



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1570/O	Target Date: <add date>
Proposal: Proposed site for dwelling and garage.	Location: 20m South West of 128 Lisclare Road, Lisclare, Dungannon
Applicant Name and Address: Joe Quinn 128 Lisclare Road Lisclare Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Summary of Issues: Dwelling on a farm, the applicant does not have a business ID issued by DAERA. Information has been submitted to show receipts for materials associated with works to the lands and a letter from a farmer who has carried out maintenance to the hedges for payment and takes the land for baling and grazing.	
Summary of Consultee Responses: DFI Roads - access to be improved to provide sight lines on 2.4m x 85.0m and forward sight lines of 85.0m	
Characteristics of the Site and Area: The site is located at lands 20m South West of 128 Lisclare Road. The red line of the site includes a roadside portion of a larger agricultural field. There are lands to the east which are outlined in blue indicating ownership. The boundaries of the site are mainly bounded by post and wire fencing with low lying hedging in parts also. The surrounding area includes a number of residential dwellings to the west and to the north the lands are largely rural in nature. Killeen settlement is located to the south which is generally made up with high density residential dwellings.	

Description of Proposal

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

Deferred Consideration:

This application was before the Planning Committee in October 2021 and it was deferred to allow a meeting with the Planning Manager. At a zoom meeting on 14 October 2021 the applicants personal circumstances were fully discussed but did not appear to warrant an exception under Policy CTY6 of PPS21. The agent identified the lands that are owned by the applicant and was asked to provide details about what happens to these lands to allow consideration of a case under policy CTY10 of PPS21, Dwellings on Farms.

Members will be aware that Policy CTY10 refers to the farm business having to be active and established. Farming activity can take many different forms, the SPPS refers to Regulation (EU) No 1307/2013 for the definition of agricultural activity. In this case the applicant owns 0.9ha of land, including the dwelling and outbuildings to the east of the proposed site. There is 0.7ha of land here that is currently use for farming purposes. There is no defined area within the policy that sets out how large a farm must be. Policy CTY12, for farm buildings also does not have any definition of what a farm size has to be. The only reference to a farms size is set out in The Planning (General Permitted Development) Order (NI) 2015, in it planning permission is not granted for farm buildings if they are on agricultural land less that 0.5ha in area. I conclude that it is therefore reasonable to consider if this agricultural land is over 0.5ha then it would be a farm and the proposal may be assessed against the other elements of the policy in CTY10.

Following the meeting additional information has been submitted for consideration in respect of whether or not the farm business is currently active and has been established for 6 year. Members will be aware the view on farm business is not that it is registered with DAERA but that it can be demonstrated there is a business is on-going and that it is related to agricultural. The normal interpretation of a business is there is a level of investment for a return on that investment. In support of this being a business the following must be considered:

A letter has been provided that advises the applicant has engaged a local farmer to cut the hedges and carry out general maintenance carried to the lands for the last 7 – 8 years, payment for carrying out these activities is by way of allowing the farmer to graze the land and take round bales off the land. I have confirmed that the farmer is registered with DAERA and has a beef herd.

Receipts have been provided for the following:

- 2014 – sale of a tractor
- 2018 – fence posts, gate posts and staples
- 2019 – gate and 6ft round posts
- 2020 – electric fence and posts

While there does not appear to have been any monetary exchange between the 2 parties, there is an exchange of services which I consider to be a business arrangement. It is quite clear the land is being farmed and is also in good condition and as such I consider this is an active and established farm for the purposes of criteria a in CTY10.

A check of the land has not identified any other sites or dwellings sold off the land or any other permission granted within the last 10 years. The applicants house was approved initially in 2006 under reference M/2005/0647/O, as such I consider criteria b has been met.

The applicant lives in 128 Lisacclare Road, the 2 storey house and garage immediately to the east of the application site. There are no other buildings on the farm holding. 2 buildings is not considered to be a group in respect of criteria c in policy CTY 10 and as such the proposal cannot meet this part of the policy. I do not consider the exception in policy CTY10 can be applied here as it also relies on a group of buildings.

Members may refuse this application as it fails to meet the policy, however there some other factors that I feel should be considered in this case. The existing dwelling to the east have permitted development rights to extend or build an additional building or buildings within its grounds. If the applicant erects a small building under PD Rights, this would make a group of building and it would then be to decide if the proposed site clustered or visually linked with them. In my opinion, a modest dwelling in the east corner of the site would be visually linked with the existing buildings. Critical views of the site would be from the immediate frontage of the site, though a new hedge has been planted which will not be impacted by sight lines due to the wide verge. (Photo 1) The site will be well screened in views from the north or south by the existing vegetation along the north boundary of the application site (Photo 2) and along the road frontage and laneway of the applicants dwelling to the south (Photo 3). In my view a low dwelling, set back from the road and with an access lane along the south east boundary of the site would be well integrated into the landscape and would not be highly visible or adversely impact the rural character here.



Photo 1 - site from front



Photo 2 – view of the site from the north, existing hedge in foreground



Photo 3 – view from laneway to applicants dwelling to south

For the avoidance of doubt, I do not consider this application fully meets with the criteria c in policy CTY10, due to the lack of a group of farm buildings. I do however consider it would be unduly harsh to refuse planning permission for the sake of the applicants not having an additional building, that could be erected without the need for planning permission. For this reason I recommend that an exception to policy could be made in these specific circumstances.

It is my opinion that an exception to policy may be made for this development for the reasons already set out and that planning permission could be granted for this dwelling with the conditions attached below.

Conditions:

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

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

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

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

3. The proposed dwelling shall be sited in the area identified in yellow on drawing no 01/1 bearing the stamp dated 21 FEB 2022, its curtilage shall not extend outside that area and the access laneway shall be located along the south east boundary of the site. The remainder of the field shall be retained for agricultural purposes.

Reason: In the interests of visual amenity and to ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

4. The proposed dwelling shall have a ridge height not exceeding 5.5m in height above finished floor level and the underbuild shall not exceed 0.25m above the existing ground levels.

Reason: In the interests of visual amenity and to ensure the dwelling will not adversely affect the countryside.

5. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

6. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries as identified in green on drawing No 01/1 bearing the stamp dated 21 FEB 2022 shall be retained and augmented with trees and native species hedging. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

7. 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 Local Planning Authority, 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 Local Planning Authority gives its written consent to any variation.

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

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 including sight lines of 2.4m by 85.0m in both directions and a forward sight distance of 85.0m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:



LOCATION MAP

PROPOSED SITE FOR DWELLING AND GARAGE
20m SOUTH-WEST OF 128 LISACLARE ROAD, LISACLARE,
DUNGANNON BT71 5QJ.
FOR MR JOE QUINN
128 LISACLARE ROAD, LISACLARE, DUNGANNON BT71 5QJ.

DATE: NOVEMBER 2020

SCALE: 1:2500

DRG NO: JQ/01

GRID PLAN 142-11

AGENT- **SEAMUS DONNELLY** MCAT

80A MOUNTJOY ROAD,
AUGHRIMBERG,
CO. LUSK

TEL (028) 87748481

Email: seamusdonnelly80a@btinternet.com



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1570/O	Target Date:
Proposal: Proposed site for dwelling and garage	Location: 20m South West of 128 Lisacclare Road Lisacclare Dungannon
Referral Route: Refusal – contrary to CTY 6 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Joe Quinn 128 Lisacclare Road Lisacclare Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
No representations received.		
Characteristics of the Site and Area		
<p>The site is located at lands 20m South West of 128 Lisacclare Road. The red line of the site includes a roadside portion of a larger agricultural field. There are lands to the east which are outlined in blue indicating ownership. The boundaries of the site are mainly bounded by post and wire fencing with low lying hedging in parts also. The surrounding area includes a number of residential dwellings to the west and to the north the lands are largely rural in nature. Killeen settlement is located to the south which is generally made up with high density residential dwellings.</p>		
Description of Proposal		
Outline planning permission is sought for a proposed dwelling and garage.		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u>		
There is not considered to be any relevant planning history associated with this site.		
<u>Representations</u>		
Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 119, 121, 128 and 137 Lisacclare Road. At the time of writing, no third party representations have been received.		
<u>Planning Assessment of Policy and Other Material Considerations</u>		
<ul style="list-style-type: none"> • Dungannon and South Tyrone Area Plan 2010 • Strategic Planning Policy Statement (SPPS) • PPS 21: Sustainable Development in the Countryside • PPS 3: Access, Movement and Parking⁷⁶ • Local Development Plan 2030 - Draft Plan Strategy 		
<p>The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, located North of Killeen. There are no other zonings or designations within the Plan.</p>		

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

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

Policy CTY1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of letter from the applicant himself, his Doctor's surgery and a letter detailing the results of MRI Scan. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. We are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

It is considered that this proposal fails on criterion (b) of CTY 6, where are alternative solutions to meet the particular circumstances of the case. We feel that an extension or annex attached to the existing dwelling would be a possibility in this instance. The curtilage of the existing dwelling which Mr Quinn resides at is large and would be able to accommodate this with ease. The supporting statement refers to the applicant not having the financial means to build an extension and is intending to use the sale of his existing two storey property at 128 Lisaclore Road to fund this proposed bungalow. The agent was asked if the applicant has tried to apply for any funding or grants that may be available to him. The agent responded noting that they have not went down the route of grant aid for adaption for his needs, as the applicant wants to downsize completely as the present house is too large and for him difficult to manage.

In this instance, although we remain empathetic towards the applicants circumstances, we feel that there are alternative available to the applicant and thus the proposal fails criterion (b) of CTY 6 and as such must be recommended for refusal. We have teased out any other possible policies within PPS 21 including CTY 10 and CTY 2a, but to no avail.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow. The site benefits from some existing landscaping along its boundaries, however the red line of the site is essentially just a cut out of an open field. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

2. 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/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. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

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

Signature(s)
Date:

NNEX	
Date Valid	9th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 119 Lisclare Road Stewartstown Tyrone The Owner/Occupier, 121 Lisclare Road Stewartstown Tyrone The Owner/Occupier, 128 Lisclare Road, Stewartstown, Tyrone, BT71 5QJ The Owner/Occupier, 137 Lisclare Road Stewartstown Tyrone	
Date of Last Neighbour Notification	8th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1570/O Proposal: Proposed site for dwelling and garage Address: 20m South West of 128 Lisclare Road, Lisclare, Dungannon, Decision: Decision Date: Ref ID: M/1994/0194 Proposal: Site for dwelling Address: OPPOSITE 117 LISACLARE ROAD, COALISLAND, CO TYRONE. Decision: Decision Date: Ref ID: M/2008/0477/F Proposal: Minor amendments to previously approved house design Address: Opposite 137 Lisclare Road, Stewartstown Decision: Decision Date: 16.07.2008	

Ref ID: M/2007/0618/O

Proposal: Proposed variation to condition 4 of previous outline planning application M/2005/0647 for extension of green area

Address: Opposite 137 Lisaclore Road, Stewartstown

Decision:

Decision Date: 06.07.2007

Ref ID: M/2007/0964/RM

Proposal: 1no. two storey dwelling and detached double garage

Address: Opposite 137 Lisaclore Road, Stewartstown

Decision:

Decision Date: 17.09.2007

Ref ID: M/2005/0647/O

Proposal: Proposed site for dwelling

Address: Opposite 137 Lisaclore Road, Stewartstown

Decision:

Decision Date: 07.03.2006

Summary of Consultee Responses

DfI Roads – Content.

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:



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Local Planning Office
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50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1228/O	Target Date: <add date>
Proposal: Proposed site for new dwelling on a farm	Location: to rear of 45 Kinturk Road Coagh Cookstown
Applicant Name and Address: Mr Brian O'Hara 45 Kinturk Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 23 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: This application is for a dwelling on a farm, as site was approved over 10 years ago and due to land registration issues was registered with land registry less than 10 years before the submission of the application. .	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 60.0m west and 45.0m to east and forward sight distance of 60.0m to west and 45.0m to east required for safe access DAERA – confirm this is an active and established farm	
Characteristics of the Site and Area: The site which sits adjacent the Kinturk Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 2.7km north and 0.3km west of Moortown and Lough Neagh, respectively. The site, which is set back to the north of a sharp bend in the Kinturk Rd to the rear of a small cluster of development, is a flat relatively square shaped plot cut from the western half of a larger agricultural field.	

The aforementioned cluster of development running along the north side of the Kinturk Rd includes 5 detached roadside bungalows and a substantial no. of farm buildings (group) within the applicant's farm holding located to their rear / north. The dwellings all have individual accesses directly off the Kinturk Rd, as does the farm group. A hardcore driveway between 2 of the 5 dwellings, nos. 43 Kinturk Rd and 45 Kinturk Rd the applicant's home, accesses the farm group to their rear. No. 45, is located to the west of the driveway and no. 43 to the east. Access to the site is proposed via this driveway through the farm yard which is bound to both north and south by farm buildings.

A mature hedgerow interspersed with trees defines the southern boundary of the site. It has an agricultural track running along its outside providing access to the Lough beyond. Mature tree and hedgerow vegetation defines the northern boundary of the site. A line of posts it would appear to be fenced with wire defines the western boundary of the site. The eastern boundary of the site is undefined onto the host field.

Critical views of this site will be limited from the Kinturk Rd to passing between 2 of the 5 dwellings in the cluster it sits to the rear of, nos. 43 Kinturk Rd and the dwelling to its east. This is due to the site's location set back from Kinturk Rd to the rear of an existing line of roadside development, which alongside existing vegetation on site and within the wider vicinity screen it.

Whilst the surrounding area is characterised primarily by flat agricultural lands on the shores of Lough Neagh the area has come under considerable development pressure in recent times with a no. of dwellings and ancillary buildings extending along largely the north side of the Kinturk Rd.

Description of Proposal

This is an outline application for a new dwelling on a farm to be located on lands to the rear of 45 Kinturk Road Coagh Cookstown.

Deferred Consideration:

This application was before the Planning Committee in April 2022 and was deferred for an office meeting with the Service Director. At a meeting on 14 April, via zoom, the applicants set out the issues they had in respect of the transfer of the land for a site that was approved for their daughter in 2007 (ref I/2007/0469/F). Additional information was invited to clearly show the events and allow consideration of these.

Following the meeting the solicitor who acted for the applicant's daughter provided letters to set out the issues and time frames in respect to the transfer of the land for the site that was approved under I/2007/0469/F.

Timescale:

21.05.2002 – application I/2002/0333/O submitted (same site as I/2007/0469/F)

09.04.2003 - application I/2002/0333/O approved

04.04.2006 – application I/2006/0666 submitted as Reserved Matters and returned invalid

25.06.2007 – application I/2007/0469/F submitted

10.10.2007 – application I/2007/0469/F approved

20.12.2007 – solicitor has been appointed to transfer land, letter sent by solicitor to applicant requests details of land registry certificates as those quoted do not relate to the lands

23.01.2008 – solicitor letter to applicant to advise land registry do not have records of their ownership of the lands

20.11.2008 – solicitor letter to applicant advising to proceed as First Registration

18.06.2009 – solicitor letter to applicant seeking meeting to confirm maps for extent of application for adverse possession

20.01.2010 – acknowledgment from Land Registry of receipt of application for first registration adverse possession

June 2010 – PPS21 published

24.08.2010 – solicitor letter to Land Registry seeking update on application

09.04.2014 - solicitor letter to Land Registry seeking update on application

12.06.2014 – confirmation from Land Registry that registration complete

24.08.2021 – application LA09/2021/1228//O submitted

The solicitor for Mr O Hara has advised that Mr OHare was unable to effect the signed transfer of the land until the registration process was complete. This confirms that a development opportunity was transferred from the holding within the 10 years of the date of the submission of this application. Members will be aware criteria b in Policy CTY10 prevents planning permission being granted for a dwelling on a farm where a dwelling or development opportunity has been sold off within the last 10 years of the date of the application and places a date of 25 November 2008 as the start date for the policy. This means any dwellings or sites sold off before the 25 November 2008 or in this case before 24 August 2011 are not to be counted against the considerations. Members could refuse this application on this basis and it is likely, on the basis of the information presented that any appeal against the Councils Decision would be upheld by the PAC.

That said, Members should take account of the planning history of the development opportunity site as well as the intent by the applicant to transfer that approved site to his daughter at as early a stage as possible, following the grant of full planning permission.

Critical to the consideration of this application, in my view are:

- the development opportunity was initially the subject of a planning application submitted in 2002, over 20 years ago and was effectively renewed in 2007, and
- the transfer of the lands, which should have been a relatively simple process took over 6 years to complete and was outside of the applicants control

These factors are unlikely to be widely replicated for any other development in Mid Ulster for a dwelling on a farm and I have never in my experience been presented with this set of circumstance. In light of that if the Members were to set aside criteria b in CTY10, any decision to approve this development contrary to CTY10 would, in my view, be unlikely to set a wide ranging precedent for other applications.

In light of the specific circumstances surrounding this case, it is my recommendation that an exception to CTY10 could be applied and that planning permission is granted.

Conditions:

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

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

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

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

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

3. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

5. 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 Local Planning Authority, 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 Local Planning Authority gives its written consent to any variation.

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 including sight lines of 2.4m by 60.0m to the west and 2.4m x 45.0m to the east 85.0m and forward sight distances of 60.0m to the west and 45.0m to the east. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:



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District Council

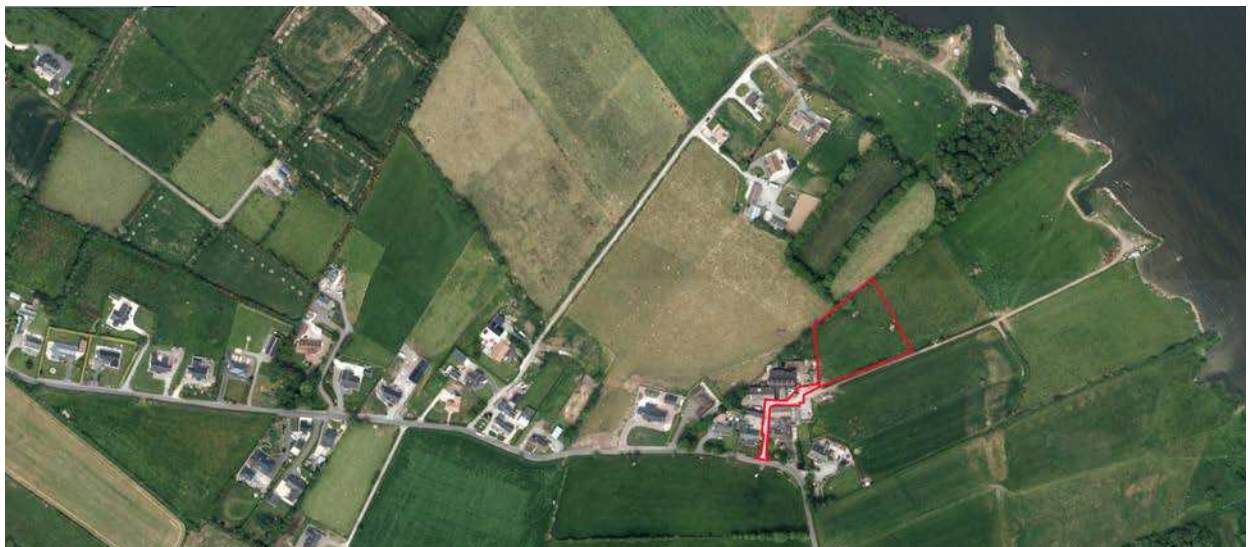
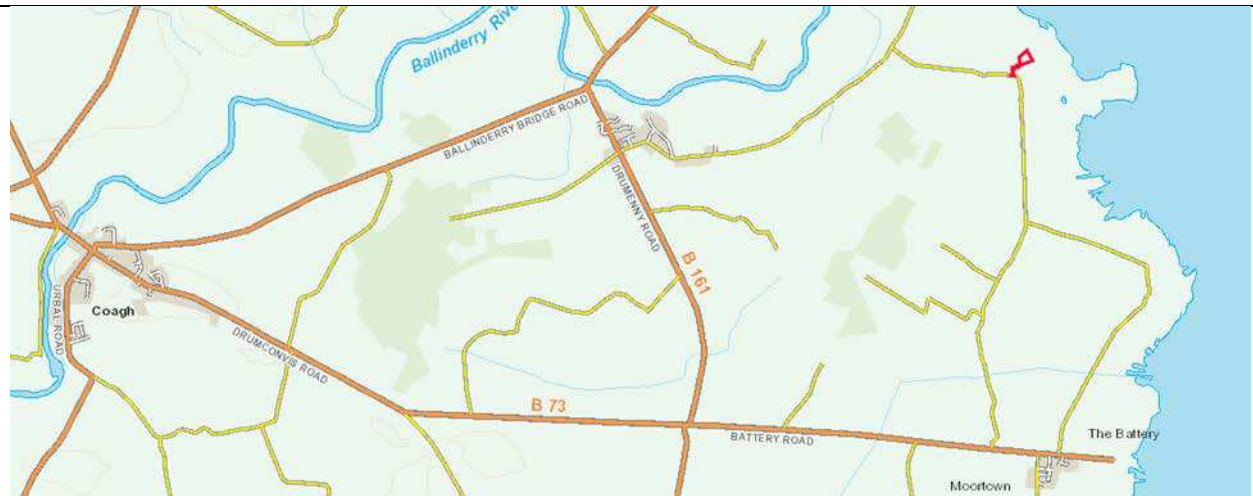
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1228/O	Target Date:
Proposal: Proposed site for new dwelling on a farm	Location: to rear of 45 Kinturk Road Coagh Cookstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Brian O'Hara 45 Kinturk Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 23 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a dwelling / development opportunity has been sold off from the farm holding within 10 years of the date of the application.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DAERA - Omagh	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Characteristics of the Site and Area <p>The site which sits adjacent the Kinturk Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 2.7km north and 0.3km west of Moortown and Lough Neagh, respectively.</p> <p>The site, which is set back to the north of a sharp bend in the Kinturk Rd to the rear of a small cluster of development, is a flat relatively square shaped plot cut from the western half of a larger agricultural field.</p> <p>The aforementioned cluster of development running along are the north side of the Kinturk Rd includes 5 detached roadside bungalows and a substantial no. of farm buildings (group) within the applicant's farm holding located to their rear / north. The dwellings all have individual accesses directly off the Kinturk Rd, as does the farm group. A hardcore driveway between 2 of the 5 dwellings, nos. 43 Kinturk Rd and 45 Kinturk Rd the applicant's home, accesses the farm group to their rear. No. 45, is located to the west of the driveway and no. 43 to the east. Access to the site is proposed via this driveway through the farm yard which is bound to both north and south by farm buildings.</p> <p>A mature hedgerow interspersed with trees defines the southern boundary of the site. It has an agricultural track running along its outside providing access to the Lough beyond. Mature tree and hedgerow vegetation defines the northern boundary of the site. A line of posts it would appear to be fenced with wire defines the western boundary of the site. The eastern boundary of the site is undefined onto the host field.</p> <p>Critical views of this site will be limited from the Kinturk Rd to passing between 2 of the 5 dwellings in the cluster it sits to the rear of, nos. 43 Kinturk Rd and the dwelling to its east. This is due to the site's location set back from Kinturk Rd to the rear of an existing line of roadside development, which alongside existing vegetation on site and within the wider vicinity screen it.</p> <p>Whilst the surrounding area is characterised primarily by flat agricultural lands on the shores of Lough Neagh the area has come under considerable development pressure in recent times with a no. of dwellings and ancillary buildings extending along largely the north side of the Kinturk Rd.</p>		
Description of Proposal <p>This is an outline application for a new dwelling on a farm to be located on lands to the rear of 45 Kinturk Road Coagh Cookstown.</p>		
Planning Assessment of Policy and Other Material Considerations		

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Relevant Planning History

- I/2007/0469/F - Ms Clare O'Hara - 80m North of 72 Kinturk Road Coagh Cookstown Co. Tyrone - Ms Clare O'Hara - Granted October 2007

The site granted above (see Fig 1, below), containing a dwelling, belonged to the applicant Brian O'Hara until it was transferred off the farm holding to Daniel and Clare Clarke on the 13th April 2015.



Fig 1: Showing current site outlined red and previous site I/2007/0469/F outlined yellow.

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal can comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years.

Consideration

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

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

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

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DEARA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. I am content Criterion (1) of CTY 10 has been met.

2. no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008.

A history and land registry check of the applicant's farmlands indicated that a dwelling / development opportunity out-with settlement limits had been sold off the farm holding within the last 10 years from the date of the application 24th August 2021. For the purposes of this policy, 'sold-off' means any development opportunity disposed of from the farm holding to any other person including a member of the family. The site approved under planning application I/2007/0469/F - (see 'Relevant Planning History'), containing a dwelling, belonged to the applicant Brian O'Hara until it was transferred off the farm

holding to Daniel and Clare Clarke on the 13th April 2015. Criterion (2) of CTY 10 has not been met.

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

A dwelling on this site would cluster and visually link with the established group of buildings on the farm holding located just to the west / southwest of the site at and to the rear of no. 45 Kinturk Rd, the applicant's home. Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character. I am content a dwelling of an appropriate size, scale and design with a ridge height no greater than 5.5m above FFL similar to those in the vicinity could integrate on this site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area, in accordance with policies CTY13 and 14.

As detailed above, whilst criteria 1 and 3 of Policy CTY10 has / could be met subject to a suitably designed scheme to also comply with Policies CTY13 and 14, criteria 2 of CTY10 has not been met due to a dwelling / development opportunity having been sold off the farm holding therefore this proposal is contrary to CTY10.

Additional consideration

Had the principle this proposal been established, subject to a suitably designed scheme, I am content the amenity of neighbouring properties would not have been adversely impacted to any unreasonable degree in terms of overlooking or overshadowing. Whilst the proposed access to the site runs openly past the rear yards of nos. 45 and 43 Kinturk Rd, it is already used by vehicles accessing the applicant's farm group, as such its' use for this proposal would not have had any significantly greater impact for overlooking than currently exists. I would note no. 45 is the applicant's home and no. 43 would appear to have a private amenity space to its east side.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online have been checked and whilst there are no built heritage assets of interest on site, NED's map viewer shows the site to be within an area known to breeding waders. However, I am content that as this site is located on improved grassland it would have limited value to breeding waders.

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

Recommendation

Refuse

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an

exceptional case in that a dwelling / development opportunity has been sold off from the farm holding within 10 years of the date of the application.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a dwelling / development opportunity has been sold off from the farm holding within 10 years of the date of the application.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0062/O	Target Date: <add date>
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.	
Summary of Consultee Responses: DFI Roads - site lines of 2.4m x 45.0m and forward sight lines of 45.0m required for safe access DETI – Geological Survey (NI) – no mines or shafts within 1000m	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.	

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

Description of Proposal

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

Deferred Consideration:

This application was before the Planning Committee in May 2022 and it was deferred to allow a meeting with the Service Director. A meeting was held, via zoom, on 12 May 2022 where the agent explained his rationale for the submission of this application. He explained the site is at a Y junction, where Drummurrer Lane comes off Annaghnaboe Road and it is not very clear who has priority. The development to the north and on the opposite side of the junction is read with the development to the east, on Drummurrer Lane.

Following a visit to the site it is noted there is a string of development along the north side of Drummerer Lane and the agricultural buildings on Annaghnaboe Road can be viewed with these, on approach from the east (photo 1). This is a very limited view in my opinion and does not give the impression of a built up frontage.



Photo 1 – view of site from east on Drummurrer Lane

The application site provides a visual break to development, this is especially apparent on approach from the west on Annaghnaboe Road (Photos 2 and 3). The site has good roadside vegetation and even though it is low is still provides a degree of screening of the existing development along Drumurrer Lane. Any access to the proposed site will result in the loss of the majority of the hedge on the road frontage, opening this site and the other development to views which would, in my view erode the rural character here as it would begin to join the different nodes of development together as can be seen on Map 1.



Photo 2 – Amnaghnaaboe Road to west



Photo - 3 junction, site to right of photograph



Map 1 – site in relation to other development around it

No farming case has been put forward for consideration, the application site is 0.3ha in area and the only other ground that is identified as being owned by the applicant is the

dwelling immediately to the east. As indicated above the site, in my opinion provides a visual break, it does not have development on 2 sides, is not located at a cross roads or close to a focal point and as such does not meet the clustering policy either.

In view of the above, I recommend this application is refused.

Reasons for Refusal:

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

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

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

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No planning history at the site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

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

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

Planning Policy Statement 21

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

CTY 8 – Ribbon Development

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



Figure 1 – Photo of the shed from the site visit



Figure 2 – Spatial NI orthophotography of the site

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

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

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

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

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

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

CTY 13 – Integration and Design of Buildings in the Countryside

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

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

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

CTY 14 – Rural Character

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

PPS 3 – Access, Movement and Parking

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

Other Considerations

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

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

Neighbour Notification Checked Yes

Summary of Recommendation:

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

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
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Signature(s)

Date: