping with the rural / residential locality
- increase traffic / noise/ need for a generator as there is no electric on site
- that this would lead to an expansion of evergreen peat at this location resulting in loose peat storage externally resulting in harm to the objectors poly tunnels. Potential for future sheds as a result of expansion needs here
- this is really a relocation / expansion of evergreen peat which should comply with different planning policy PED3 of PPS4.
- That the applicant does not partake in any farming activities.
- That peat processed by the company is not produced on the farm but originates from elsewhere in Ireland.
- Dust from another peat operator resulted in problems for houses in Granville
- At the time of writing (5 Feb 2018) 14 forty foot trailers are parked in addition to other plant and machinery
- The shed has a large industrial roller shutter more akin to commercial use
- Future property values at risk / environmental health issues
- The re-location of the shed has resulted in an eyesore.
- That a previous application for a commercial unit M/2005/2006/F was refused in an adjacent field.

Many of the above are valid concerns. The Council would of course have the ability to condition any storage as being internal and any future expansion of the site would have to comply with planning policy in place at that time. I share concerns relating to the level of agricultural use, that the proposal is more an expansion of Evergreen Peat than directly farm related, that the presence of large numbers of trailers are visually intrusive and themselves may provide noise nuisance based on deliveries to and from the site.

Neighbour Notification Checked

Yes

Summary of Recommendation: refusal contrary to PPS21 Policy CTY11.

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY11 of PPS21 in that it has not been demonstrated that the proposal is to be run in conjunction with any agricultural operations on the farm and that the farm business is currently active.

Signature(s) M.Bowman

Date: 20th Feb 2018.

ANNEX	
Date Valid	3rd July 2017
Date First Advertised	20th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 211A Washingbay Road, Aughamullan, Coalisland, Tyrone, BT71 5EG, The Owner/Occupier, 212 Washingbay Road, Aughamullan, Coalisland, Tyrone, BT71 5EG, The Owner/Occupier, 215 Washingbay Road Aughamullan Coalisland Brian Donnelly 215 Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 5EG Brian Donnelly 215, Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 5EG The Owner/Occupier, 217 Washingbay Road Aughamullan Coalisland	
Date of Last Neighbour Notification	24th January 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0897/F Proposal: Part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat) Address: 100m North West of 213 Washingbay Road, Coalisland, Decision: Decision Date: Ref ID: LA09/2016/1428/F Proposal: Relocation of laneway to service a farm shed approved under M/2012/0590/F with the shed relocated within the approved curtilage 35 m west of the approved location due to ground levels and amended site design. Address: 85m SE of 211A Washingbay Road, Coalisland, Decision: PG Decision Date: 14.02.2017 Ref ID: LA09/2016/1624/O	

Proposal: Site for Dwelling and Garage on a Farm
Address: Land to rear of 215-217 Washingbay Road, Coalisland, Dungannon (access taken via existing farm access between No's 215 and 217),
Decision:
Decision Date:

Ref ID: M/2014/0471/F
Proposal: Site for 2 no dwellings (Infilling gap site)
Address: Site between 211a and 215 Washingbay Road Aughamullan,
Decision: PG
Decision Date: 30.09.2015

Ref ID: M/2011/0310/O
Proposal: Site for 2 no. dwellings (Infilling gap site)
Address: Site between 211a and 215 Washingbay Road, Aughamullan,
Decision:
Decision Date: 24.10.2011

Ref ID: M/2011/0453/F
Proposal: New double garage
Address: 211a Washingbay Road, Coalisland, BT71 5EG,
Decision:
Decision Date: 18.08.2011

Ref ID: M/1996/0708
Proposal: Site for Dwelling
Address: NO. 211A WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2007/0095/F
Proposal: 15KW wind turbine with 18m Mast
Address: 211A Washingbay Road, Coalisland
Decision:
Decision Date: 24.05.2007

Ref ID: M/2005/2006/F
Proposal: General purpose shed for 4 No vehicles (commercial), caravan, lawn mower two cars and other domestic items including bicycles, quads, ladders.
Address: Rear of 211A Washingbay Road, Aughamullan, Coalisland
Decision:
Decision Date: 14.09.2006

Ref ID: M/1987/0495

Proposal: RETIREMENT BUNGALOW
Address: ADJOINING 211 WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND
Decision:
Decision Date:

Ref ID: M/1988/0242
Proposal: RETIREMENT DWELLING
Address: ADJOINING 211 WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND
Decision:
Decision Date:

Ref ID: M/1997/0496
Proposal: Proposed dwelling
Address: 211A WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2007/1522/O
Proposal: New single detached dwelling
Address: Land 250m South of 214 Washingbay Road, Coalisland
Decision:
Decision Date: 19.04.2011

Ref ID: M/1992/0684
Proposal: Site for Dwelling
Address: APPROX 60M EAST OF NO 211 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1987/0417
Proposal: BUNGALOW AND GARAGE
Address: WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND
Decision:
Decision Date:

Ref ID: M/1987/0016
Proposal: BUNGALOW
Address: WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND
Decision:
Decision Date:

Ref ID: M/2012/0590/F
Proposal: Proposed farm building 150m south east of 211a Washingbay Road,
Aughamullan, Coalisland, BT71 4QE

Address: 150m south east of 211a Washingbay Road, Aughamullan, Coalisland,
Decision: PG
Decision Date: 24.06.2013

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.

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Status: Submitted

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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. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/1101/O	Target Date:
Proposal: Proposed "off site" replacement dwelling (to include a basement) and domestic garage / store (based on planning policy CTY 3) with the existing dwelling to be retained as ancillary use to the main home dwelling	Location: Approx 165m South West of no 73 Ballyscullion Road Bellaghy
Applicant Name and Address: Mr Gavin Breslin 73 Ballyscullion Road Ballyscullion West Bellaghy BT45 8NA	Agent name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: No representations have been received in respect of this proposal	
Description of Proposal <p>The proposal is an outline application for an 'off-site' replacement dwelling (to include a basement) and domestic garage / store (based on planning policy CTY 3) with the existing dwelling to be retained as ancillary use to the main home dwelling.</p> <p>The proposed site for the replacement dwelling is set around 150m to the south west of the existing building and will be accessed via a new laneway which joins onto the existing laneway and will therefore share the existing access point onto the Ballyscullion Road. The site is visually divorced from the site due to the existence of a significant copse of mature deciduous trees, known as Seawright's Wood. The site falls gently from the south west towards the south east and has panoramic views over Lough Beg with Ballyscullion</p>	

House in the distance to the south west. There is a 1.5m high thorn hedge along the northern and eastern boundaries while the other boundaries are undefined. There are no critical views of the site from the public road system, however, there are critical views of the site from Lough Beg which is a public water system. From that vantage point, any dwelling on the site will be highly visible due to the elevated nature of the site and the lack of boundary vegetation on the southern, eastern and western boundaries.

Characteristics of the site and area

The site comprises two parcels of land. The first contains the existing building which is set within the grounds of the applicant's dwelling which also contains a number of outbuildings some of which are dilapidated. The building which is the subject of the replacement is a low 2 storey building, set to the front of the existing dwelling and has a certain character. It is built with basalt stone on the front elevation with red brick detailing around the window openings and door heads and has a natural slate roof. The red brick detailing is also carried thru at wall plate level and on the single chimney which is positioned on the ridge but is off-centre. However, there is no evidence of this chimney extending to ground level with no chimney breast or fireplace in either part of the building. The upper floor of the building has three louvered windows to the front with a pedestrian doorway directly over one of the ground floor windows and is centred on the front elevation. This doorway has a small dormer type roof which is tied into the main roof.

The existing building is split in two with the right-hand side having a wide arched doorway and would appear to have been a coach house, while the left hand side has a pedestrian doorway. The left hand side of the building has two small rooms with only a small window to the front of each. There are no further windows to either the gables or rear. There is a small chimney.

There are dilapidated agricultural buildings and cattle handling pens to the rear of the building to be replaced. Within one of the buildings attached to the rear of the building to be replaced, is a small opening at first floor level. This opening provides a second access to the first floor loft area of the building, which extends the full length of the building. The only obstruction within this first floor loft area is the chimney which rises up through the building.

It is evident that the loft area is used for the storage of hay. This would appear to have been the original use of the building as the door opening at first floor level, on the front, would have been used for access and the louvered openings at the front would have provided the necessary ventilation. These louvered openings are all at floor level and not at height compatible with an area used for human habitation.

There is no previous planning history on this site.



Description of Proposal

Proposed "off site" replacement dwelling (to include a basement) and domestic garage / store (based on planning policy CTY 3) with the existing dwelling to be retained as ancillary use to the main home dwelling

Deferred Consideration:

The application was presented as a refusal under CTY3, CTY13 and CTY14, to the Planning Committee in December 2019, where it was deferred and an office meeting was held on 13th December 2019 with the agent.

The main issue discussed was that the view had been taken, that the building to be replaced was not a dwelling. At the meeting the agent advised conversion was not an option due its location in the middle of an existing farmyard, giving little separation with the existing dwelling. It was agreed the site would be re-visited and a re-consideration made following this.



Internal of building

A site inspection was carried out on 17th Jan 2019. The proposed dwelling is to be located off-site, to the SW of the building to be replaced. The proposed field is elevated and is open and undefined on two sides and partly on a third, with a low hedgerow and sparse trees along the only fully defined boundary. Although the site lacks a number of long established boundaries, due to the distance from the public road and lack of critical views, the issue of integration in CTY13 could be aided with additional landscaping.

Due to the topography of the site Lough Beg can be viewed from it, however in terms of critical views the site cannot be seen from any public roads, so although there were initial

concerns over critical views from Lough Beg, these would be fleeting and from such a distance that they would not have a significant detrimental impact on the existing rural character in terms of CTY14 or be unduly prominent in the landscape.



Limited views from public road

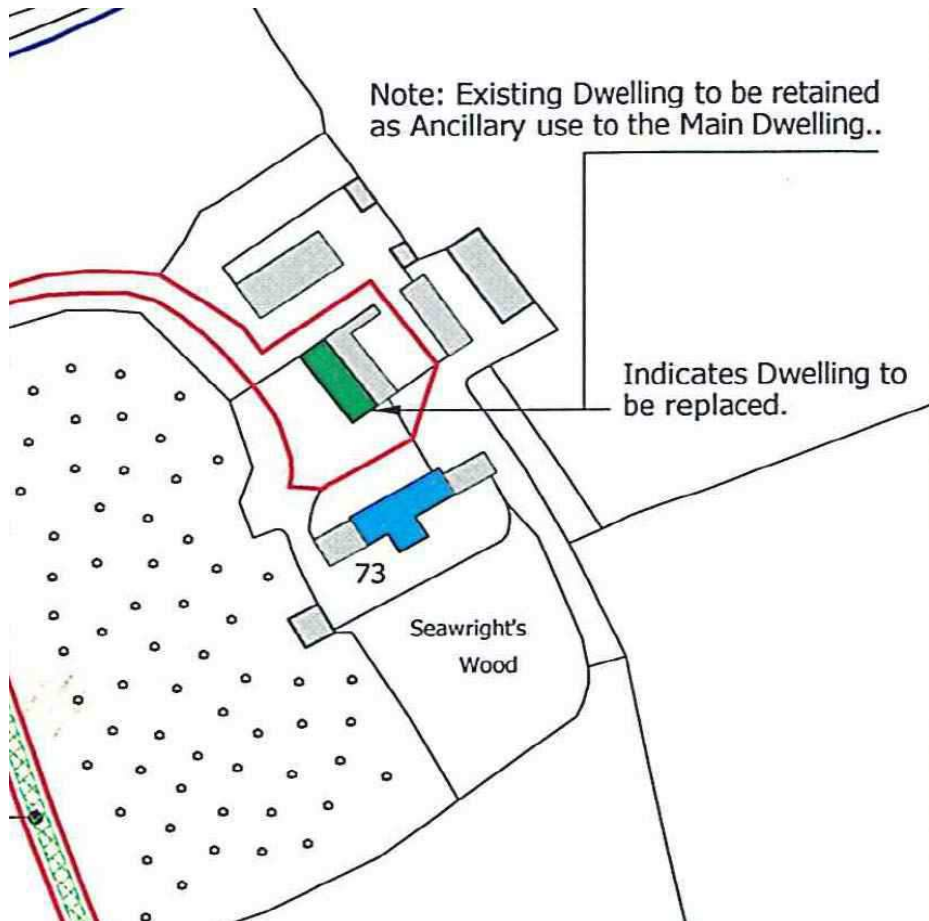
However the main issue under CTY3 still remains.

The building on the site has been proposed as a replacement dwelling under CTY3, however, having visited the property, it does not exhibit all the characteristics of a dwelling house as detailed in Policy CTY3. Although the building is structurally sound and has 4 walls intact, it would appear to have been a building associated with the existing dwelling No.73, rather than a dwelling in its own right.

The building itself to be replaced, would be regarded as a non-listed vernacular building, which in line with policy should be retained and converted under CTY4 rather than replaced. The conversion of this locally important building, which appears in good structural condition, would ensure its upkeep and retention. After discussion with the Planning Manager, it could be accepted that the building was part used as accommodation for a stable hand who worked on the farm for the owners of the existing associated dwelling No.73. However, over time this use has long since gone and it is now being used only for agricultural storage.

In terms of CTY3, under non-listed vernacular dwellings, it states the retention and sympathetic refurbishment, with adaption if necessary, is encouraged in preference to their replacement. This building makes a positive contribution to the heritage and character of the area and it has not been demonstrated that it is not capable of being made structurally sound or improved, so therefore policy states it should be retained.

It has been indicated by the agent, that it cannot be converted due to its location in the middle of a farmyard, however as seen in the map below, a number of existing sheds in grey could possibly be removed and space made to allow adequate space for a dwelling here.



The proposed replacement dwelling is not sited within the established curtilage of the existing building and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; and the proposed replacement dwelling would have a visual impact significantly greater than the existing building. There would be little visual linkage with the existing site and the proposed far removed off-site location, and no reason has been given why it cannot be located in an alternative site on the farm or curtilage, which would have better visual linkage.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and CT1 & CT2 - dwellings in the countryside, are applicable to this application. The site falls outside the Special Countryside Area designation at Lough Beg. As such, the development appears contrary to the Draft Plan Strategy, however it holds no determining weight as it is only at early consultation stage.

In conclusion the proposal remains contrary to CTY3 and the building should be retained and converted rather than replaced in an offsite location, visually far removed from the existing farm complex. A refusal is recommended for the reasons given below.

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the building which it is proposed to replace makes an important contribution to the heritage of the locality and it has not been demonstrated that it is not capable of being made structurally sound and improved.
2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that;
the proposed replacement dwelling is not sited within the established curtilage of the existing building and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; and
the proposed replacement dwelling would have a visual impact significantly greater than the existing building.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1101/O	Target Date:
Proposal: Proposed "off site" replacement dwelling (to include a basement) and domestic garage / store (based on planning policy CTY 3) with the existing dwelling to be retained as ancillary use to the main home dwelling	Location: Approx 165m South West of no 73 Ballyscullion Road Bellaghy
Referral Route: This application is being presented to Committee as it is being recommended for Refusal	
Recommendation:	REFUSE
Applicant Name and Address: Mr Gavin Breslin 73 Ballyscullion Road Ballyscullion West Bellaghy BT45 8NA	Agent Name and Address: CMI Planners Ltd 38 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	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Historic Environment Division (HED)	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 representations have been received in respect of this proposal

Description of Proposal

The proposal is an outline application for an 'off-site' replacement dwelling (to include a basement) and domestic garage / store (based on planning policy CTY 3) with the existing dwelling to be retained as ancillary use to the main home dwelling.

The proposed site for the replacement dwelling is set around 150m to the south west of the existing building and will be accessed via a new laneway which joins onto the existing laneway and will therefore share the existing access point onto the Ballyscullion Road. The site is visually divorced from the site due to the existence of a significant copse of mature deciduous trees, known as Seawright's Wood. The site falls gently from the south west towards the south east and has panoramic views over Lough Beg with Ballyscullion House in the distance to the south west. There is a 1.5m high thorn hedge along the northern and eastern boundaries while the other boundaries are undefined. There are no critical views of the site from the public road system, however, there are critical views of the site from Lough Beg which is a public water system. From that vantage point, any dwelling on the site will be highly visible due to the elevated nature of the site and the lack of boundary vegetation on the southern, eastern and western boundaries.

Characteristics of the site and area

The site comprises two parcels of land. The first contains the existing building which is set within the grounds of the applicant's dwelling which also contains a number of outbuildings some of which are dilapidated. The building which is the subject of the replacement is a low 2 storey building, set to the front of the existing dwelling and has a certain character. It is built with basalt stone on the front elevation with red brick detailing around the window openings and door heads and has a natural slate roof. The red brick detailing is also carried thru at wall plate level and on the single chimney which is positioned on the ridge but is off-centre.



However, there was no clear evidence of this chimney extending to ground level with no chimney breast or fireplace in either part of the building. The upper floor of the building has three louvered windows to the front with a pedestrian doorway directly over one of the ground floor windows and is centred on the front elevation. This doorway has a small dormer type roof which is tied into the main roof. It is interesting to note that the main door to the front is a bi-folding door which is

hinged in the middle as well as to one side and is wider than a normal door. This would again be consistent with the building being able to accommodate horses entering stables.



The existing building is split in two with the right-hand side having a wide arched doorway and would appear to have been a coach house, while the left hand side has a pedestrian doorway. The left hand side of the building has two small rooms with only a small window to the front of each. There are no further windows to either the gables or rear.



There are dilapidated agricultural buildings and cattle handling pens to the rear of the building to be replaced. Within one of the buildings attached to the rear of the building to be replaced, is a small opening at first floor level. This opening provides a second access to the first floor loft area of the building, which extends the full length of the building. The only obstruction within this first floor loft area is the chimney which rises up through the building. It is evident that the loft area is used for the storage of hay. This would appear to have been the original use of the building as the door opening at first floor level, on the front, would have been used for access and the louvered openings at the front would have provided the necessary ventilation. These louvered openings are all at floor level and not at height compatible with an area used for human habitation.



First floor area

Relevant planning history

There is no previous planning history on this site.

Planning Assessment of Policy and Other Material Considerations

Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

PPS 21 – sustainable development in the countryside Policy CTY 3 – Replacement Dwellings States the planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. This includes buildings previously used as dwellings.

In this case, it is my opinion that the building does not exhibit all the characteristics of a dwelling. Although the existing building does have a door, windows, roof, a chimney and all four external walls are fully intact, there is nothing on site to convince me that this building was ever a

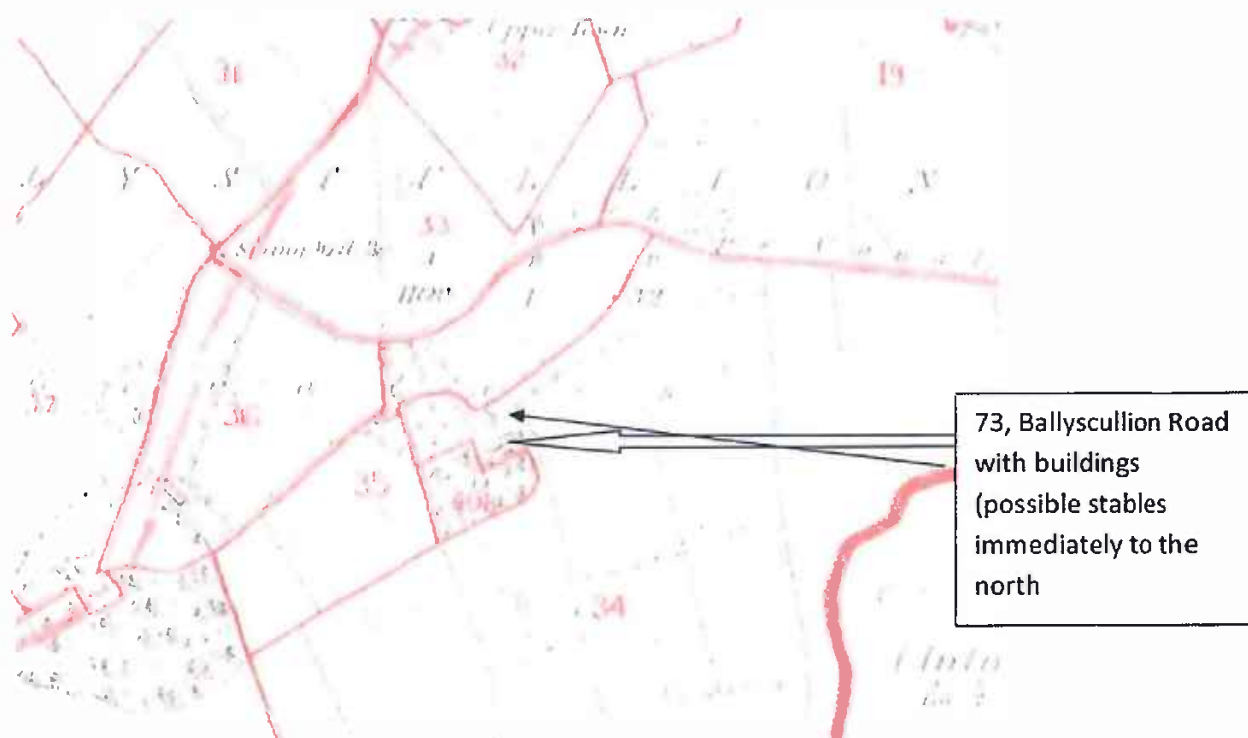
dwelling. I am of the opinion that given the design of the building, that the original use was actually stables and a coach house for the main dwelling to the south. It is obvious that with the large arched doorway to the left of the subject building, this was a stable. This was typical of the design of stables from this period. Additionally, the remainder of the building would have been stables as it was normal to have the coach house and stable together. The lack of windows on three walls would also indicate that this was not a dwelling but in fact was the stables.

The agent in submitting the application, also submitted additional information in the form of a design and access statement. This statement advised that *'No. 73 Ballyscullion Road and its associated outbuildings although not listed hold important architectural character and features'*. It is agreed that the existing building to be replaced does indeed have architectural character and it would be desirable to have this retained.

The statement also claims that the building exhibits all the characteristics of a dwelling as it has windows, a chimney and all structural walls are intact. The existence of these elements of a building in itself does not prove beyond reasonable doubt that the building was a dwelling. As stated above, these elements would also be characteristic of stables and a coach house, where a chimney could be located within the stable in connection with a forge and shoeing horses.

The supporting statement refers to research carried out and in particular to the Griffith's Valuation (1862). The statement states that *'Lot 34..... Comprises a house, office buildings (which covers outhouses and stables and land...'*. As the document refers to dwelling in the singular and not dwellings, this is clear evidence that there was only one dwelling on Lot 34, ie. the existing no.73. This is further supported by the extract of Griffith's Valuation (1862) Townland of Ballyscullion East, provided within the design and access statement which states *'73 Ballyscullion Road with buildings (possible stables immediately to the north'*. As the map clearly identifies the existing dwelling as no.73, the second building seen on the map is therefore clearly the building referred to as stables. This map is repeated in the statement and is overlaid with a modern map and again refers to *'with buildings (possible Stables) immediately to the'*.

Griffith's Valuation (1862) Townland of Ballyscullion East



The statement goes on to advise that John Hamill is sub-letting a house and also a second house, both located within Lot 34. This would in affect mean that there were three buildings in Lot 34, two houses and the stables. However, only two buildings are identifiable from the map. What is questionable is the location of the second dwelling if indeed it ever existed, as it is quite possible that the 'second' dwelling has been demolished and that what has been retained is the main dwelling and the stables. Even if it were to be accepted that there were two dwellings on Lot 34, the Griffiths Valuation ***does not*** identify the ***exact*** location of individual buildings and has not done so in this instance. Therefore, in this instance it has not been accepted that the building to be replaced has ever been a dwelling.

Policy CTY 3 goes on to state that *'favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling'* however, this is conditional *'where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage.....'* However, as discussed above, and as suggested by the design and access statement, the building to be replaced although not listed holds important architectural character and features'. Therefore it is accepted that the building to be replaced should be retained. Given the location of the building to be replaced and the distance it is set off the public road with no visual impact, it is not accepted that there would be any environmental benefit in having this building replaced.

Policy CTY 3 also requires all replacement cases to be sited within the established curtilage of the existing building unless it is too restricted or it can be shown that an alternative position would result in demonstrable landscape, heritage, access or amenity benefits. In this case, if the principle of replacement were to be accepted, it is acknowledged that as the existing building is to be retained, it would not be possible to develop a new dwelling on the existing site due to the limited space. However, there are alternative sites available which are much closer to the existing building than the proposed site and which would be more acceptable. One such site is the field to the north of the existing farmyard. This site is around 60m from the existing building as opposed to 150m and is sufficiently well separated from the farm yard so as not to pose any health and safety concerns. It would also negate the need for a new laneway as access can be achieved directly from the existing lane and again it would not have any significantly greater visual impact from the public view.

As this is an outline application, any issues relating to size and design, could be dealt with by way of any subsequent Reserved Matters application. However, due to the elevated nature of the site and panoramic views from the site towards Lough Beg and vice-versa, any dwelling on the proposed site would be highly visible from Lough Beg which is part of the public river corridor and is frequently used by boats. Given the topography of the site and the surrounding land, the low cut hedge along the eastern boundary will provide no integration potential whatever. Additionally there are no defined boundaries along the southern or western sides. Therefore any dwelling on the proposed site will have a significantly greater visual impact than the existing building, which is not visible from any public vantage point.



View from the site overlooking Lough Beg towards the East

Policy CTY 3 also refers to Non-Listed Vernacular Dwellings and although as discussed above, it is not accepted that the existing building was a dwelling, notwithstanding this, if the existing building were to be regarded as a former dwelling, its replacement would not be supported by this policy. The policy states that the retention and sympathetic refurbishment, with adaptations if necessary, of non-listed vernacular dwellings will be encouraged in preference to their replacement. A dwelling which makes an important contribution to the heritage of the locality, which has already been accepted as detailed above, would only be acceptable for replacement where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved. The subject building is structurally sound and can be improved and converted with no evidence, neither visible nor submitted, to suggest otherwise.

This building is undoubtedly a non-listed vernacular building which should be retained and refurbished as opposed to being replaced. This option is permissible under Policy CTY 4 which caters for the conversion and reuse of locally important buildings, including such use as a dwelling, where this would secure its upkeep and retention.

CTY 13 – Integration and Design of Buildings in the Countryside

Due to the topography of the site, the lack of acceptable boundary vegetation and the critical views from Lough Beg, any dwelling on this site would suffer from a lack of integration and would appear prominent on the landscape. Due to the lack of long established natural boundaries or a suitable degree of enclosure any dwelling would fail to integrate into the surrounding landscape as it would be totally reliant on proposed landscaping to achieve an acceptable degree of integration.

CTY 14 – Rural Character

Any dwelling on the application site would result in a detrimental change to the character of the surrounding area as it would be considered to be unduly prominent due to the critical views from Lough Beg from where a dwelling would occupy an elevated position in the landscape.

PPS 3 – Access, movement and parking

Transport NI were consulted and advised that they have no objection to the proposal subject to the provision of the necessary visibility splays. However, it should be noted that the in order to

provide the necessary visibility splays, the walls at the existing entrance would have to be set back on both sides of the access. It is noted that this will require control of third party lands.

Recommendations

On consideration of the above, it is my opinion that the proposal is contrary to Policy CTY 3 because;

the building was never a dwelling;

the proposed redevelopment would not bring any significant environmental benefits;

the existing building makes an important contribution to the heritage of the locality;

it has not been demonstrated that it is not reasonably capable for the existing building to be made structurally sound or otherwise improved;

any dwelling on the proposed site would suffer from a lack of integration and would have a visual impact significantly greater than the existing building;

The proposal is contrary to Policy CTY 13 because;

A new dwelling would be a prominent feature on the landscape;

The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and

A new dwelling on the proposed site would rely primarily on the use of new landscaping for integration purposes.

The proposal is contrary to Policy CTY 14 as a dwelling on the proposed site would be unduly prominent in the landscape.

Therefore planning approval should be refused for the proposed development for the following reasons:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below

Refusal Reasons:

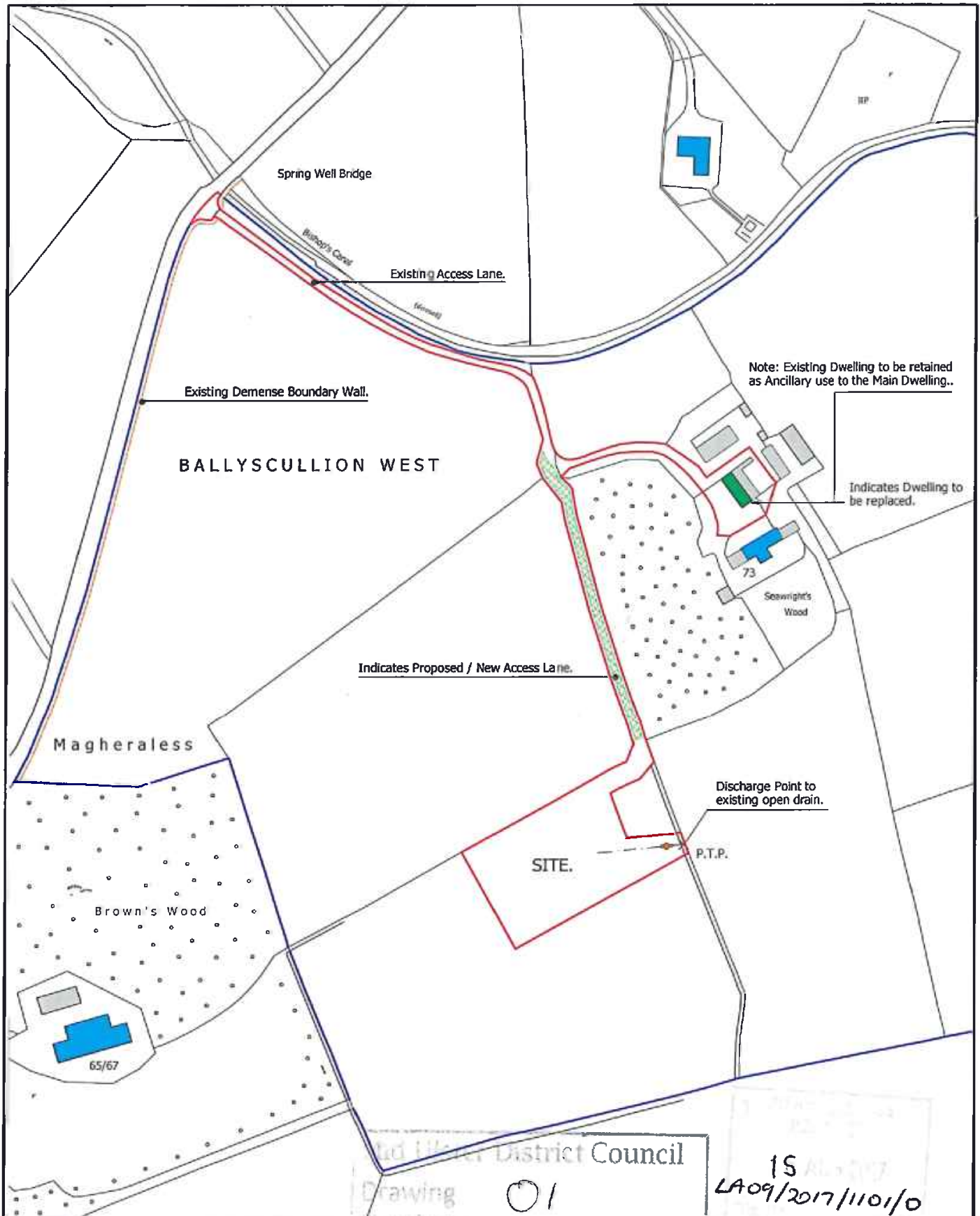
1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the building which it is proposed to replace makes an important contribution to the heritage of the locality and it has not been demonstrated that it is not capable of being made structurally sound and improved.
2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that;
 - the building has been designed and used for agricultural purposes;
 - the proposed replacement dwelling is not sited within the established curtilage of the existing building and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; and
 - the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building would be a prominent feature in the landscape;

- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
 - the proposed building relies primarily on the use of new landscaping for integration;
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, be unduly prominent in the landscape and would therefore result in a detrimental change to erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	15th August 2017
Date First Advertised	31st August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
No Neighbours to be notified	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History	
<p>Ref ID: LA09/2017/1101/O Proposal: Proposed "off site" replacement dwelling (to include a basement) and domestic garage / store (based on planning policy CTY 3) with the existing dwelling to be retained as ancillary use to the main home dwelling Address: Approx 165m South West of no 73 Ballyscullion Road, Bellaghy, Decision: Decision Date:</p> <p>Ref ID: H/2010/0351/F Proposal: 11KV Overhead Powerline Address: 400m South West of 73 Ballyscullion Road, Bellaghy Decision: Decision Date: 04.11.2010</p>	
Summary of Consultee Responses	
All consultees responded positively, however, DfI Roads advised that the walls need to be set back to achieve the required visibility splays in both directions.	
Drawing Numbers and Title	
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>	
Notification to Department (if relevant)	
<p>Date of Notification to Department: Response of Department:</p>	



Location Plan
Scale 1:2500



No 38 Airfield Road
The Creagh,
Toomebridge
Co Antrim,
BT41 3SQ

Mr Christopher Cassidy
chris@cmlplanners.com
Mr Brendan McMullan
brendan@cmlplanners.com

Tel: 028 7963 2350

**Planners
Ltd.**

Client	Mr Gavin Breslin
Project	Proposed Site For Replacement Dwelling & Domestic Garage 165mts S/West of No 73 Ballyscullion Road - Bellaghy - BT45 8NA.
Drawing Title.	Location Map:

Scale/Sheet	Drawing no.
1:2500 @ A4	L01
Date	Revision
Aug 2017	A
Job No.	Drawn By
1442	ByM



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2018/0176/F	Target Date: <add date>
Proposal: Retrospective shed for the storage of boats and working of nets.	Location: To the rear of 140 Kilmascully Road Dungannon Co Tyrone.
Applicant Name and Address: Martin O'Neill 9 Rossa Court Ardboe Dungannon BT71 5AR	Agent name and Address: CMI Planners 38 Airfield Road Toomebridge Antrim BT41 3SG
Summary of Issues: Objections have been received that alleges the building is used for servicing lorries, it questions the size of the building for the storage of boats and working nets and raises concerns about its appearance and that it overshadows and dominates the adjacent dwelling. Speaking rights have been used by the applicant at the Planning Committee in October 2018.	
Summary of Consultee Responses: Roads – no objection, condition provision of access	
Characteristics of the Site and Area: The application site is located to the rear of 140 Kilmascully Road, Ardboe, Dungannon and is a plot of agricultural land. The site is located outside any designated settlement limits as defined in the Cookstown Area Plan, 2010. On site is a large agricultural type shed with grey block walls and green insulated cladding panels and green panels on the roof. To the front of the shed is a large roller shutter door. To the south eastern side of the shed is a Pvc door and a window and the rear of the opposite side of the shed on the north west is another Pvc type door. The boundary to the east and north of the site consists of post and wire fence, to the west to northwest there is mature hedgerows and vegetation. To the south west there is a small wooden fence which makes up the	

boundary between the application site and the property at 140 Kilmascally road. The boundary to the front of the site which adjoins the Kilmascally road consists of large wooden gates. There are some old lorry trailers, an old vehicles a small boat as well as empty diesel containers observed around the perimeter of the shed. The surrounding land is rural in nature with agricultural fields with a scattering of single dwellings along the roadside.

Description of Proposal

The applicant seeks permission for a retrospective shed for the storage of boats and working nets.

Deferred Consideration:

Members will be aware of this application for the retention of a building for the storing of boats and working nets which was before the Committee in October 2018 where it was deferred for an office meeting.

An office meeting was held with Dr Boomer where it was noted there is no policy for buildings in the countryside for fishermen and that Mid Ulster Council were considering a policy for fishermen in the review of the Local Development Plan. It was noted Mr O'Neill lives in Ardboe and does not have any room there for his boats. He bought this ground but is not a farmer and has not provided any evidence to suggest he meets the criteria for an active and established farmer. He has 2 boats and fishes for pollen and perch, which he supplies to the Fishery at Toome. Dr Boomer advised Mr O'Neill that if the Council were to approve this development it would be tightly conditioned for the storage of boats and working nets, if the building was used for any other purpose then there would be enforcement action taken and this could result in heavy fines. Discussions then revolved around the amenity of the neighbouring property, as the hard standing area extends up the rear boundary fence of the adjoining property. To remedy this it was agreed that an amended plan would be submitted to show this hard standing area removed and landscaped. These plans were submitted and the neighbour consulted.

Since the office meeting with Dr Boomer, this office has received a number of objections from the adjoining property. The objections relate to the use of the building for the maintenance of lorries and questions the size of the building for storing boats and working nets. The objector states the lorries are brought to the site at night time and worked on, then taken away again. A photograph of an articulated lorry was submitted, it is a Scania with a white cab and the name O'Neill on it, it is towing a green curtain side trailer. Further concerns are raised about the building overshadowing and dominating the dwelling beside it.

With regards to the overshadowing and dominating effect, the building is 7.5m in height, it is located 33m to the NE of the dwelling and is on more or less the same level as the objectors property. The objectors property has windows facing towards the building. Due to low elevation of the building and its 33m separation distance on a fairly flat site, I do not consider it has a significant dominating effect on the property. The building is NE of the objectors dwelling and it may affect them by casting a shadow at and after sunrise, during

the summer months. This will be short lived and I do not consider it would be excessive or result in any significant detriment to the amenity of the property. I do not consider the shed unduly overshadows or dominates the objectors property.

The Draft Plan Strategy was published on 22 February 2019 and is a material consideration in the determination of this application. I consider Policies GP1 – General Principles, AFR1 – Agricultural and Forestry Development and development Ancillary to Commercial Fishing and TRAN 4 – Access onto Protected Routes and Other Routes are relevant to the consideration of this development. This shed is located within the area identified as a Policy Area of Holders of Commercial Fishing License in the District Proposals Map 1E. Mr O'Neill has provided details of his fishing interest as scale fisherman and I consider Policy AFR1 would support this development. Members should note the Draft Plan Strategy is currently undergoing an initial 8 week consultation period and as such cannot be given any great weight in the determination of this application and it must be determined on the basis of the extant regional policies.

Members are advised that the development before them is for the retention of the building for storage of boats and working nets. Policy CTY12 of PPS21 relates to agricultural and forestry development but does not support fishermen erecting buildings in the countryside. The Cookstown Area Plan refers to Agricultural, Forestry and Fishing under the same heading but again it does not provide any policy in support of this development. The building, in my opinion, does have the appearance of a typical modern agricultural building, it is 220sqm in floor area and has a 7.5m ridge height finished with green cladding to the upper walls and roof and sand cement render to the lower walls. To the front of it is a bungalow and barrel roofed agricultural shed and some other smaller buildings. Views of this building are limited to the minor, dead end, road to the east of the building and from the lough. While the building is readily viewed from the east, it is set back from the road and reads with the existing buildings to the front, it also has the benefit of vegetation to the rear of it. I consider all these factors mean the building has a reasonable degree of integration, does not dominate the landscape or adversely impact on the rural character of the area.

Members should be cautious about being sympathetic to the case, in light of the draft plan policy, as there is an objector who lives beside the development. The objector has brought to the Councils attention that it is being used for maintaining HGVs. The applicant bought this land and erected this building without applying for planning permission and as such carried out this development at his own risk. Members are advised that while this application is predicated on the basis of storing boats and working nets and if approved could have its use strictly conditioned, the default position is that there are currently no policies that support the development. Given that there is dispute over the on-going uses within the building, I recommend that the application is refused.

Reasons for Refusal:

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

Signature(s):**Date**



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 02.10.18	Item Number:
Application ID: LA09/2018/0176/F	Target Date:
Proposal: Retrospective shed for the storage of boats and working of nets.	Location: To the rear of 140 Kilmascally Road Dungannon Co Tyrone.
Referral Route: Refusal	
Recommendation:	Refusal
Applicant Name and Address: Martin O'Neill 9 Rossa Court Ardboe Dungannon BT71 5AR	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge Antrim BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

Transport NI were consulted were consulted on this application and had no objection subject to conditions. The application is the result of an enforcement action and they have received several complaints about the site.

Characteristics of the Site and Area

The application site is located to the rear of 140 Kilmascully Road, Ardboe, Dungannon and is a plot of agricultural land. The site is located outside any designated settlement limits as defined in the Cookstown Area Plan, 2010. On site is a large agricultural type shed with grey block walls and green insulated cladding panels and green panels on the roof. To the front of the shed is a large roller shutter door. To the south eastern side of the shed is a Pvc door and a window and the rear of the opposite side of the shed on the north west is another Pvc type door. The boundary to the east and north of the site consists of post and wire fence, to the west to northwest there is mature

hedgerows and vegetation. To the south west there is a small wooden fence which makes up the boundary between the application site and the property at 140 Kilmascally road. The boundary to the front of the site which adjoins the Kilmascally road consists of large wooden gates. There are some old lorry trailers, an old vehicles a small boat as well as empty diesel containers observed around the perimeter of the shed. The surrounding land is rural in nature with agricultural fields with a scattering of single dwellings along the roadside.

Description of Proposal

The applicant seeks permission for a retrospective shed for the storage of boats and working nets.

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) 21 – Sustainable Development in the countryside
- 4.Planning Policy Statement (PPS) 3 – Access, Movement and Parking.

Planning History

There is no planning history on the site which is of relevance to the determination of this application.

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.

Assessment

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

The Cookstown Area Plan, 2010, groups agriculture, forestry and fishing under the one category and while there appears to be a gap in the policy as there is no specific policy for assessing fishing related sheds for storage purposes, it would seem logical if assessing the principal of this application under the same policy as agricultural sheds set out in PPS 21: Sustainable development in the countryside.

This proposal is for a Retrospective shed for the storage of boats and working nets. The large shed is unauthorised development and has been erected without planning permission in close proximity to a third party dwelling (140 Kilmascally road). While there has been no official objection to this application, we have been made aware of the occupants concerns through the enforcement case on the site. Evidence has been provided to show the site being actively used for the movement of lorry trailers. Ariel photographs also show lorry trailers on the site. During my first site visit I was unable to access the site as the gates were locked, however lorry trailers could be seen on the site. A second site visit was carried out which was arranged through the agent. While there was two small boats ad nets in the shed there were various other items around the site including lorry trailers, old cars and large diesel drums.

The proposal considered to have a detrimental impact on the amenity of the occupants of the surrounding residential dwellings and it would create a nuisance in terms of noise and general disturbance to the occupants of these dwellings.

Also the applicant has changed the use of the land as it was previously an agricultural field and the land has been completely hard cored and the large shed erected on it. The shed is visually intrusive and dominant in the existing landscape.

Conclusion

In conclusion I consider the proposal to be unacceptable in this area as it would cause detrimental impact and harm to the amenity of the occupants of the surrounding residential dwellings by reason of noise, nuisance, general disturbance and visual intrusion and therefore recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Conditions/Reasons for Refusal:

This would cause detrimental impact and harm to the amenity of the occupants of the surrounding residential dwellings

I consider the proposal to be unacceptable in this area as it would cause detrimental impact and harm to the amenity of the occupants of the surrounding residential dwellings by reason of noise, nuisance, general disturbance and visual intrusion and therefore recommend refusal.

There has been a complete change of use of the land from an agricultural field to a hard core yard with a large, shed which is intrusive and dominant in the existing setting.

Signature(s)

Date:

ANNEX	
Date Valid	9th February 2018
Date First Advertised	22nd February 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 140 Kilmascully Road Dungannon Tyrone The Owner/Occupier, 146 Kilmascully Road,Dungannon,Tyrone,BT71 5BN,	
Date of Last Neighbour Notification	22nd February 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0176/F Proposal: Retrospective shed for the storage of boats and working of nets. Address: To the rear of 140 Kilmascully Road , Dungannon, Co Tyrone., Decision: Decision Date:	
Ref ID: I/2001/0329/O Proposal: Proposed dwelling Address: 90m East of 140 Kilmascully Road Ardboe Decision: Decision Date: 23.08.2001	
Ref ID: I/1977/010401 Proposal: ERECTION OF DWELLING Address: KILMASCALLY, COAGH Decision: Decision Date:	
Ref ID: I/1977/0104 Proposal: REPLACEMENT BUNGALOW Address: KILMASCALLY, ARDBOE, DUNGANNON Decision: Decision Date:	

Ref ID: I/1975/0487
Proposal: 11 KV O/H LINE
Address: KILMASCALLY, COOKSTOWN
Decision:
Decision Date:

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

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2018/1161/F	Target Date
Proposal: The conversion, reuse and extension of an existing traditional stone barn for use as a dwelling and garage.	Location: 60m NW of 27 Drummullan Road Coagh
Applicant Name and Address: Ms K Mc Cormick 27 Drummullan Road Coagh	Agent name and Address: Slemish Design Studio LLp Raceview Mill 29 Raceview Road Broughshane BT42 4JJ
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The site is located approximately 2km northwest of Coagh in the open countryside in accordance with Cookstown Area Plan 2010. The site is located 60m north west of No 27 Drumullan Road, Coagh and consists of group of old stone outbuildings located along a road frontage. There is also a large overgrown area located to the rear of the outbuildings and rises significantly from east to northeast. The eastern boundary, which wraps around the site, is defined by belt of mature deciduous trees. The road slopes down from the northern junction with the Ballydawley Road and on passed the site.	
Description of Proposal The application proposes the conversion, reuse and extension of an existing traditional stone barn for use as a dwelling and garage.	

Deferred Consideration:

The application was deferred for an office meeting which was held on the 14th March 2019 and attended by Dr Boomer, M.Bowman and Joe Magill (agent)

The scheme is generally welcomed in principle and Joe had prepared some additional amendments to the finishes and provided a 3D image for information.

Discussion was held around the difficult topography to the rear of the site and it was agreed that the new development had to take place to the rear for the scheme to work. Plans showed an improved relationship between the new build element and the existing stone building with a carry over of stone work to help the 2 aspects to visually blend.

Some concern was expressed about the need and design of the front projection and how this looked overly suburban.

It was agreed that the agent would discuss this aspect with the client and revert back to the Council in the coming days. Amended plans were submitted on 20th March and have been agreed with Dr Boomer re the small front projection.

I have visited the site on 2 occasions and understand the physical constraints of the site in terms of delivering a redevelopment and conversion project. That said the degree of public interest is extremely low given the class of road and twisting nature of it rendering any views of the proposed short and minimal. That said Policy CTY4 must be met and on balance I feel that this scheme as amended now achieves a satisfactory balance between securing the upkeep of the old stone building and providing modern and high quality design. A quality design project is indicated and when complete the original part of the conversion will not be lost in the overall scheme.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside, part (d) -

Conversion / Re-use of existing buildings for residential use, are applicable to this application.

This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

Conditions:

1. Development shall be commenced within 5 years from the grant of permission
2. Vehicular access including splays to be provided prior to the commencement of any development hereby approved.
3. All soft landscaping to be provided during the first available planting season following commencement of the development.
4. The existing structural integrity of the existing stone building shall be retained and improved and incorporated into the proposal in accordance with the details on approved plans.

Signature(s): M.Bowman
Date 19th Mar 2019.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1161/F	Target Date:
Proposal: The conversion, reuse and extension of an existing traditional stone barn for use as a dwelling and garage.	Location: 60m NW of 27 Drummullan Road, Coagh
Referral Route: Contrary to CTY 1, 4 (b) & (c) & 13 (e) of PPS 21	
Recommendation:	Refuse
Applicant Name and Address: Ms K Mc Cormick 27 Drummullan Road Coagh	Agent Name and Address: Slemish Design Studio LLp Raceview Mill 29 Raceview Road Broughshane BT42 4JJ
Executive Summary:	
Signature(s):	

For Committee decision

21/2/19

Case Officer Report

Site Location Plan




Consultations:

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

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues - None	
<p>Characteristics of the Site and Area</p> <p>The site is located approximately 2km northwest of Coagh in the open countryside in accordance with Cookstown Area Plan 2010. The site is located 60m north west of No 27 Drummullan Road, Coagh and consists of group of old stone outbuildings located along a road frontage. There is also a large overgrown area located to the rear of the outbuildings and rises significantly from east to northeast. The eastern boundary, which wraps around the site, is defined by belt of mature deciduous trees. The road slopes down from the northern junction with the Ballydawley Road and on passed the site.</p>	
<p>Description of Proposal</p> <p>The application proposes the conversion, reuse and extension of an existing traditional stone barn for use as a dwelling and garage.</p> 	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Relevant Site History: I/1999/0408/F - Proposed Dwelling and Garage. Approved 16th November 2000 I/2002/0701/O - Proposed 2 storey dwelling and garage. Approved 23rd December 2002 I/2007/0644/F - Proposed 2 storey dwelling and garage. Approved 18th December 2007 LA09/2018/0312/F - Change of house type and garage location from that approved and commenced under I/2007/0644/F. Application was made invalid on 4th September 2018 because the a material start had not commenced on site before the expiry of the permission i.e. part of the garage foundation was located outside of the proposal site.</p> <p>Representations: 2 neighbour's notification letters were sent to the occupiers of Nos 27 & 30 Drummullan Road, Moneymore. No letter of representation have been received</p> <p>Development Plan and Key Policy Consideration: Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p><u>Cookstown Area Plan 2010:</u> The site is located in the open countryside. There is no other designations on the site.</p>	

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.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policy CTY1 of PPS 21 outlines the types of development which may be permitted in the countryside. One type of acceptable development is 'The Conversion and reuse of Existing Buildings' in accordance with Policy CTY 4. The policy states that planning permission will be granted for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternative uses, including use as a single dwelling where this would secure its upkeep and retention. Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of a locally important building as a single dwelling where this would secure its upkeep and retention. The amended wording of the SPPS constitutes a revision of Policy CTY4. Paragraph 1.12 of the SPPS states that where there is any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS. The amended wording of the SPPS constitutes a revision of Policy CTY 4 and consequently the term 'locally important building' must take precedence over the term 'suitable building' in Policy CTY4 of PPS21. The SPPS does not define "locally important" but lists examples such as former school houses, churches and older traditional barns and outbuildings.



The subject building is an old traditional barn. The building is two storey and is finished using natural stone with lime mortar and red brick detailing around the door and window

openings. The existing traditional pitched roof appears to have been replaced with a lowered corrugated tin barrel roof. The building occupies a square footprint measuring 6.6m x 6.6m externally and has an internal floor area of 60sqm on both floors.

The application proposes converting the small barn to provide a utility room and WC on the ground floor and a bedroom and study on the first floor. A new extension is proposed to the rear of the barn and due to rising ground levels it will sit at considerable higher level than the barn. The proposed extension measures 13.2m x 8.7m with a ridge height of 6.4m above finished floor level. Two projections are also proposed to the front and rear and a glazed hall will link the barn with the extension. The finishes include slate/tile roof covering and render and natural stone walls.

CTY 4 sets out 7 criteria which all residential development proposals are expected to meet. I have concerns relating to criteria and (b) & (c):

(b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality; -



Whilst the conversion of the small barn will secure its upkeep and retention, the small barn forms part of a larger collection of old roadside vernacular stone outbuildings. Together, this collection of buildings are considered 'locally important' and worthy of retention because of their character and architectural features. However, the proposal appears to have not considered these buildings in the overall layout and therefore I would have concerns that these 'locally important' buildings will be demolished in favour of a large new extension and as a result, the proposal would have an adverse impact on the character and appearance of the area. Therefore, the proposal is contrary to Criterion (b) of CTY 4.

(c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building. -

The floor area of the existing barn equates to 60sqm on both floors, however the floor area of the proposed extension is approximately 172sqm, which also includes the attached garage. This would represent almost a 3 fold increase in the proposed floor area and therefore would not be considered sympathetic to the scale and massing of the barn. In addition, the proposed ridge height of 6.4m above FFL suggests that first floor accommodation will be provided later and would further add to the floor area of the

proposed extension. Due to the significant increase in ground levels to the rear of the barn, the proposed extension will be approximately 1.7m higher than the existing barn and as a result would be visually dominance in comparison with the barn.

The proposed extension is not designed to be an integral part of the barn both functionally and visually. Instead, it has been designed to takes the appearance and form of a single storey dwelling found in an urban context. Rather than maintaining and enhancing building form, character and architectural features, the proposed extension would detract from the architectural style of the barn due to its large expanse of glazing on the front façade, large unsympathetic form and visually dominance presence in the landscape. Therefore, the proposal is contrary to Criterion (c) of CTY 4.

Integration

Under CTY4, it is considered that the design, siting, massing and scale of the extension are inappropriate and will have a significantly greater visual impact than the barn to be converted. Therefore, the extension is also contrary to Criterion (e) of CTY 13 - the design, siting, massing and scale of the proposed extension is inappropriate for the site and its locality.

Rural Character

Under CTY4, it is considered that the higher proposed ridge height of the extension in comparison with the barn to be converted will have an unacceptable visually dominance presence in the landscape. Therefore, the extension is also contrary to Criterion (a) of CTY 14 - the extension would be unduly prominent in the landscape.

Neighbour Notification Checked: **Yes**

Summary of Recommendation: Refuse - Contrary to CTY 1, CTY 4 (b) & (c) & CTY13 (e) of PPS 21

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 CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing attached buildings and the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design, siting, massing and scale of the proposed extension is inappropriate for the site and its locality.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the extension would, if permitted, be unduly prominent in the landscape.

Signature(s)
Date:

ANNEX	
Date Valid	3rd September 2018
Date First Advertised	20th September 2018
Date Last Advertised	28th February 2019
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Drummullan Road, Moneymore, Londonderry, BT45 7XS The Owner/Occupier, 30 Drummullan Road Moneymore Londonderry	
Date of Last Neighbour Notification	18th February 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/1161/F Proposal: Replacement dwelling and garage Address: 60m NW of 27 Drummullan Road, Coagh, Decision: Decision Date: Ref ID: I/2002/0701/O Proposal: Proposed 2 storey dwelling and garage Address: 80 Metres North West of 27 Drummullan Road, Cookstown Decision: Decision Date: 23.12.2002 Ref ID: I/1998/0415 Proposal: Private dwelling house Address: 200M SOUTH OF JUNCTION OF BALLYDAWLEY ROAD AND DRUMULLAN ROAD COAGH COOKSTOWN Decision: Decision Date: Ref ID: I/1999/0408/F Proposal: Proposed Dwelling and Garage Address: 200m South of Ballydawley and Drummullan Road, Coagh Decision: Decision Date: 20.11.2000 Ref ID: I/2007/0644/F	

Proposal: Proposed 2 storey dwelling and garage Address: 80 metres north west of 27 Drumullan Road, Cookstown Decision: Decision Date: 18.12.2007
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan and Elevation and Floor Plans Status: Submitted Drawing No. 01 Revision 1 Type: Site Location Plan and Elevation and Floor Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2018/1293/O	Target Date:
Proposal: Dwelling and garage under CTY8	Location: 40m North of 210 Shore Road Ballymaguigan Magherafelt
Applicant Name and Address: Mr Brian Doyle 208 Shore Road Ballymaguigan Magherafelt	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Characteristics of the Site and Area: <p>The site is located approximately 300m north of one of the three clusters of development which make up the settlement of Ballymaguigan in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 40m north of No 210 Shore Road and consists of a cut out portion of a large agricultural roadside field. The south western boundary is defined by a 1.5m hawthorn hedge with some semi-mature trees located further back, the eastern (roadside) boundary is defined by a neatly cut 1m hawthorn hedge and the northern and western boundaries are undefined. Immediately south of the site there are two residential properties Nos 210 & 208 and 70m north-west of the site there is a residential property No 216 set back 60m from Shore road.</p>	

The application seeks outline planning permission for a proposed infill dwelling and garage.

This application was presented as a refusal to Committee in Jan 2019 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 the proposal does not constitute a small gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Shore 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, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would,

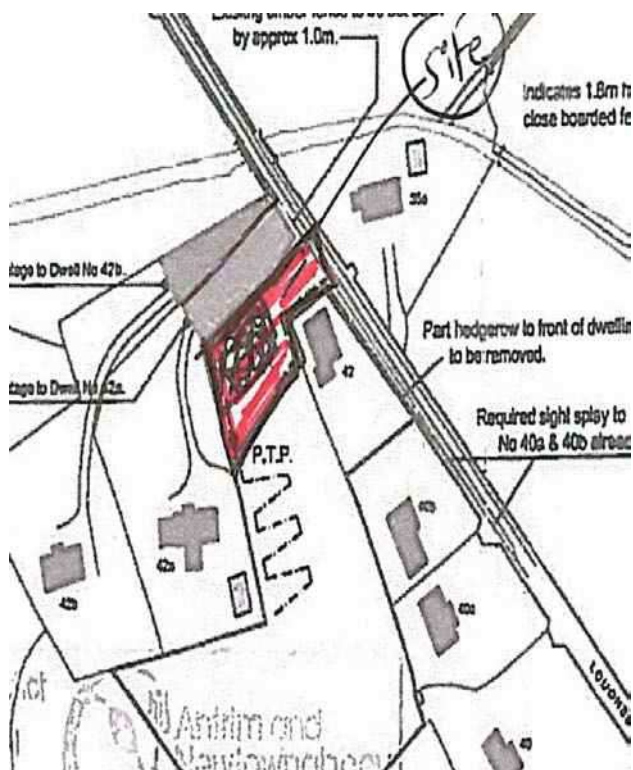
if permitted create a ribbon of development at this stretch of the Shore Road and therefore result in a detrimental change to the rural character of the countryside.

The application was deferred for an office meeting, which was held with the agent on 17th Jan 2019. At the meeting the agent submitted an appeal decision to help support his case. The appeal was 2017/A0249, for dwelling and garage at approx 20m W of 42 Loughbeg Road, Toome.

In this appeal, the Commission stated that 'property 42a does have a road frontage by virtue of its formally laid out garden area, driveway and associated features', and it was counted as being visually linked to neighbouring development, even though the dwelling itself could not be viewed with them.

However in the case, the dwelling which is being relied on to be visually linked, has only two small slivers of garden on either side of the drive and a post and wire fence. That property which was relied on in the appeal decision had more substantial associated development at the roadside to be viewed as a road frontage and therefore is not directly comparable to the neighbouring property in this case.

Also with the current application the site is located in the southern part of the field with a gap between it and No.216, which is being relied on, whereas the appeal site was directly adjacent to the entrance and associated features of the dwelling which was accepted as contributing to the infill.



Appeal location map 2017/A0249

Each case must be assessed on its own merits and as previously stated by the case officer, another appeal decision 2018/A0063 for a detached dwelling at lands 55m south of 47 Cashelstown Road, Ahoghill, concludes that a similar site described within this current application, did not have a frontage to the public road, and this appeal was dismissed.

The site is cut out of a larger agricultural roadside field with little integration offered. Due to the lack of long established natural boundaries the site would not be able to offer a suitable degree of enclosure for a dwelling to integrate into the landscape along this open stretch of Shore Road.

I would be in agreement with the previous recommendation that a dwelling on the site would cause a detrimental change to the character of the area. A dwelling on the site would visually link with existing development and add to a ribbon of development which would further erode the rural character of this area.

Refusal is being recommended with the addition of CTY13 due to lack of integration.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and CT1 & CT2 are applicable to this application. As such, the development is contrary to the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

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 does not constitute a small gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Shore 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, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Shore Road and therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the countryside, and therefore would not visually integrate into the surrounding landscape.

Signature(s):

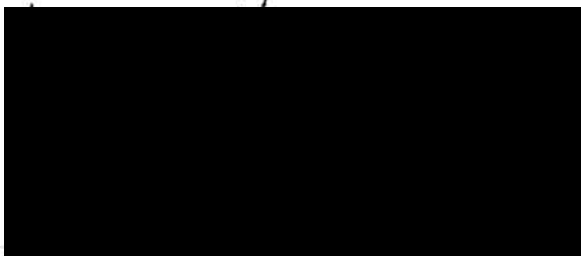
Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1293/O	Target Date:
Proposal: Dwelling and garage under CTY8	Location: 40m North of 210 Shore Road Ballymaguigan Magherafelt
Referral Route: Contrary to CTY 1, 8, &14 of PPS 21	
Recommendation:	Refuse
Applicant Name and Address: Mr Brian Doyle 208 Shore Road Ballymaguigan Magherafelt	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	
Signature(s):	



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues: No Issues

Characteristics of the Site and Area

The site is located approximately 300m north of one of the three clusters of development that make up the settlement of Ballymaguigan in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 40m north of No 210 Shore Road and consists of a cut out portion of a large agricultural roadside field. The south western boundary is defined by a 1.5m hawthorn hedge with some semi-mature trees located further back from the road, the eastern (roadside) boundary is defined by a neatly cut 1m hawthorn hedge and the northern and western boundaries are undefined. Immediately south of the site there are two residential properties Nos 210 & 208 and 70m north-west of the site there is a residential property No 216 set back 60m from shore road.

Description of Proposal

The application seeks outline planning permission for a proposed infill dwelling and garage.

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

No relevant history.

Representations:

6 neighbour's notification letter were sent to the occupiers of Nos 208, 209, 210, 211, 213 & 216 Shore Road, Ballyronan, Magherafelt.

No letters of representation have been received

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

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.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside CTY1, CTY8, CTY13 & CTY14 are applicable.

This policy 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 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 application is seeking outline permission for an infill site between properties at No 208, 210 and 216 Shore Road. The properties at No 208 and 210 consists of a two dwellings and garages/outbuildings. Both properties are roadside and have road frontages onto the Shore Road. The property at No 216 consists of a single storey dwelling setback approximately 50m from the Shore Road and access is via a wide driveway. An agricultural field separates No 216 from the Shore Road. Although No 216 is visible to the northwest of the proposal site, crucially it does not have a road frontage onto the Shore Road. In the absence of a substantial and built up frontage consisting of a line of 3 or more buildings along a road frontage, the proposal is contrary to CTY 8.

I have determined that the site not to be within a substantial and continuously built up frontage, therefore no infill opportunity arises and issues regarding plot size, frontage size and development pattern are not relevant.

Integration

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The raising landform to the rear of the site would provide a suitable backdrop for a single storey dwelling with a ridge height of 5.5m to visually integrate into the surrounding landscape. The vegetation along the south-western boundary would help to screen the a new dwelling when travelling in northerly direction and when travelling in the opposite direction a new dwelling would read with the existing built development at Nos 208 & 210.

Impact on Character and Appearance of the Area

Policy CTY14 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. It also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of development. A new dwelling would visually link with the buildings at Nos 208 and 210 located south of the site and with the dwelling at No 216 located north of the site. I have already determined that the proposal would add to a ribbon of development, which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area. The proposal is contrary to criteria (b) and (d) of Policy CTY 14.

Other Matters

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No other evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

Application LA09/2016/1672/O *I would Ask members to note that*

~~The Members~~ at the Planning Committee refused a similar application for an infill dwelling under ref No LA09/2016/1672/O in August 2017. Similar to application it also relied on a dwelling (No 1) which did not have a road frontage (see image below) to make up the line of three or more buildings. ~~Therefore, in the interest of administrative fairness the Member should also refuse this proposal.~~



Appeal Decision 2018/A0063

In appeal decision 2018/A0063 the Commissioner agreed with the Local Planning Authority that the dwelling and garage located at No 51 (see image below) did not have a frontage onto the public road. This is similar to the proposal site in that it only has a driveway/laneway abutting the public road.

**Other Material Consideration.**

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. Furthermore I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, however this will be further considered at RM stage if approval is forthcoming.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refuse - Contrary to CTY 1, 8 & 14 of PPS 21**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 does not constitute a small gap site in a substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along this stretch of the Shore 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, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Shore Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date

ANNEX	
Date Valid	3rd October 2018
Date First Advertised	18th October 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 208 Shore Road Ballyronan Magherafelt The Owner/Occupier, 209 Shore Road, Ballyronan, Magherafelt, Londonderry, BT45 6LW, The Owner/Occupier, 210 Shore Road Ballyronan Magherafelt The Owner/Occupier, 211 Shore Road, Ballyronan, Magherafelt, Londonderry, BT45 6LW, The Owner/Occupier, 216 Shore Road Ballyronan Magherafelt The Owner/Occupier, Andrew Bradley Ltd, 213 Shore Road, Ballyronan, Magherafelt, Londonderry, BT45 6LW,	
Date of Last Neighbour Notification	18th October 2018
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/1293/O Proposal: Dwelling and garage under CTY8 Address: 40m North of 210 Shore Road, Ballymaguigan, Magherafelt, Decision: Decision Date: Ref ID: H/1988/0092 Proposal: HOUSE WITH GARAGE Address: ADJ TO 210 SHORE ROAD BALLYMAGUIGAN Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2018/1377/F	Target Date: 30 January 2019
Proposal: Conversion of existing building to dwelling with side extension, new lane and associated site works (Revised Access)	Location: Adjacent to 19 Killycolpy Road Stewartstown Dungannon
Applicant Name and Address: Gary Campbell 19 Killycolpy Road Stewartstown Dungannon	Agent name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Summary of Issues: The application relates to the conversion of an existing building to a dwelling with a side extension, new lane and associated site works in the countryside.	
Summary of Consultee Responses: DFI Roads – Approve with conditions requiring visibility splays of 2.4m x 60.0m and forward sight distance of 60.0m prior to development commencing.	
Characteristics of the Site and Area: The application site is located adjacent to 19 Killycolpy Road, Stewartstown approximately 2.3km southwest of the settlement limits of Ardboe. The site is located in the open countryside, outside any defined settlement limits as defined in the Cookstown Area Plan 2010. There is development pressure existing along this stretch of Killycolpy Road with a number of roadside single dwellings. However further east, the landscape character is rural with less concentrated development and predominantly undulating agricultural land. The site comprises a small farm holding with three adjoining outbuildings, stepped in height and finished with stone external walls and a tin roof, as well as an outbuilding located to the east of the site which appears to have been partially rebuilt with brick to the front elevation. The application site is relatively flat and currently accessed via an existing	

laneway which serves the dwelling of No.19. The surrounding context includes the two storey dwelling house of No.19, a derelict single storey dwelling and further south west, a two storey dwelling, No.19a, which is accessed via a separate access. The north west boundary treatment is defined by established hedging of approximately 2 meters in height, with the southern boundary defined by established trees. The north east boundary is defined partially by a low level wall, as well as post and wire fencing. The application site is not easily visible from surrounding vantage points or the public road.

Description of Proposal

The proposal seeks full planning permission for the conversion of existing buildings to a dwelling with side extension and new access at 19 Killycolpy Road, Stewartstown.

Deferred Consideration:

Members will be aware this application was before them at the Committee Meeting on 7 January with a recommendation to refuse. The application was discussed and it was decided that in principle the conversion of this existing stone outbuilding met with the definition of a suitable building as set out in policy CTY4 of PPS21 and older traditional barns and outbuildings as specified in the Strategic Planning Policy Statement. The design of the extension was not of any concern as it is behind the existing building and screened by existing vegetation. The application was deferred to consider the visual impacts of the proposed access lane. A meeting was held with the Planning Manager and revised access details were presented which more closely follows the line of the existing access lane and provides a robust landscaping scheme. The proposed access will now have a reduced visual impact as it will now appear as one single lane instead of 2 separate lanes.

Members are advised that the Councils Draft Plan Strategy was published on 22 February 2019 and is a material consideration on all planning applications. Policies GP1 – General Principles Planning Policy, CT1- General Policy, CT2- Dwelling in the Countryside and TRAN 4 – Access onto Protected Routes and Other Route Ways are all relevant and do not change any consideration of the proposal. I do not consider there is a conflict between the extant policies and the proposed policies and if there was then the proposed policy cannot be given any significant determining weight at this public consultation stage

I consider this proposal meets the extant policies and is acceptable and recommend it is approved.

Conditions:

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

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

2. Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 60.0m and 60.0m forward sight distance 45m shall be provided in accordance with the approved drawing No.02 Rev 1 bearing the date stamp 22 FEB 2019.

The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02 Rev 1 bearing the stamp dated 22 FEB 2019 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

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: LA09/2018/1377/F	Target Date:
Proposal: Conversion of existing building to dwelling with side extension, new lane and associated site works	Location: Adjacent to 19 Killycolpy Road Stewartstown Dungannon
Referral Route: Refusal	
Recommendation:	
Applicant Name and Address: Gary Campbell 19 Killycolpy Road Stewartstown Dungannon	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
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		
<p>The application relates to the conversion of an existing building to a dwelling with a side extension, new lane and associated site works in the countryside. It is considered, the application does not meet the policy tests for the conversion of an existing building to a dwelling. No representations have been received and DfI Roads were consulted and responded with no objections subject to conditions. All prevailing policy and material considerations have been considered below.</p>		
Characteristics of the Site and Area		
<p>The application site is located adjacent to 19 Killycolpy Road, Stewartstown approximately 2.3km southwest of the settlement limits of Ardboe. The site is located in the open countryside, outside any defined settlement limits as defined in the Cookstown Area Plan 2010. There is development pressure existing along this stretch of Killycolpy Road with a number of roadside single</p>		

dwelling. However further east, the landscape character is rural with less concentrated development and predominantly undulating agricultural land.

The site comprises a small farm holding with three adjoining outbuildings, stepped in height and finished with stone external walls and a tin roof, as well as an outbuilding located to the east of the site which appears to have been partially rebuilt with brick to the front elevation. The application site is relatively flat and currently accessed via an existing laneway which serves the dwelling of No.19. The surrounding context includes the two storey dwelling house of No.19, a derelict single storey dwelling and further south west, a two storey dwelling, No.19a, which is accessed via a separate access. The north west boundary treatment is defined by established hedging of approximately 2 meters in height, with the southern boundary defined by established trees. The north east boundary is defined partially by a low level wall, as well as post and wire fencing. The application site is not easily visible from surrounding vantage points or the public road.

Description of Proposal

The proposal seeks full planning permission for the conversion of existing buildings to a dwelling with side extension and new access at 19 Killycolpy Road, Stewartstown.

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. Cookstown 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.

Cookstown Area Plan 2010: The site is Lough Neagh Shore Countryside Policy Area and as such should comply with Area Plan Policy CTY 2.

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.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in development plans.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

RELEVANT PLANNING HISTORY

I/2013/0237/F - 30m South of 19 Killycolpy Road, Ardboe - Change of access from that previously approved in planning approval I/2010/0510/F - Permission Granted 04/10/13

I/2010/0510/F - Lands 30m South of 19 Killycolpy Road, Ardboe - Proposed replacement dwelling - Permission Granted - 06/04/11

CONSULTATION

DfI Roads – No objections, subject to conditions and informatives.

REPRESENTATION

Four (4) neighbouring properties were notified and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Article 45 of the Planning Act (NI) 2011 requires the planning authority, 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. The application site is located outside any settlement limits within the Lough Neagh Shore Countryside Policy Area as defined in the Cookstown Area Plan 2010. Therefore, in considering the proposed development it is necessary to have regard to Policy CTY 2 of the Area Plan. Area Plan Policy CTY 2 states development proposals will be determined in accordance with the provisions of prevailing regional planning policy; the Department considers it necessary to protect the primarily rural landscapes of the Lough Neagh shoreline and its environs. I am content that the proposal will be assessed against all prevailing regional planning policy below.

Principle of Development

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of its Council area. Planning Policy Statement 21 was retained under these transitional arrangements. Policy CTY 1 of PPS21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development which includes a dwelling constructed in accordance with Policy CTY 4 'The Conversion and Reuse of Existing Buildings'. Policy CTY 4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable non-residential building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. However the SPPS introduces a greater test at Paragraph 6.73 stating provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building as a single dwelling.

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessments of individual planning applications. Therefore the term 'locally important building' must take precedence over the term 'suitable building' in Policy CTY4. The SPPS does not define 'locally important', rather gives a list of examples such as former school houses, churches and older traditional barns and outbuildings. Recent PAC decisions indicate that these cited examples typically relate to buildings that generally have some design, architectural or historic merit.

No justification or supporting information has been submitted to demonstrate how the subject outbuilding could be defined as 'locally important'. It is noted the outbuildings exhibits the characteristics of a rural, vernacular building in that it has a linear form and of a notable age constructed from stone. However, in my opinion it appears the outbuilding has been designed and is currently used for agricultural purposes. I do not consider the outbuilding exhibits qualities of significant architectural or historic merit to make it locally important and given the limited views of the building from the surrounding context, it is not a significant visual feature in the local landscape. Therefore, in my opinion the principle of development is not acceptable as the proposal does not meet the policy test set out in the SPPS in that the building to be converted is not considered to be a 'locally important' and there are no overriding reasons why this development is essential at this rural location to meet criteria set out in Policy CTY1 of PPS 21.

Design and Appearance

This proposal is to retain the existing stone buildings with the addition of a modest contemporary pitched roof extension. It is considered the proposed design is sympathetic to the existing buildings, retaining the historic fabric, with a traditionally designed large rear extension. The proposed extension is to be finished with smooth render external walls painted white, with a grey slate pitched roof. There is a proposed zinc roof finish to the existing and link pitched roof which in my opinion will successfully link the original and new building. The ridge height of the extension is approximately 5.8 metres, which is approximately 1.5 metres higher than the lowest part of the existing building. However, given the existing building has a stepped ridge height, the proposed varying roof levels are considered acceptable.

Impact on Character and Appearance of the Area

The proposal is located approximately 100 metres from the public road, with limited public views. The proposal retains existing screening with additional boundary treatment to the NE/SE boundary. With consideration to the limited public views and screening of the site, I do not consider the proposed conversion and extension to existing building will have an adverse effect on the character or appearance of the surrounding area.

Neighbour Amenity

I consider the proposal to be modest in size and scale and therefore will not appear overbearing or overly dominant. With consideration to the proposed landscaping, siting and fenestration, I do not consider the proposal will give rise to significant overlooking or overshadowing to neighbouring properties.

Access and movement

The planning application seeks to introduce a new, separate laneway to the south of the proposed building to be converted. Policy AMP 2 of PPS3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DfI Roads have been consulted and have not outlined any concerns regarding road safety or traffic flow resulting from the proposed access subject to the provision of visibility splays of 2.4m x 60m in both directions with a forward sight distance of 60m. Therefore, it is considered the proposal complies with the relevant policy provisions of PPS 3. However the justification and amplification of CTY 13 of PPS 21 states new accesses are often a visible feature of new buildings in the countryside and on occasion can be more obtrusive than the building itself. Wherever possible access to a new building should be taken from an existing lane-way. The provision of the proposed access on Killycolpy Road will create an additional opening to an agricultural field and will appear prominent in the landscape. I do not consider the proposal with new laneway would successfully integrate into the rural landscape and therefore is contrary to CTY 13 of PPS21.

Conclusion

The design, scale and massing of the proposal is considered acceptable and I do not consider the proposal will have detrimental impact on neighbouring amenity. However, as it has been considered the building to be converted is not 'locally important', the principle of development does not meet policy tests and I do not consider there are overriding reasons why this development is essential in this rural location. Furthermore, in my opinion the introduction of an additional laneway to this rural road will detrimentally impact on the landscape character which is also contrary to policy.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal is recommended for the reasons outline below.

Reasons for Refusal:

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statements relating to the conversion and re-use of existing buildings in the countryside for residential use, in that the building to be converted is not considered to be a locally important building.
2. The proposal is contrary to the policy provisions of 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.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed access would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX	
Date Valid	17th October 2018
Date First Advertised	1st November 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Killycolpy Road, Stewartstown, BT71 5NS The Owner/Occupier, 19a Killycolpy Road, Stewartstown, BT71 5NS The Owner/Occupier, 21 Killycolpy Road, Stewartstown, BT71 5NS The Owner/Occupier, 23 Killycolpy Road, Stewartstown, BT71 5NS	
Date of Last Neighbour Notification	12th November 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/1377/F Proposal: Conversion of existing building to dwelling with side extension, new lane and associated site works Address: Adjacent to 19 Killycolpy Road, Stewartstown, Dungannon, Decision: Decision Date: Ref ID: I/2001/0600/F Proposal: Proposed Extension and Alterations to Dwelling Address: 19 Killycolpy Road, Carnan, Dungannon Decision: Decision Date: 28.09.2001 Ref ID: I/2010/0510/F Proposal: Proposed replacement dwelling Address: Lands 30m South of 19 Killycolpy Road, Ardboe, Co.Tyrone Decision: Decision Date: 06.04.2011 Ref ID: I/1978/0314	

Proposal: DWELLING
Address: CARNAN, STEWARTSTOWN
Decision:
Decision Date:

Ref ID: I/1989/0012
Proposal: Extension to Dwelling and New Domestic
Garage
Address: 21 KILLYCOLPY ROAD, STEWARTSTOWN.
Decision:
Decision Date:

Ref ID: I/1978/031401
Proposal: REPLACEMENT BUNGALOW
Address: CARNAN, STEWARTSTOWN
Decision:
Decision Date:

Ref ID: I/2013/0237/F
Proposal: Change of access from that previously approved in planning approval
I/2010/0510/F
Address: 30m South of 19 Killycolpy Road, Ardboe,
Decision: PG
Decision Date: 04.10.2013

Ref ID: I/1980/035501
Proposal: ERECTION OF DWELLING
Address: CARNAN, STEWARTSTOWN
Decision:
Decision Date:

Ref ID: I/1980/0355
Proposal: BUNGALOW
Address: CARNAN, STEWARTSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

