



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2019/1105/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a farm dwelling and double domestic garage	<b>Location:</b> 70 metres (Approx.) West of 25a Corrycroar Road, Pomeroy
<b>Applicant Name and Address:</b> Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	<b>Agent name and Address:</b> R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Summary of Issues:</b>  No objections have been received.	
<b>Summary of Consultee Responses:</b>  No issues of concern have been raised.	
<b>Characteristics of the Site and Area:</b>  The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in the rural area. There is a gradual rise from the site towards the north and west and this is similar to the east, which contributes to the enclosed nature of the site. The surrounding land raises quite substantially. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends on the Corrycroar road, the topography of the area, and existing vegetation along its boundaries and within the wider vicinity.  The main farm complex comprising of several farm buildings, which include the main farm dwelling is located approximately 180m south-east of the proposed site. The site is adjacent to two small farm sheds used for wintering livestock and keeping feedstuff.	

**Description of Proposal**

The applicant is seeking outline planning permission for a farm dwelling and double garage 70m west of No 25a Corrycroar Road.

No objections have been received to the proposal.

**Deferred Consideration:**

This application was presented to the Planning Committee as a refusal in February 2021 and deferred for an office meeting. The application was deferred for a second time in November 2021 for a site visit to take place with Members of the Planning Committee and this was carried out on 19 November 2021.

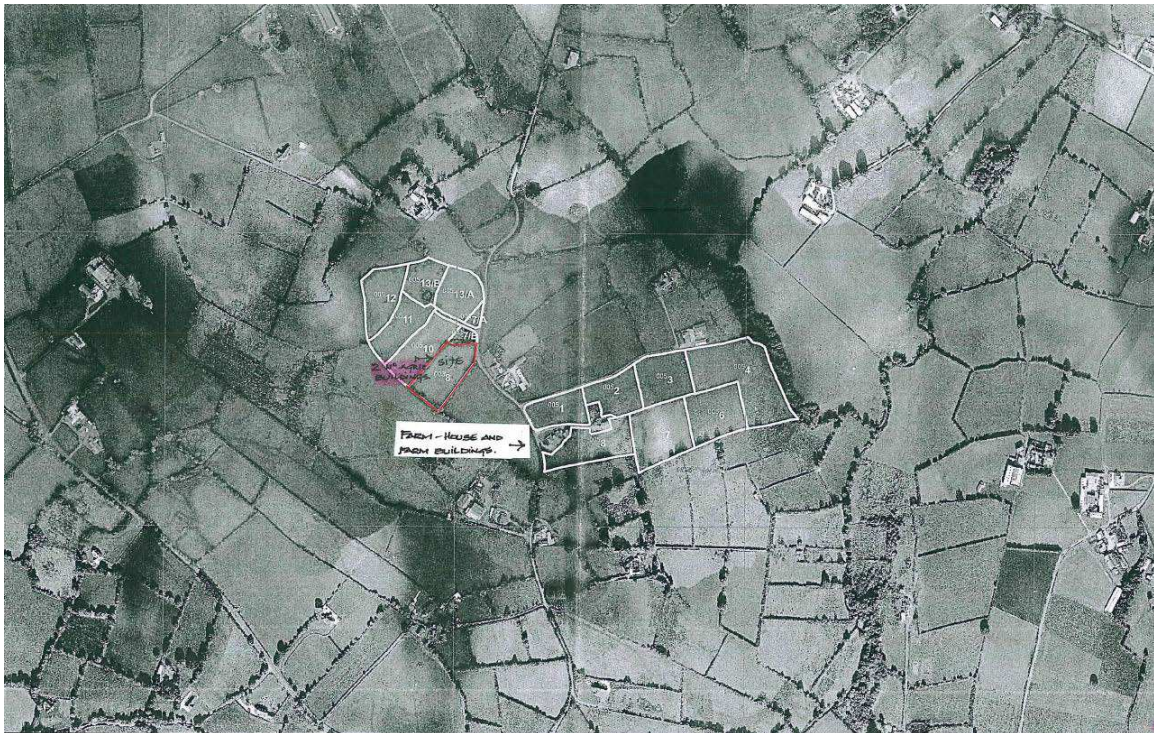
In terms of PPS21, CTY 10 criteria (a) and (b) have been met by the applicant but we have not considered criteria (c) as being met. The main farm grouping is located to the south-east of the application site and is on the opposite side of the road. Having visited the site with Members it is apparent a new dwelling on this site will not visually link nor will it be sited to cluster with an established group of buildings on the farm. The applicant is relying on the buildings in the field of the application site. The presence of these buildings have been acknowledged, however there is no evidence to confirm these buildings are lawful either through a CLUD or a previous planning approval for the buildings.



Policy does provide for an exceptional consideration for an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either:

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

A discussion took place at the site visit with Members at the principal farm holding and the suitability of other fields on the farm at the principal farm holding. The applicant has a young family and feels there are health and safety concerns with machinery and vehicles moving around the principal farm holding. It is my opinion there are suitable sites at the principal farm holding. The applicant and agent have both ruled out the suitable sites for various reasons, including accessing the lands and future expansion of the farm. However, the applicant has not demonstrated there are verifiable plans to expand the farm business at the existing building group and therefore I cannot consider this. There are suitable sites that will avoid the working yard at the existing building group and I do not consider this an insurmountable issue.



The application site must also meet the requirements of Policies CTY 13 and 14 and I have no concerns with either policy.

Although a new dwelling could be sited satisfactorily without a detrimental impact on rural character, the proposal fails to meet criteria (c) of CTY 10 as there are no verifiable plans to expand the farm business at the existing building group, there are no demonstrable health and safety reasons and the buildings at the application site have not been proven to be lawful buildings. I do not consider there are any overriding reasons or material considerations which outweigh Policy CTY 10 and I recommend a continued refusal of this application.

**Reason for Refusal:**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

**Signature(s):**


**Date**



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1105/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a farm dwelling and double domestic garage	<b>Location:</b> 70 metres (Approx.) West of 25a Corrycroar Road Pomeroy
<b>Referral Route:</b>  Proposal fails to comply with criteria c contained within Policy CTY 10 of PPS 21, no third party representations received and all other material considerations have been taken into consideration.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	<b>Agent Name and Address:</b> R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report		
<b>Site Location Plan</b>		
		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in County Tyrone, which is in the countryside as designated within the Cookstown Area Plan 2010. The proposed site lies within a fairly enclosed area of the countryside consisting of steep elevations with a high degree of vegetation and mature trees bounding the site.</p> <p>In terms of surrounding topography there is a gradual rise from the road towards the north, west and east, which contributes to the enclosed nature of the site. The surrounding land raises quite substantially and is generally best described as hilly landscape with steep elevations especially the south-western and south eastern boundaries. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends in Corrycroar road; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.</p>		

The main farm complex comprising several farm buildings and includes the main farm dwelling is located approximately 180m south east of the proposed site. The site is adjacent to two small farm sheds used for wintering livestock and keeping feedstuff.

The closest neighbouring property to the proposal is noted as being No. 25a Corrycroar Road, which is a single-storey dwelling situated approx. 70m to the west of the proposed site.

### Description of Proposal

The applicant is seeking outline planning permission for a farm dwelling and double garage 70m west of No 25a Corrycroar Road.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves alterations to an existing lane that accesses.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

### Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 02/09/2019 (publication date 03/09/2019. Two (2) neighbouring properties were notified on 30/08/2019; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

### Relevant Planning Histories

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1105/O	70 metres (Approx.) West of 25a Corrycroar Rd	Proposed site for a farm dwelling and double domestic garage	VALID APPLICATION RECEIVED	
I/2004/0909/O	Approx 30m N.W. of 25a Corrycroar Rd	Erection of dwelling & domestic garage	PERMISSION REFUSED	16.12.2004
I/1990/0367	80M NW OF 25 CORRYCROAR ROAD	Dwelling	PERMISSION GRANTED	
I/1974/0307	CORRYCROAR, POMEROY	ERECTION OF SUBSIDY BUNGALOW	PERMISSION GRANTED	

### Consultations.

DAERA: Ni issues confirmation of active farming activities;

DFI Roads no objection subject to standard condition

NIW: No objections standard Informatives.

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

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010.
3. PPS 21 Sustainable Development in the Countryside.
4. PPS 3 Access, Movement and Parking.

Supplementary Planning Guidance: Building on Tradition: A Rural Design Guide for NI.

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Cookstown Area Plan 2010 (CAP) operates as the statutory local plan for the area the site lies in furthermore, the CAP does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS.

As outlined above the site lies outside any designated settlement development limit identified in the Cookstown Area Plan 2010; therefore the relevant planning policy context is provided in Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). PPS 21 is identified by the Strategic Planning Policy Statement for Northern Ireland (SPPS) as retained policy documents.

The SPPS points out that provision should be made for a dwelling house on an active and established farm business. Furthermore, the farm business must be currently active and have been established for a minimum of 6 years. Policy CTY of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. This includes a dwelling house on a farm in accordance with Policy CTY10. This policy states that planning permission will be granted where the following criteria are met.

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. I am content the farm holding has been established for at least 6 years and is currently active.

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

With respect to (c), the proposal is not located in proximity to established farm buildings. The agent has confirmed that the two sheds adjacent to the application site are used for out wintering livestock and sometimes used as an isolation sheds.

The agent submitted two letters (23/03/2020 and 16/11/2020) in support of the applicant's preferred choice of site also sets out reasons why fields close to the main farm group not considered suitable for a dwelling. Fields Nos 1 and 8 according to the applicant's father-in-law raised concerns that a dwelling would be close to the busy farm yard with continuous movement of machinery and livestock and the inevitable dangerous would constitute a health and safety concerns. The agent also highlighted the topography of the site would limit the sitting of a new dwelling would impact on current expansion of the farm business which is ongoing around the main existing farm grouping.

Policy CTY 10 states exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building groups. Evidence to warrant an exceptional case was therefore requested from the agent and the Technical Note dated 29/06/20 has been considered. The Technical Report contends that the proposal “meets the actual policy in part and the intent of policy in part and it is an exception to policy in terms of health and safety reasons”.

As stated on Page 2 of the Technical Note, it is accepted that the provisions of policy will prevail unless there are other overriding reasons or material considerations that outweigh them and justify a contrary decision. Therefore, I do not consider that the Technical Report has presented overriding reasons or material considerations which would outweigh the policy criteria of CTY10.

I note the English Courts found that the issue of permanence should be construed in 'planning terms' rather than merely being permanently secured to the ground. I note that in a recent Planning Appeals Commission decision Reference 2019/A0105 sanctioned a similar view with regards to Permanence.

I am not persuaded by the argument that field Nos 1 and 8 are unsuitable for a dwelling and whilst I acknowledge the topography is challengeable nonetheless I feel that field No 1 has capacity for a dwelling sited to the front of the field facing onto the public Road.

In terms of the application site the agent has relied that the presence of two farm sheds adjacent to the site that they should be considered as an existing farm building. I accept these structures do appear to be associated with livestock and from my observations on site I noted one the buildings contained hay. However, as explained in my report the two structures in themselves do not satisfy the policy test for a new dwelling to visually linked with or be sited to cluster with an established group of farm buildings. That said, the applicant was advised that he submit a CLUD to determine their lawfulness, which if successful would be assessed as a material consideration in this application.



**Fig. 1 Small structures adjacent to the application site**

The above structures are constructed from corrugated metal sheeting with mono pitch roof. It has been fabricated from timber posts and corrugated metal sheeting. It appears to have been used for housing animals and storing animal feed. There is no hardstanding surrounding them and the floor consists of clay / earth.

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. I considered the site is well integrated to accommodate a dwelling given the topography and existing, established vegetation along all boundaries. However, CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and the surrounding environment is suitable for absorbing a dwelling without significantly impacting on rural character and therefore complies with Policy CTY14.

**The Mid Ulster District Council Local Development Plan 2030- Draft Plan.**

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

**Other Material Considerations.**

I am content that this proposal will not cause any detrimental impact on neighbouring 3rd party amenity. DfI Roads were consulted and have objected to this proposal, stating that the result in the alteration of an existing access onto a public road thereby prejudicing the free flow of traffic and conditions of general safety.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and no health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	20th August 2019
<b>Date First Advertised</b>	3rd September 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 25 Corrycroar Road Pomeroy Tyrone The Owner/Occupier, 25a Corrycroar Road Pomeroy	
<b>Date of Last Neighbour Notification</b>	30th August 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/1105/O Proposal: Proposed site for a farm dwelling and double domestic garage Address: 70 metres (Approx.) West of 25a Corrycroar Road, Pomeroy, Decision: Decision Date:  Ref ID: I/2004/0909/O Proposal: Erection of dwelling & domestic garage Address: Approx 30m N.W. of 25a Corrycroar Road, Pomeroy Decision: Decision Date: 16.12.2004  Ref ID: I/1990/0367 Proposal: Dwelling Address: 60M NW OF 25 CORRYCROAR ROAD POMEROY Decision: Decision Date:  Ref ID: I/1974/0307 Proposal: ERECTION OF SUBSIDY BUNGALOW Address: CORRYCROAR, POMEROY Decision: Decision Date:	

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



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2020/0804/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed two storey dwelling & domestic garage	<b>Location:</b> Lands 350m South of 293 Pomeroy Road, Lurganeden, Pomeroy
<b>Applicant Name and Address:</b> Mr Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield Dungannon	<b>Agent name and Address:</b> McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b>  No objections have been received to the application	
<b>Summary of Consultee Responses:</b>  No objections raised.	
<b>Characteristics of the Site and Area:</b>  The application site is located outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The application comprises a rectangular portion of a large agricultural field, the topography of which is relatively flat and at a similar level to the public road. The area is rural in character with low development pressure with the predominant form of development being single dwellings and agricultural buildings. The settlement of Pomeroy lies approximately 3.2km northwest of the site.  The site is currently accessed via an agricultural field on to Lurganeden Lane, however the field also has frontage on Pomeroy Road. A concrete laneway which appears to be used for agricultural purposes runs along the eastern boundary. The eastern and southern boundary are defined by an established low hedge, approximately 1 metre high. The western boundary is well defined by mature trees and the northern boundary is currently undefined.	

## Description of Proposal

Proposed two storey dwelling & domestic garage

## Deferred Consideration:

This application was recommended as a refusal and was deferred at Planning Committee in December 2020 for an office meeting. The application was presented, again with a recommendation to refuse in November 2021 and was deferred for a site meeting with Members.

In terms of PPS21, CTY 10 criteria (a) and (b) have been met by the applicant but we have not considered criteria (c) as being met. The main farm grouping is located away from the application site and is not sited to cluster or visually link with the group of buildings on the farm and to date the application has not been considered to meet criteria (c). At the site visit with Members, we walked to the application site and to inspect a structure on the ground to the rear of the application site. We were informed this was once a building with a roof which has blown off over time. The structure is now used as a cattle crush and it is a single building. There isn't a group of buildings at the location of the application site.

With Members, we also inspected the lands available at the main farm grouping. We considered a number of alternative sites on the day of the site visit and were informed of a history of flooding on a number of fields. Following the site visit the agent submitted photographic and video evidence of floods occurring on the farm. The agent stated these affected fields 4/A, 4/B, 7, 8, 9/B, 15 and 16. From the site visit I consider field 3 to be a suitable alternative as it is clear that a dwelling on this field, if sited appropriately, would visually link with the group of buildings on the farm.



Following the office meeting the applicant submitted additional information to demonstrate he has plans to expand the farm business. However, we have not been provided with verifiable evidence of signed contracts, or planning approval for new sheds on the farm. We have been told the farm holding will be split into two for both the applicant, Ben Sinnamon and his brother who currently lives in a dwelling on the farm beside the original farm house. Ben wishes to establish himself as a farmer and to farm those lands separate from the main farm grouping and from his brother.

The issue with this site is the proposal is not located in proximity to established farm buildings. The agent has argued that the application site and the existing farm holding on Lurganeden Road are separated by the existence of dense forestation and landscaping at both locations so any impact to the landscape would be negligible. He argues if the application site were to be approved it would not be seen as being detached from the farm group as the existing farm holding is not open to public views.

Paragraph 5.41 states dwellings should be positioned sensitively with an established group of buildings on the farm to help minimise impact on the character and appearance of the landscape. The application site is separated from the farm holding by two public roads and a densely forested portion of land, therefore the visual linkage is non-existent, not only due to the amount of screening but by physical distance. Although I accept that the existing farm holding is set back from the public road, I do not consider there are no public views from any vantage point. Therefore, I do not consider this is acceptable justification for not siting with the existing farm buildings. In my opinion, the arguments presented would not warrant an exception to prevailing policy. The farm business has existing farm buildings; however, the proposal seeks permission for a farm dwelling in an agricultural field and does not have a group of buildings in proximity with which to either cluster with or visually link. The justification for positioning of farm dwellings with established farm buildings under CTY10 is to minimise impact on the character and appearance of the surrounding landscape of the proposal site. Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion (c) and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.

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. There is existing, established vegetation along the east, west and southern boundaries of the proposal site. However, the site comprises a cut out of a larger agricultural field with no backdrop to assist integration or provide enclosure. Policy CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

The proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21.

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and 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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0804/O	<b>Target Date:</b> 21/10/20
<b>Proposal:</b> Proposed two storey dwelling & domestic garage	<b>Location:</b> Lands 350m South of 293 Pomeroy Road Lurganeden Pomeroy
<b>Referral Route:</b>  Recommended refusal	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield	<b>Agent Name and Address:</b> McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Characteristics of the Site and Area

The application site is located outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The application comprises a rectangular portion of a large agricultural field, the topography of which is relatively flat and at a similar level to the public road. The area is rural in character with low development pressure with the predominant form of development being single dwellings and agricultural buildings. The settlement of Pomeroy lies approximately 3.2km northwest of the site.

The site is currently accessed via an agricultural field on to Lurganeden Lane, however the field also has frontage on Pomeroy Road. A concrete laneway which appears to be used for agricultural purposes runs along the eastern boundary. The eastern and southern boundary are defined by an established low hedge, approximately 1 metre high. The western boundary is well defined by mature trees and the northern boundary is currently undefined.

**Description of Proposal**

This is an outline planning application for a two storey dwelling and domestic garage to be located on lands 350m South of 293 Pomeroy Road, Lurganeden, Pomeroy.

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

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

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

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

Regional Development Strategy 2030  
Strategic Planning Policy Statement for Northern Ireland  
Cookstown Area Plan 2010  
Planning Policy Statement 3: Access, Movement and Parking  
PPS 21: Sustainable Development in the Countryside

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

**Representations**

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

**History on Site**

No Relevant Planning History.

**Key Policy Considerations/Assessment**

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. 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. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside –

PPS21 is the overarching policy for development in the countryside. Policy CTY 1 outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

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

- a) the farm business is currently active and has been established for at least 6 years
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. I am content the farm holding has been established for at least 6 years and is currently active.

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

With respect to (c), the proposal is not located in proximity to established farm buildings. It should be noted that the farm holding northeast of the application site is not in the applicants ownership or part of his farm business. Following an inspection of the farm maps it was identified that an established group of farm buildings are located approximately 0.6km west of the application site as the crow flies, located on the Lurganeden Road. The agent submitted a supplementary report providing justification for the proposed siting; this report contained sensitive information therefore was not uploaded on to the planning portal. The supplementary report was considered however did not provide site-specific justification for the proposed siting to warrant an exception under Policy CTY10. I relayed this to the agent and he responded relying on Paragraph 5.41 of PPS21 and in particular the below sentence –

*If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.*

The agent has argued that the application site and the existing farm holding on Lurganeden Road are separated by the existence of dense forestation and landscaping at both locations so any impact to the landscape would be negligible. He argues if the

application site were to be approved it would not be seen as being detached from the farm group as the existing farm holding is not open to public views.

Paragraph 5.41 states dwellings should be positioned sensitively with an established group of buildings on the farm to help minimise impact on the character and appearance of the landscape. The application site is separated from the farm holding by two public roads and a densely forested portion of land, therefore the visual linkage is non-existent, not only due to the amount of screening but by physical distance. I accept that the existing farm holding is set back from the public road, however I do not consider it has no public views from any vantage point. Therefore, I do not consider this is acceptable justification for not siting with the existing farm buildings. In my opinion, the arguments presented would not warrant an exception to prevailing policy. The farm business has existing farm buildings; however the proposal seeks permission for a farm dwelling in a green field with no farm buildings in proximity to aid integration. The justification for positioning of farm dwellings with established farm buildings under CTY10 is to minimise impact on the character and appearance of the surrounding landscape of the proposal site. Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.

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. There is existing, established vegetation along the east, west and southern boundaries of the proposal site. However the site comprises a cut out of a larger agricultural field with no backdrop to assist integration or provide enclosure. Policy CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal seeks planning permission for a two storey dwelling. Given the established, mature trees and vegetation present along the Pomeroy Road, there are no long-term critical views of the site. As the topography of the land is relatively flat and the site is well screened, I consider a two storey dwelling could be accommodated without appearing unduly prominent in this rural landscape. It is considered that the site and the surrounding environment is capable of absorbing a dwelling without significant impact on rural character and will not result in a suburban style build-up of development, therefore the proposal complies with Policy CTY14.

Planning Policy Statement 3: Access, Movement and Parking - It is considered the proposal complies with PPS 3 in that will not prejudice road safety or significantly inconvenience the flow of traffic. The application site will require a new vehicular access onto the minor Road, Lurganeden Lane. DfI Roads have been consulted and have offered no objections, subject to conditions.

**Additional considerations**

It was identified the proposal site is in proximity to an IPRI site. NIEA were consulted and offered no objections, providing standing advice and informatives should the application be approved. No built heritage assets or interests of significance have been identified on site or nearby.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

The proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21.

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and would not visually integrate into the surrounding landscape.

**Signature(s)**

**Date:**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2020/1051/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and double domestic garage on a farm	<b>Location:</b> 90m (approx.) South West of 99 Feegarron Road, Cookstown
<b>Applicant Name and Address:</b> John and Amy Wilson C/o.99 Feegarron Road Cookstown	<b>Agent name and Address:</b> R G Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Summary of Issues:</b>  This is an outline planning application for a dwelling and garage on a farm. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One third-party representation was received in support of the application. There were no objections and all other material considerations have been addressed within the determination below	
<b>Summary of Consultee Responses:</b>  No issues of concern have been raised.	
<b>Characteristics of the Site and Area:</b>  Proposed site for dwelling and garage on a farm is approximately 90m south West of 99 Feegarron Road and approximately 7 km North West of Cookstown, which is within the open countryside as defined by the Cookstown Area Plan 2010. The site fronts onto Feegarron Road where the topography therein gently elevates in a northerly direction. The south, east and north site boundaries comprise mature intermittent semi-mature trees with hedgerows with post and wire fence. The west boundary is defined by a low hedge. There are 2 fields to the west of the site where there is a stream that runs between them. The principle farm house is 99 Feegarron Road which is accessed by a concrete lane that	

serves farm sheds and fields. The surrounding landform is one of undulating countryside and the land raises north from Feegarron Road. There are two other dwellings nos 95 and 97 Feegarron Road these appear to be connected to a farm and associated sheds.

### Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage on a farm located approximately 90m southwest of Feegarron Road. The proposal involves the construction of a new access onto Feegarron Road.

#### Planning history

LA09/2017/1186/O

Single dwelling and garage at 99 Feegarron Road at 99 Feegarron Road, Cookstown for Amy Glasgow. Application withdrawn 23/03/2018

### Deferred Consideration:

This application was deferred for an office meeting with the Planning Manager. Following the office meeting an amended plan was received in order to address access issues to the site and take a new access from the Feegarron Road and pairing it with the existing laneway serving the group of buildings on the farm.

An amended drawing has been received and Robert Leonard (Agent) confirmed in a telephone call on 15 December 2021 the Certificate is still correct and Samuel Glasgow is in ownership of all the lands outlined in red.



Having visited the site, it is apparent the rural character of the area is predominantly roadside bungalows. The agent stated that field 8 is peat land and unsuitable for constructing a new house on. I consider that with the hedging along the laneway of field 8, a new dwelling will not be out of character with this rural area. Given the landform and natural backdrop, I consider a dwelling with a maximum ridge height of 5.7m to be

suitable. A siting condition is required to ensure that a dwelling will read with the group of buildings on the farm and to ensure it is satisfactorily integrated.

I recommend an approval subject to the conditions listed below.

**Conditions:**

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

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 5.7 metres above finished floor level.

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

4. The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 25 November 2021

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

5. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the eastern and western boundaries of the site in accordance with a scheme submitted to and approved by the Department

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

6. The dwelling hereby permitted shall not be occupied until the existing natural roadside native species hedgerow has been reinstated behind the required sight visibility splays.

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

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

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

**Signature(s):**

**Date**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1051/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and double domestic garage on a farm	<b>Location:</b> 90m (approx.) South West of 99 Feegarron Road Cookstown
<b>Referral Route:</b>  Proposal fails to comply with criteria c contained within policy CTY 10, and CTY13 of PPS 21. No third party representation received and all other considerations have been taken into consideration.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> John and Amy Wilson C/o.99 Feegarron Road Cookstown	<b>Agent Name and Address:</b> R G Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

This is an outline planning application for a dwelling and garage on a farm. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One third-party representation was received in support of the application. There were no

objections and all other material considerations have been addressed within the determination below

### **Characteristics of the Site and Area**

Proposed site for dwelling and garage on a farm is approximately 90m south West of 99 Feegarron Road and approximately 7 km North West of Cookstown, which is within the open countryside as defined by the Cookstown Area Plan 2010. The site represents a small field and is rectangular in shape measuring approximately 0.2 of a hectare. The site fronts onto Feegarron Road where the topography therein gently elevates in a northerly direction. The south, east and north site boundaries comprise mature intermittent semi-mature trees with hedgerows with post and wire fence. The west boundary is undefined. The site is located in field 7 as per DAERA farm map. There are 2 fields to the west of the site where there is a stream that runs between them. The principle farm house is 99 Feegarron Road which is accessed by a concrete lane that serves farm sheds and fields. There is another lane leading from the farm that accesses onto Ballynagilly Road.

The surrounding landform is one of undulating countryside and the land raises north from Feegarron Road. There are two other dwellings nos 95 and 97 Feegarron Road these appear to be connected to a farm and associated sheds.

### **Description of Proposal**

The applicant is seeking outline planning approval for a dwelling and garage on a farm located approximately 90m southwest of Feegarron Road. No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access onto Feegarron Road.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

### **Planning history**

LA09/2017/1186/O

Single dwelling and garage at 99 Feegarron Road at 99 Feegarron Road, Cookstown for Amy Glasgow. Application withdrawn 23/03/2018.

### **Representations.**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 13/09/2020 (publication date 14/09/2020. Four (4) neighbouring properties were notified on 18/09/2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, under the Habitats Regulations is not required for this proposal. There are no designated waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

## Planning Assessment of Policy and Other Material Considerations

### Consultees

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

2.DFI Rivers Planning Advisory and Modelling Unit were consulted in relation to the site? S wet condition however Rivers confirmed the site did not lie within the 1% AEP fluvial flood plain and further confirmed the site is unaffected by a designated watercourse. Rivers offered no objection however although a Drainage Assessment is not required by the Policy. However, it is the applicant's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

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

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 Cookstown Area Plan 2010 (CAP) operates as a LDP. The site is outside any settlement development limit within CAP and is in the countryside where it has no material policies for dealing with dwellings in the countryside

The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

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 the council area. The SPPS retains certain existing planning policy statements and amongst these is PPS 21 which provides the relevant policy context for the proposed development.

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

Regional Development Strategy 2035

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

Supplementary Planning Guidance: Building on Tradition: A Rural Design Guide for N Ireland.

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

Planning Policy Statement 21: Sustainable Development in the Countryside. PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria being met. These are listed in Policy CTY1 of PPS21.

The applicant seeks outline approval for the development of a small gab site in accordance with Policy CTY10 of PPS21.



**Figure 1. Aerial photograph showing proposed site and farm complex**

### **Assessment.**

The SPSS points out that provision should be made for a dwelling house on an active and established farm business. The farm business must be currently active and have been established for a minimum of 6 years. Policy CTY1 of PPS 21 lists 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. The circumstances wherein planning permission will be granted for an individual dwelling house are outlined. This includes a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted where all criteria are met and complied with.

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

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years. This again is reiterated in Paragraph 5.38 of the Justification and Amplification text, which goes on to state that the applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period. 6. The Applicant submitted a DAERA business ID number along with accompanying farm map that relate to 13.83 ha farm business. The site is to be located in field No.7 located at 99 Feegarron Road. The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the Business ID number ( ) was issued to the applicant in 1991.

I am satisfied criteria A have been complied in that the farm business is currently active and is established for over 6 years.

Following searches, it appears that no dwellings or development opportunities have been sold off from the farm within the past 10 years. I am content the application complies with criterion B.

In terms of criteria C I am not persuaded the proposed site is visually linked to the established group of buildings on the farm and also where practicable, access to the dwelling should be obtained from an existing lane on the farm. Therefore, it is my opinion that this application considered not to be an exception under Policy CTY 10, which does not comply in accordance with criterion (c) of Policy CTY 10 of PPS 21.

The proposed site was reviewed by a Senior Planner who visited the site and identified other potential site options identified in field Nos 4, 5 which to the north and fields Nos 10 and 11 located southwest of the farm. However, all of these were rejected by the applicant.

#### Representation submitted from the agent Mr. Robert Leonard

The agent submitted a planning statement stamp date 12/03/2021 in support of the application. I have summarised the main points as follows:

- In terms of alternative sites field Nos 4 & 5 not suitable as they exist on to existing laneway;
- Field No 12 has peat depth 18 to 20 meters discovered during a drainage scheme;
- Field No 8 is waterlogged owing to adjacent stream.

A revised site location map accompanied the planning statement that showed an alternative site Whilst I acknowledge the rationale the site identified outside the red line of the application site and would require a fresh planning application in order to be accessed on its merits.

Following discussions with Mr. Bowman, Principle Planner who visited the site considered the alternative site it and is was agreed that it did not visually linked or sited to cluster with the established group of buildings on the farm and also the access to the proposed dwelling failed the criteria by not come off the existing lane.

Furthermore, I am of the view the site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the proposed development and fails to integrate into the surrounding landscape and is therefore contrary to Policy CTY13 of PPS21

A further letter was received from the agent stamp date 22/03/2021, which referred to telephone discussions with senior planner Mrs E. McCullagh, Team Leader, the letter reiterated the comments outlined in the previous letter dated 09/03/2021, again reasons were given why the alternative sites were not acceptable to the application. These related to ground levels and flooding issues.

Following group discussions it was agreed that the proposed site, which was the subject of a previous application that was withdrawn ([LA09/2017/1186/O](#)) given the separation distance and topography of the site it was considered the site still failed the visual link test and with the main farm business and would also would not integrate with the surrounding landscape.

**Summary of Recommendation:**

Refused

**Reasons for Refusal:**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
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 and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

<b>ANNEX</b>	
<b>Date Valid</b>	2nd September 2020
<b>Date First Advertised</b>	14th September 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 101 Feegarran Road Cookstown Tyrone The Owner/Occupier, 99 Feegarran Road Cookstown Tyrone The Owner/Occupier, 95 FEEGARRAN ROAD, BALLYNAGILLY, COOKSTOWN, TYRONE, BT80 9TA The Owner/Occupier, 97 FEEGARRAN ROAD, BALLYNAGILLY, COOKSTOWN, TYRONE, BT80 9TA	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1186/O Proposal: Single dwelling and garage Address: 99 Feegarran Road, Cookstown, Decision: WITHDR Decision Date: 23.03.2018  Ref ID: LA09/2020/1051/O Proposal: Proposed site for dwelling and double domestic garage on a farm Address: 90m (approx.) South West of 99 Feegarran Road, Cookstown, Decision: Decision Date:  Ref ID: I/2002/0693/O Proposal: Proposed dwelling Address: Approx. 210 Metres South West of 97 Fegarran Road, Cookstown Decision: Decision Date: 26.03.2003	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 03 Type: Farm Boundary Map Status: Submitted</p> <p>Drawing No. 02 Type: Proposed Plans Status: Submitted</p>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:





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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1498/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Retention of the Gym and Wellbeing Facility currently under construction on this site. This will comprise of a portal framed and cladding building 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank.	<b>Location:</b> Site adjacent to 99 Ardboe Road Ardboe Co Tyrone.
<b>Applicant Name and Address:</b> Mr Ryan Quinn 99 Ardboe Road Ardboe BT80 0HU	<b>Agent Name and Address:</b> Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
<b>Summary of Issues:</b>  This application is for retention of a gym and associated works adjacent to the applicants dwelling which is on the east side of Ardboe Airfield and close to Ardboe Business Park. The facility is not close to any properties that would be impacted by noise from the comings and goings or the operation of the facility and is itself beside an area that has a considerable amount of Large scale industrial type development around it, outside of the defined settlement limits. There is a drive for health and well being facilities due to the on0going pandemic for peoples mental and physical health, this coupled with the location may justify a temporary permission.	
<b>Summary of Consultee Responses:</b> DFI Rivers - may require Drainage Assessment DFI Roads – no objections Environmental Health – no objections in principle Health and Safety Executive – likely not to advise against this development	

**Characteristics of the Site and Area:**

This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 2km northeast of Ardboe, it comprises a flat rectangular plot cut from a much larger agricultural field. It sits adjacent and accessed off Ardboe abandoned airstrip at Kinrush. It also sits immediately adjacent and south of no. 99 Ardboe Road, a modest bungalow, recently renovated and identified on the P1 Form accompanying this application, as the applicant's home address.

The site, which is orientated narrow end onto the airstrip, comprises a relatively new gym and wellbeing facility / building, 'LS Results', associated parking, drainage and septic tank. The building is located relatively central on site and orientated gable end facing onto the airstrip. It has a portal frame, a simple rectangular shaped floor plan and pitched roof construction, grey cladding to its roof and walls, and black pvc windows and doors. The building has a couple of small flat roofed annexes located on / to its' northern elevation of the main gym / exercise area, the smaller of the 2 is detached from the main building and houses a reception room; and the larger is attached and houses changing rooms. The associated parking, which is tarmac, is located to the south side and front of gym / western half of the site adjacent the airstrip. The site is bound to its south and east by an approx. 1.2m high post and wire fence. The northern boundary of the site is open to its' eastern half and bound only in part to its' western half by low wooden fencing defining the curtilage of no. 99 Ardboe Rd and some higher perimeter fencing. The frontage of the site is undefined and open onto the adjacent airstrip, used as a road. The section of airstrip the site is accessed off is relatively pot holed and it appears a tarmac strip along its' east side providing access to the site, but outside the red outline of the site, has been recently formed and delineated by bollards and cones.

Critical views of this site and building on it are on the southern approach to it along the old airstrip from a point just before passing an anaerobic digester plant until passing the site's frontage. The building is also visible to the rear of no. 99 Ardboe Rd over a short distance on the northern approach to it along the old airstrip.

Whilst the site is located in the countryside and the lands to its' west, north and east comprise flat agricultural lands, the area is largely characterised by its' location adjacent the airfield and industrial development located along the airstrip located south of the site to other side of an anaerobic digestion plant also visible from site.

**Description of Proposal**

This is a full planning application for the retention of a Gym and Wellbeing Facility currently under construction on lands adjacent to 99 Ardboe Road Ardboe Co Tyrone.

This proposal comprises a portal framed and cladded building with an external floor space of approx. 304.75m<sup>2</sup>, tarmac car parking surface and associated drainage and septic tank.

The main body of the building has a rectangular floor plan measuring approx. 33.5m x 8m (268m<sup>2</sup>) and pitched roof construction (approx. 4m above EGL); and comprises a gym and exercise area. The main body has 2 attached annexes. The smaller annex has a squared floor plan measuring approx. 3.5m x 3.5m (12.25m<sup>2</sup>) and a flat roof construction (approx. 2.7m above EGL); and comprises a private therapy room. The larger annex has a rectangular floor plan measuring approx. 7m x 3.5m (24.5m<sup>2</sup>) and a flat roof construction

(approx.2.7m above EGL); and comprise changing rooms.

**Deferred Consideration:**

This application was before the Planning Committee in June 2021 and it was deferred to allow further discussion about the development, the area it is within and the need for the proposal. A meeting was held with the Planning Manager, the applicant and Patsy McGlone MLA where the issues were debated.

Discussions revolved around the overall appearance of the area, policies that may come forward in the Development Plan process and the need for the proposed development.

Mr McGlone highlighted the ongoing effects of the pandemic and the need for this type of facility for people to be able to exercise in as safe a manner as possible. It was indicated the development is well used by local people and they do feel safe in this environment as they can come and go as they wish in a socially distanced manner.

The applicant has advised that he provides an on demand facility and there are classes and other complementary therapies that are offered to help people to keep active and physically and mentally fit. The facility is beside his own dwelling and he is able to be on site to monitor and assist where needed. The site is in the countryside, but it is in an area that has been degraded due to the historical airfield and the uses that have grown up on and around it. The nearest neighbours are an aerobic digester, intensive chicken houses, a large wind turbine and a pre-stressed concrete product manufacturing facility with extensive yards and storage areas. The facility will not have any adverse impacts on the amenity of any residential properties and the low design of the buildings means they will not have any great visual impact on the area.

Members are advised there is no policy for this type of facility in the rural area, the development has been carried out and is currently being used and operated. Planning permission could therefore be refused and it is likely there would be successful enforcement proceedings to have this development closed and as the buildings are modular, they would be capable of being removed quickly and the site restored to its previous condition, should members wish to request this. However it is clear the pandemic has had an impact on people's health and well being, especially during the lockdown periods. While there is no specific policy to permit the development, the issues highlighted have been raised and are material to the consideration of this application. The pandemic is on-going and the information presented, which I have no reason to doubt to be correct, does suggest this facility is needed at this time to help some people to deal with the effects of the various restrictions. With the new variant Omicron coming to the fore, there is no way of knowing when the restrictions will be fully lifted or indeed if there may be new restrictions imposed. I consider, on the information presented that is providing a necessary facility at this time and that members may rely on this in their consideration of the retention of the development.

Members may also take account of the character of the area this development is located within, it is clear this is a degraded rural environment, with a considerable amount of industrial development located outside the settlement limits for Ardboe. These buildings

are relatively low impact and are only viewed in association with the large scale industrial development to the south.



The existing industrial enterprise park here has expanded and there is limited capacity within it. Members have the opportunity, through the Development Plan process, to assess whether or not there is scope to extend the settlement limits in this area or to consider a rural business park, the extent of that and the type of development that would be acceptable within it. In other towns and settlements gyms and fitness centre are accepted as being compatible in business parks due to noise and other associated potential impacts which may not be appropriate in residential areas.

Due to the ongoing pandemic and drive for facilities to assist people to manage their health and well being, the overall appearance of the area local to the development, the potential for this areas planning status to change in the near future and the temporary nature of the buildings, I consider members could make an exception to policy here. Members may exercise some control over the development by restricting this to a temporary permission for a 3 year period. This would allow the outfall from the pandemic to pass, the applicant to search for alternative premises and to make representations through the plan process to allow consideration of the appropriateness of this facility, on a long term basis.

Rivers Agency have indicated they require a Drainage Assessment (DA) for the development. Policy FLD 3 states that a Drainage Assessment is required where development proposes new hardsurfacing over 1000sqm. The purpose of the DA is to consider the impact the development will have in respect of flooding and seek to provide attenuation of any storm water collected and displaced by development. This development includes approx. 1200sqm of carparking, approx. 300sqm of paths and 298sqm of new buildings. The carparking and paths are made of open bitmac which allows rainwater to percolate through the surface and as such does not have any significantly greater impact on the run off from the site. Rivers Agency have indicated in similar applications that where the hardsurfaces are open and allow water to percolate through them, they do not require the submission of a Drainage Assessment. There is no other development in close proximity to the site that would be at risk from any run off and as such I do not consider there is a need to require the submission of the Drainage Assessment in this instance.

In light of the above site specific and reasons specific to the timing of the pandemic, it is my recommendation that a temporary permission is granted for 3 years for the retention of the use the buildings and the ancillary development.

Conditions:

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

Reason: This is a retrospective application.

2. The development hereby approved shall be removed and the lands restored to grassland within 3 years from the date of this permission.

Reason: This is a temporary permission and does not grant permanency for the buildings, operations and use on this rural site.

Informatives:

1. This permission is for a temporary period only and does not grant any permanent buildings or uses on this site.
2. The permission hereby granted does not extend to signage which may require separate consent under the Planning (Control of Advertisements) Regulations (NI) 2015.
3. This permission does not grant title to any lands.

**Signature(s)**

**Date:**



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

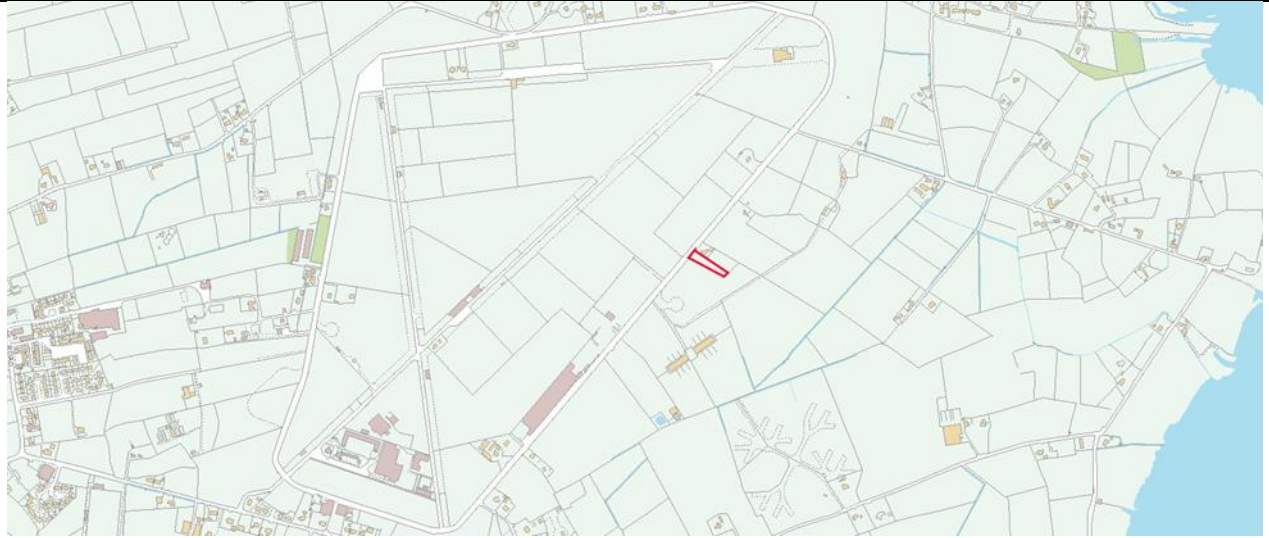
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1498/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of the Gym and Wellbeing Facility currently under construction on this site. This will comprise of a portal framed and cladding building 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank.	<b>Location:</b> Site adjacent to 99 Ardboe Road Ardboe Co Tyrone.
<b>Referral Route:</b> Refusal	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Mr Ryan Quinn 99 Ardboe Road Ardboe BT80 0HU	<b>Agent Name and Address:</b> Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Health & Safety Executive for NI	Substantive Response Received
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Description of Proposal</b>		
<p>This is a full planning application for the retention of a Gym and Wellbeing Facility currently under construction on lands adjacent to 99 Ardboe Road Ardboe Co Tyrone.</p> <p>This proposal compromises a portal framed and clad building with an external floor space of approx. 304.75m2, tarmac car parking surface and associated drainage and septic tank.</p> <p>The main body of the building has a rectangular floor plan measuring approx. 33.5m x 8m (268m2) and pitched roof construction (approx. 4m above EGL); and comprises a gym and exercise area. The main body has 2 attached annexes. The smaller annex has a squared floor plan measuring approx. 3.5m x 3.5m (12.25m2) and a flat roof construction (approx. 2.7m above EGL); and comprises a private therapy room. The larger annex has a rectangular floor plan measuring approx. 7m x 3.5m (24.5m2) and a flat roof construction (approx. 2.7m above EGL); and comprise changing rooms.</p> <p>I note whilst the Gym and Wellbeing Facility may have been under construction when this application was made, as detailed below in ‘Characteristics of Site and Area’, the works described above were largely complete on the date of site inspection. Furthermore they were not entirely as detailed in the initial drawings submitted. E.g. the smaller annex detailed above appeared detached rather than attached to the main body of the gym building; an additional area of tarmac, existed on lands immediately south of the building; and fenestration in the building varies. The agent submitted revised drawings during the processing of the application largely addressed the aforementioned discrepancies with the exception of the additional area of tarmac.</p>		
<b>Characteristics of the Site and Area</b>		
<p>This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 2km northeast of Ardboe.</p>		

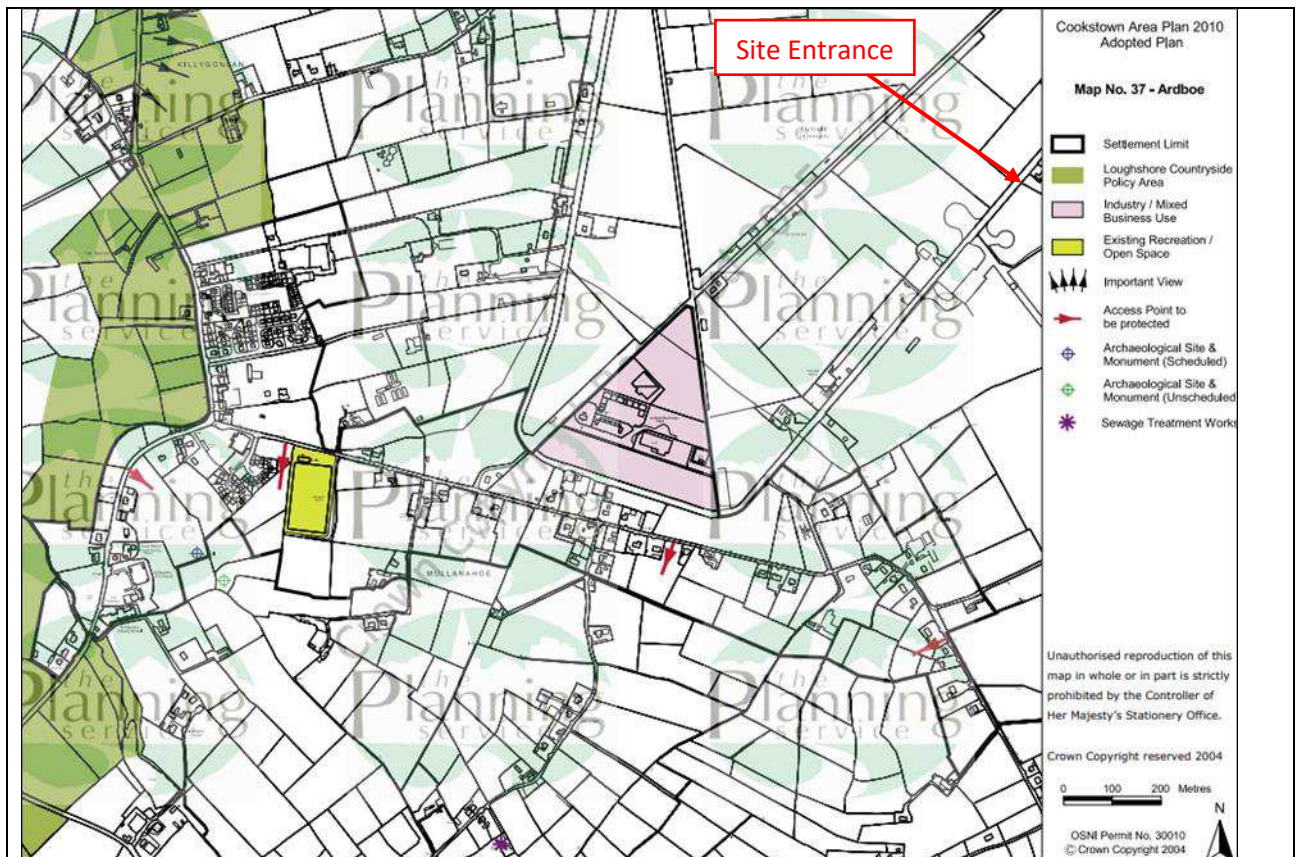


Fig 1: Ardboe Settlement Limits (Cookstown Area Plan 2010). Access to site has been identified.

The site comprises a flat rectangular plot cut from a much larger agricultural field. It sits adjacent and accessed off Ardboe abandoned airstrip at Kinrush. It also sits immediately adjacent and south of no. 99 Ardboe Road, a modest bungalow identified on the P1 Form accompanying this application, as the applicant's home address.

The site, which is orientated narrow end onto the airstrip, comprises a relatively new gym and wellbeing facility / building, 'LS Results', associated parking, drainage and septic tank (see Fig 2, 3 & 4 below). The building is located relatively central on site and orientated gable end facing onto the airstrip. It has a portal frame, a simple rectangular shaped floor plan and pitched roof construction, grey cladding to its roof and walls, and black pvc windows and doors.

The building has a couple of small flat roofed annexes located on / to its' northern elevation of the main gym / exercise area, the smaller of the 2 is detached from the main building and houses a reception room; and the larger is attached and houses changing rooms.

The associated parking, which is tarmac, is located to the south side and front of gym / western half of the site adjacent the airstrip.



Fig 2 & 3: Photos of site / building on site taken from old airstrip / frontage of site.



Fig 4: Photos of front and south side of building on site

The site is bound to its south and east by an approx. 1.2m high post and wire fence. The northern boundary of the site is open to its' eastern half and bound only in part to its' western half by low wooden fencing defining the curtilage of no. 99 Ardboe Rd and some higher perimeter fencing seen in Fig 2, above. The frontage of the site is undefined and open onto the adjacent airstrip, used as a road. The section of airstrip the site is accessed off is relatively pot holed and it appears a tarmac strip along its' east side providing access to the site, but outside the red outline of the site, has been recently formed (see Fig 4, below).

Critical views of this site and building on it are on the southern approach to it along the old airstrip from a point just before passing an anaerobic digester plant visible from site (see Fig 4, below) and passing along the site's frontage. The building on site will also be visible to the rear of no. 99 Ardboe Rd over a short distance on the northern approach to it along the old airstrip.



Fig 4: Photo from site of land to south



Fig 5: Photo on north approach to site

Whilst the site is located in the countryside and the lands to its' west, north and east comprise flat agricultural lands, the area is largely characterised by its' location adjacent the airfield and industrial development located along the airstrip located south of the site to other side of an anaerobic digestion plant also visible from site (see Fig 4).

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

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

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

Regional Development Strategy 2030  
 Strategic Planning Policy Statement for Northern Ireland  
 Cookstown Area Plan 2010  
 Planning Policy Statement 3: Access, Movement and Parking  
 Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation  
 Development Control Advice Note 15: Vehicular Standards  
 Revised Planning Policy Statement 15: Planning and Flood Risk  
 Planning Policy Statement 21: Sustainable Development in the Countryside

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

### **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 History**

#### **On Site**

- I/2008/0033/O – New workshop unit and associated hardstanding areas and parking areas – Lands 50m E of No. 99 Ardboe Rd Dungannon – Withdrawn September 2009
- LA09/2020/0192/CA – Alleged unauthorised gym and building – Lands adjacent to and SW of 101 Ardboe Rd Cookstown – Enforcement case ongoing

### **Consultees**

1. DfI Roads were consulted on the 5<sup>th</sup> December 2020, in relation to access, movement and parking arrangements. DfI Roads responded on the 18<sup>th</sup> January 2021 raising no objections to the proposal.
2. Environmental Health were consulted on the 5<sup>th</sup> December 2020 as Poultry Houses and an Anaerobic Digestion Plant with ancillary facilities are located on lands approx. 220m and 180m to the south and southwest of site respectively; and the proposal includes a septic tank. Environmental Health responded on the 12<sup>th</sup> February 2021 with no objections subject to the following which I am content could be attached to any subsequent decision notice as an informative:
  - A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (NI) Order 1999.
  - Any new or existing septic tank unit being a minimum of 15M from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
  - A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red, which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
  - The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
  - Planning receiving confirmation from NI Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).
  - The Clean Neighbourhood and Environment Act 2011 – The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

3. Rivers Agency were consulted on the 5<sup>th</sup> December 2020 to comment on the proposal from a drainage and flood risk aspect. River's Agency responded on the 20<sup>th</sup> January 2021 as follows under Revised Planning Policy Statement 15: Planning and Floodrisk, policy:
- FLD1 Development in Fluvial Flood Plains – the development does not lie within the 1 in 100 year fluvial or 1 in 200 costal flood plain.
  - FLD2 Protection of Flood Defence and Drainage Infrastructure – the site may be affected by undesignated watercourses which we have no record. If an undesignated watercourse is discovered Policy FLD 2 will apply.
  - FLD3 Development and Surface Water – a Drainage Assessment (D.A) is required due to the size and nature of the development. The applicant should refer to para. D17 & 18 of Revised PPS 15 and in carrying out the D.A and acquire from the relevant authority evidence the proposed storm water run-off from the site can be safely discharged. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should be included in the drainage assessment regardless of outcome.
  - *FLD4* Artificial Modification of watercourses & *FLD5* Development in Proximity to Reservoirs – N/A

With regards the above, as the principle of this proposal has not been established on site, a D.A has not been requested.

4. The Health & Safety Executive for NI (HSENI) were consulted on the 1<sup>st</sup> February 2021 as Poultry Houses and an Anaerobic Digestion Plant with ancillary facilities located are located on lands approx. 220m and 180m to the south and southwest of site respectively. HSENI responded on the 17<sup>th</sup> February 2021 raising no concerns. HSENI outlined the digester is not on the register for COMAH sites and as far as aware does not have hazardous substance consent, therefore any associated Land Use Planning (LUP) zones linked to it. Therefore using measurements from mapping software and basic calculations, HSENI estimated the site would have a capacity for around 10 tonnes of bio-methane. For perspective, the threshold for lower-tier COMAH sites is 50 tonnes. An LPG tank often used in commercial developments will range from 5 to 10 tonnes. Under the PADHI guidelines, a gym would be classified as DT2.4 – INDOOR USE BY PUBLIC with a sensitivity level of 2. The proposed gym is over 170 meters away, so even if there were the equivalent of a 60 tonne LPG tank at the digester, HSENI would respond with a do not advise against.

### **Consideration**

Strategic Planning Policy Statement (SPPS) for Northern Ireland – Three of the six regional strategic objectives for open space, sport and outdoor recreation outlined in the SPPS are to:

- to ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;

- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

The SPPS also highlights the precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. An 'intensive sport facility', for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource, which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

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.

Cookatown Area Plan 2010 – The site lies within the rural countryside outside any settlement limit defined by the Cookstown Area Plan, approx. 2km northeast of Ardboe (see Fig 1, further above.)

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – Is the overarching policy for development in the countryside. It outlines certain instances when non-residential development is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. Whilst a couple of these instances have been considered below my opinion is that this proposal does not fall under any listed.

The proposal has been considered against but would not fall under 'industry and business uses in accordance with PPS 4'. For the purposes of PPS4, economic development uses comprise industrial, business and storage and distribution uses, as defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. A gym does not fall under this definition as it has a sui generis use class.

The proposal has been considered against, 'outdoor sport and recreational uses in accordance with PPS 8.' PPS8 - Open Space, Sport and Outdoor Recreation, contains 7 policies as detailed below:

- OS 1 Protection of Open Space;
- OS 2 Public Open Space in New Residential Development;
- OS 3 Outdoor Recreation in the Countryside;
- OS 4 Intensive Sports Facilities;
- OS 5 Noise Generating Sports and Outdoor Recreational Activities;
- OS 6 Development of Facilities ancillary to Water Sports; and

- OS 7 The Floodlighting of Sports and Outdoor Recreational Facilities

The only policy above the proposal in my opinion could be considered under is Policy OS 4 Intensive Sports Facilities. Whilst, owing to its size, scale and purpose, it may not sit neatly within the definition of such facilities the policy approach may be useful in assessing proposal. Policy OS4 outlines such facilities will only be permitted within settlements. An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

1. there is no alternative site within the settlement which can accommodate the development;
2. the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
3. there is no adverse impact on the setting of the settlement; and
4. the scale of the development is in keeping with the size of the settlement.

The current proposal fails to comply with Policy OS 4 in that the development in the first instance it is not located within a settlement. In the second instance, it is not an exception to policy as it is not a sports stadium.

During the processing of this application the agent was contacted via email on the 18<sup>th</sup> March 2021 and advised Planning's initial consideration is that the proposal does not fall under any of the exceptions listed in Policy CTY 1 of PPS21 to permit this development. Accordingly, Planning offered the agent the opportunity to submit:

- A Supporting Statement to justify this development in the countryside.
- Amended drawings to address some discrepancies between submitted drawings and works done on site, including:
  - Block plan and elevations to reflect main building, ancillary buildings and hard cored area, as on site.
  - Amended site location plan with red line extended to include tarmac access to site along airstrip and updated P2 Certificate to correspond.
  - Amended block plan to include tarmac access to site along airstrip and to reflect main building, ancillary buildings and hard cored area as on site.
- Confirmation site address is adjacent 99 Ardboe Rd as our system shows adjacent house as 101 Ardboe Rd.

Subsequently, on the 27<sup>th</sup> April 2021, the agent submitted a revised block plan, floor plans and elevations more accurately reflecting works done on site with the exception of the additional area of tarmac on site to south side of dwelling not shown. The amended site location plan and block plan to show the tarmac access to the site along the airstrip and updated P2 Certificate was not received as the agent advised the applicant was only making good a road continually being damaged and unmaintained by any local authority. He also confirmed the site address as 99 Ardboe Rd.

The agent also submitted a Supporting Statement outlining the following reasons why this development should be justified in the locality:

1. The aerodrome area of Ardboe is a significant area that historically has always been a place used for small business enterprises. That although his client has

recently moved out of the actual Business Park this new location is beside his house where he will be residing.

2. The immediate area is densely, built up with Creagh Concrete and their facilities. The retention of his client's premises will not add to or seem to create any overdevelopment in the area.
3. His client has a proven track record of running a successful practice and provides a very healthy sustainable and much needed facility to the local population.

Whilst the additional information above, has been taken into consideration, opinion has not changed. The proposal is still considered contrary to Policy CTY1 of PPS 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. And contrary to Policy OS4 of PPS 8, Intensive Sports Facilities in that, the development is not located with a settlement nor has it been demonstrated an exceptional case.

#### **Additional considerations**

I am content there should be no unacceptable impact on the amenities of people living nearby, including any noise or light pollution likely to be generated, as the only property in close proximity is the applicant's home adjacent the site and Environmental Health were consulted and raised no concerns.

The site is located within an area of constraint on wind turbine development, SG Defence Estates area and Met Office area, however no consultation in this regard is necessary given the nature of the proposal and that no part of the development will be above the 15.2m height threshold for consultation with the Met Office.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available, online have been checked . HED identified no built heritage assets on or in close proximity to the site and whilst NED identified the site to be within an area known to breeding waders having visited the site viewed historical orthos I am content the site was cut from a larger agricultural field comprising improved grassland.

If this proposal was deemed acceptable a D.A would be required to address Rivers Agency consultation response further above.

**Recommendation:** Refuse

**Neighbour Notification Checked**

Yes

#### **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 OS4 of Planning Policy Statement 8, Intensive Sports Facilities in that the development is not located with a settlement nor has it been demonstrated an exceptional case.

**Signature(s)**

**Date:**



## Deferred Consideration Report

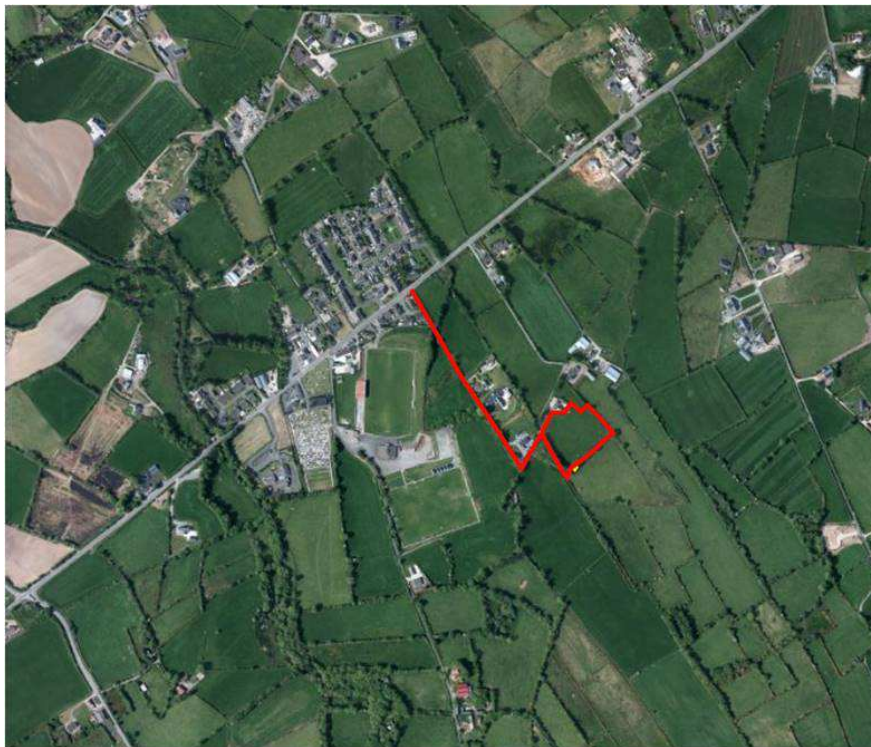
Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0264/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Site adjacent to 60 Sixtowns Road Draperstown
<b>Applicant Name and Address:</b> Mr Peter Conway 60 Sixtowns Road Draperstown	<b>Agent name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Summary of Issues:</b>  No representations have been received in respect of this application.	
<b>Summary of Consultee Responses:</b>  The consultees did not raise any issues of concern.	
<b>Characteristics of the Site and Area:</b>  The site is an agricultural field accessed via an existing laneway serving five dwellings in addition to surrounding farmland. The site boundaries are defined as follows:- North - conifer hedgerow; South/East & West - sporadic mature hedgerows There is a single storey dwelling at No. 60 which is the applicants address. There is a small agricultural building with a corrugated iron clad roof located in the adjoining field close to the south western corner of the site. The adjoining field is not within the applicant's ownership. There are no critical views of the site until reaching the existing entrance to the field due to the existing topography and the intervening vegetation between the site and the public road.	

### Description of Proposal

The proposal is an outline application for a site for a dwelling and garage. A supporting statement accompanied the application and provided justification for a dwelling and garage within an existing cluster as provide for under Policy CTY 2A of PPS 21.

### Deferred Consideration:

The application is seeking permission for a new dwelling based on CTY 2a. There are five criteria with which an application must comply. There are a number of dwellings and buildings at this location and it can be described as urban sprawl and lies outside the settlement limit of Straw. In looking at this site it will not be visible from the Sixtowns Road and it is a well vegetated site with strong boundary vegetation. The application site reads with a group of buildings in the immediate vicinity.



Although it is not possible to say the application site meets the policy tests, equally this application is more akin to an infill rather than adding to existing urban sprawl. It is clear that any permissions on this laneway would be considered as an infill, as indeed this could be considered, if the buildings on either side of the laneway were taken into account. This is when a view is taken from the Sixtowns Road or that part of the laneway nearest the Sixtowns Road. I do not see this permission, in itself, will encourage further development and therefore I see it as an exception and should not be viewed as setting a precedent for other development which needs to be considered on its merits within policy.

I recommend an approval of the application subject to the conditions 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 have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the adjacent residential dwellings.

4. The proposed dwelling shall be sited in the area shaded yellow on the approved plan 01 date stamped 23 February 2021.

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

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

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

**Signature(s):**

**Date**



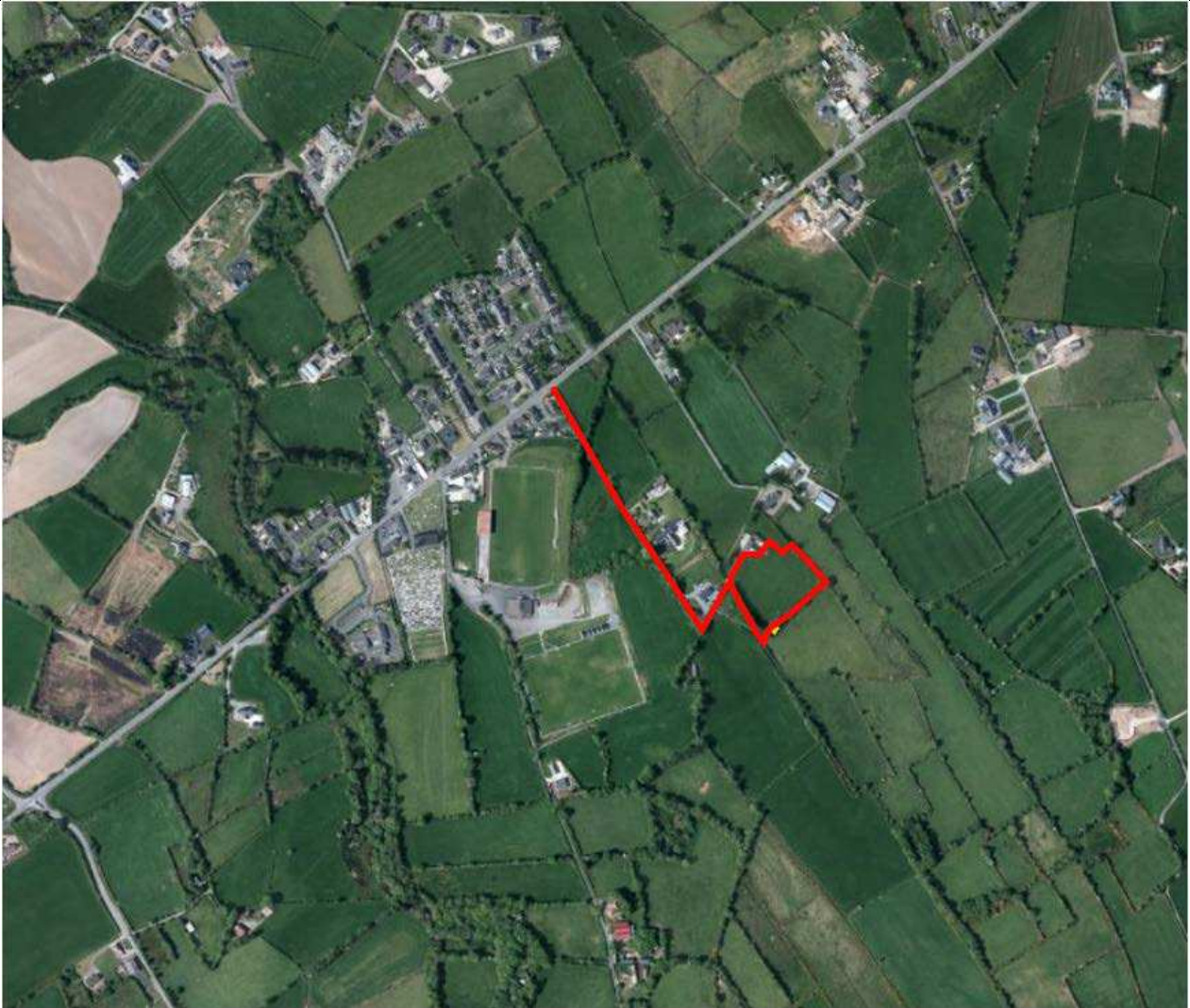
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0264/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Site adjacent to 60 Sixtowns Road Draperstown
Referral Route:  This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Peter Conway 60 Sixtowns Road Draperstown	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
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 representations have been received in respect of this application.

### Characteristics of the Site and Area

The site is an agricultural field accessed via an existing laneway serving five dwellings in addition to surrounding farmland. The site boundaries are defined as follows:-

North – conifer hedgerow;

South/East & West – sporadic mature hedgerows

There is a single storey dwelling at No.60 which is the applicants address. There is a small agricultural building with a corrugated iron clad roof located in the adjoining field close to the south western corner of the site. The adjoining field is not within the applicant's ownership.

There are no critical views of the site until reaching the existing entrance to the field due to the existing topography and the intervening vegetation between the site and the public road.



### Description of Proposal

The proposal is an outline application for a site for a dwelling and garage. A supporting statement accompanied the application and provided justification for a dwelling and garage within an existing cluster as provide for under Policy CTY 2A of PPS 21.

### Planning Assessment of Policy and Other Material Considerations

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

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

The main planning policies in the assessment of this application are:-

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

CTY 14 – Rural Character

PPS 3 – Access, Movement and Parking;

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present,

the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2010 insofar as it is for a single dwelling in a rural area.

PPS 21 Policy CTY 1 advises that 'there are a range of types of development which in principle are considered to be acceptable in the countryside', including new dwellings in existing clusters in accordance with Policy CTY 2A. Proposals for such development will continue to be considered in accordance with existing published planning policies.

The applicant has submitted a supporting statement to justify the proposed development and to demonstrate how it should be considered acceptable under policy CTY 2A – New Dwellings in Existing Clusters.



The proposed site in relation to the boundary of Straw settlement

PPS 21 – Policy CTY 2a states that planning approval will be granted for a dwelling at an existing cluster provided that the proposal satisfies all of the stated criteria :-

- The cluster lies outside of a farm holding which has more than four buildings of which at least three are dwellings;

The supporting statement states that the site has 7 no. dwellings, storage buildings and Dean McGlinchey Park in the immediate vicinity with a further number of dwellings and buildings within the wider cluster. Although there is a visible cluster of development at Straw, which is defined as a

settlement in the Magherafelt Area Plan 2015, that cluster is in excess of 200m from the site. Therefore the site is not associated with an existing cluster of development;

- the cluster appears as a visual entity in the local landscape;  
Although the settlement of Straw undoubtedly appears as a visual entity when viewed on approach from any direction, the proposed site is in excess of 200m from this and due to the topography of the surrounding landscape, the site is not visible from the public road system nor from any shared laneway from which there is a public interest. Therefore the site does not appear as part of nor have any association with the existing cluster;
- the cluster is associated with a focal point such as a social/community building/facility, or is located at a crossroads;  
Although the cluster of development at Straw is clearly associated with several focal points such as Dean McGlinchey Park, St. Columbkille's RC Church, St. Columba's primary school and the local public house, the site has no linkage with the cluster either visual or otherwise and therefore it cannot be regarded as being at an existing cluster. Although it is acknowledged that there may be 5-6 dwellings with associated outbuildings/farm buildings in close proximity to the proposed site, there is no focal point at this location;
- The site provides a suitable degree of enclosure and has development on at least two sides;  
Although the field has boundaries on all sides, however, at 1.15ha it is considered too large to accommodate a single dwelling. Therefore a dwelling would realistically have to be positioned close to the existing dwelling at No.60. In such case, at least the south eastern boundary would be undefined. However this is not considered to be critical, as a dwelling on the site would not be visible from a point of public interest.

The site as proposed has a single dwelling at the northern corner with a small agricultural shed at the southern corner. As discussed above, the proposed site at 1.15ha is considered too large to accommodate a single dwelling and consequently any dwelling on this site would fail to be bounded by development on at least two sides. Notwithstanding the above, in my opinion, the site as outlined in red does not have development on at least two sides as the single shed to the southern corner only extends 16m along a boundary of 120m. Therefore it is not accepted that the site has development on at least two sides. The site therefore fails this policy test.



The site is not bounded on two sides by existing development. The small storage building can be seen highlighted in yellow at the southern corner of the site

- 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;  
Given that the proposed site is not considered to be associated with an existing cluster, it cannot be absorbed into such a cluster and therefore it fails this policy test;
- The development would not adversely impact on residential amenity;  
Whilst this is only an outline application and details of the proposed dwelling are not available at this stage, any such dwelling could be sensitively designed so as to have a minimal impact on the existing dwellings to the north and west.

Policy CTY 13 – Integration and Design of Buildings in the Countryside is also relevant as the proposal is for a new dwelling in the countryside. Due to the location of the site and the extent of the existing vegetation both within and surrounding the site, a dwelling with a ridge height of 5.5m maximum above finished floor level could achieve an acceptable degree of integration.

Policy CTY 14 – advises that the proposal will be granted approval provided it does not cause a detrimental change to, or further erode rural character. The proposed dwelling will not be prominent due to being sited well back of the public road and due to the both the topography of the site and the existing vegetation it will not be read with nor will it be intervisible with any of the existing buildings in the immediate area. There will be very limited views of the site from the shared laneway and therefore the proposal will not result in a suburban style build-up, it will not create ribbon development, nor will the ancillary works damage rural character.

PPS 3 – Access, Movement and Parking – The proposed dwelling will be accessed via an existing laneway and consequently DfI Roads have advised that the proposal is acceptable in terms of access subject to a satisfactory block plan being provided as part of the reserved matters application.

All consultees responded positively and no issues of concern were raised.

#### Recommendation

Given the above assessment I am firmly of the opinion that the proposed development is contrary to Policies CTY 1 and CTY 2a.

Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Refuse for the reasons stated below

#### Refusal Reasons :

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
  - the proposed site is not associated with an existing cluster of development which appears as a visual entity in the local landscape;
  - the proposed site is not associated with a focal point, nor is it located at a cross-roads;
  - the proposed site is not bounded on at least two sides with other development in the cluster; and
  - the proposed dwelling cannot be absorbed into an existing cluster through rounding-off or consolidation.

Signature(s)

Date:

ANNEX	
Date Valid	23rd February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 1 The Orchard, Draperstown, Londonderry, BT45 7GG</p> <p>The Owner/Occupier, 2 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 3 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 54 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 54B Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 54a Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 55 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 56 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 57 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 58 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 58a Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 60 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 62 Sixtowns Road Draperstown Londonderry</p>	
Date of Last Neighbour Notification	30th March 2021
Date of EIA Determination	N/A
ES Requested	No

## Planning History

Ref ID: LA09/2020/1153/O

Proposal: Infill site for dwelling and garage

Address: Approx 30m Nort of 60 Sixtowns Road, Draperstown.,

Decision:

Decision Date:

Ref ID: LA09/2021/0264/O

Proposal: Proposed dwelling and garage

Address: Site adjacent to 60 Sixtowns Road, Draperstown,

Decision:

Decision Date:

Ref ID: H/2004/0199/O

Proposal: Site of dwelling house and garage.

Address: Site at 62 Sixtowns Road, Draperstown.

Decision:

Decision Date: 24.02.2005

Ref ID: H/2007/0249/RM

Proposal: Dwelling and garage.

Address: 62 Sixtowns Road, Draperstown

Decision:

Decision Date: 25.06.2007

Ref ID: H/2007/0344/Q

Proposal: Removal of excess soil from one field to another

Address: Lands adjacent to Sixtowns Road Draperstown

Decision:

Decision Date:

Ref ID: H/1988/0483

Proposal: ALTS AND ADDS TO BUNGALOW

Address: 60 SIXTOWNS ROAD SHANMULLAGH LANE STRAW DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2005/0146/F

Proposal: Erection of Residential Housing Development

Address: Site Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 18.02.2009

Ref ID: H/1996/6067

Proposal: HOUSING DEVELOPMENT STRAW DRAPERSTOWN

Address: STRAW

Decision:

Decision Date:

Ref ID: H/2009/0275/F

Proposal: Proposed change of house types to ones previously approved on sites 15-20 and sites 25-29 in H/2005/0146/F and alterations to existing private laneway at Sixtowns Road for residential purposes.

Address: Opposite no's 55 & 57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 20.10.2009

Ref ID: H/1993/0037

Proposal: 2 NO SEMI DETACHED DWELLINGS AND ESTATE ROAD

Address: ADJ TO 68 SIXTOWNS ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2001/0096/O

Proposal: Revised access to approved residential development lands (H/2001/0096/

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 21.05.2001

Ref ID: H/2000/0104/O

Proposal: Site of residential development.

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 05.02.2001

Ref ID: H/2004/0156/O

Proposal: Site of residential development.

Address: Lands beside, behind and opposite 55/57 Sixtowns Road, Straw, Draperstown.

Decision:

Decision Date: 12.10.2004

Ref ID: H/2002/0478/Q

Proposal: Development of land

Address: Land adjoining 55/57 Sixtowns Road, Draperstown

Decision:

Decision Date:

Ref ID: H/1992/0251

Proposal: SITE OF RESIDENTIAL DEVELOPMENT

Address: ADJ TO 68 SIXTOWNS ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1974/0236

Proposal: 11KV AND M/V O/H LINES (C.4489)

Address: STRAW, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0844/O

Proposal: Site of dwelling and garage  
Address: 450 metres South East of 69 Sixtowns Road, Draperstown  
Decision:  
Decision Date: 16.10.2001

Ref ID: H/2005/0709/O  
Proposal: Site of domestic dwelling and garage.  
Address: Site adjacent to 60 Sixtowns Road, Draperstown.  
Decision:  
Decision Date:

Ref ID: H/1994/0092  
Proposal: ALTS AND ADDS TO DWELLING  
Address: 60 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/2004/0467/O  
Proposal: Site of Dwelling and Garage.  
Address: 70 metres South West of 60 Sixtowns Road, Draperstown.  
Decision:  
Decision Date:

Ref ID: H/2003/0922/O  
Proposal: Site of dwelling and garage.  
Address: 70m North of 58 Sixtowns Road, Draperstown.  
Decision:  
Decision Date: 20.02.2004

Ref ID: H/2004/1053/RM  
Proposal: Proposed Dwelling and Garage (outline H/2003/0922/0)  
Address: 70m North of Sixtowns Road, Draperstown  
Decision:  
Decision Date: 04.01.2005

Ref ID: H/1996/0005  
Proposal: SITE OF DWELLING  
Address: 54 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1999/0239  
Proposal: SITE OF DWELLING AND GARAGE  
Address: ADJACENT TO 54 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/2001/0358/F  
Proposal: Dwelling and Double Garage  
Address: Adjacent to 54 Sixtowns Road, Draperstown  
Decision:

<p>Decision Date: 05.07.2001</p> <p>Ref ID: H/2012/0156/F</p> <p>Proposal: 33kv Overhead Powerline</p> <p>Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,</p> <p>Decision: PG</p> <p>Decision Date: 19.11.2012</p>
<p>Summary of Consultee Responses</p> <p>The consultees did not raise any issues of concern.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p> <p>Drawing No. 02</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



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	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0635/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Dwelling & domestic garage in a gap site under CTY8 of PPS 21	<b>Location:</b> Land immediately North of No 43 Tullyglush Road & between No's 43 & 51a Tullyglush Road Ballygawley
<b>Applicant Name and Address:</b> Gerard Quinn 43 Tullyglush Road Ballygawley	<b>Agent Name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Summary of Issues:</b>  The proposal is for a dwelling and garage in an infill site. CTY8 allows infill where the gap could accommodate up to 2 houses. Due to the topography of the site it has been demonstrated this gap can only accommodate up to 2 house.	
<b>Summary of Consultee Responses:</b> DFI Roads – access needs improved to provide sight lines of 2.4m x 35.0m	
<b>Characteristics of the Site and Area:</b>  The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, single rural dwellings and groups of farm buildings. There is moderate development pressure in the immediate area from the construction of single dwellings along this private lane and Tullyglush Road.  This private lane is accessed off Tullyglush Road and there are 9no.other dwellings, a joinery business and agricultural lands and buildings along this lane. The topography of	

the lane rises up steeply from the junction with the main Tullyglush Road to the top of the lane where the land levels off.

The application site is an agricultural field, to the south boundary behind a landscaped belt and at a junction in the lane is No 43, a single storey dwelling, it has a gable frontage on to this part of the lane and single storey domestic garage at the side (fig 1). To the north, on higher ground is a single storey dwelling with a larger storey and a half garage to the rear and side of it at No. 51A (fig2). The topography at the site itself is undulating and slopes downwards from the east boundary at the roadside to the west boundary. There is higher ground to the north of the site and slopes to the south beside No. 43 where the land is flatter. Along the roadside boundary there is a post and wire fence and established hedging along the remaining boundaries.



Fig 1 dwelling to south



Fig 2 dwelling and garage to north

### **Description of Proposal**

This is an outline application for a proposed dwelling & domestic garage in a gap site under CTY8 of PPS 21 at lands immediately North of No 43 Tullyglush Road & between No's 43 & 51a Tullyglush Road, Ballygawley.

### **Deferred Consideration:**

This application was before the Planning Committee in September 2021, where it was deferred for discussion with the Planning Manager. At the meeting it was indicated there are at least 3 buildings either side of the site that would meet the substantial frontage requirements and that the lane continues further on to the north where there is a joinery business and another dwelling, so these buildings are well seen in public views. The application is only for one dwelling even though the policy allows for a maximum of 2. The application had been considered in light of the PAN that had been published by Minister Mallon and this was different than how Mid Ulster had been operating.

Members will be aware the PAN has been withdrawn and is no longer a material consideration. The considerations for this proposal are set out in CTY8 of PPS21. Members are advised CTY8 allows development of up to 2 dwellings within an otherwise substantially built up frontage along a road or up a lane, where it respects the character and plot sizes of the adjacent development. In this case it is clear this lane has considerably development along it, there are dwellings on 2 sides of the site and the dwelling to the north has a large domestic garage that sits wholly to the rear of it. From the frontage it is clear there is a separation between the garage and the house and as such I consider this constitutes 3 buildings and fulfils the requirements for a substantially built up frontage.

This application is for one dwelling, however the policy allows up to a maximum of 2 dwellings and it sets out that it is not enough to show how 2 houses can be accommodated but to set out how these will be integrated into the existing development. The agent has provided an indicative layout and sections to show how this site could be developed for 2 houses and how it fits with the adjoining development, see figs 3 and 4.

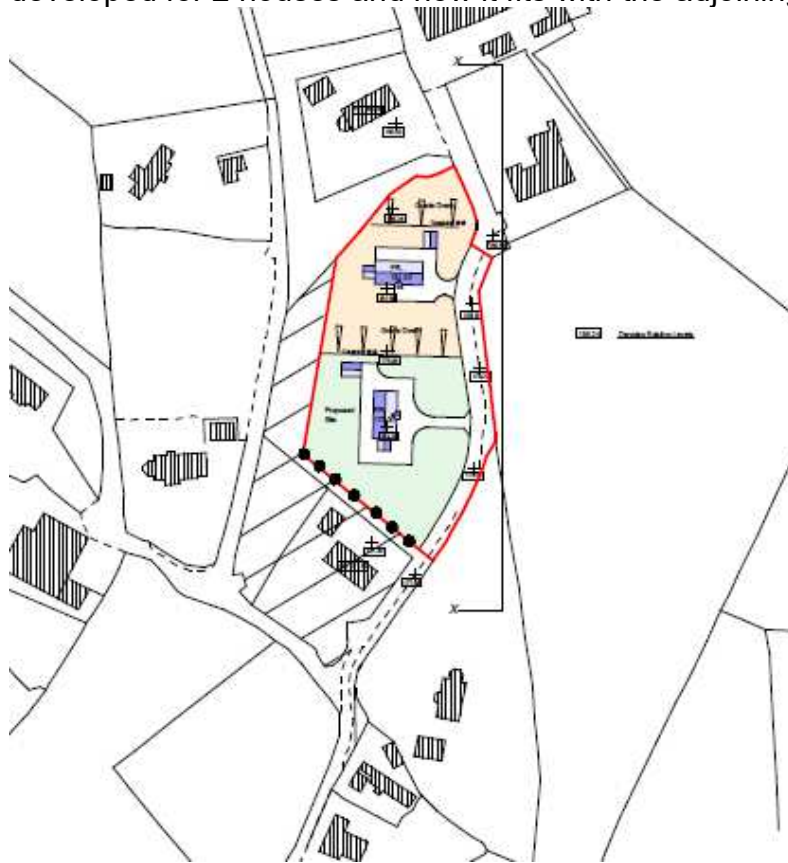
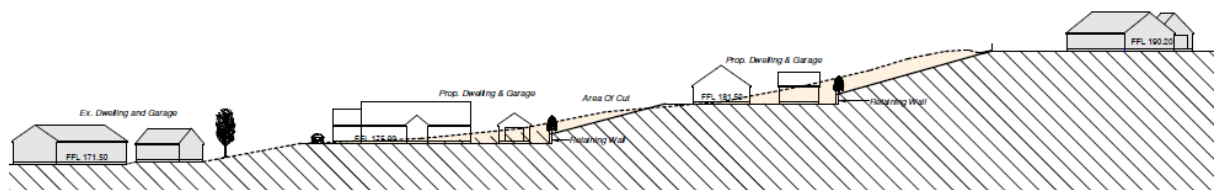


Fig 3 indicative layout



Indicative Section x - x...

SCALE: 1 / 500...

Fig 4 – indicative section

The frontage of this site is 145m, the dwelling to the south has provided a deep landscaping belt to protect their amenity which means their curtilage is approx. 59m. The dwelling to the north is on an elevated position and it has an area to the front and rear that means its curtilage along the frontage is approx. 56m. The site is deeper at the rear than at the frontage due to a triangular portion of ground which falls steeply to the south.

The applicant has indicated they wish to build a new dwelling and garage in the lower, flatter part of the site, fronting onto the laneway. Any dwelling on the north part of the site will require careful siting with its gable orientated towards the lane as the site levels would make it very difficult to develop without significant engineering works that would be out of character with this area. Due to the topography of this field, the levels and the existing vegetation, I consider the site could only accommodate a maximum of 2 dwellings as indicated and as such in my opinion this is an infill opportunity and I recommend that it is approved with conditions to ensure the new dwelling is in keeping with the type and style of houses immediately surrounding it.

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 curtilage of the proposed dwelling shall be agreed at Reserved Matter Stage and 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. 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.

5. The dwelling hereby approved shall have a ridge height not exceeding 6m above the level of the existing ground.

Reason: To respect the character of the surrounding area and aid integration.

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 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 35.0m in both directions and a forward sight distance of 70.0m where the existing lane meets Tullyglush Road. 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.

<b>Signature(s)</b>
<b>Date:</b>



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

Mid-Ulster  
Local Planning Office  
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50 Ballyronan Road  
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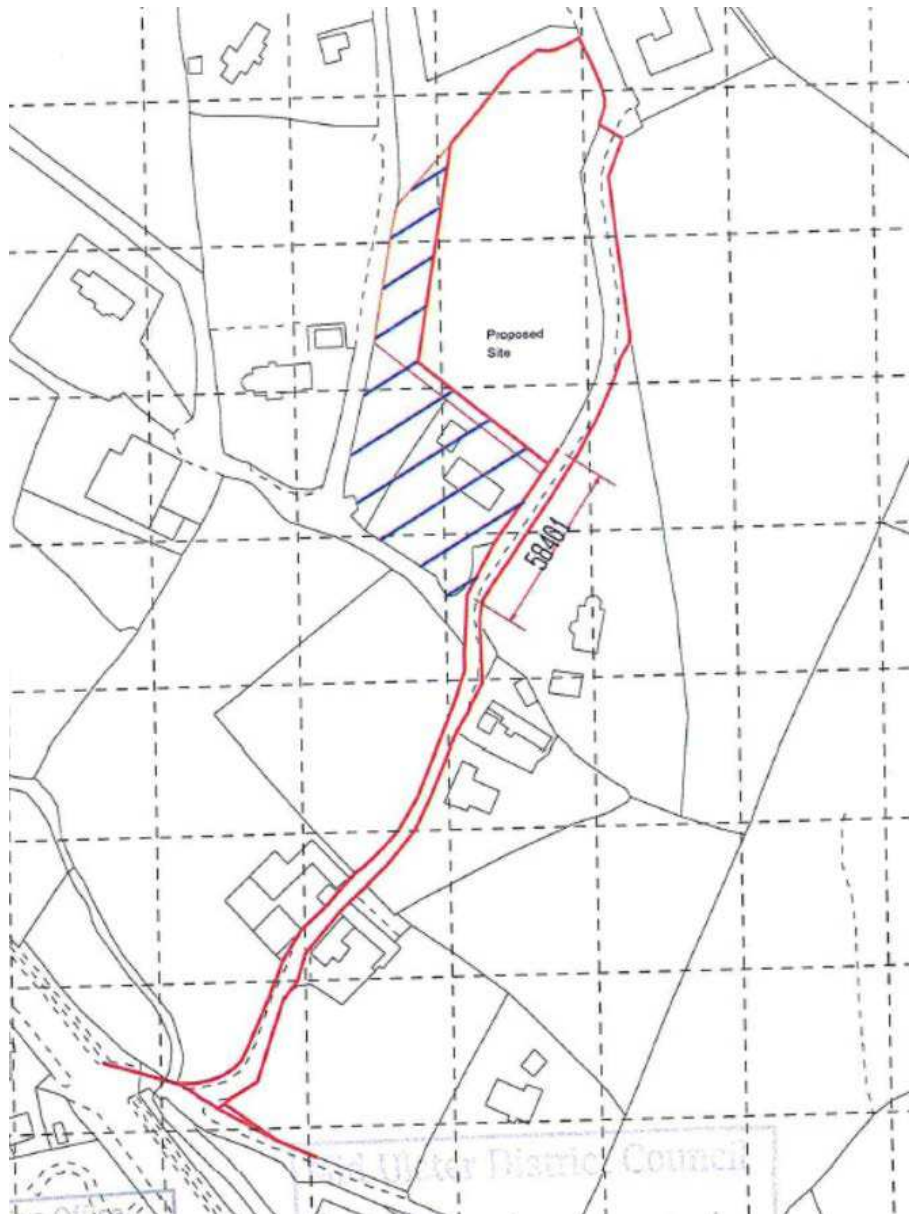
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07/09/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0635/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling & domestic garage in a gap site under CTY8 of PPS 21	<b>Location:</b> Land immediately North of No 43 Tullyglush Road & between No's 43 & 51a Tullyglush Road Ballygawley
<b>Referral Route:</b>  <ol style="list-style-type: none"><li>1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.</li><li>2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.</li><li>3. The proposal is contrary to CTY 13 – Integration and Design of Buildings of Planning Policy Statement 21 in that the development does not provide a suitable degree of enclosure to integrate into the landscape.</li><li>4. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.</li></ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Gerard Quinn 43 Tullyglush Road Ballygawley	<b>Agent Name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b> The proposal is for a dwelling and garage in an infill site. I consider the application site does not meet the criteria for an infill as the gap is too large and could accommodate more than two dwellings which is contrary to policy in CTY 8. Also, the proposal does not respect the existing development pattern in terms of plot size.	

**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
<p><b>Characteristics of the Site and Area</b></p> <p>The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, single rural dwellings and groups of farm buildings. There is moderate development pressure in the immediate area from the construction of single dwellings along this private lane and Tullyglush Road.</p> <p>This private lane is accessed off Tullyglush Road and there are 7no.other dwellings along this lane on both sides of the road. The topography of the lane rises up steeply from the junction with the main Tullyglush Road to the top of the lane where the land levels off.</p> <p>The application site is an agricultural field with a single storey dwelling along the southern boundary at No. 43 and another single storey dwelling to the north of the site at No. 51A. The topography at the site itself is undulating and slopes downwards from the east boundary at the roadside to the west boundary. There is higher ground to the north of the site and slopes to the south beside No. 43 where the land is flatter. Along the roadside boundary there is a post and wire fence and established hedging along the remaining boundaries.</p>	
<p><b>Description of Proposal</b></p> <p>This is an outline application for a proposed dwelling &amp; domestic garage in a gap site under CTY8 of PPS 21 at lands immediately North of No 43 Tullyglush Road &amp; between No's 43 &amp; 51a Tullyglush Road, Ballygawley.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p><b>Representations</b></p> <p>Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.</p> <p><b>Planning History</b></p> <p>No planning histories at the application site.</p> <p><b>Mid Ulster Development Plan 2030 – Draft Plan Strategy</b></p> <p>The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to</p>	

DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

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

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

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

The proposal would not meet the criteria in CTY 2a for a new dwelling in an existing cluster.

The proposal would not meet the criteria in CTY3 for a replacement dwelling as there is no dwelling at the site to be replaced.

The agent has indicated there is no farming case at the site and there are no farm buildings within the site. In light of recent planning guidance there is only the dwelling and garage to the south of the site at No. 43.

### **CTY 8 – Ribbon Development**

The application site is a portion of an agricultural field onto a lane at Tullyglush Road. To the south of the site is a dwelling and garage at No. 43. There is a garden area to the front of No. 43 and I am content the dwelling has a frontage onto Tullyglush Road. There is a garage at No. 43 but recent Planning Guidance states that for garages and outbuildings to be considered as buildings for infill they have to be substantial. Paragraph 22 states that a 'domestic garage' is not a substantial building for infill policy. The garage at No. 43 a small single storey building which is set back behind the dwelling so I do not consider the garage at No. 43 can be considered a building for infill policy in this case.

To the north of the site is a dwelling at No. 51A with a garden area to the roadside. I am content the dwelling at No. 51A has a frontage to the lane. Again there is a garage but I do not consider the garage is substantial in light of recent Planning Guidance on infill policy.

160m south of the application site is a farm shed with a concrete yard which has a frontage onto the lane as shown in figure 1a and 1b below. I am content this shed is a substantial building and can be considered as a building along a frontage. However I completed a check on the planning portal and there is no planning approval for the shed. A check on orthophotography shows the shed in place on 6<sup>th</sup> June 2013 which is over 5 years so would be immune from enforcement.



Figure 1a – Photograph of the shed at the entrance to the lane



Figure 1b – Ortho image of a building with a frontage along the lane on the same side of the road as the site.

Overall, I am content there are three buildings along this stretch of road with a frontage which are the dwelling at No. 43, the dwelling at No. 51A and the farm shed opposite No. 37 as shown in figure 1b above.

The application site has a frontage of 150m while No.43 has a frontage of 58m. No. 51A has a frontage of 42m and the shed opposite No. 37 has a frontage of 38m. There are varying frontages along this stretch of lane but I consider you could get more than 2 dwellings in this application site which is contrary to the policy in CTY8 which states the site should be a small gap site which can only accommodate a maximum of 2 dwellings. The applicant has stated the proposal is for a dwelling and domestic garage and I consider if 1no. dwelling was on the site it was definitely not respect the existing development pattern in terms of plot size. In addition, as this is an outline application there are no details about the scale and massing of the dwelling.



On balance, I do not consider the application site meets the criteria in CTY 8 for an infill site.

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

Even-though the proposal is for an infill dwelling in light of recent planning guidance integration and rural character should be considered in all development within PPS 21. Therefore this assessment will consider if the proposed dwelling will integrate and the impact on rural character.

The application site is set back from the main Tullyglush Road by 258m and the topography of the road rises up steeply from the meeting point with the road. I am content the proposal will not be a prominent feature when viewed from both the Omagh Road and main Tullyglush Road as there will be no critical views.

Along the boundary with lane there is a post and wire fence and a hedgerow along the boundary with No. 43. The site will use a portion of the existing field and is not abutting the west boundary of the field, so this boundary is undefined. Along the boundary with No. 51a there is a post and wire fence. I am of the opinion the site is open and lacks natural boundaries to provide a suitable degree of enclosure to allow the proposed dwelling to integrate into the landscape.

As this is an outline application the design of the dwelling and garage is considered at the Reserved Matters Stage.

### **CTY 14 – Rural Character**

I am of the opinion depending on where a proposed dwelling is sited on the application site there is the potential for it to be prominent. I consider the proposal will create a ribbon of

development and thus would have an unacceptable impact on rural character. Therefore, this proposal does not meet all the criteria in CTY 14 and fails this test.

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

I consulted DFI Roads as new accesses are proposed. In their consultation response, they stated they had no objections subject to conditions and informatives. However, Roads did state that there may be more than 5 houses along this lane and this may require a Private Streets Determination.

**Other Considerations**

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

**Neighbour Notification Checked**      Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as it is contrary to CTY 8, CTY 13 and CTY 14 in PPS 21 – Sustainable Development in the Countryside.

**Reasons for Refusal:**

1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
3. The proposal is contrary to CTY 13 – Integration and Design of Buildings of Planning Policy Statement 21 in that the development does not provide a suitable degree of enclosure to integrate into the landscape.
4. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.

**Signature(s)**

**Date:**